CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

§ 485i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this subchapter into full force and effect.

(Aug. 4, 1939, ch. 418, § 15, 53 Stat. 1198.)

§ 485j. Effect on existing laws

The provisions of previous Acts of Congress not inconsistent with the provisions of this subchapter shall remain in full force and effect.

(Aug. 4, 1939, ch. 418, § 16, 53 Stat. 1198.)

CONSTRUCTION WITH OTHER LAWS

Section 18 of act Aug. 4, 1939, provided: ''Nothing in this Act [see section 485k of this title] shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended [section 617 et seq. of this title].''

§ 485k. Short title

This subchapter may be cited as the ''Reclamation Project Act of 1939.''

(Aug. 4, 1939, ch. 418, § 19, 53 Stat. 1198.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this Act'', meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, as amended, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XI—MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 491. Authority of Secretary to operate works

The Secretary of the Interior is authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this Act.

(June 17, 1902, ch. 1093, § 6, 32 Stat. 389.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section is comprised of part of section 6 of act June 17, 1902. Remainder of such section 6 is classified to section 498 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

§ 492. Operation and maintenance charges generally

In addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum operation and maintenance charge based upon the charge for delivery of not less than one acre-foot of water. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

(Aug. 13, 1914, ch. 247, § 5, 38 Stat. 687.)

CODIFICATION

Section is comprised of part of first sentence and second sentence of section 5 of act Aug. 13, 1914. Remainder of first sentence of such section is classified to section 499 of this title.

§ 493. Operation charges; date of payment; discount; advance payment

All operation and maintenance charges upon projects existing prior to December 5, 1924, shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per centum of such charge.

All contracts providing for new projects and new divisions of projects approved after December 5, 1924, shall require that all operation and maintenance charges shall be payable in advance. In each case where the care, operation, and maintenance of a project or division of a project are transferred to the water users the contract shall require the payment of operation and maintenance charges in advance. Whenever an adjustment of water charges is made under sections 371, 376, 377, 412, 417, 433, 438,[1] 462, 463,[1] 466, 467,[1] 473,[1] 474,[1] 478, 493, 494, 500, 501 and 526 of this title the adjustment contract shall provide that thereafter all operation and maintenance charges shall be payable in advance.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688; Dec. 5, 1924, ch. 4, § 4, subsec. N, 43 Stat. 704.)

REFERENCES IN TEXT

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568.

Sections 463, 467, 473, and 474 of this title, referred to in text, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650.

CODIFICATION

First paragraph of this section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 494, and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

[1] See References in Text note below.

Second paragraph of this section is from act Dec. 5, 1924.

Language was inserted in the first paragraph of this section limiting it to projects existing prior to Dec. 5, 1924, to avoid conflict with second paragraph applicable to projects after Dec. 5, 1924.

DEFINITIONS

The definitions in section 371 of this title apply to this section.

§ 493a. Omitted

CODIFICATION

Section, act May 10, 1926, ch. 277, 44 Stat. 479, authorized Secretary of the Interior, until June 30, 1927, to extend time for payment of charges for period not exceeding 5 years.

§ 494. Pecuniary penalty for nonpayment of operation charge

If any operation or maintenance charge is unpaid on the 1st day of the third calendar month after it became due a penalty of 1 per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of 1 per centum of the amount unpaid shall be added on the 1st day of each calendar month if such charge and penalties shall remain unpaid.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688; Dec. 5, 1924, ch. 4, § 4, subsec. H, 43 Stat. 703.)

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 493 and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

Act Dec. 5, 1924, reduced the additional penalty from 1 per centum to one-half of 1 per centum.

§ 495. Shutting off water for nonpayment of operation charge

No water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 493 and 494 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

§ 496. Cancellation of entry or water right for nonpayment of operation charge

If any water-right applicant or entryman shall be one year in arrears in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such arrears.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of second sentence of section 6 of act Aug. 13, 1914. First and third sentences of such section 6 are classified to sections 479, 493, 494, 495, 497 of this title, respectively.

§ 497. Action to recover operation charge and penalty

In the discretion of the Secretary of the Interior suit or action may be brought for the amounts of operation or maintenance charges in default and penalties in like manner as provided in section 481 of this title.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of third sentence of section 6 of act Aug. 13, 1914. First and second sentences of such section 6 are classified to sections 479, 493, 494, 495, and 496 of this title, respectively.

§ 498. Transfer of management and operation of works to water users generally

When the payments required by this Act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior; *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

(June 17, 1902, ch. 1093, § 6, 32 Stat. 389.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section is comprised of part of section 6 of act June 17, 1902. Remainder of such section 6 is classified to section 491 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

§ 499. Discretionary power to transfer management

Whenever any legally organized water-users' association or irrigation district shall so request, the Secretary of the Interior is authorized, in his discretion, to transfer to such water-users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe.

(Aug. 13, 1914, ch. 247, § 5, 38 Stat. 687.)

CODIFICATION

Section is comprised of part of first sentence of section 5 of act Aug. 13, 1914. Remainder of first sentence and second sentence of such section 5 are classified to section 492 of this title.