88TH CONGRESS
2D SESSION

S. 2760

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, MARCH 30), 1964

Mr. KUCHEL introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the coordinated development of the water resources of the Pacific Southwest, and for other purposes.

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

TITLE I—THE PACIFIC SOUTHWEST PROJECT: OBJECTIVES OF THE PROJECT AND DESCRIPTION OF ITS COMPONENTS

SEC. 101. OBJECTIVES.—The purpose of this Act is to initiate the execution of a regional plan to meet in full the deficiencies in water supply, present and anticipated, in both the Upper and Lower Basins of the Colorado River, to authorize the construction of certain projects within the lower basin to transport water to areas of deficiency, and

to authorize the coordinated development of the power resources of the lower basin in order to furnish power for pumping water into and in conveyance works, and for sale as a means of financial assistance to the projects herein authorized and to those which the Congress may hereafter authorize for the importation of water into the Colorado River Basin.

SEC. 102. COMPONENTS OF THE PACIFIC SOUTHWEST PROJECT.—The Pacific Southwest project shall consist of the following components:

(1) The transmountain division, to consist of such projects as the Congress may hereafter authorize for construction, pursuant to the investigation and report authorized by title III, to import water into the Colorado River Basin.

(2) The main stream reservoir division, to consist of Bridge Canyon Dam and Marble Canyon Dam, their powerplants, transmission lines, and related facilities, authorized for construction in title IV. To these shall be added Hoover Dam, Davis Dam, and Parker Dam, their powerplants, Government-owned transmission lines associated therewith, and related facilities, after existing statutory amortization requirements with respect to each of them have been satisfied, all as provided in title IV.

(3) The central Arizona aqueduct division, in Arizona and New Mexico, authorized for construction in title V.

(4) The Dixie division, in Utah, authorized for construction in title VI.

(5) The southern Nevada division, authorized for construction in title VII.

(6) The conservation division, comprising salvage and other operations for which provision is made in title VIII.

(7) The fish and wildlife and recreation division, comprising undertakings for which provision is made in title IX.

(8) The works to be constructed for the benefit of main stream Indian reservations, referred to in title X.

SHORT TITLE

SEC. 103. This Act may be cited as the Pacific Southwest Project Act.

TITLE II—THE PACIFIC SOUTHWEST DEVELOPMENT FUND; ALLOCATION AND REPAYMENT OF COSTS

SEC. 201. PACIFIC SOUTHWEST DEVELOPMENT FUND ESTABLISHED.—There is hereby established a separate fund in the Treasury of the United States to be known as the Pacific Southwest development fund (hereinafter referred to as the "development fund") which shall be available only for carrying out the provisions of this Act.

SEC. 202. AUTHORIZATION FOR APPROPRIATIONS.—There is hereby authorized to be appropriated from the general fund to the development fund from time to time a total of not to exceed $1,478,000,000 to carry out the purposes of this Act, of which the amounts available to carry out the purposes of the respective titles shall be limited to the amounts which those titles severally authorize to be appropriated from the development fund.

SEC. 203. COST ALLOCATIONS.—(a) Upon completion of each division or separable feature thereof, the Secretary shall report to the Congress the total costs of constructing the same, together with his allocations of such costs among commercial power, irrigation, municipal and industrial water supply (all of which shall be reimbursable in the manner provided in this Act), and flood control, navigation, area redevelopment, recreation, and fish and wildlife (all of which shall be nonreimbursable).

(b) The Secretary shall include in costs allocated to power, but to be returned without interest, such portion of the costs properly allocable to irrigation as are in excess of the irrigators' ability to repay, and all of the costs allocated to the transmountain division.

(c) The interest rate to be used for purposes of computing interest during construction and interest on the unpaid balance of those portions of the reimbursable costs which

are properly allocable to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which this Act becomes effective, 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. If the interest rate so computed is not a multiple of one-eighth of 1 per centum, the rate of interest to be used for these purposes shall be the multiple of one-eighth of 1 per centum next lower than the rate so computed.

SEC. 204. REPAYMENT OF REIMBURSABLE COST ALLOCATIONS.—(a) The costs of each feature allocated to commercial power or municipal and industrial water supply shall be repaid from the development fund to the general fund of the Treasury within a period not exceeding 50 years from the date of completion of each such feature, with interest.

(b) The costs of each feature allocated to irrigation shall be repaid from the development fund to the general fund within a period not exceeding fifty years from the completion of each such feature, exclusive of any development periods authorized by the reclamation law, without interest.

(c) The costs allocated to the transmountain division shall be repaid from the development fund to the general fund, without interest, as rapidly as revenues accrue in the transmountain account after the costs referred to in paragraphs (a) and (b) have been repaid, and within such period of time as the Congress may specify in the authorization of construction of the transmountain division works.

SEC. 205. RATES AND CHARGES FOR SERVICES.—(a) The Secretary shall determine charges for the storage and delivery of water for irrigation, within the capacity of the irrigators' ability to pay, in accordance with the Reclamation Project Act of 1939, with proper adjustments for the repayment periods authorized by section 204.

(b) The Secretary shall determine rates and charges for electric power and energy, and for the storage and delivery of water for municipal and industrial use, in accordance with the Reclamation Project Act of 1939, with proper adjustments for the repayment periods authorized by section 204. Rates and charges for electric power and energy shall include such increments as are required, in the Secretary's judgment, to recover, without interest, costs allocated under section 203 (b) to irrigation to the extent that such costs exceed the irrigators' ability to pay, and further increments, consistent with the fair value of the services, to be accumulated in the transmountain account in accordance with

section 207 (d) for repayment of the cost of construction of works that the Congress may hereafter authorize to import additional supplies of water into the Colorado River Basin.

SEC. 206. CONTRACTS.—(a) The Secretary is authorized to enter into contracts for the storage and delivery of water, and repayment of the cost of works allocated to irrigation and municipal and industrial water supply, meeting the revenue requirements of section 205, in accordance with the Reclamation Project Act of 1939: *Provided,* That contracts relating to municipal water supply may be made without regard to the limitations of the last sentence of section 9 (c) of the Reclamation Project Act of 1939 (53 Stat. 1194; U.S.C. 485h (c)) : *Provided further,* That contracts for the storage and delivery of water originating in the Colorado River system and diverted from the main stream of the Colorado River in the lower basin shall conform to section 5 of the Boulder Canyon Project Act.

(b) The Secretary is authorized to enter into contracts for the sale of electric power and energy, meeting the revenue requirements of section 205, in accordance with the Reclamation Project Act of 1939 as amended: *Provided,* That the period thereof, in the Secretary's discretion, may extend to fifty years, and may be accompanied by a right of renewal.

SEC. 207. REVENUES TO BE CREDITED TO DEVELOPMENT FUND; DISPOSITION.—(a) There shall be paid into

the development fund currently (1) all revenues collected in connection with the operation of facilities constructed under the authority of this Act (except entrance, admission, and other recreation user fees or charges and proceeds received from recreation concessionaires) and (2) all revenues from power operations at Hoover Dam and Parker-Davis projects which, after completion of capital repayments required by statute (which shall exclude allocations to flood control), are surplus to the operation, maintenance, and replacement requirements of those projects and not needed to reimburse the Upper Colorado River Basin fund (70 Stat. 105, 107) as provided in the Glen Canyon filling criteria (27 Fed. Reg. 6851) for any expenditures made from that fund to meet deficiencies in generation at Hoover Dam during the filling period of reservoirs of storage units of the Colorado River storage project.

(b) Revenues accruing to the development fund shall be available for annual appropriations for the operation, maintenance, and provision for replacement of the projects the construction of which is authorized by this Act.

(c) There shall be transferred from the development fund to the general fund of the Treasury, as of the close of each fiscal year, without further appropriation, that year's component of principal and interest, conforming to the pay-

out schedule last reported by the Secretary to the Congress in conformity with section 208.

(d) Any balance remaining in the development fund at the end of a fiscal year, after satisfying the requirements of paragraphs (b) and (c), shall be transferred to the transmountain account in the development fund, to be accumulated and made available only for repayment of the cost of construction of projects that the Congress may hereafter authorize for the importation of supplemental water supplies into the Colorado River Basin. Balances in the transmountain account shall be invested in United States Government bonds, and the interest thereon shall be deposited in the transmountain account.

SEC. 208. PAYOUT SCHEDULES; REPORTS; BUDGETS.—(a) The Secretary of the Interior shall furnish to the Congress, not less frequently than once each fiscal year, a report on his operations under this Act, which shall include a payout schedule which shall show, with respect to each division, and cumulatively with respect to all divisions, (1) the capital invested, the amounts repaid, and the unrecovered balance thereof; (2) gross revenues to the development fund, received and anticipated for each year of the repayment period of each division and of each separable unit thereof, from

power, from storage and delivery of water for municipal and industrial use, and for irrigation use, and gross revenues from other sources; (3) amounts received from increments to power rates and charges which have been credited to the repayment of capital allocated to irrigation, and credited to the transmountain account; (4) annual costs, historic and anticipated, of operation, maintenance, and replacements; (5) historic and anticipated net revenues; (6) installments paid and to be paid, of interest and of principal, from the development fund to the Treasury; (7) unpaid balances; and (8) sums in the transmountain account available for repayment of the cost of construction of projects to import supplemental water supplies into the Colorado River Basin.

(b) Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

TITLE III—THE TRANSMOUNTAIN DIVISION

SEC. 301. SECRETARY OF INTERIOR AUTHORIZED TO INVESTIGATE AND REPORT.—(a) The Secretary of the Interior is authorized and directed to report to the Congress not later than three years after the effective date of this Act—

(1) his estimate of the long-range water supply available for consumptive use in the Upper and Lower Basins of the Colorado River, respectively;

(2) the water requirements in the upper and lower basins, at present and as estimated for the years anno Domini 1975, 2000, 2030, and under ultimate anticipated conditions;

(3) the present and anticipated deficiencies in water supply;

(4) the quantities of water which, imported into the Colorado River Basin, would eliminate the said deficiencies;

(5) the quantities of water which, imported into the Colorado River Basin, would make possible the consumptive use of 7,500,000 acre-feet per annum in the upper basin, and eliminate present and anticipated deficiencies in the lower basin; and

(6) alternative sources from which water might be imported into the Colorado River Basin in the quantities found required under paragraphs 4 and 5, with preliminary plans of projects which would accomplish such importations, their capital and annual costs per acre-foot of water at stated points of delivery; recommendations for the construction of such projects in stages or phases related in size and time to the projected deficiencies, recommendations as to State participation in construction and operation; recommendations of methods for repayment of the costs of construction, operation, and

maintenance of such projects; and recommendations, conforming to paragraph (b), for development of the water resources of the river basins from which such water would be imported, adequate to supply the ultimate requirements of the areas of origin of such water, in addition to supplying the quantities proposed to be imported into the Colorado River Basin.

(b) The planning of all such importation work shall be subject to the following conditions: (i) diversions shall be subordinate to all existing and anticipated future needs within the watersheds of origin, including the retention of water in the watersheds of origin if estimates of future needs prove insufficient; (ii) financial assistance from the development fund shall be available for the construction of any future projects in the watersheds of origin if such assistance is not otherwise provided; and (iii) additional costs of future projects, caused by the preemption of lower cost water sources which otherwise would benefit the areas of origin, shall be offset by assistance from the development fund to the extent that the costs chargeable to such projects would be no greater than if there had been no export to the Colorado River Basin.

(c) The Secretary shall consult the Pacific Southwest Regional Water Commission, created by title XI, and shall submit his report to the affected States, in the basins of

origin as well as in the Colorado River Basin, for comment in accordance with the procedure required by section 1 (b) of the Flood Control Act of 1944, prior to submission to the Congress.

SEC. 302. AUTHORIZATION FOR APPROPRIATIONS FOR THE INVESTIGATION AUTHORIZED BY SECTION 301.—The appropriation of not to exceed $5,000,000 is hereby authorized from the development fund for the purposes stated in section 301. This amount shall be nonreimbursable.

SEC. 303. CONSTRUCTION TO BE PRECEDED BY FURTHER AUTHORIZATION.—Construction of the works referred to in section 301 shall not be commenced unless and until the Congress shall authorize such construction and appropriate funds therefor. Such appropriations, if made, shall be in addition to the amounts authorized to be appropriated in this Act.

TITLE IV—THE MAIN STREAM RESERVOIR DIVISION

SEC. 401. AUTHORIZATION FOR CONSTRUCTION.—The Secretary of the Interior is authorized to construct, operate, and maintain:

(1) A dam in Bridge Canyon, on the main stream of the Colorado River in Arizona, more particularly described in the Bureau of Reclamation's "Supplemental Information Report of Bridge Canyon Project, Arizona, January 1964",

adequate to impound water at a normal surface elevation of approximately one thousand eight hundred and sixty-six feet above sea level.

(2) A dam in Marble Canyon, on the main stream of the Colorado River in Arizona, more particularly described in "Supplemental Information Report on Marble Canyon Project, Arizona, January 1964", adequate to impound water at a normal surface elevation approximately three thousand one hundred and forty-three feet above sea level.

(3) Powerplants and appurtenant transforming, switching, and other facilities at each of such dams, of such characteristics and capacity as, in the Secretary's judgment, are best adapted to the comprehensive development of the power resources of the river.

(4) Transmission lines interconnecting Marble Canyon powerplant and Bridge Canyon powerplant with Hoover, Davis, Parker, Glen, and other Federal powerplants or systems, now in existence or hereafter authorized, of characteristics and capacity best adapted, in the judgment of the Secretary, to realize the optimum values of the interconnected powerplants on the Colorado River.

(5) Transmission lines to deliver power from the aforesaid interconnected Colorado River power system to project pumping plants and to major load centers.

SEC. 402. DISPOSITION OF POWER.—(a) Power and energy generated at Bridge and Marble Canyon powerplants shall be made available, at cost, for pumping water into and in the central Arizona aqueduct, referred to in title V, and into and in such aqueducts for the importation of water into the Colorado River Basin as the Congress may hereafter authorize as part of the transmountain division, referred to in title III. The project accounts shall show, as costs associated with the storage and delivery of water transported by each such aqueduct, respectively, the cost of production and delivery of power and energy so made available to that aqueduct, including appropriate pro rata shares of amortization, operation, and maintenance expense.

(b) Power and energy generated at Bridge and Marble Canyon powerplants in excess of the requirements of paragraph (a) shall be sold or exchanged by the Secretary of the Interior in accordance with the criteria stated in title II, at such points on the transmission system referred to in section 401 as may be agreed upon. The revenues therefrom shall be paid into the development fund.

SEC. 403. AUTHORIZATION FOR APPROPRIATION.—The appropriation of not to exceed $750,000,000 from the development fund is hereby authorized for the construction of the works authorized by this title.

TITLE V—THE CENTRAL ARIZONA AQUEDUCT DIVISION

SEC. 501. AUTHORIZATION FOR CONSTRUCTION.—The Secretary of the Interior is authorized to construct the central Arizona aqueduct and related facilities in Arizona and Nevada, as described more particularly in the Bureau of Reclamation's "Supplemental Information Report on Central Arizona Project, Arizona, January 1964," to divert not to exceed one million two hundred thousand acre-feet annually from Havasu Lake on the Colorado River, and consisting of the following principal elements:

(1) Pumping facilities on the main stream with a diversion capacity not to exceed one thousand eight hundred and ninety cubic feet per second.

(2) Granite Reef aqueduct, with a capacity not to exceed one thousand eight hundred cubic feet per second, from the vicinity of Havasu Lake on the Colorado River to the vicinity of Granite Reef Dam in the Salt River in Arizona, together with powerplants thereon.

(3) The Salt-Gila aqueduct, with a capacity not to exceed one thousand two hundred and seventy-five cubic feet per second, connecting the Granite Reef aqueduct with points in the Gila Valley, Arizona, and necessary pumping plants on that aqueduct.

(4) Maxwell Dam and Reservoir, with a capacity

of approximately eight hundred and sixty thousand acre-feet, on the Salt River, below its confluence with the Verde River, Arizona.

(5) Maxwell power and pumping plant, equipped to operate both as a power generating plant and as a pumping plant to pump water from Granite Reef into storage in Maxwell Reservoir.

(6) Tucson aqueduct, with powerplants thereon, to deliver not to exceed one hundred thousand acre-feet of Colorado River water from a point on the Salt-Gila aqueduct to the vicinity of Tucson, Arizona.

(7) Buttes Dam and Reservoir, with a capacity of approximately three hundred and sixty-six thousand acre-feet, on the Gila River in Arizona.

(8) Charleston Dam and Reservoir, with a capacity of approximately two hundred and thirty-eight thousand acre-feet, on the San Pedro River, Arizona.

(9) An aqueduct, with a capacity of approximately twelve thousand acre-feet annually, from San Pedro River and Charleston Dam and Reservoir to Tucson.

(10) Hooker Dam and Reservoir, with a capacity of approximately ninety-eight thousand acre-feet, on the Gila River in New Mexico.

(11) Transmission lines connecting the Bridge-

Marble powerplants with major pumping plants, on the central Arizona aqueduct.

(12) Transmission lines connecting power generating plants on the central Arizona aqueduct with major load centers.

SEC. 502. SENIORITY OF EXISTING WATER RIGHTS RECOGNIZED.—(a) In the administration of article II(B)(3) of the decree of the United States Supreme Court in Arizona against California, all rights to the consumptive use of water to be diverted by or for the central Arizona aqueduct from the main stream of the Colorado River shall be junior to all of the following senior existing rights to waters of the main stream, including all present perfected rights: Rights of water users served under contracts with the United States by diversion works heretofore constructed, and decreed rights of Federal reservations, in Arizona and Nevada; and such rights in California to the aggregate annual consumptive use of four million four hundred thousand acre-feet of water of the main stream of the Colorado River.

(b) Shortages shall be first borne by the junior rights of users in Arizona served by the central Arizona aqueduct before any shortages shall be borne by any of the senior existing rights recognized above: *Provided,* That this section shall not affect the relative priorities, among themselves, of

water rights in Arizona, California, and Nevada which are senior to rights served by the central Arizona aqueduct, or amend any provision of the decree of the Supreme Court of the United States in Arizona against California.

(c) All contracts entered into by the United States for the storage and delivery of water from the main stream to users in Arizona by means of the central Arizona aqueduct, and all regulations promulgated therefor, shall incorporate the provisions of this section.

SEC. 503. IMPORTED WATER.—(a) In the event that the Congress shall hereafter authorize the importation of water from other river basins into the Colorado River Basin, the United States shall have the right to satisfy any right to the use of water from the main stream of the Colorado River in the lower basin, in whole or in part, by the delivery of water so imported, in conformity with the conditions stated in paragraph (b) of this section. To the extent that rights senior to those served by the central Arizona aqueduct are thus satisfied, the Secretary may deliver water to or through that aqueduct which section 502 would otherwise require to be withheld and delivered to the holders of senior rights.

(b) The United States may satisfy any right to the use of water from the main stream of the Colorado River by the delivery of water not originating in the natural drainage

basin of the Colorado River so long as, but only so long as, such imported water is delivered in conformity with each and all of the following conditions:

(1) Quantities of Colorado River water, and of imported water, in the aggregate, supplied to the water user shall be not less than the quantities of Colorado River water which that user is entitled to receive from the main stream under its contract with the United States, as defined or limited in the decree of the Supreme Court of the United States in Arizona against California;

(2) Cost of imported water to the water user shall not exceed cost of a like quantity of water to that user, if available and supplied from waters of the Colorado River main stream;

(3) Quality of imported water supplied to the water user shall not be inferior to that of water available to that user from waters of the Colorado River main stream;

(4) Point of delivery of imported water to the water user shall be at the point or points of delivery for Colorado River main stream water specified in the water user's contract with the United States, or at the water user's points of use; and

(5) Times of delivery of imported water shall be

the same as those at which water would have been delivered to the user if supplied from waters of the Colorado River main stream under the water user's contract with the United States.

(c) If the importation of water into the Colorado River Basin makes available for release, as determined by the Secretary, sufficient water to satisfy annual consumptive use in Arizona, California, and Nevada in excess of seven million and five hundred thousand acre-feet, by means of diversions from the main stream, such excess shall be apportioned in like manner as is provided in article II (B) (2) of the decree of the Supreme Court in Arizona against California (373 U.S. 546 (1964)), notwithstanding that all or a portion of the waters constituting such excess may have originated outside the Colorado River Basin; but the restrictions stated in paragraph (b) shall not apply to such excess.

SEC. 504. LIMITATIONS ON SERVICE AREAS.—(a) Each contract under which water is furnished through the central Arizona aqueduct shall include provisions, adequate in the judgment of the Secretary, (1) to restrict the delivery of water to farms or ranches having a history of substantial irrigation prior to June 3, 1963, (2) to limit the total service area of projects to which such water is delivered, and (3) to prevent expansion of areas irrigated from aquifers

replenished by projects receiving water from the central Arizona aqueduct.

(b) The Secretary is authorized to require as a condition in any contract under which water is provided through the central Arizona aqueduct that the contractor agree to accept main stream water in exchange for or in replacement of existing supplies from sources other than the main stream, but no such exchange or replacement shall require a contractor to bear any cost of said exchange or replacement water in excess of the costs that would have been incurred in connection with the continued use by the contractor of its existing supply, nor shall such exchange or replacement otherwise result in economic injury to the contractor.

SEC. 505. AUTHORIZATION FOR APPROPRIATIONS.—The appropriation of not to exceed $527,000,000 from the development fund is authorized for the construction of the central Arizona aqueduct and related facilities (including Hooker Dam project in New Mexico) as described in this title.

TITLE VI—DIXIE DIVISION

SEC. 601. AUTHORIZATION FOR CONSTRUCTION.—The Secretary of the Interior is authorized to construct, operate, and maintain the Dixie project, Utah, herein referred to as the Dixie division. The division shall consist of the Virgin City Dam and Reservoir, tunnels, canals, siphons, pumping

plants, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Virgin River; a dam on the Santa Clara River near Gunlock, Utah, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Santa Clara River and on Ivins Bench; and hydroelectric plants and transmission facilities at the Virgin City Dam and at such other points as are desirable. The area of lands not having a previous history of irrigation to be included in the division shall not exceed twelve thousand acres. The Dixie division shall be coordinated with the Cedar City water development program which includes the diversion of the waters of Crystal Creek into the Kolob Reservoir, and after completion of the Dixie division said waters of Crystal Creek and of the natural watershed of said Kolob Reservoir shall be exported for use of Cedar City and vicinity in accordance with an agreement entered by Cedar City and Iron County, Utah, on the 26th day of August 1953, with Kolob Reservoir and Storage Association, Incorporated, and Washington County, Utah.

SEC. 602. SALINE WATERS.—The Dixie division shall include such facilities for the disposition of saline waters of La Verkin Springs as are necessary in the opinion of the Secretary to insure the delivery of water at downstream points along the Virgin River for water users in the States of Arizona and Nevada of suitable quality for irrigation, or pro-

vision shall be made to indemnify such water users for any impairment of water quality for irrigation purposes directly attributable to Dixie division operations.

SEC. 603. REQUIREMENT FOR CONSERVANCY DISTRICT.—Construction of the Dixie division shall not be commenced until there shall be established a conservancy district or similar organization with such powers as may be required by the Secretary, these to include powers to tax both real and personal property within the boundary of the district and to enter into contracts with the United States for the repayment of reimbursable costs.

SEC. 604. AUTHORIZATION FOR APPROPRIATIONS.—There is hereby authorized to be appropriated not to exceed $45,000,000 for the construction of the works authorized by this title.

TITLE VII—SOUTHERN NEVADA DIVISION

SEC. 701. SOUTHERN NEVADA WATER SUPPLY PROJECT AUTHORIZED.—The Secretary of the Interior is authorized to construct the southern Nevada water supply project, Nevada, substantially as described in the Bureau of Reclamation's "Supplemental Information Report on Southern Nevada Water Supply Project, Nevada, January 1964", subject to additions the cost of which shall not exceed $9,000,000.

SEC. 702. CONTRACT WITH COLORADO COMMISSION

OF NEVADA REQUIRED.—The Secretary is authorized to enter into a contract or contracts with the Colorado River Commission of Nevada, acting for the State of Nevada, whereby the United States will store and deliver water to the commission pursuant to section 5 of the Boulder Canyon Project Act for use by the southern Nevada water supply project, and that commission will operate and maintain the project, and obligate itself to repay to the United States the reimbursable portion of the construction cost thereof. Such contract shall recognize such priorities among users as are provided for in the laws of Nevada. Construction shall not commence until the contract or contracts authorized by this section have been executed.

SEC. 703. AUTHORIZATION FOR APPROPRIATIONS FOR CONSTRUCTION OF SOUTHERN NEVADA WATER SUPPLY PROJECT.—The appropriation of not to exceed $81,000,000 is hereby authorized for the construction of the southern Nevada water supply project.

SEC. 704. MOAPA VALLEY PUMPING PROJECT AUTHORIZED.—The Secretary of the Interior is authorized to construct, operate, and maintain the Moapa Valley pumping project, Nevada, substantially as described in the Bureau of Reclamation's "Supplemental Information Report on Moapa Valley Pumping Project, Nevada, January 1964". The area of lands not having a previous history of irrigation

to be included in the project shall not exceed six thousand acres.

SEC. 705. AUTHORIZATION FOR APPROPRIATIONS FOR CONSTRUCTION OF MOAPA VALLEY PUMPING PROJECT.—The appropriation of not to exceed $12,000,000 for construction of the Moapa Valley pumping project is hereby authorized: *Provided,* That no money, other than for completion of investigations and preparation of a feasibility report, shall be expended for the construction of the project until sixty days after the Secretary shall have submitted to the Congress a report showing that the project is feasible from an engineering and economic viewpoint, and that the reimbursable costs, in his judgment, will be repaid to the United States in conformity with this Act.

TITLE VIII—CONSERVATION DIVISION

SEC. 801. AUTHORIZATION FOR CONSTRUCTION, OPERATION, AND MAINTENANCE.—The Secretary of the Interior is authorized to construct, operate, and maintain necessary facilities for the salvage of water on the main stream in the lower basin, including, but not limited to, river channelization, the Senator Wash Reservoir, ground water recovery facilities, and phreatophyte eradication and control, substantially as described in the Bureau of Reclamation's "Supplemental Information Report on Water Salvage

Projects—Lower Colorado River-Arizona-California-Nevada, January 1964".

SEC. 802. AUTHORIZATION FOR APPROPRIATIONS.—The appropriation of not to exceed $42,000,000 is hereby authorized from the development fund for the construction of the ground water recovery facilities, and for phreatophyte eradication and control, authorized by section 801. This sum is in addition to authorizations heretofore enacted for the appropriation of approximately $35,000,000 for river channelization and of approximately $8,700,000 for construction of Senator Wash Reservoir.

SEC. 803. CANAL LINING.—The Secretary is authorized to enter into contracts with water users served by canals heretofore constructed, to finance from the development fund the lining of such canals and the installation of other water conservation works, on terms mutually satisfactory to the Secretary and the water users affected with respect to the disposition of the conserved water, and for reimbursement of the cost thereof in accordance with the criteria stated in this Act.

SEC. 804. STUDY AND RESEARCH.—It is the intention of the Congress that accelerated and coordinated programs of investigation, study, research, and planning shall be undertaken to further the purposes of this Act, including, but not

limited to, potential sources of additional imported supplies of water, conversion of saline and brackish waters, canal sealants, evaporation reduction, weather modification, waste water renovation, general hydrology, water quality and waste management, water salvage, and fish and wildlife research. The Secretary, in cooperation with the States and with the Pacific Southwest Regional Water Commission, shall maintain a continuing review of the hydrology of the Colorado River, ground water pumping, and projections of future water supply and demand in the region, and report annually thereon to the Congress.

TITLE IX—FISH AND WILDLIFE AND RECREATION DIVISION

SEC. 901. CONSUMPTIVE USE OF WATER FOR PROTECTION OF FISH AND WILDLIFE.—The Secretary of the Interior is authorized to construct, operate, and maintain facilities for the utilization by the Havasu Wildlife Refuge and the Imperial National Wildlife Refuge, in accordance with article II(D) (8) and (9) of the decree of the United States Supreme Court in Arizona against California (373 U.S. 546 (1964)), of the quantities of water therein authorized to be diverted or consumed, whichever is less, upon the lands therein identified, and for the purposes stated in Executive orders creating or regulating those refuges issued prior to June 3, 1963.

SEC. 902. ADDITIONAL FISH AND WILDLIFE FACILITIES.—The Secretary is authorized and directed to submit to the Congress his report and recommendation for further fish and wildlife conservation measures in the lower basin of the Colorado River, to be undertaken either by the United States or agencies of the States, with proposed methods of financing them, and a statement of the quantities of consumptive use of water involved by each, and methods of supplying such water.

SEC. 903. RECREATION FACILITIES.—The Secretary is authorized to construct, operate, and maintain, as part of the projects authorized by this Act, public recreation facilities, including access roads; to acquire or to withdraw from entry or other disposition under the public land laws such adjacent lands or interests therein as are necessary for present and future public recreation use; and to provide for public use and enjoyment of the same and of the water areas of the project. All of these undertakings shall be coordinated with the other project purposes. The Secretary is authorized to enter into agreements with State or local public agencies or other public entities for the operation, maintenance, or additional development of project lands or facilities or to dispose of project lands or facilities to State or local agencies or other public entities by lease, transfer, exchange, or conveyance, upon such terms and conditions as will best

promote their development and operation in the public interest for recreation purposes.

SEC. 904. AUTHORIZATION FOR APPROPRIATION.—The appropriation of not to exceed $6,000,000 is hereby authorized for acquisition of lands and water rights, and construction of works, authorized by this title. Annual appropriations for operation, maintenance, and provision for replacements of such works, are hereby authorized. The amounts so expended, together with an appropriate share of joint costs of projects in which works authorized by this title are included, shall be nonreimbursable.

TITLE X—MAIN STREAM INDIAN RESERVATIONS

SEC. 1001. DECLARATION OF POLICY.—The Congress declares its intention to make water available when and as needed by those Indians who reside or may hereafter reside on the Chemehuevi, Cocopah, Yuma, Colorado River, and Fort Mohave Indian Reservations, in the quantities which article II (D) of the decree of the United States Supreme Court in Arizona against California (373 U.S. 546 (1964)), directs shall be released for use on those reservations. The availability of water for use by non-Indians for the reclamation of lands on said reservations not having a history of substantial irrigation prior to June 3, 1963, shall be subject to the conditions stated in sections 1002 and 1003.

SEC. 1002. FURTHER LEASES TO NON-INDIANS FOR

THE IRRIGATION OF DESERT LANDS PROHIBITED UNTIL SUPPLEMENTAL WATER IS IMPORTED INTO THE COLORADO RIVER BASIN; COMPENSATION TO INDIANS.—(a) The Secretary of the Interior shall postpone the execution of further leases which would result in the reclamation or irrigation of lands on the Chemehuevi, Colorado River, or Fort Mohave Indian Reservations which do not have a history of substantial irrigation prior to June 3, 1963 (except lands to be occupied by Indians), until such time as he shall determine that works have been constructed to import into the Colorado River Basin, and are delivering, sufficient water to enable the release of main stream water, thus augmented, to satisfy on a permanent basis not less than the seven million five hundred thousand acre-feet of annual consumptive use in the States of Arizona, California, and Nevada, which is apportioned by article II(B)(1) of the decree of the United States Supreme Court in Arizona against California (373 U.S. 546 (1964)).

(b) During such time as paragraph (a) is operative, the Secretary of the Interior shall pay currently out of the development fund into the Indian funds in the Treasury into which the postponed lease rentals would be payable, amounts equal to the sum of—

(i) the fair annual rental value of all lands on the reservation in his opinion reasonably capable of irriga-

tion, but which he is prevented from leasing by the operation of paragraph (a), including the value of the use of water thereon, to the full extent of the decreed quantities of consumptive use as if works had been constructed to put such water to use, plus

(ii) appropriate annual installments of the cost of reclaiming said lands and preparing them for irrigation, including the cost of distribution works, plus

(iii) $1 per acre-foot of the decreed quantities of consumptive use.

SEC. 1003. PAYMENTS FOR THE BENEFIT OF INDIANS FOR INTERIM USE BY OTHERS OF WATER DECREED TO INDIAN RESERVATIONS.—(a) Until such time as main steam water, decreed for use on Indian reservations, is determined by the Secretary to be needed for use by Indians residing on those reservations, the Secretary is authorized to temporarily lease to holders of Federal water storage and delivery contracts in the same State the use of so much water as is surplus to the requirements of the Indians, on the following conditions:

(1) The lease shall be subject to termination, without compensation to the lessee, on twelve months' notice, and

(2) The compensation payable by the lessee shall be whichever of the following amounts is determined

by the Secretary to be the greater: (i) an amount determined in accordance with section 1002 (b), or (ii) the annual value of the consumptive use of that same quantity of water at the place of actual use, plus $1 per acre-foot of consumptive use. Amounts so collected by the Secretary shall be paid into the same funds into which the rentals of lands on the several reservations are payable, and credited against the payments required by section 1002 (b).

(b) The Secretary is authorized to enter into supplemental agreements with the non-Indian holders of existing leases on the Indian reservations named in section 1001, whereby the Secretary is empowered to suspend, on twelve months' notice, the right of such lessees to use water for the irrigation of lands not having a history of substantial irrigation before June 3, 1963, until the condition stated in section 1002 (a) has been met, paying agreed compensation to the lessees.

(c) In the event of suspension as provided in paragraph (b), the Secretary shall pay into the same funds into which the revenues of the canceled leases were payable for the benefit of the Indians, amounts equal to those revenues, plus the amounts, if any, which the lessees were required by their leases to expend in the reclamation of the leased land, including construction of distribution works during the period of

suspension, plus $1 per acre-foot of consumptive use. Such payments shall not be diminished by the amounts that the Secretary may be required to pay the lessees under paragraph (b) of this section.

(d) Payments into Indian funds made under sections 1002 (b) and 1003 (c) shall be available for expenditure by the Secretary for the reclamation of lands on the respective reservations, including construction of distribution works, without further appropriation, as soon as the condition stated in section 1002 (a) has been met.

SEC. 1004. REVIEW OF SECRETARY'S DETERMINATION OF AMOUNTS BY THE COURT OF CLAIMS; ACCOUNTING FOR PAYMENTS MADE FOR THE BENEFIT OF INDIANS.—(a) If the governing body of the Indians resident on any such reservation is dissatisfied with the revenues to accrue for the benefit of said Indians pursuant to any determination made by the Secretary under this title, it may sue in the Court of Claims for the determination of the proper amounts, and jurisdiction is hereby conferred upon the Court of Claims to hear and adjudicate such suits.

(b) Payments made pursuant to this title shall be accounted for as costs which are allocated to irrigation but are to be repaid out of power revenues, as provided in section 203 (b).

SEC. 1005. AUTHORIZATION FOR APPROPRIATIONS.—

The appropriation from the development fund of not to exceed $10,000,000 is hereby authorized for the purpose of this title.

TITLE XI—PACIFIC SOUTHWEST REGIONAL WATER COMMISSION

SEC. 1101. COMMISSION CREATED.—(a) There is hereby created the Pacific Southwest Regional Water Commission (hereinafter referred to as the "Commission") composed of members to be appointed as follows:

(1) The Secretary of the Interior, or a deputy appointed by him, who shall serve as Chairman.

(2) One member representing each of the seven States of the Colorado River Basin and each State in each river basin from which water would be imported into the Colorado River Basin under any plan for importation reported by the Secretary to Congress under title III, each member to be appointed by the Governor of the State.

(3) One member appointed by and representing each of the Secretaries of State; Agriculture; the Army; Health, Education, and Welfare; and the Federal Power Commission.

The compensation of each member shall be paid by the entity appointing him.

(b) The functions of the Commission shall be to—

(1) serve as the principal agency for the coordination of further Federal, State, interstate, and local plans for the conservation, augmentation, and beneficial utilization of the water and related land resources of the Pacific Southwest;

(2) coordinate with State and Federal agencies the preparation of a comprehensive, coordinated, joint plan for the further Federal, State, interstate, and local development of the water and related land resources of the region: *Provided,* That the plan may include alternatives and it may be prepared and submitted in stages, including recommendations with respect to individual projects;

(3) recommend long-range schedules of priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and

(4) advise and counsel the appropriate Federal and State agencies on such studies of water resources and related land resources in the region as are necessary in the preparation of the plan prescribed in clause (2) of this subsection.

(c) In carrying out the provisions of this Act, the Commission may—

(1) employ and compensate such personnel as it deems advisable;

(2) use the United States mails in the same manner

and upon the same conditions as departments and agencies of the United States;

(3) acquire, furnish, and equip such office space as is necessary;

(4) accept for any of its purposes and functions appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States or any subdivision or agency thereof, or intergovernmental agency, and receive, utilize, and dispose of the same; and

(5) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this section.

(d) The Commission shall determine the proportionate share of its expense which shall be borne by the Federal Government and each of the States. The Commission shall prepare a budget annually and transmit it to the Federal departments and the States. Estimates of proposed appropriations from the Federal Government shall be included in the budget estimates submitted by the Secretary of the Interior under the Budgeting and Accounting Act of 1921, as amended, and may include an amount for advance to the Commission against State appropriations for which delay is anticipated by reason of later legislative sessions. All sums appropriated or otherwise received by the Commission shall

be credited to the Commission's account in the Treasury of the United States.

SEC. 1102. AUTHORIZATION FOR APPROPRIATIONS.—The appropriation of not to exceed $500,000 annually as the Federal contribution to the operating expenses of the Commission is hereby authorized. Sums so appropriated shall not be reimbursable.

TITLE XII—GENERAL PROVISIONS APPLICABLE TO THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ALL WORKS AUTHORIZED BY THIS ACT

SEC. 1201. RECLAMATION LAWS.—This Act shall be deemed a supplement to the reclamation laws (Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto), which shall govern the construction, operation, and maintenance of all works authorized by this Act, except as otherwise specifically provided.

SEC. 1202. DEFINITIONS.—As used in this Act:

(a) "Pacific Southwest" and "region" shall mean the drainage basin of the Colorado River in the United States from Lee Ferry to the lower Mexican border, plus California counties (i) in which Colorado River waters are presently used and (ii) from which waters may be exported by works constructed under title III.

(b) "User" or "water user" in relation to Colorado

River main stream water means a person or legal entity having a right pursuant to the Boulder Canyon Project Act or other applicable Federal law to use main stream water when available under the decree of the Supreme Court of the United States in Arizona against California (373 U.S. 546 (1964)).

(c) All terms defined in article I of the said decree of the United States Supreme Court shall have the meanings there defined when used in this Act.

SEC. 1203. SECRETARY REQUIRED TO CONFORM TO LAW OF THE RIVER; CONSENT TO SUIT.—(a) In the storage and delivery of water originating in the Colorado River Basin, the Secretary is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, the treaty with the United Mexican States, and the decree of the United States Supreme Court in Arizona against California (373 U.S. 546 (1964)), and to comply with the laws of the States in which water is distributed insofar as the laws of these States respectively relate to use and distribution of water therein, including intrastate priorities. In the event of the failure of the Secretary of the Interior to so comply, any affected State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to en-

force the provisions of this section and consent is given to the joinder of the United States as a party in such suits, as a defendant or otherwise.

(b) Nothing in this Act shall be construed to alter, amend, interpret, or modify any provisions of the laws, treaty, compacts, or the decree referred to in paragraph (a).

88TH CONGRESS
2D SESSION

S. 2760

A BILL

To authorize the coordinated development of the water resources of the Pacific Southwest, and for other purposes.

By Mr. KUCHEL

APRIL 22 (legislative day, MARCH 30), 1964
Read twice and referred to the Committee on Interior and Insular Affairs