

109TH CONGRESS
1ST SESSION

H. R. 487

To impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

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

A BILL

To impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water.

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. DEPARTMENT OF THE INTERIOR AND WATER**

4 **RIGHTS.**

5 Notwithstanding any other provision of law, the Sec-
6 retary of the Interior shall not—

1 (1) claim title or other rights to water in a
2 State, other than for Indian reservation lands, ab-
3 sent specific direction of law; or

4 (2) exercise authority so as to abrogate, injure
5 or otherwise impair any right to the use of any
6 quantity of water—

7 (A) that has been allocated—

8 (i) in conformance with subsections
9 (a) through (c) of section 208 of the De-
10 partment of Justice Appropriations Act,
11 1953 (43 U.S.C. 666);

12 (ii) by or pursuant to interstate com-
13 pact; and

14 (iii) by a decision of the United States
15 Supreme Court;

16 (B) by requiring a change in the nature of
17 use or the transfer of any right to use water or
18 creating a limitation on the exercise of any
19 right to use water; or

20 (C) by modifying the delivery, diversion,
21 nondiversion, allocation, or storage of any water
22 to be delivered by contract.

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