

113TH CONGRESS
2D SESSION

H. R. 5781

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2014

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

AN ACT

To provide short-term water supplies to drought-stricken
California.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “California Emergency Drought Relief Act of 2014”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

Sec. 101. Definitions.

Sec. 102. Emergency projects.

Sec. 103. Temporary operational flexibility for first few storms of the water
year.

Sec. 104. Progress report.

Sec. 105. Status of surface storage studies.

TITLE II—PROTECTION OF THIRD-PARTY WATER RIGHTS

Sec. 201. Offset for State Water Project.

Sec. 202. Area of origin protections.

Sec. 203. No redirected adverse impacts.

Sec. 204. Allocations For Sacramento Valley Contractors.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Effect on existing obligations.

Sec. 302. Termination of authorities.

6 **TITLE I—CALIFORNIA**
7 **EMERGENCY DROUGHT RELIEF**

8 **SEC. 101. DEFINITIONS.**

9 In this title:

10 (1) CENTRAL VALLEY PROJECT.—The term
11 “Central Valley Project” has the meaning given the
12 term in section 3403 of the Central Valley Project
13 Improvement Act (106 Stat. 4707).

14 (2) DELTA.—The term “Delta” means the Sac-
15 ramento-San Joaquin Delta and the Suisun Marsh,

as defined in sections 12220 and 29101 of the California Public Resources Code.

(3) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(4) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(5) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary of Commerce; and

(B) the Secretary of the Interior.

(6) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(7) STATE.—The term “State” means the State of California.

1 (8) STATE WATER PROJECT.—The term “State
2 Water Project” means the water project described
3 by California Water Code section 11550 et seq. and
4 operated by the California Department of Water Re-
5 sources.

6 **SEC. 102. EMERGENCY PROJECTS.**

7 (a) IN GENERAL.—Subject to the priority of individ-
8 uals or entities, including those with Sacramento River
9 Settlement Contracts, that have priority to the diversion
10 and use of water over water rights held by the United
11 States for operations of the Central Valley Project and
12 over rights held by the State for operations of the State
13 Water Project and the United States obligation to make
14 a substitute supply of water available to the San Joaquin
15 River Exchange Contractors, the Secretaries shall direct
16 the operations of the Central Valley Project and allow the
17 State Water Project to provide the maximum quantity of
18 water supplies possible to Central Valley Project agricul-
19 tural, municipal and industrial, and refuge service and re-
20 payment contractors, and State Water Project contrac-
21 tors, by approving, consistent with applicable laws (includ-
22 ing regulations)—

23 (1) any project or operations to provide addi-
24 tional water supplies if there is any possible way
25 whatsoever that the Secretaries can do so unless the

1 project or operations constitute a highly inefficient
2 way of providing additional water supplies; and

3 (2) any projects or operations as quickly as pos-
4 sible based on available information to address the
5 emergency conditions.

6 (b) MANDATE.—In carrying out subsection (a), the
7 applicable Secretary shall—

8 (1) authorize and implement actions to ensure
9 that the Delta Cross Channel Gates remain open to
10 the maximum extent practicable using findings from
11 the United States Geological Survey on diurnal be-
12 havior of juvenile salmonids, timed to maximize the
13 peak flood tide period and provide water supply and
14 water quality benefits, consistent with operational
15 criteria and monitoring set forth in the California
16 State Water Resources Control Board’s Order Ap-
17 proving a Temporary Urgency Change in License
18 and Permit Terms in Response to Drought Condi-
19 tions, effective January 31, 2014, or a successor
20 order;

21 (2)(A) implement turbidity control strategies
22 that allow for increased water deliveries for the Cen-
23 tral Valley Project and State Water Project while
24 avoiding a negative impact on the long-term survival
25 delta smelt (*Hypomesus transpacificus*) due to en-

1 trainment at Central Valley Project and State Water
2 Project pumping plants;

3 (B) operating within the ranges provided for in
4 the smelt biological opinion and the salmonid biological
5 opinion to minimize water supply reductions for
6 the Central Valley Project and the State Water
7 Project, manage reverse flow in Old and Middle Rivers
8 at -5000 cubic feet per second (cfs) unless current
9 scientific data indicate a less negative Old and
10 Middle River flow is necessary to avoid a negative
11 impact on the long-term survival of the listed species;
12 and

13 (C) show in writing that any determination to
14 manage OMR reverse flow at rates less negative
15 than -5000 cubic feet per second is necessary to
16 avoid a significant negative impact on the long-term
17 survival of the Delta smelt, including an explanation
18 of the data examined and the connection between
19 those data and the choice made prior to reducing
20 pumping to a rate less negative than -5000 cfs;

21 (3) adopt a 1:1 inflow to export ratio for the increment
22 of increased flow of the San Joaquin River,
23 as measured as a 3-day running average at Vernalis
24 during the period from April 1 through May 31, resulting
25 from voluntary sale, transfers, or exchanges

1 of water from agencies with rights to divert water
2 from the San Joaquin River or its tributaries on the
3 condition that a proposed sale, transfer, or exchange
4 under this paragraph may only proceed if the Sec-
5 retary of the Interior determines that the environ-
6 mental effects of the proposed sale, transfer, or ex-
7 change are consistent with effects permissible under
8 applicable law (including regulations), and provided
9 that Delta conditions are suitable to allow movement
10 of the acquired, transferred, or exchanged water
11 through the Delta consistent with the Central Valley
12 Project's and the State Water Project's permitted
13 water rights;

14 (4) issue all necessary permit decisions under
15 the authority of the Secretaries within 30 days of re-
16 ceiving a completed application by the State to place
17 and use temporary barriers or operable gates in
18 Delta channels to improve water quantity and qual-
19 ity for Central Valley Project and State Water
20 Project contractors and other water users, which
21 barriers or gates should provide benefits for species
22 protection and in-Delta water user water quality and
23 shall be designed such that formal consultations
24 under section 7 of the Endangered Species Act of
25 1973 (16 U.S.C. 1536) would not be necessary;

1 (5)(A) complete all requirements under the Na-
2 tional Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.) and the Endangered Species Act of
4 1973 (16 U.S.C. 1531 et seq.) necessary to make
5 final permit decisions on water transfer requests as-
6 sociated with voluntarily fallowing nonpermanent
7 crops in the State, within 30 days of receiving such
8 a request; and

9 (B) allow any water transfer request associated
10 with fallowing to maximize the quantity of water
11 supplies available for nonhabitat uses as long as the
12 fallowing and associated water transfer are in com-
13 pliance with applicable Federal laws (including regu-
14 lations);

15 (6) allow any North of Delta agricultural water
16 service contractor with unused Central Valley
17 Project water to take delivery of such unused water
18 through April 15, of the contract year immediately
19 following the contract year in which such water was
20 allocated, if—

21 (A) the contractor requests the extension;

22 and

23 (B) the requesting contractor certifies
24 that, without the extension, the contractor

1 would have insufficient supplies to adequately
2 meet water delivery obligations;

3 (7) to the maximum extent possible based on
4 the availability and quality of groundwater and with-
5 out causing land subsidence—

6 (A) meet the Level 2 and Level 4 water
7 supply needs of units of the National Wildlife
8 Refuge System in the Central Valley of Cali-
9 fornia, the Gray Lodge, Los Banos, Volta,
10 North Grasslands, and Mendota State wildlife
11 management areas, and the Grasslands Re-
12 sources Conservation District in the Central
13 Valley of California through the improvement
14 or installation of wells to use groundwater re-
15 sources and the purchase of water from willing
16 sellers; and

17 (B) make a quantity of Central Valley
18 Project water obtained from the measures im-
19 plemented under subparagraph (A) available to
20 Central Valley Project water service contrac-
21 tors; and

22 (8) implement instream and offsite projects in
23 the Delta and upstream in the Sacramento River
24 and San Joaquin basins, in coordination with the
25 California Department of Water Resources and the

1 California Department of Fish and Wildlife, that
2 offset the effects on species listed as threatened or
3 endangered under the Endangered Species Act of
4 1973 (16 U.S.C. 1531 et seq.) due to actions taken
5 under this Act.

6 (c) OTHER AGENCIES.—To the extent that a Federal
7 agency other than agencies headed by the Secretaries has
8 a role in approving projects described in subsections (a)
9 and (b), the provisions of this section shall apply to those
10 Federal agencies.

11 (d) ACCELERATED PROJECT DECISION AND ELE-
12 VATION.—

13 (1) IN GENERAL.—Upon the request of the
14 State, the heads of Federal agencies shall use the
15 expedited procedures under this subsection to make
16 final decisions relating to a Federal project or oper-
17 ation to provide additional water supplies or address
18 emergency drought conditions pursuant to sub-
19 sections (a) and (b).

20 (2) REQUEST FOR RESOLUTION.—

21 (A) IN GENERAL.—Upon the request of
22 the State, the head of an agency referred to in
23 subsection (a), or the head of another Federal
24 agency responsible for carrying out a review of
25 a project, as applicable, the Secretary of the In-

1 terior shall convene a final project decision
2 meeting with the heads of all relevant Federal
3 agencies to decide whether to approve a project
4 to provide emergency water supplies.

5 (B) MEETING.—The Secretary of the Inte-
6 rior shall convene a meeting requested under
7 subparagraph (A) not later than 7 days after
8 receiving the meeting request.

9 (3) NOTIFICATION.—Upon receipt of a request
10 for a meeting under this subsection, the Secretary of
11 the Interior shall notify the heads of all relevant
12 Federal agencies of the request, including the
13 project to be reviewed and the date for the meeting.

14 (4) DECISION.—Not later than 10 days after
15 the date on which a meeting is requested under
16 paragraph (2), the head of the relevant Federal
17 agency shall issue a final decision on the project in
18 writing.

19 (5) MEETING CONVENED BY SECRETARY.—The
20 Secretary of the Interior may convene a final project
21 decision meeting under this subsection at any time,
22 at the discretion of the Secretary, regardless of
23 whether a meeting is requested under paragraph (2).

1 **SEC. 103. TEMPORARY OPERATIONAL FLEXIBILITY FOR**
2 **FIRST FEW STORMS OF THE WATER YEAR.**

3 (a) IN GENERAL.—Consistent with avoiding a nega-
4 tive impact on the long-term survival in the short-term
5 upon listed fish species beyond the range of those author-
6 ized under the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.) and other environmental protections
8 under subsection (d), the Secretaries shall authorize the
9 Central Valley Project and the State Water Project, com-
10 bined, to operate at levels that result in negative Old and
11 Middle River flows at -7500 cubic feet per second (based
12 on United States Geological Survey gauges on Old and
13 Middle Rivers) daily average for 28 cumulative days after
14 October 1, as described in subsection (b).

15 (b) DAYS OF TEMPORARY OPERATIONAL FLEXI-
16 BILITY.—The temporary operational flexibility described
17 in subsection (a) shall be authorized on days that the Cali-
18 fornia Department of Water Resources determines the
19 daily average river flow of the Sacramento River is at, or
20 above, 17,000 cubic feet per second as measured at the
21 Sacramento River at Freeport gauge maintained by the
22 United States Geologic Survey.

23 (c) COMPLIANCE WITH ESA AUTHORIZATIONS.—In
24 carrying out this section, the Secretaries may continue to
25 impose any requirements under the smelt and salmonid
26 biological opinions during any period of temporary oper-

1 ational flexibility as they determine are reasonably nec-
2 essary to avoid additional negative impacts on the long-
3 term survival of a listed fish species beyond the range of
4 those authorized under the Endangered Species Act of
5 1973.

6 (d) OTHER ENVIRONMENTAL PROTECTIONS.—

7 (1) The Secretaries' actions under this section
8 shall be consistent with applicable regulatory re-
9 quirements under state law, including State Water
10 Resources Control Board Decision 1641, as it may
11 be implemented in any given year.

12 (2) During the first flush of sediment out of the
13 Delta in each water year, and provided that such de-
14 termination is based upon objective evidence, OMR
15 flow may be managed at rates less negative than
16 -5000 cubic feet per second for a minimum duration
17 to avoid movement of adult Delta smelt (*Hypomesus*
18 *transpacificus*) to areas in the southern Delta that
19 would be likely to increase entrainment at Central
20 Valley Project and State Water Project pumping
21 plants.

22 (3) This section shall not affect the application
23 of the salmonid biological opinion from April 1 to
24 May 31, unless the Secretary of Commerce finds
25 that some or all of such applicable requirements may

1 be adjusted during this time period to provide emer-
2 gency water supply relief without resulting in addi-
3 tional adverse effects beyond those authorized under
4 the Endangered Species Act of 1973. In addition to
5 any other actions to benefit water supply, the Sec-
6 retary and the Secretary of Commerce shall consider
7 allowing through-Delta water transfers to occur dur-
8 ing this period.

9 (4) During operations under this section, the
10 Secretary of the Interior, in coordination with the
11 Fish and Wildlife Service, National Marine Fisheries
12 Service, and California Department of Fish and
13 Wildlife, shall undertake a monitoring program and
14 other data gathering to ensure incidental take levels
15 are not exceeded, and to identify potential negative
16 impacts and actions, if any, necessary to mitigate
17 impacts of the temporary operational flexibility to
18 species listed under the Endangered Species Act of
19 1973.

20 (e) TECHNICAL ADJUSTMENTS TO TARGET PE-
21 RIOD.—If, before temporary operational flexibility has
22 been implemented on 28 cumulative days, the Secretaries
23 operate the Central Valley Project and the State Water
24 Project combined at levels that result in Old and Middle
25 River flows less negative than -7500 cubic feet per second

1 during days of temporary operational flexibility as defined
2 in subsection (b), the duration of such operation shall not
3 be counted toward the 28 cumulative days specified in sub-
4 section (a).

5 (f) EMERGENCY CONSULTATION; EFFECT ON RUN-
6 NING AVERAGES.—

7 (1) If necessary to implement the provisions of
8 this section, the Secretary of the Interior shall use
9 the emergency consultation procedures under the
10 Endangered Species Act of 1973 and its imple-
11 menting regulation at section 402.05, title 50, Code
12 of Federal Regulations, to temporarily adjust the op-
13 erating criteria under the biological opinions, solely
14 for the 28 cumulative days of temporary operational
15 flexibility—

16 (A) no more than necessary to achieve the
17 purposes of this section consistent with the en-
18 vironmental protections in subsections (c) and
19 (d); and

20 (B) including, as appropriate, adjustments
21 to ensure that the actual flow rates during the
22 periods of temporary operational flexibility do
23 not count toward the 5-day and 14-day running
24 averages of tidally filtered daily Old and Middle

1 River flow requirements under the biological
2 opinions.

3 (2) At the conclusion of the 28 cumulative days
4 of temporary operational flexibility, the Secretary of
5 the Interior shall not reinitiate consultation on these
6 adjusted operations, and no mitigation shall be re-
7 quired, if the effects on listed fish species of these
8 operations under this section remain within the
9 range of those authorized under the Endangered
10 Species Act. If the Secretary of the Interior reiniti-
11 ates consultation, no mitigation measures shall be
12 required.

13 (g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—
14 In articulating the determinations required under this sec-
15 tion, the Secretaries shall fully satisfy the requirements
16 herein but shall not be expected to provide a greater level
17 of supporting detail for the analysis than feasible to pro-
18 vide within the short time frame permitted for timely deci-
19 sion-making in response to changing conditions in the
20 Delta.

21 **SEC. 104. PROGRESS REPORT.**

22 Ninety days after the date of the enactment of this
23 Act and every 90 days thereafter, the Secretaries shall
24 provide a progress report describing the implementation
25 of sections 101, 102, and 103 to the Committee on Nat-

1 ural Resources in the House of Representatives and the
2 Committee on Energy and Natural Resources in the Sen-
3 ate.

4 **SEC. 105. STATUS OF SURFACE STORAGE STUDIES.**

5 One year after the date of the enactment of this Act,
6 the Secretary of the Interior shall provide a progress re-
7 port on the status of feasibility studies undertaken pursu-
8 ant to section 103(d)(1) to the Committee on Natural Re-
9 sources in the House of Representatives and the Com-
10 mittee on Energy and Natural Resources in the Senate.
11 The report shall include timelines for study completion,
12 draft environmental impact statements, final environ-
13 mental impact statements, and Records of Decision.

14 **TITLE II—PROTECTION OF**
15 **THIRD-PARTY WATER RIGHTS**

16 **SEC. 201. OFFSET FOR STATE WATER PROJECT.**

17 (a) IMPLEMENTATION IMPACTS.—The Secretary of
18 the Interior shall confer with the California Department
19 of Fish and Wildlife in connection with the implementa-
20 tion of this Act on potential impacts to any consistency
21 determination for operations of the State Water Project
22 issued pursuant to California Fish and Game Code section
23 2080.1.

1 (b) ADDITIONAL YIELD.—If, as a result of the appli-
2 cation of this Act, the California Department of Fish and
3 Wildlife—

4 (1) revokes the consistency determinations pur-
5 suant to California Fish and Game Code section
6 2080.1 that are applicable to the State Water
7 Project;

8 (2) amends or issues one or more new consist-
9 ency determinations pursuant to California Fish and
10 Game Code section 2080.1 in a manner that directly
11 or indirectly results in reduced water supply to the
12 State Water Project as compared with the water
13 supply available under the smelt biological opinion
14 and the salmonid biological opinion; or

15 (3) requires take authorization under section
16 2081 for operation of the State Water Project in a
17 manner that directly or indirectly results in reduced
18 water supply to the State Water Project as com-
19 pared with the water supply available under the
20 smelt biological opinion and the salmonid biological
21 opinion,

22 and as a consequence of the Department's action, Central
23 Valley Project yield is greater than it would have been ab-
24 sent the Department's actions, then that additional yield
25 shall be made available to the State Water Project for de-

1 livery to State Water Project contractors to offset losses
2 resulting from the Department's action.

3 (c) NOTIFICATION RELATED TO ENVIRONMENTAL
4 PROTECTIONS.—The Secretary of the Interior shall imme-
5 diately notify the Director of the California Department
6 of Fish and Wildlife in writing if the Secretary of the Inte-
7 rior determines that implementation of the smelt biological
8 opinion and the salmonid biological opinion consistent with
9 this Act reduces environmental protections for any species
10 covered by the opinions.

11 **SEC. 202. AREA OF ORIGIN PROTECTIONS.**

12 (a) IN GENERAL.—The Secretary of the Interior is
13 directed, in the operation of the Central Valley Project,
14 to adhere to California's water rights laws governing water
15 rights priorities and to honor water rights senior to those
16 held by the United States for operation of the Central Val-
17 ley Project, regardless of the source of priority, including
18 any appropriative water rights initiated prior to December
19 19, 1914, as well as water rights and other priorities per-
20 fected or to be perfected pursuant to California Water
21 Code Part 2 of Division 2. Article 1.7 (commencing with
22 section 1215 of chapter 1 of part 2 of division 2, sections
23 10505, 10505.5, 11128, 11460, 11461, 11462, and
24 11463, and sections 12200 to 12220, inclusive).

1 (b) DIVERSIONS.—Any action undertaken by the Sec-
2 retaries pursuant to both this Act and section 7 of the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
4 that requires that diversions from the Sacramento River
5 or the San Joaquin River watersheds upstream of the
6 Delta be bypassed shall not be undertaken in a manner
7 that alters the water rights priorities established by Cali-
8 fornia law.

9 (c) ENDANGERED SPECIES ACT.—Nothing in this
10 title alters the existing authorities provided to and obliga-
11 tions placed upon the Federal Government under the En-
12 dangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
13 as amended.

14 (d) CONTRACTS.—With respect to individuals and en-
15 tities with water rights on the Sacramento River, the man-
16 dates of this section may be met, in whole or in part,
17 through a contract with the Secretary executed pursuant
18 to section 14 of Public Law 76–260; 53 Stat. 1187 (43
19 U.S.C. 389) that is in conformance with the Sacramento
20 River Settlement Contracts renewed by the Secretary in
21 2005.

22 **SEC. 203. NO REDIRECTED ADVERSE IMPACTS.**

23 (a) IN GENERAL.—The Secretary of the Interior shall
24 ensure that, except as otherwise provided for in a water
25 service or repayment contract, actions taken in compliance

1 with legal obligations imposed pursuant to or as a result
2 of this Act, including such actions under section 7 of the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
4 and other applicable Federal and State laws, shall not di-
5 rectly or indirectly—

6 (1) result in the involuntary reduction of water
7 supply or fiscal impacts to individuals or districts
8 who receive water from either the State Water
9 Project or the United States under water rights set-
10 tlement contracts, exchange contracts, water service
11 contracts, repayment contracts, or water supply con-
12 tracts; or

13 (2) cause redirected adverse water supply or fis-
14 cal impacts to those within the Sacramento River
15 watershed, the San Joaquin River watershed or the
16 State Water Project service area.

17 (b) COSTS.—To the extent that costs are incurred
18 solely pursuant to or as a result of this Act and would
19 not otherwise have been incurred by any entity or public
20 or local agency or subdivision of the State of California,
21 such costs shall not be borne by any such entity, agency,
22 or subdivision of the State of California, unless such costs
23 are incurred on a voluntary basis.

1 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
2 AMENDED.—Nothing in this Act shall modify or amend
3 the rights and obligations of the parties to any existing—

4 (1) water service, repayment, settlement, pur-
5 chase, or exchange contract with the United States,
6 including the obligation to satisfy exchange contracts
7 and settlement contracts prior to the allocation of
8 any other Central Valley Project water; or

9 (2) State Water Project water supply or settle-
10 ment contract with the State.

11 **SEC. 204. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
12 **TRACTORS.**

13 (a) ALLOCATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2)
15 and subsection (b), the Secretary of the Interior is
16 directed, in the operation of the Central Valley
17 Project, to allocate water provided for irrigation pur-
18 poses to existing Central Valley Project agricultural
19 water service contractors within the Sacramento
20 River Watershed in compliance with the following:

21 (A) Not less than 100 percent of their con-
22 tract quantities in a “Wet” year.

23 (B) Not less than 100 percent of their con-
24 tract quantities in an “Above Normal” year.

1 (C) Not less than 100 percent of their con-
2 tract quantities in a “Below Normal” year that
3 is preceded by an “Above Normal” or a “Wet”
4 year.

5 (D) Not less than 50 percent of their con-
6 tract quantities in a “Dry” year that is pre-
7 ceded by a “Below Normal,” an “Above Nor-
8 mal,” or a “Wet” year.

9 (E) In all other years not identified herein,
10 the allocation percentage for existing Central
11 Valley Project agricultural water service con-
12 tractors within the Sacramento River Water-
13 shed shall not be less than twice the allocation
14 percentage to south-of-Delta Central Valley
15 Project agricultural water service contractors,
16 up to 100 percent; provided, that nothing here-
17 in shall preclude an allocation to existing Cen-
18 tral Valley Project agricultural water service
19 contractors within the Sacramento River Water-
20 shed that is greater than twice the allocation
21 percentage to South-of-Delta Central Valley
22 Project agricultural water service contractors.

23 (2) CONDITIONS.—The Secretary’s actions
24 under paragraph (a) shall be subject to—

1 (A) the priority of individuals or entities
2 with Sacramento River water rights, including
3 those with Sacramento River Settlement Con-
4 tracts, that have priority to the diversion and
5 use of Sacramento River water over water
6 rights held by the United States for operations
7 of the Central Valley Project;

8 (B) the United States obligation to make
9 a substitute supply of water available to the
10 San Joaquin River Exchange Contractors; and

11 (C) the Secretary's obligation to make
12 water available to managed wetlands pursuant
13 to section 3406(d) of the Central Valley Project
14 Improvement Act (Public Law 102–575).

15 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL
16 SUPPLIES.—Nothing in subsection (a) shall be deemed
17 to—

18 (1) modify any provision of a water service con-
19 tract that addresses municipal and industrial water
20 shortage policies of the Secretary;

21 (2) affect or limit the authority of the Secretary
22 to adopt or modify municipal and industrial water
23 shortage policies;

1 (3) affect or limit the authority of the Secretary
2 to implement municipal and industrial water short-
3 age policies; or

4 (4) affect allocations to Central Valley Project
5 municipal and industrial contractors pursuant to
6 such policies.

7 Neither subsection (a) nor the Secretary's implementation
8 of subsection (a) shall constrain, govern or affect, directly
9 or indirectly, the operations of the Central Valley Project's
10 American River Division or any deliveries from that Divi-
11 sion, its units or its facilities.

12 (c) NO EFFECT ON ALLOCATIONS.—This section
13 shall not—

14 (1) affect the allocation of water to Friant Divi-
15 sion contractors; or

16 (2) result in the involuntary reduction in con-
17 tract water allocations to individuals or entities with
18 contracts to receive water from the Friant Division.

19 (d) PROGRAM FOR WATER RESCHEDULING.—The
20 Secretary of the Interior shall develop and implement a
21 program, not later than 1 year after the date of the enact-
22 ment of this Act, to provide for the opportunity for exist-
23 ing Central Valley Project agricultural water service con-
24 tractors within the Sacramento River Watershed to re-

1 schedule water, provided for under their Central Valley
2 Project water service contracts, from one year to the next.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “existing Central Valley Project
5 agricultural water service contractors within the
6 Sacramento River Watershed” means water service
7 contractors within the Shasta, Trinity, and Sac-
8 ramento River Divisions of the Central Valley
9 Project, that have a water service contract in effect,
10 on the date of the enactment of this section, that
11 provides water for irrigation.

12 (2) The year type terms used in subsection (a)
13 have the meaning given those year types in the Sac-
14 ramento Valley Water Year Type (40–30–30) Index.

15 **TITLE III—MISCELLANEOUS** 16 **PROVISIONS**

17 **SEC. 301. EFFECT ON EXISTING OBLIGATIONS.**

18 Nothing in this Act preempts or modifies any existing
19 obligation of the United States under Federal reclamation
20 law to operate the Central Valley Project in conformity
21 with State law, including established water rights prior-
22 ities.

1 **SEC. 302. TERMINATION OF AUTHORITIES.**

2 This Act shall expire on September 30, 2016, or the
3 date on which the Governor of the State suspends the
4 state of drought emergency declaration, whichever is later.

 Passed the House of Representatives December 9,
2014.

Attest:

KAREN L. HAAS,
Clerk.