

113TH CONGRESS
2D SESSION

H. R. 5781

To provide short-term water supplies to drought-stricken California.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2014

Mr. VALADAO (for himself, Mr. NUNES, Mr. MCCARTHY of California, Mr. McCLINTOCK, Mr. CALVERT, Mr. LAMALFA, and Mr. COSTA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide short-term water supplies to drought-stricken California.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “California Emergency Drought Relief Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

Sec. 101. Definitions.

Sec. 102. Emergency projects.

- Sec. 103. Temporary operational flexibility for first few storms of the water year.
- Sec. 104. Progress report.
- Sec. 105. Status of surface storage studies.

TITLE II—PROTECTION OF THIRD-PARTY WATER RIGHTS

- Sec. 201. Offset for State Water Project.
- Sec. 202. Area of origin protections.
- Sec. 203. No redirected adverse impacts.
- Sec. 204. Allocations For Sacramento Valley Contractors.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Effect on existing obligations.
- Sec. 302. Termination of authorities.

1 **TITLE I—CALIFORNIA**

2 **EMERGENCY DROUGHT RELIEF**

3 **SEC. 101. DEFINITIONS.**

4 In this title:

5 (1) **CENTRAL VALLEY PROJECT.**—The term

6 “Central Valley Project” has the meaning given the

7 term in section 3403 of the Central Valley Project

8 Improvement Act (106 Stat. 4707).

9 (2) **DELTA.**—The term “Delta” means the Sac-

10 ramento-San Joaquin Delta and the Suisun Marsh,

11 as defined in sections 12220 and 29101 of the Cali-

12 fornia Public Resources Code.

13 (3) **NEGATIVE IMPACT ON THE LONG-TERM**

14 **SURVIVAL.**—The term “negative impact on the long-

15 term survival” means to reduce appreciably the like-

16 lihood of both the survival and recovery of a listed

17 species in the wild by reducing the reproduction,

18 numbers, or distribution of that species.

1 (4) SALMONID BIOLOGICAL OPINION.—The
2 term “salmonid biological opinion” means the bio-
3 logical opinion issued by the National Marine Fish-
4 eries Service on June 4, 2009.

5 (5) SECRETARIES.—The term “Secretaries”
6 means—

7 (A) the Secretary of Commerce; and

8 (B) the Secretary of the Interior.

9 (6) SMELT BIOLOGICAL OPINION.—The term
10 “smelt biological opinion” means the biological opin-
11 ion on the Long-Term Operational Criteria and Plan
12 for coordination of the Central Valley Project and
13 State Water Project issued by the United States
14 Fish and Wildlife Service on December 15, 2008.

15 (7) STATE.—The term “State” means the State
16 of California.

17 (8) STATE WATER PROJECT.—The term “State
18 Water Project” means the water project described
19 by California Water Code section 11550 et seq. and
20 operated by the California Department of Water Re-
21 sources.

22 **SEC. 102. EMERGENCY PROJECTS.**

23 (a) IN GENERAL.—Subject to the priority of individ-
24 uals or entities, including those with Sacramento River
25 Settlement Contracts, that have priority to the diversion

1 and use of water over water rights held by the United
2 States for operations of the Central Valley Project and
3 over rights held by the State for operations of the State
4 Water Project and the United States obligation to make
5 a substitute supply of water available to the San Joaquin
6 River Exchange Contractors, the Secretaries shall direct
7 the operations of the Central Valley Project and allow the
8 State Water Project to provide the maximum quantity of
9 water supplies possible to Central Valley Project agricul-
10 tural, municipal and industrial, and refuge service and re-
11 payment contractors, and State Water Project contrac-
12 tors, by approving, consistent with applicable laws (includ-
13 ing regulations)—

14 (1) any project or operations to provide addi-
15 tional water supplies if there is any possible way
16 whatsoever that the Secretaries can do so unless the
17 project or operations constitute a highly inefficient
18 way of providing additional water supplies; and

19 (2) any projects or operations as quickly as pos-
20 sible based on available information to address the
21 emergency conditions.

22 (b) MANDATE.—In carrying out subsection (a), the
23 applicable Secretary shall—

24 (1) authorize and implement actions to ensure
25 that the Delta Cross Channel Gates remain open to

1 the maximum extent practicable using findings from
2 the United States Geological Survey on diurnal be-
3 havior of juvenile salmonids, timed to maximize the
4 peak flood tide period and provide water supply and
5 water quality benefits, consistent with operational
6 criteria and monitoring set forth in the California
7 State Water Resources Control Board's Order Ap-
8 proving a Temporary Urgency Change in License
9 and Permit Terms in Response to Drought Condi-
10 tions, effective January 31, 2014, or a successor
11 order;

12 (2)(A) implement turbidity control strategies
13 that allow for increased water deliveries for the Cen-
14 tral Valley Project and State Water Project while
15 avoiding a negative impact on the long-term survival
16 delta smelt (*Hypomesus transpacificus*) due to en-
17 trainment at Central Valley Project and State Water
18 Project pumping plants;

19 (B) operating within the ranges provided for in
20 the smelt biological opinion and the salmonid biologi-
21 cal opinion to minimize water supply reductions for
22 the Central Valley Project and the State Water
23 Project, manage reverse flow in Old and Middle Riv-
24 ers at $-5,000$ cubic feet per second (cfs) unless cur-
25 rent scientific data indicate a less negative Old and

1 Middle River flow is necessary to avoid a negative
2 impact on the long-term survival of the listed spe-
3 cies; and

4 (C) show in writing that any determination to
5 manage OMR reverse flow at rates less negative
6 than -5000 cubic feet per second is necessary to
7 avoid a significant negative impact on the long-term
8 survival of the Delta smelt, including an explanation
9 of the data examined and the connection between
10 those data and the choice made prior to reducing
11 pumping to a rate less negative than -5000 cfs;

12 (3) adopt a 1:1 inflow to export ratio for the in-
13 crement of increased flow of the San Joaquin River,
14 as measured as a 3-day running average at Vernalis
15 during the period from April 1 through May 31, re-
16 sulting from voluntary sale, transfers, or exchanges
17 of water from agencies with rights to divert water
18 from the San Joaquin River or its tributaries on the
19 condition that a proposed sale, transfer, or exchange
20 under this paragraph may only proceed if the Sec-
21 retary of the Interior determines that the environ-
22 mental effects of the proposed sale, transfer, or ex-
23 change are consistent with effects permissible under
24 applicable law (including regulations), and provided
25 that Delta conditions are suitable to allow movement

1 of the acquired, transferred, or exchanged water
2 through the Delta consistent with the Central Valley
3 Project's and the State Water Project's permitted
4 water rights;

5 (4) issue all necessary permit decisions under
6 the authority of the Secretaries within 30 days of re-
7 ceiving a completed application by the State to place
8 and use temporary barriers or operable gates in
9 Delta channels to improve water quantity and qual-
10 ity for Central Valley Project and State Water
11 Project contractors and other water users, which
12 barriers or gates should provide benefits for species
13 protection and in-Delta water user water quality and
14 shall be designed such that formal consultations
15 under section 7 of the Endangered Species Act of
16 1973 (16 U.S.C. 1536) would not be necessary;

17 (5)(A) complete all requirements under the Na-
18 tional Environmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.) and the Endangered Species Act of
20 1973 (16 U.S.C. 1531 et seq.) necessary to make
21 final permit decisions on water transfer requests as-
22 sociated with voluntarily fallowing nonpermanent
23 crops in the State, within 30 days of receiving such
24 a request; and

1 (B) allow any water transfer request associated
2 with fallowing to maximize the quantity of water
3 supplies available for nonhabitat uses as long as the
4 fallowing and associated water transfer are in com-
5 pliance with applicable Federal laws (including regu-
6 lations);

7 (6) allow any North of Delta agricultural water
8 service contractor with unused Central Valley
9 Project water to take delivery of such unused water
10 through April 15, of the contract year immediately
11 following the contract year in which such water was
12 allocated, if—

13 (A) the contractor requests the extension;
14 and

15 (B) the requesting contractor certifies
16 that, without the extension, the contractor
17 would have insufficient supplies to adequately
18 meet water delivery obligations;

19 (7) to the maximum extent possible based on
20 the availability and quality of groundwater and with-
21 out causing land subsidence—

22 (A) meet the Level 2 and Level 4 water
23 supply needs of units of the National Wildlife
24 Refuge System in the Central Valley of Cali-
25 fornia, the Gray Lodge, Los Banos, Volta,

1 North Grasslands, and Mendota State wildlife
2 management areas, and the Grasslands Re-
3 sources Conservation District in the Central
4 Valley of California through the improvement
5 or installation of wells to use groundwater re-
6 sources and the purchase of water from willing
7 sellers; and

8 (B) make a quantity of Central Valley
9 Project water obtained from the measures im-
10 plemented under subparagraph (A) available to
11 Central Valley Project water service contrac-
12 tors; and

13 (8) implement instream and offsite projects in
14 the Delta and upstream in the Sacramento River
15 and San Joaquin basins, in coordination with the
16 California Department of Water Resources and the
17 California Department of Fish and Wildlife, that
18 offset the effects on species listed as threatened or
19 endangered under the Endangered Species Act of
20 1973 (16 U.S.C. 1531 et seq.) due to actions taken
21 under this Act.

22 (c) OTHER AGENCIES.—To the extent that a Federal
23 agency other than agencies headed by the Secretaries has
24 a role in approving projects described in subsections (a)

1 and (b), the provisions of this section shall apply to those
2 Federal agencies.

3 (d) ACCELERATED PROJECT DECISION AND ELE-
4 VATION.—

5 (1) IN GENERAL.—Upon the request of the
6 State, the heads of Federal agencies shall use the
7 expedited procedures under this subsection to make
8 final decisions relating to a Federal project or oper-
9 ation to provide additional water supplies or address
10 emergency drought conditions pursuant to sub-
11 sections (a) and (b).

12 (2) REQUEST FOR RESOLUTION.—

13 (A) IN GENERAL.—Upon the request of
14 the State, the head of an agency referred to in
15 subsection (a), or the head of another Federal
16 agency responsible for carrying out a review of
17 a project, as applicable, the Secretary of the In-
18 terior shall convene a final project decision
19 meeting with the heads of all relevant Federal
20 agencies to decide whether to approve a project
21 to provide emergency water supplies.

22 (B) MEETING.—The Secretary of the Inte-
23 rior shall convene a meeting requested under
24 subparagraph (A) not later than 7 days after
25 receiving the meeting request.

1 (3) NOTIFICATION.—Upon receipt of a request
2 for a meeting under this subsection, the Secretary of
3 the Interior shall notify the heads of all relevant
4 Federal agencies of the request, including the
5 project to be reviewed and the date for the meeting.

6 (4) DECISION.—Not later than 10 days after
7 the date on which a meeting is requested under
8 paragraph (2), the head of the relevant Federal
9 agency shall issue a final decision on the project in
10 writing.

11 (5) MEETING CONVENED BY SECRETARY.—The
12 Secretary of the Interior may convene a final project
13 decision meeting under this subsection at any time,
14 at the discretion of the Secretary, regardless of
15 whether a meeting is requested under paragraph (2).

16 **SEC. 103. TEMPORARY OPERATIONAL FLEXIBILITY FOR**
17 **FIRST FEW STORMS OF THE WATER YEAR.**

18 (a) IN GENERAL.—Consistent with avoiding a nega-
19 tive impact on the long-term survival in the short-term
20 upon listed fish species beyond the range of those author-
21 ized under the Endangered Species Act of 1973 (16
22 U.S.C. 1531 et seq.) and other environmental protections
23 under subsection (d), the Secretaries shall authorize the
24 Central Valley Project and the State Water Project, com-
25 bined, to operate at levels that result in negative Old and

1 Middle River flows at -7500 cubic feet per second (based
2 on United States Geological Survey gauges on Old and
3 Middle Rivers) daily average for 28 cumulative days after
4 October 1, as described in subsection (b).

5 (b) DAYS OF TEMPORARY OPERATIONAL FLEXI-
6 BILITY.—The temporary operational flexibility described
7 in subsection (a) shall be authorized on days that the Cali-
8 fornia Department of Water Resources determines the
9 daily average river flow of the Sacramento River is at, or
10 above, 17,000 cubic feet per second as measured at the
11 Sacramento River at Freeport gauge maintained by the
12 United States Geologic Survey.

13 (c) COMPLIANCE WITH ESA AUTHORIZATIONS.—In
14 carrying out this section, the Secretaries may continue to
15 impose any requirements under the smelt and salmonid
16 biological opinions during any period of temporary oper-
17 ational flexibility as they determine are reasonably nec-
18 essary to avoid additional negative impacts on the long-
19 term survival of a listed fish species beyond the range of
20 those authorized under the Endangered Species Act of
21 1973.

22 (d) OTHER ENVIRONMENTAL PROTECTIONS.—

23 (1) The Secretaries' actions under this section
24 shall be consistent with applicable regulatory re-
25 quirements under state law, including State Water

1 Resources Control Board Decision 1641, as it may
2 be implemented in any given year.

3 (2) During the first flush of sediment out of the
4 Delta in each water year, and provided that such de-
5 termination is based upon objective evidence, OMR
6 flow may be managed at rates less negative than
7 -5000 cubic feet per second for a minimum dura-
8 tion to avoid movement of adult Delta smelt
9 (*Hypomesus transpacificus*) to areas in the southern
10 Delta that would be likely to increase entrainment at
11 Central Valley Project and State Water Project
12 pumping plants.

13 (3) This section shall not affect the application
14 of the salmonid biological opinion from April 1 to
15 May 31, unless the Secretary of Commerce finds
16 that some or all of such applicable requirements may
17 be adjusted during this time period to provide emer-
18 gency water supply relief without resulting in addi-
19 tional adverse effects beyond those authorized under
20 the Endangered Species Act of 1973. In addition to
21 any other actions to benefit water supply, the Sec-
22 retary and the Secretary of Commerce shall consider
23 allowing through-Delta water transfers to occur dur-
24 ing this period.

1 (4) During operations under this section, the
2 Commissioner of Reclamation, in coordination with
3 the Fish and Wildlife Service, National Marine Fish-
4 eries Service, and California Department of Fish
5 and Wildlife, shall undertake a monitoring program
6 and other data gathering to ensure incidental take
7 levels are not exceeded, and to identify potential
8 negative impacts and actions, if any, necessary to
9 mitigate impacts of the temporary operational flexi-
10 bility to species listed under the Endangered Species
11 Act of 1973.

12 (e) TECHNICAL ADJUSTMENTS TO TARGET PE-
13 RIOD.—If, before temporary operational flexibility has
14 been implemented on 28 cumulative days, the Secretaries
15 operate the Central Valley Project and the State Water
16 Project combined at levels that result in Old and Middle
17 River flows less negative than -7500 cubic feet per sec-
18 ond during days of temporary operational flexibility as de-
19 fined in subsection (b), the duration of such operation
20 shall not be counted toward the 28 cumulative days speci-
21 fied in subsection (a).

22 (f) EMERGENCY CONSULTATION; EFFECT ON RUN-
23 NING AVERAGES.—

24 (1) If necessary to implement the provisions of
25 this section, the Commissioner shall use the emer-

1 agency consultation procedures under the Endangered
2 Species Act of 1973 and its implementing regulation
3 at section 402.05, title 50, Code of Federal Regula-
4 tions, to temporarily adjust the operating criteria
5 under the biological opinions, solely for the 28 cu-
6 mulative days of temporary operational flexibility—

7 (A) no more than necessary to achieve the
8 purposes of this section consistent with the en-
9 vironmental protections in subsections (c) and
10 (d); and

11 (B) including, as appropriate, adjustments
12 to ensure that the actual flow rates during the
13 periods of temporary operational flexibility do
14 not count toward the 5-day and 14-day running
15 averages of tidally filtered daily Old and Middle
16 River flow requirements under the biological
17 opinions.

18 (2) At the conclusion of the 28 cumulative days
19 of temporary operational flexibility, the Commis-
20 sioner shall not reinitiate consultation on these ad-
21 justed operations, and no mitigation shall be re-
22 quired, if the effects on listed fish species of these
23 operations under this section remain within the
24 range of those authorized under the Endangered

1 Species Act. If the Commissioner reinitiates con-
2 sultation, no mitigation measures shall be required.

3 (g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—

4 In articulating the determinations required under this sec-
5 tion, the Secretaries shall fully satisfy the requirements
6 herein but shall not be expected to provide a greater level
7 of supporting detail for the analysis than feasible to pro-
8 vide within the short time frame permitted for timely deci-
9 sion-making in response to changing conditions in the
10 Delta.

11 **SEC. 104. PROGRESS REPORT.**

12 Ninety days after the date of the enactment of this
13 Act and every 90 days thereafter, the Secretaries shall
14 provide a progress report describing the implementation
15 of sections 101, 102, and 103 to the Committee on Nat-
16 ural Resources in the House of Representatives and the
17 Committee on Energy and Natural Resources in the Sen-
18 ate.

19 **SEC. 105. STATUS OF SURFACE STORAGE STUDIES.**

20 One year after the date of the enactment of this Act,
21 the Secretary of the Interior shall provide a progress re-
22 port on the status of feasibility studies undertaken pursu-
23 ant to section 103(d)(1) to the Committee on Natural Re-
24 sources in the House of Representatives and the Com-
25 mittee on Energy and Natural Resources in the Senate.

1 The report shall include timelines for study completion,
2 draft environmental impact statements, final environ-
3 mental impact statements, and Records of Decision.

4 **TITLE II—PROTECTION OF** 5 **THIRD-PARTY WATER RIGHTS**

6 **SEC. 201. OFFSET FOR STATE WATER PROJECT.**

7 (a) IMPLEMENTATION IMPACTS.—The Secretary of
8 the Interior shall confer with the California Department
9 of Fish and Wildlife in connection with the implementa-
10 tion of this Act on potential impacts to any consistency
11 determination for operations of the State Water Project
12 issued pursuant to California Fish and Game Code section
13 2080.1.

14 (b) ADDITIONAL YIELD.—If, as a result of the appli-
15 cation of this Act, the California Department of Fish and
16 Wildlife—

17 (1) revokes the consistency determinations pur-
18 suant to California Fish and Game Code section
19 2080.1 that are applicable to the State Water
20 Project;

21 (2) amends or issues one or more new consist-
22 ency determinations pursuant to California Fish and
23 Game Code section 2080.1 in a manner that directly
24 or indirectly results in reduced water supply to the
25 State Water Project as compared with the water

1 supply available under the Smelt Biological Opinion
2 and the Salmonid Biological Opinion; or

3 (3) requires take authorization under section
4 2081 for operation of the State Water Project in a
5 manner that directly or indirectly results in reduced
6 water supply to the State Water Project as com-
7 pared with the water supply available under the
8 Smelt Biological Opinion and the Salmonid Biologi-
9 cal Opinion,

10 and as a consequence of the Department's action, Central
11 Valley Project yield is greater than it would have been ab-
12 sent the Department's actions, then that additional yield
13 shall be made available to the State Water Project for de-
14 livery to State Water Project contractors to offset losses
15 resulting from the Department's action.

16 (c) NOTIFICATION RELATED TO ENVIRONMENTAL
17 PROTECTIONS.—The Secretary of the Interior shall imme-
18 diately notify the Director of the California Department
19 of Fish and Wildlife in writing if the Secretary of the Inte-
20 rior determines that implementation of the Biological
21 Opinions consistent with this Act reduces environmental
22 protections for any species covered by the opinions.

23 **SEC. 202. AREA OF ORIGIN PROTECTIONS.**

24 (a) IN GENERAL.—The Secretary of the Interior is
25 directed, in the operation of the Central Valley Project,

1 to adhere to California's water rights laws governing water
2 rights priorities and to honor water rights senior to those
3 held by the United States for operation of the Central Val-
4 ley Project, regardless of the source of priority, including
5 any appropriative water rights initiated prior to December
6 19, 1914, as well as water rights and other priorities per-
7 fected or to be perfected pursuant to California Water
8 Code Part 2 of Division 2. Article 1.7 (commencing with
9 section 1215 of chapter 1 of part 2 of division 2, sections
10 10505, 10505.5, 11128, 11460, 11461, 11462, and
11 11463, and sections 12200 to 12220, inclusive).

12 (b) DIVERSIONS.—Any action undertaken by the Sec-
13 retary of the Interior or the Secretary of Commerce pursu-
14 ant to both this Act and section 7 of the Endangered Spe-
15 cies Act of 1973 (16 U.S.C. 1531, et seq.) that requires
16 that diversions from the Sacramento River or the San Joa-
17 quin River watersheds upstream of the Delta be bypassed
18 shall not be undertaken in a manner that alters the water
19 rights priorities established by California law.

20 (c) NEPA.—Nothing in this title alters the existing
21 authorities provided to and obligations placed upon the
22 Federal Government under the Endangered Species Act
23 of 1973 (16 U.S.C. 1531, et seq.), as amended.

24 (d) CONTRACTS.—With respect to individuals and en-
25 tities with water rights on the Sacramento River, the man-

1 dates of this section may be met, in whole or in part,
2 through a contract with the Secretary executed pursuant
3 to section 14 of Public Law 76–260, 53 Stat. 1187 (43
4 U.S.C. 389) that is in conformance with the Sacramento
5 River Settlement Contracts renewed by the Secretary in
6 2005.

7 **SEC. 203. NO REDIRECTED ADVERSE IMPACTS.**

8 (a) IN GENERAL.—The Secretary of the Interior shall
9 ensure that, except as otherwise provided for in a water
10 service or repayment contract, actions taken in compliance
11 with legal obligations imposed pursuant to or as a result
12 of this Act, including such actions under section 7 of the
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
14 and other applicable Federal and State laws, shall not di-
15 rectly or indirectly—

16 (1) result in the involuntary reduction of water
17 supply or fiscal impacts to individuals or districts
18 who receive water from either the State Water
19 Project or the United States under water rights set-
20 tlement contracts, exchange contracts, water service
21 contracts, repayment contracts, or water supply con-
22 tracts; or

23 (2) cause redirected adverse water supply or fis-
24 cal impacts to those within the Sacramento River

1 watershed, the San Joaquin River watershed or the
2 State Water Project service area.

3 (b) COSTS.—To the extent that costs are incurred
4 solely pursuant to or as a result of this Act and would
5 not otherwise have been incurred by any entity or public
6 or local agency or subdivision of the State of California,
7 such costs shall not be borne by any such entity, agency,
8 or subdivision of the State of California, unless such costs
9 are incurred on a voluntary basis.

10 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
11 AMENDED.—Nothing in this Act shall modify or amend
12 the rights and obligations of the parties to any existing—

13 (1) water service, repayment, settlement, pur-
14 chase, or exchange contract with the United States,
15 including the obligation to satisfy exchange contracts
16 and settlement contracts prior to the allocation of
17 any other Central Valley Project water; or

18 (2) State Water Project water supply or settle-
19 ment contract with the State.

20 **SEC. 204. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
21 **TRACTORS.**

22 (a) ALLOCATIONS.—

23 (1) IN GENERAL.—Subject to paragraph (2)
24 and subsection (b), the Secretary of the Interior is
25 directed, in the operation of the Central Valley

1 Project, to allocate water provided for irrigation pur-
2 poses to existing Central Valley Project agricultural
3 water service contractors within the Sacramento
4 River Watershed in compliance with the following:

5 (A) Not less than 100 percent of their con-
6 tract quantities in a “Wet” year.

7 (B) Not less than 100 percent of their con-
8 tract quantities in an “Above Normal” year.

9 (C) Not less than 100 percent of their con-
10 tract quantities in a “Below Normal” year that
11 is preceded by an “Above Normal” or a “Wet”
12 year.

13 (D) Not less than 50 percent of their con-
14 tract quantities in a “Dry” year that is pre-
15 ceded by a “Below Normal,” an “Above Nor-
16 mal,” or a “Wet” year.

17 (E) In all other years not identified herein,
18 the allocation percentage for existing Central
19 Valley Project agricultural water service con-
20 tractors within the Sacramento River Water-
21 shed shall not be less than twice the allocation
22 percentage to south-of-Delta Central Valley
23 Project agricultural water service contractors,
24 up to 100 percent; provided, that nothing here-
25 in shall preclude an allocation to existing Cen-

1 tral Valley Project agricultural water service
2 contractors within the Sacramento River Water-
3 shed that is greater than twice the allocation
4 percentage to South-of-Delta Central Valley
5 Project agricultural water service contractors.

6 (2) CONDITIONS.—The Secretary’s actions
7 under paragraph (a) shall be subject to—

8 (A) the priority of individuals or entities
9 with Sacramento River water rights, including
10 those with Sacramento River Settlement Con-
11 tracts, that have priority to the diversion and
12 use of Sacramento River water over water
13 rights held by the United States for operations
14 of the Central Valley Project;

15 (B) the United States obligation to make
16 a substitute supply of water available to the
17 San Joaquin River Exchange Contractors; and

18 (C) the Secretary of the Interior’s obliga-
19 tion to make water available to managed wet-
20 lands pursuant to section 3406(d) of the Cen-
21 tral Valley Project Improvement Act, (Public
22 Law 102–575).

23 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL
24 SUPPLIES.—Nothing in subsection (a) shall be deemed
25 to—

1 (1) modify any provision of a water service con-
2 tract that addresses municipal and industrial water
3 shortage policies of the Secretary;

4 (2) affect or limit the authority of the Secretary
5 of the Interior to adopt or modify municipal and in-
6 dustrial water shortage policies;

7 (3) affect or limit the authority of the Secretary
8 of the Interior to implement municipal and indus-
9 trial water shortage policies; or

10 (4) affect allocations to Central Valley Project
11 municipal and industrial contractors pursuant to
12 such policies.

13 Neither subsection (a) nor the Secretary of the Interior's
14 implementation of subsection (a) shall constrain, govern
15 or affect, directly or indirectly, the operations of the Cen-
16 tral Valley Project's American River Division or any deliv-
17 eries from that Division, its units or its facilities.

18 (c) NO EFFECT ON ALLOCATIONS.—This section
19 shall not—

20 (1) affect the allocation of water to Friant Divi-
21 sion contractors; or

22 (2) result in the involuntary reduction in con-
23 tract water allocations to individuals or entities with
24 contracts to receive water from the Friant Division.

1 (d) PROGRAM FOR WATER RESCHEDULING.—The
2 Secretary of the Interior shall direct that the United
3 States Bureau of Reclamation develop and implement a
4 program, not later than one year after the date of the en-
5 actment of this Act, to provide for the opportunity for ex-
6 isting Central Valley Project agricultural water service
7 contractors within the Sacramento River Watershed to re-
8 schedule water, provided for under their Central Valley
9 Project water service contracts, from one year to the next.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “existing Central Valley Project
12 agricultural water service contractors within the
13 Sacramento River Watershed” means water service
14 contractors within the Shasta, Trinity, and Sac-
15 ramento River Divisions of the Central Valley
16 Project, that have a water service contract in effect,
17 on the date of the enactment of this section, that
18 provides water for irrigation.

19 (2) The year type terms used in subsection (a)
20 have the meaning given those year types in the Sac-
21 ramento Valley Water Year Type (40–30–30) Index.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. EFFECT ON EXISTING OBLIGATIONS.**

4 Nothing in this Act preempts or modifies any existing
5 obligation of the United States under Federal reclamation
6 law to operate the Central Valley Project in conformity
7 with State law, including established water rights prior-
8 ities.

9 **SEC. 302. TERMINATION OF AUTHORITIES.**

10 This Act shall expire on September 30, 2016, or the
11 date on which the Governor of the State suspends the
12 state of drought emergency declaration, whichever is later.

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