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80TH CONGRESS
1ST SESSION

S. 1175

IN THE SENATE OF THE UNITED STATES

APRIL 28 (legislative day, APRIL 21), 1947

MR. MCFARLAND (for himself and MR. HAYDEN) introduced the following bill; which was read twice and referred to the Committee on Public Lands

A BILL

Authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of controlling floods, improving navigation, and regulating the flow of the Colorado River, providing for storage and for the delivery of the stored waters to provide essential supplementary supply of water to irrigated lands, for municipal and domestic uses, and for the irrigation of public and other lands within the United States, and for the generation, use, and sale of electrical

energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, and other beneficial purposes, the Secretary of the Interior, subject to the terms of the Colorado River compact and the water delivery contract between the United States and the State of Arizona, executed February 9, 1944, is hereby authorized to construct, operate, and maintain (1) a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, which dam shall be constructed to an elevation of not less than one thousand eight hundred and seventy-seven feet above sea level; (2) a related system of conduits and canals, including a tunnel and main canal from the reservoir above the dam at Bridge Canyon to the Salt River above Granite Reef Dam, a canal from the Salt River to the Gila River above the town of Florence, Arizona, and thence a canal to Picacho Reservoir, and thence a canal to the Santa Cruz River flood plain, together with such other canals and laterals as may be required to effecuate the purposes of this Act; (3) complete plants, transmission lines, and incidental structures suitable for the fullest economic development of electrical energy generated from water at the works constructed hereunder for use in the operation of this project and sale in coordination with other Federal projects; and (4) such appurtenant dams and incidental works, including interconnecting lines to effectuate

coordination with other Federal projects, flood-protection works, desilting dams, or works above Bridge Canyon and a dam on the Gila River in New Mexico and such dams on the Gila River and its tributaries in Arizona as may be necessary for the successful operation of the undertaking herein authorized and to effect exchanges of water to insure an adequate supplemental supply to lands presently or heretofore irrigated from the Gila River below the head of the Virden Valley in New Mexico and from the tributaries of the Gila River by supplying water from the main stream of the Colorado River to lower lands now receiving water from the Gila River or its tributaries, thus releasing Gila River and tributary water for use and exchange on other lands served by the Gila River and tributaries and other exchanges of water which may be agreed upon by the users affected: *Provided, however,* That construction of the tunnel and that portion of the canal hereinabove described from the reservoir above the dam at Bridge Canyon to a junction with the aqueduct hereinafter authorized shall be deferred until Congress by making appropriation expressly therefor has determined that economic conditions justify its construction, and in order to provide a means of diversion of water from the Colorado River to the main canal pending the construction of said tunnel and said portion of the canal and for use thereafter as supplemental and standby works the Secre-

tary is authorized to construct, maintain, and operate from appropriations authorized by this Act an aqueduct from Lake Havasu to and connecting with the main canal in the vicinity of Cunningham Wash, and pumping plants to raise water from Lake Havasu to such elevation as may be required to provide gravity flow of such water from Lake Havasu to the main canal.

SEC. 2. The Secretary shall have the authority to acquire, by purchase, exchange, condemnation, or otherwise, all lands, rights-of-way, and other property necessary for said purposes: *Provided*, That, anything herein contained to the contrary notwithstanding, the Secretary shall not have the authority to condemn established water rights or the water to the use of which such rights are established, or works used or necessary for the storage and delivery of such water to the use of which rights are established, or the right to substitute or exchange water without the consent of the holders of rights or those entitled to the beneficial use of such waters as may be involved in the proposed exchange.

SEC. 3. The estimated cost of the construction of the said works shall be determined by the Secretary. The Secretary shall also determine (a) the parts of said estimated cost that can be properly allocated to flood control, silt control, navigation, river regulation, recreation, and fish

and wildlife conservation, respectively, the sums so allocated, together with the expenses of operation and maintenance attributed by him to such purposes, to be nonreimbursable; and (b) (1) the part of the estimated cost which can properly be allocated to irrigation and probably be returned to the United States in net revenues from the delivery of water for irrigation purposes; (2) the part of the estimated cost which can properly be allocated to irrigation and probably be returned to the United States from revenues derived from sources other than the water users; (3) the part of the estimated cost which can properly be allocated to power and probably be returned to the United States in net power revenues; and (4) the part of the estimated cost which can properly be allocated to municipal water supply or other miscellaneous purposes and probably be returned to the United States.

Before any construction work is done or contracted for, the Secretary of the Interior shall have determined that costs allocated to power, municipal water supply, irrigation, or other miscellaneous purposes as herein provided will probably be returned to the United States within the periods prescribed by the Federal Reclamation laws: *Provided*, That the repayment period for costs allocated to irrigation and assigned for repayment by the water users shall be a

reasonable period of years not to exceed the useful life of the project.

SEC. 4. Electric energy developed at any of the generating plants constructed as parts of the works herein authorized shall be used first for the operation of pumping plants and other facilities embraced within the said works and the remainder sold for effectuating the purposes of this Act. In the production, sale, and distribution of electric energy generated by any of the works herein authorized above that required for the operation of said pumping plants and said other facilities, and in the provision of water for municipal water supply, the Secretary of the Interior shall be governed by the Federal reclamation laws.

SEC. 5. Contracts for the delivery of water for irrigation purposes shall provide for the delivery of such water at an identical price per acre-foot at the several points of delivery of water from the works along the project herein authorized; and such contracts shall be made with irrigation districts, persons, and corporations who have or shall obtain rights to the use of such water under the water laws of the State of Arizona or of the State of New Mexico.

SEC. 6. The works provided for by the first section of this Act shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present per-

fected water rights; and, third, for power. The title to said works shall forever remain in the United States and the United States shall until otherwise provided by law control, manage, and operate the same: *Provided,* That the Secretary of the Interior may in his discretion enter into arrangements for the operation or use of a unit or units of said works with the State of Arizona or any irrigation district, reclamation project, or other subdivision or agency thereof; and in such event the Secretary of the Interior shall prescribe and enforce rules and regulations respecting maintenance of works in condition of repair, adequate for their efficient operation, recapture, or emergency use by the United States of such units, and penalties for enforcing regulations made under this Act or penalizing failure to comply with such regulations or provisions of this Act.

SEC. 7. The rights of the United States in and to the waters of the Colorado River and its tributaries for the use of which the works herein authorized are incidental, convenient, or necessary as well as the rights of those claiming under the United States shall be subject to and controlled by the Colorado River compact.

SEC. 8. The United States in constructing, managing, and operating the 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 water stored by said reservoirs or carried by said canals, including all permittees, licensees, and contractees 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 the Colorado River compact and the water delivery contract between the United States and the State of Arizona dated February 9, 1944, and by the laws of the State of Arizona governing water rights wherever the same may be applicable.

SEC. 9. Nothing herein shall be construed as modifying or affecting any of the provisions of the treaty between the United States of America and the United Mexican States signed at Washington, District of Columbia, February 3, 1944, relating to the utilization of the waters of the Colorado River and other rivers as amended and supplemented by the protocol dated November 14, 1944, and the understanding recited in the Senate resolution of April 18, 1945, advising and consenting to ratification thereof.

SEC. 10. This Act 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.

SEC. 11. Nothing herein shall be construed as inter-

fering with such rights as the State of Arizona or any other State now has either to the waters within its borders or to adopt such policies and enact such laws as it may deem necessary with respect to the appropriation, control, and use of waters within its borders, except as modified by the Colorado River compact or any other interstate agreement.

SEC. 12. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

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