

AMENDMENTS

1968—Pub. L. 90-537 substituted Basalt, Middle Park (including Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including Juniper and Great Northern units), and Upper Yampa (including Hayden Mesa, Wessels, and Toponas units) projects for Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, and Animas-La Plata projects, added Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) projects, and that portion of the Sublette projects consisting of a diversion of water from the Green River to the North Platte River Basin in Wyoming to the list of participating projects, and inserted proviso that planning report for Ute Indian unit of Central Utah project be completed on or before December 31, 1974.

1964—Pub. L. 88-568 struck out “, Fruitland Mesa, Bostwick Park” and “, Savery-Pot Hook” after “Ohio Creek” and “Dallas Creek”, respectively.

1962—Pub. L. 87-483 struck out “San Juan-Chama, Navajo” after “Gooseberry,” in first sentence.

Statutory Notes and Related Subsidiaries

STORAGE OF WATER AT ABIQUIU DAM IN NEW MEXICO

Pub. L. 100-522, Oct. 24, 1988, 102 Stat. 2604, as amended by Pub. L. 116-260, div. AA, title III, §337(b), Dec. 27, 2020, 134 Stat. 2712, provided that:

“SECTION 1. WATER STORAGE.

“Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to store Rio Grande system and San Juan-Chama project water at Abiquiu Dam, New Mexico. The Secretary is authorized further to acquire lands adjacent to Abiquiu Dam on which the Secretary holds easements as of the date of enactment of this Act [Oct. 24, 1988] if such acquisition is necessary to assure proper recreational access at Abiquiu Dam. The Secretary is further directed to report to Congress as soon as possible with recommendations on additional easements that may be required to assure implementation of this Act.

“SEC. 2. LIMITATION.

“The authorization to store water and to acquire lands under section 1 is subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission.”

STORAGE OF SAN JUAN-CHAMA PROJECT WATER IN OTHER RESERVOIRS

Pub. L. 97-140, §5, Dec. 29, 1981, 95 Stat. 1717, as amended by Pub. L. 116-260, div. AA, title III, §337(a), Dec. 27, 2020, 134 Stat. 2712, provided that:

“(a) The proviso of section 2 of Public Law 84-485 [this section] shall not be construed to prohibit the storage of San Juan-Chama project water acquired by contract with the Secretary of the Interior pursuant to Public Law 87-483 [section 615ii et seq. of this title] in any reservoir, including the storage of water for recreation and other beneficial purposes by any party contracting with the Secretary for project water.

“(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Abiquiu Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. The agreements to thus store San Juan-Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project and shall include a requirement that each user

of storage space shall pay any increase in operation and maintenance costs attributable to the storage of that user's water.

“(c) The Secretary of the Interior is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Elephant Butte Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. Any increase in operation and maintenance costs resulting from such storage not offset by increased power revenues resulting from that storage shall be paid proportionately by the entities for which the San Juan-Chama project water is stored.

“(d) The amount of evaporation loss and spill chargeable to San Juan-Chama project water stored pursuant to subsections (b) and (c) of this section shall be accounted as required by the Rio Grande compact and the procedures established by the Rio Grande Compact Commission.”

§ 620a-1. Construction of participating projects to be concurrent with Central Arizona Project

The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 620c of this title before construction shall start on that particular project.

(Pub. L. 90-537, title V, §501(b), Sept. 30, 1968, 82 Stat. 897.)

Editorial Notes

CODIFICATION

Section consists of subsec. (b) of section 501 of Pub. L. 90-537. Subsecs. (a), (d), and (e) of section 501 are classified to sections 620, 620 note, 620a, 620a-2, 620c-1, and 620k note of this title. Subsec. (c) and (f) of section 501 are not classified to the Code.

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620a-2. Establishment of nonexcess irrigable acreage for participating projects

The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

(Pub. L. 90-537, title V, §501(d), Sept. 30, 1968, 82 Stat. 898.)

Editorial Notes

CODIFICATION

Section consists of subsec. (d) of section 501 of Pub. L. 90-537. Subsecs. (a), (b), and (e) of section 501 are

classified to sections 620, 620 note, 620a, 620a-1, 620c-1, and 620k note of this title. Subsecs. (c) and (f) of section 501 are not classified to the Code.

Section was enacted as part of the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620b. Congressional intent; additional undesig-nated projects not precluded; construction not authorized within national park or monument

It is not the intention of Congress, in authorizing only those projects designated in section 620 of this title, and in authorizing priority in planning only those additional projects designated in section 620a of this title, to limit, restrict, or otherwise interfere with such comprehensive development as will provide for the consumptive use by States of the Upper Colorado River Basin of waters, the use of which is apportioned to the Upper Colorado River Basin by the Colorado River Compact and to each State thereof by the Upper Colorado River Basin Compact, nor to preclude consideration and authorization by the Congress of additional projects under the allocations in the compacts as additional needs are indicated. It is the intention of Congress that no dam or reservoir constructed under the authorization of this chapter shall be within any national park or monument. (Apr. 11, 1956, ch. 203, § 3, 70 Stat. 107.)

§ 620c. Laws governing; irrigation repayment contracts; time for making contract; contracts for municipal water; payment by Indian lands; restricted delivery of water for excess commodity; apportionments of use

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the Colorado River storage project and the participating projects listed in section 620 of this title, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto): *Provided*, That (a) irrigation repayment contracts shall be entered into which, except as otherwise provided for the Paonia and Eden projects, provide for repayment of the obligation assumed thereunder with respect to any project contract unit over a period of not more than fifty years exclusive of any development period authorized by law; (b) prior to construction of irrigation distribution facilities, repayment contracts shall be made with an "organization" as defined in section 485a(g) of this title which has the capacity to levy assessments upon all taxable real property located within its boundaries to assist in making repayments, except where a substantial proportion of the lands to be served are owned by the United States; (c) contracts relating to municipal water supply may be made without regard to the limitations of the last sentence of section 485h(c) of this title; and (d), as to Indian lands within, under or served by any participating project, payment of construction costs within the capability of the land to repay shall be subject to section 386a of title 25: *Provided further*, That for a period of ten years from April 11, 1956, no water from any participating project

authorized by this chapter shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of title 7 unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. All units and participating projects shall be subject to the apportionments of the use of water between the Upper and Lower Basins of the Colorado River and among the States of the Upper Basin fixed in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, and to the terms of the treaty with the United Mexican States (Treaty Series 994).

(Apr. 11, 1956, ch. 203, § 4, 70 Stat. 107.)

Editorial Notes

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is 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 Agricultural Act of 1949, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of Title 7 and Tables.

§ 620c-1. Laws governing priority of appropriation

In the diversion and storage of water for any project or any parts thereof constructed under the authority of the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.] or the Colorado River Storage Project Act [43 U.S.C. 620 et seq.] within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

(Pub. L. 90-537, title V, §501(e), Sept. 30, 1968, 82 Stat. 898.)

Editorial Notes

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.