Public Law 92-514

October 20, 1972
[S. 520]

AN ACT

To authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes.

Reclamation Project Authorization Act of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Reclamation Project Authorization Act of 1972.

TITLE I

CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLORADO

43 USC 371 note.

SEC. 101. The Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreational opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided*, That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided*, That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

(c) The closed basin division, San Luis Valley project, Colorado, shall be operated in such manner that the delivery of water to the river and return flows of water will not cause the Rio Grande system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

33 USC 1151 note.

Control system.

SEC. 102. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations

in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

Water table.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

Committee, establishment.

SEC. 103. There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 102 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 102 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (53 Stat. 785). Upon receipt of such information the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 104. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

Water delivery.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

Gaging station, Labatos, Colo.

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided*, That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of January next succeeding the year in which the Secretary determined that the project authorized by this Act is operational.

Alamosa and Mishak National Wildlife Refuges.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge: *Provided*, That the amount of water delivered to the Alamosa National Wildlife Refuge shall not exceed five thousand three hundred acre-feet annually, and the water delivered to the Mishak National Wildlife Refuge shall not exceed twelve thousand five hundred acre-feet annually.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water years in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided*, That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

Easements, rights-of-way.

SEC. 105. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and

Land acquisition.

wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

Fish and wildlife resources.

SEC. 106. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be accordance with the provisions of the Federal Water Project Recreation Act (70 Stat. 213).

79 Stat. 213.
16 USC 460*l*-12 note.

Transfer of functions.

SEC. 107. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

Limitation.

SEC. 108. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact; or to shift any legal burden of delivery from the Rio Grande or the Conejos River to the closed basin.

Appropriation.

SEC. 109. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (April 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

TITLE II

BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

43 USC 371 note.

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the report of the Secretary on this project, with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purposes of irrigation, flood control, fish and wildlife and recreation, and for the elimination of the hazards of failure of McMilland and Avalon Dams: *Provided*, That the Secretary of the Interior shall operate the existing Alamogordo Dam and Reservoir unit: *And provided further*, That the Secretary of the Interior shall familiarize himself with the water rights of appropriators of water from the Pecos River and shall promulgate criteria for the operation of the Brantley project and other irrigation storage projects on the Pecos River in the State of New Mexico that will preclude any detrimental effect on water rights in the Pecos River so that appropriators of water will not be adversely and unreasonably affected by such operations.

SEC. 202. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Brantley project shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 203. Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Pecos River Compact, 1948, consented to by the Congress in the Act of June 9, 1949 (63 Stat. 159).

SEC. 204. The costs allocated to flood control and the safety of dams purposes of the project shall be nonreimbursable and nonreturnable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460*l*-12 note.

SEC. 205. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Brantley project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the project is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

Interest rate.

SEC. 206. There is hereby authorized to be appropriated for construction of the Brantley project the sum of $45,605,000 (based on July 1971 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, sums as may be required for operation and maintenance of the project.

Appropriation.

TITLE III

SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

SEC. 301. For the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the divisions shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works. The wells to provide supplemental water, authorized by this Act, shall be so located that the irrigation water produced therefrom can be delivered to the lands of the Salmon Falls division without the requirement for water rights exchange agreements between the Salmon River Canal Company and the North Side Canal Company of Jerome, Idaho.

43 USC 371 note.

SEC. 302. Any exchanges of water which may be required in connection with the operation of the division authorized by this title shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a use under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area.

Water exchanges.

SEC. 303. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by

Irrigation repayment contracts.

law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 304. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460*l*-12 note.

SEC. 305. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

Interest rate.

SEC. 306. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Salmon Falls division shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the division is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 307. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act 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 (63 Stat. 1051; 7 U.S.C. 1421), 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 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

68 Stat. 902.

Appropriation.

SEC. 308. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $62,258,000 (January 1972 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

TITLE IV

O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 401. The O'Neill unit, heretofore authorized as an intregal part of the Pick-Sloan Missouri Basin program by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

43 USC 371 note.

SEC. 402. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Fish and wildlife resources.

16 USC 460*l*-12 note.

SEC. 403. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

58 Stat. 891; 84 Stat. 75.

SEC. 404. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Interest rate.

SEC. 405. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act 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 (63 Stat. 1051; 7 U.S.C. 1421 note), 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 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Water use, restriction.

68 Stat. 902.

SEC. 406. There is hereby authorized to be appropriated for construction of the O'Neill unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

Appropriation.

TITLE V

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.

Reauthorization.

SEC. 502. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its

Interest rate.

outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Fish and wildlife resources.

SEC. 503. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460*l*-12 note.

SEC. 504. The North Loup division shall be integrated, physically and financially, with the other Federal works in the Missouri Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

84 Stat. 75.

SEC. 505. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

Water use, restriction.

SEC. 506. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act 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 (63 Stat. 1051; 7 U.S.C. 1421 note), 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 301(b)(10) of the Agricultural Adjustment Act of 1938 (62 Stat. 1251; 7 U.S.C. 1301), as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

68 Stat. 902.

Appropriation.

SEC. 507. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $79,500,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

Approved October 20, 1972.

Public Law 92-515

October 21, 1972
[H. R. 11032]

AN ACT

To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

D.C.
Blind and physically disabled persons.
Rights.

EQUAL ACCESS TO PUBLIC PLACES

SECTION 1. The blind and the otherwise physically disabled have the same right as the able bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places in the District of Columbia.