

WATER AND RELATED RESOURCES (including transfer of funds)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, ~~[\$883,514,000]~~ \$833,424,000, to remain available until expended, of which ~~[\$59,544,000]~~ \$57,298,000 shall be available for transfer to the Upper Colorado River Basin Fund and ~~[\$21,998,000]~~ \$26,952,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further, That from unobligated balances made available under section 2507 of the Farm Security and Rural Investment Act of 2002 for the Bureau of Reclamation's At Risk Terminal Lakes Program, \$88,000,000 are cancelled.* [***Provided further, That \$500,000 of the funds provided herein shall be used on a non-reimbursable basis to fund the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, Montana, and that Reclamation shall enter into cooperative agreements with the State of Montana or the Blackfoot Tribe to carry out such work if the Secretary determines such agreements would be cost-effective and efficient.***] (*Energy and Water Development Appropriations Act, 2006.*)

[**Sec. 5006.** The matter under the heading “Water and Related Resources” in Public Law 109-103 is amended by inserting before the period at the end of the following: “:Provided further, That \$10,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of the title I of appendix D of Public Law 106-554”.]

[**Sec. 5007.** The funds appropriated in Public Law 109-103 under the heading “Bureau of Reclamation, Water and Related Resources” for the Placer County, California Sub-Regional Wastewater Treatment Project are hereby transferred to and merged with the amount appropriated in such public law under the heading “Corps of Engineers – Civil, Construction”, and shall be used for the construction of

such project under the same terms and conditions that would have been applicable if such funds had originally been appropriated to the Corps of Engineers.]

(Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico Pandemic Influenza, 2006.)

CALIFORNIA BAY-DELTA RESTORATION (including transfer of funds)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, [**\$37,000,000**] \$38,610,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program[: ***Provided further, That \$500,000 shall be transferred to the Army Corps of Engineers to carry out the report on levee stability reconstruction projects and priorities authorized under section 103(f)(3) of Public Law 108-361.***] *(Energy and Water Development Appropriations Act, 2006.)*

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, [**\$57,917,000**] \$58,069,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses. *(Energy and Water Development Appropriations Act, 2006.)*

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, [**\$52,219,000**] \$41,478,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this

heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only. (*Energy and Water Development Appropriations Act, 2006.*)

GENERAL PROVISIONS DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the 'Cleanup Program-Alternative Repayment Plan' and the 'SJVDP-Alternative Repayment Plan' described in the report entitled 'Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

[SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.]

[SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: 'The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by

the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.'

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: 'Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River.'

[SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.]

[SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.]

SEC. [206] 202. WATER DESALINATION ACT- Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108-7 (117 Stat. 146) and by section 6015 of Public Law 109-13 is amended by--

- (1) in paragraph (a) by striking [2006] and inserting in lieu thereof 2007; and
- (2) in paragraph (b) by striking [2006] and inserting in lieu thereof 2007.

[SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100-585, 102 Stat. 2973; Public Law 106-554, 114 Stat. 2763A-266) is amended by striking `within 7 years' and all that follows through "following the date of enactment of this section" and inserting `for each of fiscal years 2006 through 2012'.]

[SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$70,000,000 to the University of Nevada-- (A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to--

- (i) innovative agricultural water conservation;
- (ii) cooperative programs for environmental restoration;
- (iii) fish and wildlife habitat restoration; and
- (iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to--

- (A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and
- (B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be--

- (A) acquired only from willing sellers;
- (B) designed to maximize water conveyances to Walker Lake; and
- (C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary, acting through the Commissioner of Reclamation, shall provide--

(1) \$10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) \$5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount made available for

salaries and expenses of the Bureau of Reclamation shall be reduced by \$100,000 per day.]

[SEC. 209. (a) The Secretary of the Interior is authorized to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California authorized under Federal reclamation laws and the Act of September 2, 1965, Public Law 89-161, 79 Stat. 615 in order to--

(1) identify those project features that are still relevant;
(2) identify changes in benefit values from previous analyses and update to current levels;

(3) identify design standard changes from the 1978 Reclamation design which require updated project engineering;

(4) assess risks and uncertainties associated with the 1978 Reclamation design;

(5) update design and reconnaissance-level cost estimate for features identified under paragraph (1); and

(6) perform other analyses that the Secretary deems appropriate to assist in the determination of whether a full feasibility study is warranted.

(b) There are authorized to be appropriated \$1,000,000 to carry out this section. The cost of completing this update shall be non-reimbursable.] (*Energy and Water Development Appropriations Act, 2006.*)

Appropriation Language for FY 2007

The Department of the Interior Bureau of Reclamation

EXPLANATION OF CHANGES IN APPROPRIATION LANGUAGE FISCAL YEAR 2007

WATER AND RELATED RESOURCES

Delete the following provisos:

[*Provided further*, That \$500,000 of the funds provided herein shall be used on a non-reimbursible basis to fund the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, Montana, and that Reclamation shall enter into cooperative agreements with the State of Montana or the Blackfeet Tribe to carry out such work if the Secretary determines such agreements would be cost-effective and efficient.]

The above provision is being deleted. No funding is requested for FY 2007.

Delete the following provisos:

[Sec. 5006. The matter under the heading “Water and Related Resources” in Public Law 109-103 is amended by inserting before the period at the end of the following: “:Provided further, That \$10,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of the title I of appendix D of Public Law 106-554”.]

The above provision is being deleted. No funding is requested for FY 2007.

Delete the following provisos:

[Sec. 5007. The funds appropriated in Public Law 109-103 under the heading “Bureau of Reclamation, Water and Related Resources” for the Placer County, California Sub-Regional Wastewater Treatment Project are hereby transferred to and merged with the amount appropriated in such public law under the heading “Corps of Engineers – Civil, Construction”, and shall be used for the construction of such project under the same terms and conditions that would have been applicable if such funds had originally been appropriated to the Corps of Engineers.]

The above provision is being deleted because the transfer is complete.

CALIFORNIA BAY-DELTA RESTORATION

Delete the following provisos:

[Provided further, That \$500,000 shall be transferred to the Army Corps of Engineers to carry out the report on levee stability reconstruction projects and priorities authorized under section 103(f)(3) of Public Law 108-361.]

The above provision is being deleted because the transfer was completed in FY 2005.

GENERAL PROVISIONS DEPARTMENT OF THE INTERIOR

Delete the following provisos:

[SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.]

The above provision is being deleted because it may restrict Reclamation's ability to efficiently utilize funds provided for the Middle Rio Grande and Carlsbad Projects.

Delete the following provisos:

[SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: 'The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.'

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: 'Subject to the demand of such users along or adjacent to the Colorado River for Project water, the

Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River.'].]

The above provision is being deleted because statutory language amended the Lower Colorado Water Supply Act (Public Law 99-655).

Delete the following provisos:

[SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.]

The above provision unduly restricts and ability of Reclamation to utilize funds provided for Drought Emergency Assistance.

Delete the following provisos:

[SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.]

The above provision is considered a “One Year” Provision and has been reauthorized every year. The Administration will submit authorizing legislation for Water 2025.

Update the fiscal years:

SEC. [206] 202. WATER DESALINATION ACT- Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108-7 (117 Stat. 146) and by section 6015 of Public Law 109-13 is amended by--

- (1) in paragraph (a) by striking [2006] and inserting in lieu thereof 2007; and
- (2) in paragraph (b) by striking [2006] and inserting in lieu thereof 2007.

The change would extend the provision through FY 2007.

[SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100-585, 102 Stat. 2973; Public Law 106-554, 114 Stat. 2763A-266) is amended by striking `within 7 years' and all that follows through `following the date of enactment of this section' and inserting `for each of fiscal years 2006 through 2012'.]

The above provision is being deleted since it amended the Act.

Delete the following provisos:

[SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$70,000,000 to the University of Nevada--

- (A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and**
- (B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to--**
 - (i) innovative agricultural water conservation;**
 - (ii) cooperative programs for environmental restoration;**
 - (iii) fish and wildlife habitat restoration; and**
 - (iv) wild horse and burro research and adoption marketing.**

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to--

- (A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and**
- (B) environmental restoration in the Walker River Basin.**

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-

171), the Secretary shall provide not more than \$10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be--

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary, acting through the Commissioner of Reclamation, shall provide--

(1) \$10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) \$5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount made available for salaries and expenses of the Bureau of Reclamation shall be reduced by \$100,000 per day.]

The above provision does not need to be repeated.

Delete the following provisos:

[SEC. 209. (a) The Secretary of the Interior is authorized to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California authorized under Federal reclamation laws and the Act of September 2, 1965, Public Law 89-161, 79 Stat. 615 in order to--

(1) identify those project features that are still relevant;

(2) identify changes in benefit values from previous analyses and update to current levels;

(3) identify design standard changes from the 1978 Reclamation design which require updated project engineering;

(4) assess risks and uncertainties associated with the 1978 Reclamation design;

(5) update design and reconnaissance-level cost estimate for features identified under paragraph (1); and

(6) perform other analyses that the Secretary deems appropriate to assist in the determination of whether a full feasibility study is warranted.

(b) There are authorized to be appropriated \$1,000,000 to carry out this section. The cost of completing this update shall be non-reimbursable.]

The above provision is being deleted because the action was initiated as authorized in 2006.