

★596. North Platte irrigation project, Nebraska-Wyoming; aid of ex-service men whose entries were defeated.—

It has been suggested by the Interior Department that this section is local and temporary and should be omitted from the Code.

597. Riverton project, Wyoming.—

"June 5, 1920, c. 285, § 1, 41 Stat. 915" should precede the citation to this section as an additional citation.

★600. Minidoka project, Idaho; sales of water from American Falls Reservoir.—No contractor shall secure a right to the use of water from American Falls Reservoir, Minidoka project, except under a contract containing the provision that the contractor shall, as a part of the construction cost, pay interest at the rate of six per centum per annum upon the contractor's proper proportionate share, as found by the Secretary of the Interior, of the moneys advanced by the United States on account of the construction of said reservoir prior to the date of the contract. (June 5, 1924, c. 204, 43 Stat. 417.)

This section, omitted from the Code, constitutes a part of the Interior Department Appropriation Act of June 5, 1924, c. 204, 43 Stat. 417.

KLAMATH PROJECT, OREGON-CALIFORNIA

★603. Assessment of past expenditure for benefit of reclamation fund.—

"June" in line 4 of this section should read "May."

Chapter 12A.—"BOULDER CANYON PROJECT ACT."

Section 617. Colorado River Basin; protection and development; dam, reservoir, and incidental works; water, water power, and electrical energy; eminent domain.—For the purpose of controlling the floods, improving navigation and regulating the flow of the Colorado River, providing for storage and for the delivery of the stored waters thereof for reclamation of public lands and other beneficial uses exclusively within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior, subject to the terms of the Colorado River compact hereinafter mentioned, is hereby authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than twenty million acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is hereby authorized to construct if deemed necessary or advisable by him upon engineering or economic considerations, with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law, and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy at the dam authorized to be constructed at said Black Canyon or Boulder Canyon, or for water for potable purposes outside of the Imperial and Coachella Valleys: *Provided, however,* That no charge shall be made for water for the use, storage, or delivery of water for irrigation or water for potable purposes in the Imperial or Coachella Valleys; also to construct and equip, operate, and maintain at or near said dam, or cause to be constructed, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and to acquire by proceedings in eminent domain, or otherwise, all lands, rights of way, and other property necessary for said purposes. (Dec. 21, 1928, c. 42, § 1, 45 Stat. 1057.)

The Act cited to the text was entitled "An Act to provide for the construction of works for the protection and development of the

Colorado River Basin, for the approval of the Colorado River compact, and for other purposes."

617a. "Colorado River Dam Fund."—(a) Creation of fund; purpose; receipts and expenditures under control of Secretary of Interior.—There is hereby established a special fund, to be known as the "Colorado River Dam fund" (hereinafter referred to as the "fund"), and to be available, as hereafter provided for, only for carrying out the provisions of this chapter. All revenues received in carrying out the provisions of this chapter shall be paid into and expenditures shall be made out of the fund, under the direction of the Secretary of the Interior.

(b) Advancements to fund by Secretary of Treasury; allocation; repayment; interest.—The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this chapter, except that the aggregate amount of such advances shall not exceed the sum of \$165,000,000. Of this amount the sum of \$25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per centum of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 617c of this chapter. If said sum of \$25,000,000 is not repaid in full during the period of amortization, then 62½ per centum of all net revenues shall be applied to payment of the remainder. Interest at the rate of 4 per centum per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund, except as herein otherwise provided.

(c) Limitation on use made of advancements.—Moneys in the fund advanced under subdivision (b) shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriations therefor.

(d) Unpaid interest on advancements; charge on fund; rate of interest.—The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subdivision (b) at the rate of 4 per centum per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per centum per annum until paid.

(e) Money in fund in excess of amount needed; certification of fact; disposition.—The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each fiscal year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subdivision (b), which amount shall be covered into the Treasury to the credit of miscellaneous receipts. (Dec. 21, 1928, c. 42, § 2, 45 Stat. 1057.)

For title of Act see note to § 617.

617b. Appropriations from Treasury for purposes of chapter; authorization.—There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this chapter, not exceeding in the aggregate \$165,000,000. (Dec. 21, 1928, c. 42, § 3, 45 Stat. 1058.)

For title of Act see note to § 617.

**617c. Condition precedent to taking effect of provisions of chapter.—(a) Ratification by interested States of Colorado River compact; agreements for apportionment of waters.**—This chapter shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this chapter, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 617i hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within six months from December 21, 1928, then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions, save that of such six-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this chapter, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this chapter and all water necessary for the supply of any rights which may now exist, shall not exceed four million four hundred thousand acre-feet of the waters apportioned to the lower basin States by paragraph (a) of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

The States of Arizona, California, and Nevada are authorized to enter into an agreement which shall provide (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River

compact, and (7) said agreement to take effect upon the ratification of the Colorado River compact by Arizona, California, and Nevada.

**(b) Agreements for revenues to meet expenses of construction, operation, and maintenance of works.**—Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this chapter, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within fifty years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 617a for such works, together with interest thereon made reimbursable under this chapter.

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this chapter, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per centum of such excess revenues and to the State of Nevada 18¾ per centum of such excess revenues. (Dec. 21, 1928, c. 42, § 4, 45 Stat. 1058.)

For title of Act see note to § 617.

**617d. Contracts for storage and use of waters for irrigation and domestic purposes; generation and sale of electrical energy.**—The Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe, to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and generation of electrical energy and delivery at the switchboard to States, municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this chapter, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this chapter and the payments to the United States under subdivision (b) of section 617c. Contracts respecting water for irrigation and domestic uses shall be for permanent service and shall conform to paragraph (a) of section 617c of this chapter. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

After the repayments to the United States of all money advanced with interest, charges shall be on such basis and the revenues derived therefrom shall be kept in a separate fund to be expended within the Colorado River Basin as may hereafter be prescribed by the Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subdivision (b) of this section, and in making such contracts the following shall govern:

**(a) Duration of contracts for electrical energy; price of water and electrical energy to yield reasonable returns; readjustments of prices.**—No contract for electrical energy or for

generation of electrical energy shall be of longer duration than fifty years from the date at which such energy is ready for delivery.

Contracts made pursuant to subdivision (a) of this section shall be made with a view to obtaining reasonable returns and shall contain provisions whereby at the end of fifteen years from the date of their execution and every ten years thereafter, there shall be readjustment of the contract, upon the demand of either party thereto, either upward or downward as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers, and with provisions under which disputes or disagreements as to interpretation or performance of such contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such readjustments or proceedings.

(b) **Renewal of contracts for electrical energy.**—The holder of any contract for electrical energy not in default thereunder shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) **Applicants for purchase of water and electrical energy; preferences.**—Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal Water Power Act [chapter 12 of Title 16] as to conflicting applications for permits and licenses, except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as such applicants.

The rights covered by such preference shall be contracted for by such State within six months after notice by the Secretary of the Interior and to be paid for on the same terms and conditions as may be provided in other similar contracts made by said Secretary: *Provided, however,* That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such State or political subdivision, necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

(d) **Transmission lines for electrical energy; use; rights of way over public and reserved lands.**—Any agency receiving a contract for electrical energy equivalent to one hundred thousand firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, be required to permit any other agency having contracts hereunder for less than the equivalent of twenty-five thousand firm horse-

power, upon application to the Secretary of the Interior made within sixty days from the execution of the contract of the agency the use of whose transmission line is applied for, to participate in the benefits and use of any main transmission line constructed or to be constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is hereby authorized of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy. (Dec. 21, 1928, c. 42, § 5, 45 Stat. 1000.)

For title of Act see note to § 617.

**617e. Uses to be made of dam and reservoir; title in whom; leases; regulations; limitation on authority of Federal Power Commission.**—The dam and reservoir provided for by section 617 hereof shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of said Colorado River compact; and third, for power. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States, and the United States shall, until otherwise provided by Congress, control, manage, and operate the same, except as herein otherwise provided: *Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 617d of this chapter relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules and regulations conforming with the requirements of the Federal Water Power Act [chapter 12 of Title 16], so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation, maintenance of a system of accounting, control of rates and service in the absence of State regulation or interstate agreement, valuation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, recapture and/or emergency use by the United States of property of lessees, and penalties for enforcing regulations made under this chapter or penalizing failure to comply with such regulations or with the provisions of this chapter. He shall also conform with other provisions of the Federal Water Power Act [chapter 12 of Title 16] and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal Water Power Act [chapter 12 of Title 16] upon or affecting the Colorado River or any of its tributaries, except the Gila River, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this chapter shall become effective as provided in section 617c herein. (Dec. 21, 1928, c. 42, § 6, 45 Stat. 1001.)

For title of Act see note to § 617.

**617f. Canals and appurtenant structures; transfer of title; power development.**—The Secretary of the Interior may, in his discretion, when repayments to the United States of all money advanced, with interest, reimbursable hereunder, shall have been

made, transfer the title to said canal and appurtenant structures, except the Laguna Dam and the main canal and appurtenant structures down to and including Syphon Drop, to the districts or other agencies of the United States having a beneficial interest therein in proportion to their respective capital investments under such form of organization as may be acceptable to him. The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located. The net proceeds from any power development on said canal shall be paid into the fund and credited to said districts or other agencies on their said contracts, in proportion to their rights to develop power, until the districts or other agencies using said canal shall have paid thereby and under any contract or otherwise an amount of money equivalent to the operation and maintenance expense and cost of construction thereof. (Dec. 21, 1928, c. 42, § 7, 45 Stat. 1062.)

For title of Act see note to § 617.

**617g. Colorado River compact as controlling authority in construction and maintenance of dam, reservoir, canals, and other works.**—(a) The United States, its permittees, licensees, and contractees, and all users and appropriators of water stored, diverted, carried, and/or distributed by the reservoir, canals, and other works herein authorized, shall observe and be subject to and controlled by said Colorado River compact in the construction, management, and operation of said reservoir, canals, and other works and the storage, diversion, delivery, and use of water for the generation of power, irrigation, and other purposes, anything in this chapter to the contrary notwithstanding, and all permits, licenses, and contracts shall so provide.

(b) Also the United States, in constructing, managing, and operating the dam, reservoir, canals, and other works herein authorized, including the appropriation, delivery, and use of water for the generation of power, irrigation, or other uses, and all users of water thus delivered and all users and appropriators of waters stored by said reservoir and/or carried by said canal, including all permittees and licensees of the United States or any of its agencies, shall observe and be subject to and controlled, anything to the contrary herein notwithstanding, by the terms of such compact, if any, between the States of Arizona, California, and Nevada, or any two thereof, for the equitable division of the benefits, including power, arising from the use of water accruing to said States, subsidiary to and consistent with said Colorado River compact, which may be negotiated and approved by said States and to which Congress shall give its consent and approval on or before January 1, 1929; and the terms of any such compact concluded between said States and approved and consented to by Congress after said date: *Provided*, That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 617d hereof prior to the date of such approval and consent by Congress. (Dec. 21, 1928, c. 42, § 8, 45 Stat. 1062.)

For title of Act see note to § 617.

**617h. Lands not capable of irrigation and reclamation by irrigation works provided for in this chapter; public entry; preferences.**—All lands of the United States found by the Secretary of the Interior to be practicable of irrigation and reclamation by the irrigation works authorized herein shall be withdrawn from public entry. Thereafter, at the direction of the Secretary of the Interior, such lands shall be opened for entry, in tracts varying in size but not exceeding one hundred and sixty acres, as may be determined by the Secretary of the

Interior, in accordance with the provisions of the reclamation law, and any such entryman shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of said canal and appurtenant structures; said payments to be made in such installments and at such times as may be specified by the Secretary of the Interior, in accordance with the provisions of the said reclamation law, and shall constitute revenue from said project and be covered into the fund herein provided for: *Provided*, That all persons who have served in the United States Army, Navy, or Marine Corps during the war with Germany, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the Regular Army or Navy Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of subsection (c) of section 433 of this title; and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this chapter: *Provided further*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of sixty days after the filing and notation of the relinquishment in the local land office, and after the expiration of said sixty-day period such lands shall be open to entry, subject to the preference in this section provided. (Dec. 21, 1928, c. 42, § 9, 45 Stat. 1063.)

For title of Act see note to § 617.

**617i. Chapter as modifying existing compact relating to Laguna Dam.**—Nothing in this chapter shall be construed as modifying in any manner the existing contract, dated October 23, 1918, between the United States and the Imperial Irrigation District, providing for a connection with Laguna Dam; but the Secretary of the Interior is authorized to enter into contract or contracts with the said district or other districts, persons, or agencies for the construction, in accordance with this chapter, of said canal and appurtenant structures, and also for the operation and maintenance thereof, with the consent of the other users. (Dec. 21, 1928, c. 42, § 10, 45 Stat. 1063.)

For title of Act see note to § 617.

**617j. Parker-Gila Valley reclamation project.**—The Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project, and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project. (Dec. 21, 1928, c. 42, § 11, 45 Stat. 1063.)

For title of Act see note to § 617.

**617k. Words used in chapter defined.**—"Political subdivision" or "political subdivisions" as used in this chapter shall be understood to include any State, irrigation or other district, municipality, or other governmental organization.

"Reclamation law" as used in this chapter shall be understood to mean that certain Act of the Congress of the United States approved June 17, 1902, entitled "An Act appropriating the receipts from the sale and disposal of public land in certain States and Territories to the construction of irrigation works

for the reclamation of arid lands," and the Acts amendatory thereof and supplemental thereto [chapter 12 of this title].

"Maintenance" as used herein shall be deemed to include in each instance provision for keeping the works in good operating condition.

"The Federal Water Power Act," as used in this chapter, shall be understood to mean that certain Act of Congress of the United States approved June 10, 1920, entitled "An Act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes," and the Acts amendatory thereof and supplemental thereto [chapter 12 of Title 16].

"Domestic" whenever employed in this chapter shall include water uses defined as "domestic" in said Colorado River compact. (Dec. 21, 1928, c. 42, § 12, 45 Stat. 1004.)

For title of Act see note to § 617.

**617l. Colorado River compact approval.**—(a) Approved by Congress.—The Colorado River compact signed at Santa Fe, New Mexico, November 24, 1922, pursuant to Act of Congress approved August 10, 1921, entitled "An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," is hereby approved by the Congress of the United States, and the provisions of the first paragraph of article 11 of the said Colorado River compact, making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory States, are hereby waived, and this approval shall become effective when the State of California and at least five of the other States mentioned, shall have approved or may hereafter approve said compact as aforesaid and shall consent to such waiver, as herein provided.

(b) Rights in waters of Colorado River and tributaries; Colorado River compact as controlling.—The rights of the United States in or to waters of the Colorado River and its tributaries howsoever claimed or acquired, as well as the rights of those claiming under the United States, shall be subject to and controlled by said Colorado River compact.

(c) Patents, grants, contracts, concessions, etc.; Colorado River compact as controlling.—Also all patents, grants, contracts, concessions, leases, permits, licenses, rights of way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this chapter, the Federal Water Power Act [chapter 12 of Title 16], or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient, or incidental, and the use of the same shall likewise be subject to and controlled by said Colorado River compact.

(d) Conditions and covenants referred to herein; nature; how and by whom availed of in litigation.—The conditions and covenants referred to herein shall be deemed to run with the land and the right, interest, or privilege therein and water right, and shall attach as a matter of law, whether set out or referred to in the instrument evidencing any such patent, grant, contract, concession, lease, permit, license, right of way, or other privilege from the United States or under its authority, or not, and shall be deemed to be for the benefit of and be available to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and the users of water thereon or thereunder, by way of suit, defense, or otherwise, in any litigation

respecting the waters of the Colorado River or its tributaries. (Dec. 21, 1928, c. 42, § 13, 45 Stat. 1004.)

For title of Act see note to § 617.

**617m. Reclamation law; application to this chapter.**—This chapter shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation, and management of the works herein authorized, except as otherwise herein provided. (Dec. 21, 1928, c. 42, § 14, 45 Stat. 1005.)

For title of Act see note to § 617.

The Reclamation law mentioned in the text will be found in chapter 12 of this title.

**617n. Projects for irrigation, generation of electric power, and other purposes; investigations and reports affecting.**—The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Wyoming for the purpose of making such information available to said States and to the Congress, and of formulating a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of \$250,000 is hereby authorized to be appropriated from said Colorado River Dam fund, created by section 617a of this chapter, for such purposes. (Dec. 21, 1928, c. 42, § 15, 45 Stat. 1005.)

For title of Act see note to § 617.

**617o. Officials of ratifying States; authority to act in advisory capacity; access to records.**—In furtherance of any comprehensive plan formulated hereafter for the control, improvement, and utilization of the resources of the Colorado River system and to the end that the project authorized by this chapter may constitute and be administered as a unit in such control, improvement, and utilization, any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 617c, 617d, and 617m of this chapter, and shall have at all times access to records of all Federal agencies empowered to act under said sections, and shall be entitled to have copies of said records on request. (Dec. 21, 1928, c. 42, § 16, 45 Stat. 1005.)

For title of Act see note to § 617.

**617p. Claims of United States; priority.**—Claims of the United States arising out of any contract authorized by this chapter shall have priority over all others, secured or unsecured. (Dec. 21, 1928, c. 42, § 17, 45 Stat. 1005.)

For title of Act see note to § 617.

**617q. Effect of chapter on authority of States to control waters within own borders.**—Nothing herein shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement. (Dec. 21, 1928, c. 42, § 18, 45 Stat. 1005.)

For title of Act see note to § 617.

**617r. Consent given States to negotiate supplemental compacts for development of Colorado River.**—The consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this chapter for a comprehensive plan for the development of the Colorado River and providing for the stor-

age, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(a) Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

(b) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States. (Dec. 21, 1928, c. 42, § 19, 45 Stat. 1005.)

For title of Act see note to § 617.

**617s. Recognition of rights of Mexico to Colorado River waters.**—Nothing in this chapter shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system. (Dec. 21, 1928, c. 42, § 20, 45 Stat. 1006.)

For title of Act see note to § 617.

**617t. Short title of chapter.**—The short title of this chapter shall be "Boulder Canyon Project Act." (Dec. 21, 1928, c. 42, § 21, 45 Stat. 1006.)

For title of Act see note to § 617.

### Chapter 13.—FEDERAL LANDS INCLUDED IN STATE IRRIGATION DISTRICTS.

★ **Section 621. Subjection of lands in State irrigation district to State laws generally.**—

"hereinafter" in line 4 from the end of this section should read "in this chapter".

★ **622. Cost of construction and maintenance of irrigation project as charge on land.**—

"and receiver" in lines 11 and 12 of this section should be omitted by virtue of § 71 of this title abolishing the office of receiver.

**623. Map of district and plan of irrigation project; approval by Secretary.**—

For grammatical precision "have" in line 17 of this section should read "had then" and "are" in line 18 should read "were then."

★ **624. Entry of approval on land records.**—

"and receiver" in line 3 of this section should be omitted by virtue of § 71 of this title abolishing the office of receiver.

★ **628. Patents to entered but unpatented land.**—

"receiver" in line 8 of paragraph 1 of this section and in lines 3 and 7 of paragraph 3 should read "register" by virtue of § 71 of this title abolishing the office of receiver and transferring his duties to the register.

### Chapter 14.—GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION (THE CAREY ACT).

★ **Section 641. Grant of desert land to States authorized.**—

"or" in line 12 of this section does not appear in the statutory provision constituting that section and should be omitted.

★ **643. Temporary withdrawal from settlement or entry.**—

"section 1" in line 2 of this section should read "section 641."

★ **644. Preference right to entrymen under State laws.**—

"sections 1 to 3, inclusive," in lines 3 and 4 of this section, should read "sections 641, 642, and 643."

★ **645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation.**—

"section 1" in line 5 of this section should read "section 641."

★ **646. Grant extended to New Mexico and Arizona.**—

"sections 1 to 3, inclusive," in line 2 of this section, should read "sections 641, 642, and 643."

★ **647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado.**—

"sections 1 to 3, inclusive," in lines 2 and 3 of this section, should read "sections 641, 642, and 643."

★ **648. Extension of time of segregation and reclamation in Oregon segregation lists.**—

"147, 714" in line 6 of this section should read "140, 714."

### Chapter 15.—APPROPRIATION OF WATERS; RESERVOIR SITES.

★ **Section 662. Reservation of reservoir sites generally.**—

"1890" in line 5 of this section should read "1890."

### Chapter 16.—SALE AND DISPOSAL OF THE PUBLIC LANDS.

**Section 671. Public sale forbidden; exceptions.**—

A comma should follow "reservations" in line 3 of this section.

**672. Public sale in half quarter sections.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**673. Private sales.**—

This section is obsolete though not repealed.

**674. Memorandum in connection with application.**—

This section is obsolete though not repealed.

**676. Highest bidder at private sale.**—

This section is obsolete though not repealed.

**677. Credit on sales.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**678. Price of lands.**—

The question has been raised that this section is obsolete and should be repealed. But the Secretary of the Interior is of opinion that it should be retained in the Code because of the provisions as to the price of public lands.

**683. Minimum price; how fixed when reservations sold.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**684. Offered for sale in proportions chosen by President.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**685. Advertisement of sales.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**686. Publication of proclamations of sales.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**687. Duration of sales.**—[Repealed.]

This section was repealed by Act Dec. 10, 1930, c. 14, § 1, 40 Stat. 1020.

**688. Several certificates to two or more purchasers of same section.**—

This section is obsolete though not repealed.

**697. Error in entry, selection or location by mistake of numbers; procedure where final entries have been canceled.**—[Repealed in part.]

The provision of Act Jan. 27, 1922, c. 33, 42 Stat. 350, constituting the second paragraph of § 697 of this title, was repealed by