

## Public Law 107-349

107th Congress

## An Act

To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes.

Dec. 17, 2002  
[H.R. 2828]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Klamath Basin Emergency Operation and Maintenance Refund Act of 2002".

Klamath Basin  
Emergency  
Operation and  
Maintenance  
Refund Act of  
2002.

**SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.**

In this Act, the term "qualified Klamath Project entity" means an entity that—

- (1) has executed a water supply contract with the United States for water from the Upper Klamath Lake and the Klamath River of the Klamath Project pursuant to the reclamation laws, including the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto;
- (2) distributes water received under the contract;
- (3) received a severely limited irrigation supply from the Upper Klamath Lake and the Klamath River based on the Bureau of Reclamation 2001 annual operations plan dated April 6, 2001; and
- (4) was not reimbursed for its operation and maintenance expenses for 2001 pursuant to State law.

**SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND CHARGES FOR OPERATION AND MAINTENANCE OF KLAMATH RECLAMATION PROJECT.**

(a) IN GENERAL.—The Secretary of the Interior is authorized to pay to each qualified Klamath Project entity an amount equal to the amount assessed or charged to members of the qualified Klamath Project entity, or to other persons receiving water or drainage service from such an entity, for operation and maintenance of Klamath Project transferred and reserved works for 2001.

(b) CONDITIONS.—Payment under this section may be made to a qualified Klamath Project entity only after the entity has—

- (1) provided to the Secretary documentation satisfactory to the Bureau of Reclamation, demonstrating the total amount assessed or charged to members of the entity or to persons receiving service from the entity; and

- (2) executed a binding agreement under which the funds paid to the entity under this section shall be distributed to

each member of the entity or persons receiving service from the entity in an amount equal to the amount collected by the entity from the member or person for operation and maintenance for 2001.

(c) WAIVER OF REMAINING AND ADDITIONAL CHARGES.—The Secretary may waive any requirement that a qualified Klamath Project entity pay remaining or additional charges for operation and maintenance of Klamath Project reserved works for 2001.

(d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—The Secretary—

(1) may pay, to any individual within the Klamath Project who holds a contract entered into pursuant to the Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523-525), popularly known as the “Warren Act”, and who is not within a district that receives a payment pursuant to subsection (a) and a waiver under subsection (c), an amount equal to the amount collected from such individual for operation and maintenance of Klamath Project reserved works for 2001; and

(2) may forego collection from such individual of charges for operation and maintenance of such works for the remainder of 2001.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

Amounts not paid by a qualified Klamath Project entity to the Bureau of Reclamation for the operation and maintenance of the reserved works for 2001 shall be funded from the appropriations authorized by this Act. Costs incurred by the Bureau of Reclamation in carrying out this Act shall not be reimbursable.

**SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.**

Activities under this Act or funded pursuant to this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 2828:**

HOUSE REPORTS: No. 107-284 (Comm. on Resources).

SENATE REPORTS: No. 107-289 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Nov. 13, considered and passed House.

Vol. 148 (2002): Nov. 19, considered and passed Senate.

