

114TH CONGRESS
1ST SESSION

H. R. 1296

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. GRJALVA, 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

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:

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

2 “(a) FINDINGS.—Congress finds and recognizes as
3 follows:

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

11 “(2) The Bands, the San Luis Rey River In-
12 dian Water Authority, the City of Escondido, Cali-
13 fornia, the Vista Irrigation District, and the United
14 States have approved a Settlement Agreement dated
15 January 30, 2015 (hereafter in this section referred
16 to as the ‘Settlement Agreement’) that conforms to
17 the requirements of this Act.

18 “(b) APPROVAL AND RATIFICATION.—All provisions
19 of the Settlement Agreement, including the waivers and
20 releases of the liability of the United States, the provisions
21 regarding allottees, and the provision entitled ‘Effect of
22 Settlement Agreement and Act,’ are hereby approved and
23 ratified.

24 “(c) AUTHORIZATIONS.—The Secretary and the At-
25 torney General are authorized to execute, on behalf of the
26 United States, the Settlement Agreement and any amend-

1 ments approved by the parties as necessary to make the
2 Settlement Agreement consistent with this Act. Such exe-
3 cution shall not constitute a major Federal action under
4 the National Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.). The Secretary is further authorized and di-
6 rected to take all steps that the Secretary may deem nec-
7 essary or appropriate to implement the Settlement Agree-
8 ment and this Act.

9 “(d) CONTINUED FEDERALLY RESERVED AND
10 OTHER WATER RIGHTS.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, including any provisions in this
13 Act, the Bands had, have, and continue to possess
14 federally reserved rights and other water rights held
15 in trust by the United States.

16 “(2) FUTURE PROCEEDINGS.—In any pro-
17 ceeding involving the assertion, enforcement, or de-
18 fense of the rights described in this subsection, the
19 United States, in its capacity as trustee for any
20 Band, shall not be a required party and any decision
21 by the United States regarding participation in any
22 such proceeding shall not be subject to judicial re-
23 view or give rise to any claim for relief against the
24 United States.

1 “(e) ALLOTTEES.—Congress finds and confirms that
2 the benefits to allottees in the Settlement Agreement, in-
3 cluding the remedies and provisions requiring that any
4 rights of allottees shall be satisfied from supplemental
5 water and other water available to the Bands or the Indian
6 Water Authority, are equitable and fully satisfy the water
7 rights of the allottees.

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

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