

Utah, and Wyoming, the Secretary shall have regard for the achievement within each of said States of the fullest practicable use of the waters of the Upper Colorado River system, consistent with the apportionment thereof among such States.

(Apr. 11, 1956, ch. 203, § 13, 70 Stat. 110.)

§ 620m. Compliance with law required in operation of facilities; enforcement of provisions

In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.], and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section, and consent is given to the joinder of the United States as a party in such suit or suites, as a defendant or otherwise.

(Apr. 11, 1956, ch. 203, § 14, 70 Stat. 110.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, 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.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables.

§ 620n. Water quality study and reports

The Secretary of the Interior is directed to continue studies and to make a report to the Congress and to the States of the Colorado River Basin on the quality of water of the Colorado River.

(Apr. 11, 1956, ch. 203, § 15, 70 Stat. 111.)

§ 620n-1. Top water bank

(a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

(A) Public Law 87-483 (76 Stat. 96); and

(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

(B) water in the top water bank be subject to evaporation and other losses during storage;

(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.

(Apr. 11, 1956, ch. 203, § 16, as added Pub. L. 111-11, title X, §10401(b)(2), Mar. 30, 2009, 123 Stat. 1371.)

TERMINATION OF SECTION

For termination of section by section 10701(e)(2) of Pub. L. 111-11, see Termination Date note below.

REFERENCES IN TEXT

Public Law 87-483, referred to in subsecs. (b) and (c)(2)(A), is Pub. L. 87-483, June 13, 1962, 76 Stat. 96, which was classified principally to subchapter XXX (§615ii et seq.) of chapter 12 of this title, and was omitted from the Code. Section 11 of Pub. L. 87-483 was classified to §615ss of this title prior to being omitted from the Code.

TERMINATION DATE

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.

§ 620o. Definitions

As used in this chapter—

The terms “Colorado River Basin”, “Colorado River Compact”, “Colorado River System”, “Lee Ferry”, “States of the Upper Division”, “Upper Basin”, and “domestic use” shall have the meaning ascribed to them in article II of the Upper Colorado River Basin Compact;

The term “States of the Upper Colorado River Basin” shall mean the States of Arizona, Colorado, New Mexico, Utah, and Wyoming;

The term “Upper Colorado River Basin” shall have the same meaning as the term “Upper Basin”;

The term “Upper Colorado River Basin Compact” shall mean that certain compact executed on October 11, 1948 by commissioners representing the States of Arizona, Colorado, New Mexico, Utah, and Wyoming, and consented to by the Congress of the United States of America by Act of April 6, 1949 (63 Stat. 31);

The term “Rio Grande Compact” shall mean that certain compact executed on March 18, 1938, by commissioners representing the States of Colorado, New Mexico, and Texas and consented to by the Congress of the United States of America by Act of May 31, 1939 (53 Stat. 785);

The term “Treaty with the United Mexican States” shall mean that certain treaty between the United States of America and the United Mexican States, signed at Washington, District of Columbia, February 3, 1944, relating to the utilization of the waters of the Colorado River and other rivers, as amended and supplemented by the protocol dated November 14, 1944, and the understandings recited in the Senate resolution of April 18, 1945, advising and consenting to ratification thereof.

(Apr. 11, 1956, ch. 203, §17, formerly §16, 70 Stat. 111; temporarily renumbered §17, Pub. L. 111–11, title X, §10401(b)(1), Mar. 30, 2009, 123 Stat. 1371.)

RENUMBERING OF SECTION

For termination of renumbering of this section by section 10701(e)(2) of Pub. L. 111–11, see Termination Date of 2009 Amendment note below.

REFERENCES IN TEXT

Act of April 6, 1949, referred to in text, is act Apr. 6, 1949, ch. 48, 63 Stat. 31, which is not classified to the Code.

Act of May 31, 1939, referred to in text, is act May 31, 1939, ch. 155, 53 Stat. 785, which is not classified to the Code.

TERMINATION DATE OF 2009 AMENDMENT

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.

CHAPTER 13—FEDERAL LANDS INCLUDED IN STATE IRRIGATION DISTRICTS

- Sec. 621. Subjection of lands in State irrigation district to State laws generally.
- 622. Cost of construction and maintenance of irrigation project as charge on land.
- 623. Map of district and plan of irrigation project; approval by Secretary.

- Sec. 624. Entry of approval on land records.
- 625. Release of unentered land from lien on non-completion of irrigation project.
- 626. Enforcement of lien against entered but unpatented land.
- 627. Sale of unpatented and unentered land prohibited; suspension of entry.
- 628. Patents to entered but unpatented land.
- 629. Delivery of notices required by State law; right to hearing, appeal, etc.
- 630. Disposition by Government of proceeds of land sold.

§ 621. Subjection of lands in State irrigation district to State laws generally

When in any State of the United States under the irrigation district laws of said State there has, prior to August 11, 1916, been organized and created or shall thereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section 623 of this title, are made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership except as in this chapter otherwise provided: *Provided further*, That this chapter shall not apply to any irrigation district comprising a majority acreage of unentered land.

(Aug. 11, 1916, ch. 319, §1, 39 Stat. 506.)

§ 622. Cost of construction and maintenance of irrigation project as charge on land

The cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights-of-way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among lands held under private ownership, lands legally covered by unpatented entries, and unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the officer designated by the Secretary of the Interior of the land district within which the lands affected are located as soon as