

(Sept. 18, 1922, ch. 323, 42 Stat. 847.)

§ 599. Omitted

Editorial Notes

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.)

Editorial Notes

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".

Statutory Notes and Related Subsidiaries

AMENDMENT OF CONTRACTS

Act Aug. 9, 1955, ch. 637, §2, 69 Stat. 557, 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

Act Aug. 9, 1955, ch. 637, §1, 69 Stat. 556, 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 Reclama-

tion 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF APPROPRIATIONS

Act Dec. 29, 1950, ch. 1183, §3, 64 Stat. 1125, 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 Author-

ization Act (64 Stat. 1124) [section 600c(e)(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 amend-

atory 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 non-reimbursable.

(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 munic-

ipal 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 fa-