

1 **SEC. \_\_\_\_\_. WATER SUPPLY RULE.**

2 (a) **NATURAL FLOW.**—

3 (1) **SURPLUS WATER.**—Notwithstanding any  
4 other provision of law, for the purpose of deter-  
5 mining what is surplus water under section 6 of the  
6 Act of December 22, 1944 (commonly known as the  
7 “Flood Control Act of 1944”) (58 Stat. 890, chapter  
8 665; 33 U.S.C. 708), the Secretary shall not con-  
9 sider the natural flow of the river to be surplus  
10 water.

11 (2) **WATER STORAGE.**—Notwithstanding any  
12 other provision of law, for the purpose of deter-  
13 mining what is water impounded for water supply  
14 purposes under section 301 of the Water Supply Act  
15 of 1958 (43 U.S.C. 390b), the Secretary shall not  
16 consider the natural flow of the river to be im-  
17 pounded water.

18 (3) **DEFINITION OF NATURAL FLOW.**—For the  
19 purposes of carrying out this subsection, the Sec-  
20 retary shall define the term “natural flow” in ac-  
21 cordance with applicable State law.

22 (b) **NO AGREEMENT REQUIRED.**—If the Secretary  
23 determines that a withdrawal is not for surplus water or  
24 water storage as described in subsection (a), the Secretary

1 shall not require a surplus water agreement or a water  
2 storage agreement.

3 (c) COST OF CONSTRUCTION.—Section 301(b) of the  
4 Water Supply Act of 1958 (43 U.S.C. 390b(b)) is amend-  
5 ed by adding at the end the following: “Notwithstanding  
6 any other provision of law, in a case in which water is  
7 impounded for water supply purposes under this section,  
8 the Secretary shall not charge a State or local interest  
9 for any costs of the original construction.”.

10 (d) SAVINGS PROVISIONS.—

11 (1) Nothing in section 6 of the Act of December  
12 22, 1944 (commonly known as the “Flood Control  
13 Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C.  
14 708) or section 301 of the Water Supply Act of  
15 1958 (43 U.S.C. 390b) affects or interferes with the  
16 laws of any State relating to the control, appropria-  
17 tion, use, or distribution of water, or any vested  
18 right acquired under a State law.

19 (2) Nothing in this section affects the right of  
20 the Federal Government, a State, or a landowner,  
21 appropriator, or user of water to use any interstate  
22 stream or the water of an interstate stream.

23 (3) In carrying out section 6 of the Act of De-  
24 cember 22, 1944 (commonly known as the “Flood  
25 Control Act of 1944”) (58 Stat. 890, chapter 665;

1        33 U.S.C. 708) and section 301 of the Water Supply  
2        Act of 1958 (43 U.S.C. 390b), the Secretary shall  
3        act in accordance with applicable laws of any State  
4        relating to the control, appropriation, use, or dis-  
5        tribution of water, or any vested right acquired  
6        under a State law.