

113TH CONGRESS
2D SESSION

H. R. 3189

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2014

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

AN ACT

To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture.

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.**

2 This Act may be cited as the “Water Rights Protec-
3 tion Act”.

4 **SEC. 2. TREATMENT OF WATER RIGHTS.**

5 The Secretary of the Interior and the Secretary of
6 Agriculture—

7 (1) shall not condition the issuance, renewal,
8 amendment, or extension of any permit, approval, li-
9 cense, lease, allotment, easement, right-of-way, or
10 other land use or occupancy agreement on the trans-
11 fer of any water right (including joint and sole own-
12 ership) directly to the United States, or any impair-
13 ment of title, in whole or in part, granted or other-
14 wise recognized under State law, by Federal or State
15 adjudication, decree, or other judgment, or pursuant
16 to any interstate water compact; and

17 (2) shall not require any water user (including
18 any federally recognized Indian tribe) to apply for or
19 acquire a water right in the name of the United
20 States under State law as a condition of the
21 issuance, renewal, amendment, or extension of any
22 permit, approval, license, lease, allotment, easement,
23 right-of-way, or other land use or occupancy agree-
24 ment.

1 **SEC. 3. DEFINITION.**

2 For purposes of this Act, the term “water right”
3 means any surface, groundwater, or storage use filed, per-
4 mitted, certificated, confirmed, decreed, adjudicated, or
5 otherwise recognized by a judicial proceeding or by the
6 State in which the user acquires possession of the water
7 or puts it to beneficial use. Such term shall include water
8 rights for federally recognized Indian tribes.

9 **SEC. 4. IMPACT ON EXISTING AUTHORITY.**

10 Nothing in this Act limits or expands any existing
11 legally recognized authority of the Secretaries to issue,
12 grant, or condition any permit, approval, license, lease, al-
13 lotment, easement, right-of-way, or other land use or occu-
14 pancy agreement on Federal lands subject to their respec-
15 tive jurisdictions.

16 **SEC. 5. EFFECT ON RECLAMATION CONTRACTS.**

17 Nothing in this Act shall in any way interfere with
18 existing or future Bureau of Reclamation contracts en-
19 tered into pursuant to Federal reclamation law (the Act
20 of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts
21 supplemental to and amendatory of that Act).

22 **SEC. 6. EFFECT ON ENDANGERED SPECIES ACT.**

23 Nothing in this Act shall affect the implementation
24 of the Endangered Species Act of 1973 (16 U.S.C. 1531
25 et seq.).

1 **SEC. 7. EFFECT ON FEDERAL RESERVED WATER RIGHTS.**

2 Nothing in this Act limits or expands any existing
3 reserved water rights of the Federal Government on lands
4 administered by the Secretary of the Interior or the Sec-
5 retary of Agriculture.

6 **SEC. 8. EFFECT ON FEDERAL POWER ACT.**

7 Nothing in this Act limits or expands authorities pur-
8 suant to sections 4(e), 10(j), or 18 of the Federal Power
9 Act (16 U.S.C. 797(e), 803(j), and 811).

10 **SEC. 9. EFFECT ON INDIAN WATER RIGHTS.**

11 Nothing in this Act limits or expands any existing
12 reserved water right or treaty right of any federally recog-
13 nized Indian tribe.

 Passed the House of Representatives March 13,
2014.

Attest:

KAREN L. HAAS,

Clerk.