

“(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

“(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

“(e) NULLIFICATION.—

“(1) DEADLINES.—

“(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

“(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

“(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

“(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

“(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) [123 Stat. 1394] shall be completed.

“(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

“(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) [123 Stat. 1394] shall be completed.

“(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702 [123 Stat. 1402].

“(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) [123 Stat. 1395] for the conjunctive use wells authorized under section 10606(b) [123 Stat. 1393] should be appropriated.

“(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

“(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

“(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

“(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

“(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

“(i) the Trust Fund shall be terminated;

“(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

“(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

“(iv) this part and parts I and III [parts IV (§§ 10701–10704), I (§§ 10401–10403), and III (§§ 10601–10609) of subtitle B of title X of Pub. L. 111–11, enacting former section 615jj and section 620n–1 of this title, amending this section, former

section 615ss, and section 620o of this title, repealing former section 615jj of this title, and enacting provisions set out as notes under this section] shall be null and void.

“(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

“(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

“(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

“(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606 [123 Stat. 1392].

“(ii) A failure—

“(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

“(II) to obtain a necessary water right for the consumptive use of water in Arizona;

“(III) to contract for the delivery of water for use in Arizona; or

“(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

“(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

“(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.”

[For definitions of terms used in section 10701 of Pub. L. 111–11, set out above, see section 10302 of Pub. L. 111–11, set out as a note under section 407 of this title.]

**§ 620a. Priority to planning reports of certain additional participating projects; reports to States; San Juan-Chama project; Juniper project**

In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, Eagle Divide, Bluestone, Battlement Mesa, Grand Mesa, Yellow Jacket, Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units) and Sublette (including a diversion of water from the Green River to the North Platte River Basin Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) participating projects: *Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14–06–W–194). Said reports shall be

completed as expeditiously as funds are made available therefor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress: *Provided*, That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a single off-stream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed or operated thereat, and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

The Secretary, concurrently with the investigations directed by the preceding paragraph, shall also give priority to completion of a planning report on the Juniper project.

(Apr. 11, 1956, ch. 203, § 2, 70 Stat. 106; Pub. L. 87-483, § 18, June 13, 1962, 76 Stat. 102; Pub. L. 88-568, § 1, Sept. 2, 1964, 78 Stat. 852; Pub. L. 90-537, title V, § 501(a), Sept. 30, 1968, 82 Stat. 897.)

#### REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are identified in section 620c of this title.

#### CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90-537 which amended this section are only a part of said subsec. (a). The remainder of subsec. (a), amended section 620 of this title and enacted provisions set out as notes under sections 620 and 620k of this title.

#### AMENDMENTS

1968—Pub. L. 90-537 substituted Basalt, Middle Park (including Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including Juniper and Great Northern units), and Upper Yampa (including Hayden Mesa, Wessels, and Toponas units) projects for Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, and Animas-La Plata projects, added Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) projects, and that portion of the Sublette projects consisting of a diversion of water from the Green River to the North Platte River Basin in Wyoming to the list of participating projects, and inserted proviso that planning report for Ute Indian unit of Central Utah project be completed on or before December 31, 1974.

1964—Pub. L. 88-568 struck out “, Fruitland Mesa, Bostwick Park” and “, Savery-Pot Hook” after “Ohio Creek” and “Dallas Creek”, respectively.

1962—Pub. L. 87-483 struck out “San Juan-Chama, Navajo” after “Gooseberry,” in first sentence.

#### STORAGE OF WATER AT ABIQUIU DAM IN NEW MEXICO

Pub. L. 100-522, Oct. 24, 1988, 102 Stat. 2604, provided that:

#### “SECTION 1. WATER STORAGE.

“Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to store 200,000 acre-feet of Rio Grande system water at Abiquiu Dam, New Mexico, in lieu of the water storage authorized by section 5 of Public Law 97-140 [set out below], to the extent that contracting entities under section 5 of Public Law 97-140 no longer require such storage. The Secretary is authorized further to acquire lands adjacent to Abiquiu Dam on which the Secretary holds easements as of the date of enactment of this Act [Oct. 24, 1988] if such acquisition is necessary to assure proper recreational access at Abiquiu Dam. The Secretary is further directed to report to Congress as soon as possible with recommendations on additional easements that may be required to assure implementation of this Act.

#### “SEC. 2. LIMITATION.

“The authorization to store water and to acquire lands under section 1 is subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission.”

#### STORAGE OF SAN JUAN-CHAMA PROJECT WATER IN OTHER RESERVOIRS

Pub. L. 97-140, § 5, Dec. 29, 1981, 95 Stat. 1717, provided that:

“(a) The proviso of section 2 of Public Law 84-485 [this section] shall not be construed to prohibit the storage of San Juan-Chama project water acquired by contract with the Secretary of the Interior pursuant to Public Law 87-483 [section 615ii et seq. of this title] in any reservoir, including the storage of water for recreation and other beneficial purposes by any party contracting with the Secretary for project water.

“(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of a total of two hundred thousand acre-feet of such water in Abiquiu Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. The agreements to thus store San Juan-Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project and shall include a requirement that each user of storage space shall pay any increase in operation and maintenance costs attributable to the storage of that user’s water.

“(c) The Secretary of the Interior is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Elephant Butte Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. Any increase in operation and maintenance costs resulting from such storage not offset by increased power revenues resulting from that storage shall be paid proportionately by the entities for which the San Juan-Chama project water is stored.

“(d) The amount of evaporation loss and spill chargeable to San Juan-Chama project water stored pursuant to subsections (b) and (c) of this section shall be accounted as required by the Rio Grande compact and the procedures established by the Rio Grande Compact Commission.”

#### § 620a-1. Construction of participating projects to be concurrent with Central Arizona Project

The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal