

119TH CONGRESS
1ST SESSION

H. R. 331

IN THE SENATE OF THE UNITED STATES

MAY 14, 2025

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the Aquifer Recharge Flexibility Act to clarify
a provision relating to conveyances for aquifer recharge
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONVEYANCE FOR AQUIFER RECHARGE PUR-**
2 **POSES.**

3 (a) IN GENERAL.—Subsection (c)(3) of the Aquifer
4 Recharge Flexibility Act (43 U.S.C. 390g–9) is amend-
5 ed—

6 (1) by striking “The holder” and inserting the
7 following:

8 “(A) IN GENERAL.—The holder”;

9 (2) in subparagraph (A) (as so designated), by
10 striking “may transport water for aquifer recharge
11 purposes without requiring additional authorization
12 from the Secretary where the use does not expand
13 or modify the operation” and inserting “may, acting
14 for the holder or on behalf of a State, political sub-
15 division of a State, Indian Tribe, or public entity
16 and subject to subparagraphs (B) and (C), use the
17 existing right-of-way, easement, permit, or other au-
18 thorization for the purpose of aquifer recharge and
19 the transport and use of water rights for aquifer re-
20 charge without requiring additional authorization
21 from the Secretary, which use shall not be consid-
22 ered an expansion, modification, or substantial devi-
23 ation”; and

24 (3) by adding at the end the following:

25 “(B) NOTICE REQUIRED.—

1 “(i) IN GENERAL.—Not less than 30
2 days before using an existing right-of-way,
3 easement, permit, or other authorization
4 for the purpose of aquifer recharge under
5 subparagraph (A), the holder of the right-
6 of-way, easement, permit, or other author-
7 ization shall submit to the Bureau of Land
8 Management notice of the intended use, in
9 accordance with clause (ii).

10 “(ii) REQUIREMENTS.—A notice sub-
11 mitted under clause (i) shall—

12 “(I) identify the State, political
13 subdivision of the State, Indian Tribe,
14 or public entity intending to use the
15 existing right-of-way, easement, per-
16 mit, or other authorization for the
17 purpose of aquifer recharge;

18 “(II) identify the existing right-
19 of-way, easement, permit, other au-
20 thorization, or recognized authorized
21 use for ditches and canals constructed
22 on public land before or on October
23 21, 1976, under the authority of sec-
24 tions 2339 and 2340 of the Revised

1 Statutes (43 U.S.C. 661) intended to
2 be used;

3 “(III) provide details on the in-
4 tended use and scope of use for the
5 purpose of aquifer recharge of the ex-
6 isting right-of-way, easement, permit,
7 or other authorization; and

8 “(IV) provide a copy of the
9 agreement between the State, political
10 subdivision of the State, Indian Tribe,
11 or public entity and the holder of the
12 right-of-way, easement, permit, or
13 other authorization to use the existing
14 right-of-way, easement, permit, or
15 other authorization for the purpose of
16 aquifer recharge.”.

17 (b) EFFECT.—Subsection (c)(4) of the Aquifer Re-
18 charge Flexibility Act (43 U.S.C. 390g–9) is amended—

19 (1) by striking “Act creates” and inserting
20 “section—

21 “(A) creates”;

22 (2) in subparagraph (A) (as so designated), by
23 striking the period at the end and inserting a semi-
24 colon; and

25 (3) by adding at the end of the following:

1 “(B) waives the obligation of the holder of
2 a right-of-way, easement, permit, or other au-
3 thorization described in paragraph (3)(A) to
4 comply with all applicable—

5 “(i) Federal laws; and

6 “(ii) policies of the Bureau; or

7 “(C) provides authority to construct, mod-
8 ify, or expand any existing infrastructure cov-
9 ered under subsection (c)(3).”.

10 (c) TECHNICAL AMENDMENTS.—The Aquifer Re-
11 charge Flexibility Act (43 U.S.C. 390g–9) is amended in
12 each of subsections (a) and (c)(5) by striking “Act” each
13 place it appears and inserting “section”.

Passed the House of Representatives May 13, 2025.

Attest: KEVIN F. MCCUMBER,
Clerk.