Public Law 94-228
94th Congress

An Act

To authorize and modify various Federal reclamation projects and programs, and for other purposes.

Mar. 11, 1976
[S. 151]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Reclamation Authorization Act of 1975.

Reclamation Authorization Act of 1975.

TITLE I

POLECAT BENCH, WYOMING

SEC. 101. The Polecat Bench area of the Shoshone extensions unit, heretofore authorized as an integral part of the Pick-Sloan Missouri Basin program by the Act of December 22, 1944 (58 Stat. 887, 891), is hereby reauthorized as a part of that project. The construction, operation, and maintenance of the Polecat Bench area for the purposes of providing irrigation water for approximately nineteen thousand two hundred acres of land, municipal and industrial water supply, fish and wildlife conservation and development, public outdoor recreation, and other purposes shall be prosecuted by the Secretary of the Interior in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Polecat Bench area shall include the Holden Reservoir, related canals, pumping plants, laterals, drains, and necessary facilities to effect the aforesaid purposes of the area. For a period of not more than two years after the initial availability of irrigation water up to two thousand two hundred and seventeen acres of public lands in the Polecat Bench area determined to be suitable for settlement purposes shall be made available, on a preference basis for exchange or amendment, to resident landowners on the Heart Mountain Division of the Shoshone project, who, on or before December 1, 1968, were determined by the Secretary to be eligible for such exchange or amendment of their farm units under provisions of the Act of August 13, 1953 (67 Stat. 566).

43 USC 615kkkk.
33 USC 701-1.
43 USC 451.

SEC. 102. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Polecat Bench area shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

43 USC 615kkkk-1.
16 USC 460*l*-12.

SEC. 103. The Polecat Bench area of the Shoshone extensions unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented. Repayment contracts for the return of construction costs allocated to irrigation will be based on the water users' ability to repay as determined by the Secretary of the Interior; and the terms of such contracts shall not exceed fifty years following the permissible development period.

43 USC 615kkkk-2.

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43 USC 615kkkk-3. 43 USC 423e.

SEC. 104. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Polecat Bench area of the Shoshone extensions unit are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of area works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

43 USC 615kkkk-4.

SEC. 105. For a period of ten years from the date of enactment of this title no water from the unit authorized by this title 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, 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 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 41), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

7 USC 1421 note.

7 USC 1301.

Interest rate. 43 USC 615kkkk-5.

SEC. 106. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Polecat Bench area shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the Polecat Bench area is commenced, 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 fifteen years from date of issue.

Appropriation authorization. 43 USC 615kkkk-6.

SEC. 107. There is hereby authorized to be appropriated for construction of the Polecat Bench area of the Shoshone extensions unit the sum of $46,000,000 (January 1975 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said area.

TITLE II

DICKINSON DAM, NORTH DAKOTA

SEC. 201. The Secretary of the Interior is authorized to modify the spillway of Dickinson Dam on the Heart River in the State of North Dakota, to increase conservation storage by installing gates on the existing spillway. The Secretary is also authorized to construct a new spillway to assure the safety of Dickinson Dam from floods currently estimated to be capable of occurrence.

SEC. 202. The Secretary is authorized to enter into an amendatory repayment contract with the city of Dickinson, North Dakota, to accomplish the repayment of that portion of the cost of the work authorized herein properly allocable to municipal and industrial water supplies in not to exceed forty years from completion of construction: *Provided*, That the total cost of the new spillway and related works incurred for the safety of the structure shall be nonreimbursable and nonreturnable.

Interest rate.

SEC. 203. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the works authorized herein 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 date of issue.

Appropriation authorization.

SEC. 204. There is hereby authorized to be appropriated for construction of works authorized by this title the sum of $4,000,000 (January 1975 price levels) plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

TITLE III

MC KAY DAM AND RESERVOIR, OREGON

43 USC 616ww.

SEC. 301. McKay Dam and Reservoir, Umatilla project, Oregon, is hereby reauthorized for the purposes of irrigation, flood control, fish and wildlife, recreation, and safety of dams, and the costs thereof shall be reallocated among these purposes by the Secretary of the Interior (hereinafter referred to as the "Secretary"), in a manner consistent with the provisions of this title.

43 USC 616ww-1.

SEC. 302. The Secretary is authorized to perform modifications to the spillway structure at McKay Dam as he determines to be reasonably required for safety of the dam from failure due to overtopping by potential flood inflows to the reservoir.

43 USC 616ww-2.

SEC. 303. Not to exceed six thousand acre-feet of storage capacity in McKay Reservoir shall be allocated for the primary purpose of retaining and regulating flood flows.

43 USC 616ww-3.

SEC. 304. Costs incurred in the modification of McKay Dam to insure its safety from failure shall be nonreimbursable and nonreturnable. All other costs of McKay Dam and Reservoir, heretofore or hereinafter incurred, shall be allocated among the authorized purposes served by the dam and reservoir in accordance with standard cost allocation procedures, and the joint costs allocated to flood control, recreation, and fish and wildlife shall be nonreimbursable.

43 USC 616ww-4.

SEC. 305. The Secretary is authorized to enter into amendatory repayment contracts with the Stanfield and Westland Irrigation Districts, or other water users, if appropriate, to secure the return of reimbursable irrigation construction and operation and maintenance costs arising from the modification and reallocation of McKay Dam and Reservoir.

Appropriation authorization. 43 USC 616ww-5.

SEC. 306. There is hereby authorized to be appropriated for modification of McKay Dam the sum of $1,300,000 (based on July 1975 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved, and, in addition thereto sums as may be required for operation and maintenance of McKay Dam and Reservoir.

TITLE IV

POLLOCK-HERREID UNIT, SOUTH DAKOTA

43 USC 615*lll*.

SEC. 401. The Secretary of the Interior is hereby authorized to construct, operate, and maintain in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) the Pollock-Herreid unit, South Dakota pumping division, Pick-Sloan Missouri Basin program, South Dakota, for the purposes of providing irrigation water service for approximately fifteen thousand acres of land, municipal and industrial water supply, and fish and wildlife conservation and development. The principal works of the project would include the main pumping plant located at Lake Oahe, the storage reservoir created by the existing Oahe Dam on the Missouri River, to lift water into Lake Pocasse, a subimpoundment on tributary Spring Creek, which would serve as a regulating reservoir; a system of main canals and laterals; relift pumping plants; drains; and the necessary facilities to effect the aforesaid purposes of the area.

43 USC 615*lll*-1.

SEC. 402. The conservation and development of the fish and wildlife resources in connection with the Pollock-Herreid unit shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213) as amended.

16 USC 460*l*-12 note.

43 USC 615*lll*-2.

SEC. 403. The Pollock-Herreid unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented.

43 USC 615*lll*-3.

SEC. 404. For a period of ten years from the date of enactment of this title no water from the unit authorized by this title 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, or any amendment thereof, if the total supply of such a 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 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 41), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

7 USC 1421 note.

7 USC 1301.

Interest rate.

43 USC 615*lll*-4.

SEC. 405. The interest rate used for computing interest during construction and interest on the unpaid balance of the interest bearing reimbursable costs of the unit shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due or callable for fifteen years from date of issue.

43 USC 615*lll*-5.

43 USC 423e.

SEC. 406. The provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650), and any other similar provisions of Federal reclamation laws as applied to the Pollock-Herreid unit, South Dakota pumping division, are hereby modified to provide that lands held in a single ownership which may be eligible to receive water from, through, or by means of unit works shall be limited to one hundred and sixty acres of Class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

SEC. 407. There is hereby authorized to be appropriated for construction of the Pollock-Herreid unit, as authorized in this title, the sum of $26,000,000 (January 1975 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation and maintenance of the works of said unit.

Appropriation authorization.
43 USC 615*llll*-6.

Approved March 11, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-694 accompanying H.R. 10537 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-350 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD:
Vol. 121 (1975): Aug. 1, considered and passed Senate.
Vol. 122 (1976): Jan. 20, considered and passed House, amended, in lieu of H.R. 10537
Feb. 25, Senate agreed to House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 12, No. 11 (1976): Mar. 11, Presidential statement.