

Union Calendar No.

114TH CONGRESS
2^D SESSION

H. R. 1296

[Report No. 114-]

To amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. HUNTER (for himself, Mr. CALVERT, Mr. GRIJALVA, Mr. PETERS, Ms. LORETTA SANCHEZ of California, Mr. VARGAS, Mr. COLE, Mr. HUFFMAN, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Natural Resources

FEBRUARY --, 2016

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, 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,*

3 **SECTION 1. SAN LUIS REY SETTLEMENT AGREEMENT IM-**
4 **PLEMENTATION.**

5 The San Luis Rey Indian Water Rights Settlement
6 Act (Public Law 100–675) is amended by inserting after
7 section 111 the following:

8 **“SEC. 112. IMPLEMENTATION OF SETTLEMENT.**

9 “(a) FINDINGS.—Congress finds and recognizes as
10 follows:

11 “(1) The City of Escondido, California, the
12 Vista Irrigation District, the San Luis Rey River In-
13 dian Water Authority, and the Bands have approved
14 an agreement, dated December 5, 2014, resolving
15 their disputes over the use of certain land and water
16 rights in or near the San Luis Rey River watershed,
17 the terms of which are consistent with this Act.

18 “(2) The Bands, the San Luis Rey River In-
19 dian Water Authority, the City of Escondido, Cali-
20 fornia, the Vista Irrigation District, and the United
21 States have approved a Settlement Agreement dated
22 January 30, 2015 (hereafter in this section referred
23 to as the ‘Settlement Agreement’) that conforms to
24 the requirements of this Act.

1 “(b) APPROVAL AND RATIFICATION.—All provisions
2 of the Settlement Agreement, including the waivers and
3 releases of the liability of the United States, the provisions
4 regarding allottees, and the provision entitled ‘Effect of
5 Settlement Agreement and Act,’ are hereby approved and
6 ratified.

7 “(c) AUTHORIZATIONS.—The Secretary and the At-
8 torney General are authorized to execute, on behalf of the
9 United States, the Settlement Agreement and any amend-
10 ments approved by the parties as necessary to make the
11 Settlement Agreement consistent with this Act. Such exe-
12 cution shall not constitute a major Federal action under
13 the National Environmental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.). The Secretary is further authorized and di-
15 rected to take all steps that the Secretary may deem nec-
16 essary or appropriate to implement the Settlement Agree-
17 ment and this Act.

18 “(d) CONTINUED FEDERALLY RESERVED AND
19 OTHER WATER RIGHTS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, including any provisions in this
22 Act, the Bands had, have, and continue to possess
23 federally reserved rights and other water rights held
24 in trust by the United States.

1 “(2) FUTURE PROCEEDINGS.—In any pro-
2 ceeding involving the assertion, enforcement, or de-
3 fense of the rights described in this subsection, the
4 United States, in its capacity as trustee for any
5 Band, shall not be a required party and any decision
6 by the United States regarding participation in any
7 such proceeding shall not be subject to judicial re-
8 view or give rise to any claim for relief against the
9 United States.

10 “(e) ALLOTTEES.—Congress finds and confirms that
11 the benefits to allottees in the Settlement Agreement, in-
12 cluding the remedies and provisions requiring that any
13 rights of allottees shall be satisfied from supplemental
14 water and other water available to the Bands or the Indian
15 Water Authority, are equitable and fully satisfy the water
16 rights of the allottees.

17 “(f) NO PRECEDENT.—Nothing in this Act shall be
18 construed or interpreted as a precedent for the litigation
19 or settlement of Indian reserved water rights.”.