

Congress of the United States approved June 17, 1902, and the Acts amendatory thereof and supplemental thereto.

“Maintenance” as used herein shall be deemed to include in each instance provision for keeping the works in good operating condition.

“The Federal Power Act,” [16 U.S.C. 791a et seq.] as used in this subchapter, shall be understood to mean that certain Act of Congress of the United States approved June 10, 1920, and the Acts amendatory thereof and supplemental thereto.

“Domestic”, whenever employed in this subchapter, shall include water uses defined as “domestic” in said Colorado River compact.

(Dec. 21, 1928, ch. 42, §12, 45 Stat. 1064.)

REFERENCES IN TEXT

That certain Act of Congress of the United States approved 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 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.

The Federal Power Act, referred to in text, was in the original the “Federal Water Power Act”, which was redesignated the Federal Power Act by section 791a of Title 16, Conservation. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of Title 16. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

§ 617I. Colorado River compact approval

(a) Approval by Congress

The Colorado River compact signed at Santa Fe, New Mexico, November 24, 1922, pursuant to Act of Congress approved August 19, 1921, entitled “An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes”, is approved by the Congress of the United States, and the provisions of the first paragraph of article 11 of the said Colorado River compact, making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory States, are waived, and this approval shall become effective when the State of California and at least five of the other States mentioned, shall have approved or may hereafter approve said compact as aforesaid and shall consent to such waiver, as herein provided.

(b) Rights in waters of Colorado River and tributaries; Colorado River compact as controlling

The rights of the United States in or to waters of the Colorado River and its tributaries howsoever claimed or acquired, as well as the rights of those claiming under the United States, shall be subject to and controlled by said Colorado River compact.

(c) Patents, grants, contracts, concessions, etc.; Colorado River compact as controlling

Also all patents, grants, contracts, concessions, leases, permits, licenses, rights-of-way, or other privileges from the United States or under its authority, necessary or convenient for the

use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this subchapter, the Federal Power Act [16 U.S.C. 791a et seq.], or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient, or incidental, and the use of the same shall likewise be subject to and controlled by said Colorado River compact.

(d) Conditions and covenants referred to herein; nature; how and by whom availed of in litigation

The conditions and covenants referred to herein shall be deemed to run with the land and the right, interest, or privilege therein and water right, and shall attach as a matter of law, whether set out or referred to in the instrument evidencing any such patent, grant, contract, concession, lease, permit, license, right-of-way, or other privilege from the United States or under its authority, or not, and shall be deemed to be for the benefit of and be available to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and the users of water therein or thereunder, by way of suit, defense, or otherwise, in any litigation respecting the waters of the Colorado River or its tributaries.

(Dec. 21, 1928, ch. 42, §13, 45 Stat. 1064.)

REFERENCES IN TEXT

Act of Congress approved August 19, 1921, referred to in subsec. (a), is act Aug. 19, 1921, ch. 72, 42 Stat. 171, which is not classified to the Code.

The Federal Power Act, referred to in subsec. (c), which was in the original the “Federal Water Power Act”, is defined in section 617k of this title. For further details, see note set out under section 617k of this title.

UPPER COLORADO RIVER BASIN COMPACT

The Upper Colorado River Basin Compact signed by the States of Arizona, Colorado, New Mexico, Utah, and Wyoming on October 11, 1948, was approved by Congress Apr. 6, 1949, ch. 48, 63 Stat. 31.

§ 617m. Reclamation law applicable

This subchapter shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation, and management of the works herein authorized, except as otherwise therein provided.

(Dec. 21, 1928, ch. 42, §14, 45 Stat. 1065.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 617k of this title.

§ 617n. Projects for irrigation, generation of electric power, and other purposes; investigations and reports

The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Wyoming for the purpose of

making such information available to said States and to the Congress and of formulating a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of \$250,000 is authorized to be appropriated from said Colorado River Dam fund, created by section 617a of this title, for such purposes.

(Dec. 21, 1928, ch. 42, § 15, 45 Stat. 1065.)

§ 617o. Officials of ratifying States; authority to act in advisory capacity; access to records

In furtherance of any comprehensive plan formulated on and after Dec. 21, 1928 for the control, improvement, and utilization of the resources of the Colorado River system and to the end that the project authorized by this subchapter may constitute and be administered as a unit in such control, improvement, and utilization, any commissioner or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 617c, 617d, and 617m of this title and shall have at all times access to records of all Federal agencies empowered to act under said sections, and shall be entitled to have copies of said records on request.

(Dec. 21, 1928, ch. 42, § 16, 45 Stat. 1065.)

§ 617p. Claims of United States; priority

Except as provided in title 11, claims of the United States arising out of any contract authorized by this subchapter shall have priority over all others, secured or unsecured.

(Dec. 21, 1928, ch. 42, § 17, 45 Stat. 1065; Pub. L. 95-598, title III, § 332, Nov. 6, 1978, 92 Stat. 2679.)

AMENDMENTS

1978—Pub. L. 95-598 inserted introductory phrase “Except as provided in title 11”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Dates note preceding section 101 of Title 11, Bankruptcy.

§ 617q. Effect on authority of States to control waters within own borders

Nothing herein shall be construed as interfering with such rights as the States had on December 21, 1928, either to the waters within their borders or to adopt such policies and enact such laws as they deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement.

(Dec. 21, 1928, ch. 42, § 18, 45 Stat. 1065.)

§ 617r. Consent given States to negotiate supplemental compacts for development of Colorado River

The consent of Congress is given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and

enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this subchapter for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(a) Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

(b) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

(Dec. 21, 1928, ch. 42, § 19, 45 Stat. 1065.)

§ 617s. Recognition of rights of Mexico to Colorado River waters

Nothing in this subchapter shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

(Dec. 21, 1928, ch. 42, § 20, 45 Stat. 1066.)

§ 617t. Short title

The short title of this subchapter shall be “Boulder Canyon Project Act.”

(Dec. 21, 1928, ch. 42, § 21, 45 Stat. 1066.)

§ 617u. Lease of reserved lands in Boulder City, Nevada; disposition of revenues

The Secretary of the Interior is authorized and empowered, under such rules and regulations as he may prescribe, to establish rental rates for the lease of reserved lands of the United States situate within the exterior boundaries of Boulder City, Nevada, and, without prior advertising, to enter into leases therefor at not less than rates so established and for periods not exceeding fifty-three years from the date of such leases: *Provided*, That all revenues which may accrue to the United States under the provisions of such leases shall be deposited in the Treasury and credited to the Colorado River Dam fund established by section 617a of this title.

(June 18, 1940, ch. 395, 54 Stat. 437.)

CODIFICATION

Section was not enacted as part of the Boulder Canyon Project Act which comprises this subchapter.

BOULDER CITY ACT OF 1958

Public Law 85-900, Sept. 2, 1958, 72 Stat. 1726, provided for disposal of certain Federal property in Boulder City