

Public Law 85-639

AN ACT

August 14, 1958
[S. 479]

To convey right-of-way to Eagle Creek Inter-Community Water Supply Association.

Eagle Creek
Inter-Community
Water Supply Asso-
ciation.
Right-of-way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right-of-way is hereby granted for a period of fifty years from the date hereof to the Eagle Creek Inter-Community Water Supply Association, a public corporation of the State of New Mexico, its successors and assigns, over, through, across, and upon lands of the United States in the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of that certain pipeline, and branches thereof, known as the Eagle Creek pipeline, constructed by the El Paso and Rock Island Railway Company, as now located upon the right-of-way granted to said company by the Act of Congress of March 4, 1915 (38 Stat. L. 1195), within sections 9, 16, 21, and 32, township 10 south, range 13 east, New Mexico principal meridian, and such additions and extensions as said association may make thereto, for the purpose of transportation of water for domestic, public, or for any other beneficial uses, together with the right to construct, maintain, use, and occupy the present or additional reservoir sites for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right-of-way or any part thereof forfeited and annul the same.

SEC. 2. That the right-of-way hereby granted shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the centerline of such pipelines, and maps of the location of additional reservoir sites or any such extensions or additions to such pipelines shall be prepared by said association and submitted to the Secretary of Agriculture for his consideration and the right-of-way as to the same shall not take effect unless and until approved by him: *Provided*, That all rights-of-way hereby granted, extensions thereof and additions thereto shall conform to such conditions and stipulations and be subject to such fees as may be prescribed by the Secretary of Agriculture.

Conservation of
timber.

SEC. 3. That said association shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipelines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right-of-way shall be subject to all fines and penalties imposed

thereby, and shall also be liable in a civil action for all damages that may accrue from such breach.

SEC. 6. That said association shall continue to maintain the present connections of lines and permit the future connections of lines to and supply water for nearby Department of Agriculture installations and shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along said pipeline, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

Water supply.

SEC. 7. This Act shall not become effective until said association shall have filed with the Secretary of Agriculture a release and quit-claim by Southern Pacific Company, a corporation, successor in interest of the El Paso and Rock Island Railway Company, of all right, title and interest in and to the right-of-way for said Eagle Creek pipeline granted by said Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195).

Effective date.

SEC. 8. The Secretary of Agriculture is hereby authorized to extend the rights herein granted for such additional periods and on such terms and conditions as he may then deem appropriate and in the public interest.

Extension of rights.

Approved August 14, 1958.

Public Law 85-640

AN ACT

Relating to the procedure for altering certain bridges over navigable waters.

August 14, 1958
[S. 2158]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 21, 1940, entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" (54 Stat. 497), as amended by the Act of July 16, 1952 (66 Stat. 732), is hereby further amended as follows:

Bridges.

33 USC 511-523.

(a) By amending the first sentence of section 5 to read as follows: "After approval of such general plans and specifications by the Secretary, and after notification of such approval, the bridge owner shall, in such manner and within such times as the Secretary may prescribe, take bids for the alteration of such bridge in accordance with such general plans and specifications."

Bids.
33 USC 515.

(b) By adding the following after the word "provided" at the end of section 5: "Provided, That where funds have been appropriated for part only of a project, the bridge owner may take bids for part only of the work. In the event the bridge owner proceeds with the alteration through the taking of successive partial bids, the bridge owner shall, if required by the Secretary, submit a revised guaranty of cost after bids are accepted for successive parts of the work."

(c) By adding the following after the word "navigation" at the end of section 6: "And provided further, That where the bridge owner proceeds with the alteration on a successive partial bid basis the Secretary is authorized to issue an order of apportionment of cost for the entire alteration based on the accepted bid for the first part of the alteration and an estimate of cost for the remainder of the work. The Secretary is authorized to revise the order of apportionment of cost, to the extent he deems reasonable and proper, to meet any changed conditions."

Apportionment of cost.
33 USC 516.