

116TH CONGRESS
1ST SESSION

S. 47

AN ACT

To provide for the management of the natural resources
of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 “(i) any activities to be carried out
2 under the Recovery Implementation Pro-
3 gram after September 30, 2023; and

4 “(ii) the projected cost of the activi-
5 ties described under clause (i).

6 “(2) CONSULTATION REQUIRED.—The Sec-
7 retary shall consult with the participants in the Re-
8 covery Implementation Programs in preparing the
9 report under paragraph (1).”.

10 **Subtitle C—Yakima River Basin** 11 **Water Enhancement Project**

12 **SEC. 8201. AUTHORIZATION OF PHASE III.**

13 (a) DEFINITIONS.—In this section:

14 (1) INTEGRATED PLAN.—The term “Integrated
15 Plan” means the Yakima River Basin Integrated
16 Water Resource Management Plan, the Federal ele-
17 ments of which are known as “phase III of the Yak-
18 ima River Basin Water Enhancement Project”, as
19 described in the Bureau of Reclamation document
20 entitled “Record of Decision for the Yakima River
21 Basin Integrated Water Resource Management Plan
22 Final Programmatic Environmental Impact State-
23 ment” and dated March 2, 2012.

24 (2) IRRIGATION ENTITY.—The term “irrigation
25 entity” means a district, project, or State-recognized

1 authority, board of control, agency, or entity located
2 in the Yakima River basin that manages and deliv-
3 ers irrigation water to farms in the Yakima River
4 basin.

5 (3) PRORATABLE IRRIGATION ENTITY.—The
6 term “proratable irrigation entity” means an irriga-
7 tion entity that possesses, or the members of which
8 possess, proratable water (as defined in section 1202
9 of Public Law 103–434 (108 Stat. 4551)).

10 (4) STATE.—The term “State” means the State
11 of Washington.

12 (5) TOTAL WATER SUPPLY AVAILABLE.—The
13 term “total water supply available” has the meaning
14 given the term in applicable civil actions, as deter-
15 mined by the Secretary.

16 (6) YAKIMA RIVER BASIN WATER ENHANCE-
17 MENT PROJECT.—The term “Yakima River Basin
18 Water Enhancement Project” means the Yakima
19 River basin water enhancement project authorized
20 by Congress pursuant to title XII of Public Law
21 103–434 (108 Stat. 4550; 114 Stat. 1425) and
22 other Acts (including Public Law 96–162 (93 Stat.
23 1241), section 109 of Public Law 98–381 (16
24 U.S.C. 839b note), and Public Law 105–62 (111
25 Stat. 1320)) to promote water conservation, water

1 supply, habitat, and stream enhancement improve-
 2 ments in the Yakima River basin.

3 (b) INTEGRATED PLAN.—

4 (1) INITIAL DEVELOPMENT PHASE.—

5 (A) IN GENERAL.—As the initial develop-
 6 ment phase of the Integrated Plan, the Sec-
 7 retary, in coordination with the State and the
 8 Yakama Nation, shall identify and implement
 9 projects under the Integrated Plan that are pre-
 10 pared to be commenced during the 10-year pe-
 11 riod beginning on the date of enactment of this
 12 Act.

13 (B) REQUIREMENT.—The initial develop-
 14 ment phase of the Integrated Plan under sub-
 15 paragraph (A) shall be carried out in accord-
 16 ance with—

17 (i) this subsection, including any re-
 18 lated plans, reports, and correspondence
 19 referred to in this subsection; and

20 (ii) title XII of Public Law 103–434
 21 (108 Stat. 4550; 114 Stat. 1425).

22 (2) INTERMEDIATE AND FINAL DEVELOPMENT
 23 PHASES.—

24 (A) PLANS.—The Secretary, in coordina-
 25 tion with the State and the Yakama Nation,

1 shall develop plans for the intermediate and
2 final development phases of the Integrated Plan
3 to achieve the purposes of title XII of Public
4 Law 103–434 (108 Stat. 4550; 114 Stat.
5 1425), including conducting applicable feasi-
6 bility studies, environmental reviews, and other
7 relevant studies required to develop those plans.

8 (B) INTERMEDIATE DEVELOPMENT
9 PHASE.—The Secretary, in coordination with
10 the State and the Yakama Nation, shall develop
11 an intermediate development phase of the Inte-
12 grated Plan, to commence not earlier than the
13 date that is 10 years after the date of enact-
14 ment of this Act.

15 (C) FINAL DEVELOPMENT PHASE.—The
16 Secretary, in coordination with the State and
17 the Yakama Nation, shall develop a final devel-
18 opment phase of the Integrated Plan, to com-
19 mence not earlier than the date that is 20 years
20 after the date of enactment of this Act.

21 (3) REQUIREMENTS.—The projects and activi-
22 ties identified by the Secretary for implementation
23 under the Integrated Plan shall be carried out
24 only—

1 (A) subject to authorization and appropria-
2 tion;

3 (B) contingent on the completion of appli-
4 cable feasibility studies, environmental reviews,
5 and cost-benefit analyses that include favorable
6 recommendations for further project develop-
7 ment;

8 (C) on public review and a determination
9 by the Secretary that design, construction, and
10 operation of a proposed project or activity is in
11 the best interest of the public; and

12 (D) in accordance with applicable laws, in-
13 cluding—

14 (i) the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.); and

16 (ii) the Endangered Species Act of
17 1973 (16 U.S.C. 1531 et seq.).

18 (4) EFFECT OF SUBSECTION.—Nothing in this
19 subsection—

20 (A) shall be considered to be a new or sup-
21 plemental benefit for purposes of the Reclama-
22 tion Reform Act of 1982 (43 U.S.C. 390aa et
23 seq.);

24 (B) affects—

1 (i) any contract in existence on the
2 date of enactment of this Act that was exe-
3 cuted pursuant to the reclamation laws; or

4 (ii) any contract or agreement be-
5 tween the Bureau of Indian Affairs and
6 the Bureau of Reclamation;

7 (C) affects, waives, abrogates, diminishes,
8 defines, or interprets any treaty between the
9 Yakama Nation and the United States; or

10 (D) constrains the authority of the Sec-
11 retary to provide fish passage in the Yakima
12 River basin, in accordance with the Hoover
13 Power Plant Act of 1984 (43 U.S.C. 619 et
14 seq.).

15 (5) PROGRESS REPORT.—Not later than 5
16 years after the date of enactment of this Act, the
17 Secretary, in conjunction with the State and in con-
18 sultation with the Yakama Nation, shall submit to
19 the Committee on Energy and Natural Resources of
20 the Senate and the Committee on Natural Resources
21 of the House of Representatives a progress report on
22 the development and implementation of the Inte-
23 grated Plan.

1 (c) FINANCING, CONSTRUCTION, OPERATION, AND
2 MAINTENANCE OF KACHESS DROUGHT RELIEF PUMPING
3 PLANT AND KEECHELUS TO KACHESS PIPELINE.—

4 (1) LONG-TERM AGREEMENTS.—

5 (A) IN GENERAL.—A long-term agreement
6 negotiated pursuant to this section or the rec-
7 lamation laws between the Secretary and a par-
8 ticipating proratable irrigation entity in the
9 Yakima River basin for the non-Federal financ-
10 ing, construction, operation, or maintenance of
11 the Drought Relief Pumping Plant or the
12 Keechelus to Kachess Pipeline shall include pro-
13 visions regarding—

14 (i) responsibilities of each partici-
15 pating proratable irrigation entity for—

16 (I) the planning, design, and con-
17 struction of infrastructure, in con-
18 sultation and coordination with the
19 Secretary; and

20 (II) the pumping and operational
21 costs necessary to provide the total
22 water supply available that is made
23 inaccessible due to drought pumping
24 during any preceding calendar year, if
25 the Kachess Reservoir fails to refill as

1 a result of pumping drought storage
2 water during such a calendar year;

3 (ii) property titles and responsibilities
4 of each participating proratable irrigation
5 entity for the maintenance of, and liability
6 for, all infrastructure constructed under
7 title XII of Public Law 103–434 (108
8 Stat. 4550; 114 Stat. 1425);

9 (iii) operation and integration of the
10 projects by the Secretary in the operation
11 of the Yakima Project; and

12 (iv) costs associated with the design,
13 financing, construction, operation, mainte-
14 nance, and mitigation of projects, with the
15 costs of Federal oversight and review to be
16 nonreimbursable to the participating pro-
17 ratale irrigation entities and the Yakima
18 Project.

19 (B) TREATMENT.—A facility developed or
20 operated by a participating proratable irrigation
21 entity under this subsection shall not be consid-
22 ered to be a supplemental work for purposes of
23 section 9(a) of the Reclamation Project Act of
24 1939 (43 U.S.C. 485h(a)).

25 (2) KACHESS RESERVOIR.—

1 (A) IN GENERAL.—Any additional stored
2 water made available by the construction of a
3 facility to access and deliver inactive and nat-
4 ural storage in Kachess Lake and Reservoir
5 under this subsection—

6 (i) shall be considered to be Yakima
7 Project water;

8 (ii) shall be used exclusively by the
9 Secretary to enhance the water supply dur-
10 ing years for which the total water supply
11 available is not sufficient to provide a per-
12 centage of proratable entitlements in order
13 to make that additional water available, in
14 a quantity representing not more than 70
15 percent of proratable entitlements to the
16 Kittitas Reclamation District, the Roza Ir-
17 rigation District, or any other proratable
18 irrigation entity participating in the con-
19 struction, operation, or maintenance costs
20 of a facility under this section, in accord-
21 ance with such terms and conditions as the
22 districts may agree, subject to the condi-
23 tions that—

24 (I) the Bureau of Indian Affairs,
25 the Wapato Irrigation Project, and

1 the Yakama Nation, on an election to
2 participate, may also obtain water
3 from Kachess Reservoir inactive stor-
4 age to enhance applicable existing irri-
5 gation water supply in accordance
6 with such terms and conditions as the
7 Bureau of Indian Affairs and the
8 Yakama Nation may agree; and

9 (II) the additional supply made
10 available under this clause shall be
11 available to participating individuals
12 and entities based on—

13 (aa) the proportion that—

14 (AA) the proratable en-
15 titlement of each partici-
16 pating individual or entity;
17 bears to

18 (BB) the proratable en-
19 titlements of all partici-
20 pating individuals and enti-
21 ties; or

22 (bb) such other proportion
23 as the participating entities may
24 agree; and

1 (iii) shall not be any portion of the
2 total water supply available.

3 (B) EFFECT OF PARAGRAPH.—Nothing in
4 this paragraph affects, as in existence on the
5 date of enactment of this Act, any—

6 (i) contract;

7 (ii) law (including regulations) relat-
8 ing to repayment costs;

9 (iii) water rights; or

10 (iv) treaty right of the Yakama Na-
11 tion.

12 (3) PROJECT POWER FOR KACHESS PUMPING
13 PLANT.—

14 (A) IN GENERAL.—Subject to subpara-
15 graphs (B) through (D), the Administrator of
16 the Bonneville Power Administration, pursuant
17 to the Pacific Northwest Electric Power Plan-
18 ning and Conservation Act (16 U.S.C. 839 et
19 seq.), shall provide to the Secretary project
20 power to operate the Kachess Pumping Plant
21 constructed under this section if inactive stor-
22 age in the Kachess Reservoir is needed to pro-
23 vide drought relief for irrigation.

24 (B) DETERMINATIONS BY SECRETARY.—
25 The project power described in subparagraph

1 (A) may be provided only if the Secretary deter-
2 mines that—

3 (i) there are in effect—

4 (I) a drought declaration issued
5 by the State; and

6 (II) conditions that have led to
7 70 percent or lower water delivery to
8 proratable irrigation districts; and

9 (ii) it is appropriate to provide the
10 power under that subparagraph.

11 (C) PERIOD OF AVAILABILITY.—The power
12 described in subparagraph (A) shall be provided
13 during the period—

14 (i) beginning on the date on which the
15 Secretary makes the determinations de-
16 scribed in subparagraph (B); and

17 (ii) ending on the earlier of—

18 (I) the date that is 1 year after
19 that date; and

20 (II) the date on which the Sec-
21 retary determines that—

22 (aa) drought mitigation
23 measures are still necessary in
24 the Yakima River basin; or

1 (bb) the power should no
2 longer be provided for any other
3 reason.

4 (D) RATE.—

5 (i) IN GENERAL.—The Administrator
6 of the Bonneville Power Administration
7 shall provide project power under subpara-
8 graph (A) at the then-applicable lowest
9 Bonneville Power Administration rate for
10 public body, cooperative, and Federal agen-
11 cy customer firm obligations on the date
12 on which the authority is provided.

13 (ii) NO DISCOUNTS.—The rate under
14 clause (i) shall not include any irrigation
15 discount.

16 (E) LOCAL PROVIDER.—During any period
17 for which project power is not provided under
18 subparagraph (A), the Secretary shall obtain
19 power to operate the Kachess Pumping Plant
20 from a local provider.

21 (F) OTHER COSTS.—The cost of power for
22 pumping and station service, and the costs of
23 transmitting power from the Federal Columbia
24 River power system to the pumping facilities of
25 the Yakima River Basin Water Enhancement

1 Project, shall be borne by the irrigation dis-
2 tricts receiving the benefits of the applicable
3 water.

4 (G) DUTIES OF COMMISSIONER.—For pur-
5 poses of this paragraph, the Commissioner of
6 Reclamation shall arrange transmission for any
7 delivery of—

- 8 (i) Federal power over the Bonneville
9 system through applicable tariff and busi-
10 ness practice processes of that system; or
11 (ii) power obtained from any local
12 provider.

13 (d) DESIGN AND USE OF GROUNDWATER RECHARGE
14 PROJECTS.—The Secretary, in coordination with the State
15 and the Yakama Nation, may provide technical assistance
16 for, participate in, and enter into agreements, including
17 with irrigation entities for the use of excess conveyance
18 capacity in Yakima River Basin Water Enhancement
19 Project facilities, for—

- 20 (1) groundwater recharge projects; and
21 (2) aquifer storage and recovery projects.

22 (e) OPERATIONAL CONTROL OF WATER SUPPLIES.—

23 (1) IN GENERAL.—The Secretary shall retain
24 authority and discretion over the management of

1 Yakima River Basin Water Enhancement Project
2 supplies—

3 (A) to optimize operational use and flexi-
4 bility; and

5 (B) to ensure compliance with all applica-
6 ble Federal and State laws, treaty rights of the
7 Yakama Nation, and legal obligations, including
8 those under title XII of Public Law 103–434
9 (108 Stat. 4550; 114 Stat. 1425).

10 (2) INCLUSION.—The authority and discretion
11 described in paragraph (1) shall include the ability
12 of the United States to store, deliver, conserve, and
13 reuse water supplies deriving from projects author-
14 ized under title XII of Public Law 103–434 (108
15 Stat. 4550; 114 Stat. 1425).

16 (f) COOPERATIVE AGREEMENTS AND GRANTS.—The
17 Secretary may enter into cooperative agreements and
18 make grants to carry out this section, including for the
19 purposes of land and water transfers, leases, and acquisi-
20 tions from willing participants, subject to the condition
21 that the acquiring entity shall hold title to, and be respon-
22 sible for, all required operation, maintenance, and man-
23 agement of the acquired land or water during any period
24 in which the acquiring entity holds title to the acquired
25 land.

1 (g) WATER CONSERVATION PROJECTS.—The Sec-
2 retary may participate in, provide funding for, and accept
3 non-Federal financing for water conservation projects, re-
4 gardless of whether the projects are in accordance with
5 the Yakima River Basin Water Conservation Program es-
6 tablished under section 1203 of Public Law 103–434 (108
7 Stat. 4551), that are intended to partially implement the
8 Integrated Plan by providing conserved water to improve
9 tributary and mainstem stream flow.

10 (h) INDIAN IRRIGATION PROJECTS.—

11 (1) IN GENERAL.—The Secretary, acting
12 through the Commissioner of Reclamation, may con-
13 tribute funds for the preparation of plans and inves-
14 tigation measures, and, after the date on which the
15 Secretary certifies that the measures are consistent
16 with the water conservation objectives of this sec-
17 tion, to any Indian irrigation project—

18 (A) that is located in the Pacific North-
19 west Region;

20 (B) that is identified in the report of the
21 Government Accountability Office numbered
22 GAO–15–453T;

23 (C) that has been identified as part of a
24 Bureau of Reclamation basin study pursuant to
25 subtitle F of title IX of Public Law 111–11 (42

1 U.S.C. 10361 et seq.) to increase water supply
2 for the Pacific Northwest Region; and

3 (D) an improvement to which would con-
4 tribute to the flow of interstate water.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this subsection \$75,000,000.

8 **SEC. 8202. MODIFICATION OF PURPOSES AND DEFINITIONS.**

9 (a) PURPOSES.—Section 1201 of Public Law 103–
10 434 (108 Stat. 4550) is amended—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) to protect, mitigate, and enhance fish and
14 wildlife and the recovery and maintenance of self-
15 sustaining harvestable populations of fish and other
16 aquatic life, both anadromous and resident species,
17 throughout their historic distribution range in the
18 Yakima Basin through—

19 “(A) improved water management and the
20 constructions of fish passage at storage and di-
21 version dams, as authorized under the Hoover
22 Power Plant Act of 1984 (43 U.S.C. 619 et
23 seq.);

24 “(B) improved instream flows and water
25 supplies;

1 “(C) improved water quality, watershed,
2 and ecosystem function;

3 “(D) protection, creation, and enhance-
4 ment of wetlands; and

5 “(E) other appropriate means of habitat
6 improvement;”;

7 (2) in paragraph (2), by inserting “, municipal,
8 industrial, and domestic water supply and use pur-
9 poses, especially during drought years, including re-
10 ducing the frequency and severity of water supply
11 shortages for pro-ratable irrigation entities” before
12 the semicolon at the end;

13 (3) by striking paragraph (4);

14 (4) by redesignating paragraph (3) as para-
15 graph (4);

16 (5) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) to authorize the Secretary to make water
19 available for purchase or lease for meeting munic-
20 ipal, industrial, and domestic water supply pur-
21 poses;”;

22 (6) by redesignating paragraphs (5) and (6) as
23 paragraphs (6) and (8), respectively;

24 (7) by inserting after paragraph (4) (as redesign-
25 nated by paragraph (4)) the following:

1 “(5) to realize sufficient water savings from im-
2 plementing the Yakima River Basin Integrated
3 Water Resource Management Plan, so that not less
4 than 85,000 acre feet of water savings are achieved
5 by implementing the initial development phase of the
6 Integrated Plan pursuant to section 8201(b)(1) of
7 the Natural Resources Management Act, in addition
8 to the 165,000 acre-feet of water savings targeted
9 through the Basin Conservation Program, as author-
10 ized on October 31, 1994;”;

11 (8) in paragraph (6) (as redesignated by para-
12 graph (6))—

13 (A) by inserting “an increase in” before
14 “voluntary”; and

15 (B) by striking “and” at the end;

16 (9) by inserting after paragraph (6) (as so re-
17 designated) the following:

18 “(7) to encourage an increase in the use of, and
19 reduce the barriers to, water transfers, leasing, mar-
20 kets, and other voluntary transactions among public
21 and private entities to enhance water management
22 in the Yakima River basin;”;

23 (10) in paragraph (8) (as so redesignated), by
24 striking the period at the end and inserting “; and”;
25 and

1 (11) by adding at the end the following:

2 “(9) to improve the resilience of the ecosystems,
3 economies, and communities in the Yakima River
4 basin facing drought, hydrologic changes, and other
5 related changes and variability in natural and
6 human systems, for the benefit of the people, fish,
7 and wildlife of the region.”.

8 (b) DEFINITIONS.—Section 1202 of Public Law 103–
9 434 (108 Stat. 4550) is amended—

10 (1) by redesignating paragraphs (6), (7), (8),
11 (9), (10), (11), (12), (13), and (14) as paragraphs
12 (8), (10), (11), (12), (13), (14), (15), (17), and
13 (18), respectively;

14 (2) by inserting after paragraph (5) the fol-
15 lowing:

16 “(6) DESIGNATED FEDERAL OFFICIAL.—The
17 term ‘designated Federal official’ means the Com-
18 missioner of Reclamation (or a designee), acting
19 pursuant to the charter of the Conservation Advisory
20 Group.

21 “(7) INTEGRATED PLAN.—The term ‘Integrated
22 Plan’ has the meaning given the term in section
23 8201(a) of the Natural Resources Management Act,
24 to be carried out in cooperation with, and in addi-

1 tion to, activities of the State of Washington and the
2 Yakama Nation.”;

3 (3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

5 “(9) MUNICIPAL, INDUSTRIAL, AND DOMESTIC
6 WATER SUPPLY AND USE.—The term ‘municipal, industrial, and domestic water supply and use’ means
7 the supply and use of water for—
8

9 “(A) domestic consumption (whether urban
10 or rural);

11 “(B) maintenance and protection of public
12 health and safety;

13 “(C) manufacture, fabrication, processing,
14 assembly, or other production of a good or commodity;
15

16 “(D) production of energy;

17 “(E) fish hatcheries; or

18 “(F) water conservation activities relating
19 to a use described in subparagraphs (A)
20 through (E).”; and

21 (4) by inserting after paragraph (15) (as so redesignated) the following:

23 “(16) YAKIMA ENHANCEMENT PROJECT; YAK-
24 IMA RIVER BASIN WATER ENHANCEMENT
25 PROJECT.—The terms ‘Yakima Enhancement

1 Project’ and ‘Yakima River Basin Water Enhance-
2 ment Project’ mean the Yakima River basin water
3 enhancement project authorized by Congress pursu-
4 ant to this Act and other Acts (including Public Law
5 96–162 (93 Stat. 1241), section 109 of Public Law
6 98–381 (16 U.S.C. 839b note; 98 Stat. 1340), Pub-
7 lic Law 105–62 (111 Stat. 1320), and Public Law
8 106–372 (114 Stat. 1425)) to promote water con-
9 servation, water supply, habitat, and stream en-
10 hancement improvements in the Yakima River
11 basin.”.

12 **SEC. 8203. YAKIMA RIVER BASIN WATER CONSERVATION**
13 **PROGRAM.**

14 Section 1203 of Public Law 103–434 (108 Stat.
15 4551) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in the second sentence, by striking
19 “title” and inserting “section”; and

20 (ii) in the third sentence, by striking
21 “within 5 years of the date of enactment
22 of this Act”; and

23 (B) in paragraph (2), by striking “irriga-
24 tion” and inserting “the number of irrigated
25 acres”;

1 (2) in subsection (c)—

2 (A) in paragraph (2)—

3 (i) in each of subparagraphs (A)
4 through (D), by striking the comma at the
5 end of the subparagraph and inserting a
6 semicolon;

7 (ii) in subparagraph (E), by striking
8 the comma at the end and inserting “;
9 and”;

10 (iii) in subparagraph (F), by striking
11 “Department of Wildlife of the State of
12 Washington, and” and inserting “Depart-
13 ment of Fish and Wildlife of the State of
14 Washington.”; and

15 (iv) by striking subparagraph (G);

16 (B) in paragraph (3)—

17 (i) in each of subparagraphs (A)
18 through (C), by striking the comma at the
19 end of the subparagraph and inserting a
20 semicolon;

21 (ii) in subparagraph (D), by striking
22 “, and” at the end and inserting a semi-
23 colon;

1 (iii) in subparagraph (E), by striking
2 the period at the end and inserting “;
3 and”; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(F) provide recommendations to advance
7 the purposes and programs of the Yakima En-
8 hancement Project, including the Integrated
9 Plan.”; and

10 (C) by striking paragraph (4) and insert-
11 ing the following:

12 “(4) AUTHORITY OF DESIGNATED FEDERAL OF-
13 FICIAL.—The designated Federal official may—

14 “(A) arrange and provide logistical support
15 for meetings of the Conservation Advisory
16 Group;

17 “(B) use a facilitator to serve as a moder-
18 ator for meetings of the Conservation Advisory
19 Group or provide additional logistical support;
20 and

21 “(C) grant any request for a facilitator by
22 any member of the Conservation Advisory
23 Group.”;

24 (3) in subsection (d), by adding at the end the
25 following:

1 “(4) PAYMENT OF LOCAL SHARE BY STATE OR
2 FEDERAL GOVERNMENT.—

3 “(A) IN GENERAL.—The State or the Fed-
4 eral Government may fund not more than the
5 17.5-percent local share of the costs of the
6 Basin Conservation Program in exchange for
7 the long-term use of conserved water, subject to
8 the requirement that the funding by the Fed-
9 eral Government of the local share of the costs
10 shall provide a quantifiable public benefit in
11 meeting Federal responsibilities in the Yakima
12 River basin and the purposes of this title.

13 “(B) USE OF CONSERVED WATER.—The
14 Yakima Project Manager may use water result-
15 ing from conservation measures taken under
16 this title, in addition to water that the Bureau
17 of Reclamation may acquire from any willing
18 seller through purchase, donation, or lease, for
19 water management uses pursuant to this title.”;

20 (4) in subsection (e), by striking the first sen-
21 tence and inserting the following: “To participate in
22 the Basin Conservation Program, as described in
23 subsection (b), an entity shall submit to the Sec-
24 retary a proposed water conservation plan.”;

25 (5) in subsection (i)(3)—

1 (A) by striking “purchase or lease” each
2 place it appears and inserting “purchase, lease,
3 or management”; and

4 (B) in the third sentence, by striking
5 “made immediately upon availability” and all
6 that follows through “Committee” and inserting
7 “continued as needed to provide water to be
8 used by the Yakima Project Manager as rec-
9 ommended by the System Operations Advisory
10 Committee and the Conservation Advisory
11 Group”; and

12 (6) in subsection (j)(4), in the first sentence, by
13 striking “initial acquisition” and all that follows
14 through “flushing flows” and inserting “acquisition
15 of water from willing sellers or lessors specifically to
16 provide improved instream flows for anadromous
17 and resident fish and other aquatic life, including
18 pulse flows to facilitate outward migration of anad-
19 romous fish”.

20 **SEC. 8204. YAKIMA BASIN WATER PROJECTS, OPERATIONS,**
21 **AND AUTHORIZATIONS.**

22 (a) REDESIGNATION OF YAKAMA NATION.—Section
23 1204(g) of Public Law 103–434 (108 Stat. 4557) is
24 amended—

1 (1) by striking the subsection designation and
2 heading and all that follows through paragraph (1)
3 and inserting the following:

4 “(g) REDESIGNATION OF YAKAMA INDIAN NATION
5 TO YAKAMA NATION.—

6 “(1) REDESIGNATION.—The Confederated
7 Tribes and Bands of the Yakama Indian Nation
8 shall be known and designated as the ‘Confederated
9 Tribes and Bands of the Yakama Nation’.”; and

10 (2) in paragraph (2), by striking “deemed to be
11 a reference to the ‘Confederated Tribes and Bands
12 of the Yakama Indian Nation’.” and inserting
13 “deemed to be a reference to the ‘Confederated
14 Tribes and Bands of the Yakama Nation’.”.

15 (b) OPERATION OF YAKIMA BASIN PROJECTS.—Sec-
16 tion 1205 of Public Law 103–434 (108 Stat. 4557) is
17 amended—

18 (1) in subsection (a)(4)—

19 (A) in subparagraph (A)—

20 (i) in clause (i)—

21 (I) by inserting “additional”
22 after “secure”;

23 (II) by striking “flushing” and
24 inserting “pulse”; and

1 (III) by striking “uses” and in-
2 sserting “uses, in addition to the quan-
3 tity of water provided under the trea-
4 ty between the Yakama Nation and
5 the United States”;

6 (ii) by striking clause (ii);

7 (iii) by redesignating clause (iii) as
8 clause (ii); and

9 (iv) in clause (ii) (as so redesignated)
10 by inserting “and water rights mandated”
11 after “goals”; and

12 (B) in subparagraph (B)(i), in the first
13 sentence, by inserting “in proportion to the
14 funding received” after “Program”;

15 (2) in subsection (b), in the second sentence, by
16 striking “instream flows for use by the Yakima
17 Project Manager as flushing flows or as otherwise”
18 and inserting “fishery purposes, as”; and

19 (3) in subsection (e), by striking paragraph (1)
20 and inserting the following:

21 “(1) IN GENERAL.—Additional purposes of the
22 Yakima Project shall be any of the following:

23 “(A) To recover and maintain self-sus-
24 taining harvestable populations of native fish,
25 both anadromous and resident species, through-

1 out their historic distribution range in the Yak-
2 ima River basin.

3 “(B) To protect, mitigate, and enhance
4 aquatic life and wildlife.

5 “(C) Recreation.

6 “(D) Municipal, industrial, and domestic
7 use.”.

8 (c) ENHANCEMENT OF WATER SUPPLIES FOR YAK-
9 IMA BASIN TRIBUTARIES.—Section 1207 of Public Law
10 103–434 (108 Stat. 4560) is amended—

11 (1) in the section heading, by striking “**SUP-**
12 **PLIES**” and inserting “**MANAGEMENT**”;

13 (2) in subsection (a)—

14 (A) in the matter preceding paragraph (1),
15 by striking “supplies” and inserting “manage-
16 ment”;

17 (B) in paragraph (1), by inserting “and
18 water supply entities” after “owners”; and

19 (C) in paragraph (2)—

20 (i) in subparagraph (A), by inserting
21 “that choose not to participate in, or opt
22 out of, tributary enhancement projects
23 pursuant to this section” after “water
24 right owners”; and

1 (ii) in subparagraph (B), by inserting
2 “nonparticipating” before “tributary water
3 users”;

4 (3) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) by striking the paragraph designa-
7 tion and all that follows through “(but not
8 limited to)—” and inserting the following:

9 “(1) IN GENERAL.—The Secretary, following
10 consultation with the State of Washington, tributary
11 water right owners, and the Yakama Nation, and on
12 agreement of appropriate water right owners, is au-
13 thorized to conduct studies to evaluate measures to
14 further Yakima Project purposes on tributaries to
15 the Yakima River. Enhancement programs that use
16 measures authorized by this subsection may be in-
17 vestigated and implemented by the Secretary in trib-
18 utaries to the Yakima River, including Taneum
19 Creek, other areas, or tributary basins that currently
20 or could potentially be provided supplemental or
21 transfer water by entities, such as the Kittitas Rec-
22 lamation District or the Yakima-Tieton Irrigation
23 District, subject to the condition that activities may
24 commence on completion of applicable and required
25 feasibility studies, environmental reviews, and cost-

1 benefit analyses that include favorable recommenda-
2 tions for further project development, as appro-
3 priate. Measures to evaluate include—”;

4 (ii) by indenting subparagraphs (A)
5 through (F) appropriately;

6 (iii) in subparagraph (A), by inserting
7 before the semicolon at the end the fol-
8 lowing: “, including irrigation efficiency
9 improvements (in coordination with pro-
10 grams of the Department of Agriculture),
11 consolidation of diversions or administra-
12 tion, and diversion scheduling or coordina-
13 tion”;

14 (iv) by redesignating subparagraphs
15 (C) through (F) as subparagraphs (E)
16 through (H), respectively;

17 (v) by inserting after subparagraph
18 (B) the following:

19 “(C) improvements in irrigation system
20 management or delivery facilities within the
21 Yakima River basin when those improvements
22 allow for increased irrigation system conveyance
23 and corresponding reduction in diversion from
24 tributaries or flow enhancements to tributaries

1 through direct flow supplementation or ground-
2 water recharge;

3 “(D) improvements of irrigation system
4 management or delivery facilities to reduce or
5 eliminate excessively high flows caused by the
6 use of natural streams for conveyance or irriga-
7 tion water or return water;”;

8 (vi) in subparagraph (E) (as redesign-
9 nated by clause (iv)), by striking “ground
10 water” and inserting “groundwater re-
11 charge and”;

12 (vii) in subparagraph (G) (as so re-
13 designated), by inserting “or transfer”
14 after “purchase”; and

15 (viii) in subparagraph (H) (as so re-
16 designated), by inserting “stream processes
17 and” before “stream habitats”;

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “the Taneum Creek
21 study” and inserting “studies under this
22 subsection”;

23 (ii) in subparagraph (B)—

1 (I) by striking “and economic”
2 and inserting “, infrastructure, eco-
3 nomic, and land use”; and

4 (II) by striking “and” at the end;

5 (iii) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(D) any related studies already underway
11 or undertaken.”; and

12 (C) in paragraph (3), in the first sentence,
13 by inserting “of each tributary or group of trib-
14 utaries” after “study”;

15 (4) in subsection (c)—

16 (A) in the subsection heading, by inserting
17 “AND NONSURFACE STORAGE” after “NON-
18 STORAGE”; and

19 (B) in the matter preceding paragraph (1),
20 by inserting “and nonsurface storage” after
21 “nonstorage”;

22 (5) by striking subsection (d);

23 (6) by redesignating subsection (e) as sub-
24 section (d); and

1 (7) in paragraph (2) of subsection (d) (as so re-
2 designated)—

3 (A) in the first sentence—

4 (i) by inserting “and implementation”
5 after “investigation”;

6 (ii) by striking “other” before “Yak-
7 ima River”; and

8 (iii) by inserting “and other water
9 supply entities” after “owners”; and

10 (B) by striking the second sentence.

11 (d) CHANDLER PUMPING PLANT AND POWERPLANT-
12 OPERATIONS AT PROSSER DIVERSION DAM.—Section
13 1208(d) of Public Law 103–434 (108 Stat. 4562; 114
14 Stat. 1425) is amended by inserting “negatively” before
15 “affected”.

16 **Subtitle D—Bureau of Reclamation**
17 **Facility Conveyances**

18 **SEC. 8301. CONVEYANCE OF MAINTENANCE COMPLEX AND**
19 **DISTRICT OFFICE OF THE ARBUCKLE**
20 **PROJECT, OKLAHOMA.**

21 (a) DEFINITIONS.—In this section:

22 (1) AGREEMENT.—The term “Agreement”
23 means the agreement entitled “Agreement between
24 the United States and the Arbuckle Master Conser-
25 vancy District for Transferring Title to the Feder-