

to the Board and the committees of the Board. The Secretary may establish from time to time, upon recommendation of the Board, advisory committees of United States citizens who are recognized experts in their respective fields to assist in the solution of special problems arising under this chapter.

(July 25, 1947, ch. 330, § 4, 61 Stat. 456.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 364d. Promulgation of decisions; furnishing information

For the guidance of the Federal Government, the Secretary shall promulgate in the name of the Board, from time to time and in such form as will carry out the purposes of this chapter, decisions with respect to geographic names and principles of geographic nomenclature and orthography. The Secretary shall also furnish such additional information with respect to geographic names as will assist in carrying out the purposes of this chapter.

(July 25, 1947, ch. 330, § 5, 61 Stat. 457.)

§ 364e. Standardization of geographic names; abolition of United States Board on Geographical Names in Department of the Interior; transfer of duties

With respect to geographic names the pertinent decisions and principles issued by the Secretary shall be standard for all material published by the Federal Government. The United States Board on Geographical Names in the Department of the Interior created by Executive order, is abolished, and the duties of said Board are transferred to the Board herein created, and all departments, bureaus, and agencies of the Federal Government shall refer all geographic names and problems to the said Board for the purpose of eliminating duplication of work, personnel, and authority.

(July 25, 1947, ch. 330, § 6, 61 Stat. 457.)

§ 364f. Application to naming of offices or establishments

Nothing in this chapter shall be construed as applying to the naming of the offices or establishments of any Federal agency.

(July 25, 1947, ch. 330, § 7, 61 Stat. 457.)

CHAPTER 12—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

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615ppp to 615www. Omitted.

Sec.
SUBCHAPTER XXXIV—O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

615xxx to 615cccc. Omitted.

SUBCHAPTER XXXV—NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

615dddd to 615jjjj. Omitted.

SUBCHAPTER XXXVI—POLECAT BENCH AREA, SHOSHONE EXTENSIONS UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING

615kkkk to 615kkkk-6. Omitted.

SUBCHAPTER XXXVII—POLLOCK-HERREID UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, SOUTH DAKOTA

615llll to 615llll-6. Omitted or Repealed.

SUBCHAPTER XXXVIII—FRYINGPAN-ARKANSAS PROJECT, COLORADO

616 to 616f. Omitted.

SUBCHAPTER XXXIX—MANN CREEK PROJECT, IDAHO

616g to 616j. Omitted.

SUBCHAPTER XL—ARBUCKLE PROJECT, OKLAHOMA

616k to 616s. Omitted.

SUBCHAPTER XLI—BAKER PROJECT, OREGON

616t to 616w. Omitted.

SUBCHAPTER XLII—DIXIE PROJECT, UTAH

616aa to 616hh. Omitted.

SUBCHAPTER XLIII—SAVERY-POT HOOK PROJECT, COLORADO-WYOMING; BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

616ii to 616mm. Omitted.

SUBCHAPTER XLIV—LOWER TETON DIVISION OF TETON BASIN PROJECT, IDAHO

616nn to 616rr. Omitted.

SUBCHAPTER XLV—WHITESTONE COULEE UNIT, CHIEF JOSEPH DAM PROJECT, WASHINGTON

616ss to 616vv-5. Omitted.

SUBCHAPTER XLVI—McKAY DAM AND RESERVOIR, UMATILLA PROJECT, OREGON

616ww to 616ww-5. Omitted.

SUBCHAPTER XLVII—AUBURN-FOLSOM SOUTH UNIT; SAN FELIPE DIVISION: CENTRAL VALLEY PROJECT, CALIFORNIA

616aaa to 616fff-7. Omitted.

SUBCHAPTER XLVIII—SOUTHERN NEVADA PROJECT, NEVADA

616ggg to 616mmm. Omitted.

SUBCHAPTER XLIX—TUALATIN PROJECT, OREGON

616nnn to 616sss. Omitted.

SUBCHAPTER L—MISSOURI RIVER BASIN PROJECT, SOUTH DAKOTA

616ttt to 616yyy. Omitted.

SUBCHAPTER LI—MOUNTAIN PARK PROJECT, OKLAHOMA

616aaaa to 616ffff-2. Omitted.

SUBCHAPTER LII—PALMETTO BEND PROJECT, TEXAS

616gggg to 616llll. Omitted.

Sec.

SUBCHAPTER LIII—MERLIN DIVISION; ROGUE RIVER BASIN PROJECT, OREGON

616mmmm to 616ssss. Omitted.

SUBCHAPTER LIV—TOUCHET DIVISION; WALLA WALLA PROJECT, OREGON-WASHINGTON

616tttt to 616yyyy. Omitted.

SUBCHAPTER I—GENERAL PROVISIONS

§ 371. Definitions

When used in sections 371, 376, 377, 412, 417, 433, 462, 466, 478, 493, 494, 500, 501, and 526 of this title—

(a) The word “Secretary” means the Secretary of the Interior.

(b) The words “reclamation law” mean the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

(c) The words “reclamation fund” mean the fund provided by the reclamation law.

(d) The word “project” means a Federal irrigation project authorized by the reclamation law.

(e) The words “division of a project” mean a substantial irrigable area of a project designated as a division by order of the Secretary.

(Dec. 5, 1924, ch. 4, § 4, subsec. A, 43 Stat. 701.)

REFERENCES IN TEXT

Act June 17, 1902, referred to in par. (b), is popularly known as the Reclamation Act or National Irrigation Act of 1902, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–11, title X, § 10301, Mar. 30, 2009, 123 Stat. 1367, provided that: “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 former section 615ss and sections 620 and 620o of this title, repealing former section 615jj of this title, and enacting provisions set out as notes under sections 407 and 620 of this title] may be cited as the ‘Northwestern New Mexico Rural Water Projects Act.’”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–575, § 1, Oct. 30, 1992, 106 Stat. 4600, provided that: “This Act [enacting sections 390h to 390h–15 of this title and sections 460l–31 to 460l–34, 470h–4, 470h–5, and 470x–6 of Title 16, Conservation, amending sections 390g–2, 390g–3, 390g–5, 1521, and 1524 of this title, sections 460l–13 to 460l–15, 460l–18, 466, 470–1, 470a, 470b, 470c, 470h, 470h–2, 470h–3, 470i, 470s, 470t, 470w, and 470w–3 of Title 16, and section 390 of Title 25, Indians, enacting provisions set out as notes under this section and sections 390h, 620k, 1521, and 1524 of this title, sections 460l–31, 470, and 470a of Title 16, and section 390 of Title 25, and amending provisions set out as a note under section 461 of Title 16] may be cited as the ‘Reclamation Projects Authorization and Adjustment Act of 1992.’”

SHORT TITLE OF 1984 AMENDMENTS

For short title of Pub. L. 98–434 as the “High Plains States Groundwater Demonstration Program Act of 1983”, see section 1 of Pub. L. 98–434, set out as a Short Title note under section 390g of this title.

For short title of Pub. L. 98–404 as “The Reclamation Safety of Dams Act Amendments of 1984”, see section 1 of Pub. L. 98–404, set out as a note under section 506 of this title.

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95–578 as the “Reclamation Safety of Dams Act of 1978”, see section 1 of Pub. L. 95–578, set out as a note under section 506 of this title.

SHORT TITLE OF 1958 AMENDMENT

For short title of title III of Pub. L. 85–500, which enacted section 390b of this title, as the “Water Supply Act of 1958”, see section 302 of Pub. L. 85–500, set out as a Short Title note under section 390b of this title.

SHORT TITLE

Act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which enacted sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of this title, is popularly known as the “Reclamation Act” or “National Irrigation Act of 1902”.

Act Dec. 5, 1924, ch. 4, § 4, 43 Stat. 701, as amended, which enacted this section and sections 376, 377, 412, 417, 433, 438, 462, 463, 466, 467, 473, 474, 478, 493, 494, 500, 501, and 526 of this title, is popularly known as the “Fact Finders’ Act”.

WESTERN WATER POLICY REVIEW

Pub. L. 104–46, title V, § 502, Nov. 13, 1995, 109 Stat. 419, provided that: “Notwithstanding the provisions of any other law, the report referred to in title 30 [XXX] of Public Law 102–575 [set out below] shall be submitted within five years from the date of enactment of that Act [Oct. 30, 1992].”

Pub. L. 102–575, title XXX, Oct. 30, 1992, 106 Stat. 4693, as amended by Pub. L. 103–437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594, provided that:

“SEC. 3001. SHORT TITLE.

“This title may be cited as the ‘Western Water Policy Review Act of 1992’.

“SEC. 3002. CONGRESSIONAL FINDINGS.

“The Congress finds that—

“(1) the Nation needs an adequate water supply for all states [States] at a reasonable cost;

“(2) the demands on the Nation’s finite water supply are increasing;

“(3) coordination on both the Federal level and the local level is needed to achieve water policy objectives;

“(4) not less than fourteen agencies of the Federal Government are currently charged with functions relating to the oversight of water policy;

“(5) the diverse authority over Federal water policy has resulted in unclear goals and an inefficient handling of the Nation’s water policy;

“(6) the conflict between competing goals and objectives by Federal, State, and local agencies as well as by private water users is particularly acute in the nineteen Western States which have arid climates which include the seventeen reclamation States, Hawaii, and Alaska;

“(7) the appropriations doctrine of water allocation which characterizes most western water management regimes varies from State to State, and results in many instances in increased competition for limited resources;

“(8) the Federal Government has recognized and continues to recognize the primary jurisdiction of the several States over the allocation, priority, and use of water resources of the States, except to the extent such jurisdiction has been preempted in whole or in part by the Federal Government, including, but not limited to, express or implied Federal reserved water rights either for itself or for the benefit of Indian Tribes, and that the Federal Government will, in exercising its authorities, comply with applicable State laws;

“(9) the Federal Government recognizes its trust responsibilities to protect Indian water rights and assist Tribes in the wise use of those resources;

“(10) Federal agencies, such as the Bureau of Reclamation, have had, and will continue to have major

responsibilities in assisting States in the wise management and allocation of scarce water resources; and

“(11) the Secretary of the Interior, given his responsibilities for management of public land, trust responsibilities for Indians, administration of the reclamation program, investigations and reviews into ground water resources through the Geologic Survey [now United States Geological Survey], and the Secretary of the Army, given his responsibilities for flood control, water supply, hydroelectric power, recreation, and fish and wildlife enhancement, have the resources to assist in a comprehensive review, in consultation with appropriate officials from the nineteen Western States, into the problems and potential solutions facing the nineteen Western States and the Federal Government in the increasing competition for the scarce water resources of the Western States.

“SEC. 3003. PRESIDENTIAL REVIEW.

“(a) The President is directed to undertake a comprehensive review of Federal activities in the nineteen Western States which directly or indirectly affect the allocation and use of water resources, whether surface or subsurface, and to submit a report on the President's findings, together with recommendations, if any, to the Committees on Energy and Natural Resources, Environment and Public Works and Appropriations of the Senate and the Committees on Natural Resources, Public Works and Transportation [now Transportation and Infrastructure], Merchant Marine and Fisheries and Appropriations of the House of Representatives.

“(b) Such report shall be submitted within three years from the date of enactment of this Act [Oct. 30, 1992].

“(c) In conducting the review and preparing the report, the President is directed to consult with the Advisory Commission established under section 3004 of this title, and may request the Secretary of the Interior and the Secretary of the Army or other Federal officials or the Commission to undertake such studies or other analyses as the President determines would assist in the review.

“(d) The President shall consult periodically with the Commission, and upon the request of the President, the heads of other Federal agencies are directed to cooperate with and assist the Commission in its activities.

“SEC. 3004. THE ADVISORY COMMISSION.

“(a) The President shall appoint an Advisory Commission (hereafter in this title referred to as the ‘Commission’) to assist in the preparation and review of the report required under this title.

“(b) The Commission shall be composed of eighteen members as follows:

“(1) Ten members appointed by the President including:

“(A) the Secretary of the Interior or his designee;

“(B) the Secretary of the Army or his designee;

“(C) at least one representative chosen from a list submitted by the Western Governors Association; and

“(D) at least one representative chosen from a list submitted by Tribal governments located in the Western States.

“(2) In addition to the ten members appointed by the President, twelve Members from the United States Congress shall serve as ex officio members of the Commission. For the United States Senate: the Chairmen and the Ranking Minority Members of the Committees on Energy and Natural Resources, and Appropriations, and the Subcommittee of the Committee on Energy and Natural Resources which has jurisdiction over the Bureau of Reclamation. For the United States House of Representatives: the Chairman [Chairmen] and Ranking Minority Members of the Committees on Natural Resources, Public Works and Transportation [now Transportation and Infrastructure], and Appropriations.

“(c) The President shall appoint one member of the Commission to serve as Chairman.

“(d) Any vacancy which may occur on the Commission shall be filled in the same manner in which the original appointment was made.

“(e) Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

“SEC. 3005. DUTIES OF THE COMMISSION.

“The Commission shall—

“(1) review present and anticipated water resource problems affecting the nineteen Western States, making such projections of water supply requirements as may be necessary and identifying alternative ways of meeting these requirements—giving considerations, among other things, to conservation and more efficient use of existing supplies, innovations to encourage the most beneficial use of water and recent technological advances;

“(2) examine the current and proposed Federal programs affecting such States and recommend to the President whether they should be continued or adopted and, if so, how they should be managed for the next twenty years, including the possible reorganization or consolidation of the current water resources development and management agencies;

“(3) review the problems of rural communities relating to water supply, potable water treatment, and wastewater treatment;

“(4) review the need and opportunities for additional storage or other arrangements to augment existing water supplies including, but not limited to, conservation;

“(5) review the history, use, and effectiveness of various institutional arrangements to address problems of water allocation, water quality, planning, flood control and other aspects of water development and use, including, but not limited to, interstate water compacts, Federal-State regional corporations, river basin commissions, the activities of the Water Resources Council, municipal and irrigation districts and other similar entities with specific attention to the authorities of the Bureau of Reclamation under reclamation law and the Secretary of the Army under water resources law;

“(6) review the legal regime governing the development and use of water and the respective roles of both the Federal Government and the States over the allocation and use of water, including an examination of riparian zones, appropriation and mixed systems, market transfers, administrative allocations, ground water management, interbasin transfers, recordation of rights, Federal-State relations including the various doctrines of Federal reserved water rights (including Indian water rights and the development in several States of the concept of a public trust doctrine); and

“(7) review the activities, authorities, and responsibilities of the various Federal agencies with direct water resources management responsibility, including but not limited to the Bureau of Reclamation, the Department of the Army, and those agencies whose decisions would impact on water resource availability and allocation, including, but not limited to, the Federal Energy Regulatory Commission.

“SEC. 3006. REPRESENTATIVES.

“(a) The Chairman of the Commission shall invite the Governor of each Western State to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

“(b) The Commission, at its discretion, may invite appropriate public or private interest groups including, but not limited to, Indian and Tribal organizations to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

“SEC. 3007. POWERS OF THE COMMISSION.

“(a) The Commission may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable;

“(2) use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States;

“(3) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such aspects of the Commission’s functions as the Commission determines can best be carried out in that manner; and

“(4) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this title.

“(b) Any member of the Commission is authorized to administer oaths when it is determined by a majority of the Commission that testimony shall be taken or evidence received under oath.

“(c) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for level II of the Executive Schedule.

“(1) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate but only to the extent that such personnel cannot be obtained from the Secretary of the Interior or by detail from other Federal agencies. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Title relating to classification and General Schedule pay rates.

“(2) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

“(d) The Secretary of the Interior and the Secretary of the Army shall provide such office space, furnishings and equipment as may be required to enable the Commission to perform its functions. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

“SEC. 3008. POWERS AND DUTIES OF THE CHAIRMAN.

“(a) Subject to general policies adopted by the Commission, the Chairman shall be the chief executive of the Commission and shall exercise its executive and administrative powers as set forth in paragraphs (2) through (4) of section 3007(a).

“(b) The Chairman may make such provisions as he shall deem appropriate authorizing the performance of any of his executive and administrative functions by the Director or other personnel of the Commission.

“SEC. 3009. OTHER FEDERAL AGENCIES.

“(a) The Commission shall, to the extent practicable, utilize the services of the Federal water resource agencies.

“(b) Upon request of the Commission, the President may direct the head of any other Federal department or agency to assist the Commission and such head of any Federal department or agency is authorized—

“(1) to furnish to the Commission, to the extent permitted by law and within the limits of available funds, including funds transferred for that purpose pursuant to section 3007(a)(7) of this title, such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and

“(2) to detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

“(c) Financial and administrative services (including those related to budgeting, accounting, financial re-

porting, personnel, and procurement) shall be provided the Commission by the Secretary of the Interior.

“SEC. 3010. APPROPRIATIONS.

“There are hereby authorized to be appropriated not to exceed \$10,000,000 to carry out the purposes of sections 3001 through 3009 of this title.”

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

[Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.]

§ 372. Water right as appurtenant to land and extent of right

The right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

(June 17, 1902, ch. 1093, §8, 32 Stat. 390.)

REFERENCES IN TEXT

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

CODIFICATION

Section is comprised of the proviso in section 8 of act June 17, 1902. Remainder of section 8 is classified to section 383 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 373. General authority of Secretary of the Interior

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

(June 17, 1902, ch. 1093, §10, 32 Stat. 390; Aug. 13, 1914, ch. 247, §15, 38 Stat. 690.)

REFERENCES IN TEXT

This Act, referred to in text, refers both to act June 17, 1902, popularly known as the Reclamation Act, and to act Aug. 13, 1914. See Codification note set out below. For classification of act June 17, 1902 to the Code, see Short Title note set out under section 371 of this title and Tables. Act Aug. 13, 1914, is classified to sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497, and 499 of this title.

CODIFICATION

Act Aug. 13, 1914, cited as a credit to this section, did not amend act July 17, 1902, but contained identical provisions.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 373a. Commissioner of Reclamation; appointment

Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto, shall be administered by a Commissioner of Reclamation who shall be appointed by the President by and with the advice and consent of the Senate.

(May 26, 1926, ch. 401, 44 Stat. 657; Pub. L. 97-293, title II, § 229, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Provisions of this section which prescribed the basic compensation of Commissioner were omitted to conform to the provisions of the Executive Schedule. See section 5316 of Title 5, Government Organization and Employees.

AMENDMENTS

1982—Pub. L. 97-293 inserted requirement that Commissioner of Reclamation be appointed by and with advice and consent of Senate.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

USE OF PRIVATE SECTOR

Pub. L. 108-7, div. D, title II, § 208, Feb. 20, 2003, 117 Stat. 146, provided that: "The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation."

COMPENSATION OF COMMISSIONER

Compensation of Commissioner, see section 5316 of Title 5, Government Organization and Employees.

§ 373a-1. Repealed. Pub. L. 88-426, title III, § 305(35), Aug. 14, 1964, 78 Stat. 426

Section, Pub. L. 87-880, title II, § 200, Oct. 24, 1962, 76 Stat. 1223, prescribed compensation of Commissioner of Reclamation. See section 5316 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first pay period which begins on or after July 1, 1964, see section 501 of Pub. L. 88-426.

§ 373b. Law enforcement authority at Bureau of Reclamation facilities

(a) Public safety regulations

The Secretary of the Interior shall issue regulations necessary to maintain law and order and

protect persons and property within Reclamation projects and on Reclamation lands.

(b) Violations; criminal penalties

Any person who knowingly and willfully violates any regulation issued under subsection (a) of this section shall be fined under chapter 227, subchapter C of title 18, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) of this section may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18.

(c) Authorization of law enforcement officers

The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) Powers of law enforcement officers

A law enforcement officer authorized by the Secretary of the Interior under subsection (c) of this section may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) Legal status of State or local law enforcement officers

(1) State or local officers not Federal employees

Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) of this section shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) Application of Federal Tort Claims Act

For purposes of chapter 171 of title 28 (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) of this section and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) Availability of workers compensation

For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) of this section and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) Concurrent jurisdiction

Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) Regulations

Except for the authority provided in section 2(c)(1),¹ the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary

of the Interior and approved by the Attorney General.

(Pub. L. 107-69, § 1, Nov. 12, 2001, 115 Stat. 593.)

§ 373c. Definitions

In this section and section 373b of this title:

(1) Law enforcement personnel

The term “law enforcement personnel” means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) Reclamation project; reclamation lands

The terms “Reclamation project” and “Reclamation lands” have the meaning given such terms in section 4601-32 of title 16.

(Pub. L. 107-69, § 2, Nov. 12, 2001, 115 Stat. 595.)

§ 373d. Grants and cooperative agreements with Indian tribes and organizations

In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to sections 6301 to 6308 of title 31. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act [25 U.S.C. 450f et seq.].

(Pub. L. 108-7, div. D, title II, § 201, Feb. 20, 2003, 117 Stat. 144.)

REFERENCES IN TEXT

This Act, referred to in text, means div. D of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 133, known as the Energy and Water Development Appropriations Act, 2003. For complete classification of this Act to the Code, see Tables.

The Indian Self-Determination Act, referred to in text, is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§ 450f et seq.) of subchapter II of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation act:

Pub. L. 107-66, title II, § 201, Nov. 12, 2001, 115 Stat. 499.

§ 373e. Bureau of Reclamation site security

(a) Treatment of capital costs

Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be non-reimbursable.

¹ So in original. Probably should be “subsection (c)(1)”.

(b) Treatment of security-related operation and maintenance costs

(1) Reimbursable costs

The Secretary of the Interior shall include no more than \$18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) Costs collected through water rates

In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) Transparency and report to Congress

(1) Policies and procedures

The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) Notice

On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) Consultation

The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) Response; notice

Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) Report

The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) Pre-September 11, 2001 security cost levels

Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

(Pub. L. 110-229, title V, §513, May 8, 2008, 122 Stat. 843.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(5), means Pub. L. 110-229, May 8, 2008, 122 Stat. 754, known as the Consolidated Natural Resources Act of 2008. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 1 of Title 16, Conservation, and Tables.

§ 374. Sale of lands acquired in connection with irrigation project

Whenever in the opinion of the Secretary of the Interior any lands which have been acquired under the provisions of the Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), commonly called the "reclamation Act," or under the provisions of any Act amendatory thereof or supplementary thereto, for any irrigation works contemplated by said reclamation Act are not needed for the purposes for which they were acquired, said Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

Upon payment of the purchase price, the Secretary of the Interior is authorized by appropriate deed to convey all the right, title, and interest of the United States of, in, and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired.

(Feb. 2, 1911, ch. 32, §§1-3, 36 Stat. 895.)

REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is

classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 375. Sale of land improved at expense of reclamation fund

Whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the Act of June 17, 1902, known as the Reclamation Act¹ and Acts amendatory thereof and supplementary thereto, which are not otherwise reserved and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him, and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land; not less than one-fifth the purchase price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per centum per annum, payable annually, on deferred payments.

Upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the reclamation law applicable to lands of that character: *Provided*, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn.

(May 20, 1920, ch. 192, §§ 1–3, 41 Stat. 605, 606.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 375a. Sale under sections 374 and 375 of lands appraised at not exceeding \$300

The Secretary in his discretion, in any instances where property to be sold under section 374 or 375 of this title, is appraised at not to ex-

ceed \$300, may sell said property at public or private sale without complying with the provisions of said sections as to notice, publication, and mode of sale.

(Aug. 4, 1939, ch. 418, § 11, 53 Stat. 1197.)

CODIFICATION

Section was enacted as part of the Reclamation Project Act of 1939. See sections 387 to 389 and 485 et seq. of this title.

DEFINITIONS

The definitions in section 485a of this title apply to this section.

§ 375b. Disposal of tracts too small to be classed farm units

In accordance with the provisions of sections 375b to 375f of this title and notwithstanding the provisions of any other law, the Secretary of the Interior, hereinafter styled the Secretary, is authorized, in connection with any Federal irrigation project for which water is available, and after finding that such action will be in furtherance of the irrigation project and the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplemental thereto, hereinafter styled the Reclamation Act, to dispose of any tract of withdrawn public land which, in the opinion of the Secretary, has less than sufficient acreage reasonably required for the support of a family and is too small to be opened to homestead entry and classed as a farm unit under the Reclamation Act.

(Mar. 31, 1950, ch. 78, § 1, 64 Stat. 39.)

REFERENCES IN TEXT

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

§ 375c. Sales of small tracts to resident farm owners and entrymen; price; terms; acreage purchasable

The Secretary is authorized to sell such land to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That such resident farm landowner or resident entryman shall be permitted to purchase under sections 375b to 375f of this title not more than one hundred and sixty acres of such land, or an area which, together with land already owned or entered on such project shall not exceed one hundred and sixty irrigable acres.

(Mar. 31, 1950, ch. 78, § 2, 64 Stat. 39.)

§ 375d. Issuance of patent for small tracts; reservations

After the purchaser has paid to the United States all the amount on the purchase price of such land, a patent shall be issued. Such patents shall contain a reservation of a lien for water charges when deemed appropriate by the Secretary, and reservations of coal or other mineral

¹ So in original. Probably should be followed by a comma.

rights to the same extent as patents issued under the homestead laws and also other reservations, limitations, or conditions as now provided by law.

(Mar. 31, 1950, ch. 78, § 3, 64 Stat. 40.)

§ 375e. Moneys from sale of small tracts covered into reclamation fund; credit

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project on which such lands are located.

(Mar. 31, 1950, ch. 78, § 4, 64 Stat. 40.)

§ 375f. Rules and regulations

The Secretary of the Interior is authorized to perform any and all acts and to make rules and regulations necessary and proper for carrying out the purposes of sections 375b to 375f of this title.

(Mar. 31, 1950, ch. 78, § 5, 64 Stat. 40.)

§ 376. Return of land donations not needed

Where real property or any interest therein heretofore has been, or hereafter shall be, donated and conveyed to the United States for use in connection with a project, and the Secretary decides not to utilize the donation, he is authorized without charge to reconvey such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor.

(Dec. 5, 1924, ch. 4, § 4, subsec. Q, 43 Stat. 704.)

DEFINITIONS

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

§ 377. General expenses of Bureau of Reclamation chargeable to general reclamation fund

The cost and expense after June 30, 1945, of the office of the Commissioner in the District of Columbia, and, except for such cost and expense as are incurred on behalf of specific projects, of general investigations and of nonproject offices outside the District of Columbia, shall be charged to the reclamation fund and shall not be charged as a part of the reimbursable construction or operation and maintenance costs.

(Dec. 5, 1924, ch. 4, § 4, subsec. O, 43 Stat. 704; Apr. 19, 1945, ch. 80, 59 Stat. 54.)

AMENDMENTS

1945—Act Apr. 19, 1945, amended section generally and made it applicable after June 30, 1945.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

DEFINITIONS

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

§ 377a. Limitation on use of funds where organizations or individuals are in arrears on contract charges

No funds appropriated to the Bureau of Reclamation for operation and maintenance in this Act or in subsequent Energy and Water Development Appropriations Acts, except those derived from advances by water users, shall on and after October 2, 1992, be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

(Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1331.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-104, title II, Aug. 17, 1991, 105 Stat. 525.
 Pub. L. 101-514, title II, Nov. 5, 1990, 104 Stat. 2086.
 Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 655.
 Pub. L. 100-371, title II, July 19, 1988, 102 Stat. 865.
 Pub. L. 100-202, § 101(d) [title II], Dec. 22, 1987, 101 Stat. 1329-104, 1329-117.
 Pub. L. 99-500, § 101(e) [title II], Oct. 18, 1986, 100 Stat. 1783-194, 1783-203, and Pub. L. 99-591, § 101(e) [title II], Oct. 30, 1986, 100 Stat. 3341-194, 3341-203.
 Pub. L. 99-141, title II, Nov. 1, 1985, 99 Stat. 570.
 Pub. L. 98-360, title II, July 16, 1984, 98 Stat. 410.
 Pub. L. 98-50, title II, July 14, 1983, 97 Stat. 253.
 Pub. L. 97-88, title II, Dec. 4, 1981, 95 Stat. 1140.
 Pub. L. 96-367, title III, Oct. 1, 1980, 94 Stat. 1342.
 Pub. L. 96-69, title III, Sept. 25, 1979, 93 Stat. 447.
 Pub. L. 95-96, title III, Aug. 7, 1977, 91 Stat. 804.
 Pub. L. 94-355, title III, July 12, 1976, 90 Stat. 896.
 Pub. L. 94-180, title III, Dec. 26, 1975, 89 Stat. 1043.
 Pub. L. 93-393, title III, Aug. 28, 1974, 88 Stat. 788.
 Pub. L. 93-97, title III, Aug. 16, 1973, 87 Stat. 324.
 Pub. L. 92-405, title III, Aug. 25, 1972, 86 Stat. 627.
 Pub. L. 92-134, title III, Oct. 5, 1971, 85 Stat. 371.
 Pub. L. 91-349, title III, Oct. 7, 1970, 84 Stat. 899.
 Pub. L. 91-144, title III, Dec. 11, 1969, 83 Stat. 332.
 Pub. L. 90-479, title II, Aug. 12, 1968, 82 Stat. 711.
 Pub. L. 90-147, title II, Nov. 20, 1967, 81 Stat. 478.
 Pub. L. 89-689, title II, Oct. 15, 1966, 80 Stat. 1009.
 Pub. L. 89-299, title II, Oct. 28, 1965, 79 Stat. 1104.
 Pub. L. 88-511, title II, Aug. 30, 1964, 78 Stat. 689.
 Pub. L. 88-257, title II, Dec. 31, 1963, 77 Stat. 850.
 Pub. L. 87-880, title II, Oct. 24, 1962, 76 Stat. 1222.
 Pub. L. 87-330, title II, Sept. 30, 1961, 75 Stat. 727.
 Pub. L. 86-700, title II, Sept. 2, 1960, 74 Stat. 748.
 Pub. L. 86-254, title II, Sept. 10, 1959, 73 Stat. 497.
 Pub. L. 85-863, title II, Sept. 2, 1958, 72 Stat. 1577.
 Pub. L. 85-167, title II, Aug. 26, 1957, 71 Stat. 421.
 July 2, 1956, ch. 490, title II, 70 Stat. 478.
 July 15, 1955, ch. 370, title II, 69 Stat. 359.
 July 1, 1954, ch. 446, title I, 68 Stat. 368.
 July 31, 1953, ch. 298, title I, 67 Stat. 268.
 July 9, 1952, ch. 597, title I, 66 Stat. 453.
 Aug. 31, 1951, ch. 375, title I, 65 Stat. 258.
 Sept. 6, 1950, ch. 896, Ch. VII, title I, 64 Stat. 688.

§ 377b. Availability of appropriations for Bureau of Reclamation

Appropriations for the Bureau of Reclamation in this Act or in subsequent Energy and Water

Development Appropriations Acts shall on and after October 2, 1992, be available for payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation, not to exceed \$5,000,000 for each causal event giving rise to a claim or claims; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; services as authorized by section 3109 of title 5, in total not to exceed \$500,000 per year; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act¹ 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That on and after October 2, 1992, no part of any appropriation made in this Act or in subsequent Energy and Water Development Appropriations Acts shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation investigations under the head "General Investigations", and amounts provided for science and technology under the head "Construction Program".

Sums appropriated in this Act or in subsequent Energy and Water Development Appropriations Acts which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act, in any prior Act, or in subsequent Energy and Water Development Appropriations Acts which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 1341 of title 31.

None of the funds made available by this or any other Act or by any subsequent Act shall on and after October 2, 1992, be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act² are awarded in accordance with title IX of the Federal Property and Administrative Service³ Act of 1949.²

¹ So in original. Probably should be followed by a comma.

² See References in Text note below.

³ So in original. Probably should be "Services".

(Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1330, 1331; Pub. L. 108-137, title II, § 206, Dec. 1, 2003, 117 Stat. 1849.)

REFERENCES IN TEXT

The Interior Department Appropriations Act 1945, referred to in text, is act June 28, 1944, ch. 298, 58 Stat. 463, which is not classified to the Code. The heading "Operation and maintenance administration" appears at 58 Stat. 487 following the heading "Bureau of Reclamation" which appears at 58 Stat. 486.

Act of August 21, 1935, referred to in text, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, popularly known as the Historic Sites, Buildings and Antiquities Act, which is classified generally to sections 461 to 467 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 461 of Title 16 and Tables.

Act of June 27, 1960, referred to in text, is Pub. L. 86-523, June 27, 1960, 74 Stat. 220, which enacted sections 469 to 469c-1 of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

Act of April 19, 1945 (43 U.S.C. 377), referred to in text, is act April 19, 1945, ch. 80, 59 Stat. 54, which amended section 377 of this title. For complete classification of this Act to the Code, see Tables.

The date of this Act, referred to in text, probably means the date of enactment of Pub. L. 102-377, which enacted this section, and which was approved Oct. 2, 1992.

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Title IX of the Act, which was classified generally to subchapter VI (§541 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 11 (§1101 et seq.) of Title 40, Public Buildings, Property, and Works. For disposition of sections of former Title 40 to revised Title 40, see Table preceding section 101 of Title 40. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of the second, third, fourth, and sixth undesignated pars. under headings "BUREAU OF RECLAMATION" and "ADMINISTRATIVE PROVISIONS" in title II of Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1330, 1331.

AMENDMENTS

2003—Pub. L. 108-137 inserted in first par. " , not to exceed \$5,000,000 for each causal event giving rise to a claim or claims" after "activities of the Bureau of Reclamation".

§ 378. Omitted

CODIFICATION

Section, act June 30, 1906, ch. 3912, 34 Stat. 663, authorized Secretary of the Interior to contract for office accommodations for Bureau of Reclamation in city of Washington. Construction of a building to afford office space for the bureau was authorized by act Mar. 4, 1913, ch. 147, § 9, 37 Stat. 880.

§ 379. Purchase of scientific books, law books, etc.

The Secretary of the Interior may authorize the purchase of such law books, books of reference, periodicals, engineering and statistical publications as are needed in carrying out the surveys and examinations authorized by the Act of June seventeenth, nineteen hundred and two, entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories for the construction

of irrigation works for the reclamation of arid lands.”

(May 27, 1908, ch. 200, 35 Stat. 350.)

REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 380. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act July 1, 1918, ch. 113, 40 Stat. 675, authorized purchases and procurement of services without advertising and formal contract.

§§ 380a, 380b. Omitted

CODIFICATION

Section 380a, acts Aug. 4, 1939, ch. 418, § 13, 53 Stat. 1197; Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, authorized purchases by Bureau of Reclamation without compliance with section 16 of former Title 41, Public Contracts.

Section 380b, act July 9, 1952, ch. 597, title I, 66 Stat. 453, which authorized transfer of surplus aircraft parts and equipment to Bureau of Reclamation was from the Interior Department Appropriation Act, 1953, and was not repeated in subsequent appropriation acts.

A prior section 380b, act Aug. 31, 1951, ch. 375, title I, 65 Stat. 257, contained provisions similar to section 380b.

§ 381. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 639

Section, acts June 17, 1902, ch. 1093, § 5, 32 Stat. 389; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for commissions of registers and receivers of land offices.

§ 382. Repealed. Pub. L. 87-304, § 9(a)(3), Sept. 26, 1961, 75 Stat. 664

Section, act May 27, 1908, ch. 200, 35 Stat. 350, related to assignment of pay by employees of Bureau of Reclamation. See section 5525 of Title 5, Government Organization and Employees.

§ 383. Vested rights and State laws unaffected

Nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

(June 17, 1902, ch. 1093, § 8, 32 Stat. 390.)

REFERENCES IN TEXT

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

CODIFICATION

Section is comprised of section 8 (less proviso) of act June 17, 1902. The remainder of section 8 is classified to section 372 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 384. Extension of time for payment of charges accrued prior to March 2, 1924, and January 1, 1925

(a) The Secretary of the Interior is authorized and empowered, in his discretion, to defer the dates of payments of any charges, rentals, and penalties which have accrued prior to the 2d day of March, 1924, under the Act of June 17, 1902 (32 Stat. 388), and amendatory and supplemental acts or prior to that date, as against water users on any irrigation project being constructed or operated and maintained under the direction of the Commissioner of Indian Affairs, as may, in his judgment, be necessary in or concerning any irrigation project existing on May 9, 1924, under said act: *Provided*, That no payment shall be deferred under this section in any particular case beyond March 1, 1927: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to date of payment: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by the law in effect on May 9, 1924, shall thereupon attach from the date of such default.

(b) Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the Act of June 17, 1902 (32 Stat. 388), or any act amendatory thereof or supplementary thereto, makes application prior to January 1, 1925, alleging that he will be unable to make the payments as required in subsection (a) of this section, the Secretary of the Interior is authorized in his discretion prior to March 1, 1925, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1925, or, in the discretion of the Secretary, distribute a total of one-fourth over the first half of the remaining years of the 20-year period beginning with the year 1925, and three-fourths over the second half of such period, so as to complete the payment during the remaining years of the 20-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to the date of payment: *Provided further*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior de-

tailed statement of his assets and liabilities and probable inability to make payment at the time required in subsection (a) of this section: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by law, prior to May 9, 1924, shall thereupon attach from the date of such default: *And provided further*, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary.

(May 9, 1924, ch. 150, §1, 2, 43 Stat. 116.)

REFERENCES IN TEXT

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

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 385. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 649

Section, act Aug. 9, 1937, ch. 570, §1, 50 Stat. 592, related to contracts for medical attention and service for employees.

Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 647 to 649, also repealed acts Jan. 12, 1927, ch. 27, 44 Stat. 957; Mar. 7, 1928, ch. 137, 45 Stat. 227; Mar. 4, 1929, ch. 705, §1, 45 Stat. 1589; May 14, 1930, ch. 273, §1, 46 Stat. 306; Feb. 14, 1931, ch. 187, §1, 46 Stat. 1142; Apr. 22, 1932, ch. 125, §1, 47 Stat. 114; Feb. 17, 1933, ch. 98, §1, 47 Stat. 842; Mar. 2, 1934, ch. 38, §1, 48 Stat. 380; May 9, 1935, ch. 101, §1, 49 Stat. 197, and June 22, 1936, ch. 691, §1, 49 Stat. 1781, which contained similar provisions.

§ 385a. Payments to school districts for education of dependents of construction personnel; cooperative arrangements; chargeable to project

The Secretary of the Interior, giving due consideration to the temporary nature of the requirements therefor, is authorized to make such provision as he deems to be necessary and in the public interest for the education of dependents of persons employed on the actual construction of projects or features of projects, by the Bureau of Reclamation, in any cases in which he finds that by reason of such construction activity, an undue burden is, or will be cast upon the facilities of the public-school districts serving the areas in which construction is being undertaken, and to pay for the same from any funds available for the construction of said projects: *Provided*, That the Secretary of the Interior shall enter into cooperative arrangements with local school districts wherein such features are situated to contribute toward covering the cost of furnishing the educational services required for such dependents, or for the operation by

those school districts of Government facilities, or for the expansion of local school facilities. Such cost incurred hereunder shall be charged to the project concerned and shall be repayable in the same manner and to the same extent as are its other costs of construction.

(June 29, 1948, ch. 733, §1, 62 Stat. 1108.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 385b. Repealed. Pub. L. 86-533, §1(18), June 29, 1960, 74 Stat. 248

Section, act June 29, 1948, ch. 733, §2, 62 Stat. 1108, related to reports to Congress of all activities undertaken pursuant to provisions of section 385a of this title.

§ 385c. Omitted

CODIFICATION

Section, which related to tuition charge per pupil, was from the Interior Department Appropriation Act, 1949, act June 29, 1948, ch. 754, 62 Stat. 1125, and was not repeated in subsequent appropriation acts.

§ 386. Application of excess-land provisions of reclamation laws to certain lands

The excess-land provisions of the Federal reclamation laws shall not be applicable to lands which on June 16, 1938, had an irrigation water supply from sources other than a Federal reclamation project and which will receive a supplemental supply from the Colorado-Big Thompson project.

(June 16, 1938, ch. 485, 52 Stat. 764.)

§ 387. Removal of sand, gravel, etc.; leases, easements, etc.

The Secretary, in his discretion, may (a) permit the removal, from lands or interests in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project, of sand, gravel, and other minerals and building materials with or without competitive bidding: *Provided*, That removals may be permitted without charge if for use by a public agency in the construction of public roads or streets within any project or in its immediate vicinity; and (b) grant leases and licenses for periods not to exceed fifty years, and easements or rights-of-way with or without limitation as to period of time affecting lands or interest in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project: *Provided*, That, if a water users' organization is under contract obligation for repayment on account of the project or division involved, easements or rights-of-way for periods in excess of twenty-five years shall be granted only upon prior written approval of the governing board of such organization. Such permits or grants shall be made only when, in the judgment of the Secretary, their exercise will not be incompatible

with the purposes for which the lands or interests in lands are being administered, and shall be on such terms and conditions as in his judgment will adequately protect the interests of the United States and the project for which said lands or interests in lands are being administered.

(Aug. 4, 1939, ch. 418, §10, 53 Stat. 1196; Aug. 18, 1950, ch. 752, 64 Stat. 463.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 485a of this title.

AMENDMENTS

1950—Act Aug. 18, 1950, permitted Secretary to grant permanent easements or rights-of-way provided that no easement or right-of-way in excess of 25 years be granted unless there has been prior written approval by the governing board of that water users' organization as may be under contract obligation for repayment on account of the project involved.

DEFINITIONS

The definitions in section 485a of this title apply to this section.

§ 388. Contracts for materials; liability of United States

When appropriations have been made for the commencement or continuation of construction or operation and maintenance of any project, the Secretary may, in connection with such construction or operation and maintenance, enter into contracts for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.

(Aug. 4, 1939, ch. 418, §12, 53 Stat. 1197.)

DEFINITIONS

The definitions in section 485a of this title apply to this section.

§ 389. Relocation of highways, railroads, transmission lines, etc., exchange of water, water rights or electric energy

The Secretary is authorized, in connection with the construction or operation and maintenance of any project, (a) to purchase or condemn suitable lands or interests in lands for relocation of highways, roadways, railroads, telegraph, telephone, or electric transmission lines, or any other properties whatsoever, the relocation of which in the judgment of the Secretary is necessitated by said construction or operation and maintenance, and to perform any or all work involved in said relocations on said lands or interests in lands, other lands or interests in lands owned and held by the United States in connection with the construction or operation and maintenance of said project, or properties not owned by the United States; (b) to enter into contracts with the owners of said properties whereby they undertake to acquire any or all property needed for said relocation, or to perform any or all work involved in said relocations; and (c) for the purpose of effecting com-

pletely said relocations, to convey or exchange Government properties acquired or improved under (a) above, with or without improvements, or other properties owned and held by the United States in connection with the construction or operation and maintenance of said project, or to grant perpetual easements therein or thereover. Grants or conveyances hereunder shall be by instruments executed by the Secretary without regard to provisions of law governing the patenting of public lands.

The Secretary is further authorized, for the purpose of orderly and economical construction or operation and maintenance of any project, to enter into such contracts for exchange or replacement of water, water rights, or electric energy or for the adjustment of water rights, as in his judgment are necessary and in the interests of the United States and the project.

(Aug. 4, 1939, ch. 418, §14, 53 Stat. 1197.)

DEFINITIONS

The definitions in section 485a of this title apply to this section.

§ 390. Utilization of dams and reservoir projects for irrigation purposes; additional construction; necessity of authorization; apportionment of cost; limitation

On and after December 22, 1944, whenever the Secretary of the Army determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of the Army may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization Act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of the Army may be utilized after December 22, 1944, for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: *Provided*, That this section shall not apply to any dam or reservoir heretofore constructed in whole or in part by the Army engineers, which provides conservation storage of water for irrigation purposes. In the case of any reservoir project constructed and operated by the Corps of Engineers, the Secretary of the Army is authorized to allocate water which was allocated in the project purpose for municipal and industrial water supply and which is not under contract for delivery, for such periods as he may deem reasonable, for the interim use for irrigation purposes of such

storage until such storage is required for municipal and industrial water supply. No contracts for the interim use of such storage shall be entered into which would significantly affect then-existing uses of such storage.

(Dec. 22, 1944, ch. 665, § 8, 58 Stat. 891; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 99-662, title IX, § 931, Nov. 17, 1986, 100 Stat. 4196.)

REFERENCES IN TEXT

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

AMENDMENTS

1986—Pub. L. 99-662 inserted at end “In the case of any reservoir project constructed and operated by the Corps of Engineers, the Secretary of the Army is authorized to allocate water which was allocated in the project purpose for municipal and industrial water supply and which is not under contract for delivery, for such periods as he may deem reasonable, for the interim use for irrigation purposes of such storage until such storage is required for municipal and industrial water supply. No contracts for the interim use of such storage shall be entered into which would significantly affect then-existing uses of such storage.”

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain real property and functions relating to real property, insofar as they pertain to Air Force, from Secretary of the Army and Department of the Army to Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948, and 40 [App. B(133)], July 22, 1949.

EXTENSION OF VARIABLE PAYMENT PLAN

Authority of Secretary to extend benefits of variable payment plan to organizations with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts for the storage of water or for the use of stored water under this section, see section 2 of Pub. L. 85-611, Aug. 8, 1958, 72 Stat. 542, set out as a note under section 485h of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 390a. Repealed. Pub. L. 105-362, title IX, § 901(e)(2), Nov. 10, 1998, 112 Stat. 3289

Section, acts July 31, 1953, ch. 298, title I, 67 Stat. 266; Pub. L. 99-294, § 10, May 12, 1986, 100 Stat. 426, related to conditions precedent for construction of dams, reservoir, or water supply.

Provisions similar to those in this section were contained in act July 9, 1952, ch. 597, title I, 66 Stat. 451, prior to repeal by Pub. L. 105-362, title IX, § 901(e)(1), Nov. 10, 1998, 112 Stat. 3289.

§ 390b. Development of water supplies for domestic, municipal, industrial, and other purposes

(a) Declaration of policy

It is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

(b) Storage in reservoir projects; agreements for payment of cost of construction or modification of projects

In carrying out the policy set forth in this section, it is provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That (1) for Corps of Engineers projects, not to exceed 30 percent of the total estimated cost of any project may be allocated to anticipated future demands, and, (2) for Bureau of Reclamation projects, not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further*, That for Corps of Engineers projects, the Secretary of the Army may permit the full non-Federal contribution to be made, without interest, during construction of the project, or, with interest, over a period of not more than thirty years from the date of completion, with repayment contracts providing for recalculation of the interest rate at, five-year intervals, and for Bureau of Reclamation projects, the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1)

no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. For Corps of Engineers projects, all annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis. For Corps of Engineers projects, any repayment by a State or local interest shall be made with interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or, when a recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs. For Bureau of Reclamation projects, the interest rate used 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 date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) [43 U.S.C. 485 et seq.] relating to the same subject.

(c) Application to other laws

The provisions of this section shall not be construed to modify the provisions of section 701-1 of title 33 and section 390 of this title, as amended and extended, or the provisions of sections 372 and 383 of this title.

(d) Approval of Congress of modifications of reservoir projects

Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b) of this section which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.

(Pub. L. 85-500, title III, §301, July 3, 1958, 72 Stat. 319; Pub. L. 87-88, §10, July 20, 1961, 75 Stat. 210; Pub. L. 99-662, title IX, §932(a), Nov. 17, 1986, 100 Stat. 4196.)

REFERENCES IN TEXT

The Reclamation Projects Act of 1939, referred to in subsec. (b), is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, as amended, which is classified principally to subchapter X (§485 et seq.) of this chapter. For complete classification of this Act to the Code, see section 485k of this title and Tables.

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-662 inserted in third proviso “(1) for Corps of Engineers projects, not to exceed 30 percent of the total estimated cost of any project may be allocated to anticipated future demands, and, (2) for Bureau of Reclamation projects,” inserted in fourth proviso “for Corps of Engineers projects, the Secretary of the Army may permit the full non-Federal contribution to be made, without interest, during construction of the project, or, with interest, over a period of not more than thirty years from the date of completion, with repayment contracts providing for recalculation of the interest rate at, five-year intervals, and for Bureau of Reclamation projects,” inserted after first sentence “For Corps of Engineers projects, all annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis. For Corps of Engineers projects, any repayment by a State or local interest shall be made with interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or, when a recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs.” and substituted “For Bureau of Reclamation projects, the interest rate used” for “The interest rate used”.

1961—Subsec. (b). Pub. L. 87-88 substituted provisions permitting not more than 30 per centum of the total estimated cost of any project to be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project for provisions which permitted not more than 30 per centum of the total estimated cost of any project to be allocated to anticipated future demands where States or local interests give reasonable assurance that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project.

SHORT TITLE OF 1961 AMENDMENT

Section 11 of Pub. L. 87-88 provided that: “This Act [amending this section, and sections 1151, 1153 to 1155, 1157 to 1160, 1171 to 1173 of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under sections 1151, 1157, and 1159 of Title 33] may be cited as the ‘Federal Water Pollution Control Act Amendments of 1961’.”

SHORT TITLE

Section 302 of Pub. L. 85-500 provided that: “Title III of this Act [enacting this section] may be cited as the ‘Water Supply Act of 1958’.”

AMENDMENT OF CONTRACTS EXISTING PRIOR TO NOVEMBER 17, 1986

Pub. L. 99-662, title IX, §932(b), Nov. 17, 1986, 100 Stat. 4197, provided that: “Nothing in this section [amending this section] shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958 [this section], or Federal reclamation law and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act [Nov. 17, 1986].”

§ 390c. Water reservoirs; interests of States and local agencies in storage space

Cognizant that many States and local interests have in the past contributed to the Govern-

ment, or have contracted to pay to the Government over a specified period of years, money equivalent to the cost of providing for them water storage space at Government-owned dams and reservoirs, constructed by the Corps of Engineers of the United States Army, and that such practices will continue, and, that no law defines the duration of their interest in such storage space, and realizing that such States and local interests assume the obligation of paying substantially their portion of the cost of providing such facilities, their right to use may be continued during the existence of the facility as hereinafter provided.

(Pub. L. 88-140, §1, Oct. 16, 1963, 77 Stat. 249.)

§ 390d. Dams and reservoirs wherein costs thereof, or rights thereto, have been acquired by local interests

Sections 390c to 390f of this title are applicable to all dams and reservoirs heretofore or hereafter constructed by the United States Government (acting through the Corps of Engineers of the United States Army) wherein either a part of the construction cost thereof shall have been contributed or may be contributed by States or local interests (hereinafter called "local interests") or local interests have acquired or may acquire rights to utilize certain storage space thereof by making payments during the period of such use as specified in the agreement with the Government and wherein the amount of money paid, exclusive of interest, is equivalent to the cost of providing that part of such dam and reservoir which is allocated to such use, whether such share of cost shall have been determined by the "incremental cost" method or by the "separable costs-remaining benefits" method or by any other method. Included among the dams and reservoirs affected by sections 390c to 390f of this title are those constructed by the Corps of Engineers of the Department of the Army, but nothing in sections 390c to 390f of this title shall be construed to affect or modify section 390 of this title.

(Pub. L. 88-140, §2, Oct. 16, 1963, 77 Stat. 249.)

§ 390e. Rights, acquisition and availability of; obligation for operation and maintenance; costs for reconstruction, rehabilitation, or replacement; use during Government operation or by contract

The right thus acquired by any such local interest is declared to be available to the local interest so long as the space designated for that purpose may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, and not limited to the term of years which may be prescribed in any lease agreement or other agreement with the Government, but the enjoyment of such right will remain subject to performance of its obligations prescribed in such lease agreement or agreement executed in reference thereto. Such obligations will include continued payment of annual operation and maintenance costs allocated to water supply. In addition, local interests shall bear the costs al-

located to the water supply of any necessary reconstruction, rehabilitation, or replacement of project features which may be required to continue satisfactory operation of the project. Any affected local interest may utilize such facility so long as it is operated by the Government. In the event that the Government concludes that it can no longer usefully and economically maintain and operate such facility, the responsible department or agency of the Government is authorized to negotiate a contract with the affected local interest under which the local interest may continue to operate such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and provided that the Government is effectively absolved from all liability in connection with such operation.

(Pub. L. 88-140, §3, Oct. 16, 1963, 77 Stat. 249.)

§ 390f. Revision of leases or agreements to evidence conversion of rights to use of storage rights

Upon application of any affected local interest its existing lease or agreement with the Government will be revised to evidence the conversion of its rights to the use of the storage as prescribed in sections 390c to 390f of this title.

(Pub. L. 88-140, §4, Oct. 16, 1963, 77 Stat. 250.)

§ 390g. Groundwater recharge of aquifers; demonstration program

The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for groundwater recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 391 of this title (hereinafter referred to as "other Reclamation Act States"), as provided by sections 390g to 390g-8 of this title: *Provided*, That funds made available pursuant to sections 390g to 390g-8 of this title shall not be used for the study or construction of groundwater recharge demonstration projects in the High Plains States and other Reclamation Act States which would utilize water originating in the drainage basin of the Great Lakes. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out sections 390g to 390g-8 of this title.

(Pub. L. 98-434, §2, Sept. 28, 1984, 98 Stat. 1675.)

SHORT TITLE

Section 1 of Pub. L. 98-434 provided: "That this Act [enacting sections 390g to 390g-8 of this title] may be cited as the 'High Plains States Groundwater Demonstration Program Act of 1983'."

§ 390g-1. Phase I of groundwater recharge demonstration program

(a) Development of detailed plan of demonstration projects; requisite features of plan

During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided*, That contributions of such technical resources and assistance may be counted as part of the in-kind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemical, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) Recommendation of demonstration projects

During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Preliminary selection of projects

Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

(Pub. L. 98-434, §3, Sept. 28, 1984, 98 Stat. 1675; Pub. L. 104-66, title I, §1081(c), Dec. 21, 1995, 109 Stat. 721.)

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out subsec. (d) which read as follows: “Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) of this section and a detailed statement of his findings and conclusions.”

§ 390g-2. Phase II of groundwater recharge demonstration program

(a) Design, construction, and operation of projects

During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in subsection (c) of this section.

(b) Alternative means of cost allocation; economic feasibility of projects

During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective States and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

(c) Reports to Congress

(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) of this section and the study referred to in subsection (b) of this section.

(2) Within five years after the initiation of phase II, the Secretary shall submit a summary report to Congress. The summary report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a) of this section;

(B) the results of the studies referred to in subsection (b) of this section;

(C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

(3) In addition to recommendations made under section 390g-1 of this title, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a) of this section.

(4) Each project under this section shall terminate five years after the date on which construction on the project is completed.

(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section.

(Pub. L. 98-434, §4, Sept. 28, 1984, 98 Stat. 1676; Pub. L. 102-575, title XXVI, §2601(1), (2), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-575 substituted “summary report” for “final report” in two places in introductory provisions of par. (2) and added pars. (3) to (5).

§ 390g-3. Evaluation of water quality impacts

The Secretary, acting through the Bureau, and the Administrator of the Environmental Protection Agency (hereinafter referred to as the “Administrator”) shall enter into a memorandum-of-understanding to provide for an evaluation of the impacts to surface water and groundwater quality resulting from the groundwater recharge demonstration projects constructed pursuant to sections 390g to 390g-8 of this title. The Administrator shall consult with the United States Geological Survey and shall make maximum use of data, studies, and other technical resources and assistance available from State and local entities in conducting the evaluation. The evaluation of water quality impacts shall be completed so as to be included in the Secretary’s summary report to the Congress referred to in section 390g-2(c)(2) of this title.

(Pub. L. 98-434, § 5, Sept. 28, 1984, 98 Stat. 1676; Pub. L. 102-575, title XXVI, § 2601(1), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Pub. L. 102-575 substituted “summary report” for “final report”.

§ 390g-4. Authorization of appropriations to carry out phase I

There is authorized to be appropriated \$500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

(Pub. L. 98-434, § 6, Sept. 28, 1984, 98 Stat. 1677.)

§ 390g-5. Authorization of appropriations to carry out phase II

There is authorized to be appropriated for fiscal years beginning after September 30, 1983, \$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in sums for individual projects based on findings of feasibility by the Secretary.

(Pub. L. 98-434, § 7, Sept. 28, 1984, 98 Stat. 1677; Pub. L. 102-575, title XXVI, § 2601(3), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Pub. L. 102-575 substituted “\$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein” for “\$20,000,000 (October 1983 price levels)”.

§ 390g-6. Matching basis for funding phase II from non-Federal sources

The funds authorized to be appropriated pursuant to section 390g-5 of this title shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, inkind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

(Pub. L. 98-434, § 8, Sept. 28, 1984, 98 Stat. 1677.)

§ 390g-7. New spending authority

Any new spending authority described in subsection (c)(2)(A) or (B) of section 651¹ of title 2 which is provided under sections 390g to 390g-8 of this title (or under any amendment made by sections 390g to 390g-8 of this title) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 98-434, § 9, Sept. 28, 1984, 98 Stat. 1677.)

REFERENCES IN TEXT

Section 651 of title 2, referred to in text, was amended by Pub. L. 105-33, title X, § 10116(a)(3), (5), Aug. 5, 1997, 111 Stat. 691, by striking out subsec. (c) and redesignating former subsec. (d) as (c).

§ 390g-8. Interstate transfer of water from Arkansas

No funds authorized to be appropriated by sections 390g to 390g-8 of this title shall be used for any activities associated with:

- (1) the interstate transfer of water from the State of Arkansas; or
- (2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

(Pub. L. 98-434, § 10, Sept. 28, 1984, 98 Stat. 1677.)

§ 390h. Program to investigate reclamation and reuse of wastewater and groundwater; general authority**(a) Program established**

The Secretary of the Interior (hereafter “Secretary”), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter “Federal reclamation laws”), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

¹ See References in Text note below.

(b) States included

Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) [43 U.S.C. 391] as amended, and the State of Hawaii.

(c) Agreements and regulations

The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of sections 390h to 390h–39 of this title.

(d) San Luis Unit of Central Valley Project, California

The Secretary shall not investigate, promote or implement, pursuant to sections 390h to 390h–39 of this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(Pub. L. 102–575, title XVI, §1602, Oct. 30, 1992, 106 Stat. 4664; Pub. L. 106–566, title I, §104(a), Dec. 23, 2000, 114 Stat. 2819.)

REFERENCES IN TEXT

The Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388), referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Hereafter, referred to in subsec. (a), means hereafter in title XVI of Pub. L. 102–575, Oct. 30, 1992, 106 Stat. 4663, which enacted sections 390h to 390h–39 of this title.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–566 inserted “, and the State of Hawaii” before period at end.

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–70, §1, Sept. 21, 2005, 119 Stat. 2009, provided that: “This Act [enacting section 390h–20 of this title and transferring section 390h–17a of this title to section 390h–19 of this title] may be cited as the ‘Hawaii Water Resources Act of 2005’.”

SHORT TITLE OF 2004 AMENDMENTS

Pub. L. 108–316, §1(a), Oct. 5, 2004, 118 Stat. 1202, provided that: “This section [enacting section 390h–17a of this title] may be cited as the ‘Williamson County Water Recycling Act of 2004’.”

Pub. L. 108–233, §1, May 28, 2004, 118 Stat. 654, provided that: “This Act [enacting section 390h–18 of this title] may be cited as the ‘Irvine Basin Surface and Groundwater Improvement Act of 2004’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–566, title I, §101, Dec. 23, 2000, 114 Stat. 2818, provided that: “This title [amending this section] may be cited as the ‘Hawaii Water Resources Act of 2000’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–321, §1(a), Oct. 30, 1998, 112 Stat. 3020, provided that: “This Act [enacting section 390h–16 of this title, amending section 564w–1 of Title 25, Indians, and

enacting and amending provisions listed in a table of National Wildlife Refuges set out under section 668dd of Title 16, Conservation] may be cited as the ‘Oregon Public Lands Transfer and Protection Act of 1998’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–266, §1, Oct. 9, 1996, 110 Stat. 3290, provided that: “This Act [enacting sections 390h–12a to 390h–12p of this title and amending sections 390h–1 to 390h–3, 390h–9, and 390h–13 to 390h–15 of this title] may be cited as the ‘Reclamation Recycling and Water Conservation Act of 1996’.”

SHORT TITLE

Section 1601 of title XVI of Pub. L. 102–575 provided that: “This title [enacting sections 390h to 390h–15 of this title] may be referred to as the ‘Reclamation Wastewater and Groundwater Study and Facilities Act’.”

§ 390h–1. Appraisal investigations**(a) Purposes; recommendations**

The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Matters to be considered

Appraisal investigations undertaken by the Secretary or the non-Federal project sponsor pursuant to sections 390h to 390h–39 of this title shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies;

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing;

(4) measures to coordinate and streamline local, State and Federal permitting procedures required for the implementation of reclamation projects; and

(5) measures to identify basic research needs required to expand the uses of reclaimed water in a safe and environmentally sound manner.

(c) Consultation and cooperation

The Secretary shall consult and cooperate with appropriate State, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to sections 390h to 390h–39 of this title.

(d) Nonreimbursable costs

Costs of such appraisal investigations shall be nonreimbursable.

(Pub. L. 102–575, title XVI, §1603, Oct. 30, 1992, 106 Stat. 4664; Pub. L. 104–266, §3, Oct. 9, 1996, 110 Stat. 3295.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91–190, Jan. 1, 1970, 83

Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-266 inserted “by the Secretary or the non-Federal project sponsor” after “undertaken” in introductory provisions.

§ 390h-2. Feasibility studies

(a) General authority; Federal and non-Federal cost shares

The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 390h-1 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) Federal share considered project costs; reimbursement

The Federal share of feasibility studies, including those described in sections 390h-4 and 390h-6 through 390h-8 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) Matters to be considered

In addition to the requirements of other Federal laws, feasibility studies conducted by the Secretary or the non-Federal project sponsor under sections 390h to 390h-39 of this title shall consider, among other things—

- (1) near- and long-term water demand and supplies in the study area;
- (2) all potential uses for reclaimed water;
- (3) at least two alternative measures or technologies available for water reclamation, distribution, and reuse for the project under consideration;
- (4) public health and environmental quality issues associated with use of reclaimed water;
- (5) whether development of the water reclamation and reuse measures under study would—
 - (A) reduce, postpone, or eliminate development of new or expanded water supplies,
 - (B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers, or
 - (C) reduce the demand on existing Federal water supply facilities;
- (6) the market or dedicated use for reclaimed water in the project's service area; and

(7) the financial capability of the non-Federal project sponsor to fund its proportionate share of the project's construction costs on an annual basis.

(Pub. L. 102-575, title XVI, §1604, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 104-266, §4, Oct. 9, 1996, 110 Stat. 3295.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (b), are defined in section 390h(a) of this title.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-266, §4(1), substituted “conducted by the Secretary or the non-Federal project sponsor” for “authorized” in introductory provisions.

Subsec. (c)(3). Pub. L. 104-266, §4(2), substituted “at least two alternative measures or technologies available for water reclamation, distribution, and reuse for the project under consideration” for “measures and technologies available for water reclamation, distribution, and reuse”.

Subsec. (c)(5)(C). Pub. L. 104-266, §4(4), added subpar. (C).

Subsec. (c)(6), (7). Pub. L. 104-266, §4(3), (5), added pars. (6) and (7).

§ 390h-3. Research and demonstration projects

(a) Reclamation of wastewater and ground and surface waters

The Secretary is authorized to conduct research and to construct, operate, and maintain cooperative demonstration projects for the development and demonstration of appropriate treatment technologies for the reclamation of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters. The Federal share of the costs of demonstration projects shall not exceed 50 per centum of the total cost including operation and maintenance. Rights to inventions developed pursuant to this section shall be governed by the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480) [15 U.S.C. 3701 et seq.] as amended by the Technology Transfer Act of 1986 (Public Law 99-502).

(b) Long Beach Desalination Research and Development Project

(1) The Secretary, in cooperation with the city of Long Beach, the Central Basin Municipal Water District, and the Metropolitan Water District of Southern California may participate in the design, planning, and construction of the Long Beach Desalination Research and Development Project in Los Angeles County, California.

(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

(c) Las Vegas Area Shallow Aquifer Desalination Research and Development Project

(1) The Secretary, in cooperation with the Southern Nevada Water Authority, may participate in the design, planning, and construction of the Las Vegas Area Shallow Aquifer Desalination Research and Development Project in Clark County, Nevada.

(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

(d) Federal contribution

A Federal contribution in excess of 25 percent for a project under this section may not be made until after the Secretary determines that the project is not feasible without such Federal contribution.

(Pub. L. 102-575, title XVI, § 1605, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 104-266, § 5, Oct. 9, 1996, 110 Stat. 3295.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (a), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

The Technology Transfer Act of 1986, referred to in subsec. (a), is Pub. L. 99-502, Oct. 20, 1986, 100 Stat. 1785, known as the Federal Technology Transfer Act of 1986. For complete classification of this Act to the Code, see Short Title of 1986 Amendments note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

1996—Pub. L. 104-266 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

§ 390h-4. Southern California comprehensive water reclamation and reuse study

(a) General authority

The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of sections 390h to 390h-39 of this title, the term “Southern California” means those portions of the counties of Imperial, Los Angeles, Orange, San Bernadino,¹ Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) Cooperation with State; Federal share

The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 per centum of the total.

(c) Report

The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than six years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, § 1606, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 103-437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594.)

¹ So in original. Probably should be “San Bernardino.”

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

REUSE OF WASTE WATER

Pub. L. 102-580, title II, § 217, Oct. 31, 1992, 106 Stat. 4833, provided that:

“(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the beneficial reuse of waste water. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

“(1) the service would require the use of a new technology unavailable in the private sector; or

“(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

“(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986 [33 U.S.C. 2213(m)].

“(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

“(1) SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.—

“(A) DESCRIPTION.—A regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the State of California and appropriate local and regional entities.

“(C) SOUTHERN CALIFORNIA DEFINED.—For purposes of this paragraph, the term ‘Southern California’ means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

“(2) SAN DIEGO AREA WATER REUSE DEMONSTRATION FACILITIES.—Water reuse facilities (which are not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

“(3) SANTA ROSA WATER REUSE PROJECTS.—

“(A) DESCRIPTION.—Water reuse projects for the city of Santa Rosa, California, to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the city of Santa Rosa, California, and other appropriate authorities.

“(4) MONTEREY COUNTY, CALIFORNIA.—

“(A) DESCRIPTION.—Reduction of salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000. Such sums shall remain available until expended.”

§ 390h-5. San Jose area water reclamation and reuse program

(a) The Secretary, in cooperation with the city of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) of this section shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

(Pub. L. 102-575, title XVI, §1607, Oct. 30, 1992, 106 Stat. 4666.)

DEMONSTRATION OF WASTE WATER TECHNOLOGY, SANTA CLARA VALLEY WATER DISTRICT AND SAN JOSE, CALIFORNIA

Pub. L. 102-580, title II, §218, Oct. 31, 1992, 106 Stat. 4834, provided that:

“(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to provide design and construction assistance to the Santa Clara Valley Water District in San Jose, California, and to the city of San Jose, California, for demonstrating and field testing public use innovative processes which advance the technology of waste water reuse and treatment and which promote the use of treated waste water for critical water supply purposes and for the protection of fish and wildlife in the San Francisco Bay. All design, construction, and comprehensive health effects studies shall be carried out by non-Federal interests.

“(b) PURPOSES OF ASSISTANCE.—Assistance may be provided under this section—

“(1) for the design and construction of an innovative nonpotable waste water reuse treatment facility with distribution systems;

“(2) for the design and construction of an innovative potable waste water reuse pilot plant;

“(3) for implementation of a comprehensive health effects study of the performance of the potable waste water reuse pilot plant; and

“(4) after the pilot plant is constructed and is operational, for the design and construction of a potable waste water reuse project, along with integration of the additional potable processes into the existing nonpotable facilities, and the extension of the distribution systems to groundwater recharge areas, if the Secretary, in cooperation with the Administrator of the Environmental Protection Agency, determines that the established public health requirements and water quality goals and objectives are being met by the pilot plant, the public health and safety is not at risk as a result of the operation of the pilot plant, and the pilot plant is operating reliably.

“(c) COST SHARING.—Total project costs under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000. Such sums shall remain available until expended.”

§ 390h-6. Phoenix metropolitan water reclamation study and program

(a) General authority

The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural and environmental purposes, groundwater recharge and indirect potable reuse in the Phoenix metropolitan area.

(b) Federal share

The Federal share of the costs associated with the project described in subsection (a) of this section shall not exceed 25 per centum of the total. The Secretary shall not provide funds for operation or maintenance of the project.

(Pub. L. 102-575, title XVI, §1608, Oct. 30, 1992, 106 Stat. 4666; Pub. L. 103-437, §16(a)(2), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 106-53, title V, §596, Aug. 17, 1999, 113 Stat. 384.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-53, §596(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary, in cooperation with the city of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge and direct potable reuse in the Phoenix metropolitan area, and in cooperation with the city of Phoenix design and construct facilities for environmental purposes, ground water recharge and direct potable reuse.”

Subsec. (b). Pub. L. 106-53, §596(2), struck out first sentence which read as follows: “The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.”

Subsec. (c). Pub. L. 106-53, §596(3), struck out subsec. (c) which read as follows: “The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than two years after appropriation of funds authorized by sections 390h to 390h-15 of this title.”

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

§ 390h-7. Tucson area water reclamation study

(a) General authority

The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term “Southern Arizona” means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) Federal share

The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) Report

The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than four years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, §1609, Oct. 30, 1992, 106 Stat. 4666; Pub. L. 103-437, §16(a)(2), Nov. 2, 1994, 108 Stat. 4594.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

§ 390h-8. Lake Cheraw water reclamation and reuse study**(a) General authority**

The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cheraw, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cheraw on groundwater resources or the waters of the Arkansas River.

(b) Federal share

The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) Report

The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than two years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, §1610, Oct. 30, 1992, 106 Stat. 4667; Pub. L. 103-437, §16(a)(2), Nov. 2, 1994, 108 Stat. 4594.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

§ 390h-9. San Francisco area water reclamation study**(a) General authority**

The Secretary, in cooperation with the city and county of San Francisco, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim water in the San Francisco area for the purposes of export and reuse elsewhere in California.

(b) Federal share

The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) Report

The Secretary shall submit the report authorized by this section to the Committee on Energy

and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than five years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, §1611, Oct. 30, 1992, 106 Stat. 4667; Pub. L. 103-437, §16(a)(2), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 104-266, §6, Oct. 9, 1996, 110 Stat. 3296.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-266 substituted “five” for “four”.

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

§ 390h-10. San Diego area water reclamation program

(a) The Secretary, in cooperation with the city of San Diego, California¹ or its successor agency in the management of the San Diego Area Wastewater Management District, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) of this section shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

(Pub. L. 102-575, title XVI, §1612, Oct. 30, 1992, 106 Stat. 4667.)

§ 390h-11. Los Angeles area water reclamation and reuse project

(a) The Secretary is authorized to participate with the city and county of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects to treat approximately one hundred and twenty thousand acre-feet per year of effluent from the city and county of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) of this section shall not exceed 25 per centum of the total. The Secretary shall not provide funds for operation or maintenance of the project.

(Pub. L. 102-575, title XVI, §1613, Oct. 30, 1992, 106 Stat. 4667.)

§ 390h-12. San Gabriel basin demonstration project

(a) The Secretary, in cooperation with the Metropolitan Water District of Southern California and the Main San Gabriel Water Quality Authority or a successor public agency, is authorized to participate in the design, planning and construction of a conjunctive-use facility designed to improve the water quality in the

¹ So in original. Probably should be followed by a comma.

San Gabriel groundwater basin and allow the utilization of the basin as a water storage facility; *Provided*, That this authority shall not be construed to limit the authority of the United States under any other Federal statute to pursue remedial actions or recovery of costs for work performed pursuant to this subsection.

(b) The Secretary's share of costs associated with the project described in subsection (a) of this section shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project. (Pub. L. 102-575, title XVI, § 1614, Oct. 30, 1992, 106 Stat. 4668.)

§ 390h-12a. North San Diego County Area Water Recycling Project

(a) Authorization

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the North San Diego County Area Water Recycling Project, consisting of projects to reclaim and reuse water within service areas of the San Elijo Joint Powers Authority, the Leucadia County Water District, the City of Carlsbad, and the Olivenhain Municipal Water District, California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, § 1615, as added Pub. L. 104-266, § 2(a)(2), Oct. 9, 1996, 110 Stat. 3290.)

PRIOR PROVISIONS

A prior section 1615 of Pub. L. 102-575 was renumbered section 1631 and is classified to section 390h-13 of this title.

§ 390h-12b. Calleguas Municipal Water District Recycling Project

(a) Authorization

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Calleguas Municipal Water District Recycling Project to reclaim and reuse water in the service area of the Calleguas Municipal Water District in Ventura County, California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, § 1616, as added Pub. L. 104-266, § 2(a)(2), Oct. 9, 1996, 110 Stat. 3290.)

PRIOR PROVISIONS

A prior section 1616 of Pub. L. 102-575 was renumbered section 1632 and is classified to section 390h-14 of this title.

§ 390h-12c. Central Valley Water Recycling Project

(a) Authorization

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Central Valley Water Recycling Project to reclaim and reuse water in the service areas of the Central Valley Reclamation Facility and the Salt Lake County Water Conservancy District in Utah.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, § 1617, as added Pub. L. 104-266, § 2(a)(2), Oct. 9, 1996, 110 Stat. 3291.)

PRIOR PROVISIONS

A prior section 1617 of Pub. L. 102-575 was renumbered section 1633 and is classified to section 390h-15 of this title.

§ 390h-12d. St. George Area Water Recycling Project

(a) Authorization

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the St. George Area Water Recycling Project to reclaim and reuse water in the service area of the Washington County Water Conservancy District in Utah.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, § 1618, as added Pub. L. 104-266, § 2(a)(2), Oct. 9, 1996, 110 Stat. 3291.)

§ 390h-12e. Watsonville Area Water Recycling Project

(a) Authorization

The Secretary, in cooperation with the City of Watsonville, California, is authorized to participate in the design, planning, and construction of the Watsonville Area Water Recycling Project to reclaim and reuse water in the Pajaro Valley in Santa Cruz County, California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1619, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3291.)

§ 390h-12f. Southern Nevada Water Recycling Project**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Southern Nevada Water Recycling Project to reclaim and reuse water in the service area of the Southern Nevada Water Authority in Clark County, Nevada.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1620, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3291.)

§ 390h-12g. Albuquerque Metropolitan Area Water Reclamation and Reuse Project**(a) Authorization**

The Secretary, in cooperation with the city of Albuquerque, New Mexico, is authorized to participate in the planning, design, and construction of the Albuquerque Metropolitan Area Water Reclamation and Reuse Project to reclaim and reuse industrial and municipal wastewater and reclaim and use naturally impaired ground water and nonpotable surface water in the Albuquerque metropolitan area.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1621, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3292; amended Pub. L. 105-62, title V, §506, Oct. 13, 1997, 111 Stat. 1339.)

CODIFICATION

Section 506 of Pub. L. 105-62, which directed the amendment of “section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104-266”, was executed by making the amendment to this section, which is section 1621 of title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act, Pub. L. 102-575, as added by Pub. L. 104-266, to reflect the probable intent of Congress.

AMENDMENTS

1997—Pub. L. 105-62, §506(1), which directed the substitution of “project” for “study” in section catchline,

was executed by substituting “Project” for “Study” to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 105-62, §506(2), (3), inserted “planning, design, and construction of the” after “to participate in the” and “and nonpotable surface water” after “impaired ground water”.

Pub. L. 105-62, §506(1), which directed the substitution of “project” for “study”, was executed by substituting “Project” for “Study” to reflect the probable intent of Congress.

§ 390h-12h. El Paso Water Reclamation and Reuse Project**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the El Paso Water Reclamation and Reuse Project to reclaim and reuse wastewater in the service area of the El Paso Water Utilities Public Service Board, El Paso, Texas.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1622, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3292.)

§ 390h-12i. Reclaimed water in Pasadena**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the City of Pasadena, California, reclaimed water project to obtain, store, and use reclaimed water in Pasadena and its service area, as well as neighboring communities.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1623, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3292.)

§ 390h-12j. Orange County Regional Water Reclamation Project**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Orange County Regional Water Reclamation Project, to reclaim and reuse water within the service area of the Orange County Water District in California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1624, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3292; amended Pub. L. 111-11, title IX, §9111(c), Mar. 30, 2009, 123 Stat. 1318.)

AMENDMENTS

2009—Pub. L. 111-11, §9111(c)(1), struck out “Phase 1 of the” before “Orange County” in section catchline.

Subsec. (a). Pub. L. 111-11, §9111(c)(2), struck out “phase 1 of” before “the Orange County”.

§ 390h-12k. City of West Jordan Water Reuse Project**(a) Authorization**

The Secretary, in cooperation with the City of West Jordan, Utah, is authorized to participate in the design, planning, and construction of the City of West Jordan Water Reuse Project to recycle and reuse water in its service area from the South Valley Water Reclamation Facility Discharge Waters in Utah.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1625, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3293.)

§ 390h-12l. Hi-Desert Water District in Yucca Valley, California wastewater collection and reuse facility**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Hi-Desert Water District in Yucca Valley, California wastewater collection and reuse facility.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1626, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3293.)

§ 390h-12m. Mission Basin Brackish Groundwater Desalting Demonstration Project**(a) Authorization**

The Secretary, in cooperation with the City of Oceanside, is authorized to participate in the design, planning, and construction of a 3,000,000 gallon per day expansion of the Mission Basin Brackish Groundwater Desalting Demonstration Project in Oceanside, California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1627, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3293.)

§ 390h-12n. Treatment of effluent from sanitation districts of Los Angeles County through city of Long Beach**(a) Authorization**

The Secretary, in cooperation with the Water Replenishment District of Southern California, the Orange County Water District in the State of California, and other appropriate authorities, is authorized to participate in the design, planning, and construction of water reclamation and reuse projects to treat approximately 10,000 acre-feet per year of effluent from the sanitation districts of Los Angeles County through the city of Long Beach.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1628, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3293.)

§ 390h-12o. San Joaquin Area Water Recycling and Reuse Project**(a) Authorization**

The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the San Joaquin Area Water Recycling and Reuse Project, in cooperation with the City of Tracy, and consisting of participating projects which will reclaim and reuse water within the County of San Joaquin in California.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1629, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3294.)

§ 390h-12p. Tooele Wastewater Treatment and Reuse Project**(a) Authorization**

The Secretary, in cooperation with Tooele City, Utah, is authorized to participate in the design, planning, and construction of the Tooele Wastewater Treatment and Reuse Project.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, §1630, as added Pub. L. 104-266, §2(a)(2), Oct. 9, 1996, 110 Stat. 3294.)

§ 390h-13. Authorization of appropriations**(a) In general**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 390h through 390h-12p of this title.

(b) Prerequisite cost-sharing agreement

(1) Funds may not be appropriated for the construction of any project authorized by sections 390h to 390h-39 of this title until after—

(A) an appraisal investigation and a feasibility study that complies with the provisions of sections 390h-1(b) or 390h-2(c) of this title, as the case may be, have been completed by the Secretary or the non-Federal project sponsor;

(B) the Secretary has determined that the non-Federal project sponsor is financially capable of funding the non-Federal share of the project's costs; and

(C) the Secretary has approved a cost-sharing agreement with the non-Federal project sponsor which commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(2) The requirements of paragraph (1) shall not apply to those projects authorized by sections 390h to 390h-39 of this title for which funds were appropriated prior to January 1, 1996.

(c) Congressional notification

The Secretary shall notify the Committees on Resources and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate within 30 days after the signing of a cost-sharing agreement pursuant to subsection (b) of this section that such an agreement has been signed and that the Secretary has determined that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(d) Ceiling on Federal share

(1) Notwithstanding any other provision of sections 390h to 390h-39 of this title and except as provided by paragraph (2), the Federal share of the costs of each of the individual projects authorized by sections 390h to 390h-39 of this title shall not exceed \$20,000,000 (October 1996 prices).

(2)(A) Subject to subparagraph (B), in the case of any project authorized by sections 390h to 390h-39 of this title for which construction funds were appropriated before January 1, 1996, the Federal share of the cost of such project may not exceed the amount specified as the "total Federal obligation" for that project in the bud-

et justification made by the Bureau of Reclamation for fiscal year 1997, as contained in part 3 of the report of the hearing held on March 27, 1996, before the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives.

(B) In the case of the San Gabriel Basin demonstration project authorized by section 390h-12 of this title, the Federal share of the cost of such project may not exceed the sum determined by adding—

- (i) the amount that applies to that project under subparagraph (A); and
- (ii) \$6,500,000.

(Pub. L. 102-575, title XVI, §1631, formerly §1615, Oct. 30, 1992, 106 Stat. 4668; renumbered §1631 and amended Pub. L. 104-266, §§2(a)(1), (b)(1), 7, Oct. 9, 1996, 110 Stat. 3290, 3294, 3296; Pub. L. 108-418, §1, Nov. 30, 2004, 118 Stat. 2340.)

REFERENCES IN TEXT

Sections 390h through 390h-12p of this title, referred to in subsec. (a), was in the original "sections 1601 through 1630 of this title" meaning sections 1601 through 1630 of title XVI of Pub. L. 102-575, which are classified to sections 390h to 390h-12p of this title and provisions set out as a note under section 390h of this title.

AMENDMENTS

2004—Subsec. (d)(2). Pub. L. 108-418 designated existing provisions as subpar. (A), substituted "Subject to subparagraph (B), in the case" for "In the case", and added subpar. (B).

1996—Pub. L. 104-266 designated existing provisions as subsec. (a), substituted "300h-12p" for "300h-12", and added subsecs. (b) to (d).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 390h-14. Groundwater study**(a) Investigation, analysis, and report**

In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675) [43 U.S.C. 390g et seq.], the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include—

(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on groundwater,¹ and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a groundwater management and technical assistance program in the Department of

¹ So in original. The comma probably should be a semicolon.

the Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) Consultation with Governors

In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) Report

The report shall be submitted to the Committees on Appropriations and Natural Resources of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 390h-15 of this title.

(Pub. L. 102-575, title XVI, § 1632, formerly § 1616, Oct. 30, 1992, 106 Stat. 4668; Pub. L. 103-437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594; renumbered § 1632 and amended Pub. L. 104-266, § 2(a)(1), (b)(2), Oct. 9, 1996, 110 Stat. 3290, 3294.)

REFERENCES IN TEXT

The High Plains Groundwater Demonstration Program Act of 1983, referred to in subsec. (a), is Pub. L. 98-434, Sept. 28, 1984, 98 Stat. 1675, which is classified generally to sections 390g to 390g-8 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 390g of this title and Tables.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-266, § 2(b)(2), made technical amendment to reference in original act which appears in text as reference to section 390h-15 of this title.

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

CHANGE OF NAME

Geological Survey redesignated United States Geological Survey by provision of title I of Pub. L. 102-154, Nov. 13, 1991, 105 Stat. 1000, set out as a note under section 31 of this title.

§ 390h-15. Authorization of appropriations

There is authorized to be appropriated for fiscal years beginning after September 30, 1992, \$4,000,000 to carry out the study authorized by section 390h-14 of this title.

(Pub. L. 102-575, title XVI, § 1633, formerly § 1617, Oct. 30, 1992, 106 Stat. 4669; renumbered § 1633 and amended Pub. L. 104-266, § 2(a)(1), (b)(3), Oct. 9, 1996, 110 Stat. 3290, 3294.)

AMENDMENTS

1996—Pub. L. 104-266, § 2(b)(3), made technical amendment to reference in original act which appears in text as reference to section 390h-14 of this title.

§ 390h-16. Willow Lake Natural Treatment System Project

(a) Authorization

The Secretary, in cooperation with the city of Salem, Oregon, is authorized to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project to reclaim and reuse wastewater within and without the service area of the city of Salem.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(Pub. L. 102-575, title XVI, § 1634, as added Pub. L. 105-321, § 6(a), Oct. 30, 1998, 112 Stat. 3025.)

§ 390h-17. Lakehaven, Washington, Water Reclamation and Reuse Project

(a) Authorization

The Secretary, in cooperation with the Lakehaven Utility District, Washington, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the Lakehaven Utility District.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(Pub. L. 102-575, title XVI, § 1635, as added Pub. L. 107-344, § 1, Dec. 17, 2002, 116 Stat. 2893.)

§ 390h-17a. Transferred

CODIFICATION

Section, Pub. L. 102-575, title XVI, § 1636, as added Pub. L. 108-316, § 1(b), Oct. 5, 2004, 118 Stat. 1202, which related to the Williamson County, Texas, water recycling and reuse project, was renumbered section 1637 of Pub. L. 102-575 by Pub. L. 109-70, § 2(a)(1), Sept. 21, 2005, 119 Stat. 2009, and transferred to section 390h-19 of this title.

§ 390h-18. Irvine basin groundwater and surface water improvement projects

(a) Authorization

The Secretary, in cooperation with the Irvine Ranch Water District, California, is authorized to participate in the design, planning, and construction of projects to naturally treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the San Diego Creek Watershed.

(b) Cost share

The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.

(Pub. L. 102-575, title XVI, § 1636, as added Pub. L. 108-233, § 2(a), May 28, 2004, 118 Stat. 654.)

PRIOR PROVISIONS

Another section 1636 of Pub. L. 102-575 was renumbered 1637 and is classified to section 390h-19 of this title.

§ 390h-19. Williamson County, Texas, water recycling and reuse project

(a) Authorization

The Secretary, in cooperation with the Lower Colorado River Authority, Texas, is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in Williamson County, Texas.

(b) Cost share

The Federal share of the costs of the project described in subsection (a) of this section shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a) of this section.

(Pub. L. 102-575, title XVI, § 1637, formerly § 1636, as added Pub. L. 108-316, § 1(b), Oct. 5, 2004, 118 Stat. 1202; renumbered § 1637, Pub. L. 109-70, § 2(a)(1), Sept. 21, 2005, 119 Stat. 2009.)

CODIFICATION

Section was formerly classified to section 390h-17a of this title prior to renumbering by Pub. L. 109-70.

§ 390h-20. Hawaii reclamation projects

(a) Authorization

The Secretary may—

(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealahou, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

(b) Cost share

The Federal share of the cost of a project described in subsection (a) of this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a) of this section.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 102-575, title XVI, § 1638, as added Pub. L. 109-70, § 2(a)(2), Sept. 21, 2005, 119 Stat. 2009.)

§ 390h-21. Inland Empire regional water recycling project

(a) In general

The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 390h-4(c) of this title.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$20,000,000.

(Pub. L. 102-575, title XVI, § 16—, as added Pub. L. 110-161, div. C, title II, § 210, Dec. 26, 2007, 121 Stat. 1954.)

CODIFICATION

Section is based on section “16—” of Pub. L. 102-575. Two other sections “16—” of Pub. L. 102-575 have been enacted and are classified to sections 390h-22 and 390h-23 of this title.

§ 390h-22. Cucamonga Valley water recycling project

(a) In general

The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$10,000,000.

(e) Sunset of authority

The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after December 26, 2007.

(Pub. L. 102-575, title XVI, § 16—, as added Pub. L. 110-161, div. C, title II, § 210, Dec. 26, 2007, 121 Stat. 1955.)

CODIFICATION

Section is based on section “16—” of Pub. L. 102-575. Two other sections “16—” of Pub. L. 102-575 have been enacted and are classified to sections 390h-21 and 390h-23 of this title.

§ 390h-23. Southern California desert region integrated water and economic sustainability plan

(a) Authorization

The Secretary, in cooperation with the Mojave Water Agency is authorized to participate in the design, planning, and construction of projects to implement the “Mojave Water Agency’s Integrated Regional Water Management Plan”.

(b) Cost share

The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$20,000,000.

(Pub. L. 102-575, title XVI, § 16—, as added Pub. L. 110-161, div. C, title II, § 214(a), Dec. 26, 2007, 121 Stat. 1955.)

CODIFICATION

Section is based on section “16—” of Pub. L. 102-575. Two other sections “16—” of Pub. L. 102-575 have been enacted and are classified to sections 390h-21 and 390h-22 of this title.

LIMITATION ON FUNDS; CREDITS TOWARD NON-FEDERAL SHARE

Pub. L. 110-161, div. C, title II, § 214(c), (d), Dec. 26, 2007, 121 Stat. 1956, provided that:

“(c) **LIMITATION.**—The Secretary [of the Interior] shall not provide funds for the operation or maintenance of a project authorized by this section [enacting this section].

“(d) **CREDITS TOWARD NON-FEDERAL SHARE.**—For purposes of subsection (b) [probably means subsec. (b) of this section] the Secretary shall credit the Mojave Water Agency with the value of all expenditures made prior to the date of the enactment of this Act [Dec. 26, 2007] that are used toward completion of projects that are compatible with this section.”

§ 390h-24. Eastern Municipal Water District recycled water system pressurization and expansion project, California

(a) Authorization

The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$12,000,000.

(e) Sunset of authority

The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after May 8, 2008.

(Pub. L. 102-575, title XVI, § 1639, as added Pub. L. 110-229, title V, § 511(a), May 8, 2008, 122 Stat. 840.)

§ 390h-25. Mountain View, Moffett Area reclaimed water pipeline project

(a) Authorization

The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000.

(Pub. L. 102-575, title XVI, § 1642, as added Pub. L. 110-229, title V, § 512(a)(1), May 8, 2008, 122 Stat. 841.)

§ 390h-26. Pittsburg recycled water project

(a) Authorization

The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,750,000.

(Pub. L. 102-575, title XVI, § 1643, as added Pub. L. 110-229, title V, § 512(a)(1), May 8, 2008, 122 Stat. 841.)

§ 390h-27. Antioch recycled water project

(a) Authorization

The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$2,250,000.

(Pub. L. 102–575, title XVI, §1644, as added Pub. L. 110–229, title V, §512(a)(1), May 8, 2008, 122 Stat. 841.)

§ 390h–28. North Coast County Water District recycled water project**(a) Authorization**

The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$2,500,000.

(Pub. L. 102–575, title XVI, §1645, as added Pub. L. 110–229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

§ 390h–29. Redwood City recycled water project**(a) Authorization**

The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,100,000.

(Pub. L. 102–575, title XVI, §1646, as added Pub. L. 110–229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

§ 390h–30. South Santa Clara County recycled water project**(a) Authorization**

The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$7,000,000.

(Pub. L. 102–575, title XVI, §1647, as added Pub. L. 110–229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

§ 390h–31. South Bay advanced recycled water treatment facility**(a) Authorization**

The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$8,250,000.

(Pub. L. 102–575, title XVI, §1648, as added Pub. L. 110–229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

§ 390h–32. Rancho California Water District project, California**(a) Authorization**

The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

(c) Limitation

Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(Pub. L. 102–575, title XVI, §1649, as added Pub. L. 111–11, title IX, §9104(a), Mar. 30, 2009, 123 Stat. 1303.)

§ 390h–33. Elsinore Valley Municipal Water District projects, California**(a) Authorization**

The Secretary, in cooperation with the Elsinore Valley Municipal Water District, Cali-

foria, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

(b) Cost sharing

The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$12,500,000.

(Pub. L. 102-575, title XVI, §1650, as added Pub. L. 111-11, title IX, §9109(a), Mar. 30, 2009, 123 Stat. 1315.)

§ 390h-34. North Bay Water Reuse Program

(a) Definitions

In this section:

(1) Eligible entity

The term “eligible entity” means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- (A) Marin County;
- (B) Napa County;
- (C) Solano County; or
- (D) Sonoma County.

(2) Water reclamation and reuse project

The term “water reclamation and reuse project” means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- (A) water quality improvement;
- (B) wastewater treatment;
- (C) water reclamation and reuse;
- (D) groundwater recharge and protection;
- (E) surface water augmentation; or
- (F) other related improvements.

(3) State

The term “State” means the State of California.

(b) North Bay Water Reuse Program

(1) In general

Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

(2) Coordination with other Federal agencies

In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(A) non-Federal entities; and

(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(3) Phased project

A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

(A) First phase

During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

(B) Second phase

During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

(4) Cost sharing

(A) Federal share

The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

(B) Form of non-Federal share

The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

- (i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and
- (ii) the acquisition costs of land acquired for the project that is—
 - (I) used for planning, design, and construction of the water reclamation and reuse project facilities; and
 - (II) owned by an eligible entity and directly related to the project.

(C) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(5) Effect

Nothing in this section—

- (A) affects or preempts—
 - (i) State water law; or
 - (ii) an interstate compact relating to the allocation of water; or
- (B) confers on any non-Federal entity the ability to exercise any Federal right to—
 - (i) the water of a stream; or
 - (ii) any groundwater resource.

(6) Authorization of appropriations

There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.

(Pub. L. 102-575, title XVI, §1651, as added Pub. L. 111-11, title IX, §9110(a), Mar. 30, 2009, 123 Stat. 1315.)

§ 390h–35. Prado Basin natural treatment system project**(a) In general**

The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000.

(e) Sunset of authority

This section shall have no effect after the date that is 10 years after March 30, 2009.

(Pub. L. 102–575, title XVI, §1652, as added Pub. L. 111–11, title IX, §911(a)(1), Mar. 30, 2009, 123 Stat. 1317.)

§ 390h–36. Lower Chino Dairy Area desalination demonstration and reclamation project**(a) In general**

The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed—

- (1) 25 percent of the total cost of the project;
- or
- (2) \$26,000,000.

(c) Limitation

Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(e) Sunset of authority

This section shall have no effect after the date that is 10 years after March 30, 2009.

(Pub. L. 102–575, title XVI, §1653, as added Pub. L. 111–11, title IX, §911(b)(1), Mar. 30, 2009, 123 Stat. 1317.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (a), are defined in section 390h(a) of this title.

§ 390h–37. Oxnard, California, water reclamation, reuse, and treatment project**(a) Authorization**

The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

(b) Cost share

The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

(c) Limitation

The Secretary shall not provide funds for the following:

- (1) The operations and maintenance of the project described in subsection (a).
- (2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

(d) Sunset of authority

The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after March 30, 2009.

(Pub. L. 102–575, title XVI, §1654, as added Pub. L. 111–11, title IX, §911(a), Mar. 30, 2009, 123 Stat. 1319.)

§ 390h–38. Yucaipa Valley regional water supply renewal project**(a) Authorization**

The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 390h–4 of this title.

(b) Cost sharing

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) Limitation

Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000.

(Pub. L. 102–575, title XVI, §1655, as added Pub. L. 111–11, title IX, §911(a), Mar. 30, 2009, 123 Stat. 1320.)

§ 390h–39. City of Corona Water Utility, California, water recycling and reuse project**(a) Authorization**

The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the

service area of the City of Corona Water Utility, California.

(b) Cost share

The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(Pub. L. 102-575, title XVI, §1656, as added Pub. L. 111-11, title IX, §9114(a), Mar. 30, 2009, 123 Stat. 1320.)

SUBCHAPTER I-A—RECLAMATION REFORM

§ 390aa. Congressional declaration of purpose; short title

This subchapter shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371), hereinafter referred to as “Federal reclamation law”. This subchapter may be referred to as the “Reclamation Reform Act of 1982”.

(Pub. L. 97-293, title II, §201, Oct. 12, 1982, 96 Stat. 1263.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title II (§§201-230) of Pub. L. 97-293, Oct. 12, 1982, 96 Stat. 1263, known as the Reclamation Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of title II to the Code, see Tables.

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 390bb. Definitions

As used in this subchapter:

(1) The term “contract” means any repayment or water service contract between the United States and a district providing for the payment of construction charges to the United States including normal operation, maintenance, and replacement costs pursuant to Federal reclamation law.

(2) The term “district” means any individual or any legal entity established under State law which has entered into a contract or is eligible to contract with the Secretary for irrigation water.

(3)(A) The term “full cost” means an annual rate as determined by the Secretary that shall amortize the expenditures for construction properly allocable to irrigation facilities in service, including all operation and maintenance deficits funded, less payments, over such periods as may be required under Federal reclamation law or applicable contract provisions, with interest on both accruing from October 12, 1982, on costs outstanding at that date, or from the date incurred in the case of costs arising subsequent to October 12, 1982: *Provided*, That operation, maintenance, and re-

placement charges required under Federal reclamation law, including this subchapter, shall be collected in addition to the full cost charge.

(B) The interest rate used for expenditures made on or before October 12, 1982, shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made, but shall not be less than 7½ per centum per annum.

(C) The interest rate used for expenditures made after October 12, 1982, shall be determined by the Secretary of the Treasury on the basis of the arithmetic average of—

(i) the rate as of the beginning of the fiscal year in which expenditures are made 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 issuance; and

(ii) the weighted average yield on all interest-bearing, marketable issues sold by the Treasury during the fiscal year preceding the fiscal year in which the expenditures are made.

(4) The term “individual” means any natural person, including his or her spouse, and including other dependents thereof within the meaning of the Internal Revenue Code of 1986 (26 U.S.C. 152).

(5) The term “irrigation water” means water made available for agricultural purposes from the operation of reclamation project facilities pursuant to a contract with the Secretary.

(6) The term “landholding” means total irrigable acreage of one or more tracts of land situated in one or more districts owned or operated under a lease which is served with irrigation water pursuant to a contract with the Secretary. In determining the extent of a landholding the Secretary shall add to any landholding held directly by a qualified or limited recipient that portion of any landholding held indirectly by such qualified or limited recipient which benefits that qualified or limited recipient in proportion to that landholding.

(7) The term “limited recipient” means any legal entity established under State or Federal law benefiting more than twenty-five natural persons.

(8) The term “project” means any reclamation or irrigation project, including incidental features thereof, authorized by Federal reclamation law, or constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau of Reclamation for the reclamation of lands.

(9) The term “qualified recipient” means an individual who is a citizen of the United States or a resident alien thereof or any legal entity established under State or Federal law which benefits twenty-five natural persons or less.

(10) The term “recordable contract” means a contract between the Secretary and a land-

owner in writing capable of being recorded under State law providing for the sale or disposition of lands held in excess of the ownership limitations of Federal reclamation law including this subchapter.

(11) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 97-293, title II, §202, Oct. 12, 1982, 96 Stat. 1263; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

Federal reclamation law, referred to in pars. (1), (3)(A), (8), and (10), is defined in section 390aa of this title.

AMENDMENTS

1986—Par. (4). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

§ 390cc. New or amended contracts

(a) Generally

The provisions of this subchapter shall be applicable to any district which—

- (1) enters into a contract with the Secretary subsequent to October 12, 1982;
- (2) enters into any amendment of its contract with the Secretary subsequent to October 12, 1982, which enables the district to receive supplemental or additional benefits; or
- (3) which amends its contract for the purpose of conforming to the provisions of this subchapter.

(b) Amendment of existing contracts

Any district which has an existing contract with the Secretary as of October 12, 1982, which does not enter into an amendment of such contract as specified in subsection (a) of this section shall be subject to Federal reclamation law in effect immediately prior to October 12, 1982, as that law is amended or supplemented by sections 209 through 230 of this title [43 U.S.C. 390ii—390zz-1, 373a, 422e, 425b, 485h]. Within a district that does not enter into an amendment of its contract with the Secretary within four and one-half years of October 12, 1982, irrigation water may be delivered to lands leased in excess of a landholding of one hundred and sixty acres only if full cost, as defined in section 390bb(3)(A) of this title, is paid for such water as is assignable to those lands leased in excess of such landholding of one hundred and sixty acres: *Provided*, That the interest rate used in computing full cost under this subsection shall be the same as provided in section 390ee(a)(3) of this title.

(c) Election by qualified or limited recipients in absence of amendment to contract

In the absence of an amendment to a contract, as specified in subsection (a) of this section, a qualified recipient or limited recipient may elect to be subject to the provisions of this subchapter by executing an irrevocable election in a form approved by the Secretary to comply with this subchapter. The district shall thereupon deliver irrigation water to and collect from such recipient, for the credit of the United States, the additional charges required by this subchapter and assignable to the recipient making the election.

(d) Consent of non-Federal party

Amendments to contracts which are not required by the provisions of this subchapter shall not be made without the consent of the non-Federal party.

(Pub. L. 97-293, title II, §203, Oct. 12, 1982, 96 Stat. 1264.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (b), is defined in section 390aa of this title.

Sections 209 through 230 of this title, referred to in subsec. (b), are sections 209 through 230 of title II of Pub. L. 97-293, which enacted sections 390ii through 390zz-1 of this title, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians.

§ 390dd. Limitation on ownership

Except as provided in section 390ii of this title, irrigation water may not be delivered to—

- (1) a qualified recipient for use in the irrigation of lands owned by such qualified recipient in excess of nine hundred and sixty acres of class I lands or the equivalent thereof; or
- (2) a limited recipient for the use in the irrigation of lands owned by such limited recipient in excess of six hundred and forty acres of class I lands or the equivalent thereof;

whether situated in one or more districts.

(Pub. L. 97-293, title II, §204, Oct. 12, 1982, 96 Stat. 1265.)

§ 390ee. Pricing

(a) Delivery of irrigation water at full cost

Notwithstanding any other provision of law, any contract with a district entered into by the Secretary as specified in section 390cc of this title, shall provide for the delivery of irrigation water at full cost as defined in section 390bb(3) of this title to:

- (1) a landholding in excess of nine hundred and sixty acres of class I lands or the equivalent thereof for a qualified recipient,¹
- (2) a landholding in excess of three hundred and twenty acres of class I land or the equivalent thereof for a limited recipient receiving irrigation water on or before October 1, 1981; and

- (3) the entire landholding of a limited recipient not receiving irrigation water on or before October 1, 1981: *Provided*, That the interest rate used in computing full cost under this paragraph shall be determined by the Secretary of the Treasury on the basis of the arithmetic average of—

(A) 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 issuance; and

(B) the weighted average of market yields on all interest-bearing, marketable issues sold by the Treasury

during the fiscal year preceding the fiscal year in which the expenditures are made, or October 12, 1982, for expenditures made before October 12, 1982.

¹ So in original. The comma probably should be a semicolon.

(b) Delivery of irrigation water at prior terms and conditions

Any contract with a district entered into by the Secretary as specified in section 390cc of this title, shall provide for the delivery of irrigation water to lands not in excess of the landholdings described in subsection (a) of this section upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to October 12, 1982, or, in the case of an amended contract, upon the terms and conditions established by such contract prior to the date of its amendment. However, the portion of any price established under this subsection which relates to operation and maintenance charges shall be established pursuant to section 390hh of this title.

(c) Delivery of irrigation water to lands under recordable contracts

Notwithstanding any extension of time of any recordable contract as provided in section 390ii(e) of this title, lands under recordable contract shall be eligible to receive irrigation water at less than full cost for a period not to exceed ten years from the date such recordable contract was executed by the Secretary in the case of contracts existing prior to October 12, 1982, or five years from the date such recordable contract was executed by the Secretary in the case of contracts entered into subsequent to October 12, 1982, or the time specified in section 390rr of this title for lands described in that section: *Provided*, That in no case shall the right to receive water at less than full cost under this subsection terminate sooner than eighteen months after the date on which the Secretary again commences the processing or the approval of the disposition of such lands.

(Pub. L. 97-293, title II, §205, Oct. 12, 1982, 96 Stat. 1265.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (b), is defined in section 390aa of this title.

§ 390ff. Certification of compliance

As a condition to the receipt of irrigation water for lands in a district which has a contract as specified in section 390cc of this title, each landowner and lessee within such district shall furnish the district, in a form prescribed by the Secretary, a certificate that they are in compliance with the provisions of this subchapter including a statement of the number of acres leased, the term of any lease, and a certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land. The Secretary may require any lessee to submit to him, for his examination, a complete copy of any such lease executed by each of the parties thereto.

(Pub. L. 97-293, title II, §206, Oct. 12, 1982, 96 Stat. 1266.)

§ 390gg. Equivalency

Upon the request of any district, the ownership and pricing limitations imposed by this subchapter shall apply to the irrigable lands classified within such district by the Secretary

as having class I productive potential or the equivalent thereof in larger acreage of less productive potential, as determined by the Secretary, taking into account all factors which significantly affect productivity, including but not limited to topography, soil characteristics, length of growing season, elevation, adequacy of water supply, and crop adaptability.

(Pub. L. 97-293, title II, §207, Oct. 12, 1982, 96 Stat. 1266.)

§ 390hh. Operation and maintenance charges

(a) Price adequate to recover charges

The price of irrigation water delivered by the Secretary pursuant to a contract or an amendment to a contract with a district, as specified in section 390cc of this title, shall be at least sufficient to recover all operation and maintenance charges which the district is obligated to pay to the United States.

(b) Modification of price

Whenever a district enters into a contract or requests that its contract be amended as specified in section 390cc of this title, and each year thereafter, the Secretary shall calculate such operation and maintenance charges and shall modify the price of irrigation water delivered under the contract as necessary to reflect any changes in such costs by amending the district's contract accordingly.

(c) Districts not operating from Federal funds

This section shall not apply to districts which operate and maintain project facilities and finance the operation and maintenance thereof from non-Federal funds.

(Pub. L. 97-293, title II, §208, Oct. 12, 1982, 96 Stat. 1267.)

§ 390ii. Disposition of excess lands

(a) Disposal of lands in excess of ownership limitations within reasonable time

Irrigation water made available in the operation of reclamation project facilities may not be delivered for use in the irrigation of lands held in excess of the ownership limitations imposed by Federal reclamation law, including this subchapter, unless and until the owners thereof shall have executed a recordable contract with the Secretary, in accordance with the terms and conditions required by Federal reclamation law, requiring the disposal of their interest in such excess lands within a reasonable time to be established by the Secretary. In the case of recordable contracts entered into prior to October 12, 1982, such reasonable time shall not exceed ten years after the recordable contract is executed by the Secretary. In the case of recordable contracts entered into after October 12, 1982, except as provided in section 390rr of this title, such reasonable time shall not exceed five years after the recordable contract is executed by the Secretary.

(b) Continued delivery of irrigation water to lands held in excess of ownership limitations

Lands held in excess of the ownership limitations imposed by Federal reclamation law, including this subchapter, which, on October 12,

1982, are, or are capable of, receiving delivery of irrigation water made available by the operation of existing reclamation project facilities may receive such deliveries only—

(1) if the disposal of the owner's interest in such lands is required by an existing recordable contract with the Secretary, or

(2) if the owners of such lands have requested that a recordable contract be executed by the Secretary.

(c) Amendment of existing recordable contracts

Recordable contracts existing on October 12, 1982, shall be amended at the request of the landowner to conform with the ownership limitations contained in this subchapter: *Provided*, That the time period for disposal of excess lands specified in the existing recordable contract shall not be extended except as provided in subsection (e) of this section.

(d) Power of attorney requirement in contracts; exercise of power by Secretary

Any recordable contract covering excess lands sales shall provide that a power of attorney shall vest in the Secretary to sell any excess lands not disposed of by the owners thereof within the period of time specified in the recordable contract. In the exercise of that power, the Secretary shall sell such lands through an impartial selection process only to qualified purchasers according to such reasonable rules and regulations as the Secretary may establish: *Provided*, That the Secretary shall recover for the owner the fair market value of the land unrelated to irrigation water deliveries plus the fair market value of improvements thereon.

(e) Extension of time for disposal of excess lands

In the event that the owner of any lands in excess of the ownership limitations of Federal reclamation law has heretofore entered into a recordable contract with the Secretary for the disposition of such excess lands and has been prevented from disposing of them because the Secretary may have withheld the processing or approval of the disposition of the lands (whether he may have been compelled to do so by court order or for other reasons), the period of time for the disposal of such lands by the owner thereof pursuant to the contract shall be extended from the date on which the Secretary again commences the processing or the approval of the disposition of such lands for a period which shall be equal to the remaining period of time under the recordable contract for the disposal thereof by the owner at the time the decision of the Secretary to withhold the processing or approval of such disposition first became effective.

(f) Eligibility of excess lands for irrigation water after disposition

Excess lands which have been or may be disposed of in compliance with Federal reclamation law, including this subchapter, shall not be considered eligible to receive irrigation water unless—

- (1) they are held by nonexcess owners; and
- (2) in the case of disposals made after October 12, 1982, their title is burdened by a covenant prohibiting their sale, for a period of ten

years after their original disposal to comply with Federal reclamation law, including this subchapter, for values exceeding the sum of the value of newly added improvements and the value of the land as increased by market appreciation unrelated to the delivery of irrigation water. Upon expiration of the terms of such covenant, the title to such lands shall be freed of the burden of any limitations on subsequent sale values which might otherwise be imposed by the operation of section 423e of this title.

(Pub. L. 97-293, title II, §209, Oct. 12, 1982, 96 Stat. 1267.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsecs. (a), (b), (e), and (f), is defined in section 390aa of this title.

§ 390jj. Water conservation

(a) Implementation of program by non-Federal recipients

The Secretary shall, pursuant to his authorities under otherwise existing Federal reclamation law, encourage the full consideration and incorporation of prudent and responsible water conservation measures in the operations of non-Federal recipients of irrigation water from Federal reclamation projects, where such measures are shown to be economically feasible for such non-Federal recipients.

(b) Development of plan

Each district that has entered into a repayment contract or water service contract pursuant to Federal reclamation law or the Water Supply Act of 1958, as amended (43 U.S.C. 390b), shall develop a water conservation plan which shall contain definite goals, appropriate water conservation measures, and a time schedule for meeting the water conservation objectives.

(c) Coordination of ongoing programs; full public participation

The Secretary is authorized and directed to enter into memorandums of agreement with those Federal agencies having capability to assist in implementing water conservation measures to assure coordination of ongoing programs. Such memorandums should provide for involvement of non-Federal entities such as States, Indian tribes, and water user organizations to assure full public participation in water conservation efforts.

(Pub. L. 97-293, title II, §210, Oct. 12, 1982, 96 Stat. 1268.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsecs. (a) and (b), is defined in section 390aa of this title.

The Water Supply Act of 1958, as amended, referred to in subsec. (b), is title III of Pub. L. 85-500, July 3, 1958, 72 Stat. 319, as amended, which enacted section 390b of this title and enacted a provision set out as a note under section 390b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 390b of this title and Tables.

§ 390kk. Residency not required

Notwithstanding any other provision of law, irrigation water made available from the oper-

ation of reclamation project facilities shall not be withheld from delivery to any project lands for the reason that the owners, lessees, or operators do not live on or near them.

(Pub. L. 97-293, title II, §211, Oct. 12, 1982, 96 Stat. 1269.)

§ 390ll. Corps of Engineers projects

(a) Applicability of Federal reclamation laws

Notwithstanding any other provision of law, neither the ownership or pricing limitation provisions nor the other provisions of Federal reclamation law, including this subchapter, shall be applicable to lands receiving benefits from Federal water resources projects constructed by the United States Army Corps of Engineers, unless—

(1) the project has, by Federal statute, explicitly been designated, made a part of, or integrated with a Federal reclamation project; or

(2) the Secretary, pursuant to his authority under Federal reclamation law, has provided project works for the control or conveyance of an agricultural water supply for the lands involved.

(b) Payment of construction, operation, maintenance and administrative costs allocated to conservation or irrigation storage

Notwithstanding any other provision of this section to the contrary, obligations that require water users, pursuant to contracts with the Secretary, to repay the share of construction costs and to pay the share of the operation and maintenance and contract administrative costs of a Corps of Engineers project which are allocated to conservation storage or irrigation storage shall remain in effect.

(Pub. L. 97-293, title II, §212, Oct. 12, 1982, 96 Stat. 1269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

§ 390mm. Repayment of construction charges

(a) Ownership and pricing limitations inapplicable when repayment obligation has been discharged

The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district after the obligation of a district for the repayment of the construction costs of the project facilities used to make project water available for delivery to such lands shall have been discharged by a district (or by a person within the district pursuant to a contract existing on October 12, 1982), by payment of periodic installments throughout a specified contract term, including individual or district accelerated payments where so provided in contracts existing on October 12, 1982.

(b) Certification of freedom from ownership and pricing limitations

(1) The Secretary shall provide, upon request of any owner of a landholding for which repay-

ment has occurred, a certificate acknowledging that the landholding is free of the ownership or full cost pricing limitation of Federal reclamation law. Such certificate shall be in a form suitable for entry in the land records of the county in which such landholding is located.

(2) Any certificate issued by the Secretary prior to October 12, 1982, acknowledging that the landholding is free of the acreage limitation of Federal reclamation law is hereby ratified.

(c) Lump sum or accelerated repayment of construction costs

Nothing in this subchapter shall be construed as authorizing or permitting lump sum or accelerated repayment of construction costs, except in the case of a repayment contract which is in effect upon October 12, 1982, and which provides for such lump sum or accelerated repayment by an individual or district.

(Pub. L. 97-293, title II, §213, Oct. 12, 1982, 96 Stat. 1269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsecs. (a) and (b), is defined in section 390aa of this title.

§ 390nn. Trusts

(a) The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the lands served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this subchapter.

(b) Lands placed in a revocable trust shall be attributable to the grantor if—

(1) the trust is revocable at the discretion of the grantor and revocation results in the title to such lands reverting either directly or indirectly to the grantor; or

(2) the trust is revoked or terminated by its terms upon the expiration of a specified period of time and the revocation or termination results in the title to such lands reverting either directly or indirectly to the grantor.

(Pub. L. 97-293, title II, §214, Oct. 12, 1982, 96 Stat. 1270; Pub. L. 100-203, title V, §5302(b), Dec. 22, 1987, 101 Stat. 1330-269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

AMENDMENTS

1987—Pub. L. 100-203 designated existing provisions as subsec. (a) and added subsec. (b).

§ 390oo. Temporary supplies of water

(a) Limitations inapplicable

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which receive only a temporary, not to exceed one year, supply of water made possible as a result of—

(1) an unusually large water supply not otherwise storable for project purposes; or

(2) infrequent and otherwise unmanaged flood flows of short duration.

(b) Waiver of payment for temporary water supplies

The Secretary shall have the authority to waive payments for a supply of water described in subsection (a) of this section.

(Pub. L. 97-293, title II, §215, Oct. 12, 1982, 96 Stat. 1270.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

§ 390pp. Involuntary foreclosure

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands when the lands are acquired by involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), by inheritance, or by devise: *Provided*, That such lands were eligible to receive irrigation water prior to such transfer of title or the mortgaged lands became ineligible to receive water after the mortgage is recorded but before it is acquired by involuntary foreclosure or similar involuntary process of law or by bona fide conveyance in satisfaction of mortgage: *Provided further*, That if, after acquisition, such lands are not qualified under Federal reclamation law, including this subchapter, they shall be furnished temporarily with an irrigation water supply for a period not exceeding five years from the effective date of such an acquisition, delivery of irrigation water thereafter ceasing until the transfer thereof to a landowner qualified under such laws: *Provided further*, That the provisions of section 390ee of this title shall be applicable separately to each acquisition under this section if the lands are otherwise subject to the provisions of section 390ee of this title.

(Pub. L. 97-293, title II, §216, Oct. 12, 1982, 96 Stat. 1270.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390qq. Isolated tracts

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which are isolated tracts found by the Secretary to be economically farmable only if they are included in a larger farming operation but which may, as a result of their inclusion in that operation, cause it to exceed such ownership limitations.

(Pub. L. 97-293, title II, §217, Oct. 12, 1982, 96 Stat. 1270.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390rr. Central Arizona Project

Lands receiving irrigation water pursuant to a contract with the Secretary as authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521 et seq.) which are placed under recordable contract shall be eligible to receive irrigation water upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to October 12, 1982, for a period of time not to exceed ten years from the date such lands are capable of being served with irrigation water, as determined by the Secretary.

(Pub. L. 97-293, title II, §218, Oct. 12, 1982, 96 Stat. 1271.)

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. Title III of the Colorado River Basin Project Act is classified generally to subchapter III (§1521 et seq.) of chapter 32 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.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390ss. Religious or charitable organizations

An individual religious or charitable entity or organization (including but not limited to a congregation, parish, school, ward, or chapter) which is exempt from taxation under section 501 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 501), and which owns, operates, or leases any lands within a district shall be treated as an individual under the provisions of this subchapter regardless of such entity or organization's affiliation with a central organization or its subjugation to a hierarchical authority of the same faith and regardless of whether or not the individual entity is the owner of record if—

(1) the agricultural produce and the proceeds of sales of such produce are directly used only for charitable purposes;

(2) said land is operated by said individual religious or charitable entity or organization (or subdivisions thereof); and

(3) no part of the net earnings of such religious or charitable entity or organization (or subdivision thereof) shall inure to the benefit of any private shareholder or individual.

(Pub. L. 97-293, title II, §219, Oct. 12, 1982, 96 Stat. 1271; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

§ 390tt. Contract required

Irrigation water temporarily made available from reclamation facilities in excess of ordinary quantities not otherwise storable for project purposes or at times when such irrigation water would not have been available without the operations of those facilities, may be used for irrigation, municipal, or industrial purposes only to the extent covered by a contract requiring payment for the use of such irrigation water, exe-

cuted in accordance with the Reclamation Project Act of 1939 [43 U.S.C. 485 et seq.], or other applicable provisions of Federal reclamation law.

(Pub. L. 97-293, title II, §220, Oct. 12, 1982, 96 Stat. 1271.)

REFERENCES IN TEXT

The Reclamation Project Act of 1939, referred to in text, is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, as amended, which is classified principally to subchapter X (§485 et seq.) of this chapter. For complete classification of this Act to the Code, see section 485k of this title and Tables.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390uu. Waiver of sovereign immunity

Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances. Any suit pursuant to this section may be brought in any United States district court in the State in which the land involved is situated.

(Pub. L. 97-293, title II, §221, Oct. 12, 1982, 96 Stat. 1271.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390vv. Excess crop restrictions

(a) Report to Congress on production of surplus crops on acreage served by irrigation water

Within one year of October 12, 1982, the Secretary of Agriculture, with the cooperation of the Secretary of the Interior, shall transmit to the Congress a report on the production of surplus crops on acreage served by irrigation water. The report shall include—

- (1) data delineating the production of surplus crops on lands served by irrigation water;
- (2) the percentage of participation of farms served by irrigation water in set-aside programs, by acreage, crop, and State;
- (3) the feasibility and appropriateness of requiring the participation in acreage set-aside programs of farms served by irrigation water and the costs of such a requirement; and
- (4) any recommendations concerning how to coordinate national reclamation policy with agriculture policy to help alleviate recurring problems of surplus crops and low commodity prices.

(b) Restrictions prohibiting delivery of irrigation water for production of excess basic agricultural commodities

In addition, notwithstanding any other provision of law, in the case of any Federal reclama-

tion project authorized before October 12, 1982, any restriction prohibiting the delivery of irrigation water for the production of excess basic agricultural commodities shall extend for a period no longer than ten years after the date of the initial authorization of such project.

(Pub. L. 97-293, title II, §222, Oct. 12, 1982, 96 Stat. 1272.)

§ 390ww. Administrative provisions

(a) Existing Federal reclamation law

The provisions of Federal reclamation law shall remain in full force and effect, except to the extent such law is amended by, or is inconsistent with, this subchapter.

(b) Existing statutory exemptions from ownership or pricing limitations of Federal reclamation law

Nothing in this subchapter shall repeal or amend any existing statutory exemptions from the ownership or pricing limitations of Federal reclamation law.

(c) Regulations; collection of necessary data

The Secretary may prescribe regulations and shall collect all data necessary to carry out the provisions of this subchapter and other provisions of Federal reclamation law.

(d) Omitted

(e) Sale of nonexcess land acquired into excess status pursuant to involuntary process of law, etc.

Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this subchapter or to section 423e of this title: *Provided*, That if the status of mortgaged land changes from non-excess into excess after the mortgage is recorded and is subsequently acquired by the lender by involuntary foreclosure or similar involuntary process of law, by bona fide conveyance in satisfaction of the mortgage, such land may be sold at its fair market value.

(f) Omitted

(g) Annual audit of compliance with reclamation laws

In addition to any other audit or compliance activities which may otherwise be undertaken, the Secretary of the Interior, or his designee, shall conduct a thorough audit of the compliance with the reclamation law of the United States, specifically including this subchapter, by legal entities and individuals subject to such law. At a minimum, the Secretary shall complete audits of those legal entities and individuals whose landholdings or operations exceed 960 acres within 3 years.

(h) Recordable contracts executed prior to October 12, 1982

The provisions of section 390ee(c) of this title are and have been applicable to all recordable

contracts executed prior to October 12, 1982, and any decision, rule, or regulation promulgated by the Department of the Interior to the contrary is hereby revoked: *Provided*, That notwithstanding the provisions of subsection (i) of this section, the Secretary shall not seek reimbursement for any amounts due under this subsection or section 390ee(c) of this title which was due prior to December 22, 1987.

(i) Collection of underpayment with interest for irrigation water

When the Secretary finds that any individual or legal entity subject to reclamation law, including this subchapter, has not paid the required amount for irrigation water delivered to a landholding pursuant to reclamation law, including this subchapter, he shall collect the amount of any underpayment with interest accruing from the date the required payment was due until paid. The interest rate shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing marketable issues sold by the Treasury during the period of underpayment.

(Pub. L. 97–293, title II, § 224, Oct. 12, 1982, 96 Stat. 1272; Pub. L. 100–203, title V, § 5302(a), Dec. 22, 1987, 101 Stat. 1330–268; Pub. L. 103–437, § 16(a)(3), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 104–66, title I, § 1081(d), Dec. 21, 1995, 109 Stat. 721.)

REFERENCES IN TEXT

The Federal reclamation law, referred to in subsecs. (a) to (c), is defined in section 390aa of this title.

This subchapter, referred to in subsecs. (a) to (c) and (e), was in the original “this title”, meaning title II (§§ 201–230) of Pub. L. 97–293, Oct. 12, 1982, 96 Stat. 1263, known as the Reclamation Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of title II to the Code, see Tables.

This subchapter, referred to in subsecs. (g) and (i), was in the original “this Act” and was translated as reading “this title”. See note above.

CODIFICATION

Section is comprised of section 224 of Pub. L. 97–293. Subsec. (d) of section 224 amended section 425 of this title. Subsec. (f) of section 224 repealed section 383 of Title 25, Indians, and amended section 385 of Title 25.

AMENDMENTS

1995—Subsec. (g). Pub. L. 104–66 struck out at end “The Secretary shall submit an annual written report to the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. Such report shall summarize the legal entities and individuals audited, the results of such audits, and the actions taken by the Secretary to correct any instances of noncompliance with the reclamation law.”

1994—Subsec. (g). Pub. L. 103–437 substituted “Natural Resources” for “Interior and Insular Affairs” after “House Committee on”.

1987—Subsecs. (g) to (i). Pub. L. 100–203 added subsecs. (g) to (i).

§ 390xx. Validation of contracts entered into prior to October 1, 1981

The provisions of any contract entered into prior to October 1, 1981, by the Secretary with a district, which define project or nonproject water, or describe the delivery of project water

through nonproject facilities or nonproject water through project facilities to lands within the district, are hereby authorized and validated on the part of the United States.

(Pub. L. 97–293, title II, § 225, Oct. 12, 1982, 96 Stat. 1273.)

§ 390yy. Leasing requirements

Notwithstanding any other provision of Federal reclamation law, including this subchapter, lands which receive irrigation water may be leased only if the lease instrument is—

(1) written; and

(2) for a term not to exceed ten years, including any exercisable options: *Provided, however*, That leases of lands for the production of perennial crops having an average life of more than ten years may be for periods of time equal to the average life of the perennial crop but in any event not to exceed twenty-five years.

(Pub. L. 97–293, title II, § 227, Oct. 12, 1982, 96 Stat. 1273.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390zz. Reporting

Any contracting entity subject to the ownership or pricing limitations of Federal reclamation law shall compile and maintain such records and information as the Secretary deems reasonably necessary to implement this subchapter and Federal reclamation law. On a date set by the Secretary following October 12, 1982, and annually thereafter, every such contracting entity shall provide in a form suitable to the Secretary such reports on the above matters as the Secretary may require.

(Pub. L. 97–293, title II, § 228, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390zz–1. Severability

If any provision of this subchapter or the applicability thereof to any person or circumstances is held invalid, the remainder of this subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Pub. L. 97–293, title II, § 230, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title II (§§ 201–230) of Pub. L. 97–293, Oct. 12, 1982, 96 Stat. 1263, known as the Reclamation Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of title II to the Code, see Tables.

SUBCHAPTER II—RECLAMATION FUND
GENERALLY

§ 391. Establishment of “reclamation fund”

All moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to officers designated by the Secretary of the Interior, and excepting the 5 per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the “reclamation fund”, to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this Act.

The provisions of the Act entitled “An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,” approved June seventeenth, nineteen hundred and two, be, and the same are hereby, extended so as to include and apply to the State of Texas, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands..¹

(June 17, 1902, ch. 1093, §1 (part), 32 Stat. 388; June 12, 1906, ch. 3288, 34 Stat. 259; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 99-396, §17, Aug. 27, 1986, 100 Stat. 843.)

REFERENCES IN TEXT

This Act, referred to in first par., and the Act entitled “An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,” approved June seventeenth, nineteen hundred and two, referred to in second par., are act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables.

CODIFICATION

The first paragraph of this section is comprised of act June 17, 1902, and the second paragraph is comprised of act June 12, 1906, as amended.

AMENDMENTS

1986—Pub. L. 99-396 inserted reference to American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands in second par.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words “officers designated by the Secretary of the Interior” substituted for “registers” on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Previously, references to register and receiver changed to register by acts Mar. 3, 1925 and Oct. 28, 1921, which consolidated offices of register and receiver and provided for a single officer to be known as register.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 391a. Advances to reclamation fund

The Secretary of the Treasury is authorized, upon request of the Secretary of the Interior and upon approval of the President, to transfer from time to time to the credit of the reclamation fund created by section 391 of this title, such sum or sums, not exceeding in the aggregate \$5,000,000, as the Secretary of the Interior may deem necessary for the construction and operation of reclamation projects authorized under the Act of June 17, 1902 (32 Stat. 388), and under way on March 3, 1931, and Acts amendatory thereof or supplementary thereto.

(Mar. 3, 1931, ch. 435, §1, 46 Stat. 1507.)

REFERENCES IN TEXT

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

§ 391a-1. Increase in reclamation fund; reimbursement of advances from Treasury

The Secretary of the Treasury is authorized and directed to transfer to the credit of the reclamation fund, created by section 391 of this title, a sum equal to the difference between (1) 52½ per centum of the moneys which the Secretary of the Treasury shall determine to have accrued to the United States from lands within the naval petroleum reserves, except those in Alaska, from February 25, 1920, to June 30, 1938, inclusive, and (2) the total of all sums advanced to the reclamation fund under the provisions of sections 397 and 398 to 400 of this title, and under the provisions of sections 391a and 391b of this title, and not reimbursed by transfer from the reclamation fund to the general funds in the Treasury. The transaction provided for in this section shall be deemed to have effected a complete reimbursement to the general funds in the Treasury of all sums advanced to the reclamation fund under the provisions of such sections 391a, 391b, 397, and 398 to 400 of this title.

(May 9, 1938, ch. 187, 52 Stat. 322.)

REFERENCES IN TEXT

Sections 391b and 399 of this title, referred to in text, contained provisions similar to those comprising this section, and were omitted from the Code.

§ 391b. Omitted

CODIFICATION

Section, act Mar. 3, 1931, ch. 435, §2, 46 Stat. 1507, related to reimbursement of general fund for moneys ad-

¹ So in original.

vanced under section 391a of this title. See section 391a-1 of this title.

§ 392. Payments into reclamation fund of moneys received from entrymen and water right applicants

All moneys received from entrymen or applicants for water rights shall be paid into the reclamation fund.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

CODIFICATION

Section is comprised of fourth sentence of section 5 of act June 17, 1902. First, second and fifth sentences of such section 5 were classified to sections 439, 431 and 381 of this title, respectively; part of third sentence was classified to section 476 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 392a. Payment into reclamation fund of receipts from irrigation projects; transfer of power revenues to General Treasury after repayment of construction costs

All moneys received by the United States in connection with any irrigation projects, including the incidental power features thereof, constructed by the Secretary of the Interior through the Bureau of Reclamation, and financed in whole or in part with moneys heretofore or hereafter appropriated or allocated therefor by the Federal Government, shall be covered into the reclamation fund, except in cases where provision has been made by law or contract for the use of such revenues for the benefit of users of water from such project: *Provided*, That after the net revenues derived from the sale of power developed in connection with any of said projects shall have repaid those construction costs of such project allocated to power to be repaid by power revenues therefrom and shall no longer be required to meet the contractual obligations of the United States, then said net revenues derived from the sale of power developed in connection with such project shall, after the close of each fiscal year, be transferred to and covered into the General Treasury as "miscellaneous receipts": *Provided further*, That nothing in this section shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended [43 U.S.C. 617 et seq.], or to apply to irrigation projects of the Office of Indian Affairs.

(May 9, 1938, ch. 187, 52 Stat. 322.)

REFERENCES IN TEXT

The Boulder Canyon Project Act (45 Stat. 1057), as amended, 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.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 393. Proceeds from sale of materials, etc.

There shall be covered into the reclamation fund the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the Act of June 17, 1902, known as the reclamation Act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation Act.

(Mar. 3, 1905, ch. 1459, 33 Stat. 1032.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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 371 of this title and Tables.

§ 394. Proceeds from sale of products of or leases of withdrawn or reserved lands

The proceeds heretofore or hereafter received from the lease of any lands reserved or withdrawn under the reclamation law or from the sale of the products therefrom shall be covered into the reclamation fund; and where such lands are affected by a reservation or withdrawal under some other law, the proceeds from the lease of land and the sale of products therefrom shall likewise be covered into the reclamation fund in all cases where such lands are needed for the protection or operation of any reservoir or other works constructed under the reclamation law, and such lands shall be and remain under the jurisdiction of the Secretary of the Interior.

(July 19, 1919, ch. 24, 41 Stat. 202.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act July 19, 1919, ch. 24, 41 Stat. 200, under the heading "RECLAMATION SERVICE", as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 395. Contributions by State, municipality, etc.

All moneys received after March 4, 1921, from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(Mar. 4, 1921, ch. 161, 41 Stat. 1404.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act Mar. 4, 1921, ch. 161, 41 Stat. 1402, under the heading "RECLAMATION SERVICE", as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this

chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 396. Return of contributions to cooperative investigations of projects

On and after December 25, 1924, the Secretary of the Interior is authorized to receive moneys from any State, municipality, irrigation district, individual, or other interest, public or private, expend the same in connection with moneys appropriated by the United States for any cooperative investigation of the feasibility of reclamation projects, and return to the contributor any moneys so contributed in excess of the actual cost of that portion of the work properly chargeable to the contribution.

(Dec. 5, 1924, ch. 4, § 1, 43 Stat. 685.)

§ 397. Advances by Government for completion of projects initiated prior to June 25, 1910

To enable the Secretary of the Interior to complete Government reclamation projects begun prior to June 25, 1910, the Secretary of the Treasury is authorized, as of June 25, 1910, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by section 391 of this title, such sum or sums, not exceeding in the aggregate \$20,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights pertaining thereto claimed by the United States, provided the same shall be approved by the President of the United States; and such sum or sums as may be required to comply with the foregoing authority are appropriated, as of June 25, 1910, out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law: *And provided further*, That all sums so transferred shall be reimbursed to the Treasury from the reclamation fund, as hereinafter provided: *And provided further*, That no part of this appropriation shall be expended upon any project existing June 25, 1910, until it shall have been examined and reported upon by a board of engineer officers of the Army, designated by the President of the United States, and until it shall be approved by the President as feasible and practicable and worthy of such expenditure; nor shall any portion of this appropriation be expended upon any project initiated after June 25, 1910.

(June 25, 1910, ch. 407, § 1, 36 Stat. 835.)

§ 397a. Advances for operation and maintenance of projects

Any moneys which may have been heretofore or may be hereafter advanced for operation and maintenance of any project or any division of a project shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which advanced in like manner

as if said funds had been specifically appropriated for said purposes.

(Jan. 12, 1927, ch. 27, 44 Stat. 957.)

§ 398. Sales of Government certificates to obtain funds for advances

For the purpose of providing the Treasury with funds for the advances to the reclamation fund, provided for in section 397 of this title, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of \$50, or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per centum per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of \$20,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per centum of the amount of the certificates of indebtedness issued under this section is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

(June 25, 1910, ch. 407, § 2, 36 Stat. 835.)

§ 399. Omitted

CODIFICATION

Section, acts June 25, 1910, ch. 407, § 3, 36 Stat. 836; June 12, 1917, ch. 27, 40 Stat. 149, related to repayment of advances made under sections 397 and 398 of this title. See section 391a-1 of this title.

§ 400. Advances as item of cost of construction and maintenance of project

All money placed to the credit of the reclamation fund in pursuance of sections 397 and 398 to 400, of this title shall be devoted exclusively to the completion of work on reclamation projects begun prior to June 25, 1910, as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance.

(June 25, 1910, ch. 407, § 4, 36 Stat. 836.)

REFERENCES IN TEXT

Section 399 of this title, included within reference in text to sections 398 to 400, was omitted from the Code. See section 391a-1 of this title.

CODIFICATION

Section is comprised of first clause of section 4 of act June 25, 1910. Second clause of such section 4 is classified to section 413 of this title.

§ 401. Amounts collected from defaulting contractors and their sureties

Any amounts collected from defaulting contractors or their sureties, including collections heretofore made, in connection with contracts entered into under the reclamation law, either collected in cash or by deduction from amounts otherwise due such contractors, shall be covered into the reclamation fund and shall be credited to the project or operation for or on account of which such contract was made.

(June 6, 1930, ch. 410, 46 Stat. 522.)

§ 402. Omitted

CODIFICATION

Section, acts Apr. 1, 1932, ch. 95, § 10, 47 Stat. 78; Mar. 3, 1933, ch. 200, § 2, 47 Stat. 1427, related to repayment of advances under sections 391a and 397 of this title. See section 391a-1 of this title.

§§ 403, 404. Repealed. June 30, 1947, ch. 166, title II, § 206(c), 61 Stat. 208

Section 403, acts May 12, 1933, ch. 25, title II, § 36, 48 Stat. 49; June 16, 1933, ch. 101, § 19, 48 Stat. 308; June 19, 1934, ch. 653, § 11, 48 Stat. 1110; June 27, 1934, ch. 851, 48 Stat. 1269, related to refinancing agricultural improvement districts.

Section 404, act May 12, 1933, ch. 25, title II, § 37, 48 Stat. 50, related to advances by the former Reconstruction Finance Corporation.

SUBCHAPTER II-A—RECLAMATION WATER SETTLEMENTS FUND

§ 407. Reclamation Water Settlements Fund

(a) Establishment

There is established in the Treasury of the United States a fund, to be known as the “Reclamation Water Settlements Fund”, consisting of—

- (1) such amounts as are deposited to the Fund under subsection (b); and
- (2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) Deposits to Fund

(1) In general

For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by section 391 of this title.

(2) Availability of amounts

Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

- (A) without further appropriation; and
- (B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) Expenditures from Fund

(1) In general

(A) Expenditures

Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued

in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) Additional expenditures

The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) Authority

The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on March 30, 2009.

(3) Use for completion of project and other settlements

(A) Priorities

(i) First priority

(I) In general

The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) Reserved amounts

The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) Other purposes

Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) Completion of project

(i) Navajo-Gallup water supply project

(I) In general

Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix)¹ is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a),¹ the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the

¹ See References in Text note below.

Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) Maximum amount

(aa) In general

Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) Exception

The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) Other New Mexico settlements

(I) In general

Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum amount

The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) Montana settlements

(I) In general

Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana”,

if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum amount

(aa) In general

Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) Exception

The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) Other funding

The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) Arizona settlement

(I) In general

Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) Maximum amount

(aa) In general

Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) Exception

The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) Other funding

The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit

the funding available pursuant to clauses (i) and (ii).

(C) Reversion

If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) Investment of amounts

(1) In general

The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) Transfers of amounts

(1) In general

The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) Adjustments

Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) Termination

On September 30, 2034—

- (1) the Fund shall terminate; and
- (2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

(Pub. L. 111–11, title X, §10501, Mar. 30, 2009, 123 Stat. 1375.)

REFERENCES IN TEXT

Section 10701(e)(1)(A)(ix), referred to in subsec. (c)(3)(B)(i)(I), is section 10701(e)(1)(A)(ix) of Pub. L. 111–11, which is set out as a note under section 620 of this title.

Section 10609(a), referred to in subsec. (c)(3)(B)(i)(I), is section 10609(a) of title X of Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 1395, which is not classified to the Code.

COMPLIANCE WITH ENVIRONMENTAL LAWS

Pub. L. 111–11, title X, §10303, Mar. 30, 2009, 123 Stat. 1370, provided that:

“(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) [43 U.S.C. 620 note] shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle [subtitle B (§§10301–10704) of title X of Pub. L. 111–11, see Definitions note below], the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

- “(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).”

DEFINITIONS

Pub. L. 111–11, title X, §10302, Mar. 30, 2009, 123 Stat. 1367, provided that: “In this subtitle [subtitle B (§§10301–10704) of title X of Pub. L. 111–11, enacting this section, former section 615jj, and section 620n–1 of this title, amending former section 615ss and sections 620 and 620o of this title, repealing former section 615jj of this title, and enacting provisions set out as notes under this section and sections 371 and 620 of this title]:

“(1) AAMODT ADJUDICATION.—The term ‘Aamodt adjudication’ means the general stream adjudication that is the subject of the civil action entitled ‘State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.’, No. 66 CV 6639 MV/LCS (D.N.M.).

“(2) ABEYTA ADJUDICATION.—The term ‘Abeyta adjudication’ means the general stream adjudication that is the subject of the civil actions entitled ‘State of New Mexico v. Abeyta and State of New Mexico v. Arrellano’, Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

“(3) ACRE-FEET.—The term ‘acre-feet’ means acre-feet per year.

“(4) AGREEMENT.—The term ‘Agreement’ means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

“(5) ALLOTTEE.—The term ‘allottee’ means a person that holds a beneficial real property interest in a Navajo allotment that—

“(A) is located within the Navajo Reservation or the State of New Mexico;

“(B) is held in trust by the United States; and

“(C) was originally granted to an individual member of the Nation by public land order or otherwise.

“(6) ANIMAS-LA PLATA PROJECT.—The term ‘Animas-La Plata Project’ has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

“(7) CITY.—The term ‘City’ means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

“(8) COLORADO RIVER COMPACT.—The term ‘Colorado River Compact’ means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

“(9) COLORADO RIVER SYSTEM.—The term ‘Colorado River System’ has the same meaning given the term in Article II(a) of the Colorado River Compact.

“(10) COMPACT.—The term ‘Compact’ means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

“(11) CONTRACT.—The term ‘Contract’ means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

“(12) DEPLETION.—The term ‘depletion’ means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

“(13) DRAFT IMPACT STATEMENT.—The term ‘Draft Impact Statement’ means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

“(14) FUND.—The term ‘Fund’ means the Reclamation Waters Settlements Fund established by section 10501(a) [43 U.S.C. 407(a)].

“(15) HYDROLOGIC DETERMINATION.—The term ‘hydrologic determination’ means the hydrologic determination entitled ‘Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,’ prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99) [former 43 U.S.C. 615ss], and dated May 23, 2007.

“(16) LOWER BASIN.—The term ‘Lower Basin’ has the same meaning given the term in Article II(g) of the Colorado River Compact.

“(17) NATION.—The term ‘Nation’ means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) [102(2)] of the Federally Recognized Indian Tribe List [Act] of 1994 (25 U.S.C. 497a(2) [479a(2)]), also known variously as the ‘Navajo Tribe,’ the ‘Navajo Tribe of Arizona, New Mexico & Utah,’ and the ‘Navajo Tribe of Indians’ and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

“(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ‘Navajo-Gallup Water Supply Project’ or ‘Project’ means the Navajo-Gallup Water Supply Project authorized under section 10602(a) [123 Stat. 1379], as described as the preferred alternative in the Draft Impact Statement.

“(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term ‘Navajo Indian Irrigation Project’ means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96) [former 43 U.S.C. 615jj].

“(20) NAVAJO RESERVOIR.—The term ‘Navajo Reservoir’ means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.).

“(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term ‘Navajo Nation Municipal Pipeline’ or ‘Pipeline’ means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

“(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ‘Non-Navajo Irrigation Districts’ means—

“(A) the Hammond Conservancy District;

“(B) the Bloomfield Irrigation District; and

“(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

“(23) PARTIAL FINAL DECREE.—The term ‘Partial Final Decree’ means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

“(24) PROJECT PARTICIPANTS.—The term ‘Project Participants’ means the City, the Nation, and the Jicarilla Apache Nation.

“(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term ‘San Juan River Basin Recovery Implementation Program’ means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

“(26) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

“(27) STREAM ADJUDICATION.—The term ‘stream adjudication’ means the general stream adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New

Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

“(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term ‘Supplemental Partial Final Decree’ means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

“(29) TRUST FUND.—The term ‘Trust Fund’ means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a) [123 Stat. 1402].

“(30) UPPER BASIN.—The term ‘Upper Basin’ has the same meaning given the term in Article II(f) of the Colorado River Compact.”

SUBCHAPTER III—INSTITUTION AND CONSTRUCTION OF PROJECTS

§ 411. Surveys for, location, and construction of irrigation works generally

The Secretary of the Interior is authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells.

(June 17, 1902, ch. 1093, §2, 32 Stat. 388; Aug. 7, 1946, ch. 770, §1(7), 60 Stat. 867.)

REFERENCES IN TEXT

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

PRIOR PROVISIONS

Provisions similar to those in this section were contained in acts Mar. 2, 1889, ch. 411, §1, 25 Stat. 960; Oct. 2, 1888, ch. 1069, §1, 25 Stat. 526.

AMENDMENTS

1946—Act Aug. 7, 1946, struck out provisions requiring annual reports to Congress as to results of those examinations and surveys.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 411a. Repealed. Feb. 28, 1929, ch. 374, §2, 45 Stat. 1406

Section, act June 28, 1926, ch. 704, 44 Stat. 776, authorized employment of engineers for consultation.

§ 411a-1. Authorization of appropriations for investigations of feasibility of reclamation projects

The sum of \$125,000 annually is authorized to be appropriated for cooperative and miscellaneous investigations of the feasibility of reclamation projects.

(Feb. 21, 1923, ch. 101, 42 Stat. 1281.)

§ 411b. Employment of engineers, geologists, appraisers and economists for reclamation consultation work; compensation; retired Army and Navy officers as consulting engineers

The Secretary of the Interior is authorized, in his judgment and discretion, to employ for con-

sultation purposes on important reclamation work ten consulting engineers, geologists, appraisers, and economists, at rates of compensation to be fixed by him, but not to exceed \$50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed \$5,000: *Provided further*, That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this section.

(Feb. 28, 1929, ch. 374, §1, 45 Stat. 1406; Apr. 22, 1940, ch. 125, 54 Stat. 148; Dec. 23, 1944, ch. 708, 58 Stat. 915; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 652.)

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which authorized employment of retired personnel of the Department of the Interior as consultants.

1944—Act Dec. 23, 1944, inserted third proviso.

1940—Act Apr. 22, 1940, provided for employment of appraisers and increased the number to be employed from five to ten.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 412. Prerequisites to initiation of project or division of project

After December 5, 1924, no new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States.

(Dec. 5, 1924, ch. 4, §4, subsec. B, 43 Stat. 702.)

DEFINITIONS

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

§ 413. Approval of project by President

After June 25, 1910, no irrigation project contemplated by the Act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

(June 25, 1910, ch. 407, §4, 36 Stat. 836.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section is comprised of second clause of section 4 of act June 25, 1910. First clause of such section 4 is classified to section 400 of this title.

§ 414. Appropriation for projects essential

Expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and there shall annually, in the Budget, be submitted to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law.

(Aug. 13, 1914, ch. 247, §16, 38 Stat. 690.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

CODIFICATION

Words “there shall annually, in the Budget, be submitted to Congress” substituted for “the Secretary of the Interior shall annually in the regular Book of Estimates, submit to Congress” in view of the Budget and Accounting Act, 1921, act June 10, 1921, ch. 18, 42 Stat. 20. See sections 1104 and 1105 of Title 31, Money and Finance.

§ 415. Receipts applicable to project generally

All moneys heretofore or hereafter refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation for the project or operation from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project or operation.

(June 12, 1917, ch. 27, 40 Stat. 149.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act June 12, 1917, ch. 27, 40 Stat. 147, under the heading “RECLAMATION SERVICE”, as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 416. Laws applicable to withdrawn lands; restoration to entry

All lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable,

and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry.

(June 17, 1902, ch. 1093, §3, 32 Stat. 388; Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.)

REFERENCES IN TEXT

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

Said surveys, referred to in text, mean the surveys for contemplated irrigation works authorized by section 411 of this title.

CODIFICATION

Section is comprised of part of section 3 of act June 17, 1902. Remainder of such section 3 is classified to sections 432 and 434 of this title.

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions that the Secretary of the Interior withdraw from public entry lands required for irrigation works contemplated under the Act of June 17, 1902, prior to the giving of the public notice provided for in section 419 of this title, that he restore such withdrawn lands to public entry when he deemed such lands unnecessary for the purposes of such Act, and that he withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works prior to the beginning of surveys for any contemplated irrigation works.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided that the amendment made by such section 704(a) 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.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 417. Reservation of easements in public lands for reclamation projects

Where, in the opinion of the Secretary, a right of way or easement of any kind over public land is required in connection with a project the Secretary may reserve the same to the United States by filing in the Bureau of Land Management and in the appropriate local land office copies of an instrument giving a description of the right of way or easement and notice that the same is reserved to the United States for Federal irrigation purposes under sections 371, 376, 377, 412, 417, 433, 438,¹ 462, 463,¹ 466, 473,¹ 474,¹ 478, 493, 494, 500, 501, and 526 of this title, in which event entry for such land and the patent issued therefor shall be subject to the right of way or easement so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent.

(Dec. 5, 1924, ch. 4, §4, subsec. P, 43 Stat. 704; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

¹ See References in Text note below.

REFERENCES IN TEXT

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

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

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

“Bureau of Land Management” substituted for “General Land Office” on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

DEFINITIONS

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

§ 418. Private lands within project; agreement as to disposal of excess over farm unit

Before any contract is let or work begun for the construction of any reclamation project adopted after August 13, 1914, the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

(Aug. 13, 1914, ch. 247, §12, 38 Stat. 689.)

§ 419. Contract for irrigation project; notice as to lands irrigable, unit of entry, and construction charges

Upon the determination that any irrigation project is practicable, the Secretary of the Interior may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments in which such charges shall be paid and the time when such payments shall commence: *Provided*, That in all construction work eight hours shall constitute a day's work.

(June 17, 1902, ch. 1093, §4, 32 Stat. 389; May 10, 1956, ch. 256, 70 Stat. 151.)

CODIFICATION

Section is comprised of part of section 4 of act June 17, 1902. Remainder of such section 4 is classified to section 461 of this title.

AMENDMENTS

1956—Act May 10, 1956, substituted a period for the comma after “work” in proviso, and struck out “and no Mongolian labor shall be employed thereon.”

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 420. Use of earth, timber, etc., from other public lands

In carrying out the provisions of the national irrigation law approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is authorized to permit the use of earth, stone, and timber from the national forests of the United States for the same purpose, under rules and regulations to be prescribed by him.

(Feb. 8, 1905, ch. 552, 33 Stat. 706; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

REFERENCES IN TEXT

The national irrigation law approved June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Act Mar. 4, 1907 redesignated “forest reserves” as “national forests”.

§ 421. Acquisition of lands for irrigation project; eminent domain

Where, in carrying out the provisions of this Act, it becomes necessary to acquire any rights or property, the Secretary of the Interior is authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

(June 17, 1902, ch. 1093, § 7, 32 Stat. 389.)

REFERENCES IN TEXT

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

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 421a. Construction of distribution and drainage systems by irrigation districts or public agencies

Distribution and drainage systems authorized to be constructed under the Federal reclamation laws may, in lieu of construction by the Secretary of the Interior (referred to in sections 421a to 421h of this title as the “Secretary”), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in sections 421a to 421h of this title. The drainage systems referred to in sections 421a to 421h of this title are those required for collection and removal of excess irrigation water, either on or below the surface of the ground and do not include enlargement or alteration of existing waterways for disposition or natural runoff.

(July 4, 1955, ch. 271, § 1, 69 Stat. 244; Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 804.)

AMENDMENTS

1972—Pub. L. 92-487 substituted provisions relating to construction of distribution and drainage systems, for provisions relating to construction of irrigation systems, and inserted provisions setting forth the type of drainage systems subject to coverage of sections 421a to 421h of this title.

§ 421b. Loans for construction of distribution and drainage systems; repayment contract; time period for repayment of loan; “irrigation district or other public agency” defined

To assist financially in the construction of the aforesaid local distribution and drainage systems by irrigation districts and other public agencies the Secretary is authorized, on application therefor by such irrigation districts or other public agencies, to make funds available on a loan basis from moneys appropriated for the construction of such distribution and drainage systems to any irrigation district or other public agency in an amount equal to the estimated construction cost of such system, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 485a(d) and 485h(d) of this title and upon a showing that such district or agency already holds or can acquire all lands and interests in land (except public and other lands or interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) necessary for the construction, operation, and maintenance of the project. The Secretary shall, upon approval of a loan, including any loan for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, authorized by the Act of June 3, 1960 (74 Stat. 156), enter into a repayment contract which includes such provisions as the Secretary shall deem necessary and proper to provide assurance of prompt repayment of the loan within not to exceed forty years plus a development period not to exceed ten years. The term “irrigation district or other public agency” shall for the purposes of sections 421a to 421h of this title mean any conservancy district, irrigation district, water users’ organization, or other

organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

(July 4, 1955, ch. 271, § 2, 69 Stat. 245; Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 804.)

REFERENCES IN TEXT

Act of June 3, 1960, referred to in text, is Pub. L. 86-488, June 3, 1960, 74 Stat. 156, which is not classified to the Code.

AMENDMENTS

1972—Pub. L. 92-487 substituted provisions relating to financial assistance in the construction of local distribution and drainage systems, for provisions relating to financial assistance in the construction of local irrigation distribution systems, and inserted provisions relating to loans for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, and provisions setting forth a specified time period for repayment of loans.

SALE OF BUREAU OF RECLAMATION LOANS

Pub. L. 100-203, title V, § 5301, Dec. 22, 1987, 101 Stat. 1330-268, provided that:

“(a) SALE.—The Secretary of the Interior (hereinafter in this section referred to as the ‘Secretary’), under such terms as the Secretary shall prescribe, shall sell or otherwise dispose of loans made pursuant to the Distribution System Loans Act (43 U.S.C. 421a-421d) [43 U.S.C. 421a to 421h], the Small Reclamation Projects Act [of 1956] (43 U.S.C. 422a-422l) [43 U.S.C. 422a et seq.], and the Rehabilitation and Betterment Act (43 U.S.C. 504-505) [43 U.S.C. 504 and note] in such amounts as to realize net proceeds to the Federal Government of not less than \$130,000,000 in the fiscal year ending September 30, 1988. In the conduct of such sales, the Secretary shall take such actions as he deems appropriate to accommodate, effectuate, and otherwise protect the rights and obligations of the United States and the borrowers under the contracts executed to provide for repayment of such loans.

“(b) SAVINGS PROVISIONS.—Nothing in this section, including the prepayment or other disposition of any loan or loans, shall—

“(1) except to the extent that prepayment may have been authorized heretofore, relieve the borrower from the application of the provisions of Federal Reclamation law (Act of June 17, 1902 [32 Stat. 388, see Short Title note under section 371 of this title], and Acts amendatory thereof or supplementary thereto, including the Reclamation Reform Act of 1982 [43 U.S.C. 390aa et seq.]), including acreage limitations, to the extent such provisions would apply absent such prepayment, or

“(2) authorize the transfer of title to any federally owned facilities funded by the loans specified in subsection (a) of this section without a specific Act of Congress.

“(c) FEES AND EXPENSES OF PROGRAM.—Proceeds from the conduct of the program authorized by this section shall be first used to pay the fees and expenses of such program and the net proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

“(d) TERMINATION.—The authority granted by this section to sell or otherwise dispose of loans shall terminate on December 31, 1988.”

§ 421c. Conditions of loan for distribution and drainage systems; reconveyance by Secretary of lands, interests in lands, and distribution works heretofore conveyed to the United States; conditions of reconveyance; rights of way

The Secretary shall require, as conditions to any such loan, that the borrower contribute in

money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment of a loan under sections 421a to 421h of this title shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under sections 421a to 421h of this title may grant to a borrower or prospective borrower under sections 421a to 421h of this title revocable permission for the use thereof in like manner as under sections 79 and 524 of title 16, sections 323 to 328 of title 25, section 8124 of title 38, or sections 931a to 931d, 946 to 950, 956, and 959 of this title, or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes.

(July 4, 1955, ch. 271, § 3, 69 Stat. 245; May 14, 1956, ch. 268, 70 Stat. 155; Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 804; Pub. L. 102-40, title IV, § 402(d)(2), May 7, 1991, 105 Stat. 239.)

CODIFICATION

“Section 8124 of title 38” substituted in text (see 1991 Amendment note below) for “section 5024 of title 38”, which previously had been substituted for “section 5014 of title 38” as the probable intent of Congress in view of the renumbering of section 5014 of title 38 as section 5024 by Pub. L. 96-22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61. Previously, “section 5014 of title 38” had been substituted for “section 11i of title 38” on authority of Pub. L. 85-857, § 5(a), Sept. 2, 1958, 72 Stat. 1281, the first section of which enacted Title 38, Veterans’ Benefits.

AMENDMENTS

1991—Pub. L. 102-40 substituted “section 8124 of title 38” for “section 5024 of title 38”. See Codification note above.

1972—Pub. L. 92-487 inserted provision subjecting drainage systems to the requirements of this section,

substituted provisions authorizing the Secretary to re-convey to borrowers all land or interests in land and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title, with the proviso relating to the amendment of the repayment contract, for provisions requiring borrowers, prior to the consummation of any loan, to transfer to the United States any lands or interests in lands presently held or acquired in the future which the Secretary finds necessary for the construction, operation, or maintenance of distribution systems, with title to all such lands, etc., subject to retransfer to the borrower by the Secretary upon repayment of the loan, to remain in the United States, and struck out provisions which restricted applicability of provisions to provisions relating to Federal reclamation laws.

1956—Act May 14, 1956, provided that the Secretary, as conditions to loan, require borrower to account for disbursements of borrowed funds and return for application toward amortization of the loan all funds not expended in the construction of the distribution system, required, prior to the consummation of any loan, the transfer to the United States of titles to lands or interests in lands held by the borrower, and that titles to such lands, interests, and distribution works remain in United States until repayment, and provided for issuance of revocable permits for the use of lands owned by United States, in lieu of the formerly authorized actual conveyance to the districts of the rights-of-way.

§ 421d. Effect on existing laws

Except as otherwise provided in sections 421a to 421h of this title, the provisions of the Federal reclamation laws, and Acts amendatory thereto, are continued in full force and effect.

(July 4, 1955, ch. 271, § 4, 69 Stat. 245; Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 805.)

AMENDMENTS

1972—Pub. L. 92-487 reenacted section without change.

§ 421e. Municipal and industrial water supply delivery and distribution; allocation of loan funds; loan repayment contract requirements; rate of interest

Unless otherwise provided in the Act authorizing construction of the project, the delivery and distribution of municipal and industrial water supplies shall be deemed to be an authorized project purpose under sections 421a to 421h of this title, and where appropriate, an allocation of loan funds acceptable to the Secretary shall be made between irrigation and municipal and industrial purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation (including interest during construction) allocated in each year to municipal and industrial purposes at the rate provided in the Act authorizing the project, or absent such an authorized rate, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the contract, or contract amendment entered into pursuant to section 421f of this title, is executed, 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, and by adjusting such average rate to the nearest one-eighth of 1 per centum.

(July 4, 1955, ch. 271, § 5, as added Pub. L. 92-487, Oct. 3, 1972, 86 Stat. 805.)

§ 421f. Existing loan contracts; negotiation by Secretary of amendments

The Secretary is hereby authorized to negotiate amendments to existing water service and irrigation distribution system loan contracts to conform said contracts to the provisions of sections 421a to 421h of this title.

(July 4, 1955, ch. 271, § 6, as added Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 805.)

§ 421g. Existing rights unaffected

Nothing in sections 421a to 421h of this title shall be construed to repeal or limit the procedural and substantive requirements of sections 372 and 383 of this title.

(July 4, 1955, ch. 271, § 7, as added Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 806.)

§ 421h. Procedural and substantive requirements applicable to works financed by loans pursuant to sections 421a to 421h of this title

Works financed by loans made under sections 421a to 421h of this title shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], and the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

(July 4, 1955, ch. 271, § 8, as added Pub. L. 92-487, Oct. 13, 1972, 86 Stat. 806.)

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set under section 661 of Title 16 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 422. Construction of dams across Yellowstone River

Where, in carrying out projects under the provisions of the national reclamation Act it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation Act.

(Mar. 3, 1905, ch. 1476, 33 Stat. 1045.)

REFERENCES IN TEXT

The national reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388,

as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

SUBCHAPTER IV—CONSTRUCTION OF SMALL PROJECTS

§ 422a. Declaration of purpose

The purpose of this subchapter is to encourage State and local participation in the development of projects under the Federal reclamation laws, with emphasis on rehabilitation and betterment of existing projects for purposes of significant conservation of water, energy and the environment and for purpose of water quality control, and to provide for Federal assistance in the development of similar projects in the seventeen western reclamation States by non-Federal organizations.

(Aug. 6, 1956, ch. 972, §1, 70 Stat. 1044; Pub. L. 99-546, title III, §302, Oct. 27, 1986, 100 Stat. 3053.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

AMENDMENTS

1986—Pub. L. 99-546 inserted “, with emphasis on rehabilitation and betterment of existing projects for purposes of significant conservation of water, energy and the environment and for purpose of water quality control,” after “laws”.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 310 of title III of Pub. L. 99-546 provided that: “The provisions of Sections 303 and 308 of this title [amending sections 422c and 422h of this title] shall take effect upon enactment of this title [Oct. 27, 1986]. The provisions of sections 304(a) and 305 of this title [amending section 422d of this title] shall be applicable to all proposals for which final applications are received by the Secretary after January 1, 1986. The provisions of Sections 302, 304(b), 306, and 307 [amending this section and sections 422d and 422e of this title] shall be applicable to all proposals for which draft applications are received by the Secretary after August [sic] 15, 1986.”

SEPARABILITY

Section 12 of act Aug. 6, 1956, provided that: “If any provisions of this Act [enacting this subchapter] or the application of such provision to any person, organization, or circumstance shall be held invalid, the remainder of the Act and the application of such provision to persons, organizations, or circumstances other than those as to which it is held invalid shall not be affected thereby.”

§ 422b. Definitions

As used in this subchapter—

(a) The term “construction” shall include rehabilitation and betterment.

(b) The term “Federal reclamation laws” shall mean the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

(c) The term “organization” shall mean a State or a department, agency, or political subdivision thereof or a conservancy district, irrigation district, water users’ association, an agency created by interstate compact, or similar organization which has capacity to contract

with the United States under the Federal reclamation laws.

(d) The term “project” shall mean (i) any complete irrigation project, or (ii) any multiple-purpose water resource project that is authorized or is eligible for authorization under the Federal reclamation laws, or (iii) any distinct unit of a project described in clause (i) and (ii) or (iv) any project for the drainage of irrigated lands, without regard to whether such lands are irrigated with water supplies developed pursuant to the Federal reclamation laws, or (v) any project for the rehabilitation and betterment of a project or distinct unit described in clauses (i), (ii), (iii), and (iv): *Provided*, That the estimated total cost of the project described in clause (i), (ii), (iii), (iv), or (v) does not exceed the maximum allowable estimated total project cost as determined by subsection (f) hereof: *Provided further*, That a project described in clause (i), (ii), or (iii) may consist of existing facilities as distinct from newly constructed facilities, and funds made available pursuant to this subchapter may be utilized to acquire such facilities subject to a determination by the Secretary that such facilities meet standards of design and construction which he shall promulgate and that the cost of such existing facilities represent less than fifty per centum of the cost of the project. Nothing contained in this subchapter shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.

(e) The term “Secretary” shall mean the Secretary of the Interior.

(f) The maximum allowable estimated total project cost of a proposal submitted during any given calendar year shall be determined by the Secretary using the Bureau of Reclamation composite construction cost index for January of that year with \$15,000,000 as the January 1971 base.

(Aug. 6, 1956, ch. 972, §2, 70 Stat. 1044; Pub. L. 89-553, §1(1), Sept. 2, 1966, 80 Stat. 376; Pub. L. 92-167, §1(1), Nov. 24, 1971, 85 Stat. 488; Pub. L. 94-181, §1(a), (b), Dec. 27, 1975, 89 Stat. 1049.)

REFERENCES IN TEXT

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

AMENDMENTS

1975—Subsec. (d). Pub. L. 94-181, §1(a), substituted provisions limiting the estimated cost of the project described in cls. (i), (ii), (iii), (iv), and (v) to the maximum allowable estimated total project cost as determined by subsection (f) of this section, for provisions limiting the estimated cost of such projects to \$15,000,000, and inserted proviso relating to a project described in cl. (i), (ii), or (iii).

Subsec. (f). Pub. L. 94-181, §1(b), added subsec. (f).

1971—Subsec. (d). Pub. L. 92-167 redefined the size and character of projects which are eligible for approval under the program, increasing money limitation from \$1,000,000 to \$15,000,000 and making projects eligible, without being only for irrigation, for single purpose irrigation, single purpose drainage, multiple purpose, a distinct unit of the foregoing, or rehabilitation of any of the foregoing.

1966—Subsec. (d). Pub. L. 89-553 raised from \$5,000,000 to \$6,500,000 the maximum amount for a loan or grant for a particular project.

RETROACTIVE EFFECT OF 1966 AMENDMENT

Section 2 of Pub. L. 89-553 provided that: “Nothing contained in this Act [amending this section and sections 422d, 422e, 422h, and 422j of this title] shall be applicable to or affect in any way the terms on which any loan or grant has been made prior to the effective date of this Act [Sept. 2, 1966].”

§ 422c. Proposals; submission; payment for cost of examination

Any organization desiring to avail itself of the benefits provided in this subchapter shall submit a proposal therefor to the Secretary in such form and manner as he shall prescribe. Each such proposal shall be accompanied by a payment of \$5,000 to defray, in part, the cost of examining the proposal.

(Aug. 6, 1956, ch. 972, § 3, 70 Stat. 1044; Pub. L. 99-546, title III, § 303, Oct. 27, 1986, 100 Stat. 3053.)

AMENDMENTS

1986—Pub. L. 99-546 substituted “\$5,000” for “\$1,000”.

§ 422d. Contents of proposals

(a) Plans and estimates; review by States; allocation of capital costs

Any proposal with respect to the construction of a project which has not theretofore been authorized for construction under the Federal reclamation laws shall set forth, among other things, a plan and estimated cost in detail comparable to those included in preauthorization reports required for a Federal reclamation project; shall have been submitted for review by the States of the drainage basin in which the project is located in like manner as provided in section 701-1(c) of title 33, except that the review may be limited to the State or States in which the project is located if the proposal is one solely for rehabilitation and betterment of an existing project; and shall include a proposed allocation of capital costs to functions such that costs for facilities used for a single purpose shall be allocated to that purpose and costs for facilities used for more than one purpose shall be so allocated among the purposes served that each purpose will share equitably in the costs of such joint facilities. The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among project functions.

(b) Lands and water rights; ownership; financing

(1) Every such proposal shall include a showing that the organization already holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) and rights, pursuant to applicable State law, to the use of water necessary for the successful construction, operation, and maintenance of the project and that it is ready, able, and willing to finance otherwise than by loan and grant of Federal funds such portion of the cost of the project

(which portion shall include all costs of acquiring lands, interests in land, and rights to the use of water), except as provided in section 422e(b)(2) of this title as the Secretary shall have advised is proper in the circumstances.

(2) The Secretary shall require each organization to contribute toward the cost of the project (other than by loan and/or grant of Federal funds) an amount equal to 25 percent or more of the allowable estimated cost of the project: *Provided*, That the Secretary, at his discretion, may reduce the amount of such contribution to the extent that he determines that the organization is unable to secure financing from other sources under reasonable terms and conditions, and shall include letters from lenders or other written evidence in support of any funding of an applicant's inability to secure such financing in any project proposal transmitted to the Congress: *Provided further*, That under no circumstances shall the Secretary reduce the amount of such contribution to less than 10 percent of the allowable estimated total project costs. In determining the amount of the contribution as required by this paragraph, the Secretary shall credit toward that amount the cost of investigations, surveys, engineering, and other services necessary to the preparation of proposals and plans for the project as required by the Secretary, and the costs of lands and rights-of-way required for the project, and the \$5,000 fee described in section 422c of this title. In determining the allowable estimated cost of the project, the Secretary shall not include the amount of grants accorded to the organization under section 422e(b) of this title.

(c) Transmittal of findings and approval to Congress; certification of soil survey; reservation of land

At such time as a project is found by the Secretary and the Governor of the State in which it is located (or an appropriate State agency designated by him) to be financially feasible, is determined by the Secretary to constitute a reasonable risk under the provisions of this subchapter, and is approved by the Secretary, such findings and approval shall be transmitted to the Congress. Each project proposal transmitted by the Secretary to the Congress shall include a certification by the Secretary that an adequate soil survey and land classification has been made, or that the successful irrigability of those lands and their susceptibility to sustained production of agricultural crops by means of irrigation has been demonstrated in practice. Such proposal shall also include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows. The Secretary, at the time of submitting the project proposal to Congress or at the time of his determination that the requested project constitutes a reasonable risk under the provisions of this subchapter, may reserve from use or disposition inimical to the project any lands and interests in land owned by the United States which are within his administrative jurisdiction and subject to disposition by him and which are required for use by the project. Any such reservation shall expire at the end of two years unless the contract provided for in section 422e of this title shall have been executed.

(d) Amount of loan and/or grant; increase by Secretary

At the time of his submitting the project proposal to the Congress, or at any subsequent time prior to completion of construction of the project, including projects heretofore approved, the Secretary may increase the amount of the requested loan and/or grant to an amount within the maximum allowed by section 422e(a) of this title, as amended by Pub. L. 94-181, to compensate for increases in construction costs due to price escalation.

(e) Appropriation; nonapplicability

No appropriation shall be made for financial participation in any such project prior to sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Secretary's findings and approval are submitted to the Congress and then only if, within said sixty days, neither the Committee on Natural Resources of the House of Representatives nor the Committee on Energy and Natural Resources of the Senate disapproves the project proposal by committee resolution. The provisions of this subsection (e) shall not be applicable to proposals made under section 422f of this title.

(f) Consideration of financial feasibility, emergency, or urgent need; jurisdiction and control of project works and facilities

The Secretary shall give due consideration to financial feasibility, emergency, or urgent need for the project. All project works and facilities constructed under this subchapter shall remain under the jurisdiction and control of the local contracting organization subject to the terms of the repayment contract.

(Aug. 6, 1956, ch. 972, § 4, 70 Stat. 1044; Pub. L. 85-47, § 1(a), (b), June 5, 1957, 71 Stat. 48; Pub. L. 89-553, § 1(2), (3), Sept. 2, 1966, 80 Stat. 376; Pub. L. 92-167, § 1(2), Nov. 24, 1971, 85 Stat. 488; Pub. L. 94-181, § 1(c)-(e), Dec. 27, 1975, 89 Stat. 1049, 1050; Pub. L. 99-546, title III, §§ 304, 305, Oct. 27, 1986, 100 Stat. 3053, 3054; Pub. L. 103-437, § 16(b), Nov. 2, 1994, 108 Stat. 4594.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (a), are defined in section 422b of this title.

For the amendment of section 422e(a) of this title by Pub. L. 94-181, referred to in subsec. (d), see 1975 Amendment note set out under section 422e of this title.

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives nor the Committee on Energy and Natural Resources of the Senate” for “House nor the Senate Interior and Insular Affairs Committee”.

1986—Subsec. (b)(1). Pub. L. 99-546, § 304(a), designated existing provisions as par. (1) and substituted “grant of Federal funds” for “grant under this subchapter”.

Subsec. (b)(2). Pub. L. 99-546, § 304(b), added par. (2).

Subsec. (c). Pub. L. 99-546, § 305, inserted provisions which required certification by Secretary relating to soil survey, land classification, or successful irrigability, and investigation of soil for toxic or hazardous irrigation return flows.

1975—Subsec. (d). Pub. L. 94-181, § 1(c), (d), added subsec. (d). Former subsec. (d) redesignated (e).

Subsecs. (e), (f). Pub. L. 94-181, § 1(d), (e), redesignated former subsec. (d) as (e), substituted “(e)” for “(d)”, and redesignated former subsec. (e) as (f).

1971—Subsec. (e). Pub. L. 92-167 substituted in first sentence “project” for “project, whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation”.

1966—Subsec. (a). Pub. L. 89-553, § 1(2), extended project costs to include the cost of means and measures to prevent loss of and damage to fish and wildlife resources and authorized allocation of such costs as may be appropriate among project functions.

Subsec. (b). Pub. L. 89-553, § 1(3), substituted “cost of the project” for “cost of construction” in provision requiring that the organization be ready, able, and willing to finance by other than loan or grant whatever costs the Secretary advises, inserted reference to section 422e(b)(2) of this title as an exception to the costs which the organization must be able to finance other than by loan or grant, and struck out proviso that the contribution by the applicant organization shall not be required in excess of 25 per centum of the costs of the project which, if it were being constructed as a Federal reclamation project, would be properly allocable to reimbursable functions under general provisions of law applicable to such projects.

1957—Subsec. (c). Pub. L. 85-47, § 1(a), changed language generally, and struck out provisions which authorized Secretary to negotiate a contract as provided in section 422e of this title, with the provision that no such contract be executed by him prior to sixty days from date project proposal was submitted to both branches of Congress for committee consideration, and then only if neither committee disapproved proposal within the period, but that if both committees approved he could execute contract, and that if either committee disapproved, he could not proceed unless Congress approved.

Subsecs. (d), (e). Pub. L. 85-47, § 1(b), added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by sections 304(a) and 305 of Pub. L. 99-546 applicable to all proposals for which final applications are received by Secretary after Jan. 1, 1986, and amendment by section 304(b) of Pub. L. 99-546 applicable to all proposals for which draft applications are received by Secretary after Aug. 15, 1986, see section 310 of Pub. L. 99-546, set out as a note under section 422a of this title.

RETROACTIVE EFFECT OF 1966 AMENDMENT

Amendment by Pub. L. 89-553 not to be applicable to or affect in any way the terms on which any loan or grant was made prior to the effective date of Pub. L. 89-553, Sept. 2, 1966, see section 2 of Pub. L. 89-553, set out as a note under section 422b of this title.

§ 422e. Contract requirements

Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which shall set out, among other things—

(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title, or (2) the estimated total cost of the project minus the contribution of the local organization as pro-

vided in section 422d(b) of this title and the amount of the grant approved;

(b) the maximum amount of any grant to be accorded the organization. Said grant shall not exceed the sum of the following: (1) the costs of investigations, surveys, and engineering and other services necessary to the preparation of proposals and plans for the project allocable to fish and wildlife enhancement or public recreation; (2) one-half the costs of acquiring lands or interests therein to serve exclusively the purposes of fish and wildlife enhancement or public recreation, plus the costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation; (3) one-half the costs of basic public outdoor recreation facilities or facilities serving fish and wildlife enhancement purposes exclusively; (4) one-half the costs of construction of joint use facilities properly allocable to fish and wildlife enhancement or public recreation; (5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement and flood control, which are nonreimbursable under general provisions of law applicable to such projects; and (6) that portion of the estimated cost of constructing the project which is allocable to flood control and which would be nonreimbursable under general provisions of law applicable to projects constructed by the Secretary of the Army.¹

(c) a plan of repayment by the organization of (1) the sums lent to it in not more than forty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the average market yields on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest one-eighth of 1 percent on the unamortized balance of any portion of the loan—

(A) which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by a qualified recipient or by a limited recipient, as such terms are defined in section 390bb of this title, in excess of three hundred and twenty irrigable acres; or,

(B) which is allocated to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation except that portion of such allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest.¹

(d) provision for operation of the project, if a grant predicated upon its performance of nonreimbursable functions is made, in accordance with regulations with respect thereto

prescribed by the head of the Federal department or agency primarily concerned with those functions and, in the event of non-compliance with such regulations, for operation by the United States or for repayment to the United States of the amount of any such grant;

(e) such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest as aforesaid. The liability of the United States under any contract entered into pursuant to this subchapter shall be contingent upon the availability of appropriations to carry out the same, and every such contract shall so recite; and

(f) provisions conforming to the preference requirements contained in the proviso to section 485h(c) of this title, if the project produces electric power for sale.

(Aug. 6, 1956, ch. 972, § 5, 70 Stat. 1046; Pub. L. 85-47, § 1(c), June 5, 1957, 71 Stat. 49; Pub. L. 89-553, § 1(4), Sept. 2, 1966, 80 Stat. 376; Pub. L. 92-167, § 1(3)-(6), Nov. 24, 1971, 85 Stat. 488; Pub. L. 94-181, § 1(f), Dec. 27, 1975, 89 Stat. 1050; Pub. L. 96-336, § 8(b), Sept. 4, 1980, 94 Stat. 1065; Pub. L. 97-293, title II, § 223, Oct. 12, 1982, 96 Stat. 1272; Pub. L. 99-546, title III, §§ 306, 307, Oct. 27, 1986, 100 Stat. 3054.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-546, § 306, struck out “and” before “(5)” and substituted “and flood control, which are nonreimbursable under general provisions of law applicable to such projects; and (6) that portion of the estimated cost of constructing the project which is allocable to flood control and which would be nonreimbursable under general provisions of law applicable to projects constructed by the Secretary of the Army.” for “, which are nonreimbursable under general provisions of law applicable to such projects: *Provided*, That the cost of constructing the project as used in this subsection shall be exclusive of the cost of lands and interests in land;”.

Subsec. (c)(1). Pub. L. 99-546, § 307(a), substituted “forty” for “fifty”.

Subsec. (c)(2). Pub. L. 99-546, § 307(b), amended cl. (2) generally. Prior to amendment, cl. (2) read as follows: “interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, 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, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by a qualified recipient, as such term is defined in section 390bb of this title, in excess of nine hundred and sixty irrigable acres, or by a limited recipient, as such term is defined in section 390bb of this title, in excess of three hundred and twenty irrigable acres; and”.

Subsec. (c)(3). Pub. L. 99-546, § 307(c), struck out cl. (3) which read as follows: “in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above; Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;”.

1982—Subsec. (c)(2). Pub. L. 97-293 substituted “by a qualified recipient, as such term is defined in section

¹ So in original. The period probably should be a semicolon.

390bb of this title, in excess of nine hundred and sixty irrigable acres, or by a limited recipient, as such term is defined in section 390bb of this title, in excess of three hundred and twenty irrigable acres” for “by any one owner in excess of one hundred and sixty irrigable acres”.

1980—Subsec. (c). Pub. L. 96-336 inserted “Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;” at end of subsec. (c).

1975—Subsec. (a)(1). Pub. L. 94-181 substituted “two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title,” for “\$10,000,000”.

1971—Subsec. (a)(1). Pub. L. 92-167, §1(3), substituted “\$10,000,000” for “\$6,500,000”.

Subsec. (b)(2). Pub. L. 92-167, §1(4), substituted provision for inclusion of one-half of land acquisition costs to serve exclusively the purposes of fish and wildlife enhancement and public recreation, for prior inclusion of such costs for a reservoir or other area to be operated for fish and wildlife enhancement and public recreation purposes and provided for inclusion of costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation.

Subsec. (b)(5). Pub. L. 92-167, §1(5), inserted proviso excluding from cost of constructing projects, as used in this subsection, cost of lands and interests in land.

Subsec. (c)(3). Pub. L. 92-167, §1(6), required reimbursable fish and wildlife and recreation costs to be repaid with interest at rate determined by formula set forth in subsec. (c)(2) of this section.

1966—Pub. L. 89-553 substituted the lesser of \$6,500,000 or the estimated total cost of the project minus the contribution of the local organization as provided in section 422d(b) of this title and the amount of the grant for the portion of the estimated cost of constructing the project which, if it were being constructed as a Federal reclamation project, would be properly allocable to reimbursable functions under general provisions of law applicable to such projects as the maximum amount of the loan, struck out the time and method of paying a grant to an organization from the list of contract terms, added factors involving fish and wildlife enhancement and public recreation to the factors adding up to the figure comprising the maximum allowable grant, and altered the requirements of the interest term by substituting 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 for the estimate of the average annual yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May preceding the fiscal year in which the loan is made, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from May 1 of the year.

1957—Pub. L. 85-47 substituted “Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which” for “Any contract authorized to be negotiated under the provisions of subsection (c) of section 422d of this title”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-546 applicable to all proposals for which draft applications are received by Secretary after Aug. 15, 1986, see section 310 of Pub. L. 99-546, set out as a note under section 422a of this title.

RETROACTIVE EFFECT OF 1966 AMENDMENT

Amendment by Pub. L. 89-553 not to be applicable to or affect in any way the terms on which any loan or grant was made prior to the effective date of Pub. L. 89-553, Sept. 2, 1966, see section 2 of Pub. L. 89-553, set out as a note under section 422b of this title.

§ 422f. Proposals for projects previously authorized; waiver of requirements; approval; negotiation of contract

Any proposal with respect to the construction of a project which has theretofore been authorized for construction under the Federal reclamation laws shall be made in like manner as a proposal under section 422d of this title, but the Secretary may waive such requirements of subsections (a) and (b) of section 422d of this title as he finds to be duplicative of, or rendered unnecessary or impossible by, action already taken by the United States. Upon approval of any such proposal by the Secretary he may negotiate and execute a contract which conforms, as nearly as may be, to the provisions of section 422e of this title.

(Aug. 6, 1956, ch. 972, §6, 70 Stat. 1046.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422g. Information from Federal agencies; costs

Upon request of an organization which has made or intends to make a proposal under this subchapter, the head of any Federal department or agency may make available to the organization any existing engineering, economic, or hydrologic information and printed material that it may have and that will be useful in connection with the planning, design, construction, or operation and maintenance of the project concerned. The reasonable cost of any plans, specifications, and other unpublished material furnished by the Secretary pursuant to this section and the cost of making and administering any loan under this subchapter shall, to the extent that they would not be nonreimbursable in the case of a project constructed under the Federal reclamation laws, be treated as a loan and covered in the provisions of the contract entered into under section 422e of this title unless they are otherwise paid for by the organization.

(Aug. 6, 1956, ch. 972, §7, 70 Stat. 1047.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422h. Planning and construction; transfer of funds

The planning and construction of projects undertaken pursuant to this subchapter shall be subject to all procedural requirements and other provisions of the Fish and Wildlife Coordination Act (48 Stat. 401), as amended (16 U.S.C. 661 et seq.). The Secretary shall transfer to the Fish and Wildlife Service or to the National Marine Fisheries Service, out of appropriations or other funds made available under this subchapter, such funds as may be necessary to conduct the investigations required to carry out the purposes of this section.

(Aug. 6, 1956, ch. 972, §8, 70 Stat. 1047; Pub. L. 89-553, §1(5), Sept. 2, 1966, 80 Stat. 377; Pub. L. 99-546, title III, §308, Oct. 27, 1986, 100 Stat. 3055.)

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act (48 U.S.C. 401), as amended, referred to in text, is act Mar. 10, 1934,

ch. 55, 48 Stat. 401, as amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 and Tables.

AMENDMENTS

1986—Pub. L. 99-546 inserted provisions which related to transfer of funds for conduct of investigations to Fish and Wildlife Service or to National Marine Fisheries Service.

1966—Pub. L. 89-553 substituted “the Fish and Wildlife Coordination Act, as amended” for “the Act of Aug. 14, 1946 (60 Stat. 1080)”.

§ 422i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this subchapter.

(Aug. 6, 1956, ch. 972, § 9, 70 Stat. 1047.)

§ 422j. Appropriations; notice to Congress of receipt of proposal; funds to initiate proposal; availability of appropriations; reimbursement; limitations on expenditures in any single State; waiver

There are authorized to be appropriated, such sums as may be necessary, but not to exceed \$600,000,000, to carry out the provisions of this subchapter and, effective October 1, 1986, not to exceed an additional \$600,000,000: *Provided*, That the Secretary shall advise the Congress promptly on the receipt of each proposal referred to in section 422c of this title, and no contract shall become effective until appropriated funds are available to initiate the specific proposal covered by each contract. All such appropriations shall remain available until expended and shall, insofar as they are used to finance loans made under this subchapter, be reimbursable in the manner hereinabove provided. Not more than 20 percent of the total amount of additional funds authorized to be appropriated effective October 1, 1986, for loans and grants pursuant to this subchapter shall be for projects in any single State: *Provided*, That beginning five years after October 27, 1986, the Secretary is authorized to waive the 20 percent limitation for loans and grants which meet the purposes set forth in section 422a of this title: *Provided further*, That the decision of the Secretary to waive the limitation shall be submitted to the Congress together with the project proposal pursuant to section 422d(c) of this title and shall become effective only if the Congress has not, within 60 legislative days, passed a joint resolution of disapproval for such a waiver.

(Aug. 6, 1956, ch. 972, § 10, 70 Stat. 1047; Pub. L. 89-553, § 1(6), Sept. 2, 1966, 80 Stat. 377; Pub. L. 92-167, § 1(7), Nov. 24, 1971, 85 Stat. 488; Pub. L. 94-181, § 1(g), Dec. 27, 1975, 89 Stat. 1050; Pub. L. 96-336, § 8(a), Sept. 4, 1980, 94 Stat. 1065; Pub. L. 99-546, title III, § 309, Oct. 27, 1986, 100 Stat. 3055.)

CODIFICATION

“October 27, 1986,” substituted in text for “the date of enactment of this Act”, meaning the date of enactment of Pub. L. 99-546, which amended this section, rather than August 6, 1956, the date of enactment of this section, as the probable intent of Congress.

AMENDMENTS

1986—Pub. L. 99-546 inserted “and effective October 1, 1986, not to exceed an additional \$600,000,000” and inserted provisions at end limiting allocation for projects in any single State to 20 percent of additional funds authorized to be appropriated effective Oct. 1, 1986, authorizing waiver of that limitation, and requiring submission of waiver decision to Congress.

1980—Pub. L. 96-336 substituted “\$600,000,000” for “\$400,000,000”.

1975—Pub. L. 94-181 substituted “\$400,000,000” for “\$300,000,000”.

1971—Pub. L. 92-167 substituted “\$300,000,000” for “\$200,000,000”.

1966—Pub. L. 89-553 substituted “\$200,000,000” for “\$100,000,000”.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 8(a) of Pub. L. 96-336 provided that the amendment made by such section 8(a) is effective Oct. 1, 1980.

§ 422k. Supplement to Federal reclamation laws; short title

This subchapter shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956.

(Aug. 6, 1956, ch. 972, § 11, 70 Stat. 1047.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422k-1. Loan contracts for deferment of repayment installments; amendment or supplementation

A loan contract negotiated and executed pursuant to this subchapter may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 485b-1(b) of this title.

(Aug. 6, 1956, ch. 972, § 13, as added Pub. L. 92-167, § 1(8), Nov. 24, 1971, 85 Stat. 488.)

§ 422l. Application of this subchapter to Hawaii

This subchapter as heretofore and hereafter amended, shall apply to the State of Hawaii.

(Pub. L. 86-624, § 31, July 12, 1960, 74 Stat. 421.)

CODIFICATION

Section was enacted as a part of the Hawaii Omnibus Act, and not as a part of the Small Reclamation Projects Act of 1956 which comprises this subchapter.

SUBCHAPTER V—ADMINISTRATION OF EXISTING PROJECTS

§ 423. Permanently unproductive lands; exclusion from project; disposition of water right

All lands found by the classification made under the supervision of the Board of Survey and Adjustments (House Document 201, 69th Congress, 1st Session, checked and modified as outlined in General Recommendations numbered 2 and 4, Page 60 of said document), to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive

lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(May 25, 1926, ch. 383, §§ 40, 41, 44 Stat. 647.)

SECTIONS 423 TO 423g AND 610 UNAFFECTED BY
SECTIONS 451 TO 451k OF THIS TITLE

Section 10 of act Aug. 13, 1953, ch. 428, 67 Stat. 568, provided in part that: "Nothing contained in this Act [enacting sections 451 to 451k of this title] shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the Act of May 25, 1926 (44 Stat. 636), as amended and supplemented [sections 423 to 423g and 610 of this title]."

§ 423a. Construction charges on permanently unproductive lands already paid; disposition

The construction charges prior to May 25, 1926, paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 423c of this title. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in said section, the total construction charges paid before May 25, 1926, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

(May 25, 1926, ch. 383, § 42, 44 Stat. 647.)

§ 423b. Suspension of payment of construction charges against areas temporarily unproductive

The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin, as the case may be. Any payments made on such areas shall be credited to the unpaid balance of the construction charge on the productive area of each unit. Such credit shall be applied on and after April 23, 1930, which shall not be construed to require revision of accounts adjusted before April 23, 1930, under the provisions of this section as originally enacted. While said lands so classified as temporarily unproductive and the construction charges against

them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in sections 423 to 423g and 610 of this title except that no refund shall be made of the construction charges paid on such unproductive areas and applied as a credit on productive areas as herein authorized.

(May 25, 1926, ch. 383, § 43, 44 Stat. 647; Apr. 23, 1930, ch. 205, 46 Stat. 249.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1930—Act Apr. 23, 1930, provided that the credit shall be applied on or after April 23, 1930, and was not to be construed as requiring revision of accounts adjusted before such date, and that no refund shall be made of the charges on unproductive areas and applied as a credit on productive areas.

§ 423c. Exchange of unpatented entries; entries, farms or private lands, eliminated from project; rights not assignable; rights of lienholders; preference to ex-service men

Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence, improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided*, That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of one

hundred and sixty acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided further*, That the rights extended under this section shall not be assignable: *And provided further*, That in administering the provisions of this section and section 423a of this title, the Secretary of the Interior shall take into consideration the rights and interests of lien holders, as to him may seem just and equitable: *Provided further*, That where two entrymen apply for the same farm unit under the exchange provisions of this section, only one whom¹ is an ex-service man, as defined by section 438² of this title, the ex-service man shall have a preference in making such exchange.

(May 25, 1926, ch. 383, § 44, 44 Stat. 648.)

REFERENCES IN TEXT

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568. For provisions giving preference to ex-servicemen, see section 451g of this title.

§ 423d. Amendment of existing water right contracts by Secretary of the Interior

The Secretary of the Interior is authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of sections 423 to 423g and 610 of this title, upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by sections 423 to 423g and 610 of this title.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not been accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than forty years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance

or water-rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per centum per annum until paid.

The Secretary of the Interior is authorized to complete and execute the supplemental contract, being negotiated on May 25, 1926, and which had, on that date, been approved as to form by the Secretary, between the United States and the Belle Fourche Irrigation District and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said District in accordance with the terms of said supplemental contract.

(May 25, 1926, ch. 383, § 45, 44 Stat. 648.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section constitutes a part of section 45 of act May 25, 1926. The remainder of said section 45 (the third par. and the fourth par., except the final proviso, which is classified as the last par. of this section) has been omitted.

§ 423e. Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of land

No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts

¹ So in original. Probably should be "one of whom".

² See References in Text note below.

with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided, however,* That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor: *Provided further,* That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

(May 25, 1926, ch. 383, § 46, 44 Stat. 649; July 11, 1956, ch. 563, § 1, 70 Stat. 524.)

AMENDMENTS

1956—Act July 11, 1956, authorized delivery of water for not more than five years to excess lands acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise.

IMPERIAL IRRIGATION DISTRICT OF CALIFORNIA; NONAPPLICABILITY OF FEDERAL RECLAMATION LAWS

Pub. L. 96-570, § 4, Dec. 22, 1980, 94 Stat. 3340, provided that: "The following provisions of the Federal reclamation laws shall not apply to lands within the Imperial Irrigation District of California after the date of enactment of this Act [Dec. 22, 1980]:

"(a) section 5 of the Act entitled 'An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands', approved June 17, 1902 (43 U.S.C. 431);

"(b) section 46 of the Act entitled 'An Act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes', approved May 25, 1926 (42 U.S.C. 423e) [this section]; and

"(c) any other provision of law amendatory or supplementary to either of such sections."

AMENDMENT OF EXISTING CONTRACTS

Section 3 of act July 11, 1956, provided that: "The Secretary of the Interior is authorized, upon request of any holder of an existing contract under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to amend the contract to conform to the provisions of sections 1 and 2 of this Act [amending sections 423e and 544 of this title]."

§ 423f. Purpose of sections 423 to 423g and 610

The purpose of sections 423 to 423g and 610 of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends.

(May 25, 1926, ch. 383, § 48, 44 Stat. 650.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 423g. Adjustment of water right charges as final adjudication on projects and divisions named

The adjustments under sections 1 to 40, inclusive, of the Act of Congress of May 25, 1926, 44 Statutes 636, are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in section 466 of this title, and shall not after May 25, 1926, be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not on May 25, 1926, required by law to be credited to such "reclamation fund."

(May 25, 1926, ch. 383, § 50, 44 Stat. 650.)

REFERENCES IN TEXT

Sections 1 to 40 of the Act of May 25, 1926, referred to in text, are not classified to the Code.

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 423h. Delivery of water to excess lands upon death of spouse

Where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 423e of this title, and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 423e of this title, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a

contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this section.

(Pub. L. 86-684, Sept. 2, 1960, 74 Stat. 732.)

REFERENCES IN TEXT

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

§ 424. Disposal of lands classified as temporarily or permanently unproductive; persons who may take

The Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under sections 423 to 423g and 610 of this title, as temporarily unproductive or permanently unproductive to resident farm owners, and resident entrymen on Federal irrigation projects, in accordance with the provisions of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 1, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

Hereinafter, referred to in text, means in sections 424a to 424d of this title.

§ 424a. Sale of unproductive lands; terms; area purchasable; tracts included

The Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under sections 424 to 424e of this title more than one hundred and sixty acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed three hundred and twenty acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive, but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insufficient to support a family and to pay water charges.

(May 16, 1930, ch. 292, § 2, 46 Stat. 367.)

§ 424b. Application of certain statutes to lands sold

All "permanently unproductive" and "temporarily unproductive" land now or hereafter des-

ignated under sections 423 to 423g and 610 of this title, shall, when sold, remain subject to sections 423 and 423b of this title. The exchange provisions of section 423c of this title, shall not be applicable to the land purchased under sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 3, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 424c. Issuance of patents; recitals in patents; reservations

After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified in whole or in part as temporarily or permanently unproductive, as the case may be, under sections 423 to 423g and 610 of this title. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

(May 16, 1930, ch. 292, § 4, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Adjustment Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 424d. Use of moneys collected from sales, project construction charges and water rentals respecting unproductive lands

In the absence of a contrary requirement in the contracts between the United States and the water users organization or district assuming liability for the payment of project construction charges, all sums collected under sections 424 to 424e of this title from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the Reclamation Fund as a credit to the construction charge payable on May 16, 1930, by the water users under their present contracts, to the extent of the additional expense, if any, incurred by such water users in furnishing water to the unproductive area, while still in that status, as approved by the Commissioner of Reclamation and the balance as a credit to the sums heretofore written off in accordance with sections 423 to 423g and 610 of this title. Where water rental collections under sections 424 to 424e of this title are in excess of the current operation and maintenance charges, the excess as determined by the Secretary, shall, in the absence of such contrary contract provision, inure to the Reclamation Fund as above provided, but

in all other cases the water rentals collected under sections 424 to 424e of this title shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water users association under contract with the United States.

(May 16, 1930, ch. 292, § 5, 46 Stat. 368.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original “said act of May 25, 1926”, meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 424e. Authority of Secretary of the Interior; rules and regulations

The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 6, 46 Stat. 368.)

§ 425. Exemption of lands owned by States, etc., from acreage limitation on receipt of irrigation benefits; determination of exempt status

The provisions of Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto) which limit the acreage of irrigable land which may receive irrigation benefits from, through, or by means of Federal reclamation works, shall not be applicable to lands owned by States, political subdivisions, and agencies thereof, so long as such lands are farmed, primarily in the direct furtherance of a non-revenue-producing public function, as determined by the Secretary of the Interior; and to the extent that such lands continue to qualify for the exempted status afforded by this section they shall not be deemed to be excess lands for any purposes whatsoever under said reclamation laws.

(Pub. L. 91-310, § 1, July 7, 1970, 84 Stat. 411.)

REFERENCES IN TEXT

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

§ 425a. Eligibility of transferred lands owned by States, etc., for receipt of water from a Federal reclamation project, division, or unit; conditions of eligibility; purchase price

Irrigable lands owned by States, political subdivisions, and agencies thereof which do not fall within the provisions of section 425 of this title may receive water from a Federal reclamation project, division, or unit if a valid recordable contract for the sale of such lands within ten years of the date of said contract has been executed under terms and conditions satisfactory to the Secretary of the Interior but without limitation upon selling price.

The purchasers of lands sold under the provisions of this section, or the heirs and devisees of such purchasers, if otherwise eligible under reclamation law to receive project water for the lands purchased, shall not be disqualified for delivery of water by reason of the amount of the purchase price paid for said lands.

(Pub. L. 91-310, § 2, July 7, 1970, 84 Stat. 411.)

§ 425b. Receipt of project water by lessees of irrigable lands owned by States, etc.; time limitation; applicability of acreage limitations

Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water from July 7, 1970, subject to the same acreage limitation provisions of Federal reclamation law as private landowners.

(Pub. L. 91-310, § 3, July 7, 1970, 84 Stat. 411; Pub. L. 97-293, title II, § 224(d), Oct. 12, 1982, 96 Stat. 1272.)

REFERENCES IN TEXT

The Federal reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. See section 425 of this title. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

AMENDMENTS

1982—Pub. L. 97-293 struck out “for a period not to exceed twenty-five years” after “may receive project water”.

SUBCHAPTER VI—WATER RIGHT APPLICATIONS AND LAND ENTRIES

§ 431. Limitation as to amount of water; qualifications of applicant

No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

IMPERIAL IRRIGATION DISTRICT OF CALIFORNIA; NONAPPLICABILITY OF FEDERAL RECLAMATION LAWS

Nonapplicability of Federal reclamation laws to lands within Imperial Irrigation District of California, see section 4 of Pub. L. 96-570, set out as a note under section 423e of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 432. Entry under homestead laws generally

Public lands which it is proposed to irrigate by means of any contemplated works shall be

subject to entry only under the provisions of the homestead laws, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, That the commutation provisions of the homestead laws shall not apply to entries made under this Act.

(June 17, 1902, ch. 1093, §3, 32 Stat. 388.)

REFERENCES IN TEXT

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

CODIFICATION

Section is comprised of part of section 3 of act June 17, 1902. Remainder of section 3 is classified to sections 416 and 434 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 433. Character and capital qualification of entrymen

The Secretary is authorized, under regulations to be promulgated by him, to require of each applicant including preference right ex-service men for entry to public lands on a project, such qualifications as to industry, experience, character, and capital, as in his opinion are necessary to give reasonable assurance of success by the prospective settler. The Secretary is authorized to appoint boards in part composed of private citizens, to assist in determining such qualifications.

(Dec. 5, 1924, ch. 4, §4, subsec. C, 43 Stat. 702.)

ADVANCES BY FARM SECURITY ADMINISTRATION AS CAPITAL

Act Aug. 7, 1939, ch. 509, 53 Stat. 1238, as amended June 17, 1940, ch. 390, 54 Stat. 402; May 28, 1941, ch. 136, 55 Stat. 206; Aug. 1, 1942, ch. 540, 56 Stat. 732, authorized Secretary of the Interior during fiscal years 1940 to 1943 to consider money made available to settlers by the former Farm Security Administration to be all or part of the capital required under this section.

DEFINITIONS

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

§ 433a. Preference of needy families

It is declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands.

(June 18, 1940, ch. 395, §1, 54 Stat. 439.)

§ 434. Amount of land for which entry may be made; farm unit; subdivision of lands

Public lands which it is proposed to irrigate by means of any contemplated works shall be

subject to entry in tracts of not less than forty nor more than one hundred and sixty acres: *Provided*, That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. Wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation Act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the reclamation service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the Bureau of Land Management, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation Act a lesser area than the minimum limit in any State or Territory.

(June 17, 1902, ch. 1093, §3, 32 Stat. 388; June 27, 1906, ch. 3559, §1, 34 Stat. 519; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section is comprised of a part of section 3 of act June 17, 1902, and section 1 of act June 27, 1906. Remainder of section 3 of act June 17, 1902, is classified to sections 416 and 432 of this title.

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§3, 5 (May 18, 1981).

TRANSFER OF FUNCTIONS

"Bureau of Land Management" substituted in text for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 435. Entries in excess of farm unit

All entries under reclamation projects containing more than one farm unit shall be re-

duced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery for the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project.

(Aug. 13, 1914, ch. 247, § 13, 38 Stat. 690.)

§ 436. Time when entry may be made generally

After June 25, 1910, no entry shall be made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior.

(June 25, 1910, ch. 407, § 5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 918; Aug. 13, 1914, ch. 247, § 10, 38 Stat. 689.)

CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 437 of this title.

§ 437. Lands as to which entries made prior to June 25, 1910, have been relinquished

Where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law.

(June 25, 1910, ch. 407, § 5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 918; Aug. 13, 1914, ch. 247, § 10, 38 Stat. 689.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 436 of this title.

§ 438. Repealed. Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568

Section, acts Feb. 14, 1920, ch. 76, 41 Stat. 434; Jan. 21, 1922, ch. 32, § 1, 42 Stat. 358; Dec. 5, 1924, ch. 4, § 4(m), 43 Stat. 703, related to exchange of farm unit. See sections 451 to 451k of this title.

§ 439. Cultivation requirement as to entrymen

The entryman upon lands to be irrigated shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 440. Regulations as to use of water and requirements as to cultivation and reclamation of land; cancellation for noncompliance with requirements

The Secretary of the Interior is authorized to make general rules and regulations governing the use of water in the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

(Aug. 13, 1914, ch. 247, § 8, 38 Stat. 688.)

§ 441. Assignment of entries generally

From and after the filing with the Secretary of the Interior or such officer as he may designate of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the Act of June 17, 1902, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said Act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this section shall be subject to the limitations, charges, terms, and conditions of the reclamation Act.

(June 23, 1910, ch. 357, 36 Stat. 592; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The reclamation Act, referred to in text, probably means act June 17, 1902, see note above.

TRANSFER OF FUNCTIONS

“Secretary of the Interior or such officer as he may designate” substituted in text for “Commissioner of

the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 442. Assignment between June 23, 1910, and January 1, 1913, confirmed

In the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under section 441 of this title, is confirmed, and the assignee shall be entitled to the land assigned as under section 441 of this title, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation Act, and Acts Amendatory thereof and supplemental thereto, and all of said assignees whose entries are confirmed shall, as a condition to receiving patent, make the proof required, prior to May 8, 1916, of assignees.

(June 23, 1910, ch. 357, 36 Stat. 592; May 8, 1916, ch. 114, 39 Stat. 65.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. See section 441 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.

§ 443. Limitation of amount of land holdable under assignment of entry

No person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

(Aug. 13, 1914, ch. 247, § 13, 38 Stat. 690.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

§§ 444, 445. Omitted

CODIFICATION

Section 444, act June 25, 1910, ch. 432, 36 Stat. 864, related to leave of absence for entrymen.

Section 445, act Apr. 30, 1912, ch. 100, 37 Stat. 105, related to protection of entries made prior to June 25, 1910.

§ 446. Right to make entry on relinquishment of former entry under land laws

Wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

(June 27, 1906, ch. 3559, § 2, 34 Stat. 519.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 434 of this title.

§ 447. Relinquishment of homestead entry and making new entry

Any person who prior to March 4, 1915, made homestead entry under the Act of June 17, 1902 (32 Stat. 388), for land believed to be susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry or all thereof in excess of twenty acres is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of sections 436 and 437 of this title: *Provided*, That such entrymen shall be given credit on the new entry for the time of bona fide residence maintained on the original entry.

(Mar. 4, 1915, ch. 182, 38 Stat. 1215.)

REFERENCES IN TEXT

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

§ 448. Desert-land entries within reclamation project generally

Where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements theretofore made on any such desert-land entry of which proof has been or may be filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid action¹ of June 17, 1902, and shall relinquish within a reasonable time after notice as the Sec-

¹ So in original. Probably should be "Act".

retary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said Act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act.

(June 27, 1906, ch. 3559, §5, 34 Stat. 520; June 6, 1930, ch. 405, 46 Stat. 502.)

REFERENCES IN TEXT

Act of June 17, 1902, and said reclamation Act, referred to in text, are act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

AMENDMENTS

1930—Act June 6, 1930, among other changes, inserted “within a reasonable time after notice as the Secretary may prescribe and not less than two years”, “regulations of said Secretary applicable to the remainder of the irrigable land of the project”, and substituted provisions specifying one farm unit, as determined by the Secretary of the Interior for provisions specifying 160 acres.

§ 449. Assignment of desert-land entry within project

A desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under section 324 of this title, and the benefits and limitations of section 448 of this title shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments made in good faith prior to July 24, 1912, shall be recognized under this section.

(July 24, 1912, ch. 251, 37 Stat. 200.)

SUBCHAPTER VII—EXCHANGE AND AMENDMENT OF FARM UNITS

§ 451. Conditions necessary for exchange; terms; credits; rights nonassignable

Any entryman on an unpatented farm unit on a Federal irrigation project which shall be found by the Secretary of the Interior, pursuant to a land classification, to be insufficient to support a family shall be entitled, upon timely application to the Secretary to exchange his farm unit for another farm unit of unentered public land within the same or any other such project, or, upon terms and conditions satisfactory to the Secretary, for any other available farm unit on the same or any other such project. He shall be given credit under the homestead laws for residence, improvement, and cultivation made or

performed upon the original entry, and if satisfactory final proof of residence, improvement, and cultivation has been made on the original entry it shall not be necessary to submit such proof upon the lieu entry. Rights under this subchapter shall not be assignable.

(Aug. 13, 1953, ch. 428, §1, 67 Stat. 566.)

§ 451a. Persons eligible for benefits

The benefits of section 451 of this title shall, and those of sections 451b to 451k of this title may, be extended by the Secretary to (a) any lawful assignee of an unpatented farm unit on a Federal irrigation project who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family; and (b) any resident owner of private lands on any such project whose lands shall be found to be insufficient to support a family and (i) who, apart from his ownership of the lands to be conveyed pursuant to clause (iii) hereof and apart from his having previously exhausted his homestead right, if such be the case, is eligible to enter unappropriated public lands under section 161¹ of this title, (ii) who lawfully acquired his lands as an entire farm unit under the Federal reclamation laws from the United States or, in the case of a widow, widower, heir, or devisee, from a spouse or ancestor, as the case may be, who so acquired them, and (iii) who conveys, free from all encumbrances, to the United States all of his lands served by the project or such portion thereof as the Secretary may designate.

(Aug. 13, 1953, ch. 428, §2, 67 Stat. 566.)

REFERENCES IN TEXT

Section 161 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

The Federal reclamation laws, referred to in par. (b)(ii), are identified in section 451i of this title.

§ 451b. Irrigation construction charges

(a) Credits to entryman

If an entryman making an exchange under the provisions of this subchapter becomes the direct obligor for payment to the United States of irrigation construction charges for his lieu farm unit or undertakes a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary, to the extent to which such charges upon the original farm unit or the equivalent thereof have actually been paid to the United States or to an irrigation district or other form of organization under contract with the United States, may give him credit for such charges upon the lieu unit.

(b) Credits to district; reduction of costs

If an irrigation district or other form of organization within the boundaries of which is located the lieu farm unit of an entryman making an exchange under the provisions of this subchapter is or becomes the direct obligor for payment to the United States of irrigation construction charges or undertakes or has under-

¹ See References in Text note below.

taken a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary may, to the extent to which it gives credit to the entryman for such charges or the equivalent thereof actually paid upon the original farm unit, give the district or other form of organization credit for payment of such charges. Upon the making of an exchange pursuant to the provisions of this subchapter, the Secretary may reduce (i) the reimbursable construction costs of the project or division thereof upon which the original farm unit was located by the amount of such costs which were properly assignable to the original farm unit and which were not then due and payable, and (ii) the reimbursable construction costs of the project or division thereof upon which the lieu farm unit is located by the amount of credit which might be given under the provisions of this section.

(c) Extension of benefits to districts

In any case in which the benefits of this subchapter are extended to an assignee of an unpatented farm unit or to a resident owner of private lands, as provided in subsection (b) of section 451a of this title, an appropriate extension of benefits may also be made to an irrigation district or other form of organization under subsection (b) of this section.

(Aug. 13, 1953, ch. 428, § 3, 67 Stat. 566.)

§ 451c. Cancellation of charges or liens; credits

(a) After his approval of any application for an exchange as provided in this subchapter, the Secretary may cancel and release, in whole or in part, any and all charges or liens against the entryman or against the relinquished farm unit which are within his administrative jurisdiction. In administering the provisions of this subsection the Secretary shall take into consideration other charges and liens and the rights and interests of other lien holders as to him may seem just and equitable.

(b) An entryman making an exchange under the provisions of this subchapter may be given credit by the Secretary upon any land development charges made by the United States in connection with the lieu farm unit for any such charges paid to the United States in connection with the original unit. A resident owner making an exchange under the provisions of this subchapter may, to the extent, to which he or, in the case of a widow, widower, heir, or devisee, his spouse or ancestor, as the case may be, has paid to the United States the purchase price of the original farm unit, be given credit by the Secretary upon the purchase price of his lieu farm unit; such credit may also be applied in the manner and circumstances provided in section 451b of this title upon irrigation construction charges for or properly assignable to his lieu farm unit.

(Aug. 13, 1953, ch. 428, § 4, 67 Stat. 567.)

§ 451d. Disposal of improvements; water rights; reversion of relinquished land

Within ninety days after receipt of notice of the approval by the Secretary of the application for exchange of entry and subject to the rights

and interests of other parties, the entryman may dispose of, and he or his transferee or vendee may remove, any and all improvements placed on the relinquished unit. Upon the making of an exchange under this subchapter, any water right appurtenant to the original lands under the Federal reclamation laws shall cease and the water supply theretofore used or required to satisfy such right shall be available for disposition under those laws. Any land relinquished or conveyed to the United States under this subchapter shall revert to or become a part of the public domain and be subject to disposition by the Secretary under any of the provisions of the Federal reclamation laws.

(Aug. 13, 1953, ch. 428, § 5, 67 Stat. 567.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are identified in section 451i of this title.

§ 451e. Amendment of farm unit; application; amount of land; exchange; waiver

Upon timely application by an entryman on an unpatented farm unit on a Federal irrigation project, which shall be found by the Secretary, pursuant to a land classification, to be insufficient to support a family, the Secretary may, upon terms and conditions satisfactory to him, amend the farm unit of said entryman, combine all or a part of the lands of said farm unit with other contiguous or noncontiguous lands on the same project which are declared by the Secretary to be open to entry or purchase, and thereby form and designate an amended farm unit for said entryman, which in no event shall exceed three hundred and twenty acres of land containing not more than one hundred and sixty irrigable acres designated by the Secretary. The acceptance of the amended farm unit by the applicant shall be deemed an exchange within the meaning of this subchapter. In extending the benefits of this section to a resident owner of private lands as provided in section 451a of this title, the Secretary may waive, in whole or in part, the provisions of clause (iii) of subsection (b) of section 451a of this title.

(Aug. 13, 1953, ch. 428, § 6, 67 Stat. 567.)

§ 451f. Exchanges subject to mortgage contracts

Any exchange pursuant to this subchapter of land that is subject to a mortgage contract with the Secretary of Agriculture under sections 1006a and 1006b of title 7, and any disposition pursuant to this subchapter of property that is subject to such a mortgage contract, shall be effected only in such form and manner and upon such terms and conditions as are consistent with the authority of the Secretary of Agriculture over such mortgage contract and such property under the Bankhead-Jones Farm Tenant Act, as amended [7 U.S.C. 1000 et seq.], as supplemented by sections 1006a and 1006b of title 7.

(Aug. 13, 1953, ch. 428, § 7, 67 Stat. 568.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, as amended, which is classified generally to chapter 33 (§ 1000 et seq.) of Title 7, Agriculture. For complete classification

of this Act to the Code, see section 1000 of Title 7 and Tables.

§ 451g. Preferences; veterans; timely applicants

Where there are two or more timely applicants for a farm unit on a particular project or division thereof under the provisions of this subchapter, one or more of whom is an ex-service-man who would be entitled under the applicable statutes to a preference in making entry of farm units on such project or division, the ex-service-man, or one of them, shall have a preference in making such exchange. Any timely applicant for an exchange under the provisions of this subchapter shall be entitled to preference over any other applicant for a farm unit on the same project or division thereof.

(Aug. 13, 1953, ch. 428, § 8, 67 Stat. 568.)

§ 451h. Establishment of farm units; size; contiguous or noncontiguous

In administering sections 434, 448, and 544 of this title, the Secretary may, to the extent found necessary as shown by a land classification to provide farm units sufficient in size to support a family, establish such units of not more than three hundred and twenty acres containing not more than one hundred and sixty irrigable acres designated by him and may permit entry and assignment under the homestead laws, and retention and assignment under the desert land laws, of such units. The lands included in farm units established pursuant to the authority of this section and entered under the homestead laws may be contiguous or noncontiguous.

(Aug. 13, 1953, ch. 428, § 9, 67 Stat. 568.)

§ 451i. “Federal irrigation project” defined

As used in this subchapter, the term “Federal irrigation project” means any irrigation project subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to which laws this subchapter itself shall be deemed a supplement.

(Aug. 13, 1953, ch. 428, § 11, 67 Stat. 568.)

REFERENCES IN TEXT

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

§ 451j. Rules and regulations

The Secretary may perform any and all acts and make all rules and regulations necessary and proper for carrying out the purposes of this subchapter.

(Aug. 13, 1953, ch. 428, § 12, 67 Stat. 568.)

§ 451k. Availability of appropriations; expenses as nonreimbursable

Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this subchapter. Expenses incurred

in carrying out the provisions of sections 451 to 451f of this title, shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

(Aug. 13, 1953, ch. 428, § 13, 67 Stat. 568.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are identified in section 451i of this title.

SUBCHAPTER VIII—TAXATION

§ 455. State taxation; lands of homestead entryman

The lands of any homestead entryman under the Act of June 17, 1902, known as the Reclamation Act, or any Act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the Bureau of Land Management, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

(Apr. 21, 1928, ch. 394, § 1, 45 Stat. 439; June 13, 1930, ch. 477, 46 Stat. 581; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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 371 of this title and Tables.

AMENDMENTS

1930—Act June 13, 1930, inserted “and the lands of any entryman on ceded Indian lands within any Indian irrigation project,”.

TRANSFER OF FUNCTIONS

“Bureau of Land Management” substituted in text for “General Land Office” on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 455a. State taxation; lands of desert-land entryman

The lands of any desert-land entryman located within an irrigation project constructed under the Reclamation Act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

(Apr. 21, 1928, ch. 394, § 2, 45 Stat. 439; June 13, 1930, ch. 477, 46 Stat. 581.)

REFERENCES IN TEXT

The Reclamation Act, referred to in text, is identified in section 455 of this title.

AMENDMENTS

1930—Act June 13, 1930, reenacted section without change.

§ 455b. State tax as lien upon lands; prior lien of United States; rights of holder of tax title

All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of section 441 of this title or of any such entries in a Federal reclamation project constructed under said Act of June 17, 1902, as supplemented or amended.

(Apr. 21, 1928, ch. 394, § 3, 45 Stat. 439; June 13, 1930, ch. 477, 46 Stat. 581.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 455c. Extinguishment of liens and tax titles on reversion of lands to United States

If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after June 13, 1930, upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title.

(Apr. 21, 1928, ch. 394, § 4, as added June 13, 1930, ch. 477, 46 Stat. 581.)

SUBCHAPTER IX—CONSTRUCTION CHARGES

§ 461. Determination of construction charges generally

The construction charges which shall be made per acre upon the entries and upon lands in private ownership which may be irrigated by the waters of any irrigation project shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably.

(June 17, 1902, ch. 1093, § 4, 32 Stat. 389.)

CODIFICATION

Section is comprised of part of section 4 of act June 17, 1902. Remainder of such section 4 is classified to section 419 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 462. Classification of irrigable lands and equitable apportionment of charges

The irrigable lands of each new project and new division of a project approved, after December 5, 1924, shall be classified by the Secretary with respect to their power, under a proper agricultural program, to support a family and pay water charges, and the Secretary is authorized to fix different construction charges against different classes of land under the same project for the purpose of equitably apportioning the total construction cost so that all lands may as far as practicable bear the burden of such cost according to their productive value.

(Dec. 5, 1924, ch. 4, § 4, subsec. D, 43 Stat. 702.)

DEFINITIONS

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

§ 463. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section, act Dec. 5, 1924, ch. 4, § 4, subsec. E, 43 Stat. 702, related to notices concerning construction charges.

§ 464. Increases of charges on failure to make water-right application

In all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after August 13, 1914, or within one year after notice issued in pursuance of section 419 of this title, in cases where such notice has not been issued prior to August 13, 1914, the construction charges for such land shall be increased 5 per centum each year until such application is made and an initial installment is paid.

(Aug. 13, 1914, ch. 247, § 9, 38 Stat. 689.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

§ 465. Charges for water service prior to notice of construction charge

Whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 492 of this title, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

(Aug. 13, 1914, ch. 247, § 11, 38 Stat. 689.)

REFERENCES IN TEXT

Herein, referred to in text, means act Aug. 13, 1914, ch. 247, 38 Stat. 686, as amended, which is classified to

sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497, and 499 of this title. For complete classification of this Act to the Code, see Tables.

§ 466. Surveys to correct errors or inequalities in original basis of project

On each project existing prior to December 5, 1924, where, in the opinion of the Secretary, it appears that on account of lack of fertility in the soil, an inadequate water supply, or other physical causes, settlers are unable to pay construction costs, or whenever it appears that the cost of any reclamation project by reason of error or mistake or for any cause has been apportioned or charged upon a smaller area of land than the total area of land under said project, the Secretary is authorized to undertake a comprehensive and detailed survey to ascertain all pertinent facts, and report in each case the result of such survey to the Congress, with his recommendations: *Provided*, That the cost and expense of each such survey shall be charged to the appropriation for the project on account of which the same is made, but shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the project.

(Dec. 5, 1924, ch. 4, § 4, subsec. K, 43 Stat. 703.)

DEFINITIONS

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

§ 467. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section, act Dec. 5, 1924, ch. 4, § 4, subsec. L, 43 Stat. 703, related to adjustment of charges and items to be included in adjustment.

§ 468. Withdrawal of notice given and modification of applications and contracts made prior to February 13, 1911

The Secretary of the Interior may, in his discretion, withdraw any public notice issued prior to February 13, 1911, under section 419 of this title, and he may agree to such modification of water-right applications duly filed prior to February 13, 1911, or contracts with water users' associations and others, entered into prior to February 13, 1911, as he may deem advisable, or he may consent to the abrogation of such water-right applications and contracts, and proceed in all respects as if no such notice has been given.

(Feb. 13, 1911, ch. 49, 36 Stat. 902.)

§ 469. Increase in construction charges

No increase in the construction charges shall, after August 13, 1914, be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary

of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in sections 478, 480, and 481 of this title.

(Aug. 13, 1914, ch. 247, § 4, 38 Stat. 687.)

§ 470. When work increasing construction charge may be undertaken

No work shall be undertaken or expenditure made for any lands, for which the construction charge has been fixed by public notice, which work or expenditure shall, in the opinion of the Secretary of the Interior, increase the construction cost above the construction charge so fixed; unless and until valid and binding agreement to repay the cost thereof shall have been entered into between the Secretary of the Interior and the water-right applicants and entrymen affected by such increased cost, as provided by section 469 of this title.

(Mar. 3, 1915, ch. 75, § 1, 38 Stat. 861.)

§ 471. Initial payment and annual installments of charges generally

Any entryman or applicant shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 5 per centum of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in annual installments. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, as announced by the Secretary of the Interior, and the initial payment be made when the charge per acre is established.

(Aug. 13, 1914, ch. 247, § 1, 38 Stat. 686.)

CODIFICATION

Section comprises part of section 1 of act Aug. 13, 1914. Remainder of section 1 is set out as section 472 of this title.

§ 472. Installments on entries or applications made after August 13, 1914, and prior to December 5, 1924

Any person whose lands, after August 13, 1914, and prior to December 5, 1924, became subject to the terms and conditions of the Act approved June seventeenth, nineteen hundred and two, entitled "An Act appropriating the receipts from the sale and disposal of public lands in cer-

tain States and Territories to the construction of irrigation works for the reclamation of arid lands," and Acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who, after August 13, 1914, and prior to December 5, 1924, made entry thereunder shall pay the balance of said charge after the initial payment in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum until the whole amount shall have been paid.

(Aug. 13, 1914, ch. 247, § 1, 38 Stat. 686.)

REFERENCES IN TEXT

Act approved June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

References to December 5, 1924, were inserted in conformity with provisions of act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, which changed the method of paying the annual installments after such date. Such provisions, which were classified to sections 473 and 474 of this title, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650. See sections 423 to 423g of this title.

Section comprises part of section 1 of act Aug. 13, 1914. Remainder of section 1 is set out as section 471 of this title.

§§ 473, 474. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section 473, act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, related to payment of project construction charges in installments after Dec. 5, 1924.

Section 474, act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, related to modification of contracts existing prior to Dec. 5, 1924, in respect to payment of construction charges.

§ 475. Annual installments on entries and contracts prior to August 13, 1914

Any person whose land or entry, prior to August 13, 1914, became subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in twenty annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued, and subsequent installments on December 1 of each year thereafter. The first four of such installments shall each be 2 per centum, the next two installments shall each be 4 per centum, and the next fourteen each 6 per centum of the total construction charge, or the portion of the construction charge unpaid at the beginning of such installments.

Any person whose land or entry prior to August 13, 1914, became subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497 and 499 of this title, shall, within six months after the issuance of the first public notice hereunder

affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of such sections, and thereafter his lands or entry shall be subject to all of the provisions of such sections: *Provided*, That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of such sections to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, that where the applicant for such acceptance is in arrears on construction charges, he shall at the time of acceptance pay such installments of the construction charge as he would have been required to pay had he accepted the benefits of such sections within the time limit hereinabove fixed, plus the penalties that would have accrued had he so accepted, and such applicant shall thereafter be upon the same status that he would have been had he accepted the provisions of such sections within the time limit hereinabove fixed, and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of such sections.

(Aug. 13, 1914, ch. 247, §§ 2, 14, 38 Stat. 687, 690; July 26, 1916, ch. 257, 39 Stat. 390.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

§ 476. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act June 17, 1902, ch. 1093, § 5, 32 Stat. 389, provided for payment of construction charges to register and receiver of local land office.

§ 477. Association or irrigation district as fiscal agent of Government

The Secretary of the Interior is authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water-users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

(Aug. 13, 1914, ch. 247, § 7, 38 Stat. 688.)

§ 478. Pecuniary penalty for nonpayment of installments of construction charges

If any water-right applicant or entryman shall have, prior to December 5, 1924, failed to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per centum thereof, and there shall be added a like penalty of 1 per centum of the amount unpaid on the first day of each month thereafter so long as such default shall have continued: *Provided*, That the penalty of 1

per centum per month against delinquent accounts, is reduced to one-half of 1 per centum per month, as to all installments which may become due after December 5, 1924.

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687; Dec. 5, 1924, ch. 4, § 4, subsec. H, 43 Stat. 703.)

CODIFICATION

Section consolidates first sentence of act Aug. 13, 1914, § 3, with act Dec. 5, 1924, § 4, subsec. H.

§ 479. Shutting off water for nonpayment of construction charge

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

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

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 493, 494, and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

§ 480. Cancellation of water right or entry for nonpayment of construction charge

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

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687.)

§ 481. Action to recover construction charges and penalties

If the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount of the construction charges in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture of the entry or water-right application as provided in section 480 of this title shall be suspended pending such suit or action.

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687.)

§ 482. Omitted

CODIFICATION

Section, act May 10, 1926, ch. 277, 44 Stat. 479, authorized Secretary of the Interior, until June 30, 1927, to contract with water-users' associations for payment of charges within such term as may be necessary. See section 485b of this title.

SUBCHAPTER X—PAYMENT OF CONSTRUCTION CHARGES

§ 485. Declaration of policy

For the purpose of providing for United States reclamation projects a feasible and comprehensive plan for an economical and equitable treat-

ment of repayment problems and for variable payments of construction charges which can be met regularly and fully from year to year during periods of decline in agricultural income and unsatisfactory conditions of agriculture as well as during periods of prosperity and good prices for agricultural products, and which will protect adequately the financial interest of the United States in said projects, obligations to pay construction charges may be revised or undertaken pursuant to the provisions of this subchapter.

(Aug. 4, 1939, ch. 418, § 1, 53 Stat. 1187.)

REFERENCES IN TEXT

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

§ 485a. Definitions

As used in this subchapter—

(a) The term "Federal reclamation laws" shall mean the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

(b) The term "Secretary" shall mean the Secretary of the Interior.

(c) The term "project" shall mean any reclamation or irrigation project, including incidental features thereof, authorized by the Federal reclamation laws, or constructed by the United States pursuant to said laws, or in connection with which there is a repayment contract executed by the United States, pursuant to said laws, or any project constructed or operated and maintained by the Secretary through the Bureau of Reclamation for the reclamation of arid lands or other purposes.

(d) The term "construction charges" shall mean the amounts of principal obligations payable to the United States under water-right applications, repayment contracts, orders of the Secretary, or other forms of obligation entered into pursuant to the Federal reclamation laws, excepting amounts payable for water rental or power charges, operation and maintenance and other yearly service charges, and excepting also any other operation and maintenance, interest, or other charges which are not covered into the principal sums of the construction accounts of the Bureau of Reclamation.

(e) The term "repayment contract" shall mean any contract providing for payment of construction charges to the United States.

(f) The term "project contract unit" shall mean a project or any substantial area of a project which is covered or is proposed to be covered by a repayment contract. On any project where two or more repayment contracts in part cover the same area and in part different areas, the area covered by each such repayment contract shall be a separate project contract unit. On any project where there are either two or more repayment contracts on a single project contract unit or two or more project contract units, the repayment contracts or project con-

tract units may be merged by agreements in form satisfactory to the Secretary.

(g) The term "organization" shall mean any conservancy district, irrigation district, water users' association, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

(h) The term "division of a project" shall mean any part of a project designated as a division by order of the Secretary or any phase or feature of project operations given a separate designation as a division by order of the Secretary for the purposes of orderly and efficient administration.

(i) The term "development unit" shall mean a part of a project which, for purposes of orderly engineering or reclamation development, is designated as a development unit by order of the Secretary.

(j) The term "irrigation block" shall mean an area of arid or semiarid lands in a project in which, in the judgment of the Secretary, the irrigable lands should be reclaimed and put under irrigation at substantially the same time, and which is designated as an irrigation block by order of the Secretary.

(Aug. 4, 1939, ch. 418, § 2, 53 Stat. 1187; Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543.)

REFERENCES IN TEXT

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

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

AMENDMENTS

1958—Subsecs. (h) to (k). Pub. L. 85-611 repealed subsec. (h) which defined "annual returns" and "normal returns", and redesignated subsecs. (i) to (k) as (h) to (j), respectively.

§ 485b. Amendment of existing repayment contracts

In connection with any repayment contract or other form of obligation, existing on August 4, 1939, to pay construction charges, providing for repayment on the basis of a definite period, the Secretary is authorized, upon request by the water users involved or their duly authorized representatives for amendment under this section of said contract or other form of obligation, and if in the Secretary's judgement such amendment is both practicable and in keeping with the general purpose of this subchapter, to amend said contract or other form of obligation so as to provide that the construction charges remaining unaccrued on the date of the amendment, or any later date agreed upon, shall be spread in definite annual installments on the basis of a longer definite period fixed in each

case by the Secretary: *Provided*, That for any construction charges said longer period shall not exceed forty years, exclusive of 1931 and subsequent years to the extent of moratoria or deferments of construction charges due and payable for such years effected pursuant to Acts of Congress, from the date when the first installment of said construction charges become due and payable under the original obligation to pay said construction charges and in no event shall the unexpired part of said longer period exceed double the number of remaining years, as of the date of the amendment made pursuant to this subchapter, in which installments of said construction charges would become due and payable under said existing repayment contract or other form of obligation to pay construction charges.

(Aug. 4, 1939, ch. 418, § 3, 53 Stat. 1188.)

EXTENSION OF DATE OF MODIFICATION OF REPAYMENT CONTRACTS

Act Mar. 6, 1952, ch. 94, 66 Stat. 16, as amended by acts Aug. 31, 1954, ch. 1168, 68 Stat. 1044; Pub. L. 85-156, Aug. 21, 1957, 71 Stat. 390; Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543; Pub. L. 86-308, § 2, Sept. 21, 1959, 73 Stat. 585, provided that the authority vested in the Secretary of the Interior by sections 485b and 485f of this title should be extended through Dec. 31, 1960.

§ 485b-1. Deferment of installments under repayment contracts; determination of undue burden; conditions; supplemental contract; report to Congress

(a) The authority granted in section 485b of this title for modification of existing repayment contracts or other forms of obligations to pay construction charges shall continue through December 31, 1960.

(b) The Secretary is authorized, subject to the provisions of this subsection to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation as he deems necessary to adjust such installments to amounts within the probable ability of the water users to pay. Any such deferment shall be effected only after findings by the Secretary that the installments under consideration probably cannot be paid on their due date without undue burden on the water users, considering the various factors which in the Secretary's judgment bear on the ability of the water users so to pay.

The Secretary may effect the deferments hereunder subject to such conditions and provisions relating to the operation and maintenance of the project involved as he deems to be in the interest of the United States. If, however, any deferments would affect installments to accrue more than twelve months after the action of deferment, they shall be effected only by a formal supplemental contract. Such a contract shall provide by its terms that, it being only an interim solution of the repayment problems dealt with therein, its terms are not, in themselves, to be construed as a criterion of the terms of any amendatory contract that may be negotiated and that any such amendatory contract must be approved by the Congress unless it does not lengthen the repayment period for the project in question beyond that permitted by

the laws applicable to that project, involves no reduction in the total amount payable by the water users, and is not in other respects less advantageous to the Government than the existing contract arrangements. The Secretary shall report to the Congress all deferments granted under this subsection.

(Aug. 4, 1939, ch. 418, §17, 53 Stat. 1198; Apr. 24, 1945, ch. 94, §3, 59 Stat. 76; Pub. L. 85-611, §3, Aug. 8, 1958, 72 Stat. 543; Pub. L. 86-308, §1, Sept. 21, 1959, 73 Stat. 584.)

AMENDMENTS

1959—Subsec. (b). Pub. L. 86-308 made permanent the Secretary's authority to grant deferments in payment of installments of construction charges under repayment contracts.

1958—Subsec. (a). Pub. L. 85-611 substituted "section 485b" for "sections 485b and 485c".

1945—Subsec. (a). Act Apr. 24, 1945, extended authority for modification of existing repayment contracts or other forms of obligations to pay construction charges through Dec. 31, 1950, or Dec. 31 of the fifth full calendar year after the cessation of hostilities of World War II, as determined by proclamation of the President or concurrent resolution of Congress, whichever period was the longer.

Subsec. (b). Act Apr. 24, 1945, authorized Secretary, subject to provisions of this subsection, to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation that are due and unpaid as of Apr. 24, 1945, or which would become due prior to the expiration of authority under subsec. (a).

APPLICABILITY TO OTHER IRRIGATION PROJECTS

Section 3 of Pub. L. 86-308 provided that: "The provisions of section 17, subsection (b), of the Reclamation Project Act of 1939 [subsec. (b) of this section], as amended by section 1 of this Act, shall apply to any project within the administrative jurisdiction of the Bureau of Reclamation to which, if it had been constructed as a project under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 383) and Acts amendatory thereof or supplementary thereto [see Short Title note set out under section 371 of this title], these provisions would be applicable."

§ 485c. Repealed. Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543

Section, acts Aug. 4, 1939, ch. 418, §4, 53 Stat. 1189; Apr. 24, 1945, ch. 94, §1, 59 Stat. 75, related to repayment contracts with the United States. See section 485h(d)(3) of this title.

§ 485d. Time of payments to the United States

The Secretary in this discretion may require, in connection with any contract entered into pursuant to the authority of this subchapter, that the contract provide (1) that the payments for each year to be made to the United States shall become due and payable on such date or dates, not exceeding two, in each year as the Secretary determines will be substantially contemporaneous with the time or times in each year when water users receive crop returns and (2) if the contract be with an organization, that assessments or levies for the purpose of obtaining moneys sufficient to meet the organization's payments under said contract shall be made and shall become due and payable within a certain period or periods of time prior to the date or dates on which the organization's payments to the United States are due and payable, said pe-

riod or periods of time to be agreed upon in each said contract.

The Secretary may provide such deferments of construction charges as in his judgment are necessary to prevent said requirements from resulting in inequitable pyramiding of payments of said charges.

(Aug. 4, 1939, ch. 418, §5, 53 Stat. 1191.)

EXTENSION OF SECRETARY'S AUTHORITY TO ENTER INTO AMENDATORY CONTRACTS

Secretary's authority extended through Dec. 31, 1960, see section 485b-1 of this title.

§ 485e. Maintenance and operation of project works; delinquency penalties

In connection with any contract, relating to construction charges, entered into pursuant to the authority of this subchapter, the Secretary is authorized to require such provisions as he deems proper to secure the adoption of proper accounting, to protect the condition of project works and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Any such contract shall require advance payment of adequate operation and maintenance charges. The Secretary is further authorized, in his discretion, to require such provisions as he deems proper to penalize delinquencies in payments of construction charges or operation and maintenance charges: *Provided*, That in any event there shall be penalties imposed on account of delinquencies of not less than one-half of 1 per centum per month of the delinquent charge from and after the date when such charge becomes due and payable: *Provided further*, That any such contract shall require that no water shall be delivered to lands or parties which are in arrears in the advance payment of operation and maintenance or toll charges, or to lands or parties which are in arrears for more than twelve months in the payment of construction charges due from such lands or parties to the United States or to the organization in which the lands or parties are included, or to any lands or parties included in an organization which is in arrears in the advance payment of operation and maintenance or toll charges or in arrears more than twelve months in the payment of construction charges due from such organization to the United States.

(Aug. 4, 1939, ch. 418, §6, 53 Stat. 1191.)

§ 485f. Negotiation of equitable contracts by Secretary

(a) Existing project contract unit

The Secretary is authorized and directed to investigate the repayment problems of any existing project contract unit in connection with which, in his judgment, a contract under section 485b or 485c¹ of this title would not be practicable nor provide an economically sound adjustment, and to negotiate a contract which, in his judgment, both would provide fair and equitable treatment of the repayment problems in-

¹ See References in Text note below.

volved and would be in keeping with the general purpose of this subchapter.

(b) New projects or projects under construction; public lands; development periods

For any project, division of a project, development unit of a project, or supplemental works on a project, under construction on August 4, 1939, or for which appropriations had been made, and in connection with which a repayment contract had not been executed, allocations of costs may be made in accordance with the provisions of section 485h of this title and a repayment contract may be negotiated, in the discretion of the Secretary, (1) pursuant to the authority of subsection (a) of this section or (2) in accordance, as near as may be, with the provisions in section 485h(d) or 485h(e) of this title. In connection with any such project, division, or development unit, on which the majority of the lands involved are public lands of the United States, the Secretary, prior to entering into a repayment contract, may fix a development period for each irrigation block, if any, of not to exceed ten years from and including the first year in which water is delivered for the lands in said block: *Provided*, That in the event a development period is fixed prior to execution of a repayment contract, execution thereof shall be a condition precedent to delivery of water after the close of the development period. During any such development period water shall be delivered to the lands in the irrigation block involved only on a toll-charge basis, at a charge per annum per acre-foot to be fixed by the Secretary each year and to be collected in advance of delivery of water. Pending negotiation and execution of a repayment contract for any other such project, division, or development unit, water may be delivered for a period of not more than five years from August 4, 1939, on the same toll-charge basis. Any such toll charges collected and which the Secretary determines to be in excess of the cost of operation and maintenance during the toll-charge period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(c) Report of proposed contracts to Congress; approval; amendment after approval

The Secretary from time to time shall report to the Congress on any proposed contracts negotiated pursuant to the authority of subsection (a) or (b)(1) of this section, and he may execute any such contract on behalf of the United States only after approval thereof has been given by Act of Congress. Contracts, so approved, however, may be amended from time to time by mutual agreement and without further approval by Congress if such amendments are within the scope of authority granted prior to or after April 24, 1945, to the Secretary under any Act, except that amendments providing for repayment of construction charges in a period of years longer than authorized by this subchapter, as it may be amended, shall be effective only when approved by Congress.

(Aug. 4, 1939, ch. 418, §7, 53 Stat. 1192; Apr. 24, 1945, ch. 94, §2, 59 Stat. 76.)

REFERENCES IN TEXT

Section 485c of this title, referred to in subsec. (a), was repealed by Pub. L. 85-611, §3, Aug. 8, 1958, 72 Stat. 543.

AMENDMENTS

1945—Subsec. (c). Act Apr. 24, 1945, added second sentence.

EXTENSION OF SECRETARY'S AUTHORITY TO ENTER INTO AMENDATORY CONTRACTS

Secretary's authority extended through Dec. 31, 1960, see section 485b-1 of this title.

§ 485g. Classification of lands

(a) Generally

The Secretary is authorized and directed in the manner hereinafter provided to classify or to reclassify, from time to time but not more often than at five-year intervals, as to irrigability and productivity those lands which have been, are, or may be included within any project.

(b) Necessity for request

No classification or reclassification pursuant to the authority of this subchapter shall be undertaken unless a request therefor, by an organization or duly authorized representatives of the water users, in the form required by subsection (c) of this section has been made of the Secretary. The Secretary shall plan the classification work, undertaken pursuant to the authority of this section, in such manner as in his judgment will result in the most expeditious completion of the work.

(c) Furnishing data

In any request made to the Secretary for a land classification or reclassification under this section, the organization or representatives of the water users shall furnish a list of those lands which are considered to be of comparatively low productivity or to be nonproductive, and of those lands which are considered to be of greater or lesser productivity than indicated by existing classifications, if any, made pursuant to the Federal reclamation laws, and shall furnish also such data relating thereto as the Secretary by regulation may require.

(d) Primary determination

Upon receipt of any such request the Secretary shall make a preliminary determination whether the requested land classification or reclassification probably is justified by reason of the conditions of the lands involved and other pertinent conditions of the project, including its contractual relations with the United States.

(e) Probable justification

If the Secretary finds probable justification and if the advance to the United States hereinafter required is made, he shall undertake as soon as practicable the classification or reclassification of the lands listed in the request, and of any other lands which have been, are, or may be included within the project involved and which in his judgment should be classified or reclassified.

(f) Expenses

One-half of the expense involved in any classification work undertaken pursuant to this sec-

tion shall be charged to operation and maintenance administration nonreimbursable; and one-half shall be paid in advance by the organization involved. On determining probable justification for the requested classification or reclassification as provided in this section, the Secretary shall estimate the cost of the work involved and shall submit a statement of the estimated cost to said organization. Said organization, before commencement of the work, shall advance to the United States one-half of the amount set forth in said statement and also shall advance one-half of the amount of supplementary estimates of costs which the Secretary may find it necessary to make from time to time during the progress of the work; and said amounts shall be and remain available for expenditure by the Secretary for the purposes for which they are advanced, until the work is completed or abandoned. After completion or abandonment of the work, the Secretary, shall determine the actual costs thereof; and said organization shall pay any additional amount required to make its total payments hereunder equal to one-half of the actual cost or shall be credited with any amount by which advances made by it exceed one-half of said actual cost, as the case may be.

(g) Classification as prerequisite to contract

If in the judgment of the Secretary a classification or reclassification pursuant to the provisions of this section is a necessary preliminary to entering into a contract under section 485b or 485c¹ of this title, he may require the same as a condition precedent to entering into such a contract.

(h) Modification of existing obligations

No modification of any existing obligation to pay construction charges on any project shall be made by reason of any classification or reclassification undertaken pursuant to this section without express authority therefor granted by Congress upon recommendations of the Secretary made in a report under subsection (f) of this section.

(Aug. 4, 1939, ch. 418, § 8, 53 Stat. 1192; Pub. L. 93-608, § 1(18), Jan. 2, 1975, 88 Stat. 1970.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (c), are defined in section 485a of this title.

Section 485c of this title, referred to in subsec. (g), was repealed by Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543.

AMENDMENTS

1975—Subsecs. (f) to (i). Pub. L. 93-608 redesignated subsecs. (g) to (i) as (f) to (h), respectively. Former subsec. (f), which required a report to Congress by the Secretary on classifications and reclassifications or project lands, was struck out.

§ 485h. New projects; sale of water and electric power; lease of power privileges

(a) Findings of Secretary

No expenditures for the construction of any new project, new division of a project, or new supplemental works on a project shall be made, nor shall estimates be submitted therefor, by

the Secretary until after he has made an investigation thereof and has submitted to the President and to the Congress his report and findings on—

(1) the engineering feasibility of the proposed construction;

(2) the estimated cost of the proposed construction;

(3) the part of the estimated cost which can properly be allocated to irrigation and probably be repaid by the water users;

(4) the part of the estimated cost which can properly be allocated to power and probably be returned to the United States in net power revenues;

(5) the part of the estimated cost which can properly be allocated to municipal water supply or other miscellaneous purposes and probably be returned to the United States.

If the proposed construction is found by the Secretary to have engineering feasibility and if the repayable and returnable allocations to irrigation, power, and municipal water supply or other miscellaneous purposes found by the Secretary to be proper, together with any allocation to flood control or navigation made under subsection (b) of this section, equal the total estimated cost of construction as determined by the Secretary, then the new project, new division of a project, or supplemental works on a project, covered by his findings, shall be deemed authorized and may be undertaken by the Secretary. If all such allocations do not equal said total estimated cost, then said new project, new division, or new supplemental works may be undertaken by the Secretary only after provision therefor has been made by Act of Congress enacted after the Secretary has submitted to the President and the Congress the report and findings involved.

(b) Allocation of part of cost to flood control or navigation

In connection with any new project, new division of a project, or supplemental works on a project there may be allocated to flood control or navigation the part of said total estimated cost which the Secretary may find to be proper. Items for any such allocations made in connection with projects which may be undertaken pursuant to subsection (a) of this section shall be included in the estimates of appropriations submitted by the Secretary for said projects, and funds for such portions of the projects shall not become available except as directly appropriated or allotted to the Department of the Interior. In connection with the making of such an allocation, the Secretary shall consult with the Chief of Engineers and the Secretary of the Army, and may perform any of the necessary investigations or studies under a cooperative agreement with the Secretary of the Army. In the event of such an allocation the Secretary of the Interior shall operate the project for purposes of flood control or navigation, to the extent justified by said allocation therefor.

(c) Furnishing water to municipalities; sale of electric power; lease of power privileges

The Secretary is authorized to enter into contracts to furnish water for municipal water sup-

¹ See References in Text note below.

ply or miscellaneous purposes: *Provided*, That any such contract either (1) shall require repayment to the United States, over a period of not to exceed forty years from the year in which water is first delivered for the use of the contracting party, with interest not exceeding the rate of $3\frac{1}{2}$ per centum per annum if the Secretary determines an interest charge to be proper, of an appropriate share as determined by the Secretary of that part of the construction costs allocated by him to municipal water supply or other miscellaneous purposes; or (2) shall be for such periods, not to exceed forty years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, and shall require the payment of said rates each year in advance of delivery of water for said year. Any sale of electric power or lease of power privileges, made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed forty years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost, interest on an appropriate share of the construction investment at not less than 3 per centum per annum, and such other fixed charges as the Secretary deems proper: *Provided further*, That in said sales or leases preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.]. Nothing in this subsection shall be applicable to provisions in existing contracts, made pursuant to law, for the use of power and miscellaneous revenues of a project for the benefit of users of water from such project. The provisions of this subsection respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects. No contract relating to municipal water supply or miscellaneous purposes or to electric power or power privileges shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes.

(d) Delivery of water for irrigation; repayment contract prerequisites

No water may be delivered for irrigation of lands in connection with any new project, new division of a project, or supplemental works on a project until an organization, satisfactory in form and powers to the Secretary, has entered into a repayment contract with the United States, in a form satisfactory to the Secretary, providing among other things—

(1) That the Secretary may fix a development period for each irrigation block, if any, of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said block; and that during the development period water shall be delivered to the lands in the irrigation block in-

volved at a charge per annum per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water: *Provided*, That where the lands included in an irrigation block are for the most part lands owned by the United States, the Secretary, prior to execution of a repayment contract, may fix a development period, but in such case execution of such a contract shall be a condition precedent to delivery of water after the close of the development period: *Provided further*, That when the Secretary, by contract or by notice given thereunder, shall have fixed a development period of less than ten years, and at any time thereafter but before commencement of the repayment period conditions arise which in the judgment of the Secretary would have justified the fixing of a longer period, he may amend such contract or notice to extend such development period to a date not to exceed ten years from its commencement, and in a case where no development period was provided, he may amend such contract within the same limits: *Provided further*, That when the Secretary shall have deferred the payment of all or any part of any installments of construction charges under any repayment contract pursuant to the authority of the Act of September 21, 1959 (73 Stat. 584), he may, at any time prior to the due date prescribed for the first installment not reduced by such deferment, and by agreement with the contracting organization, terminate the supplemental contract by which such deferment was effected, credit the construction payments made, and exercise the authority granted in this section. After the close of the development period, any such charges collected and which the Secretary determines to be in excess of the cost of the operation and maintenance during the development period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(2) That the part of the construction costs allocated by the Secretary to irrigation shall be included in a general repayment obligation of the organization; and that the organization may vary its distribution of construction charges in a manner that takes into account the productivity of the various classes of lands and the benefits accruing to the lands by reason of the construction: *Provided*, That no distribution of construction charges over the lands included in the organization shall in any manner be deemed to relieve the organization or any party or any land therein of the organization's general obligation to the United States.

(3) That the general repayment obligation of the organization shall be spread in annual installments, of the number and amounts fixed by the Secretary, over a period of not more than 40 years, exclusive of any development period fixed under paragraph (1) of this subsection, for any project contract unit or, if the project contract unit be divided into two or more irrigation blocks, for any such block, or as near to said period of not more than forty years as is consistent with the adoption and operation of a variable payment formula

which, being based on full repayment within such period under average conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the organization to pay.

(4) That the first annual installment for any project contract unit, or for any irrigation block, as the case may be, shall accrue, on the date fixed by the Secretary, in the year after the last year of the development period or, if there be not development period, in the calendar year after the Secretary announces that the construction contemplated in the repayment contract is substantially completed or is advanced to a point where delivery of water can be made to substantially all of the lands in said unit or block to be irrigated; and if there be no development period fixed, that prior to and including the year in which the Secretary makes said announcement water shall be delivered only on the toll charge basis hereinbefore provided for development periods.

(e) Contracts to furnish water

In lieu of entering into a repayment contract pursuant to the provisions of subsection (d) of this section to cover that part of the cost of the construction of works connected with water supply and allocated to irrigation, the Secretary, in his discretion, may enter into either short- or long-term contracts to furnish water for irrigation purposes. Each such contract shall be for such period, not to exceed forty years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, due consideration being given to that part of the cost of construction of works connected with water supply and allocated to irrigation; and shall require payment of said rates each year in advance of delivery of water for said year. In the event such contracts are made for furnishing water for irrigation purposes, the costs of any irrigation water distribution works constructed by the United States in connection with the new project, new division of a project, or supplemental works on a project, shall be covered by a repayment contract entered into pursuant to subsection (d) of this section.

(f) Public participation

No less than sixty days before entering into or amending any repayment contract or any contract for the delivery of irrigation water (except any contract for the delivery of surplus or interim irrigation water whose duration is for one year or less) the Secretary shall—

(1) publish notice of the proposed contract or amendment in newspapers of general circulation in the affected area and shall make reasonable efforts to otherwise notify interested parties which may be affected by such contract or amendment, together with information indicating to whom comments or inquiries concerning the proposed actions can be addressed; and

(2) provide an opportunity for submission of written data, views and arguments, and shall consider all substantive comments so received.

(Aug. 4, 1939, ch. 418, § 9, 53 Stat. 1193; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L.

85-611, §§ 1, 3, Aug. 8, 1958, 72 Stat. 542, 543; Pub. L. 87-613, § 2, Aug. 28, 1962, 76 Stat. 407; Pub. L. 97-293, title II, § 226, Oct. 12, 1982, 96 Stat. 1273.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (c), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

Act of September 21, 1959, referred to in subsec. (d)(1), is Pub. L. 86-308, Sept. 21, 1959, 73 Stat. 584, which amended section 485b-1 of this title, enacted provisions set out as a note under section 485b-1 of this title, and amended provisions set out as a note under section 485b of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1982—Subsec. (f). Pub. L. 97-293 added subsec. (f).

1962—Subsec. (d)(1). Pub. L. 87-613 authorized the Secretary, when a development period of less than ten years was fixed by contract and, before repayment period conditions arose which would justify a longer period, to amend such contract to extend such period to not exceed ten years from its start, and where no period was provided, to grant a period not to exceed ten years, and where he deferred payment of any construction charges pursuant to act of September 21, 1959, authorized him, prior to the due date of the first installment not reduced by such deferment, by agreement with the contracting organization, to terminate the supplemental contract by which such deferment was effected, credit the construction payments made, and exercise the authority granted in this section.

1958—Subsec. (d)(3). Pub. L. 85-611, § 1, permitted the general repayment obligation to be spread in annual installments as near to the period of not more than 40 years as is consistent with the adoption and operation of a variable payment formula which permits variance in the required annual payments.

Subsec. (d)(5). Pub. L. 85-611, § 3, struck out provisions which required repayment contracts to provide that each year the installment of the organization's repayment obligation scheduled for such year shall be the construction charges due and payable for such year, or that each year the installment for such year of the organization's repayment obligation shall be increased or decreased on the basis of the normal and percentages plan provided in former section 485c of this title for modification of existing obligations to pay construction charges, and the amount of the annual installment, as thus increased or decreased, shall be the construction charges due and payable for such year.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

CONSTRUCTION WITH SECTION 101-1 OF TITLE 33

Section as amended and modified by act Dec. 22, 1944, ch. 665, § 1(c), 58 Stat. 665, see section 701-1(c) of Title 33, Navigation and Navigable Waters.

MUNICIPAL, DOMESTIC, AND INDUSTRIAL WATER SUPPLY CONTRACTS; RENEWALS; CONFORMING AMENDMENTS TO EXISTING CONTRACTS; "LONG-TERM CONTRACT" DEFINED

Pub. L. 88-44, June 21, 1963, 77 Stat. 68, provided: "That the Secretary of the Interior shall, upon request

of the other party to any long-term contract for municipal, domestic, or industrial water supply hereafter entered into under clause (2) in the proviso to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 (53 Stat. 1195, 43 U.S.C. 485h), include provision for renewal thereof subject to renegotiation of (1) the charges set forth in the contract in the light of circumstances prevailing at the time of renewal and (2) any other matters with respect to which the right to renegotiate is reserved in the contract. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein.

“SEC. 2. The Secretary shall also, upon like request, provide in any such long-term contract or in any contract entered into under clause (1) of the proviso aforesaid that the other party to the contract shall, during the term of the contract and of any renewal thereof and subject to fulfillment of all obligations thereunder, have a first right for the purposes stated in the contract (to which right the holders of any other type of contract for municipal, domestic, or industrial water supply shall be subordinate) to a stated share or quantity of the project's water supply available for municipal, domestic, or industrial use.

“SEC. 3. The Secretary is hereby authorized, upon request by the other party, to negotiate amendments to existing contracts entered into pursuant to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 [subsec. (c) of this section] to conform said contracts to the provisions of this Act.

“SEC. 4. As used in this Act, the term ‘long-term contract’ means any contract the term of which is more than ten years.”

EXTENSION OF VARIABLE PAYMENT PLAN TO OTHER ORGANIZATIONS

Section 2 of Pub. L. 85-611 provided that: “The benefits of a variable payment plan as provided in the amendment to paragraph (3) of section 9, subsection (d), of the Reclamation Project Act of 1939 [subsec. (d)(3) of this section] contained in section 1 of this Act may be extended by the Secretary to any organization with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts under the Act of August 11, 1939 (53 Stat. 1418), as amended [section 590y et seq. of Title 16, Conservation], and contracts for the storage of water or for the use of stored water under section 8 of the Act of December 22, 1944 (58 Stat. 887, 891) [section 390 of this title]. In the case of any project for which a maximum repayment period longer than that prescribed in said paragraph (3) has been or is allowed by Act of Congress, the period so allowed may be used by the Secretary in lieu of the forty-year period provided in said amendment to paragraph (3).”

§ 485h-1. Administration of repayment contracts and long-term contracts to furnish water; renewal and conversion; credit for payments; right to available water supply; rates; construction component

In administering subsections (d) and (e) of section 485h of this title, the Secretary of the Interior shall—

(1) include in any long-term contract hereafter entered into under subsection (e) of section 485h of this title provision, if the other contracting party so requests, for renewal thereof under stated terms and conditions mutually agreeable to the parties. Such terms and conditions shall provide for an increase or decrease in the charges set forth in the contract to reflect, among other things, increases or decreases in construction, operation, and

maintenance costs and improvement or deterioration in the party's repayment capacity. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein;

(2) include in any long-term contract hereafter entered into under subsection (e) of section 485h of this title with a contracting organization provision, if the organization so requests, for conversion of said contract, under stated terms and conditions mutually agreeable to the parties, to a contract under subsection (d) of section 485h of this title at such time as, account being taken of the amount credited to return by the organization as hereinafter provided, the remaining amount of construction cost which is properly assignable for ultimate return by it can probably be repaid to the United States within the term of a contract under subsection (d) of section 485h of this title;

(3) credit each year to every party which has entered into or which shall enter into a long-term contract pursuant to subsection (e) of section 485h of this title so much of the amount paid by said party on or before the due date as is in excess of the share of the operation and maintenance costs of the project which the Secretary finds is properly chargeable to that party. Credit for payments heretofore made under any such contract shall be established by the Secretary as soon after July 2, 1956 as it is feasible for him to do so. After the sum of such credits is equal to the amount which would have been for repayment by the party if a repayment contract under subsection (d) of section 485h of this title had been entered into, which amount shall be established by the Secretary upon completion of the project concerned or as far in advance thereof as is feasible, no construction component shall be included in any charges made for the furnishing of water to the contracting party and any charges theretofore fixed by contract or otherwise shall be reduced accordingly;

(4) provide that the other party to any contract entered into pursuant to subsection (d) of section 485h of this title or to any long-term contract entered into pursuant to subsection (e) of section 485h of this title shall, during the term of the contract and of any renewal thereof and subject to fulfillment of all obligations thereunder, have a first right (to which right the rights of the holders of any other type of irrigation water contract shall be subordinate) to a stated share or quantity of the project's available water supply for beneficial use on the irrigable lands within the boundaries of, or owned by, the party and a permanent right to such share or quantity upon completion of payment of the amount assigned for ultimate return by the party subject to payment of an appropriate share of such costs, if any, as may thereafter be incurred by the United States in its operation and maintenance of the project works; and¹

¹ So in original. The word “and” probably should not appear.

(5) Provide² for payment of rates under any contract entered into pursuant to said subsection (e) in advance of delivery of water on an annual, semiannual, bimonthly, or monthly basis as specified in the contract.³

(6) include a reasonable construction component in the rates set out in any long-term contract hereafter entered into under subsection (e) of section 485h of this title prior to amortization of that part of the cost of constructing the project which is assigned to be repaid by the contracting party.

(July 2, 1956, ch. 492, § 1, 70 Stat. 483; Pub. L. 96-375, § 8, Oct. 3, 1980, 94 Stat. 1507.)

CODIFICATION

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

AMENDMENTS

1980—Cl. (5). Pub. L. 96-375 authorized payments on a bimonthly and monthly basis.

§ 485h-2. Amendments to existing contracts

The Secretary is authorized to negotiate amendments to existing contracts entered into pursuant to subsection (e) of section 485h of this title to conform said contracts to the provisions of sections 485h-1 to 485h-5 of this title.

(July 2, 1956, ch. 492, § 2, 70 Stat. 484.)

CODIFICATION

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

§ 485h-3. “Long-term contract” defined

As used in sections 485h-1 to 485h-5 of this title, the term “long-term contract” shall mean any contract the term of which is more than ten years.

(July 2, 1956, ch. 492, § 3, 70 Stat. 484.)

CODIFICATION

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

§ 485h-4. Application of State laws

Nothing in sections 485h-1 to 485h-5 of this title shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary in carrying out the provisions of such sections, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of such sections shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right.

(July 2, 1956, ch. 492, § 4, 70 Stat. 484.)

² So in original. Probably should not be capitalized.

³ So in original. The period probably should be “; and”.

CODIFICATION

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

§ 485h-5. Supplement to Federal reclamation laws

Sections 485h-1 to 485h-5 of this title shall be a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

(July 2, 1956, ch. 492, § 5, 70 Stat. 484.)

REFERENCES IN TEXT

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

CODIFICATION

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

§ 485h-6. Repayment contracts; amendment for provision, addition or modification of irrigation blocks

After the execution of a contract pursuant to the authority of section 9(d)(1) of the Reclamation Project Act of 1939 [43 U.S.C. 485h(d)(1)] and prior to the commencement of the development period provided thereunder, the Secretary of the Interior is authorized to amend such contract to provide for irrigation blocks, or if such are already provided, to add to or modify such irrigation blocks, as he shall deem desirable to carry out the purposes of that Act.

(Pub. L. 87-613, § 1, Aug. 28, 1962, 76 Stat. 407.)

REFERENCES IN TEXT

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

CODIFICATION

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

§ 485h-7. Amendment of repayment contract for payment of annual installments in two parts

In any repayment contract which provides for payment of construction charges by single annual installments, the Secretary may by agreement with the contracting organization amend such contract to provide for the payment of such annual installments in two parts on such dates in the calendar year as may best enable the contracting organization to meet its payments.

(Pub. L. 87-613, § 3, Aug. 28, 1962, 76 Stat. 408.)

CODIFICATION

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

§ 485i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regula-

tions as may be necessary and proper for the purpose of carrying the provisions of this subchapter into full force and effect.

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

§ 485j. Effect on existing laws

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

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

CONSTRUCTION WITH OTHER LAWS

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

§ 485k. Short title

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

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

REFERENCES IN TEXT

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

SUBCHAPTER XI—MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 491. Authority of Secretary to operate works

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 492. Operation and maintenance charges generally

In addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be

made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum operation and maintenance charge based upon the charge for delivery of not less than one acre-foot of water. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

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

CODIFICATION

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

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

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

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

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

REFERENCES IN TEXT

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

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

CODIFICATION

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

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

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

¹ See References in Text note below.

DEFINITIONS

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

§ 493a. Omitted

CODIFICATION

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

§ 494. Pecuniary penalty for nonpayment of operation charge

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

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

CODIFICATION

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

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

§ 495. Shutting off water for nonpayment of operation charge

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

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

CODIFICATION

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

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

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

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

CODIFICATION

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

§ 497. Action to recover operation charge and penalty

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

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

CODIFICATION

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

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

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

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

§ 499. Discretionary power to transfer management

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

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

CODIFICATION

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

§ 499a. Transfer of title to movable property; use of appropriations

Whenever an irrigation district, municipality, or water users' organization assumes operation

and maintenance of works constructed to furnish or distribute a water supply pursuant to a contract entered into with the United States in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior may transfer to said district, municipality, or organization title to movable property which has been purchased with funds advanced by the district, municipality, or organization or which, in the case of property purchased with appropriated funds, is necessary to the operation and maintenance of such works and the value of which is to be repaid under a contract with the district, municipality, or organization. In order to encourage the assumption by irrigation districts, municipalities, and water users' organizations of the operation and maintenance of works constructed to furnish or distribute a water supply, the Secretary is authorized to use appropriated funds available for the project involved to acquire movable property for transfer under the terms and conditions hereinbefore provided, at the time operation and maintenance is assumed.

(July 29, 1954, ch. 616, 68 Stat. 580; Aug. 2, 1956, ch. 884, 70 Stat. 940; Pub. L. 89-48, §1, June 24, 1965, 79 Stat. 172.)

REFERENCES IN TEXT

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

AMENDMENTS

1965—Pub. L. 89-48, which directed that section 1 of the Act of July 29, 1954, be amended generally, was executed by amending generally this section which comprised all of the Act of July 29, 1954, as the probable intent of Congress, notwithstanding that such Act did not have any section designations. Prior to amendment, this section read as follows: "Whenever an irrigation district or water users' organization assumes operation and maintenance of irrigation works pursuant to a contract entered into with the United States in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior may transfer to said district or organization title to movable property which has been purchased with funds advanced by the district or organization or which, in the case of property purchased with appropriated funds, is necessary to the operation and maintenance of such works and the value of which is to be repaid under a contract with the district or organization. In order to encourage the assumption by irrigation districts and water users' organizations of the operation and maintenance of irrigation works, the Secretary is authorized to use appropriated funds available for the project involved to acquire movable property for transfer at the time operation and maintenance is assumed under the terms and conditions hereinbefore provided."

1956—Act Aug. 2, 1956, authorized Secretary to use appropriated funds for a project to acquire movable property for transfer to irrigation districts and other water users' organizations to encourage them to take over operation and maintenance of reclamation projects as soon as they are completed.

SHORT TITLE

This section is popularly known as the "Title to Movable Property Act".

§ 499b. Transfer to municipal corporations or other organizations of care, operation, and maintenance of works supplying water for municipal, domestic, or industrial use

Whenever a municipal corporation or other organization to which water for municipal, domestic, or industrial use is furnished or distributed under a contract entered into with the United States pursuant to the Federal reclamation laws so requests, the Secretary of the Interior is authorized to transfer to it or its nominee the care, operation, and maintenance of the works by which such water supply is made available or such part of those works as, in his judgment, is appropriate in the circumstances, subject to such terms and conditions as he may prescribe.

(Pub. L. 89-48, §2, June 24, 1965, 79 Stat. 172.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, probably means the Act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof or supplementary thereto. The Act of June 17, 1902, is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 500. Duty of association or district to take over management

Whenever two-thirds of the irrigable area of any project, or division of a project, shall be covered by water-right contracts between the water users and the United States, said project shall be required, as a condition precedent to receiving the benefits of sections 371, 376, 377, 412, 417, 433, 438,¹ 462, 463,¹ 466, 467,¹ 473,¹ 474,¹ 478, 493, 494, 500, 501, and 526 of this title to take over, through a legally organized water-users' association or irrigation district, the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as the Secretary may prescribe, and thereafter the United States, in its relation to said project, shall deal with a water users' association or irrigation district, and when the water users assume control of a project, the operation and maintenance charges for the year then current shall be covered into the construction account to be repaid as part of the construction repayments.

(Dec. 5, 1924, ch. 4, §4, subsec. G, 43 Stat. 702.)

REFERENCES IN TEXT

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

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

DEFINITIONS

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

§ 501. Disposition of profits of project taken over by water users

Whenever the water users take over the care, operation, and maintenance of a project, or a di-

¹ See References in Text note below.

vision of a project, the total accumulated net profits, as determined by the Secretary, derived from the operation of project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge, second, on account of project operation and maintenance charge, and third, as the water users may direct. No distribution to individual water users shall be made out of any such profits before all obligations to the Government shall have been fully paid.

(Dec. 5, 1924, ch. 4, §4, subsec. I, 43 Stat. 703.)

DEFINITIONS

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

§ 502. Emergency fund to assure continuous operation of projects and project facilities governed by Federal reclamation law

In order to assure continuous operation of all projects and project facilities governed by the Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), including any project and facilities constructed with funds provided by the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof or supplementary thereto) [43 U.S.C. 422a et seq.] or with funds provided by the Distribution System Loans Act (Act of May 14, 1956, 69 Stat. 244, and Acts amendatory thereof or supplementary thereto), there is hereby authorized to be appropriated from the reclamation fund an emergency fund which shall be available for defraying expenses which the Commissioner of Reclamation determines are required to be incurred because of unusual or emergency conditions.

(June 26, 1948, ch. 676, §1, 62 Stat. 1052; Pub. L. 97-275, Oct. 1, 1982, 96 Stat. 1185.)

REFERENCES IN TEXT

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

The Small Reclamation Projects Act, referred to in text, probably means the Small Reclamation Projects Act of 1956, act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of this chapter. For complete classification of this Act to the Code, see section 422k of this title and Tables.

The Distribution System Loans Act (Act of May 14, 1956, 69 Stat. 244, and Acts amendatory thereof or supplementary thereto), referred to in text, probably means act July 4, 1955, ch. 271, 69 Stat. 244, as amended, which is classified generally to sections 421a to 421h of this title. Act May 14, 1956, ch. 268, 70 Stat. 155, amended section 421c of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1982—Pub. L. 97-275 substituted “all projects and project facilities governed by the Federal reclamation

law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), including any project and facilities constructed with funds provided by the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof or supplementary thereto) or with funds provided by the Distribution System Loans Act (Act of May 14, 1956, 69 Stat. 244, and Acts amendatory thereof or supplementary thereto)” for “irrigation or power systems operated and maintained by the Bureau of Reclamation, Department of the Interior”.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

EMERGENCY DROUGHT AUTHORITY

Pub. L. 100-387, title IV, subtitle B, Aug. 11, 1988, 102 Stat. 957, provided that:

“PART 1—RECLAMATION STATES DROUGHT ASSISTANCE

“SEC. 411. SHORT TITLE.

“This part may be cited as the ‘Reclamation States Drought Assistance Act of 1988’.

“SEC. 412. ASSISTANCE DURING DROUGHT.

“The Secretary of the Interior, acting under the authorities of the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388) [see Short Title note under section 371 of this title], and Acts supplementary thereto and amendatory thereof) and other appropriate authorities of the Secretary shall—

“(1)(A) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects and Indian water resource developments, which studies shall be completed no later than March 1, 1990; and

“(B) consistent with existing contractual arrangements and State law, and without further authorization, undertake construction, management, and conservation activities that will mitigate or can be expected to have an effect in mitigating losses and damages resulting from drought conditions in 1987, 1988, or 1989, which construction shall be completed by December 31, 1989; and

“(2) assist willing buyers in their purchase of available water supplies from willing sellers and redistribute such water based upon priorities to be determined by the Secretary consistent with State law, with the objective of minimizing losses and damages resulting from drought conditions in 1987, 1988, and 1989.

“SEC. 413. AVAILABILITY OF WATER ON A TEMPORARY BASIS.

“(a) GENERAL AUTHORITY.—The Secretary of the Interior may make available, by contract, consistent with existing contracts or agreements and State law, water or canal capacity at existing Federal reclamation projects to water users and others, on a temporary basis to mitigate losses and damages resulting from drought conditions in 1987, 1988, and 1989.

“(b) CONTRACTS.—Any contract signed under this section shall provide that—

“(1) the price for the use of such water shall be at least sufficient to recover all Federal operation and maintenance costs, and an appropriate share of capital costs, except that, for water delivered to a landholding in excess of 960 acres of class I lands or the equivalent thereof for a qualified recipient and 320 acres of class I lands or the equivalent thereof for a limited recipient, the cost of such water shall be full cost (as defined in section 202(3)(A) of Public Law 97-293, 43 U.S.C. 390bb) for those acres in excess of 960 acres or 320 acres, as appropriate;

“(2) the lands not now subject to reclamation law that receive temporary irrigation water supplies

under this section shall not become subject to the ownership limitations of Federal reclamation law because of the delivery of such temporary water supplies;

“(3) the lands that are subject to the ownership limitations of Federal reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies; and

“(4) the contract shall terminate no later than December 31, 1989.

“(c) FISH AND WILDLIFE.—The Secretary may make available water for the purposes of protecting fish and wildlife resources, including mitigating losses that occur as a result of drought conditions.

“SEC. 414. EMERGENCY LOAN PROGRAM.

“The Secretary of the Interior may make loans to water users for the purposes of undertaking management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages resulting from drought conditions in 1987, 1988, and 1989. Such loans shall be made available under such terms and conditions as the Secretary deems appropriate. Section 203(a) of the Reclamation Reform Act of 1982 (Public Law 97-293; 43 U.S.C. 390cc) shall not apply to any contract to repay such loan.

“SEC. 415. INTERAGENCY COORDINATION.

“The program established by this part, to the extent practicable, shall be coordinated with emergency and disaster relief operations conducted by other Federal and State agencies under other provisions of law. The Secretary of the Interior shall consult such other Federal and State agencies as he deems necessary. Other Federal agencies performing relief functions under other Federal authorities shall provide the Secretary with information and records that the Secretary deems necessary for the administration of this part.

“SEC. 416. REPORT.

“Not later than March 1, 1990, the Secretary of the Interior shall submit a report and recommendations to the President and Congress on—

“(1) expenditures and accomplishments under this part;

“(2) legislative and administrative recommendations for responding to droughts and drought related problems in the Reclamation States; and

“(3) structural and non-structural measures to mitigate the effects of droughts.

“SEC. 417. CARRYOVER STORAGE AND WATER, NEW MELONES UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA.

“The first undesignated paragraph under the heading ‘San Joaquin River Basin’ in section 203 of the Flood Control Act of 1962 (Public Law 87-874, 76 Stat. 1191) is amended by inserting before the last period the following: ‘*And provided further*, That the Secretary of the Interior is authorized to make available to the Oakdale and South San Joaquin irrigation districts, at the current contract rate, unallocated storage of such districts carried over from the previous year’.

“SEC. 418. INITIATION AND DEADLINE OF EMERGENCY DROUGHT PROGRAM.

“(a) LIMITATION.—The programs and authorities established under this part shall become operative in any Reclamation State only after—

“(1) the Governor of that State has declared a drought emergency; and

“(2) the affected area is declared eligible for Federal disaster relief under applicable rules and regulations.

“(b) TERMINATION.—The programs and authorities established under this part shall terminate on December 31, 1989, unless otherwise specifically stated.

“PART 2—WATER PROJECT

“SEC. 421. CENTRAL VALLEY PROJECT WATER RELEASES.

“The Secretary of the Interior is authorized to install a temperature control curtain as a demonstration

project at Shasta Dam, Central Valley project, California, at a cost not to exceed \$5,500,000. The purpose of the demonstration project is to determine the effectiveness of the temperature control curtain in controlling the temperature of water releases from Shasta Dam, so as to protect and enhance anadromous fisheries in the Sacramento River and San Francisco Bay/Sacramento-San Joaquin Delta and Estuary[.]

“PART 3—AUTHORIZATION AND SAVINGS CLAUSE

“SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

“(a) There are authorized to be appropriated a total amount not to exceed \$25,000,000 for section 412(1)(B) and section 414 of this subtitle.

“(b) Unless otherwise specified, there are authorized to be appropriated such sums as may be necessary to carry out the remaining provisions of this subtitle.

“SEC. 432. SAVINGS CLAUSE.

“Nothing in this subtitle shall be construed as limiting or restricting the power and authority of the United States or—

“(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

“(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

“(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal Government;

“(4) as superseding, modifying, or repealing, except as specifically set forth in this subtitle, existing law applicable to the various Federal agencies; or

“(5) as modifying the terms of any interstate compact.”

USE OF WESTERN AREA POWER ADMINISTRATION CONTINUING FUND TO PAY FOR PURCHASE POWER AND WHEELING EXPENSES TO MEET CONTRACTUAL OBLIGATIONS DURING PERIODS OF BELOW-AVERAGE HYDRO-POWER GENERATION

Pub. L. 101-101, title III, Sept. 29, 1989, 103 Stat. 661, provided: “That, the continuing fund established in Public Law 98-50 [July 14, 1983, 97 Stat. 247, 257] shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydro-power generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.”

EMERGENCY FUND

Provisions relating to appropriations for the emergency fund to assure continuous operation of projects and project facilities governed by Federal reclamation law were contained in the following appropriation acts:

Pub. L. 103-316, title II, Aug. 26, 1994, 108 Stat. 1714.

Pub. L. 103-126, title II, Oct. 28, 1993, 107 Stat. 1324.

Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1329.

Pub. L. 102-104, title II, Aug. 17, 1991, 105 Stat. 524.

Pub. L. 101-514, title II, Nov. 5, 1990, 104 Stat. 2085.

Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 654.

Pub. L. 100-371, title II, July 19, 1988, 102 Stat. 864.

Pub. L. 100-202, §101(d) [title II], Dec. 22, 1987, 101 Stat. 1329-104, 1329-116.

Pub. L. 99-500, §101(e) [title II], Oct. 18, 1986, 100 Stat. 1783-194, 1783-202, and Pub. L. 99-591, §101(e) [title II], Oct. 30, 1986, 100 Stat. 3341-194, 3341-202.

Pub. L. 99-141, title II, title III, Nov. 1, 1985, 99 Stat. 569, 575.

Pub. L. 98-360, title II, title III, July 16, 1984, 98 Stat. 409, 416.

Pub. L. 98-50, title II, title III, July 14, 1983, 97 Stat. 252, 257.

Pub. L. 97-88, title III, Dec. 4, 1981, 95 Stat. 1145.

Pub. L. 96-367, title I, Oct. 1, 1980, 94 Stat. 1335.

Pub. L. 96-69, title I, Sept. 25, 1979, 93 Stat. 440.

Pub. L. 94-355, title III, July 12, 1976, 89 Stat. 895.

Pub. L. 93-393, title III, Aug. 28, 1974, 88 Stat. 787.

Pub. L. 93-97, title III, Aug. 16, 1973, 87 Stat. 321.

Pub. L. 92-134, title III, Oct. 5, 1971, 85 Stat. 370.

Pub. L. 91-144, title III, Dec. 11, 1969, 83 Stat. 331.

Pub. L. 89-689, title II, Oct. 15, 1966, 80 Stat. 1008.

Pub. L. 88-511, title II, Aug. 30, 1964, 78 Stat. 687.

Pub. L. 87-880, title II, Oct. 24, 1962, 76 Stat. 1221.

TEMPORARY AUTHORITY OF SECRETARY OF THE INTERIOR TO FACILITATE EMERGENCY ACTIONS WITH REGARD TO 1976-1977 DROUGHT

Pub. L. 95-18, Apr. 7, 1977, 91 Stat. 36, as amended by Pub. L. 95-107, Aug. 17, 1977, 91 Stat. 870; Pub. L. 95-226, Feb. 7, 1978, 92 Stat. 10, directed Secretary of the Interior to undertake construction, management and conservation activities designed to mitigate losses and damages to Federal reclamation projects and Indian irrigation projects resulting from 1976-1977 drought, to assist willing buyers in purchasing available water supplies from willing sellers, and to undertake studies of potential facilities to mitigate effects of a recurrence of drought and make recommendations to President and Congress evaluating potential undertakings, authorized Secretary to defer, without penalty, the 1977 installment payments on charges owed the United States and to make loans to irrigators for construction, management, conservation activities, or acquisition and transportation of water, appropriated \$100,000,000 to carry out provisions of this Act and specified the availability of such funds for expenditures, directed Secretary, not later than May 1, 1978, to provide President and Congress a complete report on expenditures and accomplishments, and provided that authorities conferred by this Act terminate on Nov. 30, 1977.

§ 503. “Unusual or emergency conditions” defined

The term “unusual or emergency conditions”, as used in section 502 of this title, shall be construed to mean canal bank failures, generator failures, damage to transmission lines; or other physical failures or damage, or acts of God, or of the public enemy, fires, floods, drought, epidemics, strikes, or freight embargoes, or conditions, causing or threatening to cause interruption in water or power service.

(June 26, 1948, ch. 676, § 2, 62 Stat. 1052.)

§ 504. Rehabilitation and betterment of Federal reclamation projects, including small reclamation projects; return of costs; interest; definitions; performance of work

Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) [43 U.S.C. 422a et seq.] and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be sched-

uled for return with their construction charge installments or otherwise scheduled as he shall determine: *Provided*, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act. No such determination of the Secretary of the Interior shall become effective until the expiration of sixty days after it has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; except that, any such determination may become effective prior to the expiration of such sixty days in any case in which each such committee approves an earlier date and notifies the Secretary in writing, of such approval: *Provided*, That when Congress is not in session the Secretary's determination, if accompanied by a finding by the Secretary that substantial hardship to the water users concerned or substantial further injury to the project works will result, shall become effective when the chairman and ranking minority member of each such committee shall file with the Secretary their written approval of said findings. The term “rehabilitation and betterment”, as used in this section, shall mean maintenance, including replacements, which cannot be financed currently, as otherwise contemplated by the Federal reclamation laws in the case of operation and maintenance costs, but shall not include construction, the costs of which are returnable, in whole or in part, through “construction charges” as that term is defined in section 485a(d) of this title. Such rehabilitation and betterment work may be performed by contract, by force-account, or, notwithstanding any other law and subject to such reasonable terms and conditions as the Secretary of the Interior shall deem appropriate for the protection of the United States, by contract entered into with the organization concerned whereby such organization shall perform such work.

(Oct. 7, 1949, ch. 650, § 1, 63 Stat. 724; Mar. 3, 1950, ch. 47, 64 Stat. 11; Pub. L. 94-102, Oct. 3, 1975, 89 Stat. 485; Pub. L. 103-437, § 16(c), Nov. 2, 1994, 108 Stat. 4594.)

REFERENCES IN TEXT

The Small Reclamation Projects Act, referred to in text, probably means the Small Reclamation Projects Act of 1956, act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§ 422a et seq.) of this chapter. For complete classification of this Act to the Code, see section 422k of this title and Tables.

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

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House” for “Committee on Interior and Insular Affairs of the Senate and the Committee on Public Lands of the House”.

1975—Pub. L. 94-102 required return of costs for small reclamation projects including interest payments.

1950—Act Mar. 3, 1950, struck out period at end of second sentence and inserted “; except that, any such de-

termination may become effective prior to the expiration of such sixty days in any case in which each such committee approves an earlier date and notifies the Secretary in writing, of such approval: *Provided*, That when Congress is not in session the Secretary's determination, if accompanied by a finding by the Secretary that substantial hardship to the water users concerned or substantial further injury to the project works will result, shall become effective when the chairman and ranking minority member of each such committee shall file with the Secretary their written approval of said findings."

SHORT TITLE

Act Oct. 7, 1949, ch. 650, 63 Stat. 724, which enacted this section and provisions set out below, is popularly known as the "Rehabilitation and Betterment Act of 1949".

SUPPLEMENTAL TO FEDERAL RECLAMATION LAWS

Section 2 of act Oct. 7, 1949, provided that: "This Act [enacting this section] shall be deemed a supplement to the Federal reclamation laws."

§ 505. Drainage facilities and minor construction in irrigation works; contracts with repayment organizations; limitation on costs; submission of contract to Congress

Funds appropriated for the construction of irrigation works authorized to be undertaken pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Act of August 11, 1939 (53 Stat. 1418), as amended [16 U.S.C. 590y et seq.], or other Acts of Congress may, insofar as such funds are available for the construction of drainage facilities and other minor items, be utilized by the Secretary of the Interior to accomplish such work by contract, by force account or, notwithstanding any other law and subject only to such reasonable terms and conditions as the Secretary shall deem appropriate for the protection of the United States, by contract entered into with the repayment organization concerned whereby said organization shall perform such work: *Provided*, That in the event construction work to be accomplished by any one repayment organization, pursuant to contract with the United States, exceeds a total cost of \$200,000, such contract shall not be executed by the Secretary prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which it has been submitted to the Speaker of the House and the President of the Senate for reference to the appropriate Committees, except that such contract may be executed prior to expiration of such sixty days in any case in which both such Committees approve said contract and notify the Secretary in writing of such approval.

(June 13, 1956, ch. 382, 70 Stat. 274.)

REFERENCES IN TEXT

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

Act of August 11, 1939, referred to in text, is classified generally to subchapter II (§590y et seq.) of chapter 3C

of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XI-A—RECLAMATION SAFETY OF DAMS

§ 506. Authority of Secretary to make modifications

In order to preserve the structural safety of Bureau of Reclamation dams and related facilities the Secretary of the Interior is authorized to perform such modifications as he determines to be reasonably required. Said performance of work shall be in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory or supplementary thereto).

(Pub. L. 95-578, §2, Nov. 2, 1978, 92 Stat. 2471.)

REFERENCES IN TEXT

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

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-404, §1, Aug. 28, 1984, 98 Stat. 1481, provided in part: "That this Act [amending sections 508 and 509 of this title] may be cited as 'The Reclamation Safety of Dams Act Amendments of 1984'."

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-578 provided: "That this Act [enacting this subchapter and amending section 1511 of this title] shall be cited as the 'Reclamation Safety of Dams Act of 1978'."

FACILITIES INCLUDED WITHIN SCOPE OF RECLAMATION SAFETY OF DAMS ACT OF 1978

Pub. L. 95-578, §12, as added by Pub. L. 98-404, §1(4), Aug. 28, 1984, 98 Stat. 1482, provided that: "Included within the scope of this Act [this subchapter] are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and Warm Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act."

§ 507. Construction for dam safety

Construction authorized by this subchapter shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs. Nothing in this subchapter shall be construed to reduce the amount of project costs allocated to reimbursable purposes heretofore authorized.

(Pub. L. 95-578, §3, Nov. 2, 1978, 92 Stat. 2471.)

§ 508. Costs incurred in the modification of structures

(a) Costs resulting from age and normal deterioration or lack of maintenance of structures

Costs heretofore or hereafter incurred in the modification of structures under this subchapter, the cause of which results from age and normal deterioration of the structure or from nonperformance of reasonable and normal main-

tenance of the structure by the operating entity shall be considered as project costs and will be allocated to the purposes for which the structure was authorized initially to be constructed and will be reimbursable as provided by existing law.

(b) Nonreimbursable costs resulting from new hydrologic or seismic data or changes in criteria

With respect to the \$100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978 [43 U.S.C. 509], costs heretofore or hereafter incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes shall be nonreimbursable and nonreturnable under the Federal Reclamation law.

(c) Reimbursement of certain modification costs

With respect to the additional amounts authorized to be appropriated by section 509 of this title, costs incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes, shall be reimbursed to the extent provided in this subsection.

(1) Fifteen percent of such costs shall be allocated to the authorized purposes of the structure, except that in the case of Jackson Lake Dam, Minidoka Project, Idaho-Wyoming, such costs shall be allocated in accordance with the allocation of operation and maintenance charges.

(2) Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within 50 years of the year in which the work undertaken pursuant to this subchapter is substantially complete. Costs allocated to irrigation water service which are beyond the water users' ability to pay shall be reimbursed in accordance with existing law.

(3) Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended [16 U.S.C. 460l–12 et seq.].

(4) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable under the Federal Water Project Recreation Act [16 U.S.C. 460l–12 et seq.], shall be repaid within 50 years with interest. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period during the month preceding the fiscal year in which the costs are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(d) Contracts for return of costs

The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this subchapter: *Provided, however*, That no contract entered into pursuant to this subchapter shall be deemed to be a new or amended contract for the purposes of section 390cc(a) of this title.

(e) Cost containment; modification status

(1) During the construction of the modification, the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

(2) The Secretary shall provide to project beneficiaries on a periodic basis notice regarding the costs and status of the modification.

(Pub. L. 95–578, § 4, Nov. 2, 1978, 92 Stat. 2471; Pub. L. 98–404, § 1(1), (2), Aug. 28, 1984, 98 Stat. 1481; Pub. L. 106–377, § 1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A–67; Pub. L. 107–117, div. B, § 503(1), Jan. 10, 2002, 115 Stat. 2308; Pub. L. 108–439, §§ 1(a), 2(a), Dec. 3, 2004, 118 Stat. 2627.)

REFERENCES IN TEXT

The \$100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, referred to in subsec. (b), probably refers to the authorization originally contained in section 509 of this title. See 1984 Amendment note set out under section 509 of this title.

The Federal Reclamation law, referred to in subsec. (b), probably means act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. See section 506 of this title. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

The Federal Water Project Recreation Act, referred to in subsec. (c)(3), (4), is Pub. L. 89–72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460l–12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460l–12 of Title 16 and Tables.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–439, § 1(a), inserted “Reimbursement of certain modification costs” as heading and substituted “With respect to the additional amounts authorized to be appropriated by section 509 of this title” for “With respect to the additional \$650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, and the additional \$95,000,000 further authorized to be appropriated by amendments to that Act in 2000, and the additional \$32,000,000 further authorized to be appropriated by amendments to the Act in 2001” in introductory provisions.

Subsec. (e). Pub. L. 108–439, § 2(a), added subsec. (e).

2002—Subsec. (c). Pub. L. 107–117 inserted “and the additional \$32,000,000 further authorized to be appropriated by amendments to the Act in 2001,” after “2000,” in introductory provisions.

2000—Subsec. (c). Pub. L. 106–377 inserted “and the additional \$95,000,000 further authorized to be appropriated by amendments to that Act in 2000,” after “1984,” in introductory provisions.

1984—Subsec. (b). Pub. L. 98–404, § 1(1), substituted “With respect to the \$100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs” for “Costs”.

Subsecs. (c), (d). Pub. L. 98–404, § 1(2), added subsecs. (c) and (d).

§ 509. Authorization of appropriations; report to Congress

There are hereby authorized to be appropriated for fiscal year 1979 and ensuing fiscal years such sums as may be necessary and, effective October 1, 1983, not to exceed an additional \$650,000,000 (October 1, 1983, price levels), and, effective October 1, 2000, not to exceed an additional \$95,000,000 (October 1, 2000, price levels), and, effective October 1, 2001, not to exceed an additional \$32,000,000 (October 1, 2001, price levels), and, effective October 1, 2003, not to exceed an additional \$540,000,000 (October 1, 2003, price levels), plus or minus such amounts, if any, 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, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding \$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes, shall be obligated for carrying out actual construction to modify an existing dam under authority of this subchapter prior to 30 calendar days from the date that the Secretary has transmitted a report on such existing dam to the Congress. The report required to be submitted by this section will consist of a finding by the Secretary of the Interior to the effect that modifications are required to be made to insure the safety of an existing dam. Such finding shall be accompanied by a technical report containing information on the need for structural modification, the corrective action deemed to be required, alternative solutions to structural modification that were considered, the estimated cost of needed modifications, and environmental impacts if any resulting from the implementation of the recommended plan of modification.

(Pub. L. 95-578, §5, Nov. 2, 1978, 92 Stat. 2471; Pub. L. 98-404, §1(3), Aug. 28, 1984, 98 Stat. 1482; Pub. L. 106-377, §1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A-67; Pub. L. 107-117, div. B, §503(2), Jan. 10, 2002, 115 Stat. 2308; Pub. L. 108-439, §1(b), Dec. 3, 2004, 118 Stat. 2627.)

AMENDMENTS

2004—Pub. L. 108-439 inserted “and, effective October 1, 2003, not to exceed an additional \$540,000,000 (October 1, 2003, price levels),” after “(October 1, 2001, price levels),” and substituted “\$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes,” for “\$750,000”.

2002—Pub. L. 107-117 inserted “and, effective October 1, 2001, not to exceed an additional \$32,000,000 (October 1, 2001, price levels),” after “(October 1, 2000, price levels),”.

2000—Pub. L. 106-377 inserted “and, effective October 1, 2000, not to exceed an additional \$95,000,000 (October 1, 2000, price levels),” after “(October 1, 1983, price levels),” and substituted “30 calendar days” for “sixty days (which sixty days shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain)”.

1984—Pub. L. 98-404 substituted “and, effective October 1, 1983, not to exceed an additional \$650,000,000 (Oc-

tober 1, 1983, price levels), plus or minus such amounts, if any, 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, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding \$750,000” for “, but not to exceed \$100,000,000, to carry out the provisions of this subchapter of this title to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds”.

§ 509a. Project beneficiaries

(a) Notice of modification

On identifying a Bureau of Reclamation facility for modification, the Secretary shall provide to the project beneficiaries written notice—

- (1) describing the need for the modification and the process for identifying and implementing the modification; and
- (2) summarizing the administrative and legal requirements relating to the modification.

(b) Consultation

The Secretary shall—

- (1) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the proposed modification; and
- (2) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).

(c) Alternatives

(1) Prior to submitting the reports required under section 509 of this title, the Secretary shall consider any alternative submitted in writing, in accordance with the timeframes established under subsection (b) of this section, by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

(2) The Secretary shall provide to the project beneficiary a timely written response describing proposed actions, if any, to address the recommendation.

(3) The response of the Secretary shall be included in the reports required by section 509 of this title.

(d) Waiver

The Secretary may waive 1 or more of the requirements of subsections (a), (b), and (c) of this section, if the Secretary determines that implementation of the requirement could have an adverse impact on dam safety or security.

(Pub. L. 95-578, §5A, as added Pub. L. 108-439, §2(b), Dec. 3, 2004, 118 Stat. 2627.)

SUBCHAPTER XI-B—AGING INFRASTRUCTURE

§ 510. Definitions

In this subchapter:

(1) Inspection

The term “inspection” means an inspection of a project facility carried out by the Secretary—

- (A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) Project facility

The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).¹

(3) Reserved works

The term “reserved works” mean² any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) Secretary

The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) Transferred works

The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) Transferred works operating entity

The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) Extraordinary operation and maintenance work

The term “extraordinary operation and maintenance work” means major, non-recurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than \$100,000.

(Pub. L. 111–11, title IX, §9601, Mar. 30, 2009, 123 Stat. 1346.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388, chapter 1093), referred to in par. (2), is popularly known as the Reclamation Act and 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.

§ 510a. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities

(a) Guidelines and inspections

(1) Development of guidelines

Not later than 1 year after March 30, 2009, the Secretary in consultation with transferred

works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) Conduct of inspections

Not later than 3 years after March 30, 2009, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) Treatment of costs

The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) Use of inspection data

The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) Technical assistance to transferred works operating entities

(1) Authority of Secretary to provide technical assistance

The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

¹ So in original. Probably should be another closing parenthesis before the final period.

² So in original. Probably should be “means”.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the safe operation of a project facility.

(2) Costs

The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

(Pub. L. 111-11, title IX, §9602, Mar. 30, 2009, 123 Stat. 1347.)

§ 510b. Extraordinary operation and maintenance work performed by the Secretary

(a) In general

The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) Reimbursement of costs arising from extraordinary operation and maintenance work

(1) Treatment of costs

For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subchapter is substantially complete.

(2) Authority of Secretary

For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subchapter shall be deemed to be a new or amended contract for the purposes of section 390cc(a) of this title.

(3) Determination of interest rate

The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subchapter shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable

reimbursement period of the project, adjusted to the nearest $\frac{1}{8}$ of 1 percent on the unamortized balance of any portion of the loan.

(c) Emergency extraordinary operation and maintenance work

(1) In general

The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) Reimbursement

The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to this section for repayment of costs incurred by the Secretary in undertaking such work.

(3) Funding

If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 510a(a) of this title requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

(Pub. L. 111-11, title IX, §9603, Mar. 30, 2009, 123 Stat. 1348.)

§ 510c. Relationship to Twenty-First Century Water Works Act

Nothing in this subchapter shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act [43 U.S.C. 2421 et seq].

(Pub. L. 111-11, title IX, §9604, Mar. 30, 2009, 123 Stat. 1349.)

REFERENCES IN TEXT

The Twenty-First Century Water Works Act, referred to in text, is title II of Pub. L. 109-451, Dec. 22, 2006, 120 Stat. 3356, which is classified generally to subchapter II (§2421 et seq.) of chapter 42 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of this title and Tables.

§ 510d. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Pub. L. 111-11, title IX, §9605, Mar. 30, 2009, 123 Stat. 1349.)

SUBCHAPTER XII—CONTRACTS WITH STATE IRRIGATION DISTRICTS FOR PAY- MENT OF CHARGES

§ 511. Authority to contract with irrigation district

In carrying out the purposes of the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto and known as the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 471, 472, 475, 478 to 481, 492, 493, 494 to 497 and 499 of this title. The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this section and sections 512 and 513 of this title shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

(May 15, 1922, ch. 190, § 1, 42 Stat. 541.)

REFERENCES IN TEXT

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

§ 512. Release of Government liens after contract with irrigation districts

Patents and water-right certificates which shall be issued after May 15, 1922, under the terms of subchapter XIV of this chapter, for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under said

subchapter, the Secretary of the Interior is empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this section the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation.

(May 15, 1922, ch. 190, § 2, 42 Stat. 542.)

REFERENCES IN TEXT

Subchapter XIV (§ 541 et seq.) of this chapter, referred to in text, was in the original a reference to act Aug. 9, 1912, 37 Stat. 265.

§ 513. Lands in project subject to provisions of chapter; after contract with irrigation district

Upon the execution of any contract between the United States and any irrigation district pursuant to sections 511 and 512 of this title the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of chapter 13 of this title: *Provided*, That no map or plan as required by section 623 of this title need be filed by the irrigation district for approval by the Secretary of the Interior.

(May 15, 1922, ch. 190, § 3, 42 Stat. 542.)

SUBCHAPTER XIII—SALE OR LEASE OF SURPLUS WATERS, WATER POWER, STORAGE CAPACITY, AND WATER TRANSPORTATION FACILITIES

§ 521. Sale of surplus waters generally

The Secretary of the Interior in connection with the operations under the reclamation law is authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such condi-

tions of delivery, use, and payment as he may deem proper: *Provided*, That the approval of such contract by the water-users' association or associations shall have first been obtained: *Provided*, That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose: *Provided further*, That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator: *Provided further*, That the moneys derived from such contracts shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied.

(Feb. 25, 1920, ch. 86, 41 Stat. 451.)

§ 522. Lease of water power

Whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation Act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding ten years, giving preference to municipal purposes, any surplus power or power privilege, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with Rio Grande project in Texas and New Mexico for a longer period not exceeding fifty years, with the approval of the water-users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 498 of this title.

(Apr. 16, 1906, ch. 1631, § 5, 34 Stat. 117; Feb. 24, 1911, ch. 155, 36 Stat. 930.)

REFERENCES IN TEXT

The said reclamation Act, referred to in text, means act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. See section 561 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.

§ 523. Storage and transportation of water for irrigation districts, etc.

Whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under section 641 of this title, and individuals, corporations, associations, and irrigation districts organized for or engaged in fur-

nishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works.

(Feb. 21, 1911, ch. 141, § 1, 36 Stat. 925.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

SHORT TITLE

The act of Feb. 21, 1911, which enacted sections 523 to 525 of this title, is popularly known as the "Warren Act".

§ 524. Cooperation with irrigation districts, etc., in construction of reservoirs and canals

In carrying out the provisions of the said reclamation Act, and Acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water-users' associations, corporations, entrymen, or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water-users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 498 of this title: *Provided further*, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate one hundred and sixty acres: *Provided*, That nothing contained in sections 523 to 525 of this title shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

(Feb. 21, 1911, ch. 141, § 2, 36 Stat. 926.)

REFERENCES IN TEXT

The said reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 525. Covering proceeds into reclamation fund

The moneys received in pursuance of the contracts authorized by sections 523 and 524 of this title shall be covered into the reclamation fund and be available for use under the terms of the reclamation Act and the Acts amendatory thereof or supplementary thereto.

(Feb. 21, 1911, ch. 141, § 3, 36 Stat. 926.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

The words “the contracts authorized by sections 523 and 524 of this title” substituted in text for “such contracts”.

§ 526. Credit of proceeds to particular project

All moneys or profits as determined by the Secretary heretofore or hereafter derived from the sale or rental of surplus water under the Warren Act of February 21, 1911 (36 Stat. 925) [43 U.S.C. 523 to 525], or from the connection of a new project with an existing project shall be credited to the project or division of the project to which the construction cost has been charged.

(Dec. 5, 1924, ch. 4, § 4, subsec. J, 43 Stat. 703.)

REFERENCES IN TEXT

The Warren Act of February 21, 1911, referred to in text, is act Feb. 21, 1911, ch. 141, 36 Stat. 925, which enacted sections 523 to 525 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 523 of this title and Tables.

DEFINITIONS

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

SUBCHAPTER XIV—PATENTS AND FINAL WATER-RIGHT CERTIFICATES

§ 541. When patent or final certificate issued

Any homestead entryman under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence reclamation, and cultivation, submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the rec-

lamation Act for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate.

(Aug. 9, 1912, ch. 278, § 1, 37 Stat. 265; Feb. 15, 1917, ch. 71, 39 Stat. 920.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 542. Reservation of lien for charges; enforcement of lien; redemption

Every patent and water-right certificate issued under this subchapter shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

(Aug. 9, 1912, ch. 278, § 2, 37 Stat. 266.)

§ 543. Certificate of final payment and release of lien

Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266.)

CODIFICATION

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 544 of this title.

§ 544. Limitation as to holdings prior to final payment of charges; forfeiture of excess holding

No person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation Act of June 17, 1902 and Acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, may be held for five years and no longer after its acquisition, and water may be temporarily furnished during that time; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction. The above provision shall be recited in every patent and water-right certificate issued by the United States under the provisions of this subchapter.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266; July 11, 1956, ch. 563, § 2, 70 Stat. 524.)

REFERENCES IN TEXT

The reclamation Act of June 17, 1902, referred to in text, is identified in section 541 of this title as act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 543 of this title.

AMENDMENTS

1956—Act July 11, 1956, increased period during which land could be held from two years to five years, and to authorize delivery of water for that period.

AMENDMENT OF EXISTING CONTRACTS

For provisions authorizing the Secretary of the Interior to amend existing contracts under the Federal reclamation laws to conform to the provisions of this section, see section 3 of act July 11, 1956, set out as a note under section 423e of this title.

§ 545. Appointment of agents to receive payments; record of payments and amounts owing

The Secretary of the Interior is authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall

be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation Act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees which copies shall be admissible in evidence, as are copies authenticated under section eight hundred and eighty-eight¹ of the Revised Statutes.

(Aug. 9, 1912, ch. 278, § 4, 37 Stat. 267.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 541 of this section as act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Section eight hundred and eighty-eight of the Revised Statutes, referred to in text, was repealed by section 21 of act June 25, 1948, ch. 645, 62 Stat. 862, the first section of which enacted Title 18, Crimes and Criminal Procedure. Prior to repeal, R.S. § 888 was classified to section 669 of former Title 28, Judicial Code and Judiciary. For provisions relating to admissibility in evidence of authenticated copies, see section 1733 of Title 28, Judiciary and Judicial Procedure.

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§ 1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§ 3, 5 (May 18, 1981).

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 546. Jurisdiction of district court for enforcement of this subchapter

Jurisdiction of suits by the United States for the enforcement of the provisions of this subchapter is conferred on the United States district courts of the districts in which the lands are situated.

(Aug. 9, 1912, ch. 278, § 5, 37 Stat. 267.)

§ 547. Patent to desert-land entryman

Any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, known as the reclamation Act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certifi-

¹ See References in Text note below.

cate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation Act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under this subchapter.

(Aug. 26, 1912, ch. 408, §1, 37 Stat. 610.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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 371 of this title and Tables.

CODIFICATION

This section was not enacted as part of act Aug. 9, 1912, ch. 278, 37 Stat. 265, which comprises this subchapter.

SUBCHAPTER XV—TOWN SITES, PARKS, PLAYGROUNDS, AND SCHOOL SITES

§ 561. Survey and subdivision of land for town sites; reservation for public purposes

The Secretary of the Interior may in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, not exceeding one hundred and sixty acres in each case, survey and subdivide the same into town lots, with appropriate reservations for public purposes: *Provided*, That, whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may dispose of town sites in excess of one hundred and sixty acres.

(Apr. 16, 1906, ch. 1631, §1, 34 Stat. 116; June 27, 1906, ch. 3559, §4, 34 Stat. 520; Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.)

REFERENCES IN TEXT

The reclamation Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Introductory provisions are from the first section of act Apr. 16, 1906. The proviso is from part of the proviso of section 4 of act June 27, 1906. Another part of the proviso of section 4 of act June 27, 1906, is classified to section 568 of this title. The remainder of section 4 of act June 27, 1906, was classified to former section 594 of this title.

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions authorizing withdrawal from public entry any lands needed for town-site purposes.

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.

§ 562. Appraisal and sale of town lots

The lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisal and sale, and the proceeds of such sales shall be covered into the reclamation fund.

(Apr. 16, 1906, ch. 1631, §2, 34 Stat. 116.)

§ 563. Disposal of town sites set apart prior to June 27, 1906

Any town site set apart or established prior to June 27, 1906, by proclamation of the President, under the provisions of sections 711 and 712¹ of this title, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of section 562 of this title and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

(June 27, 1906, ch. 3559, §3, 34 Stat. 519.)

REFERENCES IN TEXT

Sections 711 and 712 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

§ 564. Reappraisal of town lots for sale

The Secretary of the Interior is authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation Act heretofore or hereafter appraised under the provisions of sections 562 and 563 of this title; and thereafter to proceed with the sale of such town lots in accordance with said sections.

(June 11, 1910, ch. 284, §1, 36 Stat. 465.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 565. Terms of sale of town lots; installments of price

In the sale of town lots under the provisions of sections 562 and 563 of this title the Secretary of the Interior may, in his discretion, require payments for such town lots in full at time of sale

¹ See References in Text note below.

or in annual installments, not exceeding five, with interest at the rate of 6 per centum per annum on deferred payments.

(June 11, 1910, ch. 284, §2, 36 Stat. 466.)

REFERENCES IN TEXT

Section 594 of this title, referred to in text, was omitted from the Code.

§ 566. Maintenance of public reservations and conveyance to municipality

The public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes.

(Apr. 16, 1906, ch. 1631, §3, 34 Stat. 116.)

§ 567. Water rights for towns and cities; charges

The Secretary of the Interior shall, in accordance with the provisions of the reclamation Act, provide for water rights in amount he may deem necessary for the towns established as provided, in sections 561, 562 and 566 of this title, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken.

(Apr. 16, 1906, ch. 1631, §4, 34 Stat. 116.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 561 of this title as act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 568. Use of reclamation fund for expenses of and disposal of proceeds of sale of town sites

Reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of sections 561 to 563 and 566 of this title relating to town sites, and the proceeds of all sales of town sites shall be covered into the reclamation fund.

(June 27, 1906, ch. 3559, §4, 34 Stat. 520.)

CODIFICATION

Section is based on part of the proviso of section 4 of act June 27, 1906. The remainder of section 4 is classified to section 561 and former section 594 of this title.

§ 569. Reservation of land for park, playground, or community center

(a) **Repealed.** Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

(b) Water service

Subject to the provisions hereinafter contained in this section every such tract of land so set apart shall be supplied with water from the Government irrigation system, the cost thereof to be charged to the remaining lands of the project as a part of the construction charge of such project, and shall be maintained and used in perpetuity by the people upon said reclaimed lands for a pleasure park, public playground, and community center.

(c) Contract for maintenance and use

For the purpose of carrying out and effecting the objects of this section the Secretary of the Interior is authorized to enter into a contract with the organization formed by the owners of the lands irrigated within said project or project unit pursuant to section 498 of this title, stipulating and providing that the organization will maintain and use such of the lands so reserved for the purposes prescribed in this section as such organization may desire, and that upon failure to so maintain and use such lands, or in the event that same shall be permitted to be used or occupied for other purposes than those stipulated in this section, the control of the lands shall revert to the United States.

(d) Disposition of land not contracted for

Any of such lands not contracted for in accordance with the provisions of subsection (c) of this section within ten years from the time water is available for the same, or sooner, if the Secretary of the Interior may deem it desirable, shall be disposed of in accordance with the public land laws applicable thereto, and the proceeds from the disposition of lands reverting to the United States under the provisions of this section, and from sales of water rights, shall be covered into the reclamation fund and placed to the credit of the project wherein the lands are situate.

(Oct. 5, 1914, ch. 316, §§1-4, 38 Stat. 727, 728; Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-579 struck out subsec. (a) authorizing Secretary of the Interior to withdraw and reserve lands for country parks, public playgrounds, etc.

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.

§ 569a. Extension of section 569 to tract of land in Idaho

Section 569 of this title is extended to the following described land.

All in lot 2, section 22, township 7 north, range 1 west, Boise meridian, beginning at the northwest corner of said lot 2, thence east along the northern boundary of said lot 2 nine hundred and ninety feet; thence south along a line parallel to the eastern boundary of said lot 2 to the intersection with the northerly meander line of the Payette River; thence westerly along the northerly meander line of the Payette River to the intersection with the western boundary of said lot 2; thence north along the western boundary of said lot 2 to the northwest corner of said lot 2, which is the point of beginning, comprising approximately twenty-five acres.

(July 3, 1926, ch. 777, 44 Stat. 890.)

§ 570. Conveyance of land to school district

The Secretary of the Interior is hereby authorized, upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands, not exceeding six acres in area, within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: *Provided*, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

(Oct. 31, 1919, ch. 92, 41 Stat. 326.)

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§ 1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§ 3, 5 (May 18, 1981).

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 571. Sale of unplatted portions of Government town sites; authorization

The Secretary of the Interior is authorized, in his discretion, to appraise, and sell, at public auction, to the highest bidder, from time to time, under such terms as to time of payment as he may require, but in no event for any longer period than five years, any or all of the unplatted portions of Government town sites created under the Act of April 16, 1906 (34 Stat. 116), on any irrigation project constructed under the Act of June 17, 1902 (32 Stat. 388), or Acts amendatory thereof or supplementary thereto: *Provided*, That any land so offered for sale and not disposed of may afterwards be sold, at not less than the appraised value, at private sale, under such regulations as the Secretary of the Interior

may prescribe. Patents made in pursuance of such sale shall convey all the right, title, and interest of the United States in or to the land so sold.

(Mar. 2, 1929, ch. 541, § 1, 45 Stat. 1522; Feb. 14, 1931, ch. 176, 46 Stat. 1107.)

REFERENCES IN TEXT

Act of April 16, 1906, referred to in text, is act Apr. 16, 1906, ch. 1631, 34 Stat. 116, which enacted sections 522, 561, 562, 566, and 567 of this title. For complete classification of this Act to the Code, see Tables.

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

AMENDMENTS

1931—Act Feb. 14, 1931, substituted “under such terms as to time of payment as he may require, but in no event for any longer period than five years” for “for cash”.

§ 572. Disposition of net proceeds; fixing project construction charges

The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in section 501 of this title. Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

(Mar. 2, 1929, ch. 541, § 2, 45 Stat. 1522.)

§ 573. Expenses of appraisement and sale; rules and regulations

Reclamation funds are authorized to be appropriated for use in defraying the necessary expenses of appraisement and sale of the lands authorized to be sold under section 571 of this title, and the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as, in his opinion, may be necessary and proper for carrying out the purposes of sections 571 to 573 of this title.

(Mar. 2, 1929, ch. 541, § 3, 45 Stat. 1522.)

SUBCHAPTER XVI—REFUNDS TO WAR VETERANS

§§ 581 to 586. Omitted

CODIFICATION

Section 581, act Feb. 21, 1925, ch. 277, § 1, 43 Stat. 956, defined “veteran”.

Section 582, act Feb. 21, 1925, ch. 277, § 2, 43 Stat. 956, related to authorization for refund to World War veterans.

Section 583, act Feb. 21, 1925, ch. 277, § 3, 43 Stat. 956, related to right of estate of a veteran to benefits.

Section 584, act Feb. 21, 1925, ch. 277, § 3, 43 Stat. 956, related to relinquishment of rights on acceptance of refund.

Section 585, act Feb. 21, 1925, ch. 277, § 4, 43 Stat. 957, related to cancellation of water-right application.

Section 586, act Feb. 21, 1925, ch. 277, § 5, 43 Stat. 957, related to regulations by Secretary of the Interior as to refunds.

SUBCHAPTER XVII—LEGISLATION APPLICABLE TO PARTICULAR PROJECTS GENERALLY

§ 591. Omitted

CODIFICATION

Section, act Feb. 28, 1923, ch. 145, § 5, 42 Stat. 1325, related to extension of time for payment of operation and maintenance charges on projects other than the Boise, Idaho, project. See section 493a of this title.

§ 591a. Boise project, Idaho; Arrowrock Dam; installment payments of costs of repairs, resurfacing, improvement, etc.

For the purpose of avoiding an unduly high operation and maintenance assessment in any one year and to keep the operation and maintenance charges in connection with the Arrowrock Division of the Boise reclamation project within the ability of the water users to pay, the Secretary of the Interior is authorized to allow the irrigation districts of the said Arrowrock Division and the irrigation districts ditch companies, and water users who have assumed obligations to pay proportionate parts of the estimated cost of the operation and maintenance of the Arrowrock Reservoir, to pay the costs, as determined conclusively by said Secretary, incurred in the repair, resurfacing, and improvement of the Arrowrock Dam and in increasing the height thereof (to provide additional capacity to offset past and, to some extent, future losses of capacity resulting from the deposit of silt in the said reservoir) in twenty annual installments instead of requiring the payment of all of such operation and maintenance costs in one year as provided in section 492 of this title: *Provided*, That such costs, for the purpose of any amendatory contracts affecting the construction charges of Arrowrock Dam that may be entered into as authorized by subchapter X of this chapter, may, in the discretion of the Secretary, be treated as part of the construction charges of said dam, and as payable in the same manner as such charges.

(Apr. 22, 1940, ch. 132, 54 Stat. 155.)

REFERENCES IN TEXT

Subchapter X (§ 485 et seq.) of this chapter, referred to in text, was in the original a reference to act of Aug. 4, 1939 (53 Stat. 1187), which is known as the Reclamation Project Act of 1939, and which enacted subchapter X of this chapter, sections 375a, 380a, and 387 to 389 of this title, and section 16d of former Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables.

§ 592. Omitted

CODIFICATION

Section, act Feb. 28, 1919, ch. 78, 40 Stat. 1210, granted leave of absence to any entryman who, prior to Feb. 28, 1919, made entry upon land withdrawn under reclamation law, until water became available for irrigation.

§ 593. Flathead irrigation project, Montana

The provisions of sections 441 and 442 of this title, authorizing the assignment under certain conditions of homesteads within reclamation

projects, and of subchapter XIV of this chapter, authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, are hereby extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Montana, but such lands shall otherwise be subject to the provisions of the Act of Congress approved April 23, 1904 (Thirty-third Statutes at Large, page 302), as amended by the Act of Congress approved May 29, 1908 (Thirty-fifth Statutes at Large, page 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 542 of this title, shall include all sums due or to become due to the United States on account of the Indian price of such land.

(July 17, 1914, ch. 143, 38 Stat. 510.)

REFERENCES IN TEXT

Subchapter XIV (§ 541 et seq.) of this chapter, referred to in text, was in the original a reference to act Aug. 9, 1912, 37 Stat. 265.

Act April 23, 1904, referred to in text, is not classified to the Code.

§ 593a. Construction, operation, and maintenance of Hungry Horse Dam

For the purpose of irrigation and reclamation of arid lands, for controlling floods, improving navigation, regulating the flow of the South Fork of the Flathead River, for the generation of electric energy, and for other beneficial uses primarily in the State of Montana but also in downstream areas, the Secretary of the Interior is authorized and directed to proceed as soon as practicable with the construction, operation, and maintenance of the proposed Hungry Horse Dam (including facilities for generating electric energy) on the South Fork of the Flathead River, Flathead County, Montana, to such a height as may be necessary to impound not less than one million acre-feet of water. The Hungry Horse project shall be subject to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto).

The Secretary of the Interior is authorized to complete, as soon as the necessary additional material is available, the construction of the Hungry Horse Dam so as to provide a storage reservoir of the maximum usable and feasible capacity.

(June 5, 1944, ch. 234, §§ 1, 2, 58 Stat. 270; Pub. L. 85-428, May 29, 1958, 72 Stat. 147.)

REFERENCES IN TEXT

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

AMENDMENTS

1958—Pub. L. 85-428 provided that the Hungry Horse project shall be subject to the Federal reclamation laws.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act June 5, 1944, authorized appropriation of such sums as might be necessary to carry out the purpose of this section and section 593b of this title.

§ 593b. Construction of additional works for irrigation purposes

The Secretary of the Interior is authorized to construct, operate, and maintain under the provisions of the Federal reclamation laws (Act June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in such Federal reclamation laws; and, within the limits of the water users' repayment ability, such report may be predicated on allocation to irrigation of an appropriate portion of the cost of constructing said dam and reservoir. Said dam and reservoir and said irrigation works may be utilized for irrigation purposes only pursuant to the provisions of said Federal reclamation laws.

(June 5, 1944, ch. 234, § 3, 58 Stat. 271.)

REFERENCES IN TEXT

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

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act June 5, 1944, authorized appropriation of such sums as might be necessary to carry out the purpose of this section and section 593a of this title.

§ 594. Omitted

CODIFICATION

Section, act June 27, 1906, ch. 3559, § 4, 34 Stat. 520, provided that settlers who had actually established themselves in town sites of Heyburn and Rupert, Idaho, prior to Mar. 5, 1906, in permanent buildings not easily moved, should be given right to purchase lots so built upon at an appraised value. Section was based on part of section 4 of act June 27, 1906. The remainder of section 4 is classified to sections 561 and 568 of this title.

§ 595. King Hill project, Idaho

King Hill project, Idaho, shall be subject to the reclamation Act of June seventeenth, nineteen hundred and two, and all Acts amendatory thereof or supplementary thereto, so far as applicable and consistent with contract made prior to July 1, 1918, between the United States and King Hill irrigation district: *Provided*, That for the purposes of issuing patent to lands reclaimed, the reclamation effected by the operations of the United States Reclamation Service may be considered by the Secretary of the Interior as equivalent to reclamation effected by the State of Idaho, under section 641 of this title.

(July 1, 1918, ch. 113, 40 Stat. 674.)

REFERENCES IN TEXT

The reclamation Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of act of June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923,

then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§ 1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§ 3, 5 (May 18, 1981).

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 596. Omitted

CODIFICATION

Section, act May 20, 1921, ch. 9, 42 Stat. 7, gave ex-service men, successful at drawing held March 5, 1920, but unable to make entry because of reinstatement of conflicting claims, preference for not less than thirty days before next opening of lands to other entry.

§ 597. Riverton project, Wyoming

Lands within and in the vicinity of the ceded portion of the Wind River or Shoshone Reservation, and included in the Riverton project, Wyoming, shall be subject to all the charges, terms, conditions, provisions, and limitations of the Reclamation Act and Acts amendatory thereof or supplementary thereto, and suitable provision shall be made by the Secretary of the Interior in fixing the charges to provide for reimbursement of the entire expenditure in accordance with the reclamation law and other laws applicable to said lands.

When any land on the project is opened to homestead entry under the terms of the "Reclamation Law," the entryman shall pay to the United States for the lands the sum of \$1.50 per acre as provided in section 2 of the Act approved March 3, 1905 (volume 33, Statutes at Large, page 1016), to be credited to the fund established by said Act of 1905, together with the proceeds from the sale of town sites established in said project under the "Reclamation Law".

(June 5, 1920, ch. 235, § 1, 41 Stat. 915; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1404.)

REFERENCES IN TEXT

The Reclamation Act and Acts amendatory thereof or supplementary thereto, the reclamation law, and the "Reclamation Law", referred to in text, probably mean act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto. See act June 5, 1920, ch. 235, 41 Stat. 913, under the heading "RECLAMATION SERVICE", and act Mar. 4, 1921, ch. 161, 41 Stat. 1402, under the heading "RECLAMATION SERVICE", which identify "the reclamation law". Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

Act of March 3, 1905, referred to in text, is act Mar. 3, 1905, ch. 1452, 33 Stat. 1016, which is not classified to the Code.

CODIFICATION

The first par. of this section is from part of the first section of act June 5, 1920. The second par. of this section is from a proviso in the first section of act Mar. 4, 1921. For classification of other provisions of these Acts, see Tables.

RESTORATION OF LANDS TO PUBLIC DOMAIN

Act Aug. 15, 1953, ch. 509, §2, 67 Stat. 612, set out as a note under section 611 of Title 25, Indians, provided that unentered and vacant lands of the Riverton reclamation project within the ceded portion of the Wind River Indian Reservation should be restored to the public domain for administration, use, occupancy, and disposal under the reclamation and public land laws of the United States.

§ 597a. Easements for Bull Lake Dam and Reservoir

There is granted to the United States and its assigns, including its successors in control of the operation and maintenance of the Riverton reclamation project, Wyoming, a flowage easement and an easement for a dam site, together with all rights and privileges incident to the use and enjoyment of said easements, over tribal and allotted lands of the Wind River or Shoshone Indian Reservation within that part of said reservation required for the construction of the Bull Lake Dam and Reservoir on Bull Lake Creek, a tributary of the Wind River, in connection with the Riverton reclamation project, Wyoming, and for the impounding of approximately one hundred and fifty-five thousand acre-feet of water, including a ten-foot freeboard: *Provided*, That in consideration of the said rights insofar as they affect tribal lands there shall be deposited into the Treasury of the United States pursuant to the provisions of section 155 of title 25, for credit to the Shoshone and Arapaho Indians of the Wind River Reservation the sum of \$6,500, from moneys appropriated for the construction of the said Bull Lake Dam and Reservoir, and the said sum when so credited shall draw interest at the rate of 4 per centum per annum.

(Mar. 14, 1940, ch. 51, §1, 54 Stat. 49.)

§ 597b. Compensation for easements

Compensation to the individual Indian owners of the allotted lands within the area described in section 597a of this title shall be made from moneys appropriated for the construction of the Bull Lake Dam and Reservoir at the appraised value of the easements: *Provided*, That should any individual Indian not agree to accept the appraised value of the easement as it affects his land, the Secretary of the Interior be, and he is, authorized to acquire such easement by condemnation proceedings.

(Mar. 14, 1940, ch. 51, §2, 54 Stat. 49.)

§ 597c. Reservation of Indians' right to use lands

The easements granted in section 597a of this title shall not interfere with the use by the Indians of the Wind River or Shoshone Indian Reservation of the lands dealt with in sections 597a to 597d of this title and the waters of Bull Lake Creek and the reservoir insofar as the use by the Indians shall not be inconsistent with the use of said lands for reservoir purposes.

(Mar. 14, 1940, ch. 51, §3, 54 Stat. 49.)

§ 597d. Regulations

The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as may be necessary to carry out the provisions of sections 597a to 597d of this title.

(Mar. 14, 1940, ch. 51, §4, 54 Stat. 49.)

§ 598. Salt River project, Arizona; sale of water power

Whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding fifty years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917: *Provided*, That no contract shall be made for the sale of such surplus power which will impair the efficiency of said project: *Provided, however*, That no such contract shall be made without the approval of the legally organized water-users' association or irrigation district which has contracted with the United States to repay the cost of said project: *Provided further*, That the charge for power may be readjusted at the end of five-, ten-, or twenty-year periods after the beginning of any contract for the sale of power in a manner to be described in the contract.

(Sept. 18, 1922, ch. 323, 42 Stat. 847.)

§ 599. Omitted

CODIFICATION

Section, act Aug. 17, 1916, ch. 349, 39 Stat. 516, provided that any person who established residence and made improvements on land within Yuma reclamation project for two years prior to August 17, 1916, should have right to make entry for the farm unit and have residence and improvements credited on his final proof.

§ 600. Minidoka project, Idaho; sales of water from American Falls Reservoir

No contractor shall secure a right to the use of water from American Falls Reservoir, Minidoka project, except under a contract containing the provision that the contractor shall, as a part of the construction cost, pay interest at the rate of six per centum per annum upon the contractor's proper proportionate share, as found by the Secretary of the Interior, of the moneys advanced by the United States on account of the construction of said reservoir prior to the date of the contract.

(June 5, 1924, ch. 264, 43 Stat. 417.)

§ 600a. Arch Hurley Conservancy District project, New Mexico

The Secretary of the Interior is authorized to construct a Federal reclamation project for the irrigation of the lands of the Arch Hurley Conservancy District in New Mexico under the Federal reclamation laws: *Provided*, That construction work is not to be initiated on said irrigation project until (a) the project shall have been found to be feasible under section 412 of this title, but the project may be found to be financially feasible if the Secretary of the Interior finds that the amount to be expended from the

reclamation fund can be repaid by the District, and further that the amount of money to be expended from the reclamation fund, plus the amount of money which has been made available from other sources (for the estimated period of construction), equals the estimated cost of construction; (b) a contract shall have been executed with an irrigation or conservation district embracing the land to be irrigated under said project, which contract shall obligate the contracting district to repay the cost of construction of said project met by expenditure of moneys from the reclamation fund in forty equal annual installments, without interest; (c) contracts shall have been made with each owner of more than one hundred and sixty irrigable acres under said project, by which he, his successors, and assigns shall be obligated to sell all of his land in excess of one hundred and sixty irrigable acres at or below prices fixed by the Secretary of the Interior and within the time to be fixed by said Secretary, no water to be furnished to the land of any such large landowner refusing or failing to execute such contract.

(Aug. 2, 1937, ch. 557, 50 Stat. 557; Apr. 9, 1938, ch. 134, 52 Stat. 211; Aug. 9, 1955, ch. 637, §1, 69 Stat. 556.)

AMENDMENTS

1955—Act Aug. 9, 1955, struck out cl. (d) which required landowners to contract to pay to the United States one-half of the price above the appraised value received for the sale of land.

1938—Act Apr. 9, 1938, inserted “but the project may be found feasible if the Secretary of the Interior finds that the amount to be expended from the reclamation fund can be repaid by the District, and further that the amount of money to be expended from the reclamation fund, plus the amount of money which has been made available from other sources (for the estimated period of construction), equals the estimated cost of construction” after “section 412 of this title”.

AMENDMENT OF CONTRACTS

Section 2 of act Aug. 9, 1955, provided that: “The Secretary of the Interior is authorized to amend any contract, which has been entered into prior to the date of enactment of this Act [Aug. 9, 1955], to conform with the provisions of the first section of this Act [amending this section]. The consent of the United States is hereby given to the recording, at the expense of the party benefited thereby, of any such amendment contract and to the simultaneous discharge of record of the original contract. The consent of the United States is likewise given to the discharge of record, at the expense of the party benefited thereby, of any contract which the Secretary of the Interior or his duly authorized agent finds is rendered nugatory by the enactment of this Act [amending this section].”

ENFORCEMENT OF CONTRACT PROVISIONS; COMPLETED TRANSACTIONS AND PAYMENTS

Section 1 of act Aug. 9, 1955, provided, in part, that: “No provision with respect to the matters covered in said clause (d) [former cl. (d) of this section] which is contained in any contract entered into prior to the date of enactment of this Act [Aug. 9, 1955] shall, except as is otherwise provided by this Act [amending this section], be enforced by the United States. Nothing contained in this section shall affect (1) the retention and application by the United States of any payments which have been made prior to the date of enactment of this Act [Aug. 9, 1955] in accordance with any such provision of a contract, (2) the obligation of any party to the United States with respect to any payment

which is due to the United States under any such provision but not paid upon the date of enactment of this Act [Aug. 9, 1955], and the application by the United States of any such payment in accordance with the terms of such contract, or (3) the enforcement of any such obligation by refusal to deliver water to lands covered by contractual provisions executed in accordance with said clause (d), except in those cases, if any, in which a sale or transfer consummated between December 27, 1938, and the date of enactment of this Act [Aug. 9, 1955] is only discovered after such date of enactment to have been made contrary to such contractual provisions or to said clause (d).”

§ 600b. Canadian River project, Texas

For the purposes of irrigating land, delivering water for industrial and municipal use, controlling floods, providing recreation and fish and wildlife benefits, and controlling and catching silt, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Canadian River reclamation project, Texas, described in the report of the Commissioner of Reclamation approved by the Secretary May 3, 1950, entitled “Plan for Development, Canadian River Project, Texas”, Project Planning Report Number 5-12.22-1, at an estimated cost of \$86,656,000, the impounding works whereof shall be located at a suitable site on the Canadian River in that area known as the Panhandle of Texas. In addition to the impounding works, the project shall include such main canals, pumping plants, distribution and drainage systems, and other works as are necessary to accomplish the purposes of sections 600b and 600c of this title. The use by the project of waters arising in Ute and Pajarito Creeks, New Mexico, shall be only such use as does not conflict with use, present or potential, of such waters for beneficial consumptive purposes in New Mexico.

(Dec. 29, 1950, ch. 1183, §1, 64 Stat. 1124.)

REFERENCES IN TEXT

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

AUTHORIZATION OF APPROPRIATIONS

Section 3 of act Dec. 29, 1950, provided that: “There are hereby 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 Act [enacting this section and section 600c of this title].”

CANADIAN RIVER PROJECT PREPAYMENT

Pub. L. 105-316, Oct. 30, 1998, 112 Stat. 2999, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Canadian River Project Prepayment Act’.

“SEC. 2. DEFINITIONS.

“For the purposes of this Act:

“(1) The term ‘Authority’ means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

“(2) The term ‘Canadian River Project Authorization Act’ means the Act entitled ‘An Act to authorize

the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas', approved December 29, 1950 (ch. 1183; 64 Stat. 1124) [enacting this section, section 600c of this title, and provisions set out as a note above].

“(3) The term ‘Project’ means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

“(4) The term ‘Secretary’ means the Secretary of the Interior.

“SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

“(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act [Oct. 30, 1998], the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124) [section 600c(c)(3) of this title].

“(2) For purposes of paragraph (1), the applicable amount shall be—

“(A) \$34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of the enactment of this Act; or

“(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

“(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

“(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing.

“SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

“(a) IN GENERAL.—Nothing in this Act shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

“(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

“(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

“(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

“(e) SANFORD DAM PROPERTY.—The Authority shall have the right to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority’s headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

“SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

“(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with

section 3(b) shall extinguish all payment obligations under contract numbered 14-06-500-485 between the Authority and the Secretary.

“(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 3, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

“(c) IN GENERAL.—Rights and obligations under the existing contract No. 14-06-500-485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

“SEC. 6. RELATIONSHIP TO OTHER LAWS.

“Upon conveyance of the Project under this Act, the Reclamation Act of 1902 (82 Stat. 388) [probably means act June 17, 1902, ch. 1093, 32 Stat. 388, see Short Title note under section 371 of this title] and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

“SEC. 7. LIABILITY.

“Except as otherwise provided by law, effective on the date of conveyance of the Project under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.”

§ 600c. Nonreimbursable costs

(a) Construction, operation, and maintenance costs

Notwithstanding any recommendations in the report mentioned in section 600b of this title to the contrary, only the costs of construction allocable to flood control and, upon approval by the President of a suitable plan thereof, to the preservation and propagation of fish and wildlife, and operation and maintenance costs allocable to the same purposes, shall be nonreimbursable.

(b) Conditions precedent to construction

Actual construction of the project herein authorized shall not be commenced, and no construction contract awarded therefor, until (1) the Congress shall have consented to the interstate compact between the States of New Mexico, Oklahoma, and Texas agreed upon by the Canadian River Compact Commission at Santa Fe, New Mexico, December 6, 1950, in conformity with Public Law 491, Eighty-first Congress, and (2) repayment of that portion of the actual cost of constructing the project which is allocated to municipal and industrial water supply and of interest on the unamortized balance thereof at a rate (which rate shall be certified by the Secretary of the Treasury) equal to the average rate paid by the United States on its long-term loans outstanding at the time the repayment contract is negotiated minus the amount of such net revenues as may be derived from temporary water supply contracts or from other sources prior to the close of the repayment period, shall have been assured by a contract satisfactory to the Secretary, with one central repayment contract organization, the term of which shall not exceed fifty years from the date of completion of the municipal and industrial water supply features of the project as determined by the Secretary.

(c) Repayment contract

The repayment contract shall provide, among other things, (1) that the holder thereof shall have a first right, to which right the rights of the holders of any other type of contract shall be subordinate, to a stated share or quantity of the project's available water supply for use by its constituent industrial and municipal water users during the repayment period and a permanent right to such share or quantity thereafter subject to payment of such costs as may be incurred by the United States in its operation and maintenance of any part of the project works; (2) that, subject to such rules and regulations as the Secretary may prescribe, the care, operation, and maintenance of such portions of the pipeline and related facilities as are used solely for delivering such water to the contract holder and its constituent organizations shall, as soon as is practicable after completion of the municipal and industrial water supply features of the project, pass to the contract holder or to an organization which is designated by it for that purpose and which is satisfactory to the Secretary; and (3) that title to such portions of the pipeline and related facilities shall in like manner pass to the contract holder or its designee or designees upon payment to the United States of all obligations arising under sections 600b and 600c of this title or incurred in connection with the project.

(Dec. 29, 1950, ch. 1183, § 2, 64 Stat. 1124.)

REFERENCES IN TEXT

Public Law 491, Eighty-first Congress, referred to in subsec. (b), is act Apr. 29, 1950, ch. 135, 64 Stat. 93, which is set out as a note below.

CONSENT OF CONGRESS TO COMPACT

Act Apr. 29, 1950, ch. 135, 64 Stat. 93, provided: "That the consent of the Congress is hereby given to the States of Oklahoma, Texas, and New Mexico to negotiate and enter into a compact not later than June 30, 1953, providing for an equitable apportionment among the said States of the waters of the Canadian River and its tributaries, upon the condition that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to the Congress of the proceedings and of any compact entered into. Said compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of the States aforesaid and approved by the Congress of the United States."

§ 600d. Sanford Reservoir recreation facilities; allocation of water, reservoir capacity, or joint project costs of Canadian River project; municipal water use priorities; agreements for operation, maintenance, or additional development of project lands or facilities; disposal of project lands or facilities; nonreimbursable costs; cognizance of effect of fish and wildlife plan

The Secretary of the Interior is authorized to investigate, plan, construct, operate and maintain, or otherwise provide for basic public outdoor recreation facilities at the Sanford Reservoir area, Canadian Federal reclamation project, to acquire or otherwise include within the project area such adjacent lands or interests

therein as are necessary for present or future public recreation use, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes: *Provided*, That this section shall not provide the Secretary with a basis for allocation to recreation of water, reservoir capacity, or joint project costs of the Canadian River project nor affect the priority for municipal use of water stored in the Sanford Reservoir, or the priority of use for municipal purposes of the capacity of said reservoir. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The cost of providing basic recreation facilities shall be nonreimbursable. In carrying out the aforesaid activities the Secretary shall take cognizance of the effect of the fish and wildlife plan approved by the President December 19, 1962, pursuant to sections 600b and 600c of this title in providing facilities at the Canadian River project which have general recreation utility.

(Pub. L. 88-536, § 1, Aug. 31, 1964, 78 Stat. 744.)

§ 600e. Authorization of appropriations for public recreation facilities

There are authorized to be appropriated such amounts, but not more than \$1,100,000, as may be necessary for the investigation, preparation of plans, construction and acquisition of lands authorized in section 600d of this title.

(Pub. L. 88-536, § 2, Aug. 31, 1964, 78 Stat. 744.)

**SUBCHAPTER XVIII—CIBOLO PROJECT,
TEXAS**

§§ 600f to 600f-4. Omitted

CODIFICATION

Section 600f, Pub. L. 93-493, title II, § 201, Oct. 27, 1974, 88 Stat. 1491, related to authorization for construction, operation, and maintenance of Cibolo project.

Section 600f-1, Pub. L. 93-493, title II, § 202, Oct. 27, 1974, 88 Stat. 1491, related to basis of interest rate on unpaid balance of reimbursable costs of Cibolo project.

Section 600f-2, Pub. L. 93-493, title II, § 203, Oct. 27, 1974, 88 Stat. 1491, related to water delivery and reimbursable construction cost repayment contracts.

Section 600f-3, Pub. L. 93-493, title II, § 204, Oct. 27, 1974, 88 Stat. 1492, related to conservation and development of fish and wildlife resources and enhancement of recreation.

Section 600f-4, Pub. L. 93-493, title II, § 205, Oct. 27, 1974, 88 Stat. 1492, related to authorization of appropriations to defray construction costs of Cibolo project.

**SUBCHAPTER XIX—NUECES RIVER
PROJECT, TEXAS**

§§ 600g to 600g-4. Omitted

CODIFICATION

Section 600g, Pub. L. 93-493, title X, § 1001, Oct. 27, 1974, 88 Stat. 1496, related to authorization for construc-

tion, operation, and maintenance of Nueces River project.

Section 600g-1, Pub. L. 93-493, title X, §1002, Oct. 27, 1974, 88 Stat. 1496, related to repayment costs of Nueces River project.

Section 600g-2, Pub. L. 93-493, title X, §1003, Oct. 27, 1974, 88 Stat. 1496, related to water delivery and reimbursable construction cost repayment contracts.

Section 600g-3, Pub. L. 93-493, title X, §1004, Oct. 27, 1974, 88 Stat. 1497, related to conservation and development of fish and wildlife resources and enhancement of recreation opportunities.

Section 600g-4, Pub. L. 93-493, title X, §1005, Oct. 27, 1974, 88 Stat. 1497, related to authorization of appropriations for Nueces River project.

SUBCHAPTER XX—KLAMATH PROJECT, OREGON-CALIFORNIA

§ 601. Omitted

CODIFICATION

Section, act Feb. 9, 1905, ch. 567, 33 Stat. 714, related to changes in levels of lakes and subjection of lands to reclamation law.

§§ 602 to 609. Repealed. June 17, 1944, ch. 261, § 2(a), 58 Stat. 279

Section 602, act May 27, 1920, ch. 209, §1, 41 Stat. 627, related to notice of lands subject to entry and conditions and reservations in patents.

Section 603, act May 27, 1920, ch. 209, §2, 41 Stat. 628, related to assessment of past expenditure for benefit of reclamation fund.

Section 604, act May 27, 1920, ch. 209, §3, 41 Stat. 628, related to survey and opening of lands to entry.

Section 605, act May 27, 1920, ch. 209, §4, 41 Stat. 628, related to additional payments; installments; forfeiture for nonpayment, etc.

Section 606, act May 27, 1920, ch. 209, §5, 41 Stat. 628, related to preference rights of World War I veterans.

Section 607, act May 27, 1920, ch. 209, §6, 41 Stat. 629, related to squatter's rights not recognized, time of entry, and penalty for premature entry.

Section 608, act May 27, 1920, ch. 209, §7, 41 Stat. 629, related to Lands in Klamath Lake Bird Reservation.

Section 609, act May 27, 1920, ch. 209, §8, 41 Stat. 629, related to powers of Secretary of the Interior in relation to project.

§§ 610 to 612. Omitted

CODIFICATION

Section 610, act May 25, 1926, ch. 383, §14(a-1), as added June 23, 1932, ch. 273, 47 Stat. 332, related to reclassification of lands within the Klamath irrigation district.

Section 611, act July 1, 1946, ch. 529, 60 Stat. 366, related to availability of revenues from lease of Tule Lake marginal lands for refunds, was from the Interior Department Appropriation Act, 1947. Similar provisions were contained in the following prior appropriation acts: July 3, 1945, ch. 262, 59 Stat. 340; June 28, 1944, ch. 298, 58 Stat. 487; July 12, 1943, ch. 219, 57 Stat. 473; July 2, 1942, ch. 473, 56 Stat. 533; June 28, 1941, ch. 259, 55 Stat. 332; June 18, 1940, ch. 395, 54 Stat. 434.

Section 612, acts June 17, 1944, ch. 261, §2(b)-(d), 58 Stat. 279; Aug. 1, 1956, ch. 828, §2(e), 70 Stat. 799, related to lands of the Klamath project being subject to the reclamation laws.

CONTRACT APPROVED

Section 1 of act June 17, 1944, ch. 261, 58 Stat. 279, provided that the contract dated Apr. 28, 1943, negotiated by the Secretary of the Interior with the Klamath Drainage District was approved and that the Secretary was authorized to execute such contract.

RECLAMATION LAWS

Section 3 of act June 17, 1944, ch. 261, 58 Stat. 279, provided that section 612 was part of the Federal reclamation laws.

REPAYMENT CONTRACT WITH TULE LAKE IRRIGATION DISTRICT

Act Aug. 1, 1956, ch. 828, 70 Stat. 799, authorized Secretary of the Interior to execute a repayment contract with Tule Lake Irrigation District.

SUBCHAPTER XXI—GILA PROJECT, ARIZONA

§§ 613 to 613e. Omitted

CODIFICATION

Section 613, act July 30, 1947, ch. 382, §1, 61 Stat. 628, related to reduction in area of Gila project.

Section 613a, act July 30, 1947, ch. 382, §2, 61 Stat. 628, related to acquisition of property within or adjacent to Gila project.

Section 613b, act July 30, 1947, ch. 382, §3, 61 Stat. 629, related to authority of Secretary of the Interior to dispose of land within Gila project.

Section 613c, act July 30, 1947, ch. 382, §4, 61 Stat. 629, related to applicability of project land to State laws and liability of such land for assessments and taxes.

Section 613d, act July 30, 1947, ch. 382, §5, 61 Stat. 629, related to repayment of construction costs for Gila project in installments.

Section 613e, act July 30, 1947, ch. 382, §7, 61 Stat. 630, related to powers of Secretary of the Interior and his duly authorized representatives.

RECLAMATION LAW; AMENDMENT OF OTHER LAWS

Section 8 of act July 30, 1947, ch. 382, 61 Stat. 630, provided that this subchapter be deemed a supplement to the reclamation law and that nothing in this subchapter be construed to amend subchapter I of chapter 12A of this title.

SUBCHAPTER XXII—WASHOE PROJECT, NEVADA-CALIFORNIA

§§ 614 to 614d. Omitted

CODIFICATION

Section 614, act Aug. 1, 1956, ch. 809, §1, 70 Stat. 775, related to authorization for construction, operation, and maintenance of Washoe project, which was revoked by Pub. L. 101-618, title II, §205(c), Nov. 16, 1990, 104 Stat. 3307.

Section 614a, act Aug. 1, 1956, ch. 809, §2, 70 Stat. 775, related to applicability of reclamation laws to duties of Secretary under this subchapter, repayment of construction costs, and contracts for supplemental water supply.

Section 614b, act Aug. 1, 1956, ch. 809, §3, 70 Stat. 776, related to facilities for access, public health and safety, and protection of public property on lands of Washoe project.

Section 614c, act Aug. 1, 1956, ch. 809, §4, 70 Stat. 777, related to facilities for development of fish and wildlife resources on the project area.

Section 614d, acts Aug. 1, 1956, ch. 809, §5, 70 Stat. 777; Aug. 21, 1958, Pub. L. 85-706, 72 Stat. 705, provided an authorization for appropriations for the project.

SUBCHAPTER XXIII—WASHITA RIVER BASIN PROJECT, OKLAHOMA

§§ 615 to 615e. Omitted

CODIFICATION

Section 615, act Feb. 25, 1956, ch. 71, §1, 70 Stat. 28, authorized construction, operation, and maintenance of Washita River Basin Project, Oklahoma.

Section 615a, act Feb. 25, 1956, ch. 71, §2, 70 Stat. 28, related to allocation of construction costs, adjustments, and repayment of construction costs.

Section 615b, act Feb. 25, 1956, ch. 71, §3, 70 Stat. 30, required construction in units or stages.

Section 615c, act Feb. 25, 1956, ch. 71, §4, 70 Stat. 30, related to construction, operation, and maintenance of public parks and recreational facilities on lands adjacent to Washita project.

Section 615d, act Feb. 25, 1956, ch. 71, §5, 70 Stat. 30, related to expenditures for Foss and Fort Cobb Reservoirs.

Section 615e, act Feb. 25, 1956, ch. 71, §6, 70 Stat. 30, related to authorization of appropriations for this project.

FOSS RESERVOIR MASTER CONSERVANCY DISTRICT; FEASIBILITY STUDY; REVISION OF REPAYMENT CONTRACT

Pub. L. 90-311, May 18, 1968, 82 Stat. 124, directed Secretary of the Interior to conduct feasibility studies in areas serving Foss Reservoir Master Conservancy District to determine alternative water sources and methods of alleviating problems associated with poor quality and supply of water stored in Foss Reservoir, provided for assistance to Foss Reservoir Master Conservancy District in developing an adequate interim water supply, and authorized Secretary to use any available funds to carry out this Act.

SUBCHAPTER XXIV—CROOKED RIVER PROJECT, OREGON

§§ 615f to 615j-1. Omitted

CODIFICATION

Section 615f, acts Aug. 6, 1956, ch. 980, §1, 70 Stat. 1058; Sept. 14, 1959, Pub. L. 86-271, §1, 73 Stat. 554; Sept. 18, 1964, Pub. L. 88-598, §1, 78 Stat. 954, authorized construction, operation, and maintenance of the Crooked River Project, Oregon.

Section 615f-1, Pub. L. 88-598, §3, Sept. 18, 1964, 78 Stat. 954, related to availability of supplemental power required for irrigation water pumping.

Section 615g, act Aug. 6, 1956, ch. 980, §2, 70 Stat. 1058, related to allocation of costs of construction, operation, and maintenance of this project.

Section 615h, act Aug. 6, 1956, ch. 980, §3, 70 Stat. 1059, related to construction, operation, and maintenance of public recreation facilities in connection with this project.

Section 615i, act Aug. 6, 1956, ch. 980, §4, 70 Stat. 1059, related to preservation and propagation of fish and wildlife in connection with this project.

Section 615j, act Aug. 6, 1956, ch. 980, §5, 70 Stat. 1059, authorized appropriations for this project.

Section 615j-1, Pub. L. 88-598, §2, Sept. 18, 1964, 78 Stat. 954, authorized appropriations for new works in project extension.

SUBCHAPTER XXV—LITTLE WOOD RIVER PROJECT, IDAHO

§§ 615k to 615n. Omitted

CODIFICATION

Section 615k, act Aug. 6, 1956, ch. 981, §1, 70 Stat. 1059, authorized construction, operation, and maintenance of Little Wood River Project, Idaho.

Section 615l, act Aug. 6, 1956, ch. 981, §2, 70 Stat. 1059, related to construction, operation, and maintenance of public recreational facilities in connection with this project.

Section 615m, act Aug. 6, 1956, ch. 981, §3, 70 Stat. 1059, related to preservation of fish and wildlife in connection with this project and the operation of this project in accordance with water rights.

Section 615n, act Aug. 6, 1956, ch. 981, §4, 70 Stat. 1060, related to authorization of appropriations for this project.

SUBCHAPTER XXVI—SAN ANGELO PROJECT, TEXAS

§§ 615o to 615r. Omitted

CODIFICATION

Section 615o, Pub. L. 85-152, §1, Aug. 16, 1957, 71 Stat. 372; Pub. L. 103-434, title V, §501(a), Oct. 31, 1994, 108 Stat. 4538, authorized construction, operation, and maintenance of San Angelo Project, Texas.

Section 615p, Pub. L. 85-152, §2, Aug. 16, 1957, 71 Stat. 372, related to contract provisions concerning construction, operation, and maintenance of this project and to rates charged for water supply.

Section 615q, Pub. L. 85-152, §3, Aug. 16, 1957, 71 Stat. 373, related to construction, operation, and maintenance of recreational facilities at Twin Buttes Reservoir and to allocations for flood control and preservation of fish and wildlife.

Section 615r, Pub. L. 85-152, §4, Aug. 16, 1957, 71 Stat. 374, authorized appropriations for this project.

SUBCHAPTER XXVII—SPOKANE VALLEY PROJECT, WASHINGTON AND IDAHO

§§ 615s to 615u. Omitted

CODIFICATION

Section 615s, Pub. L. 86-276, §1, Sept. 16, 1959, 73 Stat. 561; Pub. L. 87-630, §1(a), Sept. 5, 1962, 76 Stat. 431, authorized construction, operation, and maintenance of Spokane Valley Project, Washington and Idaho.

Section 615t, Pub. L. 86-276, §2, Sept. 16, 1959, 73 Stat. 562; Pub. L. 87-630, §1(b), Sept. 5, 1962, 76 Stat. 431, related to provisions concerning construction, operation, and maintenance of this project.

Section 615u, Pub. L. 86-276, §3, Sept. 16, 1959, 73 Stat. 562; Pub. L. 87-630, §1(c), Sept. 5, 1962, 76 Stat. 431, authorized appropriations for this project.

SUBCHAPTER XXVIII—DALLAS PROJECT, OREGON

§§ 615v to 615x. Omitted

CODIFICATION

Section 615v, Pub. L. 86-745, §1, Sept. 13, 1960, 74 Stat. 882, authorized construction, operation, and maintenance of Dallas Project, Oregon.

Section 615w, Pub. L. 86-745, §2, Sept. 13, 1960, 74 Stat. 882, related to provisions concerning construction, operation, and maintenance of this project and to rates for power and energy.

Section 615x, Pub. L. 86-745, §3, Sept. 13, 1960, 74 Stat. 883, authorized appropriations for this project.

SUBCHAPTER XXIX—NORMAN PROJECT, OKLAHOMA

§§ 615aa to 615hh. Omitted

CODIFICATION

Section 615aa, Pub. L. 86-529, §1, June 27, 1960, 74 Stat. 225, authorized construction, operation, and maintenance of Norman Project, Oklahoma and provided for contracts and advances.

Section 615bb, Pub. L. 86-529, §2, June 27, 1960, 74 Stat. 225, related to allocation of costs for this project.

Section 615cc, Pub. L. 86-529, §3, June 27, 1960, 74 Stat. 226, related to contracts with water users' organization.

Section 615dd, Pub. L. 86-529, §4, June 27, 1960, 74 Stat. 226, related to transfer of care, operation, and maintenance of this project to water users' organization.

Section 615ee, Pub. L. 86-529, §5, June 27, 1960, 74 Stat. 226, related to construction of the project in units or stages.

Section 615ff, Pub. L. 86-529, §6, June 27, 1960, 74 Stat. 226, related to construction of public parks and rec-

reational facilities on lands adjacent to reservoirs of this project.

Section 615gg, Pub. L. 86-529, §7, June 27, 1960, 74 Stat. 226, related to expenditures for Norman Reservoir.

Section 615hh, Pub. L. 86-529, §8, June 27, 1960, 74 Stat. 226, authorized appropriations for this project.

SUBCHAPTER XXX—NAVAJO IRRIGATION PROJECT, NEW MEXICO; SAN JUAN-CHAMA PROJECT, COLORADO-NEW MEXICO

§§ 615ii to 615zz. Omitted

CODIFICATION

Section 615ii, Pub. L. 87-483, §1, June 13, 1962, 76 Stat. 96, related to Congressional declaration of policy.

Section 615jj, Pub. L. 87-483, §2, as added Pub. L. 111-11, title X, §10402(a), Mar. 30, 2009, 123 Stat. 1372, authorized construction, operation, and maintenance of Navajo Indian Irrigation Project. 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.

A prior section 615jj, Pub. L. 87-483, §2, June 13, 1962, 76 Stat. 96, authorized construction, operation, and maintenance of Navajo Indian irrigation project, prior to repeal by Pub. L. 111-11, title X, §10402(a), Mar. 30, 2009, 123 Stat. 1372. Repeal 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.

Section 615kk, Pub. L. 87-483, §3, June 13, 1962, 76 Stat. 96; Pub. L. 91-416, §1(a), (c), Sept. 25, 1970, 84 Stat. 867, related to lands to be used as part of Navajo Indian irrigation project.

Section 615ll, Pub. L. 87-483, §4, June 13, 1962, 76 Stat. 97, related to contractual assurance of repayment of costs and interest for construction of additional capacity in developing Navajo Indian irrigation project.

Section 615mm, Pub. L. 87-483, §5, June 13, 1962, 76 Stat. 97, related to payment of operation and maintenance charges of Navajo Indian irrigation project and to transfers of project works and title to property.

Section 615nn, Pub. L. 87-483, §6, June 13, 1962, 76 Stat. 97, related to restriction on delivery of water from Navajo Indian irrigation project for production of excessive basic commodities.

Section 615oo, Pub. L. 87-483, §7, June 13, 1962, 76 Stat. 97; Pub. L. 91-416, §1(b), Sept. 25, 1970, 84 Stat. 867, authorized appropriations for Navajo Indian irrigation project.

Section 615pp, Pub. L. 87-483, §8, June 13, 1962, 76 Stat. 97, authorized construction, operation, and maintenance of initial stage of San Juan-Chama Project, Colorado-New Mexico.

Section 615qq, Pub. L. 87-483, §9, June 13, 1962, 76 Stat. 99, related to restriction on delivery of water from San Juan-Chama project for production of excessive basic commodities.

Section 615rr, Pub. L. 87-483, §10, June 13, 1962, 76 Stat. 99, authorized appropriations for San Juan-Chama project.

Section 615ss, Pub. L. 87-483, §11, June 13, 1962, 76 Stat. 99; Pub. L. 111-11, title X, §10402(b), Mar. 30, 2009, 123 Stat. 1373, provided that waters of Navajo Reservoir, San Juan River and tributary waters be used only pursuant to contract. 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.

Section 615tt, Pub. L. 87-483, §12, June 13, 1962, 76 Stat. 100, related to water use rights of New Mexico and Arizona.

Section 615uu, Pub. L. 87-483, §13, June 13, 1962, 76 Stat. 101, provided use of water through works constructed pursuant to sections 615ii to 615yy of this title be subject to Colorado River compact, Upper Colorado River Basin compact, Boulder Canyon Project Act (43 U.S.C. 617 et seq.), Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.), Colorado River Storage Project Act (43 U.S.C. 620 et seq.), and Mexican Water Treaty (Treaty Series 994).

Section 615vv, Pub. L. 87-483, §14, June 13, 1962, 76 Stat. 101, required compliance with above-mentioned compacts, laws, and treaties and provided for enforcement and consent to suit.

Section 615ww, Pub. L. 87-483, §15, June 13, 1962, 76 Stat. 102, related to studies of quality of water of Colorado River system and reports to Congress on results of these studies.

Section 615xx, Pub. L. 87-483, §16, June 13, 1962, 76 Stat. 102, related to compact obligations of "States of the upper division" concerning flow depletion at Lee Ferry and the Mexican treaty obligation.

Section 615yy, Pub. L. 87-483, §17, June 13, 1962, 76 Stat. 102, related to determination of appropriations.

Section 615zz, Pub. L. 91-416, §2, Sept. 25, 1970, 84 Stat. 867, related to water quality standards of the Navajo Indian irrigation project.

SUBCHAPTER XXXI—CLOSED BASIN DIVISION; SAN LUIS VALLEY PROJECT, COLORADO

§§ 615aaa to 615iii. Omitted

CODIFICATION

Section 615aaa, Pub. L. 92-514, title I, §101, Oct. 20, 1972, 86 Stat. 964; Pub. L. 96-375, §6(a), Oct. 3, 1975, 94 Stat. 1507; Pub. L. 98-570, §1(1), (2), Oct. 30, 1984, 98 Stat. 2941; Pub. L. 100-516, §22(1), (2), Oct. 24, 1988, 102 Stat. 2575, authorized construction, operation, and maintenance of the Closed Basin division, San Luis Valley project, Colorado, established Russell Lakes Waterfowl Management Area, and provided a water supply for Blanca Wildlife Habitat Area and Alamosa National Wildlife Refuge.

Section 615bbb, Pub. L. 92-514, title I, §102, Oct. 20, 1972, 86 Stat. 964; Pub. L. 96-375, §6(b), Oct. 3, 1975, 94 Stat. 1507; Pub. L. 100-516, §22(3), (4), Oct. 24, 1988, 102 Stat. 2575, related to a control system to identify fluctuations in the water table.

Section 615ccc, Pub. L. 92-514, title I, §103, Oct. 20, 1972, 86 Stat. 965, established an operating committee.

Section 615ddd, Pub. L. 92-514, title I, §104, Oct. 20, 1972, 86 Stat. 965; Pub. L. 98-570, §1(3), Oct. 30, 1984, 98 Stat. 2941; Pub. L. 100-516, §22(5), (6), Oct. 24, 1988, 102 Stat. 2575, 2576, related to costs and priority of water availability.

Section 615eee, Pub. L. 92-514, title I, §105, Oct. 20, 1972, 86 Stat. 965; Pub. L. 98-570, §1(4), (5), Oct. 30, 1984, 98 Stat. 2942, related to easements and rights-of-way.

Section 615fff, Pub. L. 92-514, title I, §106, Oct. 20, 1972, 86 Stat. 966, related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project.

Section 615ggg, Pub. L. 92-514, title I, §107, Oct. 20, 1972, 86 Stat. 966, provided for transfer of responsibility for care, operation and maintenance of project works to State of Colorado, or political subdivision thereof, or to a water users' organization.

Section 615hhh, Pub. L. 92-514, title I, §108, Oct. 20, 1972, 86 Stat. 966, provided that nothing in Pub. L. 92-514, enacted sections 615aaa to 615jjjj of this title, be deemed to amend, modify, or conflict with any existing provisions.

Section 615iii, Pub. L. 92-514, title I, §109, Oct. 20, 1972, 86 Stat. 966; Pub. L. 96-375, §6(c), Oct. 3, 1975, 94 Stat. 1507; Pub. L. 100-516, §22(7), Oct. 24, 1988, 102 Stat. 2576, authorized appropriations for this project.

SUBCHAPTER XXXII—BRANTLEY PROJECT,
PECOS RIVER BASIN, NEW MEXICO

§§ 615jjj to 615ooo. Omitted

CODIFICATION

Section 615jjj, Pub. L. 92-514, title II, §201, Oct. 20, 1972, 86 Stat. 966, authorized construction, operation, and maintenance of Brantley project, Pecos River Basin, New Mexico.

Section 615kkk, Pub. L. 92-514, title II, §202, Oct. 20, 1972, 86 Stat. 966, related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project.

Section 615lll, Pub. L. 92-514, title II, §203, Oct. 20, 1972, 86 Stat. 967, provided that nothing in Pub. L. 92-514, enacting sections 615aaa to 615jjjj of this title, amend, repeal, or modify the Pecos River Compact, 1948.

Section 615mmm, Pub. L. 92-514, title II, §204, Oct. 20, 1972, 86 Stat. 967, related to repayment of costs for flood control, dam safety, recreation, and fish and wildlife enhancement.

Section 615nnn, Pub. L. 92-514, title II, §205, Oct. 20, 1972, 86 Stat. 967, related to interest rates.

Section 615ooo, Pub. L. 92-514, title II, §206, Oct. 20, 1972, 86 Stat. 967; Pub. L. 96-375, §11, Oct. 3, 1975, 94 Stat. 1507, authorized appropriations for this project.

SUBCHAPTER XXXIII—SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

§§ 615ppp to 615www. Omitted

CODIFICATION

Section 615ppp, Pub. L. 92-514, title III, §301, Oct. 20, 1972, 86 Stat. 967, authorized construction, operation, and maintenance of Salmon Falls division, Upper Snake River project, Idaho.

Section 615qqq, Pub. L. 92-514, title III, §302, Oct. 20, 1972, 86 Stat. 967, related to water exchanges.

Section 615rrr, Pub. L. 92-514, title III, §303, Oct. 20, 1972, 86 Stat. 968, related to irrigation repayment contracts.

Section 615sss, Pub. L. 92-514, title III, §304, Oct. 20, 1972, 86 Stat. 968, related to fish and wildlife benefits.

Section 615ttt, Pub. L. 92-514, title III, §305, Oct. 20, 1972, 86 Stat. 968, related to availability of irrigation water pumping power.

Section 615uuu, Pub. L. 92-514, title III, §306, Oct. 20, 1972, 86 Stat. 968, related to interest rates.

Section 615vvv, Pub. L. 92-514, title III, §307, Oct. 20, 1972, 86 Stat. 968, related to newly irrigated lands.

Section 615www, Pub. L. 92-514, title III, §308, Oct. 20, 1972, 86 Stat. 968, authorized appropriations for this project.

SUBCHAPTER XXXIV—O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

§§ 615xxx to 615ccccc. Omitted

CODIFICATION

Section 615xxx, Pub. L. 92-514, title IV, §401, Oct. 20, 1972, 86 Stat. 968, authorized construction, operation, and maintenance of O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska.

Section 615yyy, Pub. L. 92-514, title IV, §402, Oct. 20, 1972, 86 Stat. 969, related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this unit.

Section 615zzz, Pub. L. 92-514, title IV, §403, Oct. 20, 1972, 86 Stat. 969, related to integration of this unit with other Federal works.

Section 615aaaa, Pub. L. 92-514, title IV, §404, Oct. 20, 1972, 86 Stat. 969, related to interest rates.

Section 615bbbb, Pub. L. 92-514, title IV, §405, Oct. 20, 1972, 86 Stat. 969, related to newly irrigated lands.

Section 615cccc, Pub. L. 92-514, title IV, §406, Oct. 20, 1972, 86 Stat. 969, authorized appropriations for this unit.

SUBCHAPTER XXXV—NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

§§ 615dddd to 615jjjj. Omitted

CODIFICATION

Section 615dddd, Pub. L. 92-514, title V, §501, Oct. 20, 1972, 86 Stat. 969; Pub. L. 108-318, §1, Oct. 5, 2004, 118 Stat. 1211, authorized North Loup division, Pick-Sloan Missouri Basin program, Nebraska, and described principal features of this division.

Section 615eeee, Pub. L. 92-514, title V, §502, Oct. 20, 1972, 86 Stat. 969, related to interest rates.

Section 615ffff, Pub. L. 92-514, title V, §503, Oct. 20, 1972, 86 Stat. 970, related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this division.

Section 615gggg, Pub. L. 92-514, title V, §504, Oct. 20, 1972, 86 Stat. 970, related to integration of this division with other Federal works.

Section 615hhhh, Pub. L. 92-514, title V, §505, Oct. 20, 1972, 86 Stat. 970, related to limitations on diversion of waters.

Section 615iiii, Pub. L. 92-514, title V, §506, Oct. 20, 1972, 86 Stat. 970, related to newly irrigated lands.

Section 615jjjj, Pub. L. 92-514, title V, §507, Oct. 20, 1972, 86 Stat. 970, authorized appropriations for this division.

VIRGINIA SMITH DAM AND CALAMUS LAKE RECREATION AREA

Pub. L. 101-359, Aug. 10, 1990, 104 Stat. 420, redesignated the Calamus Dam and Reservoir in the North Loup division of the Missouri River basin project as the Virginia Smith Dam and Calamus Lake Recreation Area, effective Jan. 3, 1991.

SUBCHAPTER XXXVI—POLECAT BENCH AREA, SHOSHONE EXTENSIONS UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING

§§ 615kkkk to 615kkkk-6. Omitted

CODIFICATION

Section 615kkkk, Pub. L. 94-228, title I, §101, Mar. 11, 1976, 90 Stat. 205, authorized construction, operation, and maintenance of Polecat Bench area, Shoshone extensions unit, Pick-Sloan Missouri Basin program, Wyoming, and described principal features of this area.

Section 615kkkk-1, Pub. L. 94-228, title I, §102, Mar. 11, 1976, 90 Stat. 205, related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this area.

Section 615kkkk-2, Pub. L. 94-228, title I, §103, Mar. 11, 1976, 90 Stat. 205, related to integration of this area with other Federal works.

Section 615kkkk-3, Pub. L. 94-228, title I, §104, Mar. 11, 1976, 90 Stat. 206, related to lands held in single ownership.

Section 615kkkk-4, Pub. L. 94-228, title I, §105, Mar. 11, 1976, 90 Stat. 206, related to newly irrigated lands.

Section 615kkkk-5, Pub. L. 94-228, title I, §106, Mar. 11, 1976, 90 Stat. 206, related to interest rates.

Section 615kkkk-6, Pub. L. 94-228, title I, §107, Mar. 11, 1976, 90 Stat. 206, authorized appropriations for this area.

SUBCHAPTER XXXVII—POLLOCK-HERREID
UNIT, PICK-SLOAN MISSOURI BASIN PRO-
GRAM, SOUTH DAKOTA

§§ 615llll to 615llll-5. Omitted

CODIFICATION

Section 615llll, Pub. L. 94-228, title IV, §401, Mar. 11, 1976, 90 Stat. 208, authorized construction, operation, and maintenance of Pollock-Herreid Unit, Pick-Sloan Missouri Basin program, South Dakota, and described the principal features of this unit.

Section 615llll-1, Pub. L. 94-228, title IV, §402, Mar. 11, 1976, 90 Stat. 208, related to conservation and development of fish and wildlife.

Section 615llll-2, Pub. L. 94-228, title IV, §403, Mar. 11, 1976, 90 Stat. 208, related to integration of this unit with other Federal works.

Section 615llll-3, Pub. L. 94-228, title IV, §404, Mar. 11, 1976, 90 Stat. 208, related to newly irrigated lands.

Section 615llll-4, Pub. L. 94-228, title IV, §405, Mar. 11, 1976, 90 Stat. 208, related to interest rates.

Section 615llll-5, Pub. L. 94-228, title IV, §406, Mar. 11, 1976, 90 Stat. 208, related to lands held in single ownership.

§ 615llll-6. Repealed. Pub. L. 100-516, § 12(a), Oct. 24, 1988, 102 Stat. 2572

Section, Pub. L. 94-228, title IV, §407, Mar. 11, 1976, 90 Stat. 209, authorized appropriations for Pollock-Herreid Unit. Section 12(a) of Pub. L. 100-516 provided in part that: “The Pollock-Herreid Unit shall remain an authorized feature of the Pick-Sloan Missouri Basin Program.”

SUBCHAPTER XXXVIII—FRYINGPAN-
ARKANSAS PROJECT, COLORADO

§§ 616 to 616f. Omitted

CODIFICATION

Section 616, Pub. L. 87-590, §1, Aug. 16, 1962, 76 Stat. 389; Pub. L. 111-11, title IX, §9115(a), Mar. 30, 2009, 123 Stat. 1320, authorized construction, operation, and maintenance of Fryingpan-Arkansas project, Colorado.

Section 616a, Pub. L. 87-590, §2, Aug. 16, 1962, 76 Stat. 390; Pub. L. 111-11, title IX, §9115(b), Mar. 30, 2009, 123 Stat. 1321, related to repayment of projects costs and determination of interest rates.

Section 616b, Pub. L. 87-590, §3, Aug. 16, 1962, 76 Stat. 391, related to operation of this project and protection of rights of western Colorado water users.

Section 616c, Pub. L. 87-590, §4, Aug. 16, 1962, 76 Stat. 391; Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792, related to construction, operation, and maintenance of public recreation facilities on lands within this project and conservation and development of fish and wildlife.

Section 616d, Pub. L. 87-590, §5, Aug. 16, 1962, 76 Stat. 392, provided use of water through works constructed pursuant to sections 616 to 616f of this title be subject to Colorado River compact, Upper Colorado River Basin compact, Boulder Canyon Project Act (43 U.S.C. 617 et seq.), Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.), Colorado River Storage Project Act (43 U.S.C. 620 et seq.), and Mexican Water Treaty (Treaty Series 994) and for enforcement of compliance with these compacts, statutes and treaty.

Section 616e, Pub. L. 87-590, §6, Aug. 16, 1962, 76 Stat. 393, related to studies of quality of waters of Colorado River system and reports to Congress on results of these studies.

Section 616f, Pub. L. 87-590, §7, Aug. 16, 1962, 76 Stat. 393; Pub. L. 93-493, title XI, §1101, Oct. 27, 1974, 88 Stat. 1497; Pub. L. 111-11, title IX, §9115(c), Mar. 30, 2009, 123 Stat. 1321, authorized appropriations for this project.

SUBCHAPTER XXXIX—MANN CREEK
PROJECT, IDAHO

§§ 616g to 616j. Omitted

CODIFICATION

Section 616g, Pub. L. 87-589, §1, Aug. 16, 1962, 76 Stat. 388, authorized construction, operation, and maintenance of Mann Creek project, Idaho.

Section 616h, Pub. L. 87-589, §2, Aug. 16, 1962, 76 Stat. 388, related to repayment of construction costs and to costs allocated to irrigation.

Section 616i, Pub. L. 87-589, §3, Aug. 16, 1962, 76 Stat. 389, related to construction, operation, and maintenance of public recreational facilities and conservation and development of fish and wildlife in connection with this project.

Section 616j, Pub. L. 87-589, §4, Aug. 16, 1962, 76 Stat. 389; Pub. L. 89-60, June 30, 1965, 79 Stat. 207, authorized appropriations for this project.

SUBCHAPTER XL—ARBUCKLE PROJECT,
OKLAHOMA

§§ 616k to 616s. Omitted

CODIFICATION

Section 616k, Pub. L. 87-594, §1, Aug. 24, 1962, 76 Stat. 395, authorized construction, operation, and maintenance of Arbuckle project, Oklahoma.

Section 616l, Pub. L. 87-594, §2, Aug. 24, 1962, 76 Stat. 395, related to allocation of costs of construction, operation, and maintenance of this project.

Section 616m, Pub. L. 87-594, §3, Aug. 24, 1962, 76 Stat. 396, related to contracts with water users' organization.

Section 616n, Pub. L. 87-594, §4, Aug. 24, 1962, 76 Stat. 396, related to transfer of care, operation, and maintenance of this project to water users' organization.

Section 616o, Pub. L. 87-594, §5, Aug. 24, 1962, 76 Stat. 397, related to construction of this project in stages or units.

Section 616p, Pub. L. 87-594, §6, Aug. 24, 1962, 76 Stat. 397, related to construction, operation, and maintenance of recreational facilities in connection with this project.

Section 616q, Pub. L. 87-594, §7, Aug. 24, 1962, 76 Stat. 397, related to conservation and development of fish and wildlife in connection with this project.

Section 616r, Pub. L. 87-594, §8, Aug. 24, 1962, 76 Stat. 397, related to expenditures for the reservoir and aqueduct system.

Section 616s, Pub. L. 87-594, §9, Aug. 24, 1962, 76 Stat. 397, authorized appropriations for this project.

SUBCHAPTER XLI—BAKER PROJECT,
OREGON

§§ 616t to 616w. Omitted

CODIFICATION

Section 616t, Pub. L. 87-706, §1, Sept. 27, 1962, 76 Stat. 634, authorized construction, operation, and maintenance of Baker project, Oregon.

Section 616u, Pub. L. 87-706, §2, Sept. 27, 1962, 76 Stat. 634, related to extension of period of repayment of construction costs, excess lands and conditions for furnishing water to these lands, and computation of acreage.

Section 616v, Pub. L. 87-706, §3, Sept. 27, 1962, 76 Stat. 634, related to construction, operation, and maintenance of public recreational facilities and development of fish and wildlife in connection with this project and operation of this project for flood control.

Section 616w, Pub. L. 87-706, §4, Sept. 27, 1962, 76 Stat. 635, authorized appropriations for this project.

SUBCHAPTER XLII—DIXIE PROJECT, UTAH

§§ 616aa to 616hh. Omitted

CODIFICATION

Section 616aa, Pub. L. 88-565, §1, Sept. 2, 1964, 78 Stat. 848, authorized construction, operation, and maintenance of Dixie project, Utah.

nance of Dixie project, Utah, and described the principal features of this project.

Section 616aa-1, Pub. L. 90-537, title III, §307, Sept. 30, 1968, 82 Stat. 893, reauthorized this project for construction and provided for integration and participation of this project in Lower Colorado River Basin Development Fund.

Section 616bb, Pub. L. 88-565, §2, Sept. 2, 1964, 78 Stat. 848, related to protection of downstream water users against impairment of water quality from operations of this project and to indemnification.

Section 616cc, Pub. L. 88-565, §3, Sept. 2, 1964, 78 Stat. 848, related to laws governing this project.

Section 616dd, Pub. L. 88-565, §4, Sept. 2, 1964, 78 Stat. 848, related to establishment of a conservancy district or similar organization prior to construction of this project.

Section 616ee, Pub. L. 88-565, §5, Sept. 2, 1964, 78 Stat. 848, related to interest rate, repayment of construction costs and period for repayment.

Section 616ff, Pub. L. 88-565, §6, Sept. 2, 1964, 78 Stat. 849, related to construction, operation, and maintenance of recreational facilities in connection with this project.

Section 616gg, Pub. L. 88-565, §7, Sept. 2, 1964, 78 Stat. 849, provided that use of water diverted for this project from Colorado river system be subject to Colorado River compact, Boulder Canyon Project Act (43 U.S.C. 617 et seq.), and Mexican Water Treaty (Treaty Series 994).

Section 616hh, Pub. L. 88-565, §8, Sept. 2, 1964, 78 Stat. 849; Pub. L. 90-537, title III, §307, Sept. 30, 1968, 82 Stat. 893, authorized appropriations for this project.

SUBCHAPTER XLIII—SAVERY-POT HOOK PROJECT, COLORADO-WYOMING; BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

§§ 616ii to 616mm. Omitted

CODIFICATION

Section 616ii, Pub. L. 88-568, §2, Sept. 2, 1964, 78 Stat. 852, authorized construction and operation of Savery-Pot Hook project, Colorado-Wyoming, and Bostwick Park and Fruitland Mesa projects, Colorado.

Section 616jj, Pub. L. 88-568, §3, Sept. 2, 1964, 78 Stat. 852, provided that provisions of act Aug. 28, 1958 (72 Stat. 963), relating to Seedskaadee project in Wyoming are applicable to these projects and set an acreage limitation for lands held in single ownership for reception of project water.

Section 616kk, Pub. L. 88-568, §4, Sept. 2, 1964, 78 Stat. 852, related to recreational and fish and wildlife facilities and transfer of lands to be administered by Secretary of Agriculture as a national forest.

Section 616l, Pub. L. 88-568, §5, Sept. 2, 1964, 78 Stat. 853, related to restriction on delivery of water for production of excessive basic commodities.

Section 616mm, Pub. L. 88-568, §1, Sept. 2, 1964, 78 Stat. 852, authorized appropriations for these projects.

SUBCHAPTER XLIV—LOWER TETON DIVISION OF TETON BASIN PROJECT, IDAHO

§§ 616nn to 616rr. Omitted

CODIFICATION

Section 616nn, Pub. L. 88-583, §1, Sept. 7, 1964, 78 Stat. 925, authorized construction, operation, and maintenance of Lower Teton Division of Teton Basin project.

Section 616oo, Pub. L. 88-583, §2, Sept. 7, 1964, 78 Stat. 925, related to extension of period of repayment of construction costs.

Section 616pp, Pub. L. 88-583, §3, Sept. 7, 1964, 78 Stat. 925, authorized construction, operation, and maintenance of public recreation facilities in connection with this project.

Section 616qq, Pub. L. 88-583, §4, Sept. 7, 1964, 78 Stat. 926; Pub. L. 96-470, §108(d), Oct. 19, 1980, 94 Stat. 2239, re-

lated to water users contracts and conditions to be met prior to construction of facilities.

Section 616rr, Pub. L. 88-583, §5, Sept. 7, 1964, 78 Stat. 926, authorized appropriations for this division.

SUBCHAPTER XLV—WHITESTONE COULEE UNIT, CHIEF JOSEPH DAM PROJECT, WASHINGTON

§§ 616ss to 616vv-5. Omitted

CODIFICATION

Section 616ss, Pub. L. 88-599, §1, Sept. 18, 1964, 78 Stat. 955, authorized construction, operation, and maintenance of Whitestone Coulee unit of Okanogan-Similkameen division of Chief Joseph Dam project, Washington.

Section 616tt, Pub. L. 88-599, §2, Sept. 18, 1964, 78 Stat. 955, provided that section 2 of the act July 27, 1954 (68 Stat. 568, 569) apply to this unit.

Section 616uu, Pub. L. 88-599, §3, Sept. 18, 1964, 78 Stat. 955, authorized construction, operation, and maintenance of recreational facilities in connection with this unit and allocated costs for conservation of fish and wildlife.

Section 616vv, Pub. L. 88-599, §4, Sept. 18, 1964, 78 Stat. 956, authorized appropriations for this unit.

Section 616vv-1, Pub. L. 89-557, §1, Sept. 7, 1966, 80 Stat. 704, authorized construction, operation, and maintenance of Manson unit, Chelan division, Chief Joseph Dam project, Washington.

Section 616vv-2, Pub. L. 89-557, §2, Sept. 7, 1966, 80 Stat. 704, related to irrigation repayment contracts and period for repayment and charges for power and energy for irrigation water pumping.

Section 616vv-3, Pub. L. 89-557, §3, Sept. 7, 1966, 80 Stat. 704, related to conservation and development of fish and wildlife and enhancement of recreational facilities in connection with this unit.

Section 616vv-4, Pub. L. 89-557, §4, Sept. 7, 1966, 80 Stat. 704, related to restriction on delivery of water for production of excessive basic commodities.

Section 616vv-5, Pub. L. 89-557, §5, Sept. 7, 1966, 80 Stat. 705, authorized appropriations for this unit.

SUBCHAPTER XLVI—McKAY DAM AND RESERVOIR, UMATILLA PROJECT, OREGON

§§ 616ww to 616ww-5. Omitted

CODIFICATION

Section 616ww, Pub. L. 94-228, title III, §301, Mar. 11, 1976, 90 Stat. 207, authorized construction of McKay Dam and Reservoir, Umatilla project, Oregon, and provided for allocation of costs.

Section 616ww-1, Pub. L. 94-228, title III, §302, Mar. 11, 1976, 90 Stat. 207, authorized modifications to spillway structure of McKay Dam.

Section 616ww-2, Pub. L. 94-228, title III, §303, Mar. 11, 1976, 90 Stat. 207, related to maximum storage capacity allocated for primary purpose of retaining and regulating flood control.

Section 616ww-3, Pub. L. 94-228, title III, §304, Mar. 11, 1976, 90 Stat. 207, related to allocation of costs for modification of McKay Dam and to allocation of all other costs.

Section 616ww-4, Pub. L. 94-228, title III, §305, Mar. 11, 1976, 90 Stat. 207, related to repayment contracts and reimbursable costs.

Section 616ww-5, Pub. L. 94-228, title III, §306, Mar. 11, 1976, 90 Stat. 207, authorized appropriations for this project.

SUBCHAPTER XLVII—AUBURN-FOLSOM SOUTH UNIT; SAN FELIPE DIVISION: CENTRAL VALLEY PROJECT, CALIFORNIA

§§ 616aaa to 616fff-7. Omitted

CODIFICATION

Section 616aaa, Pub. L. 89-161, §1, Sept. 2, 1965, 79 Stat. 615, authorized construction, operation, and

maintenance of the Auburn-Folsom South unit, American River division, Central Valley project, California, and described principal features of this unit.

Section 616bbb, Pub. L. 89-161, §2, Sept. 2, 1965, 79 Stat. 616, provided for financial and operational integration and coordination of this unit with Central Valley project.

Section 616ccc, Pub. L. 89-161, §3, Sept. 2, 1965, 79 Stat. 616, related to construction, operation, and maintenance of public recreational facilities and enhancement of fish and wildlife in connection with this unit.

Section 616ddd, Pub. L. 89-161, §4, Sept. 2, 1965, 79 Stat. 618, provided that in locating and designating works and facilities of this unit consideration be given to State of California water plan reports and that local interests be consulted.

Section 616eee, Pub. L. 89-161, §5, Sept. 2, 1965, 79 Stat. 618, related to allocation of water.

Section 616fff, Pub. L. 89-161, §6, Sept. 2, 1965, 79 Stat. 618, authorized appropriations for this unit.

Section 616fff-1, Pub. L. 90-72, §1, Aug. 27, 1967, 81 Stat. 173, authorized construction, operation, and maintenance of San Felipe division, Central Valley project, California.

Section 616fff-2, Pub. L. 90-72, §2, Aug. 27, 1967, 81 Stat. 174, related to conservation and development of fish and wildlife and enhancement of recreational facilities in connection with this division.

Section 616fff-3, Pub. L. 90-72, §3, Aug. 27, 1967, 81 Stat. 174, related to contracts for delivery of water through State facilities.

Section 616fff-4, Pub. L. 90-72, §4, Aug. 27, 1967, 81 Stat. 174, provided that in locating and designing works and facilities of this division consideration be given to State of California water plan reports and that local interests be consulted.

Section 616fff-5, Pub. L. 90-72, §5, Aug. 27, 1967, 81 Stat. 174, related to nonapplicability of other laws to this division.

Section 616fff-6, Pub. L. 90-72, §6, Aug. 27, 1967, 81 Stat. 174, related to restriction on delivery of water for production of excessive basic commodities.

Section 616fff-7, Pub. L. 90-72, §7, Aug. 27, 1967, 81 Stat. 174, authorized appropriations for this division.

SUBCHAPTER XLVIII—SOUTHERN NEVADA PROJECT, NEVADA

§§ 616ggg to 616mmm. Omitted

CODIFICATION

Section 616ggg, Pub. L. 89-292, §1, Oct. 22, 1965, 79 Stat. 1068, authorized construction, operation, and maintenance of the Southern Nevada project, Nevada.

Section 616hhh, Pub. L. 89-292, §2, Oct. 22, 1965, 79 Stat. 1068, related to allocation of project costs and to repayment of these allocated project costs.

Section 616iii, Pub. L. 89-292, §3, Oct. 22, 1965, 79 Stat. 1068, related to commencement of construction of this project, transfer of the care, operation and maintenance of this project to a State agency and to the permanent use of project facilities by Nevada.

Section 616jjj, Pub. L. 89-292, §4, Oct. 22, 1965, 79 Stat. 1069, related to construction costs allocated to defense installations.

Section 616kkk, Pub. L. 89-292, §5, Oct. 22, 1965, 79 Stat. 1069, related to control of diverted waters.

Section 616lll, Pub. L. 89-292, §6, Oct. 22, 1965, 79 Stat. 1069; Pub. L. 89-510, July 19, 1966, 80 Stat. 312, related to contract provisions for subordination of rights of contracting parties to those of Basic Management, Inc. or its assignees.

Section 616mmm, Pub. L. 89-292, §7, Oct. 22, 1965, 79 Stat. 1069, authorized appropriations for this project.

SUBCHAPTER XLIX—TUALATIN PROJECT, OREGON

§§ 616nnn to 616sss. Omitted

CODIFICATION

Section 616nnn, Pub. L. 89-596, §1, Sept. 20, 1966, 80 Stat. 822, authorized construction, operation, and maintenance of Tualatin project, Oregon.

Section 616ooo, Pub. L. 89-596, §2, Sept. 20, 1966, 80 Stat. 822, related to irrigation repayment contracts, period of repayment, and charges for power and energy.

Section 616ppp, Pub. L. 89-596, §3, Sept. 20, 1966, 80 Stat. 822, related to conservation and development of fish and wildlife and enhancement of recreational facilities in connection with this project.

Section 616qqq, Pub. L. 89-596, §4, Sept. 20, 1966, 80 Stat. 822, related to repayment of project costs.

Section 616rrr, Pub. L. 89-596, §5, Sept. 20, 1966, 80 Stat. 823, related to restriction on delivery of water for production of excessive basic commodities.

Section 616sss, Pub. L. 89-596, §6, Sept. 20, 1966, 80 Stat. 823, authorized appropriations for this project.

SUBCHAPTER L—MISSOURI RIVER BASIN PROJECT, SOUTH DAKOTA

§§ 616ttt to 616yyy. Omitted

CODIFICATION

Section 616ttt, Pub. L. 90-453, §1, Aug. 3, 1968, 82 Stat. 624, authorized construction, operation, and maintenance of Oahe unit, James division, Missouri River Basin project, South Dakota.

Section 616uuu, Pub. L. 90-453, §2, Aug. 3, 1968, 82 Stat. 624, related to conservation and development of fish and wildlife and enhancement of recreational facilities in connection with this unit.

Section 616vvv, Pub. L. 90-453, §3, Aug. 3, 1968, 82 Stat. 625, provided for physical and financial integration of this unit with other Federal works.

Section 616www, Pub. L. 90-453, §4, Aug. 3, 1968, 82 Stat. 625, related to restriction on delivery of water for production of excessive basic commodities.

Section 616xxx, Pub. L. 90-453, §5, Aug. 3, 1968, 82 Stat. 625, related to interest rate.

Section 616yyy, Pub. L. 90-453, §6, Aug. 3, 1968, 82 Stat. 625, authorized appropriations for this unit.

SUBCHAPTER LI—MOUNTAIN PARK PROJECT, OKLAHOMA

CHANGE OF NAME

Pub. L. 94-77, Aug. 9, 1975, 89 Stat. 410, provided: "That the Mountain Park Reservoir, Oklahoma, authorized to be constructed by the Act of September 21, 1968 (82 Stat. 853) [sections 616aaaa to 616ffff of this title], shall be known and designated hereafter as the Tom Steed Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred shall be held to refer to such reservoir as the Tom Steed Reservoir."

§§ 616aaaa to 616ffff-2. Omitted

CODIFICATION

Section 616aaaa, Pub. L. 90-503, §1, Sept. 21, 1968, 82 Stat. 853; Pub. L. 93-493, title III, §301, Oct. 27, 1974, 88 Stat. 1492; Pub. L. 103-434, title IV, §402(a), Oct. 31, 1994, 108 Stat. 4536, authorized construction, operation, and maintenance of the Mountain Park project, Oklahoma.

Section 616bbbb, Pub. L. 90-503, §2, Sept. 21, 1968, 82 Stat. 853, related to repayment of costs and the interest rate.

Section 616cccc, Pub. L. 90-503, §3, Sept. 21, 1968, 82 Stat. 854, related to transfer of the care, maintenance, and operation of project works to water users' organization.

Section 616ddddd, Pub. L. 90-503, §4, Sept. 21, 1968, 82 Stat. 854, related to soil survey and land classification.

Section 616eeee, Pub. L. 90-503, §5, Sept. 21, 1968, 82 Stat. 854, related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this project.

Section 616ffff, Pub. L. 90-503, §6, Sept. 21, 1968, 82 Stat. 854, authorized appropriations for this project.

Section 616fff-1, Pub. L. 93-493, title III, §302, Oct. 27, 1974, 88 Stat. 1492, authorized additional appropriations for this project.

Section 616fff-2, Pub. L. 90-503, §7, as added Pub. L. 103-434, title IV, §402(b), Oct. 31, 1994, 108 Stat. 4536, authorized reallocation of project costs.

SUBCHAPTER LII—PALMETTO BEND PROJECT, TEXAS

§§ 616gggg to 616llll. Omitted

CODIFICATION

Section 616gggg, Pub. L. 90-562, §1, Oct. 12, 1968, 82 Stat. 999, authorized construction, operation, and maintenance of Palmetto Bend project, Texas.

Section 616hhhh, Pub. L. 90-562, §2, Oct. 12, 1968, 82 Stat. 999, related to repayment of costs of this project.

Section 616iiii, Pub. L. 90-562, §3, Oct. 12, 1968, 82 Stat. 999, related to transfer of the care, operation, and maintenance of this project to a qualified contractor or contracting entities and to permanent usage rights.

Section 616jjjj, Pub. L. 90-562, §4, Oct. 12, 1968, 82 Stat. 1000, related to conservation and development of fish and wildlife and to enhancement of recreational opportunities in connection with this project.

Section 616kkkk, Pub. L. 90-562, §5, Oct. 12, 1968, 82 Stat. 1000, authorized appropriations for construction, operation, and maintenance of the first stage of this project.

Section 616llll, Pub. L. 90-562, §6, Oct. 12, 1968, 82 Stat. 1000, authorized appropriations for acquisition of land for the second stage of this project.

SUBCHAPTER LIII—MERLIN DIVISION; ROGUE RIVER BASIN PROJECT, OREGON

§§ 616mmmm to 616ssss. Omitted

CODIFICATION

Section 616mmmm, Pub. L. 91-270, §1, May 28, 1970, 84 Stat. 273, authorized construction, operation, and maintenance of Merlin Division, Rogue River Basin project, Oregon.

Section 616nnnn, Pub. L. 91-270, §2, May 28, 1970, 84 Stat. 273, related to irrigation repayment contracts and assessment and collection of service charges.

Section 616oooo, Pub. L. 91-270, §3, May 28, 1970, 84 Stat. 273, related to conservation and development of fish and wildlife and to enhancement of recreational opportunities in connection with this division.

Section 616pppp, Pub. L. 91-270, §4, May 28, 1970, 84 Stat. 273, related to transfer of care, operation, and maintenance of this division to water user's organization.

Section 616qqqq, Pub. L. 91-270, §5, May 28, 1970, 84 Stat. 273, authorized power for irrigation water pumping.

Section 616rrrr, Pub. L. 91-270, §6, May 28, 1970, 84 Stat. 273, related to restriction on delivery of water for production of excessive basic commodities.

Section 616ssss, Pub. L. 91-270, §7, May 28, 1970, 84 Stat. 274, authorized appropriations for this division.

SUBCHAPTER LIV—TOUCHET DIVISION; WALLA WALLA PROJECT, OREGON-WASHINGTON

§§ 616tttt to 616yyyy. Omitted

CODIFICATION

Section 616tttt, Pub. L. 91-307, §1, July 7, 1970, 84 Stat. 409, authorized construction, operation, and

maintenance of Touchet Division, Walla Walla project, Oregon-Washington.

Section 616uuuu, Pub. L. 91-307, §2, July 7, 1970, 84 Stat. 409, related to irrigation payment contracts and repayment of construction costs.

Section 616vvvv, Pub. L. 91-307, §3, July 7, 1970, 84 Stat. 409, related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this division.

Section 616wwww, Pub. L. 91-307, §4, July 7, 1970, 84 Stat. 409, related to interest rate.

Section 616xxxx, Pub. L. 91-307, §5, July 7, 1970, 84 Stat. 410, related to restriction on delivery of water for production of excessive basic commodities.

Section 616yyyy, Pub. L. 91-307, §6, July 7, 1970, 84 Stat. 410; Pub. L. 94-175, Dec. 23, 1975, 89 Stat. 1030, authorized appropriations for this division.

CHAPTER 12A—BOULDER CANYON PROJECT

SUBCHAPTER I—BOULDER CANYON PROJECT ACT

- Sec.
617. Colorado River Basin; protection and development; dam, reservoir, and incidental works; water, water power, and electrical energy; eminent domain.
- 617a. "Colorado River Dam Fund".
- 617b. Authorization of appropriations.
- 617c. Condition precedent to taking effect of provisions.
- 617d. Contracts for storage and use of waters for irrigation and domestic purposes; generation and sale of electrical energy.
- 617e. Uses to be made of dam and reservoir; title in whom; leases, regulations; limitation on authority.
- 617f. Canals and appurtenant structures; transfer of title; power development.
- 617g. Colorado River compact as controlling authority in construction and maintenance of dam, reservoir, canals, and other works.
- 617h. Lands capable of irrigation and reclamation by irrigation works; public entry; preferences.
- 617i. Modification of existing compact relating to Laguna Dam.
- 617j. Omitted.
- 617k. Definitions.
- 617l. Colorado River compact approval.
- 617m. Reclamation law applicable.
- 617n. Projects for irrigation, generation of electric power, and other purposes; investigations and reports.
- 617o. Officials of ratifying States; authority to act in advisory capacity; access to records.
- 617p. Claims of United States; priority.
- 617q. Effect on authority of States to control waters within own borders.
- 617r. Consent given States to negotiate supplemental compacts for development of Colorado River.
- 617s. Recognition of rights of Mexico to Colorado River waters.
- 617t. Short title.
- 617u. Lease of reserved lands in Boulder City, Nevada; disposition of revenues.
- 617v. Repealed.

SUBCHAPTER II—BOULDER CANYON PROJECT ADJUSTMENT ACT

618. Promulgation of charges for electrical energy.
- 618a. Receipts from project; disposition.
- 618a-1. Availability of Colorado River Development Fund for investigation and construction purposes.
- 618b. Reduction of payments and transfers where revenue is insufficient.
- 618c. Charges as retroactive; adjustment of accounts.