

## S 1771

### Crooked River Collaborative Water Security Act of 2013

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Water Resources Development

**Introduced:** Nov 21, 2013

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 512.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 512. (Jul 31, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/1771>

## Sponsor

**Name:** Sen. Merkley, Jeff [D-OR]

**Party:** Democratic • **State:** OR • **Chamber:** Senate

## Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Wyden, Ron [D-OR]	D · OR		Nov 21, 2013

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Feb 27, 2014

## Subjects & Policy Tags

### Policy Area:

Water Resources Development

## Related Bills

No related bills are listed.

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

Crooked River Collaborative Water Security Act of 2013 - (Sec. 2) Amends the Wild and Scenic Rivers Act to modify the boundary of the Crooked River, Oregon. Requires an applicant, in any application submitted to the Federal Energy Regulatory Commission (FERC) relating to hydropower development at Bowman Dam (including turbines and appurtenant facilities), to: (1) analyze any impacts to the scenic, recreational, and fishery resource values of the Crooked River that may be caused by development; (2) propose mitigation for such impacts; and (3) propose measures to ensure that any associated access facilities shall not impede the free-flowing nature of the River below the Dam.

(Sec. 3) Requires 5,100 acre-feet of water to be released annually from the Crooked River federal reclamation project in Oregon to serve as mitigation for the city of Prineville groundwater pumping, pursuant to Oregon law. Directs the city to make payment to the Secretary of the Interior for such water in accordance with applicable Bureau of Reclamation policies, directives, and standards. Authorizes the Secretary, consistent with the National Environmental Policy Act of 1969 (NEPA), to contract exclusively with the city for additional amounts in the future at the city's request.

(Sec. 4) Directs the Secretary, on a "first fill" priority basis, to store in, and when called for in any year, to release from the Reservoir: (1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011; (2) up to 2,740 acre feet of water annually to supply the McKay Creek land; (3) 10,000 acre feet of water annually to the North Unit Irrigation District or the contract holders, upon request, pursuant to Temporary Water Service Contracts; and (4) 5,100 acre-feet of water annually to mitigate the city's groundwater pumping, with the release of that water to occur not based on an annual call, but instead pursuant to the release required by this Act and the annual release schedule developed pursuant to this Act.

Requires any water stored under this Act that is not called for and released by the end of the irrigation season to be: (1) carried over to the subsequent water year; and (2) accounted for as part of the "first fill" storage quantities of such water year, but not to exceed the maximum "first-fill" storage quantities described by this Act.

Directs the Secretary to release from Prineville Reservoir all remaining stored water quantities consistent with this Act.

Requires use of uncontracted stored water if a consultation under the Endangered Species Act of 1973 or an order of a court in a proceeding under that Act requires releases of stored water from Prineville Reservoir for fish and wildlife downstream of Bowman Dam.

Directs the Commissioner of Reclamation to develop and implement annual release schedules for the remaining stored water quantities and the water that serves as mitigation for the city's groundwater pumping, consistent with the guidance provided by the Confederated Tribes of the Warm Springs Reservation of Oregon and the state of Oregon to maximize biological benefit for downstream fish and wildlife, after taking into consideration their multiyear water needs.

Declares that any water stored in one water year that is not released during that year: (1) shall be carried over to the subsequent water year; (2) may be released for downstream fish and wildlife resources until the reservoir reaches maximum capacity; and (3) shall be credited, once maximum capacity is reached, to the first-fill storage quantities, but not to exceed the maximum "first-fill" storage quantities described by this Act.

Directs the Commissioner to: (1) project reservoir water levels over the course of the year; and (2) make such projections

available to the public, the Director of the National Marine Fisheries Service, and the Director of the United States Fish and Wildlife Service.

(Sec. 5) Authorizes any landowner within Ochoco Irrigation District, Oregon, to repay construction costs of project facilities allocated to that landowner's lands within that District. Provides that upon discharge of the obligation for repayment of allocated construction costs, those lands shall not be subject to specified ownership and full-cost pricing limitations. Requires the Secretary of the Interior, upon the request of a landowner who has repaid project construction costs, to provide certification of freedom from ownership and pricing limitations. Modifies the District's reclamation contracts on approval of the District directors to: (1) authorize the use of water for instream purposes in order for the District to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon law; and (2) include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, classify approximately 685 of such acres as irrigable, and provide the District with stored water from Prineville Reservoir for purposes of supplying those lands.

(Sec. 6) Directs the Bureau of Reclamation to participate in management planning meetings every year with the state, the Confederated Tribes of the Warm Springs Reservation of Oregon, municipal, agricultural, conservation, recreation, and other interested stakeholders to plan for dry-year conditions. Authorizes the Secretary, in any year, to release any quantity of 10,000 acre-feet of specified water for the benefit of downstream fish and wildlife if the North Unit Irrigation District or other eligible Reclamation contract holders have not initiated contracting with the Bureau for any quantity of such water by June 1 of any year.

## **Actions Timeline**

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- **Jul 31, 2014:** Committee on Energy and Natural Resources. Reported by Senator Landrieu without amendment. With written report No. 113-225.
- **Jul 31, 2014:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 512.
- **Jun 18, 2014:** Committee on Energy and Natural Resources. Ordered to be reported without amendment favorably.
- **Feb 27, 2014:** Committee on Energy and Natural Resources Senate Subcommittee on Water and Power. Hearings held. With printed Hearing: S.Hrg. 113-284.
- **Nov 21, 2013:** Introduced in Senate
- **Nov 21, 2013:** Sponsor introductory remarks on measure. (CR S8462)
- **Nov 21, 2013:** Read twice and referred to the Committee on Energy and Natural Resources. (text of measure as introduced: CR S8462-8464)