

Amendment to H.R. 4366

Offered by Mr. Costa

On page 2, before line 1, insert “Sec. 12. Northerly Districts”.

On page 2, strike lines 3-7 and insert:

“(1) CENTRAL VALLEY PROJECT IMPROVEMENT ACT OF 1992
DEFINITIONS.—As used herein, the terms “repayment contractor”, “water service contractor”, “water service contract”, “exchange contractor”, “exchange contract”, “water rights settlement contractor”, “water rights settlement contract”, “refuge contractor”, and “refuge contract” shall have the same meanings respectively as each of those terms has in title XXXIV of the Central Valley Project Improvement Act of 1992 (106 Stat. 4705).

(2) CONDITION OF SHORTAGE.—The term “Condition of Shortage” means “Condition of Shortage” as that term is defined in existing San Luis Unit water service contracts.

(3) CONTRACTING OFFICER.—The term “Contracting Officer” means “Contracting Officer” as that term is defined in existing San Luis Unit water service contracts.”.

On page 2, line 8, strike “(2)” and insert “(4)”.

On page 2, line 12, strike “(3)” and insert “(5)”.

On page 2, line 18, strike “(4)” and insert “(6)”.

On page 2, line 21, strike “(5)” and insert “(7)”.

On page 3, line 3, strike “(6)” and insert “(8)”.

On page 3, strike lines 6 through 11.

On page 3, line 12, strike “(8)” and insert “(9)”.

On page 3, line 14, strike “(9)” and insert “(10)”.

On page 3, strike lines 17 through 19 and insert the following: “trict August 2015”, signed September 15, 2015”.

On page 3, after line 19, insert:

“(11) WESTLANDS– The term “Westlands” means the Westlands Water District (including Broadview Water District lands annexed within Westlands Water District) located in Fresno and Kings Counties, California.”.

On page 3, line 20, strike “Agreements” and insert “Agreement”.

On page 3, line 24, strike “and the Northerly Districts Agreement”.

On page 4, strike lines 3 through 26 and on page 5, strike lines 1 through 6, and insert:

“(1) In the second sentence of section 1(a) after the words “related facilities”, strike “but” and add “but such features do not include distribution systems or drains within Westlands, and”

(2) In the sixth sentence of section 1(a), by inserting the following at the end of the sentence: “except that the provision of drainage or drainage service under Section 1(a) shall not apply to lands within Westlands.”

(3) In section 5, by striking the first sentence and inserting “Notwithstanding any other provision of law, the Secretary of the Interior shall have no duty to provide drainage or drainage service to Westlands. Westlands shall be responsible for the management of drainage water within its boundaries, in accordance with Federal and California law consistent with the “Agreement between the United States and Westlands Water District August 2015”, signed September 15, 2015.”.

(4) In the first sentence of section 8 by striking the words “other than distribution systems and drains,”

(5) In the third sentence of section 8, strike everything between the word “required” through and including “(b)” inserting a period following the word “unit.” Strike the remainder of the proviso in section 8.”.

On page 5, line 8, strike “IN GENERAL.— The Westland Water District” and insert “Upon enactment of this Act, and as provided in the Westlands Agreement, Westlands”.

On page 5, lines 11, after “law” strike “, and in accordance with the Westlands Agreement” and insert: “; provided that Westlands shall not discharge drainage water outside of its boundaries.”.

On page 5, line 13, strike lines 13 through 14.

On page 5, line 16, strike “shall” and insert “is directed to”.

On page 5, strike line 17 and insert “convert Westlands’ existing long-term”.

On page 5, line 18, strike “contract” and insert “contracts”.

On page 5, line 20, strike “section” and insert “sections”.

On page 5, line 24, strike “IN GENERAL.—”.

On page 6, strike line 2 and insert “Project affecting Westlands consistent with the requirements of all current or future enacted Federal”.

On page 6, strike lines 3 through 4 and insert “law including, but not limited, to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), Reclamation law, and all decisions of the California State”.

On page 6, line 5, strike “requirements” and insert “establishing conditions on applicable licenses and permits for the Central Valley Project”.

On page 6, line 6, strike “CONVERSION OF CONTRACT.—”.

On page 6, strike line 7 and insert “Westlands’ contracts in”

On page 6, line 8, strike “Water District” and insert “a”.

On page 6, line 9, strike “rights” and insert “right”.

On page 6, strike line 10 through 11, and insert “of Project Water than it had prior to the conversion of its contract under this Act.”.

On page 6, strike lines 12 through 17 and insert “(3) If there is a Condition of Shortage in the amount of water available for delivery to Westlands because of”.

On page 6, line 18, strike “(A)”.

On page 6, line 19, strike “;” and insert “;”.

On page 6, line 20, strike “(B)” and insert “drought, other”.

On page 6, line 21, strike “, including drought;”.

On page 6, line 22, strike “(C)”.

On page 6, line 23, insert “and no liability shall accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom” after “obligations”.

On page 7, strike line 1 and insert “(1) The Secretary is directed to”.

On page 7, line 7, insert “(2)” before “The”.

On page 7, strike line 9 and insert “tion under this 9(e) contract entered into pursuant to paragraph (1) shall be determined by the”.

On page 7, line 12, strike “(2)” and insert “(3)”.

On page 7, strike line 13 and insert ”which there may occur a Condition of Shortage in the”.

On page 7, strike lines 16 through 17 and insert “Water to Lemoore Naval Air Station according to the allocation steps for municipal and”.

On page 7, strike lines 20 through 21 and insert “Shortage Policy (Policy) in its form on the effective date of the contract referenced in paragraph (1) for determining the amount of Project Water available for delivery to Lemoore Naval Air Station. For purposes of deter”.

On page 7, line 22, strike “policy,” and insert “Policy, the Secretary shall consider”.

On page 7, line 24, insert “,” after “section”.

On page 8, line 1, strike “may be considered”.

On page 8, line 4 insert “Upon enactment of this Act,” after “OBLIGATION.—”.

On page 8, strike line 5 and insert “Westlands’ capital repayment obligation”.

On page 8, line 6, insert “existing” after “its”.

On page 8, line 8, strike “Water District”.

On page 8, line 9, strike “(b)” and insert “(d)”.

On page 8, strike lines 10 through 12 and insert “shall be suspended until the execution of the 9(d) repayment contract referenced in section 6, and upon execution of the 9(d) repayment contract, Westlands shall receive a credit against fu”.

On page 8, line 15, insert “existing” before “water”.

On page 8, line 16, strike “Water District”.

On page 8, line 17, strike “Date of the enactment” and insert “date of enactment”.

On page 8, line 18, strike “Costs” and insert “(b) COSTS.—Costs”.

On page 8, line 19, strike “reevaluating” and insert “purposes of re-evaluating”.

On page 8, strike line 20 and insert “Westlands shall be non-reimbursable as set”.

On page 8, line 21, strike “paragraph (9)(C)(iv)” and insert “paragraphs 9(c)(iv)”.

On page 8, strike lines 22 through 25 and on page 9, strike lines 1 through 2 and insert “(c) RELIEF OF CAPITAL REPAYMENT OBLIGATIONS.- (1) Upon the date of execution of the 9(d) repayment contracts referenced in section 6(a), and as set forth in the Westlands Agreement, Westlands shall be relieved of”.

On page 9, line 3, strike “(A)”.

On page 9, line 5, strike “Water”.

On page 9, line 6, strike “District”.

On page 9, line 9, strike “Water District”.

On page 9, strike line 12 and insert “of execution of the Westlands Agreement.”.

On page 9, line 13, strike “and”.

On page 9, line 14, insert “Westlands shall be relieved of” after “(B)”.

On page 9, line 17, strike “Water District”.

On page 9, line 19, strike “LIMITATION ON RELIEF.—”.

On page 9, strike line 20 and insert “granted in paragraphs (1) and (2) shall not extend”.

On page 9, line 21, strike “(A) Westlands Water District” and insert “to Westlands”.

On page 9, line 23, strike “Operating Non” and insert “operating non”.

On page 9, line 24, strike “Entity;” and insert “entity, or to”.

On page 10, line 1, strike “(B)”.

On page 10, line 3, strike “Water District”.

On page 10, strike line 4 and insert “Westlands Agreement, respectively, including, but not limited to costs attrib”.

On page 10, strike line 6 through 8 and insert “tions, or the B.F. Sisk corrective action study, or any Safety of Dams or to the repayment of future capital costs”.

On page 10, line 11, strike “(c) Repayment of Costs.—” and insert “(3)”.

On page 10, line 13, strike “Water District”.

On page 10, line 14, strike “Water”.

On page 10, line 15, strike “District”.

On page 10, line 18, strike “reclamation” and insert “Reclamation”.

On page 10, line 20, strike “Water District”.

On page 10, strike line 21 and insert “9(c)(iv) of the Westlands Agreement, related to the Cen”.

On page 10, line 22, strike “nonreimbursable” and insert “non-reimbursable”.

On page 11, line 6, strike “Water District”.

On page 11, line 8, strike “the” and insert “Westlands”.

On page 11, line 9, strike “District”.

On page 11, line 10, strike “the” and insert “Westlands.”.

On page 11, line 11, strike “District.”.

On page 11, line 15, strike “the San Luis Unit Contractors” and insert “Westlands”.

On page 11, line 16, strike “reclamation law” and insert “Reclamation law”.

On page 11, line 20, insert “section 9(d)” before “repay-”.

On page 11, line 22, strike “Water District”.

On page 11, line 23, strike “the following”.

On page 12, line 2, strike “that” and insert “which”.

On page 12, line 3, strike “—” and insert “:”.

On page 12, line 4, strike “internal” and insert “Internal”.

On page 12, line 5, strike “approximately” and insert “: Approximately”.

On page 12, line 6, strike “;” and insert “.”.

On page 12, line 7, strike “pumping” and insert “Pumping”.

On page 12, line 8, strike “—” and insert “:”.

On page 12, line 9, strike “(i)”.

On page 12, line 10, strike “;” and insert “.”.

On page 12, line 11, strike “(ii)” and insert “Includes but is not limited to,”.

On page 12, line 14, strike “;” and insert “.”.

On page 12, line 14, strike “(iii)”.

On page 12, line 16, strike “relift” and insert “re-lift”.

On page 12, line 17, strike “; and” and insert “.”.

On page 12, line 18, strike “(iv)”.

On page 12, line 19, strike “; and” and insert “.”.

On page 12, line 20, strike “related” and insert “Related”.

On page 12, line 22, strike “transformers,” and insert “transformers”.

On page 13, line 2, strike “Water District System”.

On page 13, beginning at line 2, strike “the following”.

On page 13, line 5, strike “plants,” and insert “plants”.

On page 13, line 8, strike “;”.

On page 13, beginning at line 12, strike “the following”.

On page 13, line 22, strike “;”.

On page 14, beginning at line 1, strike “the following”.

On page 14, line 6, strike “22.87.” and insert “22.87”.

On page 14, line 7, strike “Ave. crossing.)” and insert “Ave crossing).”.

On page 14, beginning at line 14, strike “the following”.

On page 14, line 22, strike “field office, including the following” and insert “Field Office, including”.

On page 15, line 8, strike “(a)”.

On page 15, line 10, strike “PAYMENT OF COSTS” and insert “TRANSFER OF TITLE”.

On page 15, line 17, strike “ratesetting” and insert “rate setting”.

On page 15, line 19, strike “LIABILITY ON TRANSFER OF TITLE” and insert “CONDITION OF TRANSFER”.

On page 15, line 20, strike “subsection” and insert “this section”.

On page 15, line 21, strike “(a)”.

On page 15, line 21, strike “Water District”.

On page 15, strike line 22 and insert “transfer, formally agree that as of the date of transfer-“.

On page 15, line 23, insert “to” after (1).

On page 16, line 8, strike “assume full” and insert “the United States shall have no”.

On page 16, strike lines 11 through 13 and insert “(d) APPLICABLE LAW. – The Secretary shall transfer title pursuant to this section consistent with all applicable Reclamation policies and procedures. The Secretary and Westlands shall comply with all applicable requirements under Federal and California law before title to a”.

On page 17, line 7, strike “Central Valley”.

On page 17, strike lines 8 through 11 and insert “Project water service or repayment contractor, water rights settlement contractor, exchange contractor, or refuge contractor including contractors in the Friant Division of the Project;”.

On page 17, strike lines 13 through 17 and insert “or obligations of the parties to any Project water service or repayment contract, water rights settlement contract, exchange contract, or refuge contract, including contracts in the Friant Division of the Project;”.

On page 17, strike lines 18 through line 23 and on page 18, strike lines 1 through 2 and insert “(3) alter the repayment obligation, if any, of any Project-

- (A) Water service or repayment contractor;
- (B) Settlement, refuge, or exchange contractor; or
- (C) Preference power contractor receiving water or power from the Project, or shift any costs to such contractors that would otherwise have been properly assignable to Westlands, including operations and maintenance costs, construction costs, or other capitalized costs allocated to Westlands after the date of this Act;”.

On page 18, strike lines 3 through 10 and insert “(4) impair the ability of the United States to implement the Stipulation of Settlement approved by the district court in Natural Resources Defense Council, et al. v. Rogers, et al. (Case No. CIV S-88-1658 (LKK/GGH) E.D.Cal.), on October 23, 2006, as authorized to be implemented by title X of Public Law 111-11, including the Restoration Goal and Water Management Goal; and”.

On page 18, line 12, strike the second comma.

On page 18, line 17, insert “,4717” after “4706”.

On page 18, line 20, strike “the purpose of avoiding a shift of Central Valley”.

On page 18, strike lines 21 through 22.

On page 18, line 23, strike “contractors, for”.

On page 18, strike line 24 and insert “for south-of-Delta Project long-term water irrigation”.

On page 18, line 25, insert “irrigation” after “or”.

On page 19, line 2, strike “Water District”.

On page 19, strike line 4 and insert “would take delivery of the full allocation made”.

On page 19, line 5, strike “Central Valley”.

On page 19, after line 6, insert:

“SEC. 12. NORTHERLY DISTRICTS.

(a) The Secretary is authorized and directed to enter into one or more agreements, on terms mutually acceptable to the parties thereto, with the Panoche Water District, Pacheco Water District and San Luis Water District that provide(s) for:

- (1) the assumption of responsibility by the contracting district for the management of drainage water within such district’s boundaries in accordance with federal and state law, on its own behalf or through cooperative regional efforts;
- (2) the conversion of such district’s existing water service contract, or any renewals thereof, entered into under section 9(e) of the Reclamation Project Act of August 4, 1939, 43 U.S.C. § 485h(e), to a repayment contract under section 9(d) of said Act, 43 U.S.C. § 485h(d), including all acts amendatory thereof and supplementary thereto;
- (3) the relief of such district’s repayment obligations for unpaid costs for the Project and properly assignable for ultimate return by such district,
- (4) the transfer to such district of all right, title and interest, without warranties, in and to the facilities owned by the United States and managed or operated by such district and;

(5) the indemnification of the United States by such district of any and all claims by individual landowners within such district's boundaries, including any and all claims under the Fifth Amendment of the United States Constitution, arising from the alleged failure of the United States to provide drainage or drainage services.

Each agreement described in this subsection shall provide that, except as expressly provided therein, such agreement is not intended to relieve the contracting district of any other obligations under Reclamation Law, including Restoration Fund charges pursuant to section 3407(d) of Public Law 102-575.

(b) Until the parties reach agreement as provided in subsection (a), the Secretary is directed to implement the obligation of the United States to provide drainage or drainage service to the Pacheco Water District, Panoche Water District and San Luis Water District pursuant to the San Luis Act.

(c) The Secretary is authorized to develop, in consultation with Panoche Water District, Pacheco Water District, San Luis Water District and districts adjacent to or seeking future use of such portion of the San Luis Drain, a plan for future use of the San Luis Drain from Milepost 105.72, Check 19 (near Russell Avenue) to Milepost 78.5 (Mud Slough).”.