

SECTION-BY-SECTION

Section 1. Short title

This section states the short title of the bill as the “Water Rights Protection Act of 2021.”

Section 2. Definitions

This section defines key terms used throughout the Act.

Section 3. Policy development

This section requires the Secretary of the Interior and the Secretary of Agriculture (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.

Section 4. Treatment of water rights

This section prohibits the 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 conditioning or withholding the issuance of any permit, approval or other agreement conditioned on with changes to water diversions or groundwater withdrawals that are contrary to State water law.

The section also states that the Secretary cannot: condition or withhold the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, in whole or in part, on limiting the date, time, quantity, location of diversion or pumping, or place of use of a State water right beyond any applicable limitations under State water law; or the modification of the terms and conditions of groundwater withdrawal, guidance and reporting procedures, or conservation and source protection measures established by a State.

Section 5. Effect

This section affirms that nothing in the Act shall adversely impact: any existing legal authority under the jurisdiction of the Secretaries; existing or future Bureau of Reclamation contracts; the Endangered Species Act of 1973; federally reserved water rights; the Federal Power Act; Indian water rights; and federally held state water rights.