

## Calendar No. 294

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1759****[Report No. 111-144]**

To authorize certain transfers of water in the Central Valley Project, and  
for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2009

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

MARCH 2, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To authorize certain transfers of water in the Central Valley  
Project, 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. SHORT TITLE.**

4       This Act may be cited as the “Water Transfer Facili-  
5       tation Act of 2009”.

1 **SEC. 2. AUTHORIZATION OF IRRIGATION WATER TRANS-**  
 2 **FERS, CENTRAL VALLEY PROJECT.**

3 (a) **IN GENERAL.**—Subject to subsection (b), the fol-  
 4 lowing voluntary water transfers shall be considered to  
 5 meet the conditions described in subparagraphs (A) and  
 6 (I) of section 3405(a)(1) of the Reclamation Projects Au-  
 7 thorization and Adjustment Act of 1992 (Public Law 102–  
 8 575; 106 Stat. 4709):

9 (1) A transfer of irrigation water among Cen-  
 10 tral Valley Project contractors from the Friant, San  
 11 Felipe, West San Joaquin, and Delta divisions.

12 (2) A transfer of water among current or prior  
 13 temporary or long-term water service, repayment,  
 14 water rights settlement, or exchange contractors  
 15 within a division of the Central Valley Project.

16 (b) **CONDITION.**—A transfer under subsection (a)  
 17 shall be subject to the condition that the transfer not  
 18 interfere with—

19 (1) the San Joaquin River Restoration Settle-  
 20 ment Act (Public Law 111–11; 123 Stat. 1349), in-  
 21 cluding the priorities described in section  
 22 10004(a)(4)(B) of that Act (123 Stat. 1350) relat-  
 23 ing to implementation of paragraph 16 of the Settle-  
 24 ment (as defined in section 10003 of that Act (123  
 25 Stat. 1349)); and

26 (2) the Settlement.

1 **SEC. 3. FACILITATION OF WATER TRANSFERS, CENTRAL**  
2 **VALLEY PROJECT.**

3 (a) IN GENERAL.—As soon as practicable after the  
4 date of enactment of this Act, the Secretary of the Inte-  
5 rior, acting through the Director of the United States Fish  
6 and Wildlife Service and the Commissioner of the Bureau  
7 of Reclamation (referred to in this section as the “Sec-  
8 retary”), using such sums as are necessary, shall initiate  
9 and complete, on the most expedited basis practicable, the  
10 programmatic development of environmental documenta-  
11 tion to facilitate voluntary water transfers within the Cen-  
12 tral Valley Project.

13 (b) INCLUSIONS.—The environmental documentation  
14 under subsection (a) shall include all applicable environ-  
15 mental reviews, permitting, and consultations, including  
16 the environmental documentation needed to address con-  
17 cerns with respect to the Giant Garter Snake  
18 (*Thamnophis gigas*).

19 **SEC. 4. REPORT ON CENTRAL VALLEY PROJECT WATER**  
20 **TRANSFERS.**

21 (a) IN GENERAL.—Not later than January 10, 2010,  
22 the Commissioner of the Bureau of Reclamation (referred  
23 to in this section as the “Commissioner”) shall submit to  
24 the appropriate committees of Congress a report that—

1           (1) describes the status of efforts to help facili-  
 2           tate and improve the water transfers under this Act;  
 3           and

4           (2) provides recommendations on ways to facili-  
 5           tate, and improve the process for—

6                   (A) water transfers within the Central Val-  
 7           ley Project; and

8                   (B) water transfers between the Central  
 9           Valley Project and State water projects.

10       (b) **UPDATES.**—Not later than July 15, 2010, and  
 11       every 180 days thereafter until the Commissioner deter-  
 12       mines that no further Federal action is warranted or au-  
 13       thorized with respect to the water transfers under this  
 14       Act, the Commissioner shall update the report submitted  
 15       under subsection (a).

16       **SEC. 5. TECHNICAL CORRECTIONS.**

17       Section 3405(a)(1) of the Central Valley Project Im-  
 18       provement Act (Public Law 102–575; 106 Stat. 4710) is  
 19       amended—

20           (1) in the first sentence, by striking “transfers  
 21       to” and inserting “transfers of”; and

22           (2) in subparagraph (A), by striking “to com-  
 23       bination” and inserting “or combination”.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Water Transfer Facilita-*  
 3 *tion Act of 2009”.*

4 **SEC. 2. AUTHORIZATION OF WATER TRANSFERS, CENTRAL**  
 5 **VALLEY PROJECT.**

6       (a) *IN GENERAL.*—Subject to subsection (b), the fol-  
 7 *lowing voluntary water transfers shall be considered to meet*  
 8 *the conditions described in subparagraphs (A) and (I) of*  
 9 *section 3405(a)(1) of the Reclamation Projects Authoriza-*  
 10 *tion and Adjustment Act of 1992 (Public Law 102–575; 106*  
 11 *Stat. 4709):*

12           (1) *A transfer of irrigation water among Central*  
 13 *Valley Project contractors from the Friant, San*  
 14 *Felipe, West San Joaquin, and Delta divisions.*

15           (2) *A transfer from a long-term Friant Division*  
 16 *water service or repayment contractor to a temporary*  
 17 *or prior temporary water service contractor within*  
 18 *the place of use in existence on the date of the trans-*  
 19 *fer, as identified in the Bureau of Reclamation water*  
 20 *rights permits for the Friant Division.*

21       (b) *CONDITION.*—A transfer under subsection (a) shall  
 22 *comply with all applicable Federal and State law.*

23 **SEC. 3. FACILITATION OF WATER TRANSFERS, CENTRAL**  
 24 **VALLEY PROJECT.**

25       *As soon as practicable after the date of enactment of*  
 26 *this Act, the Secretary of the Interior, acting through the*

1 *Director of the United States Fish and Wildlife Service and*  
 2 *the Commissioner of the Bureau of Reclamation, using such*  
 3 *sums as are necessary, shall initiate and complete, on the*  
 4 *most expedited basis practicable, programmatic documenta-*  
 5 *tion to facilitate voluntary water transfers within the Cen-*  
 6 *tral Valley Project, consistent with all applicable Federal*  
 7 *and State law.*

8 **SEC. 4. REPORT ON CENTRAL VALLEY PROJECT WATER**  
 9 **TRANSFERS.**

10 (a) *IN GENERAL.*—Not later than 180 days after the  
 11 date of enactment of this Act, the Commissioner of the Bu-  
 12 reau of Reclamation (referred to in this section as the  
 13 “Commissioner”) shall submit to the appropriate commit-  
 14 tees of Congress a report that—

15 (1) *describes the status of efforts to help facilitate*  
 16 *and improve the water transfers under this Act;*

17 (2) *evaluates potential effects of this Act on Fed-*  
 18 *eral programs, Indian tribes, Central Valley Project*  
 19 *operations, the environment, groundwater aquifers,*  
 20 *refuges, and communities; and*

21 (3) *provides recommendations on ways to facili-*  
 22 *tate, and improve the process for—*

23 (A) *water transfers within the Central Val-*  
 24 *ley Project; and*

1                    *(B) water transfers between the Central Val-*  
2                    *ley Project and other water projects in the State*  
3                    *of California.*

4            *(b) UPDATES.—Not later than the end of the water*  
5            *year in which the report is submitted under subsection (a)*  
6            *and each of the 4 water years thereafter, the Commissioner*  
7            *shall update the report.*

Calendar No. 294

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1759**

[Report No. 111-144]

**A BILL**

To authorize certain transfers of water in the  
Central Valley Project, and for other purposes.

MARCH 2, 2010

Reported with an amendment