CHAPTER 12B—COLORADO RIVER STORAGE PROJECT

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§ 620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Wayne N. Aspinall, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon: *Provided*, That the Wayne N. Aspinall Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level, and that construction thereof shall not be undertaken until the Secretary has, on the basis of further engineering and economic investigations, reexamined the economic justification of such unit and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress and to the President that, in his judgment, the benefits of such unit will exceed its costs; and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter referred to as participating projects: Central Utah (initial phase and the Uintah unit), San Juan-Chama (initial stage), Emery County, Florida, Hammond, La Barge, Lyman, Navajo Indian, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel, Seedskadee, Savery-Pot Hook, Bostwick Park, Fruitland Mesa, the Navajo-Gallup Water Supply Project, Silt and Smith Fork: *Provided further*, That as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument.

(Apr. 11, 1956, ch. 203, § 1, 70 Stat. 105; Pub. L. 87–483, § 18, June 13, 1962, 76 Stat. 102; Pub. L. 88–568, § 1, Sept. 2, 1964, 78 Stat. 852; Pub. L. 90–537, title V, § 501(a), Sept. 30, 1968, 82 Stat. 896; Pub. L. 96–375, § 7, Oct. 3, 1980, 94 Stat. 1507; Pub. L. 96–470, title I, § 108(c), Oct. 19, 1980, 94 Stat. 2239; Pub. L. 111–11, title X, § 10401(a), Mar. 30, 2009, 123 Stat. 1371.)

AMENDMENT OF SECTION

For termination of amendment by section 10701(e)(2) of Pub. L. 111–11, see Termination Date of 2009 Amendment note below.

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90–537 which amended this section are only a part of said subsec. (a). The remainder of said subsec. (a) amended section 620a of this title and enacted provisions set out as notes under this section and section 620k of this title.

AMENDMENTS

2009—Pub. L. 111–11, §§ 10401(a), 10701(e)(2), temporarily inserted ''the Navajo-Gallup Water Supply Project,'' after ''Fruitland Mesa,'' in cl. (2). See Termination Date of 2009 Amendment note below.

1980—Pub. L. 96–470 struck out proviso that construction of Uintah unit of Central Utah project not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted it to Congress, along with his certification that, in his judgment, the benefits of such unit or segment will exceed the cost and that such unit is physically and financially feasible, and that the Congress has authorized appropriations for construction thereof.

Pub. L. 96–375 substituted ''Wayne N. Aspinall'' for ''Curecanti''.

1968—Pub. L. 90–537 added Uintah unit to initial phase in Central Utah project, substituted ''Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel'' for ''Pine River Extension'', and inserted proviso prohibiting construction of Uintah unit of Central Utah project until a feasibility study is made, a determination is made that its benefits will exceed its costs and an authorization for appropriations is made by Congress.

1964—Pub. L. 88–568 included Savery-Pot Hook, Bostwick Park, and Fruitland Mesa as participating projects.

1962—Pub. L. 87–483 included San Juan-Chama (initial stage) and Navajo Indian as participating projects in cl. (2).

TERMINATION DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–11 to be null and void on issuance of a court order terminating a certain Agreement and Contract between New Mexico, the Navajo Nation, and the United States, see section 10701(e)(2) of Pub. L. 111–11, set out as an Agreement note below.

SHORT TITLE

Act Apr. 11, 1956, which enacted this chapter, is popularly known as the ''Colorado River Storage Project Act''.

PURPOSE OF 1968 AMENDMENT

Section 501(a) of Pub. L. 90–537 provided that the amendment of this section and section 620a of this title by such section 501(a) were made in order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah Unit), Utah, as participating projects under the Colorado River Storage Project Act, and to provide for the completion of planning reports on other participating projects.

EFFECT ON FEDERAL WATER LAW

Pub. L. 111–11, title X, §10403, Mar. 30, 2009, 123 Stat. 1375, provided that: ''Unless expressly provided in this subtitle [subtitle B (§§10301–10704) of title X of Pub. L. 111–11, enacting section 407, former section 615jj, and section 620n–1 of this title, amending this section, former section 615ss, and section 620*o* of this title, repealing former section 615jj of this title, and enacting provisions set out as notes under this section and section 407 of this title], nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

''(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

''(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643) [43 U.S.C. 618 et seq.];

''(3) the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.);

''(4) the Act of September 30, 1968 (commonly known as the 'Colorado River Basin Project Act') (82 Stat. 885) [43 U.S.C. 1501 et seq.];

''(5) Public Law 87–483 (76 Stat. 96) [former 43 U.S.C. 615ii et seq.];

''(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

''(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

''(8) the Compact;

''(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

''(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

''(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).''

[Section 10403 Pub. L. 111–11, set out above, to be null and void on issuance of a court order terminating a certain Agreement and Contract between New Mexico, the Navajo Nation, and the United States, see section 10701(e)(2) of Pub. L. 111–11, set out as an Agreement note below.]

[For definition of Compact, see section 10302 of Pub. L. 111–11, set out as a Definitions note under section 407 of this title.]

AGREEMENT

Pub. L. 111–11, title X, §10701, Mar. 30, 2009, 123 Stat. 1396, provided that:

''(a) AGREEMENT APPROVAL.—

''(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this subtitle [subtitle B (§§10301–10704) of title X of Pub. L. 111–11, see Effect on Federal Water Law note above], Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

''(2) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

''(A) any exhibits to the Agreement requiring the signature of the Secretary; and

''(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

''(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

''(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

''(b) WATER AVAILABLE UNDER CONTRACT.—

''(1) QUANTITIES OF WATER AVAILABLE.—

''(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

''(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

''(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

''(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

''(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

''(A) consistent with the Agreement; and

''(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

''(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

''(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

''(i) the depletion of water does not exceed the quantities described in paragraph (1); and

''(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

''(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D) [123 Stat. 1383]), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

''(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

''(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

''(c) SUBCONTRACTS.—

''(1) IN GENERAL.—

''(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

''(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

''(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

''(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

''(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

''(ii) the date that is 60 days after the date on which a subcontractor complies with—

''(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

''(II) any other requirement of Federal law.

''(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

''(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

''(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

''(2) ALIENATION.—

''(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

''(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

''(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

''(A) provides congressional authorization for the subcontracting rights of the Nation; and

''(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

''(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

''(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

''(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

''(1) AUTHORITY OF NATION.—

''(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

''(i) is decreed to the Nation under the Agreement; and

''(ii) is not subject to the Contract.

''(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

''(2) ALIENATION; MAXIMUM TERM.—

''(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

''(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

''(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

''(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

''(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

''(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

''(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

''(e) NULLIFICATION.—

''(1) DEADLINES.—

''(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

''(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

''(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

''(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

''(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) [123 Stat. 1394] shall be completed.

''(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

''(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) [123 Stat. 1394] shall be completed.

''(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702 [123 Stat. 1402].

''(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) [123 Stat. 1395] for the conjunctive use wells authorized under section 10606(b) [123 Stat. 1393] should be appropriated.

''(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

''(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

''(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

''(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

''(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

''(i) the Trust Fund shall be terminated;

''(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

''(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

''(iv) this part and parts I and III [parts IV (§§ 10701–10704), I (§§ 10401–10403), and III (§§ 10601–10609) of subtitle B of title X of Pub. L. 111–11, enacting former section 615jj and section 620n–1 of this title, amending this section, former section 615ss, and section 620*o* of this title, repealing former section 615jj of this title, and enacting provisions set out as notes under this section] shall be null and void.

''(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

''(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

''(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

''(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606 [123 Stat. 1392].

''(ii) A failure—

''(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

''(II) to obtain a necessary water right for the consumptive use of water in Arizona;

''(III) to contract for the delivery of water for use in Arizona; or

''(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

''(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

''(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.''

[For definitions of terms used in section 10701 of Pub. L. 111–11, set out above, see section 10302 of Pub. L. 111–11, set out as a note under section 407 of this title.]

§ 620a. Priority to planning reports of certain additional participating projects; reports to States; San Juan-Chama project; Juniper project

In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, Eagle Divide, Bluestone, Battlement Mesa, Grand Mesa, Yellow Jacket, Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units) and Sublette (including a diversion of water from the Green River to the North Platte River Basin Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) participating projects: *Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14–06–W–194). Said reports shall be completed as expeditiously as funds are made available therefor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress: *Provided*, That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a single offstream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed or operated thereat, and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

The Secretary, concurrently with the investigations directed by the preceding paragraph, shall also give priority to completion of a planning report on the Juniper project.

(Apr. 11, 1956, ch. 203, § 2, 70 Stat. 106; Pub. L. 87–483, § 18, June 13, 1962, 76 Stat. 102; Pub. L. 88–568, § 1, Sept. 2, 1964, 78 Stat. 852; Pub. L. 90–537, title V, § 501(a), Sept. 30, 1968, 82 Stat. 897.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are identified in section 620c of this title.

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90–537 which amended this section are only a part of said subsec. (a). The remainder of subsec. (a), amended section 620 of this title and enacted provisions set out as notes under sections 620 and 620k of this title.

AMENDMENTS

1968—Pub. L. 90–537 substituted Basalt, Middle Park (including Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including Juniper and Great Northern units), and Upper Yampa (including Hayden Mesa, Wessels, and Toponas units) projects for Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, and Animas-La Plata projects, added Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) projects, and that portion of the Sublette projects consisting of a diversion of water from the Green River to the North Platte River Basin in Wyoming to the list of participating projects, and inserted proviso that planning report for Ute Indian unit of Central Utah project be completed on or before December 31, 1974.

1964—Pub. L. 88–568 struck out ", Fruitland Mesa, Bostwick Park" and ", Savery-Pot Hook" after "Ohio Creek" and "Dallas Creek", respectively.

1962—Pub. L. 87–483 struck out "San Juan-Chama, Navajo" after "Gooseberry," in first sentence.

STORAGE OF WATER AT ABIQUIU DAM IN NEW MEXICO

Pub. L. 100–522, Oct. 24, 1988, 102 Stat. 2604, provided that:

"SECTION 1. WATER STORAGE.

"Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to store 200,000 acre-feet of Rio Grande system water at Abiquiu Dam, New Mexico, in lieu of the water storage authorized by section 5 of Public Law 97–140 [set out below], to the extent that contracting entities under section 5 of Public Law 97–140 no longer require such storage. The Secretary is authorized further to acquire lands adjacent to Abiquiu Dam on which the Secretary holds easements as of the date of enactment of this Act [Oct. 24, 1988] if such acquisition is necessary to assure proper recreational access at Abiquiu Dam. The Secretary is further directed to report to Congress as soon as possible with recommendations on additional easements that may be required to assure implementation of this Act.

"SEC. 2. LIMITATION.

"The authorization to store water and to acquire lands under section 1 is subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission."

STORAGE OF SAN JUAN-CHAMA PROJECT WATER IN OTHER RESERVOIRS

Pub. L. 97–140, § 5, Dec. 29, 1981, 95 Stat. 1717, provided that:

"(a) The proviso of section 2 of Public Law 84–485 [this section] shall not be construed to prohibit the storage of San Juan-Chama project water acquired by contract with the Secretary of the Interior pursuant to Public Law 87-483 [section 615ii et seq. of this title] in any reservoir, including the storage of water for recreation and other beneficial purposes by any party contracting with the Secretary for project water.

"(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of a total of two hundred thousand acre-feet of such water in Abiquiu Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. The agreements to thus store San Juan-Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project and shall include a requirement that each user of storage space shall pay any increase in operation and maintenance costs attributable to the storage of that user's water.

"(c) The Secretary of the Interior is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Elephant Butte Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. Any increase in operation and maintenance costs resulting from such storage not offset by increased power revenues resulting from that storage shall be paid proportionately by the entities for which the San Juan-Chama project water is stored.

"(d) The amount of evaporation loss and spill chargeable to San Juan-Chama project water stored pursuant to subsections (b) and (c) of this section shall be accounted as required by the Rio Grande compact and the procedures established by the Rio Grande Compact Commission."

§ 620a–1. Construction of participating projects to be concurrent with Central Arizona Project

The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 620c of this title before construction shall start on that particular project.

(Pub. L. 90–537, title V, § 501(b), Sept. 30, 1968, 82 Stat. 897.)

CODIFICATION

Section consists of subsec. (b) of section 501 of Pub. L. 90–537. Subsecs. (a), (d), and (e) of section 501 are classified to sections 620, 620 note, 620a, 620a–2, 620c–1, and 620k note of this title. Subsec. (c) and (f) of section 501 are not classified to the Code.

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620a–2. Establishment of nonexcess irrigable acreage for participating projects

The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

(Pub. L. 90–537, title V, § 501(d), Sept. 30, 1968, 82 Stat. 898.)

CODIFICATION

Section consists of subsec. (d) of section 501 of Pub. L. 90–537. Subsecs. (a), (b), and (e) of section 501 are classified to sections 620, 620 note, 620a, 620a–1, 620c–1, and 620k note of this title. Subsecs. (c) and (f) of section 501 are not classified to the Code.

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620b. Congressional intent; additional undesignated projects not precluded; construction not authorized within national park or monument

It is not the intention of Congress, in authorizing only those projects designated in section 620 of this title, and in authorizing priority in planning only those additional projects designated in section 620a of this title, to limit, restrict, or otherwise interfere with such comprehensive development as will provide for the consumptive use by States of the Upper Colorado River Basin of waters, the use of which is apportioned to the Upper Colorado River Basin by the Colorado River Compact and to each State thereof by the Upper Colorado River Basin Compact, nor to preclude consideration and authorization by the Congress of additional projects under the allocations in the compacts as additional needs are indicated. It is the intention of Congress that no dam or reservoir constructed under the authorization of this chapter shall be within any national park or monument.

(Apr. 11, 1956, ch. 203, § 3, 70 Stat. 107.)

§ 620c. Laws governing; irrigation repayment contracts; time for making contract; contracts for municipal water; payment by Indian lands; restricted delivery of water for excess commodity; apportionments of use

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the Colorado River storage project and the participating projects listed in section 620 of this title, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto): *Provided*, That (a) irrigation repayment contracts shall be entered into which, except as otherwise provided for the Paonia and Eden projects, provide for repayment of the obligation assumed thereunder with respect to any project contract unit over a period of not more than fifty years exclusive of any development period authorized by law; (b) prior to construction of irrigation distribution facilities, repayment contracts shall be made with an ''organization'' as defined in section 485a(g) of this title which has the capacity to levy assessments upon all taxable real property located within its boundaries to assist in making repayments, except where a substantial proportion of the lands to be served are owned by the United States; (c) contracts relating to municipal water supply may be made without regard to the limitations of the last sentence of section 485h(c) of this title; and (d), as to Indian lands within, under or served by any participating project, payment of construction costs within the capability of the land to repay shall be subject to section 386a of title 25: *Provided further*, That for a period of ten years from April 11, 1956, no water from any participating project authorized by this chapter shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of title 7 unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. All units and participating projects shall be subject to the apportionments of the use of water between the Upper and Lower Basins of the Colorado River and among the States of the Upper Basin fixed in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, and to the terms of the treaty with the United Mexican States (Treaty Series 994).

(Apr. 11, 1956, ch. 203, § 4, 70 Stat. 107.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Agricultural Act of 1949, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§ 1421 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of Title 7 and Tables.

§ 620c–1. Laws governing priority of appropriation

In the diversion and storage of water for any project or any parts thereof constructed under the authority of the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.] or the Colorado River Storage Project Act [43 U.S.C. 620 et seq.] within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

(Pub. L. 90–537, title V, § 501(e), Sept. 30, 1968, 82 Stat. 898.)

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

CODIFICATION

Section consists of subsec. (e) of section 501 of Pub. L. 90–537. Subsecs. (a), (b), and (d) of section 501 are classified to sections 620, 620 note, 620a, 620a–1, 620a–2, and 620k note of this title. Subsecs. (c) and (f) of section 501 are not classified to the Code.

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620d. Upper Colorado River Basin Fund

(a) Authorization and availability

There is authorized a separate fund in the Treasury of the United States to be known as the Upper Colorado River Basin Fund (hereinafter referred to as the Basin Fund), which shall remain available until expended, as hereafter provided, for carrying out provisions of this chapter other than section 620g of this title.

(b) Crediting of appropriations

All appropriations made for the purpose of carrying out the provisions of this chapter, other than section 620g of this title shall be credited to the Basin Fund as advances from the general fund of the Treasury.

(c) Crediting and availability of revenues

All revenues collected in connection with the operation of the Colorado River storage project and participating projects shall be credited to the Basin Fund, and shall be available, without further appropriation, for (1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the Colorado River storage project and participating projects, within such separate limitations as may be included in annual appropriation acts: *Provided*, That with respect to each participating project, such costs shall be paid from revenues received from each such project; (2) payment as required by subsection (d) of this section; and (3) payment as required by subsection (e) of this section. Revenues credited to the Basin Fund shall not be available for appropriation for construction of the units and participating projects authorized by or pursuant to this chapter.

(d) Payments of revenues in excess of operating needs to Treasury

Revenues in the Basin Fund in excess of operating needs shall be paid annually to the general fund of the Treasury to return—

(1) the costs of each unit, participating project, or any separable feature thereof which are allocated to power pursuant to section 620e of this title, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(2) the costs of each unit, participating project, or any separable feature thereof which are allocated to municipal water supply pursuant to section 620e of this title, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(3) interest on the unamortized balance of the investment (including interest during construction) in the power and municipal water supply features of each unit, participating project, or any separable feature thereof, at a rate determined by the Secretary of the Treasury as provided in subsection (f) of this section, and interest due shall be a first charge;

(4) the costs of each storage unit which are allocated to irrigation pursuant to section 620e of this title within a period not exceeding fifty years; and

(5) the costs of each salinity control unit or separable feature thereof, the costs of measures to replace incidental fish and wildlife values foregone, and the costs of the on-farm measures payable from the Upper Colorado River Basin Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(c) of this title.

(e) Apportionment of excess revenues among States

Revenues in the Basin Fund in excess of the amounts needed to meet the requirements of clause (1) of subsection (c) of this section, and to return to the general fund of the Treasury the costs set out in subsection (d) of this section, shall be apportioned among the States of the Upper Division in the following percentages: Colorado, 46 per centum; Utah, 21.5 per centum; Wyoming, 15.5 per centum; and New Mexico, 17 per centum: *Provided*, That prior to the application of such percentages, all revenues remaining in the Basin Fund from each participating project (or part thereof), herein or hereafter authorized, after payments, where applicable, with respect to such projects, to the general fund of the Treasury under subparagraphs (1), (2), and (3) of subsection (d) of this section shall be apportioned to the State in which such participating project, or part thereof, is located.

Revenues so apportioned to each State shall be used only for the repayment of construction costs of participating projects or parts of such projects in the State to which such revenues are apportioned and shall not be used for such purpose in any other State without the consent, as expressed through its legally constituted authority, of the State to which such revenues are apportioned. Subject to such requirement, there shall be paid annually into the general fund of the Treasury from the revenues apportioned to each State (1) the costs of each participating project herein authorized (except Paonia) or any separable feature thereof, which are allocated to irrigation pursuant to section 620e of this title, within a period not exceeding fifty years, in addition to any development period authorized by law, from the date of completion of such participating project or separable feature thereof, or, in the case of Indian lands, payment in accord-

ance with section 620c of this title; (2) costs of the Paonia project, which are beyond the ability of the water users to repay, within a period prescribed in the Act of June 25, 1947 (61 Stat. 181); and (3) costs in connection with the irrigation features of the Eden project as specified in the Act of June 28, 1949 (63 Stat. 277).

(f) Determination of interest rate

The interest rate applicable to each unit of the storage project and each participating project for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(g) Budget to be submitted to Congress

Business-type budgets shall be submitted to the Congress annually for all operations financed by the Basin Fund.

(Apr. 11, 1956, ch. 203, § 5, 70 Stat. 107; Pub. L. 86–529, § 9 (part), June 27, 1960, 74 Stat. 227; Pub. L. 87–483, § 18, June 13, 1962, 76 Stat. 102; Pub. L. 93–320, title II, § 205(d), June 24, 1974, 88 Stat. 273; Pub. L. 98–569, § 4(h), Oct. 30, 1984, 98 Stat. 2939.)

REFERENCES IN TEXT

Act of June 25, 1947, referred to in subsec. (e), is act June 25, 1947, ch. 148, 61 Stat. 181, which authorized the construction, operation, and maintenance of the Paonia Federal reclamation project, Colorado, and which is not classified to the Code.

Act of June 28, 1949, referred to in subsec. (e), is act June 28, 1949, ch. 255, 63 Stat. 277, which authorized the completion of construction and development of the Eden project, Wyoming, and which is not classified to the Code.

AMENDMENTS

1984—Subsec. (d)(5). Pub. L. 98–569 inserted ", the costs of measures to replace incidental fish and wildlife values foregone, and the costs of the on-farm measures" before "payable".

1974—Subsec. (d)(5). Pub. L. 93–320 added par. (5).

1962—Subsec. (e). Pub. L. 87–483 substituted "hereafter" for "hereinafter" in proviso in first par.

1960—Subsec. (f). Pub. L. 86–529 required Secretary, for purposes of computing interest during construction and interest on unpaid balance, to determine interest rate as of beginning of fiscal year in which construction is initiated, on basis of computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 9 of Pub. L. 86–529 provided that the amendment made by that section is effective June 1, 1960.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under subsec. (g) of this section is listed as the 8th item on page 114), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, § 1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of Title 31, Money and Finance.

§ 620d–1. Reimbursement of Fund from Colorado River Development Fund; operation of Hoover Dam

The Upper Colorado River Basin Fund established under section 620d of this title shall be reimbursed from the Colorado River Development Fund established by section 618a of this title for the money expended heretofore or hereafter from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, $500,000 for each year of operation of Hoover Dam and powerplant, commencing with fiscal year 1970, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 618a(d) of this title, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in section 1543(g) of this title.

(Pub. L. 90–537, title V, § 502, Sept. 30, 1968, 82 Stat. 898.)

CODIFICATION

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620e. Cost allocations; Indian lands; report to Congress

Upon completion of each unit, participating project or separable feature thereof, the Secretary shall allocate the total costs (excluding any expenditures authorized by section 620g of this title) of constructing said unit, project or feature to power, irrigation, municipal water supply, flood control, navigation, or any other purposes authorized under reclamation law. Allocations of construction, operation and maintenance costs to authorized nonreimbursable purposes shall be nonreturnable under the provisions of this chapter. In the event that the Navajo participating project is authorized, the costs allocated to irrigation of Indian-owned tribal or restricted lands within, under, or served by such project, and beyond the capability of such lands to repay, shall be determined, and, in recognition of the fact that assistance to the Navajo Indians is the responsibility of the entire nation, such costs shall be nonreimbursable. On January 1 of each year the Secretary shall report to the Congress for the previous fiscal year, beginning with the fiscal year 1957, upon the status of the revenues from, and the cost of, constructing, operating, and maintaining the Colorado River

storage project and the participating projects. The Secretary's report shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

(Apr. 11, 1956, ch. 203, § 6, 70 Stat. 109.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under this section is listed as the 11th item on page 114), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, § 1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of Title 31, Money and Finance.

§ 620f. Powerplant operations

The hydroelectric powerplants and transmission lines authorized by this chapter to be constructed, operated, and maintained by the Secretary shall be operated in conjunction with other Federal powerplants, present and potential, so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates, but in the exercise of the authority hereby granted he shall not affect or interfere with the operation of the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.], and any contract lawfully entered into under said Compacts and Acts. Subject to the provisions of the Colorado River Compact, neither the impounding nor the use of water for the generation of power and energy at the plants of the Colorado River storage project shall preclude or impair the appropriation of water for domestic or agricultural purposes pursuant to applicable State law.

(Apr. 11, 1956, ch. 203, § 7, 70 Stat. 109; Pub. L. 87–483, § 18, June 13, 1962, 76 Stat. 102.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

AMENDMENTS

1962—Pub. L. 87–483 substituted ''into'' for ''unto''.

§ 620g. Recreational and fish and wildlife facilities

In connection with the development of the Colorado River storage project and of the participating projects, the Secretary is authorized and directed to investigate, plan, construct, operate, and maintain (1) public recreational facilities on lands withdrawn or acquired for the development of said project or of said participating projects, to conserve the scenery, the natural, historic, and archeologic objects, and the wildlife on said lands, and to provide for public use and enjoyment of the same and of the water areas created by these projects by such means as are consistent with the primary purposes of said projects; and (2) facilities to mitigate losses of, and improve conditions for, the propagation of fish and wildlife. The Secretary is authorized to acquire lands necessary for the construction, operation, and maintenance of the facilities herein provided, and to dispose of them to Federal, State, and local governmental agencies by lease, transfer, exchange, or conveyance upon such terms and conditions as will best promote their development and operation in the public interest. All costs incurred pursuant to this section shall be nonreimbursable and nonreturnable.

(Apr. 11, 1956, ch. 203, § 8, 70 Stat. 110; Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

AMENDMENTS

1976—Pub. L. 94–579 struck out provisions authorizing withdrawal of public lands from entry or other disposition under the public land laws.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94–579 provided that the amendment made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 620h. Saving provisions

Nothing contained in this chapter shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act (54 Stat. 774) [43 U.S.C. 618 et seq.], the Colorado River Compact, the Upper Colorado River Basin Compact, the Rio Grande Compact of 1938, or the treaty with the United Mexican States (Treaty Series 994).

(Apr. 11, 1956, ch. 203, § 9, 70 Stat. 110.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

§ 620i. Expenditures; units excepted from soil survey and land classification requirements

Expenditures for the Flaming Gorge, Glen Canyon, Wayne N. Aspinall, and Navajo initial units of the Colorado River storage project may

be made without regard to the soil survey and land classification requirements of section 390a[1] of this title.

(Apr. 11, 1956, ch. 203, § 10, 70 Stat. 110; Pub. L. 96–375, § 7, Oct. 3, 1980, 94 Stat. 1507.)

REFERENCES IN TEXT

Section 390a of this title, referred to in text, was in the original a reference to the Interior Department Appropriation Act, 1954. The soil survey and land classification requirements of that Act (act July 31, 1953, ch. 298, 67 Stat. 261, 266) were classified to section 390a of this title, prior to repeal by Pub. L. 105–362, title IX, § 901(e)(2), Nov. 10, 1998, 112 Stat. 3289.

AMENDMENTS

1980—Pub. L. 96–375 substituted ''Wayne N. Aspinall'' for ''Curecanti''.

§ 620j. Court decree; effectivity and approval

The Final Judgment, Final Decree and stipulations incorporated therein in the consolidated cases of United States of America v. Northern Colorado Water Conservancy District, et al., Civil Nos. 2782, 5016 and 5017, in the United States District Court for the District of Colorado, are approved, shall become effective immediately, and the proper agencies of the United States shall act in accordance therewith.

(Apr. 11, 1956, ch. 203, § 11, 70 Stat. 110.)

§ 620k. Authorization of appropriations

There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this chapter, but not to exceed $760,000,000.

(Apr. 11, 1956, ch. 203, § 12, 70 Stat. 110.)

CHANGE OF NAME

Pub. L. 96–375, § 7, Oct. 3, 1980, 94 Stat. 1507, provided that: ''The Curecanti Storage Unit of the Colorado River Storage Project constructed under the authority of the Act of April 11, 1956 (70 Stat. 106) [this chapter] is hereby designated and hereafter shall be known as the Wayne N. Aspinall Storage Unit of the Colorado River Storage Project. Any law, regulation, record, map, or other document of the United States referring to the Curecanti Storage Unit shall be held to refer to the Wayne N. Aspinall Storage Unit.''

TERMINATION OF AUTHORIZATION OF APPROPRIATIONS

Pub. L. 102–575, title II, § 201(c), Oct. 30, 1992, 106 Stat. 4607, provided that: ''Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k) [this chapter], the Act of September 2, 1964 (78 Stat. 852) [Pub. L. 88–568, see Tables for classification], the Act of September 30, 1968 (82 Stat. 885) [see Short Title note set out under section 1501 of this title], the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) [enacting section 79–1 of Title 16, Conservation, and provisions set out as notes under this section and section 461 of Title 16] to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act [Oct. 30, 1992] unless: (1) the Secretary [of the Interior] executes a cost-sharing agreement with the District [Central Utah Water Conservancy District] for construction of such project, and (2) the Secretary has requested, or the Congress has appropriated, construction funds for such project.''

AUTHORIZATION OF ADDITIONAL AMOUNTS FOR COLORADO RIVER STORAGE PROJECT

Pub. L. 102–575, title II, § 201(a)(1), Oct. 30, 1992, 106 Stat. 4606, provided that: ''In order to provide for the completion of the Central Utah Project and other features described in this Act [see Short Title of 1992 Amendment note set out under section 371 of this title], the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note) and the Act of October 31, 1988 (102 Stat. 2826) [43 U.S.C. 620k note], is hereby further increased by $924,206,000 (January 1991) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: *Provided*, *however*, That of the amounts authorized to be appropriated by this section, the Secretary [of the Interior] is not authorized to obligate or expend amounts in excess of $214,352,000 for the features identified in the Report of the Senate Committee on Energy and Natural Resources accompanying the bill H.R. 429 [S. Rept. No. 102–267, One Hundred Second Congress]. This additional sum shall be available solely for design, engineering, and construction of the facilities identified in title II of this Act [106 Stat. 4605] and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act [106 Stat. 4625, 4648], and for the Ute Indian Settlement authorized in title V of this Act [106 Stat. 4650].''

Pub. L. 100–563, § 1, Oct. 31, 1988, 102 Stat. 2826, provided that: ''In order to provide for the continued construction of the Colorado River Storage Project, and for the continued construction of the municipal and industrial water features of the Bonneville Unit of the Central Utah Project, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), is hereby further increased by $45,456,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named in such Act of August 10, 1972.''

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CERTAIN PROJECTS IN THE UPPER COLORADO RIVER BASIN

Pub. L. 92–370, Aug. 10, 1972, 86 Stat. 525, provided: ''That in order to provide for completion of construction of the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) [this section] authorizes to be appropriated is hereby further increased by the sum of $610,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named herein.''

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CONSTRUCTION OF ANIMAS-LA PLATA, DOLORES, DALLAS CREEK, WEST DIVIDE, AND SAN MIGUEL PROJECTS

Pub. L. 90–537, title V, § 501(a), Sept. 30, 1968, 82 Stat. 897, provided in part that: ''The amount which section

[1] See References in Text note below.

12 of said Act [this section] authorizes to be appropriated is hereby further increased by the sum of $392,000,000 plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.''

§ 620*l*. Net power revenues

In planning the use of, and in using credits from, net power revenues available for the purpose of assisting in the pay-out of costs of participating projects herein and hereafter authorized in the States of Colorado, New Mexico, Utah, and Wyoming, the Secretary shall have regard for the achievement within each of said States of the fullest practicable use of the waters of the Upper Colorado River system, consistent with the apportionment thereof among such States.

(Apr. 11, 1956, ch. 203, § 13, 70 Stat. 110.)

§ 620m. Compliance with law required in operation of facilities; enforcement of provisions

In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.], and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section, and consent is given to the joinder of the United States as a party in such suit or suites, as a defendant or otherwise.

(Apr. 11, 1956, ch. 203, § 14, 70 Stat. 110.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

§ 620n. Water quality study and reports

The Secretary of the Interior is directed to continue studies and to make a report to the Congress and to the States of the Colorado River Basin on the quality of water of the Colorado River.

(Apr. 11, 1956, ch. 203, § 15, 70 Stat. 111.)

§ 620n–1. Top water bank

(a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

(A) Public Law 87–483 (76 Stat. 96); and

(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

(B) water in the top water bank be subject to evaporation and other losses during storage;

(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.

(Apr. 11, 1956, ch. 203, § 16, as added Pub. L. 111–11, title X, § 10401(b)(2), Mar. 30, 2009, 123 Stat. 1371.)

TERMINATION OF SECTION

For termination of section by section 10701(e)(2) of Pub. L. 111–11, see Termination Date note below.

REFERENCES IN TEXT

Public Law 87–483, referred to in subsecs. (b) and (c)(2)(A), is Pub. L. 87–483, June 13, 1962, 76 Stat. 96, which was classified principally to subchapter XXX (§ 615ii et seq.) of chapter 12 of this title, and was omitted from the Code. Section 11 of Pub. L. 87–483 was classified to § 615ss of this title prior to being omitted from the Code.

TERMINATION DATE

Section to be null and void on issuance of a court order terminating a certain Agreement and Contract between New Mexico, the Navajo Nation, and the United States, see section 10701(e)(2) of Pub. L. 111–11, set out as an Agreement note under section 620 of this title.

§ 620*o*. Definitions

As used in this chapter—

The terms ''Colorado River Basin'', ''Colorado River Compact'', ''Colorado River System'', ''Lee Ferry'', ''States of the Upper Division'', ''Upper Basin'', and ''domestic use'' shall have the meaning ascribed to them in article II of the Upper Colorado River Basin Compact;

The term ''States of the Upper Colorado River Basin'' shall mean the States of Arizona, Colorado, New Mexico, Utah, and Wyoming;

The term ''Upper Colorado River Basin'' shall have the same meaning as the term ''Upper Basin'';

The term ''Upper Colorado River Basin Compact'' shall mean that certain compact executed on October 11, 1948 by commissioners representing the States of Arizona, Colorado, New Mexico, Utah, and Wyoming, and consented to by the Congress of the United States of America by Act of April 6, 1949 (63 Stat. 31);

The term ''Rio Grande Compact'' shall mean that certain compact executed on March 18, 1938, by commissioners representing the States of Colorado, New Mexico, and Texas and consented to by the Congress of the United States of America by Act of May 31, 1939 (53 Stat. 785);

The term ''Treaty with the United Mexican States'' shall mean that certain treaty between the United States of America and the United Mexican States, signed at Washington, District of Columbia, February 3, 1944, relating to the utilization of the waters of the Colorado River and other rivers, as amended and supplemented by the protocol dated November 14, 1944, and the understandings recited in the Senate resolution of April 18, 1945, advising and consenting to ratification thereof.

(Apr. 11, 1956, ch. 203, § 17, formerly § 16, 70 Stat. 111; temporarily renumbered § 17, Pub. L. 111–11, title X, § 10401(b)(1), Mar. 30, 2009, 123 Stat. 1371.)

RENUMBERING OF SECTION

For termination of renumbering of this section by section 10701(e)(2) of Pub. L. 111–11, see Termination Date of 2009 Amendment note below.

REFERENCES IN TEXT

Act of April 6, 1949, referred to in text, is act Apr. 6, 1949, ch. 48, 63 Stat. 31, which is not classified to the Code.

Act of May 31, 1939, referred to in text, is act May 31, 1939, ch. 155, 53 Stat. 785, which is not classified to the Code.

TERMINATION DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–11 to be null and void on issuance of a court order terminating a certain Agreement and Contract between New Mexico, the Navajo Nation, and the United States, see section 10701(e)(2) of Pub. L. 111–11, set out as an Agreement note under section 620 of this title.

CHAPTER 13—FEDERAL LANDS INCLUDED IN STATE IRRIGATION DISTRICTS

Sec.
621. Subjection of lands in State irrigation district to State laws generally.
622. Cost of construction and maintenance of irrigation project as charge on land.
623. Map of district and plan of irrigation project; approval by Secretary.
624. Entry of approval on land records.
625. Release of unentered land from lien on noncompletion of irrigation project.
626. Enforcement of lien against entered but unpatented land.
627. Sale of unpatented and unentered land prohibited; suspension of entry.
628. Patents to entered but unpatented land.
629. Delivery of notices required by State law; right to hearing, appeal, etc.
630. Disposition by Government of proceeds of land sold.

§ 621. Subjection of lands in State irrigation district to State laws generally

When in any State of the United States under the irrigation district laws of said State there has, prior to August 11, 1916, been organized and created or shall thereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section 623 of this title, are made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership except as in this chapter otherwise provided: *Provided further*, That this chapter shall not apply to any irrigation district comprising a majority acreage of unentered land.

(Aug. 11, 1916, ch. 319, § 1, 39 Stat. 506.)

§ 622. Cost of construction and maintenance of irrigation project as charge on land

The cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right,