

impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

“(14) FUND.—The term ‘Fund’ means the Reclamation Waters Settlements Fund established by section 10501(a) [43 U.S.C. 407(a)].

“(15) HYDROLOGIC DETERMINATION.—The term ‘hydrologic determination’ means the hydrologic determination entitled ‘Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,’ prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99) [former 43 U.S.C. 615ss], and dated May 23, 2007.

“(16) LOWER BASIN.—The term ‘Lower Basin’ has the same meaning given the term in Article II(g) of the Colorado River Compact.

“(17) NATION.—The term ‘Nation’ means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) [102(2)] of the Federally Recognized Indian Tribe List [Act] of 1994 (25 U.S.C. 497a(2)) [now 25 U.S.C. 5130(2)], also known variously as the ‘Navajo Tribe,’ the ‘Navajo Tribe of Arizona, New Mexico & Utah,’ and the ‘Navajo Tribe of Indians’ and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

“(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ‘Navajo-Gallup Water Supply Project’ or ‘Project’ means the Navajo-Gallup Water Supply Project authorized under section 10602(a) [123 Stat. 1379], as described as the preferred alternative in the Draft Impact Statement.

“(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term ‘Navajo Indian Irrigation Project’ means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96) [former 43 U.S.C. 615jj].

“(20) NAVAJO RESERVOIR.—The term ‘Navajo Reservoir’ means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.).

“(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term ‘Navajo Nation Municipal Pipeline’ or ‘Pipeline’ means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

“(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ‘Non-Navajo Irrigation Districts’ means—

“(A) the Hammond Conservancy District;

“(B) the Bloomfield Irrigation District; and

“(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

“(23) PARTIAL FINAL DECREE.—The term ‘Partial Final Decree’ means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

“(24) PROJECT PARTICIPANTS.—The term ‘Project Participants’ means the City, the Nation, and the Jicarilla Apache Nation.

“(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term ‘San Juan River Basin Recovery Implementation Program’ means the inter-governmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

“(26) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

“(27) STREAM ADJUDICATION.—The term ‘stream adjudication’ means the general stream adjudication

that is the subject of *New Mexico v. United States*, et al., No. 75-184 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

“(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term ‘Supplemental Partial Final Decree’ means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

“(29) TRUST FUND.—The term ‘Trust Fund’ means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a) [123 Stat. 1402].

“(30) UPPER BASIN.—The term ‘Upper Basin’ has the same meaning given the term in Article II(f) of the Colorado River Compact.”

## SUBCHAPTER III—INSTITUTION AND CONSTRUCTION OF PROJECTS

### § 411. Surveys for, location, and construction of irrigation works generally

The Secretary of the Interior is authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells.

(June 17, 1902, ch. 1093, § 2, 32 Stat. 388; Aug. 7, 1946, ch. 770, § 1(7), 60 Stat. 867.)

#### REFERENCES IN TEXT

Herein, referred to in text, means in act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in acts Mar. 2, 1889, ch. 411, § 1, 25 Stat. 960; Oct. 2, 1888, ch. 1069, § 1, 25 Stat. 526.

#### AMENDMENTS

1946—Act Aug. 7, 1946, struck out provisions requiring annual reports to Congress as to results of those examinations and surveys.

#### SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

### § 411a. Repealed. Feb. 28, 1929, ch. 374, § 2, 45 Stat. 1406

Section, act June 28, 1926, ch. 704, 44 Stat. 776, authorized employment of engineers for consultation.

### § 411a-1. Authorization of appropriations for investigations of feasibility of reclamation projects

The sum of \$125,000 annually is authorized to be appropriated for cooperative and miscellaneous investigations of the feasibility of reclamation projects.

(Feb. 21, 1923, ch. 101, 42 Stat. 1281.)

### § 411b. Employment of engineers, geologists, appraisers and economists for reclamation consultation work; compensation; retired Army and Navy officers as consulting engineers

The Secretary of the Interior is authorized, in his judgment and discretion, to employ for con-

sultation purposes on important reclamation work ten consulting engineers, geologists, appraisers, and economists, at rates of compensation to be fixed by him, but not to exceed \$50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed \$5,000: *Provided further*, That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this section.

(Feb. 28, 1929, ch. 374, §1, 45 Stat. 1406; Apr. 22, 1940, ch. 125, 54 Stat. 148; Dec. 23, 1944, ch. 708, 58 Stat. 915; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 652.)

#### AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which authorized employment of retired personnel of the Department of the Interior as consultants.

1944—Act Dec. 23, 1944, inserted third proviso.

1940—Act Apr. 22, 1940, provided for employment of appraisers and increased the number to be employed from five to ten.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

#### § 412. Prerequisites to initiation of project or division of project

After December 5, 1924, no new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States.

(Dec. 5, 1924, ch. 4, §4, subsec. B, 43 Stat. 702.)

#### DEFINITIONS

The definitions in section 371 of this title apply to this section.

#### § 413. Approval of project by President

After June 25, 1910, no irrigation project contemplated by the Act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

(June 25, 1910, ch. 407, §4, 36 Stat. 836.)

#### REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, 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.

#### CODIFICATION

Section is comprised of second clause of section 4 of act June 25, 1910. First clause of such section 4 is classified to section 400 of this title.

#### § 414. Appropriation for projects essential

Expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and there shall annually, in the Budget, be submitted to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law.

(Aug. 13, 1914, ch. 247, §16, 38 Stat. 690.)

#### REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

#### CODIFICATION

Words "there shall annually, in the Budget, be submitted to Congress" substituted for "the Secretary of the Interior shall annually in the regular Book of Estimates, submit to Congress" in view of the Budget and Accounting Act, 1921, act June 10, 1921, ch. 18, 42 Stat. 20. See sections 1104 and 1105 of Title 31, Money and Finance.

#### § 415. Receipts applicable to project generally

All moneys heretofore or hereafter refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation for the project or operation from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project or operation.

(June 12, 1917, ch. 27, 40 Stat. 149.)

#### REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act June 12, 1917, ch. 27, 40 Stat. 147, under the heading "RECLAMATION SERVICE", as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

#### § 416. Laws applicable to withdrawn lands; restoration to entry

All lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable,