

Union Calendar No. 334

119TH CONGRESS
1ST SESSION

H. R. 302

[Report No. 119-384, Part I]

To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2025

Ms. MALOY (for herself, Mr. MOORE of Utah, Mr. FULCHER, Mr. BIGGS of Arizona, and Mr. ESTES) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 25, 2025

Additional sponsors: Mr. OWENS and Mr. KENNEDY of Utah

NOVEMBER 25, 2025

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 25, 2025

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 9, 2025]

A BILL

To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretary of the Interior and the Secretary of Agriculture, 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. SHORT TITLE.**

4 *This Act may be cited as the “Water Rights Protection*
5 *Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *SECRETARY.*—*The term “Secretary” means,*
9 *as applicable—*

10 (A) *the Secretary of Agriculture; or*

11 (B) *the Secretary of the Interior.*

12 (2) *WATER RIGHT.*—*The term “water right”*
13 *means any surface water, groundwater, or water stor-*
14 *age use filed, permitted, certificated, confirmed, de-*
15 *creed, adjudicated, or otherwise recognized by a judi-*
16 *cial proceeding or by the State, in which the user ac-*
17 *quires possession of the water or puts the water to*
18 *beneficial use, including water rights of federally rec-*
19 *ognized Indian Tribes.*

20 **SEC. 3. POLICY DEVELOPMENT.**

21 *In developing any rule, policy, directive, management*
22 *plan, or similar Federal action relating to the issuance, re-*
23 *newal, amendment, or extension of any permit, approval,*
24 *license, lease, allotment, easement, right-of-way, or other*
25 *land use or occupancy agreement, the Secretary—*

1 (1) *shall—*

2 (A) *recognize the longstanding authority of*
3 *the States relating to evaluating, protecting, allo-*
4 *cating, regulating, permitting, and adjudicating*
5 *water use; and*

6 (B) *coordinate with the States to ensure*
7 *that any rule, policy, directive, management*
8 *plan, or similar Federal action is consistent*
9 *with, and imposes no greater restriction or regu-*
10 *latory requirement, than applicable State water*
11 *law; and*

12 (2) *shall not—*

13 (A) *assert any connection between surface*
14 *water and groundwater that is inconsistent with*
15 *such a connection recognized by State water law;*
16 *or*

17 (B) *take any action that adversely affects—*

18 (i) *the authority of a State in—*

19 (I) *permitting the beneficial use of*
20 *water; or*

21 (II) *adjudicating water rights;*

22 (ii) *any definition established by a*
23 *State with respect to the term “beneficial*
24 *use”, “priority of water rights”, or “terms*
25 *of use”; or*

1 (iii) any other right or obligation of a
2 State established under State law.

3 **SEC. 4. TREATMENT OF WATER RIGHTS.**

4 *The Secretary shall not—*

5 (1) *condition the issuance, renewal, amendment,*
6 *or extension of any permit, approval, license, lease,*
7 *allotment, easement, right-of-way, or other land use or*
8 *occupancy agreement on the transfer of any water*
9 *right (including joint and sole ownership) directly or*
10 *indirectly to the United States, or on any impair-*
11 *ment of title or interest, in whole or in part, granted*
12 *or otherwise recognized under State law, by Federal*
13 *or State adjudication, decree, or other judgment, or*
14 *pursuant to any interstate water compact;*

15 (2) *require any water user (including any feder-*
16 *ally recognized Indian Tribe) to apply for or acquire*
17 *a water right in the name of the United States under*
18 *State law as a condition of the issuance, renewal,*
19 *amendment, or extension of any permit, approval, li-*
20 *cence, lease, allotment, easement, right-of-way, or*
21 *other land use or occupancy agreement; or*

22 (3) *condition or withhold the issuance, renewal,*
23 *amendment, or extension of any permit, approval, li-*
24 *cence, lease, allotment, easement, right-of-way, or*

1 *other land use or occupancy agreement, in whole or*
2 *in part, on—*

3 *(A) limiting the date, time, quantity, loca-*
4 *tion of diversion or pumping, or place of use of*
5 *a State water right beyond any applicable limi-*
6 *tations under State water law; or*

7 *(B) the modification of the terms and condi-*
8 *tions of groundwater withdrawal, guidance and*
9 *reporting procedures, or conservation and source*
10 *protection measures established by a State.*

11 **SEC. 5. EFFECT.**

12 *(a) RECLAMATION CONTRACTS.—Nothing in this Act*
13 *in any way interferes with any existing or future Bureau*
14 *of Reclamation contract entered into pursuant to Federal*
15 *reclamation law (the Act of June 17, 1902 (32 Stat. 388,*
16 *chapter 1093), and Acts supplemental to and amendatory*
17 *of that Act).*

18 *(b) ENDANGERED SPECIES ACT.—Nothing in this Act*
19 *affects the implementation of the Endangered Species Act*
20 *of 1973 (16 U.S.C. 1531 et seq.).*

21 *(c) FEDERAL RESERVED WATER RIGHTS.—Nothing in*
22 *this Act limits or expands any existing or future reserved*
23 *water rights of the Federal Government on land adminis-*
24 *tered by the Secretary.*

1 (d) *FEDERAL POWER ACT.*—*Nothing in this Act limits*
2 *or expands authorities pursuant to sections 4(e), 10(j), or*
3 *18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), 811).*

4 (e) *INDIAN WATER RIGHTS.*—*Nothing in this Act lim-*
5 *its or expands any existing or future reserved water right*
6 *or treaty right of any federally recognized Indian Tribe.*

7 (f) *FEDERALLY HELD STATE WATER RIGHTS.*—*Noth-*
8 *ing in this Act limits the ability of the Secretary, through*
9 *applicable State procedures, to acquire, use, enforce, or pro-*
10 *tect a State water right owned by the United States.*

11 (g) *INTERSTATE COMPACTS.*—*Nothing in this Act af-*
12 *fects an allocation contained in, or limitations and require-*
13 *ments of, any interstate water compact or decree of the Su-*
14 *preme Court of the United States interpreting or enforcing*
15 *an interstate water compact.*

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