

105TH CONGRESS
1ST SESSION

H. R. 2947

To encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin, Nevada, and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States district court for the District of Nevada.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

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

A BILL

To encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin, Nevada, and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States district court for the District of Nevada.

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. SHORT TITLE.**

2 This Act may be cited as the “Walker River Basin
3 Act of 1997”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are the following:

6 (1) Facilitate efforts to negotiate the perma-
7 nent settlement of all litigation and other claims to
8 the waters of the Walker River Basin, Nevada, in-
9 cluding those of the Walker River Paiute Tribe and
10 Walker Lake.

11 (2) Encourage an equitable apportionment of
12 the waters of the Walker River between California
13 and Nevada.

14 (3) Direct the management of water rights ac-
15 quired by the United States on the Walker River.

16 (4) Protect the fish and wildlife associated habi-
17 tats in the Walker River Basin of California and Ne-
18 vada.

19 (5) Stabilize the water quality and quantity of
20 Walker Lake at acceptable levels.

21 (6) Protect recreation resources associated with
22 the Walker River and its reservoirs, and Walker
23 Lake.

24 (7) Protect and preserve agriculture in the
25 Walker River Basin.

26 (8) Enhance stream flows.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Locally Affected Interests”
4 means, collectively, Mineral County of Nevada, the
5 Walker River Basin Water Users Association, the
6 Walker River Irrigation District, the Walker River
7 Paiute Tribe of Indians, and Mono County of Cali-
8 fornia.

9 (2) The term “Secretary” means the Secretary
10 of the Interior, acting through the Commissioner of
11 the Bureau of Reclamation.

12 (3) The term “Walker River Basin” means the
13 hydrologic area which naturally drains into the
14 Walker River or Walker Lake (or both), located in
15 Mineral County, Nevada.

16 (4) The term “Walker River Basin Water Users
17 Association” means a nonprofit corporation whose
18 membership includes, but is not limited to, irrigators
19 in California and Nevada who possess water rights
20 pursuant to the Walker River Decree, but not in-
21 cluding the Walker River Paiute Tribe.

22 (5) The term “Walker River Decree” means the
23 final decree in the case of United States v. Walker
24 River Irrigation District, et al., United States dis-
25 trict court for the District of Nevada, Equity No. C-
26 125, filed April 15, 1936, as amended by the Order

1 of the Honorable A.F. St. Sure, dated April 24,
2 1940.

3 **SEC. 4. FURTHER SETTLEMENT.**

4 (a) IN GENERAL.—The Secretary, the Locally Af-
5 fected Interests, the State of Nevada, and the State of
6 California shall initiate negotiations to explore the poten-
7 tial for comprehensive and permanent settlement of all
8 claims to the waters of the Walker River, in California
9 and Nevada.

10 (b) REPORT.—If the terms of any settlement nego-
11 tiated under subsection (a) require legislation by Con-
12 gress, the Secretary shall submit to Congress a report de-
13 scribing the necessary legislation.

14 **SEC. 5. AUTHORIZATIONS.**

15 (a) STUDIES AND PROJECTS.—In order to assist the
16 Locally Affected Interests and the States of Nevada and
17 California in negotiating a settlement under section 4, the
18 Secretary shall assist in the development and implementa-
19 tion of studies, pilot projects or long-term projects (or
20 both) including, but not limited to, the following:

21 (1) In accordance with Nevada law, California
22 law, and other applicable law, a locally managed
23 Walker River Water Bank to facilitate voluntary
24 water transfers, including the transfer of any water
25 delivered pursuant to the water conservation provi-

1 sion of this Act, within the Walker River Basin in
2 the States of Nevada and California: *Provided*, That
3 the Walker River Water Bank may include water
4 held by the Walker River Paiute Tribe pursuant to
5 reserved water rights confirmed in the Walker River
6 Decree or water rights held by the Walker River
7 Paiute Tribe (or both). The Locally Affected Inter-
8 ests shall have the ability to both purchase from and
9 transfer water to the Walker River Water Bank.

10 (2) Water conservation, compatible with local
11 land use, designed to encourage the Locally Affected
12 Interests to voluntarily conserve water in the Walker
13 River Basin.

14 (3) Enhancement of stream flows through
15 phreatophyte control and debris control and removal
16 on the Walker River and in Walker Lake, in order
17 to protect and improve water quality in Walker Lake
18 and to improve water efficiency for agricultural use.

19 (4) Improvement of agricultural water manage-
20 ment practices in the Walker River Basin.

21 (5) Improvement of water quality in Walker
22 Lake through the construction and operation of fa-
23 cilities designed to address problems in Walker Lake
24 associated with decreased oxygen and increased
25 salinity.

1 (6) A program to allow any or all of the Locally
2 Affected Interests to extract and utilize available
3 groundwater in lieu of surface water entitlements.

4 (7) A groundwater recharge program.

5 (8) A facility to assist in acclimating Lahanton
6 cutthroat trout to Walker Lake.

7 (9) A program to facilitate the purchase and
8 transfer of water rights for use in Walker Lake or
9 to otherwise benefit the environmental needs of the
10 Walker River system.

11 (b) FORM OF ASSISTANCE; COST SHARE; AUTHOR-
12 IZATION OF APPROPRIATIONS.—

13 (1) The Secretary shall, subject to the availabil-
14 ity of appropriations, provide assistance under sub-
15 section (a) through grants to, cooperative agree-
16 ments with, and technical assistance to the Locally
17 Affected Interests. The United States share of costs
18 associated with the studies, pilot projects, and long-
19 term projects described in subsection (a) shall be 75
20 percent of the total thereof, with the remaining 25
21 percent equitably apportioned among the Locally Af-
22 fected Interests, the State of California, and the
23 State of Nevada. The Locally Affected Interests may
24 pay all or a portion of their 25 percent share of
25 costs in the form of in-kind services.

1 (2) There are authorized to be appropriated to
2 the Secretary to carry out the studies, pilot projects,
3 and long-term projects described in subsection (a),
4 \$10,000,000, which will constitute the maximum of
5 the United States 75 percent share of costs associ-
6 ated with the studies, pilot projects, and long-term
7 projects authorized by this Act. Funds appropriated
8 under this section shall be made available to the Lo-
9 cally Affected Interests to carry out the studies, pilot
10 projects, and long-term projects specified in sub-
11 section (a). Funds appropriated under this section
12 shall remain available until expended.

13 **SEC. 6. ADMINISTRATION OF WATER RIGHTS HELD BY THE**
14 **UNITED STATES.**

15 (a) IN GENERAL.—To the extent that the Secretary
16 or any other department or agency of the United States
17 has acquired or in the future acquires water and water
18 rights from the Walker River and its tributaries such
19 water and water rights—

20 (1) may not be changed except in compliance
21 with Administrative Rules and Regulations Regard-
22 ing Change of Point of Diversion, Manner of Use or
23 Place of Use of Water of the Walker River and its
24 Tributaries adopted pursuant to the Walker River
25 Decree;

1 (2) shall be managed by the Secretary or an-
2 other department or agency of the United States for
3 purposes consistent with the purposes of this Act,
4 including, but not limited to, the utilization of water
5 to augment instream flows for use within the Walker
6 River Water Bank or to otherwise benefit Walker
7 Lake, after consultation with the State of Nevada
8 and the State of California to ensure compliance
9 with applicable State laws;

10 (3) may not be changed without the approval of
11 the Walker River Irrigation District, if they include
12 stored water from Bridgeport or Topaz Reservoirs;
13 and

14 (4) if they are appurtenant to lands within the
15 boundaries of the Walker River Irrigation District
16 may not be exercised for any purpose unless the
17 United States has paid all assessments associated
18 with such lands and water rights to the Walker
19 River Irrigation District.

20 (b) LIMITATION ON APPLICATION.—The provisions of
21 subsection (a) do not apply to water rights held or ac-
22 quired by the United States in trust for the Walker River
23 Paiute Tribe.

1 **SEC. 7. MORATORIUM.**

2 (a) IN GENERAL.—Until the date that is 1 year after
3 the date of enactment of this Act and during the period
4 in which a study or pilot project under section 5(a) is un-
5 dertaken, no court or administrative tribunal shall have
6 jurisdiction to hear or determine a claim or matter related
7 to a claim for additional water for the Walker River Indian
8 Reservation or for Walker Lake or a claim to amend the
9 Walker River Decree in any manner.

10 (b) TOLLING.—Any applicable period of limitation
11 shall be tolled during the moratorium period under sub-
12 section (a).

13 (c) NO LIMITATION ON JURISDICTION.—Nothing in
14 this Act affects the jurisdiction of the United States dis-
15 trict court for the District of Nevada to ensure that own-
16 ers of water rights recognized in the Walker River Decree
17 receive the quantity of water to which the owners are enti-
18 tled under the Decree.

19 **SEC. 8. ACCESS TO INFORMATION.**

20 No person may use information furnished in connec-
21 tion with or derived from a study or pilot project under
22 section 5(a) for any purpose (including introduction as evi-
23 dence in any court or administrative proceeding) except
24 for the purpose of facilitating settlement under section 4.

1 **SEC. 9. COMPLIANCE WITH WALKER RIVER DECREE.**

2 The Secretary shall not take any action that would
3 undermine, contradict, or diminish the water rights con-
4 firmed in the Walker River Decree other than action that
5 the Secretary determines is necessary and within the au-
6 thority of the Secretary as trustee for the Walker River
7 Paiute Indian Tribe and members of the Tribe.

8 **SEC. 10. EXISTING AUTHORITY.**

9 Except as provided in section 7, nothing in this Act
10 affects the authority of the Secretary, the Walker River
11 Paiute Indian Tribe, the State of Nevada, or the State
12 of California in existence on the date of enactment of this
13 Act.

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