

units of the Colorado River storage project may be made without regard to the soil survey and land classification requirements of section 390a<sup>1</sup> of this title.

(Apr. 11, 1956, ch. 203, § 10, 70 Stat. 110; Pub. L. 96-375, § 7, Oct. 3, 1980, 94 Stat. 1507.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 390a of this title, referred to in text, was in the original a reference to the Interior Department Appropriation Act, 1954. The soil survey and land classification requirements of that Act (act July 31, 1953, ch. 298, 67 Stat. 261, 266) were classified to section 390a of this title, prior to repeal by Pub. L. 105-362, title IX, § 901(e)(2), Nov. 10, 1998, 112 Stat. 3289.

##### AMENDMENTS

1980—Pub. L. 96-375 substituted “Wayne N. Aspinall” for “Curecanti”.

#### § 620j. Court decree; effectivity and approval

The Final Judgment, Final Decree and stipulations incorporated therein in the consolidated cases of United States of America v. Northern Colorado Water Conservancy District, et al., Civil Nos. 2782, 5016 and 5017, in the United States District Court for the District of Colorado, are approved, shall become effective immediately, and the proper agencies of the United States shall act in accordance therewith.

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

#### § 620k. Authorization of appropriations

There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this chapter, but not to exceed \$760,000,000.

(Apr. 11, 1956, ch. 203, § 12, 70 Stat. 110.)

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Pub. L. 96-375, § 7, Oct. 3, 1980, 94 Stat. 1507, provided that: “The Curecanti Storage Unit of the Colorado River Storage Project constructed under the authority of the Act of April 11, 1956 (70 Stat. 106) [this chapter] is hereby designated and hereafter shall be known as the Wayne N. Aspinall Storage Unit of the Colorado River Storage Project. Any law, regulation, record, map, or other document of the United States referring to the Curecanti Storage Unit shall be held to refer to the Wayne N. Aspinall Storage Unit.”

##### TERMINATION OF AUTHORIZATION OF APPROPRIATIONS

Pub. L. 102-575, title II, § 201(c), Oct. 30, 1992, 106 Stat. 4607, provided that: “Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k) [this chapter], the Act of September 2, 1964 (78 Stat. 852) [Pub. L. 88-568, see Tables for classification], the Act of September 30, 1968 (82 Stat. 885) [see Short Title note set out under section 1501 of this title], the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) [enacting section 79-1 of Title 16, Conservation, and provisions set out as notes under this section and section 461 of Title 16] to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project

participating project located in the State of Utah shall terminate five years after the date of enactment of this Act [Oct. 30, 1992] unless: (1) the Secretary [of the Interior] executes a cost-sharing agreement with the District [Central Utah Water Conservancy District] for construction of such project, and (2) the Secretary has requested, or the Congress has appropriated, construction funds for such project.”

##### AUTHORIZATION OF ADDITIONAL AMOUNTS FOR COLORADO RIVER STORAGE PROJECT

Pub. L. 102-575, title II, § 201(a)(1), Oct. 30, 1992, 106 Stat. 4606, provided that: “In order to provide for the completion of the Central Utah Project and other features described in this Act [see Short Title of 1992 Amendment note set out under section 371 of this title], the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note) and the Act of October 31, 1988 (102 Stat. 2826) [43 U.S.C. 620k note], is hereby further increased by \$924,206,000 (January 1991) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: *Provided, however,* That of the amounts authorized to be appropriated by this section, the Secretary [of the Interior] is not authorized to obligate or expend amounts in excess of \$214,352,000 for the features identified in the Report of the Senate Committee on Energy and Natural Resources accompanying the bill H.R. 429 [S. Rept. No. 102-267, One Hundred Second Congress]. This additional sum shall be available solely for design, engineering, and construction of the facilities identified in title II of this Act [106 Stat. 4605] and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act [106 Stat. 4625, 4648], and for the Ute Indian Settlement authorized in title V of this Act [106 Stat. 4650].”

Pub. L. 100-563, § 1, Oct. 31, 1988, 102 Stat. 2826, provided that: “In order to provide for the continued construction of the Colorado River Storage Project, and for the continued construction of the municipal and industrial water features of the Bonneville Unit of the Central Utah Project, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), is hereby further increased by \$45,456,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named in such Act of August 10, 1972.”

##### ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CERTAIN PROJECTS IN THE UPPER COLORADO RIVER BASIN

Pub. L. 92-370, Aug. 10, 1972, 86 Stat. 525, provided: “That in order to provide for completion of construction of the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) [this section] authorizes to be appropriated is hereby further increased by the sum of \$610,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of

<sup>1</sup> See References in Text note below.

the previously authorized units and projects named herein.”

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CONSTRUCTION OF ANIMAS-LA PLATA, DOLORES, DALLAS CREEK, WEST DIVIDE, AND SAN MIGUEL PROJECTS

Pub. L. 90-537, title V, §501(a), Sept. 30, 1968, 82 Stat. 897, provided in part that: “The amount which section 12 of said Act [this section] authorizes to be appropriated is hereby further increased by the sum of \$392,000,000 plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.”

**§ 620l. Net power revenues**

In planning the use of, and in using credits from, net power revenues available for the purpose of assisting in the pay-out of costs of participating projects herein and hereafter authorized in the States of Colorado, New Mexico, 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.)

**Editorial Notes**

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