

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.