

105TH CONGRESS  
2D SESSION

# H. R. 4392

To amend the San Luis Rey Indian Water Rights Settlement Act, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1998

Mr. CUNNINGHAM (for himself and Mr. PACKARD) introduced the following  
bill; which was referred to the Committee on Resources

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## A BILL

To amend the San Luis Rey Indian Water Rights Settlement  
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. AMENDMENTS RELATED TO SUPPLEMENTAL**  
4       **WATER SUPPLY AND FUNDING.**

5       (a) SUPPLEMENTAL WATER SUPPLY.—Section  
6       106(a) of the San Luis Rey Indian Water Rights Settle-  
7       ment Act (Public Law 100–675; 102 Stat. 4000) is  
8       amended to read as follows:

9       “(a) OBLIGATION TO ARRANGE FOR DEVELOPMENT  
10      OF WATER FOR BANDS AND LOCAL ENTITIES.—

1           “(1) To provide a supplemental water supply  
2           for the benefit of the Bands and the local entities,  
3           subject to the provisions of the settlement agree-  
4           ment, the Secretary shall—

5                   “(A) arrange for the development of not  
6                   more than 16,000 acre-feet per year of supple-  
7                   mental water from public lands within the  
8                   boundaries of the State of California outside  
9                   the service area of the Central Valley Project;

10                   “(B) obtain not more than 16,000 acre-  
11                   feet per year either from water conserved by the  
12                   works authorized in title II, or through contract  
13                   with the Metropolitan Water District of South-  
14                   ern California; or

15                   “(C) construct that portion of the works  
16                   authorized in title II that is necessary to con-  
17                   serve 16,000 acre-feet of water per year, and  
18                   arrange to deliver such water to the Bands and  
19                   the local entities by exchange or through con-  
20                   tract with the Metropolitan Water District of  
21                   Southern California and other parties with con-  
22                   veyance facilities.

23           “(2) Except as provided in subsection (d)(3),  
24           the right to the 16,000 acre-feet of water per year  
25           provided pursuant to paragraph (1) shall be held in

1       perpetuity by the United States in trust for the San  
2       Luis Rey Indian Water Authority and shall be sub-  
3       ject to the provisions of this title and of the settle-  
4       ment agreement governing the use and disposition of  
5       supplemental water. The use of such water shall not  
6       be subject to the provisions of section 204. Nothing  
7       in this section or any other provision of this title  
8       shall authorize the construction of any new dams,  
9       reservoirs, or surface water storage facilities.”.

10       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 106(d) of such Act is amended to read as follows:

12       “(d) COST OF DEVELOPING AND DELIVERING  
13 WATER.—

14               “(1) USE OF FEDERAL FUNDS.—There are au-  
15       thorized to be appropriated such funds as may be  
16       necessary to construct that portion of the works au-  
17       thorized in title II that is necessary to conserve  
18       16,000 acre-feet of water per year. Neither the costs  
19       of delivering supplemental water nor the costs of op-  
20       erating, maintaining, and replacing the works nec-  
21       essary to conserve 16,000 acre-feet of water per year  
22       once those works have been constructed shall be  
23       borne by the United States, and no Federal appro-  
24       priations are authorized for those purposes.

1           “(2) OPERATION AND MAINTENANCE DETER-  
2           MINATION.—The Secretary shall determine the im-  
3           pact of the works constructed pursuant to subsection  
4           (a)(1)(C) on the cost of operation and maintenance  
5           and the existing regulating and storage capacity of  
6           the All American Canal and its Coachella Branch. If  
7           the works result in any added operation and mainte-  
8           nance costs which exceed the benefits derived from  
9           increasing the regulating and storage capacity of the  
10          canals to the Imperial Irrigation District or the  
11          Coachella Valley Water District, the Indian Water  
12          Authority and the local entities shall reimburse the  
13          agency which experiences such additional costs on an  
14          annual basis pursuant to the Secretary’s determina-  
15          tion.

16          “(3) OBLIGATION TO MAINTAIN CONSERVATION  
17          PROVIDED BY WORKS.—The right to 16,000 acre-  
18          feet of water per year obtained by the construction  
19          of the works described in subsection (a)(1)(C), al-  
20          though perpetual in nature, is subject to the works  
21          described in subsection (a)(1)(C) being maintained  
22          so as to continue to conserve 16,000 acre-feet of  
23          water per year as compared to the situation that ex-  
24          isted prior to the construction of those works. The  
25          Secretary shall determine the amount of water so

1        conserved by said works on an ongoing basis, and  
2        shall allow said water to be delivered to the Indian  
3        Water Authority and the local entities only to the  
4        extent that said water has actually been so con-  
5        served by said works.”.

6        (c) LIMITATION ON FUNDS.—Section 203(e)(1) of  
7        such Act is amended to read as follows:

8                “(1) Except as provided in section 106(d), no  
9        Federal funds may be used for construction of the  
10       works described in subsection (a)(1).”.

11       (d) BENEFICIAL USE IN CALIFORNIA.—Section  
12       204(b) of such Act is amended to read as follows:

13       “(b) BENEFICIAL USE IN CALIFORNIA.—

14                “(1) The water identified in subsection (a)  
15       (other than that provided pursuant to section  
16       106(a)) shall be made available, subject to the ap-  
17       proval requirement established in section 203(c)(3),  
18       for consumptive use by California Contractors within  
19       their service areas according to their priorities under  
20       the Seven Party Agreement.

21                “(2) If the water made available under para-  
22       graph (1) is used during the term of the funding  
23       agreements by a California Contractor other than a  
24       Participating Contractor, or a Participating Con-  
25       tractor in an amount in excess of its proportionate

1 share as measured by the amount of its contributed  
2 funds in relation to the total contributed funds, such  
3 contractor shall reimburse the Participating Con-  
4 tractors in an amount equal to the sum of—

5 “(A) the annualized amounts of their re-  
6 spective contributions which funded the con-  
7 servation of water so used;

8 “(B) any added costs of operation and  
9 maintenance as determined in section 203(b);  
10 and

11 “(C) related mitigation costs under section  
12 203(a)(2).

13 “(3) Reimbursements made pursuant to para-  
14 graph (3) shall be based on the costs each Partici-  
15 pating Contractor incurs in contributing funds, its  
16 total contribution, and the life of the works.”.

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