

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7938
OFFERED BY MR. BENTZ OF OREGON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Klamath Basin Water
3 Agreement Support Act of 2024”.

4 SEC. 2. KLAMATH PROJECT WATER AND POWER.

5 (a) ADDRESSING WATER, POWER, AND FACILITIES
6 MANAGEMENT FOR IRRIGATION.—Section 4 of the Klam-
7 ath Basin Water Supply Enhancement Act of 2000 (Pub-
8 lic Law 106–498) is amended by adding at the end the
9 following:

10 “(d) RESTORATION ACTIVITIES.—The Secretary
11 may—

12 “(1) plan, design, construct, operate, and main-
13 tain projects in the Klamath Basin watershed, in-
14 cluding—

15 “(A) facilities to reduce fish entrainment;

16 “(B) projects that reduce or avoid impacts
17 on aquatic resources of facilities involved in the

1 storage or diversion of water for irrigation in
2 the Klamath Project service area; and

3 “(C) projects that restore habitats in the
4 Klamath Basin watershed, including Tribal
5 fishery resources held in trust;

6 “(2) undertake studies, including feasibility
7 studies, and improvements that the Secretary deter-
8 mines to be necessary to implement this subsection;

9 “(3) in implementing this subsection, enter into
10 contracts, memoranda of understanding, financial
11 assistance agreements, cost-sharing agreements, or
12 other appropriate agreements with—

13 “(A) State, Tribal, and local governmental
14 agencies; and

15 “(B) private parties; and

16 “(4) accept and expend non-Federal funds in
17 order to facilitate implementation of this subsection.

18 “(e) GOALS.—The goals of activities under sub-
19 sections (b) and (d) shall include, as applicable—

20 “(1) the short-term and long-term reduction
21 and resolution of conflicts relating to water in the
22 Klamath Basin watershed; and

23 “(2) compatibility and utility for protecting nat-
24 ural resources throughout the Klamath Basin water-
25 shed, including the protection, preservation, and res-

1 toration of Klamath River Tribal fishery resources,
2 particularly through collaboratively developed agree-
3 ments.

4 “(f) PUMPING PLANT D.—The Secretary may enter
5 into 1 or more agreements with the Tulelake Irrigation
6 District to reimburse the Tulelake Irrigation District for
7 not more than 69 percent of the cost incurred by the
8 Tulelake Irrigation District for the operation and mainte-
9 nance of Pumping Plant D, subject to the condition that
10 the cost results in benefits to the United States.

11 “(g) INFRASTRUCTURE.—

12 “(1) KENO AND LINK RIVER DAMS.—The Sec-
13 retary of the Interior shall comply with the terms of
14 the agreement entitled ‘2016 Klamath Power and
15 Facilities Agreement’(‘Agreement’), including At-
16 tachment A to the Agreement.

17 “(4) REPLACEMENT OF C CANAL FLUME.—

18 “(A) IN GENERAL.—The replacement of
19 the C Canal flume within the Klamath Project
20 shall be considered to be, and shall receive the
21 treatment authorized for, qualified emergency
22 extraordinary operation and maintenance work
23 in accordance with Federal reclamation law (the
24 Act of June 17, 1902 (32 Stat. 388, chapter

1 1093), and Acts supplemental to and amend-
2 atory of that Act (43 U.S.C. 371 et seq.)).

3 “(B) CONTRACT.—

4 “(i) IN GENERAL.—Not later than
5 180 days after the date of receipt of a re-
6 quest from the Klamath Irrigation District
7 to enter into a contract with that district
8 to amend the contract numbered 16–WC–
9 20–4838, the Secretary shall enter into a
10 contract with the Klamath Irrigation Dis-
11 trict providing that under the contract en-
12 tered into under this subparagraph—

13 “(I) 35 percent of the total re-
14 payment obligation is nonreimbursable
15 to the United States; and

16 “(II) 65 percent of the total re-
17 payment obligation shall be repaid to
18 the United States over a period of 50
19 years.

20 “(ii) INCLUSION.—Although the Sec-
21 retary shall not condition the agreement to
22 the contract entered into under subpara-
23 graph (A) on any other term, the contract
24 may include other terms that are not less

1 favorable to the contractor than contract
2 numbered 16–WC–20–4838.”.

3 (b) ADMINISTRATION; EFFECT.—

4 (1) COMPLIANCE.—In implementing the amend-
5 ments made by this section, the Secretary of the In-
6 terior shall comply with—

7 (A) the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.);

9 (B) the Endangered Species Act of 1973
10 (16 U.S.C. 1531 et seq.); and

11 (C) all other applicable laws.

12 (2) EFFECT.—None of the amendments made
13 by this section—

14 (A) modify any authority or obligation of
15 the United States with respect to any Tribal
16 trust or treaty obligation of the United States;

17 (B) create or determine any water right; or

18 (C) affect any water right or water right
19 claim in existence on the date of the enactment
20 of this Act.

