

Gaining Responsibility on Water (GROW) Act

Section-by-Section

TITLE I

CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101 – Amendment to purposes

Section 101 amends § 3402 of the Central Valley Project Improvement Act (CVPIA) (P.L. 102-575) by adding subsections (g) and (h) to include replacement of water dedicated to fish and wildlife purposes by the CVPIA by the year 2016 at a reasonably low cost and to facilitate and expedite water transfers as a purpose of the CVPIA.

Sec. 102 – Amendment to definition

Section 102 amends § 3403(a) of the CVPIA (P.L. 102-575) to target CVPIA actions on a priority basis towards native species of concern present in the Sacramento and San Joaquin Rivers as of 1992 (salmon, steelhead, and sturgeon). Specifically, this section removes both American shad and striped bass, both non-native species, from the definition of “anadromous fish;” and defines of “reasonable flows” as water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.

Sec. 103 – Contracts

Section 103 amends § 3404 of the CVPIA (P.L. 102-575) to provide for 40 year renewal of existing Central Valley Project long-term water contracts. This section retains existing CVPIA provision requiring that contracts shall include a provision to charge the contractor only for water actually delivered.

Sec. 104 – Water transfers, improved water management, and conservation

Section 104 affirms that the original intent of the CVPIA (P.L. 102-575) was to facilitate and expedite water transfers and directs the Secretary to take all necessary actions to implement the transfers.

This section also amends § 3405(a) of CVPIA (P.L. 102-575) to provide for an expedited review of all water transfer applications by adding that the contractor or the Secretary shall determine whether a transfer proposal is complete within 45 days of submission and in addition shall specify what must be added or revised in order to complete the transfer proposal. The provision further delineates that the Secretary shall not impose mitigation or other requirements on a proposed transfer but the contractor shall retain authority to approve or condition a proposed transfer as provided under state law.

This section further amends § 3405(a) of CVPIA (P.L. 102-575) to clarify that transfers, exchanges and banking arrangements among CVP contractors which could have been conducted under the law in effect prior to the enactment of the CVPIA may still take place and are not subject to the CVPIA and that CVPIA transfer authorities add to, and are not intended to impede, historical transfers, exchanges and banking arrangements.

§ 3405(b) of CVPIA (P.L. 102-575) is also amended to clarify the obligation to *measure* surface water deliveries by requiring contracting districts to ensure that all water delivery systems are equipped with devices or methods to measure the monthly volume of surface water delivered within its boundaries and specifies the area of surface water that must be measured.

Finally, § 3405(d) of CVPIA (P.L. 102-575) (tiered pricing) is deleted and the following sections are renumbered accordingly. Therefore the remainder subsections establish that increased revenues in excess of the cost of service for CVP water transferred from agricultural to municipal and industrial use shall be deposited in the Restoration Fund. The amendment serves to clarify that only the portion of transfer revenues which exceeds the Bureau's cost of service rate will be covered to the Restoration Fund. Additionally, because Section 3405(d) is deleted, revenues from tiered water pricing are no longer covered to the Restoration Fund.

Sec. 105 – Fish, wildlife, and habitat restoration

Section 105 amends § 3406(b)(1)(B) of CVPIA (P.L. 102-575) to provide *reasonable* flows to restore anadromous fish production in the Central Valley.

This section also amends § 3406(b)(2) of CVPIA (P.L. 102-575) to affirm that management of 800,000 acre-feet of CVP yield for fish, wildlife, and habitat purposes is a ceiling, rather than a floor, on the amount of water that can be taken from farmers and reallocated to the environment. It authorizes and directs the reuse or diversion of any part of the 800,000 acre-feet to Agriculture or Municipal and Industrial purposes after it has fulfilled its fish and wildlife purposes. It further authorizes that if by March 15th of any year the water allocation for the Delta Division of the Central Valley Project is below 75% then the 800,000 acre-feet is reduced by 25%.

Finally, this section adds § 3406(i) of CVPIA (P.L. 102-575) to clarify that by pursuing the specific mitigation projects, programs and activities authorized by this section, the Secretary shall be deemed to have met the mitigation, protection, restoration and enhancement purposes established by CVPIA (P.L. 102-575).

Sec. 106 – Restoration Fund

Section 106 amends § 3407(a) of CVPIA (P.L. 102-575) by deleting the existing 67/33 percent split, and adds a provision which prohibits the Secretary from requiring "donations" to the Restoration Fund as a condition to contracting for storage or conveyance of non-CVP water pursuant to Bureau of Reclamation (Reclamation) laws (such as "Warren Act" or "Section 215" water). It also prohibits Restoration Fund charges on any water that is delivered with the sole intent of groundwater recharge.

§ 3407(c)(1) of CVPIA (P.L. 102-575) is amended to make certain technical and conforming amendments to provide for assessment and collection of Restoration Funds from CVP water and power beneficiaries in order to recover a portion or all of the costs of carrying out the elements of the provisions of this title.

Amends § 3407 (d)(2)(A) of CVPIA (P.L. 102-575) by setting a Restoration Fund fee cap of \$4 per megawatt-hour for Central Valley Project power sold to power contractors. It also triggers the reduction in required Restoration Fund payments on December 31, 2020.

Finally, this section adds two provisions to the CVPIA (P.L. 102-575): § 3407(g) which directs the Secretary, in consultation with the Restoration Fund Advisory Board created in § 3407(h), to submit to Congress a report outlining the proposed expenditure of the Restoration Funds deposited in the preceding year and describing why that plan provides optimum benefits; and § 3407(h) which creates a Restoration Fund Advisory Board composed of 12 members selected by the Secretary. The board members will serve four year terms and will consist of four CVP agricultural users, three CVP municipal and industrial users, three CVP power contractors, and two at the discretion of the Secretary. The Secretary of the Interior and the Secretary of Commerce may also each designate a representative to act as an observer. The duties of the Advisory Board will be to make recommendations, annually, to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to CVPIA (P.L. 102-575) and to report to Congress biennially on the progress made to achieving the actions mandated under § 3406 of CVPIA (P.L. 102-575).

Sec. 107 – Additional authorities

Section 107 amends § 3408(c) of CVPIA (P.L. 102-575) by striking “non-profit” thereby expanding the authority of the Secretary to enter into conveyance, storage and similar contracts with all private entities; directs the Secretary to use authority granted in this subsection to exchange, impound, store, carry or deliver non project water using CVP facilities; and develop rates for such activities. Stipulates that nothing in this section shall supersede the provisions of § 103 of Public Law 99-546 - commonly referred to as the Coordinated Operations Agreement.

§ 3408(f) of CVPIA (P.L. 102-575) is also amended by striking out “Interior and Insular Affairs and Merchant Marine and Fisheries” and inserting in lieu thereof “Natural Resources”; requires the reporting of progress on the plan required by subsection (j) (project yield increase); requires the Mid-Pacific Regional Director to certify required annual reports.

This section also amends § 3408(j) of CVPIA (P.L. 102-575) to establish a priority and two-year timetable for the Secretary to develop a plan to increase (by no later than October 1, 2017) the yield of the CVP to replace the "upfront" water reallocated by the CVPIA for fish and wildlife purposes; requires that the plan include recommendations on appropriate cost-sharing; requires that the dedication of the 800,000 acre-feet for non-mandatory fish, wildlife, and habitat purposes, as defined in § 3406(b)(2) of CVPIA (P.L. 102-575), be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.

Finally, section 107 authorizes the Secretary of the Interior to partner with local joint powers authorities to advance surface storage projects identified in Section 103(d)(1) of Public Law No: 108-361, the Water Supply, Reliability, and Environmental Improvement Act (Shasta, Los Vaqueros, Sites, Upper San Joaquin River), and authorizes the construction of those projects if non-federal funds are used.

Sec. 108 – Bay-Delta Accord

Section 108 declares that the Central Valley Project and the State Water Project have complied with all requirements of the Endangered Species Act with relation to listed species if the projects are operated in a manner consistent with the “Principles for Agreement on the Bay-Delta Standards between the State of California and the Federal Government” (known as the Bay-Delta Accord).

This section prohibits federal departments and the State of California from imposing protection conditions, as it relates to species affected by the Central Valley Project and the State Water Project, that restrict water rights obtained pursuant to state law, including a pre-1914 appropriative right. The section ensures that implementation of the “Bay-Delta Accord” shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

Finally, this section prohibits the State of California from imposing restrictions on the “take” of any nonnative fish that preys upon one or more native fish species in the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

Sec. 109 – Natural and artificially spawned species

Section 109 directs the Secretary to recognize hatchery-spawned species when making any determination under the Endangered Species Act that relates to anadromous fish in the Sacramento and San Joaquin Rivers and their tributaries.

Sec. 110 – Regulatory Streamlining

Section 110 declares that a Notice of Determination or a Notice of Exemption prepared pursuant to the California Environmental Quality Act (CEQA), for a project or issuance of a permit related to a Central Valley Project (CVP) water project will satisfy the requirements of the National Environmental Protection Act (NEPA). This section also allows the Bureau of Reclamation to continue their work on a CVP project while a legal determination challenging the Notice of Determination is pending.

Finally, this section defines the definition of a project as being part of the Central Valley Project and having the following qualities: An action being undertaken by a public agency or that requires an issuance of a permit by a public agency, has potential to result in a physical change of the environment, and may be subject to discretionary approvals by government agencies. The definition further includes, but is not limited to, construction activities, clearing or grading of land, improvements to existing structures, activities or equipment involving the issuance of a permit, and proposals and activities defined as a project by the State of California under CEQA.

Sec. 111 – Additional Emergency Consultation

Section 111 declares that no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the Sacramento Valley index is 7.8 or greater. Additionally, any mitigation measures must be based on quantitative data that demonstrates actual harm to species.

Sec. 112 – Applicants

Section 112 ensures that CVP and SWP contractors are granted applicant status in the event that the BOR or any other Federal agency initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service with respect to the construction or operation of the CVP or SWP.

Sec. 113 – San Joaquin River Settlement

Section 113 amends the following sections of the San Joaquin River Restoration Act (PL 111-11):

Sec. 10002 to:

- Describe key points regarding the Settlement, its implementation, and long-term sustainability of the river.
- Declare that “In consideration of existing conditions, it is not reasonable, prudent and feasible to implement the Settlement as originally authorized by Congress.”

Sec. 10003 add key definitions.

Sec. 10004 to add new requirements that must be met for release of flows to comply with the Settlement, such as:

- Conducting a study of possible seepage impacts associated release of restoration flows;
- Analyzing channel capacity;
- Identifying and carrying out seepage mitigation measures; and
- Analyzing the costs of any fish-passage, screening and salvage facilities required by the Endangered Species Act.

Sec. 10005 to add new requirements for the acquisition of property to implement the Settlement.

Sec. 10006 to clarify that the amendments and provisions of the act comply with applicable law, including California Fish and Game Code sections 5930 through 5948, and existing Friant Division Contracts.

Sec. 10008 to allow Third Parties to the Settlement the right to act, claim for relief, interpret or enforce the provisions of PL 111-11 or the Settlement.

Sec. 10009 to, among other things:

- Limit the costs for implementation of the Settlement that may be incurred by non-federal entities, unless on a voluntary basis;
- Restrict routing of Restoration Flows from Reach 4B of the San Joaquin River, in favor of using flood bypass channels;
- Protects the Exchange Contractors from any liability to implement the Settlement;
- Protects Exchange Contractor water rights and contracts; and
- Terminates implementation of the settlement and stops the collection and expenditure of San Joaquin River Restoration funds if the State of California or other parties require flows from Friant Dam that exceed what is specified in the Settlement.

Additions

Adds the following sections to the end of PL 111-11:

Sec. 10012. REVIEW AND DETERMINATION:

Requires the Governor of California and the Secretary of the Interior to:

- Jointly determine whether it is reasonable, prudent and feasible to implement the Settlement under the revised terms and conditions described in Sec. 10014(b) (*Revised Settlement alternative*); and
- Submit a summary report to Congress stating their findings, including financial considerations and available scientific evidence, and recommended action.
- If the summary report is not submitted within one year of enactment of H.R. 23, the settlement will be implemented actions to establish a warm-water fishery consistent with Sec. 10014(a) (*Warm-water fishery alternative*).

Sec. 10013. INTERIM OPERATIONS:

Specifies that until the investigations, determinations, and plans required by Section 10012 and Section 10014 are complete and being implemented, the Secretary will implement the Settlement consistent with the following:

- Restoration and Water Management goals will be implemented to the extent they are consistent with Sec. 10014(b);
- Salmonids are not reintroduced to the Restoration Area; and
- Restoration Flows are not released past Sack Dam.

Sec. 10014. ALTERNATE LONG-TERM ACTIONS:

(Warm-water fishery alternative)

- (a) Directs the Governor of California and Secretary of the Interior to develop and implement a warm water fishery plan that begins below Friant Dam but upstream from Gravelly Ford if subsection (b) is not found feasible for implementation (per the investigation required in Sec. 10012) that includes the following requirements:
- Prohibits any Restoration Flows from being released downstream of Gravelly Ford;
 - Requires all funds in the San Joaquin River Restoration Fund to be used to support the warm-water fishery;
 - Establishes a new fund to be jointly administered by Friant Water Authority, the Exchange Contractors, San Joaquin Tributaries Authority, and San Luis and Delta-Mendota Water Authority. All future funds to be collected in the San Joaquin River Restoration Fund and as CVPIA payments by Friant would be transferred to this new fund; and
 - In the event that the State of California requires additional flow for ecosystem purposes below Gravelly Ford, the plan calls for revocation authorization for

implementation of the San Joaquin River Settlement Act, and also transfers all funding described in this section to the Friant Water Authority for the purpose of repairs on the Friant-Kern Canal.

(Revised Settlement alternative)

(b) Revises requirements, timelines, and technical elements of the Settlement and the San Joaquin River Restoration Program if the Governor and Secretary determine it should continue to be implemented (per the investigation required in Sec. 10012). Key elements include:

- Requires construction of all channel improvement projects in Paragraph 11 of the Settlement, and additional improvements that may be identified as necessary, 2015 before the release of Restoration Flows;
- Establishes priorities for improvement projects;
- Allows the Exchange Contractors to take over contracting and management for construction of the required projects;
- Requires that Restoration Flow levels shall be no greater than those that set out in the Settlement hydrographs, and shall be no greater than the real-time fishery needs required to meet the Restoration Goal;
- Transfers to the Secretary key decisions previously made by the Restoration Administrator; and
- Requires projects to have plans for in place for full funding prior to implementation.

TITLE II CALFED STORAGE FEASIBILITY STUDIES

Sec. 201 – Studies

Section 201 requires Reclamation to complete five feasibility studies for storage projects in California by certain timelines.

Sec. 202 – Temperance Flat

Section 202 prohibits an administrative Wild and Scenic River designation from hindering the completion of the proposed Temperance Flat storage facility.

Sec. 203 – Water Storage Project Construction

Section 203 allows the Secretary of Interior, acting through the Commissioner of the Bureau of Reclamation to enter into an agreement with irrigation districts and other local water district and local government to advance water storage projects.

TITLE III WATER RIGHTS PROTECTIONS

Sec. 301 – Offset for State Water Project

Section 301 includes provisions designed to preserve water rights seniority and to protect the joint operation of the CVP and SWP. This section instructs the Secretary of the Interior to consult with the California Department of Fish and Wildlife on the impact the implementation of

Title III may have on any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code. Section 301 allows for increased water supply to the State Water Project from the Central Valley Project to offset reduced water supply to the State Water Project as a result of the implementation of Title III if certain conditions are met. Finally, this section requires the Secretary of the Interior to notify the Director of the California Department of Fish and Wildlife if the Secretary determines that implementation of the smelt and salmonid biological opinions consistent with Title II reduce environmental protections for any species covered by the opinions.

Sec. 302 – Area of Origin Protections

Section 302 directs the Secretary, in the operation of the Central Valley Project, to strictly adhere to State water rights law and priorities and to honor water rights senior to those held by the Central Valley Project. It further directs the Secretary to strictly adhere to and honor water rights and priorities that were obtained or existed pursuant to various sections of California Water Code. This section also ensures that the Endangered Species Act is implemented in a manner that honors the priorities delineated above.

Sec. 303 – No Redirected Adverse Impacts

Section 303 directs the Secretary to ensure there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River or the San Joaquin River watershed, or to the State Water Project, arising from the Secretary’s operation of the Central Valley Project to meet legal obligations (including ESA, Clean Water Act or this Act) imposed by state or federal agencies or actions implemented to meet the twin goals of improving water supply and environmental needs of the Bay-Delta.

Sec. 304 – Allocations for Sacramento Valley Contractors

Subject to the absolute priority of Sacramento River Settlement Contractors, section 304 directs the Secretary to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in the following order:

Not less than 100% of their contract quantities in a “Wet”, “Above Normal”, and “Below Normal” water year;

Not less than 75% of their contract quantities in a “Dry” water year; and

Not less than 50% of their contract quantities in a “Critically Dry” water year.

The water years have the meaning given in the Sacramento Valley Water Year Type (40-30-30) Index.

This section directs the Secretary to ensure that actions undertaken to deliver water as prescribed in this section shall not modify any municipal and industrial water service contracts. Furthermore, the Secretary, in implementing this section, shall not constrain the operations of the Central Valley Project’s American River Division. This section also defines “existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed” as

contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act.

Sec. 305 – Effect on Existing Obligations

Section 305 confirms that nothing in this title preempts or otherwise modifies any existing obligation under Reclamation or State law in relation to the operation of the CVP.

**TITLE IV
MISCELLANEOUS**

Sec. 401 – Water Supply Accounting

Section 401 limits environmental releases on the Trinity that deplete CVP water resources and decrease hydropower generation.

Sec. 402 – Operations of the Trinity River Division

Section 402 directs the Secretary of Interior on the operations of the Trinity River Division of the CVP during certain water year designations.

Sec. 403 – Report on Results of Water Usage

Section 403 requires the Secretary of Interior, in consultation with the Secretary of Commerce, and the Secretary of the Natural Resources of the State of California, to publish an annual report to provide details regarding instream flow releases from the CVP and SWP, as well as the purpose and measured environmental benefit of the release.

Sec. 404 – Klamath Project Consultation Applicants

Section 404 grants applicant status to Klamath Project contractors should the Bureau of Reclamation initiate or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service with respect to the construction or operation of the Klamath Project.

Sec. 405 – CA State Water Resources Control Board

Section 405 expresses Congressional disapproval and opposition to the violation of private property rights by the California State Water Resources Control Board and expresses the need to provide reliable water supplies to municipal, industrial, and agricultural users across the State.

**TITLE V
WATER SUPPLY PERMITTING ACT**

Sec. 501 – Short Title

Section 501 states the title of the bill as the “Water Supply Permitting Coordination Act”.

Sec. 502 - Definitions

Section 502 defines key terms used throughout Title V. Qualifying projects include all new or expanded surface water storage projects, including State-led projects as defined in section

4007(a)(2) of the WIIN Act, unless the project applicant elects not to participate in the process authorized under this Act.

Sec. 503 – Establishment of Lead Agency and Cooperating Agencies

Section 503 establishes the Reclamation as the lead agency and sets forth the process by which cooperating agencies are identified and established. This process requires Reclamation to notify all agencies with permitting responsibilities related to proposed projects that those projects have been received, and gives agencies who are improperly identified an opportunity to opt-out of the process if they will not be performing any review outside of the coordinated process. This section also provides states with discretion to participate as cooperating agencies and to involve their state agencies in coordination with the other cooperating agencies.

Sec. 504 – Bureau Responsibilities

Section 504 sets forth the responsibilities of Reclamation as the lead agency, including serving as the point of contact for applicants, state agencies, Indian tribes, and others regarding proposed qualifying projects. Reclamation must also coordinate the preparation of the unified environmental review document that serves as the basis for all federal decisions necessary to authorize the use of federal lands for new surface water storage construction. To begin the process, Reclamation is instructed to notify cooperating agencies of proposed projects within 30 days and establishes a process by which Reclamation explains the process and the proposed project, establishes a schedule for the project and consults with cooperating agencies.

Sec. 505 – Cooperating Agency Responsibilities

Section 505 establishes the Cooperating Agency responsibilities, including adhering to the coordinated schedule set by Reclamation, cooperating with compilation of the environmental record and adhering to it for all decisions, and submitting all relevant data to Reclamation in a generally accessible format.

Sec. 506 – Funding to Process Permits

Section 506 establishes the process for third party financial contributions to the one-stop-shop review process and requires that the Interior Secretary shall remain impartial in all decision making with respect to permits both substantively and procedurally.

**TITLE VI
BUREAU OF RECLAMATION PROJECT STREAMLINING**

Sec. 601 – Short Title

Section 601 states the title of the bill as the “Bureau of Reclamation Water Project Streamlining Act”.

Sec. 602 – Definitions

Section 602 defines key terms used throughout Title VI.

Sec. 603 – Acceleration of studies

Section 603 requires that final feasibility reports for projects be completed within 3 years of initiation, have a maximum federal cost of \$3,000,000 million, and Reclamation personnel at the

local, regional and headquarters level conduct their reviews concurrently. When the Secretary of the Interior issues an extension for the completion of the final feasibility report, the Secretary must issue an updated schedule and cost estimate, notify the non-federal cost-share partner of the delay, and notify the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources as to the reason that the original timetable is untenable. If the Secretary deems the project to be sufficiently complex, based on certain criteria, the Secretary may extend the timeline of a project study by no more than 3 years. If the Secretary does so, the Secretary must notify the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources as to the specific reason for the extension. Imposes a maximum of 7 years for any project study and authorization of the project is revoked if the study exceeds that timeframe.

Within 90 days of the initiation of the project study, the Secretary of the Interior will take all steps to initiate the process for all federally mandated reviews, convene the relevant stakeholders identified in section 605(d), and take all steps to provide the necessary information for the completion of the required reviews and analyses related to the project by other federal agencies.

Finally, this section establishes an interim report to be issued within 18 months and a final report to be issued within 4 years of the implementation of this title which will detail, respectively, the progress of and the final implementation of the planning process outlined in this section, the review of project delivery schedules with a description of delays and the final evaluation of time taken to complete each study, and any recommendations for additional authority to expedite the project study process.

Sec. 604 – Expedited Completion of Reports

Section 604 requires the Secretary of the Interior to expedite the completion of ongoing project studies initiated before the date of enactment of this Act. If the Secretary determines any such project justified, it shall immediately proceed to preconstruction planning, engineering, and design of the project.

Sec. 605 – Project Acceleration

Section 605 establishes a coordinated environmental review process for the development of project studies that requires that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe. The coordinated environmental review process established by this section will be conducted pursuant to a timetable established by the Secretary of the Interior.

This section establishes a lead agency for the purpose of preparing analyses pursuant to the National Environmental Policy Act of 1969 and allows that the project sponsor, if it is a State or local governmental agency may serve as a joint lead agency with the concurrence of the Secretary of the Interior if certain criteria are met. The section further requires that any environmental document prepared by the lead agency be adopted and used by any Federal agency making any determination related to the project study to the extent that this is allowed

under the National Environmental Policy Act of 1969 and parts 1500 through 1508 of title 40, Code of Federal Regulations.

Sec. 606 – Annual Report to Congress

Section 606 establishes an annual report to Congress from the Secretary of the Interior that identifies and recommends for authorization project reports (final feasibility reports) that meet certain criteria, proposed project studies, proposed modifications to an authorized project or project study, and any project study that was expedited pursuant to Section 604.

This section requires the Secretary to publish a notice in the Federal Register requesting proposals from non-Federal interests for proposed project studies and proposed modification to authorized projects and project studies to be included in the annual report.

Project reports, proposed project studies, and proposed modifications must be related to the missions and authorities of Reclamation must require specific congressional authorization, must not have been already congressionally authorized, must not have been included in any previous annual report, and, if authorized, could be carried out by Reclamation.

Sec. 607 – Applicability of WIIN Act

Section 607 precludes the application of sections 4007 and 4009 of the WIIN Act to projects, as defined in section 602.

TITLE VII WATER RIGHTS PROTECTION

Sec. 701 – Short Title

Section 701 states the title of the bill as the “Water Rights Protection Act of 2017”.

Sec. 702 – Definitions

Section 702 defines key terms used throughout Title VII.

Sec. 703 – Treatment of Water Rights

Section 703 prohibits the Secretary of the Interior and the Secretary of Agriculture (Secretaries) from: conditioning the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on the transfer of any water right directly to the United States; requiring any water user to apply for or acquire a water right in the name of the United States under state law as a condition for any permit or other land use or occupancy agreement; and from conditioning or withholding the issuance of any permit, approval or other agreement restrictions associated with changes to water diversions or groundwater withdrawals that is contrary to State water law.

Sec. 704 – Policy Development

Section 704 requires the Secretaries to recognize existing state authority for permitting and adjudicating water use; coordinate with States; and not assert any connection between surface and

groundwater that is inconsistent with State water laws for any future rule, policy, directive, management plan, or similar Federal action relating to the issuance of any permit, lease, license, easement or any other land use agreement.

Sec. 705 - Effect

Section 705 affirms that nothing in this section shall adversely impact: any existing legal authority under the jurisdiction of the Secretaries; existing or future Bureau of Reclamation contracts; the Endangered Species Act; federally reserved water rights; the Federal Power Act; Indian water rights; and federally held state water rights.