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Calendar No. 816

110TH CONGRESS
2d Session

SENATE

REPORT
110–384

MADERA WATER SUPPLY ENHANCEMENT ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1855]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1855) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1855 is to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

BACKGROUND AND NEED

It is estimated that the aquifer on which the Madera Water District (District) relies is being depleted at a rate that surpasses the rate of recharge by 100,000 acre-feet per year (af/y). The District contends that these withdrawals have resulted in lower water tables, requiring wells to be drilled deeper in order to maintain the same level of productivity. In order to address the reliance on groundwater, historically used for agricultural purposes, the District is developing the Madera Water Supply Enhancement Project.

The Project contemplates the creation of a water bank. The District would store water in an aquifer underlying the Madera Ranch which could be withdrawn for use during drought years. Pro-

ponents of the Project maintain that the geology of the ranch is ideal for aquifer storage, allowing water deposited on the surface to quickly percolate to the underlying aquifer therein creating a water bank. Water contained in the water bank could then be withdrawn during years of water shortages, providing a reliable source of water for the District. Based on the District's estimates, approximately 250,000 af could be stored in the aquifer beneath the Madera Ranch, of which 55,000 af/y could be withdrawn annually.

The proposed Project would require the upgrading of existing water conveyances, constructing facilities on Madera Ranch on which surface water could be deposited for aquifer recharge, and groundwater wells and pumps that would withdraw water stored in the aquifer for use by the District. The Project would help address water supply and environmental issues in the San Joaquin River basin.

LEGISLATIVE HISTORY

H.R. 1855 was introduced by Representative George Radanovich on March 30, 2007 and referred to the House Committee on Natural Resources. Under suspension of the rules, H.R. 1855 passed the House of Representatives on October 22, 2007, and was referred to the Committee on Energy and Natural Resources. A companion measure, S. 1473 was introduced on May 24, 2007 by Senator Feinstein and referred to the Committee on Energy and Natural Resources. The Subcommittee on Water and Power held a hearing on S. 1473 and H.R. 1855 on February 28, 2008. At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 1855 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by voice vote of a quorum present, recommends that the Senate pass H.R. 1855.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title of the Act.

Section 2 defines terms used in the Act.

Section 3(a) declares the Project feasible as described.

Section 3(b) states that the Secretary shall implement the Act in accordance with applicable Federal law.

Section 4 declares that activities authorized by the Act shall be undertaken pursuant to a cooperative agreement between the Secretary and the District which addresses specific items.

Section 5(a) authorizes the Secretary, pursuant to Federal reclamation laws, to enter into a cooperative agreement with the District to provide support for the Project.

Section 5(b) declares that the total cost for determining the Federal cost share shall not exceed $90,000,000.

Section 5(c) states that the Federal share of the Project's capital costs shall not exceed 25 percent of the total cost, and that certain costs incurred by the District prior to enactment would be considered as part of the non-Federal cost share.

Section 5(d) states that the District shall receive credit toward the non-Federal share of the Project's cost for in-kind services and other identified items.

Section 5(e) declares that the Secretary shall not provide funds for operation and maintenance of the Project.

Section 5(f) requires the Secretary to work cooperatively with the District and, to the extent possible, use any existing plans, designs, and analyses prepared by the District.

Section 5(g) declares that nothing in the section transfers title, responsibility, or liability for the Project to the United States.

Section 5(h) authorizes appropriations in the amount of 25 percent of the total project cost, up to a maximum of $22,500,000.

Section 6 provides that the authority in the Act shall terminate 10 years from the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested, but was not received at the time the report was filed. When the Congressional Budget Office completes its estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1855. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1855, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1855, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariffs benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Reclamation at the Senate Committee on Energy and Natural Resources subcommittee hearing on companion measure, S. 1473 follows:

STATEMENT OF ROBERT J. QUINT, DIRECTOR OF OPERATIONS, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, I am Robert J. Quint, Director of Operations, Bureau of Reclamation. I am pleased to present the Department of the Interior's views on S. 1473, the Madera Water Supply Enhancement Act. While Reclamation has been an active partner with the Madera Irrigation District and other entities in studying this project, the Department does not support S. 1473.

Reclamation and the state of California have studied the Madera Water Supply Enhancement Project. The purpose of this project is to reduce the overdraft of the area's groundwater aquifer and improve water supply reliability. In March 2007, Reclamation published an appraisal report for this project and transmitted it to Congress. Appraisal reports are based upon existing information to determine whether additional studies to determine Federal feasibility are warranted.

Reclamation's March 2007 appraisal report identified several alternatives, including delineation of groundwater recharge areas; engineered recharge basins on the Madera Ranch; and direct recharge from the San Joaquin and Fresno Rivers. The cost for the project is estimated at approximately $91 million, and section 5(b) of the legislation commits the Federal government to paying 25 percent of project costs. The total storage space is 250,000 acre-feet. However, it is important to note that while a maximum of 55,000 acre-feet can be moved to and from storage in any given year, the average annual water yield is estimated to be 20,000 acre-feet per year. Altogether, an appraisal level estimate is that this project would provide water at a cost of $420 per acre-foot.

Although the bill lists eighteen studies that have been completed relating to this project, none of these studies meet Reclamation's feasibility study criteria. Because Reclamation has not completed a feasibility study of the Madera Water Supply Enhancement Project, it is premature to authorize Federal implementation at this time. Moreover, this project would directly compete for funding with other currently authorized projects in the CVP service area, including several storage studies authorized under the CALFED Program (PL 108–361).

Reclamation continues to emphasize completion of ongoing projects and the safe and effective maintenance of its aging infrastructure. Reclamation must prioritize its program activities to ensure that the most worthy projects receive funding. In light of these needs, Reclamation allocates funds to projects and programs based on objective and performance-based criteria to most effectively implement Reclamation's programs and its management responsibilities for the water and power infrastructure in the West.

The Administration appreciates local efforts to address current and future water issues. However, in light of the concerns expressed above, the Department does not support S. 1473.

That concludes my prepared remarks. I would be pleased to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill H.R. 1855, as ordered reported.

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