

§ 695f. Construction, etc., authorized by section 695e as not reimbursable or returnable under reclamation laws

The cost of investigation, planning, and construction of the works and the delivery of water as authorized in section 695e of this title shall not be reimbursable or returnable under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and the Acts amendatory thereof and supplementary thereto).

(Aug. 27, 1954, ch. 1012, § 3, 68 Stat. 879.)

Editorial Notes

REFERENCES IN TEXT

Act of 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 Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

§ 695g. Authorization of appropriations

There are hereby authorized to be appropriated such funds, not to exceed \$400,000, for construction of necessary works to supply water for State and federally owned and operated waterfowl management areas in the San Joaquin Valley to carry out the purposes of sections 695d to 695j-1 of this title.

(Aug. 27, 1954, ch. 1012, § 4, 68 Stat. 879.)

§ 695h. Ownership by State of California of works constructed

Works constructed under the authorization of section 695e of this title, for the purpose of supplying State wildlife management areas with water, shall become the property of the State of California when constructed.

(Aug. 27, 1954, ch. 1012, § 5, 68 Stat. 879.)

§ 695i. Authorization of Secretary of the Interior to contract for water delivery; nonreimbursable or nonreturnable basis of delivery

The Secretary of the Interior is authorized to contract for the delivery of water to public organizations or agencies for use within the boundaries of such organizations or agencies for waterfowl purposes in the Grasslands area of the San Joaquin Valley. If and when available, such water shall be delivered from the Central Valley project to the contracting entity, and the cost of furnishing the water shall not be reimbursable or returnable under the Federal reclamation laws: *Provided*, That, in order for the delivery of such water to continue on a nonreimbursable or nonreturnable basis—

(a) Amount and time of water delivery to Service

the public organizations or agencies contracting with the Secretary of the Interior, excluding the State of California, shall deliver annually to the United States Fish and Wildlife Service (hereinafter referred to as the "Service"), at no cost to the United States, not less than three thousand five hundred acre-feet of water during the period October 1

through November 30, inclusive, and not less than four thousand acre-feet of water during the period May 1 through September 30, inclusive, if available: *Provided*, That such amounts of water and times of delivery may be changed upon approval of the Secretary of the Interior;

(b) Construction, operation, and maintenance of water conveyance facilities

the public organizations or agencies, excluding the State of California, shall construct, operate, and maintain any water conveyance facilities necessary to deliver the water referred to in subsection (a) of this section to a point or points within the boundaries of such public organization or agency as designated by the Service, or to such points as may be mutually agreed upon by the public organization or agency and the Service. The Service shall be responsible for delivering the water from such point or points to appropriate locations within lands under its jurisdiction;

(c) Reversionary rights of Secretary

any contract entered into by the Secretary of the Interior and any public organization or agency pursuant to sections 695d to 695j-1 of this title shall provide that in the event the public organization or agency for any reason fails to carry out the obligations imposed upon it by said contract or by sections 695d to 695j-1 of this title, the rights of use of any facilities referred to in subsection (b), and the rights to all water contracted for by the organization or agency pursuant to sections 695d to 695j-1 of this title shall revert to the Secretary of the Interior for migratory waterfowl purposes in accordance with the laws of the State of California; and

(d) Restrictive covenants

in accordance with existing or future contracts, the use of lands located within the boundaries of the public organizations or agencies shall be restricted by covenants requiring that such lands be used only for the purpose of waterfowl and wildlife habitat conservation or other uses as may be mutually agreed upon by the public organizations or agencies and the Service.

(Aug. 27, 1954, ch. 1012, § 6, 68 Stat. 879; Pub. L. 95-616, § 10(a), Nov. 8, 1978, 92 Stat. 3115.)

Editorial Notes

REFERENCES IN TEXT

The Federal reclamation laws, referred to in introductory text, are identified in section 695f of this title.

AMENDMENTS

1978—Pub. L. 95-616 inserted second sentence, including pars. (a) to (d), and struck out prior second sentence which read as follows: "If and when available, such water shall be delivered from the Central Valley project at a charge not to exceed the prevailing charge for class 2 water."

§ 695j. Conformity of water use with California laws; construction of sections 695d to 695j-1

The use of all water furnished by the Secretary of the Interior under sections 695e and 695i of this title shall be subject to and not in-

consistent with the laws of the State of California relating to priorities of deliveries and use of water. Nothing contained in sections 695d to 695j-1 of this title shall be construed as an allocation of water.

(Aug. 27, 1954, ch. 1012, §7, 68 Stat. 880.)

§ 695j-1. Conformity of contracts with Federal law through negotiation of amendments

The Secretary is hereby authorized to negotiate amendments to existing contracts to conform said contracts to the provisions of sections 695d to 695j-1 of this title.

(Aug. 27, 1954, ch. 1012, §8, as added Pub. L. 95-616, §10(b), Nov. 8, 1978, 92 Stat. 3115.)

§ 695k. Congressional declaration of policy for preservation of habitat for migratory waterfowl and prevention of depredations on agricultural crops

It is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

(Pub. L. 88-567, §1, Sept. 2, 1964, 78 Stat. 850.)

§ 695l. Dedication of lands within boundaries of refuges to wildlife conservation; administration of lands for waterfowl management and optimum agricultural use; homestead entry prohibition; inclusion of other public lands; property of the United States

Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in

Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

(Pub. L. 88-567, §2, Sept. 2, 1964, 78 Stat. 850.)

§ 695m. Annual percentage payments of net revenues from leases of Klamath project lands on pro rata basis; limitation on payments; priority of use of net revenues

Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after September 2, 1964 to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from each revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit; (2) to pay from such revenues to the Klamath Drainage District the sum of \$197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

(Pub. L. 88-567, §3, Sept. 2, 1964, 78 Stat. 850.)

§ 695n. Leases of Lower Klamath and Tule Lake National Wildlife Refuge reserved lands; management of other reserved public lands for waterfowl purposes

The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled "Plan for Wildlife