

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 4 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Pechanga Band of Luise o Mission Indians Water Rights Settlement Act](#)

Comparative Print: Changes in Existing Law

1. Pechanga Band of Luise o Mission Indians Water Rights Settlement Act

[As Amended Through P.L. 118–272, Enacted January 4, 2025]

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TITLE III—NATURAL RESOURCES

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Subtitle **D**—Pechanga Water Rights Settlement

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Sec. **3403**. DEFINITIONS.

In this subtitle:

(1) **Adjudication court**.— The term “**Adjudication Court**” means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.

(2) **Adjudication proceeding**.— The term “**Adjudication Proceeding**” means litigation initiated by the United States regarding relative water rights in the Santa Margarita River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51-cv-01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.

(3) **Allottee**.— The term “**Allottee**” means an individual who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(4) **Band**.— The term “**Band**” means Pechanga Band of Luiseño Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.

(5) **Claims**.— The term “**claims**” means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) **EMWD**.— The term “**EMWD**” means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.

(7) **EMWD connection fee**.— The term “**EMWD Connection Fee**” has the meaning set forth in the Extension of Service Area Agreement.

(8) **Enforceability Date**.— The term “**enforceability date**” means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 3407(e).

(9) **ESAA capacity agreement**.— The term “**ESAA Capacity Agreement**” means the “**ESAA Capacity Agreement**”, among the Band, RCWD, and the United States.

(10) **ESAA water**.— The term “**ESAA Water**” means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.

(11) **ESAA water delivery agreement**.— The term “**ESAA Water Delivery Agreement**” means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.

(12) **Extension of service area agreement.**— The term “**Extension of Service Area Agreement**” means the “**Extension of Service Area Agreement**”, among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.

(13) **Fallbrook decree.**—

(A) **In general.**— The term “**Fallbrook Decree**” means the “**Modified Final Judgment And Decree**”, entered in the Adjudication Proceeding on April 6, 1966.

(B) **Inclusions.**— The term “**Fallbrook Decree**” includes all court orders, interlocutory judgments, and decisions supplemental to the “**Modified Final Judgment And Decree**”, including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) **Fund.**— The term “**Fund**” means the Pechanga Settlement Fund established by section 3409.

(15) **Indian tribe.**— The term “**Indian tribe**” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) **Injury to water rights.**— The term “**injury to water rights**” means an interference with, diminution of, or deprivation of water rights under Federal or State law.

(17) **Interim capacity.**— The term “**Interim Capacity**” has the meaning set forth in the ESAA Capacity Agreement.

(18) **Interim capacity notice.**— The term “**Interim Capacity Notice**” has the meaning set forth in the ESAA Capacity Agreement.

(19) **Interlocutory judgment no. 41.**— The term “**Interlocutory Judgment No. 41**” means Interlocutory Judgment No. 41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments, and decisions supplemental to that interlocutory judgment.

(20) **MWD.**— The term “**MWD**” means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).

(21) **MWD connection fee.**— The term “**MWD Connection Fee**” has the meaning set forth in the Extension of Service Area Agreement.

(22) **Pechanga esaa delivery capacity account.**— The term “**Pechanga ESAA Delivery Capacity account**” means the account established by section 3409(c)(2).

(23) **Pechanga recycled water infrastructure account.**— The term “**Pechanga Recycled Water Infrastructure account**” means the account established by section 3409(c)(1).

(24) **Pechanga settlement agreement.**— The term “**Pechanga Settlement Agreement**” means the Pechanga Settlement Agreement, dated April 8, 2016, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including—

(A) the Extension of Service Area Agreement;

(B) the ESAA Capacity Agreement; and

(C) the ESAA Water Delivery Agreement.

(25) **Pechanga Water Code.**— The term “**Pechanga Water Code**” means a water code to be adopted by the Band in accordance with section 3405(f).

(26) **Pechanga water fund account.**— The term “Pechanga Water Fund account” means the account established by section 3409(c)(3).

(27) **Pechanga water quality account.**— The term “Pechanga Water Quality account” means the account established by section 3409(c)(4).

(28) **Permanent capacity.**— The term “Permanent Capacity” has the meaning set forth in the ESAA Capacity Agreement.

(29) **Permanent capacity notice.**— The term “Permanent Capacity Notice” has the meaning set forth in the ESAA Capacity Agreement.

(30) **RCWD.**—

(A) **In general.**— The term “RCWD” means the Rancho California Water District organized pursuant to section 34000 et seq. of the California Water Code.

(B) **Inclusions.**— The term “RCWD” includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) **Recycled water infrastructure agreement.**— The term “Recycled Water Infrastructure Agreement” means the “Recycled Water Infrastructure Agreement” among the Band, RCWD, and the United States.

(32) **Recycled water transfer agreement.**— The term “Recycled Water Transfer Agreement” means the “Recycled Water Transfer Agreement” between the Band and RCWD.

(33) **Reservation.**—

(A) **In general.**— The term “Reservation” means—

(i) land set aside for the Band by the Executive order dated June 27, 1882;

(ii) land set aside for the Band by the Executive order dated January 9, 1907; and

(iii) land added to the reservation of the Band on any of the following dates:

(I) August 29, 1893.

(II) March 11, 1907.

(III) February 21, 1931.

(IV) May 25, 1931.

(V) August 12, 1971.

(VI) August 8, 1988.

(VII) November 1, 1988.

(VIII) October 10, 2008.

means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.

(B) **INCLUSIONS.**— The term ““Reservation”” includes—

(i) any contiguous land held in trust by the United States for the Band on the enforceability date; and

(ii) any contiguous land—

(I) located within the Santa Margarita River Watershed; and

(II) placed into trust by the United States for the Band after the enforceability date.

(B C) Applicability of term.— The term “**Reservation**” shall be used solely for the purposes of the Pechanga Settlement Agreement, this subtitle, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) Santa margarita river watershed.— The term “**Santa Margarita River Watershed**” means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.

(35) Secretary.— The term “**Secretary**” means the Secretary of the Interior.

(36) State.— The term “**State**” means the State of California.

(37) Storage pond.— The term “**Storage Pond**” has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) Tribal water right.— The term “**Tribal Water Right**” means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in section 3405.

Sec. 3409. PECHANGA SETTLEMENT FUND.

(a) Establishment.— There is established in the Treasury of the United States a fund to be known as the “**Pechanga Settlement Fund**”, to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this subtitle.

(b) Transfers to Fund.— The Fund shall consist of such amounts as are deposited in the Fund under section 3411(a) of this subtitle, together with any interest earned on those amounts, which shall be available in accordance with subsection (e).

(c) Accounts of Pechanga Settlement Fund.— The Secretary shall establish in the Fund the following accounts:

(1) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to section 3411(a)(1).

(2) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to section 3411(a)(2).

(3) Pechanga Water Fund account, consisting of amounts authorized pursuant to section 3411(a)(3).

(4) Pechanga Water Quality account, consisting of amounts authorized pursuant to section 3411(a)(4).

(d) Management of Fund.— The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under—

(1) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(2) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(3) this section.

(e) Availability of amounts.— Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(f) Withdrawals by Band Pursuant to the American Indian Trust Fund Management Reform Act.—

(1) In general.— The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) Requirements.—

(A) In general.— In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this subtitle.

(B) Enforcement.— The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this subsection are used in accordance with this subtitle.

(g) Withdrawals by Band Pursuant to an Expenditure Plan.—

(1) In general.— The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(2) Requirements.— The expenditure plan under paragraph (1) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with subsection (h).

(3) Approval.— If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this subtitle, the Secretary shall approve the plan.

(4) Enforcement.— The Secretary may carry out such judicial or administrative actions as the Secretary determines necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) Uses.— Amounts from the Fund shall be used by the Band for the following purposes:

(1) Pechanga recycled water infrastructure account.— The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with section 3408(c).

(2) Pechanga esaa delivery capacity account.— The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with section 3408(d).

(3) Pechanga water fund account.— The Pechanga Water Fund account shall be used for

(A) payment of the EMWD Connection Fee;

(B) payment of the MWD Connection Fee; and

(C) any expenses, charges, or fees incurred by the Band in connection with the delivery or use of water pursuant to the Pechanga Settlement Agreement.

(4) Pechanga water quality account.— The Pechanga Water Quality account shall be used by the Band to fund ~~groundwater desalination activities within the Wolf Valley Basin~~ activities to address water quality issues within the Wolf Valley Basin.

(i) Liability.— The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any amounts withdrawn from, the Fund by the Band under subsection (f) or (g).

(j) No Per Capita Distributions.— No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

Summary

- (1) 4 amendments.
- (2) 0 automated notifications.

About this report

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