

118TH CONGRESS  
1ST SESSION

# S. 739

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

Mr. KELLY (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, 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. LAND WITHDRAWAL AND RESERVATION.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGREEMENT.—The term “Agreement”  
6 means the agreement between the United States and  
7 the Association dated September 6, 1917.

1           (2) ASSOCIATION.—The term “Association”  
2 means the Salt River Valley Water Users’ Associa-  
3 tion.

4           (3) COVERED LAND.—The term “covered land”  
5 means the portion of the National Forest System  
6 land located on the south side of the Salt River from  
7 the March 9, 1903, 1-mile withdrawal area for Rec-  
8 lamation purposes extending an additional 2 miles  
9 from the Salt River at Roosevelt Dam to 18.25 river  
10 miles downstream, not including the Superstition  
11 Mountain Wilderness Area and the Tonto National  
12 Monument, as depicted on the Map.

13           (4) DISTRICT.—The term “District” means the  
14 Salt River Project Agricultural Improvement and  
15 Power District.

16           (5) MAP.—The term “Map” means the map  
17 prepared under subsection (e)(1).

18           (6) SRP.—The term “SRP” means—

19                   (A) the District; and

20                   (B) the Association.

21           (b) RESERVATION OF COVERED LAND.—Subject to  
22 valid existing rights, the covered land is reserved to the  
23 United States, through the Secretary of the Interior, for  
24 the exclusive right to use the covered land and interests  
25 in the covered land for the development, generation, and

1 transmission of electrical power and energy for the use  
2 and benefit of the Salt River Federal Reclamation Project  
3 pursuant to the Agreement.

4 (c) WITHDRAWAL OF COVERED LAND.—The covered  
5 land is permanently withdrawn from—

6 (1) all forms of entry, appropriation, and dis-  
7 posal under the public land laws;

8 (2) location, entry, and patent under the mining  
9 laws; and

10 (3) operation of the mineral leasing, mineral  
11 materials, and geothermal leasing laws.

12 (d) TITLE TO FACILITIES.—With respect to facilities  
13 constructed by SRP on the covered land for the develop-  
14 ment, generation, and transmission of electrical power and  
15 energy—

16 (1) title shall be held by the United States as  
17 part of the Salt River Federal Reclamation Project  
18 pursuant to—

19 (A) section 6 of the Act of June 17, 1902  
20 (32 Stat. 389, chapter 1093; 43 U.S.C. 498);

21 and

22 (B) the Agreement; and

23 (2) SRP shall be responsible for the care, oper-  
24 ation, and maintenance pursuant to the Agreement.

25 (e) MAP.—

1           (1) IN GENERAL.—As soon as practicable after  
2           the date of enactment of this Act, the Secretary of  
3           Agriculture shall prepare a map depicting the  
4           boundary of the covered land.

5           (2) AVAILABILITY.—The Map shall be on file  
6           and available for public inspection in the appropriate  
7           offices of the Forest Service and the Bureau of Rec-  
8           lamation.

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