

Public Law 92-487

AN ACT

October 13, 1972
[H. R. 9198]

To amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems.

Irrigation distribution and drainage systems. Construction.
43 USC 421a.

32 Stat. 388.
43 USC 371 and note.

Loans.

53 Stat. 1187;
72 Stat. 542;
76 Stat. 407.
43 USC 485a, 485h.

Repayment contract.

"Irrigation district or other public agency."

Requirements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 4, 1955 (69 Stat. 245), as amended by the Act of May 14, 1956 (70 Stat. 155), is hereby amended to read as follows:

"That 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 this Act as the 'Secretary'), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in this Act. The drainage systems referred to in this Act 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 of natural runoff.

"SEC. 2. 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 2(d) and 9(d) of the Reclamation Project Act of August 4, 1939, 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 this Act 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.

"SEC. 3. 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 this Act 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 this Act: *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 this Act may grant to a borrower or prospective borrower under this Act revocable permission for the use thereof in like manner as under the Acts of March 3, 1891, sections 18 to 21 (26 Stat. 1101), as amended (43 U.S.C. 946-949), January 21, 1895 (28 Stat. 635), as amended (43 U.S.C. 956), February 15, 1901 (31 Stat. 790), as amended (16 U.S.C. 79, 522; 43 U.S.C. 959), February 1, 1905 (33 Stat. 628; 16 U.S.C. 524), March 1, 1921 (41 Stat. 1194; 43 U.S.C. 950), May 9, 1941 (55 Stat. 183; 43 U.S.C. 931a), July 24, 1946, section 7 (60 Stat. 643), as amended (43 U.S.C. 931b), May 31, 1947 (61 Stat. 124; 38 U.S.C. 11i), February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328), or September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c-931d), 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.

"SEC. 4. Except as herein otherwise provided, the provisions of the Federal reclamation laws, and Acts amendatory thereto, are continued in full force and effect.

"SEC. 5. 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 this Act, 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 6 hereof, 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.

"SEC. 6. 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 this Act.

Reconveyance.

44 Stat. 668.

70A Stat. 675.
72 Stat. 1254.
38 USC 5014.

Restriction.

32 Stat. 388.
43 USC 371 and
note.
Municipal and
industrial water
supply, delivery.

Loan repayment
contract require-
ments.

Existing loans
amendatory con-
tracts, negotiation.

"SEC. 7. Nothing in this Act shall be construed to repeal or limit the procedural and substantive requirements of section 8 of the Act of June 17, 1902 (32 Stat. 388).

"SEC. 8. Works financed by loans made under this Act shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151); and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321)."

Approved October 13, 1972.

Public Law 92-488

AN ACT

To declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in approximately seven hundred and sixty-two acres of land, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Burns Indian Colony, Oregon, are hereby declared to be held by the United States in trust for said colony, and to be an Indian reservation for the use and benefit of said colony.

SEC. 2. Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and added to the reservation established by section 1 of this Act, that certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 13, township 23 south, range 30 east, Willamette meridian, Harney County, Oregon, which was conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

SEC. 3. The property subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal property.

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation" the words "the Burns Paiute Reservation."

SEC. 5. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission

Approved October 13, 1972.

43 USC 372,
383.

60 Stat. 1080;
72 Stat. 563.
16 USC 661
note.
Post, p. 816.

October 13, 1972
[H. R. 6318]

Burns Indian
Colony, Oreg.
Lands in trust.

40 USC 401-411
note.

15 USC 724-728
note.

Administration.

Ante, p. 788.

Claims offset
against U.S.

25 USC 70a.