CHAP. 42.—An Act To provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

December 21, 1928. [H. R. 5773.] [Public, No. 642.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose Representatives of the Boulder Canyon Project Act. Colored River. pose of controlling the floods, improving navigation and regulating pose of controlling the floods, improving navigation and regulating the flow of the Colorado River, providing for storage and for the constructing dam, etc., delivery of the stored waters thereof for reclamation of public lands in, at Black or Boulder Canyon. and other beneficial uses exclusively within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior, subject to the terms of the Colo-River compact. rado River compact hereinafter mentioned, is hereby authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not to be created. Capacity of reservoir less than twenty million acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam, which the leys, Calif.

Canal connecting Laguna Dam with Impendent the Laguna Dam or other suitable diversion dam, which the leys, Calif. Secretary of the Interior is hereby authorized to construct if deemed necessary or advisable by him upon engineering or economic considerations, with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures ble, as under reclamation be reimbursable, as provided in the reclamation law, and shall tion law. not be paid out of revenues derived from the sale or disposal of water power or electric energy at the dam authorized to be constructed at said Black Canyon or Boulder Canyon, or for water for potable purposes outside of the Imperial and Coachella Valleys: Provided, howposes outside of the Imperial and Coachella Valleys: Provided, how-ever, That no charge shall be made for water or for the use, storage, or potable, to the val-or delivery of water for irrigation or water for potable purposes in or delivery of water for irrigation or water for potable purposes in the Imperial or Coachella Valleys; also to construct and equip, energy to be construct-operate, and maintain at or near said dam, or cause to be constructed, ed, etc., at dam. a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and to acquire by proceedings in eminent to be acquired.

Necessary property domain, or otherwise, all lands, rights of way, and other property necessary for said purposes.

Maximum of \$165,allocated for

Repayment from

Deferred payments.

SEC. 2. (a) There is hereby established a special fund, to be known as the "Colorado River Dam fund" (hereinafter referred to as the "Created for executing "fund") and to be available as hereafter provided only for carry. "fund"), and to be available, as hereafter provided, only for carrying out the provisions of this Act. All revenues received in carrying out the provisions of this Act shall be paid into and expenditures shall be made out of the fund, under the direction of the Secretary

of the Interior.

(b) The Secretary of the Treasury is authorized to advance to Advances to fund the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this Act, except that the aggregate 000,000. amount of such advances shall not exceed the sum of \$165,000,000. sum alloc Of this amount the sum of \$25,000,000 shall be allocated to flood flood control. control and shall be repaid to the United States out of 621/2 per Repaires. centum of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this Act. If said sum of \$25,000,000 is not repaid in full during the period of amortization, then 62½ per centum of all net revenues shall be applied to payment of the remainder. Interest at the rate of 4 per centum per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund, except as herein otherwise provided.

Advances available for construction and interest only.

Operation, etc.

Interest to be charged on advances each year.

Rate.

Amount in excess of amount in excess of construction, etc., requirements, to be certified as repayment and covered into the Treasury.

Sums not to exceed \$165,000,000, authorized to be expended.

Post. p. 1064.

Or by six States, in-cluding California, waiving ratification by each of the seven States.

Irrevocable agreement by California required as to appor-tionment for its use of waters to the lower basin States.

(c) Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and main-

tenance except from appropriations therefor.

(d) The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subdivision (b) at the rate of 4 per centum per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per

centum per annum until paid.

(e) The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each fiscal year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts. Sec. 3. There is hereby authorized to be appropriated from time to

time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes

of this Act, not exceeding in the aggregate \$165,000,000.

Act not effective until proclamation made of ratification of Colorado River compact by the seven designated States.

Act not effective until proclamation of Sec. 4 (a). This Act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided nated States. for in this Act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 13 hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within ion by seven of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions, save that of such six-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this Act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this Act and all water necessary for the supply of any rights which may now exist, shall not exceed four million four hundred thousand acre-feet of the waters apportioned to the lower basin States by paragraph (a) of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

The States of Arizona, California, and Nevada are authorized to Agreement authorized by Arizona, California and Nevada are authorized to Agreement authorized by Arizona, California and Nevada. acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact, there shall be to Nevada and Article III of the Colorado River compact the theorem of the Colorado River compact the Colorado River compact the theorem of the Colorado River compact the Colorado Rive apportioned to the State of Nevada 300,000 acre-feet and to the zona. State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may Excess wat annually use one-half of the excess or surplus waters unapportioned wed Arizona. by the Colorado River compact, and (3) that the State of Arizona Consumptive use of Gila River by Arizona. shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that Gila River waters by the waters of the Gila River and its tributaries, except return flow allowance to Mexico. after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River California and Articompact, it shall become necessary to supply water to the United deficiency from main stream of the Colorado. States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually water for domestic and agricultural use. agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State River compact. agreement shall be subject in all particulars to the provisions of the Colorado River compact, and (7) said agreement to take effect upon the ratification of the Colorado River compact by Arizona, California,

and Nevada.

(b) Before any money is appropriated for the construction of said for revenues to insure dam or power plant, or any construction work done or contracted payment of expenses of construction, maintain the Construction of the Interior shall make provision for revenues tenance, etc., before for, the Secretary of the Interior shall make provision for revenues tenance, etc., before by contract, in accordance with the provisions of this Act, adequate priated. in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within fifty years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made

reimbursable under this Act.

Before any money is appropriated for the construction of said Imperial and Coachella main canal and appurtenant structures to connect the Laguna Dam Valleys, Calif.

Contracts required with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secresion of canal to connect. tary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract. periodical payments to the United States as provided in the contract, or contracts, executed under this Act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 1834 per centum of such excess revenues and to the State of Nevada 183/4 per centum of such excess revenues.

Effective on rati-

Charges to cover ex-

Irrigation and domes-tic permanent service.

Ante, p. 1058. Contracts required.

After repaying all money advanced, revenues to be expended in Colorado River Basin.

Contracts for electri-cal energy.

Time limit.

Readjustments.

Renewals.

Contracts for use of water, etc., for hydro-electric energy to be made upon application,

Determination of conflicting applications.

Sec. 5. That the Secretary of the Interior is hereby authorized, woir and dam.

Water for irrigation and domestic use from canal, electricity from the storage of water in said reservoir and for the delivery thereof dam, etc., by contract. at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and generation of electrical energy and delivery at the switchboard to States, municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this Act, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this Act and the payments to the United States under subdivision (b) of section 4. Contracts respecting water for irrigation and domestic uses shall be for permanent service and shall conform to paragraph (a) of section 4 of this Act. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

After the repayments to the United States of all money advanced with interest, charges shall be on such basis and the revenues derived therefrom shall be kept in a separate fund to be expended within the

Colorado River Basin as may hereafter be prescribed by the Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subdivision (b) of this section, and in making such contracts the following shall govern:

(a) No contract for electrical energy or for generation of electrical energy shall be of longer duration than fifty years from the date at which such energy is ready for delivery.

Contracts made pursuant to subdivision (a) of this section shall be made with a view to obtaining reasonable returns and shall contain provisions whereby at the end of fifteen years from the date of their execution and every ten years thereafter, there shall be readjustment of the contract, upon the demand of either party thereto, either upward or downward as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers, and with provisions under which disputes or disagreements as to interpretation or performance of such contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such readjustments or proceedings.

(b) The holder of any contract for electrical energy not in default thereunder shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible ap-plicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for. of In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal Water Power Act as to conflicting applications for permits Preference to States and licenses, except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation

and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given

equal opportunity as such applicants.

The rights covered by such preference shall be contracted for by rights.

Terms of preference such State within six months after notice by the Secretary of the Interior and to be paid for on the same terms and conditions as may be provided in other similar contracts made by said Secretary: Proviso, state applications, vided, however, That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be ized, etc. granted on the ground that the bond issue of such State or political subdivision, necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

such applicant to have such bond issue authorized and marketed.

(d) Any agency receiving a contract for electrical energy equivalent to one hundred thousand firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, less power contracts. be required to permit any other agency having contracts hereunder for less than the equivalent of twenty-five thousand firm horsepower, upon application to the Secretary of the Interior made within sixty days from the execution of the contract of the agency the use of whose transmission line is applied for, to participate in the benefits and use of any main transmission line constructed or to be constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is hereby authorized of such public and reserved lands of for transmission lines. the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to trans-

mit said electrical energy.

SEC. 6. That the dam and reservoir provided for by section 1 reservoir defined. Ante, p. 1057. hereof shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of said Colorado River compact; and third, for power. The title to said dam, reservoir, plant, and incidental works shall United States. forever remain in the United States, and the United States shall, until otherwise provided by Congress, control, manage, and operate the same, except as herein otherwise provided: Provided, however, Lease of units of That the Secretary of the Interior may, in his discretion, enter into Government plant for the control of the control contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this Act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules tenance and regulations conforming with the requirements of the Federal prescribed. Water Power Act, so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation,

Limitation, etc.

Rules, etc., for main-

Federal Power Commission rules, etc., applicable.

No permits under Water Power Act af-fecting Colorado River, etc., in States of Coloetc., in States of Colorado River compact, to be issued until the Act becomes effective.

Ante, p. 1058.

Title to canal, etc., after repayment of all Government advances, etc., may be transferred to districts having capital invested therein.

Colorado River compact to control all users of water, etc.

Use of water, subject to compact between Arizona, California, and Nevada, as to water accruing to the States subsidiary to Colorado River com-pact.

Control of rates, etc. maintenance of a system of accounting, control of rates and service in the absence of State regulation or interstate agreement, valuation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, recapture and/or emergency use by the United States of property of lessees, and penalties for enforcing regulations made under this Act or penalizing failure to comply with such regulations or with the provisions of this Act. He shall also conform with other provisions of the Federal Water Power Act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

> The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal Water Power Act upon or affecting the Colorado River or any of its tributaries, except the Gila River, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this Act shall

become effective as provided in section 4 herein.

SEC. 7. That the Secretary of the Interior may, in his discretion, when repayments to the United States of all money advanced, with interest, reimbursable hereunder, shall have been made, transfer the title to said canal and appurtenant structures, except the Laguna Dam and the main canal and appurtenant structures down to and including Syphon Drop, to the districts or other agencies of the United States having a beneficial interest therein in proportion to their respective capital investments under such form of organization Utilization of power their respective capital investments and districts or other agencies as may be acceptable to him. The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located. The net proceeds from any power development on Power proceeds pay. may be located. The het proceeds from and credited to said districts able into the fund, etc. said canal shall be paid into the fund and credited to said districts or other agencies on their said contracts, in proportion to their rights to develop power, until the districts or other agencies using said canal shall have paid thereby and under any contract or otherwise an amount of money equivalent to the operation and maintenance expense and cost of construction thereof.

SEC. 8. (a) The United States, its permittees, licensees, and contractees, and all users and appropriators of water stored, diverted, carried, and/or distributed by the reservoir, canals, and other works herein authorized, shall observe and be subject to and controlled by said Colorado River compact in the construction, management, and operation of said reservoir, canals, and other works and the storage, diversion, delivery, and use of water for the generation of power, irrigation, and other purposes, anything in this Act to the contrary notwithstanding, and all permits, licenses, and contracts shall so

provide.

(b) Also the United States, in constructing, managing, and operating the dam, reservoir, canals, and other works herein authorized, including the appropriation, delivery, and use of water for the generation of power, irrigation, or other uses, and all users of water thus delivered and all users and appropriators of waters stored by said reservoir and/or carried by said canal, including all permittees and licensees of the United States or any of its agencies, shall observe and be subject to and controlled, anything to the contrary herein notwithstanding, by the terms of such compact, if any, between the States of Arizona, California, and Nevada, or any two thereof, for the equitable division of the benefits, including power, arising from

the use of water accruing to said States, subsidiary to and consistent with said Colorado River compact, which may be negotiated and approved by said States and to which Congress shall give its consent and approval on or before January 1, 1929; and the terms of any such compact concluded between said States and approved and consented to by Congress after said date: *Provided*, That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 5 hereof prior to the

date of such approval and consent by Congress.

Sec. 9. That all lands of the United States found by the Secretary drawn of the Interior to be practicable of irrigation and reclamation by the entry. irrigation works authorized herein shall be withdrawn from public entry. Thereafter, at the direction of the Secretary of the Interior, To be opened under such lands shall be opened for entry, in tracts varying in size but not exceeding one hundred and sixty acres, as may be determined by the Secretary of the Interior, in accordance with the provisions of the reclamation law, and any such entryman shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of said canal and appurtenant structures; said payments to be made in such installments and at such times as may be specified by the Secretary of the Interior, in accordance with the provisions of the said reclamation law, and shall constitute revenue from said project and be covered into the fund to the fund.

Revenue covered inthe United States.

Provided, That all persons who have served Provisos. in the United States Army, Navy, or Marine Corps during the war with Germany, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the Regular A. rated or discharged therefrom or placed in the Regular Army or Navy Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of subsection (c) of section 4, Act of December 5, 1924 (Forty-third Statutes at Large, page 702); and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this Act: Provided further, That in the event such an entry shall relinquished. be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of sixty days after the filing and notation of the relinquishment in the local land office, and after the expiration of said sixty-day period such lands shall be open to entry, subject to the preference in this section provided.

SEC. 10. That nothing in this Act shall be construed as modifying District.

Imperial District.

Contract with Let the United States and the Imperial Irrigation District, providing guna Dam not modified hereby. for a connection with Laguna Dam; but the Secretary of the Interior is authorized to enter into contract or contracts with the said district or other districts, persons, or agencies for the construction, in accordance with this Act, of said canal and appurtenant structures, and also for the operation and maintenance thereof, with the consent of

the other users.

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineer-in Parker-Gila Valley reclamation project in, in gas may be necessary to determine the lands in the State of Ari-to be made. zona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project, and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary Congress. shall report to Congress as soon as practicable, and not later than

Proviso.
Subsequent action.

Ante, p. 1060.

Irrigable lands withfrom

Payments.

Vol. 43, p. 702.

Action if entry be

Use of canal, etc.

December 10, 1931, his findings, conclusions, and recommendations

regarding such project. Sec. 12. "Political subdivision" or "political subdivisions" as used in this Act shall be understood to include any State, irrigation or other district, municipality, or other governmental organization.

"Reclamation law" as used in this Act shall be understood to mean that certain Act of the Congress of the United States approved June 17, 1902, entitled "An Act appropriating the receipts from the sale and disposal of public land in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and the Acts amendatory thereof and supplemental thereto.

"Maintenance" as used herein shall be deemed to include in each instance provision for keeping the works in good operating condition.

"The Federal Water Power Act," as used in this Act, shall be understood to mean that certain Act of Congress of the United States approved June 10, 1920, entitled "An Act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes, the Acts amendatory thereof and supplemental thereto.

"Domestic" whenever employed in this Act shall include water uses defined as "domestic" in said Colorado River compact.

SEC. 13. (a) The Colorado River compact signed at Santa Fe, New Mexico, November 24, 1922, pursuant to Act of Congress approved August 19, 1921, entitled "An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," is hereby approved by the Congress of the United by each of signatory said Colorado River compact, making said colorado River, and for colorado River, and for colorado River, and for colorado River, and for colorado River colorado River, and colorado River said Colorado River compact, making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory States, are hereby waived, and this approval shall become effective when the State of California and at least five of the other States mentioned, shall have approved or may hereafter approve said compact as aforesaid and shall consent to such waiver, as herein provided.

(b) The rights of the United States in or to waters of the Colorado River and its tributaries howsoever claimed or acquired, as well as the rights of those claiming under the United States, shall be subject to and controlled by said Colorado River compact.

(c) Also all patents, grants, contracts, concessions, leases, permits, licenses, rights of way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this Act, the Federal Water Power Act, or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient, or incidental, and the use of the same shall likewise be subject to and controlled by said Colorado River compact.

(d) The conditions and covenants referred to herein shall be deemed to run with the land and the right, interest, or privilege therein and water right, and shall attach as a matter of law, whether set out or referred to in the instrument evidencing any such patent, grant, contract, concession, lease, permit, license, right of way, or

Definitions.
"Political s
sion." subdivi-

"Reclamation law." Vol. 32, p. 388.

"Maintenance."

"Federal Water Power Act." Vol. 41, p. 1063.

"Domestic."

Colorado River com-Authority for. Vol. 42, p. 171. Approval of, by Con-

Acceptance of approval by California and five other States.

All rights as to Colorado River waters, subject to the compact.

All patents, etc., for use of waters of Colo-rado River and tribu-taries subject to Colo-rado River compact.

Conditions to run ith the land and with the land and rights attach as a mat-ter of law to patents, etc.

other privilege from the United States or under its authority, or not, and shall be deemed to be for the benefit of and be available to the of seven designated States of Arizona, California, Colorado, Nevada, New Mexico, Utah, States, etc. and Wyoming, and the users of water therein or thereunder, by way of suit, defense, or otherwise, in any litigation respecting the waters of the Colorado River or its tributaries.

SEC. 14. This Act shall be deemed a supplement to the reclama- Act deemed suppletion law, which said reclamation law shall govern the construction, law. operation, and management of the works herein authorized, except

as otherwise herein provided.

SEC. 15. The Secretary of the Interior is authorized and directed directed at of easibility to make investigation and public reports of the feasibility of projects and of projects in designated states for composer in prehensive scheme for irrigation, generation of electric power, and other purposes in prehensive scheme for the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Colorado River, etc. Wyoming for the purpose of making such information available to said States and to the Congress, and of formulating a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of fund.

Ante, p. 1057. \$250,000 is hereby authorized to be appropriated from said Colorado River Dam fund, created by section 2 of this Act, for such purposes.

Sec. 16. In furtherance of any comprehensive plan formulated retiying State to act hereafter for the control, improvement, and utilization of the rein advisory capacity, in cooperation with sources of the Colorado River system and to the end that the project authorized by this Act may constitute and be administered as a unit in such control, improvement, and utilization, any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 4, 5, and 14 of this Act, and shall have at all times access to records of all Federal agencies empowered to act under said sections, and shall be entitled to have copies of said records on request.

Sec. 17. Claims of the United States arising out of any contract ment claims authorized by this Act shall have priority over all others, secured or

SEC. 18. Nothing herein shall be construed as interfering with waters therein, not insuch rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may pact, etc. deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado

River compact or other interstate agreement.

SEC. 19. That the consent of Congress is hereby given to the States Supplemental compacts by the designated of Arizona, California, Colorado, Nevada, New Mexico, Utah, and States consented to. Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this Act for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact General provisions or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(a) Such consent is given upon condition that a representative of Federal representative to participate in the United States, to be appointed by the President, shall participate negotiations. in the negotiations and shall make report to Congress of the pro-

ceedings and of any compact or agreement entered into.

Sum authorized from

Commission

Priority of Govern-

Approval State and required. by each Congress

(b) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Rights of Mexico not construed.

SEC. 20. Nothing in this Act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Title of Act.

SEC. 21. That the short title of this Act shall be "Boulder Canyon Project Act."

Approved, December 21, 1928.

December 21, 1928. [S. 4302.] [Public, No. 643.]

CHAP. 43.—An Act To authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, North Carolina, to the city of Wilmington, North Carolina, as a memorial to commemorate the Battle of Fort Fisher.

orial to commemorate.

Description.

Be it enacted by the Senate and House of Representatives of the Battle of Fort Fisher.
Federal Point Light
house Reservation, conveyed to Wilming, of Commerce is authorized to convey, subject to the conditions ton, N. C., as a mem-contained in section 2 of this Act, the Federal Point Lighthouse of Commerce is authorized to convey, subject to the conditions contained in section 2 of this Act, the Federal Point Lighthouse Reservation, North Carolina, to the city of Wilmington, North Carolina, for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this Act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and County of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain one square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

Reversion on failure to maintain etc., the property.

Sec. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this Act the Secretary of Commerce may at any time by letter addressed to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding, such conditions to be recited in the deed or instrument of conveyance. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

Rights reserved.

Approved, December 21, 1928.

December 21, 1928. [H. R. 13665.] [Public, No. 644.]

CHAP. 44.—An Act To provide for the submission to the Congress of pre-liminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

United States Su-preme Court Building Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a commission to be known as the "United States Supreme Court Building Commission" and to be composed of the Chief Justice