Statement of Gilbert G. Stamm, Commissioner of Reclamation, witness for the Department of the Interior, before the Subcommittee on Water and Power Resources, Senate Committee on Interior and Insular Affairs, on S. 1119, A bill "To authorize the Secretary of the Interior to make water available for a minimum recreation pool in Elephant Butte Reservoir from the San Juan-Chama unit of the Colorado River storage project."

June 18, 1974

Mr. Chairman we are appearing today to present our views on S. 1119, a bill to authorize the Secretary of the Interior to make water from the San Juan-Chama Unit of the Colorado River Storage Project available for a minimum recreation pool in Elephant Butte Reservoir.

We recommend enactment of the bill, subject to the suggested revisions included in the Department's letter to the chairman in this regard.

The proposed action is similar to Public Law 88-293, enacted March 26, 1962, which established a recreation pool in Cochiti Reservoir. However, it differs from Public Law 88-293 in that it is a short-term measure and does not involve a reallocation of San Juan-Chama Project costs.

The bill, with suggested amendments, would make the water available for Elephant Butte with any delivery costs to be shared equally with a non-federal agency, and with specific language to prevent its being claimed retroactively by other water users at some future point in time. Existing contracts for water use from both the San Juan-Chama Project and the Rio Grande Project are adequately protected by provisions contained in the bill.
The Rio Grande Project, in south-central New Mexico and extreme west Texas, furnishes a full irrigation water supply for approximately 178,000 acres of land and electrical power for communities and industry in the general vicinity. The Congress authorized the construction of Elephant Butte Dam and Reservoir for irrigation purposes on February 25, 1905. The dam, located on the Rio Grande 125 miles north of El Paso, Texas, was completed in 1916. The additional function of power generation was added in 1940. The streamflow of the Rio Grande is very erratic; years of high floodflows are often followed by years of drought. The fact that floodflows can be stored in the reservoir for later releases for irrigation is the key to maintaining much of the farming economy of the Rio Grande Valley. For these reasons, the total reservoir space of 2,194,000 acre-feet is committed to the storage of irrigation water.

The amount of water reaching Elephant Butte Reservoir has been declining for a number of years. This decline has been due to a number of factors including a reduction in annual precipitation, increasing diversions in Colorado, extension of phreatophytes in the watershed, and aggradation of the river valley between Cochiti, New Mexico, and Elephant Butte Reservoir, which is increasing the surface area of the river and increasing the conveyance losses. This reduction in inflow to Elephant Butte Reservoir has created critical shortage conditions in the storage and use of waters of the Rio Grande below
Elephant Butte Dam. Beginning in 1951, the Rio Grande Project has been under a strict water rationing program. Deliveries of water to Mexico have been similarly curtailed.

Between 1950 and 1973, there were wide variations in storage in Elephant Butte Reservoir. Minimum storage of less than 50,000 acre-feet occurred during 7 of the 24 years, while the maximum storage during this period was 1,200,000 acre-feet which is slightly more than half of the reservoir capacity. In fact, the reservoir has filled only once (1942) since the initiation of storage in 1915.

We believe that a minimum storage level of 50,000 acre-feet is desirable. When storage is less than 50,000 acre-feet, recreational usage of the reservoir has been impaired, with resultant economic losses to the recreation industry of the State of New Mexico. Furthermore, low storage levels have been extremely damaging to the fishery of the reservoir with considerable time being required for the fish resources to recover.

The recreational facilities at Elephant Butte Reservoir are administered by the New Mexico State Park and Recreation Commission. Use of the reservoir amounted to about 1.5 million visitor-days in calendar year 1973.

When the reservoir storage pool is filled, it contains 2,194,000 acre-feet and has a 250-mile shoreline with a surface area of 36,600 acres. The proposed recreational pool of
50,000 acre-feet would create a 3,500-acre surface area with a shoreline of about 10 miles. The primary value of a minimum pool would be to conserve the fishery during extreme drought periods. It is difficult to estimate the number of visitor-days that would occur during the period the reservoir would be held at a minimum pool of 50,000 acre-feet, but use would probably be limited.

At the present time, streamflow of the Rio Grande is fully committed to various water users mainly for agricultural purposes. Water to fill a recreational pool in Elephant Butte Reservoir would have to be acquired from a non-Rio Grande source. The proposed legislation provides for the use of San Juan-Chama Project facilities to divert water from the San Juan River, a tributary of the Colorado River, into the Rio Chama, a tributary of the Rio Grande. Contractors for San Juan-Chama Project water are not utilizing their full entitlement of project water at this time, and are not expected to for a period of 10 years. Therefore, water which otherwise would be stored in Heron Reservoir for future use will be available for the proposed 50,000 acre-feet of recreational storage in Elephant Butte Reservoir.

Should the proposal be implemented, San Juan-Chama Project facilities and water rights would be used to provide the initial recreational pool along with subsequent evaporation and transportation losses for 10 years. The 10-year limitation is needed because surplus water from the San Juan-Chama Project will
be available for only about that period of time. It is anticipated that recreation and wildlife interests will procure rights to a sufficient amount of Rio Grande water to offset evaporation losses after the initial 10-year period. Should the recreation and wildlife interests fail to provide the necessary makeup water, reservoir evaporation would, in a few years, consume the minimum recreation pool.

As mentioned earlier, both the space in Elephant Butte Reservoir and the streamflow of the Rio Grande are fully committed to other project functions. Before the operation of Elephant Butte Reservoir recreation pool can be integrated into the Rio Grande system operations, certain policy and accounting decisions are necessary.

By resolution of May 3, 1974, the Rio Grande Compact Commission established the accounting and operational policy which will be followed should the provisions of the bill be enacted. Essentially, this resolution specified that, (1) water in the recreation pool would not be included in the determination of the amount of water available for project uses; (2) in the event that Elephant Butte Reservoir should fill and spill, the recreation pool would be the first to spill, thus protecting the rights of Rio Grande Compact water users; and (3) the recreation pool would be assessed only the increment of the reservoir evaporation and other losses that result from storage and conveyance of San Juan-Chama Project water.
We concur with the Rio Grande Compact Commission's objectives as stated in its May 3, 1974, resolution, as these policies adequately protect the Rio Grande water users.

It should be recognized that the bill only provides for the establishing of the initial 50,000 acre-feet minimum recreation pool. In the unlikely event that Elephant Butte Reservoir should fill and spill, additional arrangements would be necessary before the recreation pool could be reestablished.

Specific language for our suggested changes may be found in the Department's report. Those changes will clarify the basis for establishing the minimum recreation pool in Elephant Butte Reservoir.

Thank you.
Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 1119, a bill "To authorize the Secretary of the Interior to make water available for a minimum recreation pool in Elephant Butte Reservoir from the San Juan-Chama unit of the Colorado River storage project."

We recommend that the bill be enacted with the amendments suggested herein.

S. 1119 authorizes the Secretary of the Interior to permit releases from the Heron Reservoir of the San Juan-Chama reclamation project to provide a minimum recreation pool of fifty thousand acre-feet of water initially, supplemented by up to six thousand acre-feet annually over a ten year period to replace evaporation and other losses. The authority would be granted pending negotiations of water supply contracts and construction of facilities for supplying water to irrigation units to be supplied by the Heron Reservoir and would be subject to the availability of stored water in that reservoir in excess of one hundred thousand acre-feet, which water is not required for existing authorized uses. Allocations for the recreation pool in Elephant Butte Reservoir would be nonreimbursable and nonreturnable. The authorized releases would be subject and subordinated to certain specified prior claims on the water and would not be permitted unless the Rio Grande Compact Commission agreed by resolution that (i) the term "usable water" as defined in article I of the Rio Grande Compact will not include San Juan-Chama project water stored at Elephant Butte Reservoir, and (ii) in the determination of "actual spill", the spill of "credit water" (as these terms are defined in article I of the Rio Grande Compact) shall not occur until all San Juan-Chama project water in Elephant Butte Reservoir shall have spilled. The bill also provides that it shall not be construed to increase the authorized funding of the Colorado River storage project, any of its units, or of the Rio Grande project.

Let's Clean Up America For Our 200th Birthday
Water stored in Elephant Butte Reservoir constitutes the primary water supply for irrigating 178,000 acres of land in the Rio Grande project in New Mexico and Texas. The streamflow of the Rio Grande is very erratic; years of high floodflows are often followed by years of drought. The fact that floodflows can be stored in the reservoir for later releases for irrigation is the key to maintaining much of the farming economy of the Rio Grande Valley. For these reasons, the total reservoir space of 2,194,000 acre-feet is committed to the storage of irrigation water.

Between 1950 and 1973, there were wide variations in storage in Elephant Butte Reservoir due to the differences between water supply and irrigation demand. Minimum storage of less than 50,000 acre-feet occurred during 7 of the 24 years, while the maximum storage during this period was 1,200,000 acre-feet which is slightly more than half full. In fact, the reservoir has filled only once (1942) since the initiation of storage in 1915.

The present recreational facilities at Elephant Butte Reservoir are administered by the New Mexico State Park and Recreation Commission and had an annual use of about 1.5 million visitor-days during the calendar year 1973.

When the reservoir storage pool is filled, it contains 2,194,000 acre-feet and has a 250-mile shoreline with a surface of 36,600 acres. The proposed recreational pool of 50,000 acre-feet would create a 3,500 acre surface area with a shoreline of about 10 miles. The primary value of a minimum pool would be to conserve the fishery during extreme drought periods. It is difficult to estimate the number of visitor-days that would occur during the period the reservoir would be held at a minimum pool of 50,000 acre-feet, but use would probably be limited.

Elephant Butte Reservoir is part of the Rio Grande project. At the present time, streamflow of the Rio Grande is fully committed to various water users, mainly for agricultural purposes. Water to fill a recreational pool in Elephant Butte Reservoir would have to be acquired from a non-Rio Grande source; the proposal calls for using San Juan-Chama project facilities to divert water from the San Juan River, a tributary of the Colorado River, into the Rio Chama, a tributary of the Rio Grande.

San Juan-Chama project facilities and water rights would be used to provide the initial recreational pool along with subsequent evaporation and transportation losses. However, surplus water from the San Juan-Chama project will be available for only about 10 years.
Recreation and wildlife interests may be able to procure Rio Grande water rights to offset evaporation losses after the initial 10-year period.

Along with the streamflow of the Rio Grande, storage space in Elephant Butte Reservoir is fully committed to other project purposes. In order that a portion of the reservoir may be utilized to store the recreation pool, the Rio Grande Compact Commission, on May 3, 1974, resolved that (1) the water in the recreation pool would not be included in determination of the amount of water available for project uses; (2) in the event that Elephant Butte Reservoir should fill and spill, the recreation pool would be the first to spill, thus protecting the rights of Rio Grande Compact water users; and (3) the recreation pool would be assessed only the increment of the reservoir evaporation and other losses that result from storage of San Juan-Chama project water. Should the reservoir spill, further measures would be required to replace the depleted recreation pool.

We suggest that the bill be modified in three ways. In order that water losses incurred in moving water from the Heron Reservoir to the Elephant Butte Reservoir will not diminish the recreation pool, we recommend insertion of the words "delivered to Elephant Butte Reservoir" following the word "annually" on page 2, line 7 of the bill. For clarification, we suggest that on line 15 of page 2 the words "Water allocated" be substituted for the word "Allocations". Finally, if there are any delivery or other costs of making water available to Elephant Butte as contemplated by the bill, they should be shared equally with a non-Federal entity. We therefore recommend addition of a new section 1(c) to read:

(c) Fifty per centum of any costs incurred in making water available pursuant to this Act shall be borne by a non-Federal entity pursuant to arrangements deemed satisfactory to the Secretary.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

[Signature]

Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D.C. 20515
IN THE SENATE OF THE UNITED STATES

MARCH 6, 1973

Mr. MONTOYA (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the Secretary of the Interior to make water available for a minimum recreation pool in Elephant Butte Reservoir from the San Juan-Chama unit of the Colorado River storage project.

1

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

2

That (a) pending the negotiation of contracts and completion of construction for furnishing water supplies for tributary irrigation units as authorized by section 8 of the Act of Congress dated June 13, 1962 (Public Law 87–483; 76 Stat. 96), and subject to the availability of stored water in Heron Reservoir in excess of one hundred thousand acre-feet, which water is not required for existing authorized uses, the Secre-
tary of the Interior is authorized to permit releases from the
Heron Reservoir of the San Juan-Chama project to provide
storage and establish a minimum recreation pool in Elephant
Butte Reservoir. Such releases, to the extent of the avail-
able supply, shall be limited to providing fifty thousand acre-
feet for the initial recreation pool and up to six thousand
delivered to Elephant Butte
acre-feet of water annually, not to exceed ten years from
establishment of the recreation pool, to replace loss by
evaporation and other causes. Authorized releases, as pro-
vided above, are subject to and subordinated to any obliga-
tions under contracts for San Juan-Chama project water
now or hereafter in force and for filling and maintaining a
pool in Cochiti Reservoir under the Act of Congress dated
March 26, 1964 (Public Law 88-293; 78 Stat. 171).

Allocations herein for providing a recreation pool in Elephant
Butte Reservoir shall be nonreimbursable and nonreturnable.

(b) The releases of water from Heron Reservoir
authorized herein shall not be permitted unless and until the
Rio Grande Compact Commission agrees by resolution that—

(1) the term "usable water" as defined in article I
of the Rio Grande Compact shall not include San Juan-
Chama project water stored in Elephant Butte Reservoir;
and

(2) in the determination of "actual spill" as that
term is defined in article I of the Rio Grande Compact,
the spill of "credit water", as that term is defined in
article I of the Rio Grande Compact, shall not occur
until all San Juan-Chama project water in Elephant
Butte Reservoir shall have been spilled.

SEC. 2. Nothing contained in this Act shall be con-
strued to increase the amount of money heretofore authorized
to be appropriated for construction of the Colorado River
storage project, any of its units, or of the Rio Grande
project.

50% of any costs incurred in making water available
shall be incorporated in a written report transmitted to the States of Colorado, Texas, and New Mexico for comment in the manner provided in the Flood Control Act of 1944 before any appropriation shall be made for project construction;

(f) the Secretary shall operate the project so that for the preservation of fish and aquatic life the flow of the Navajo River and the flow of the Blanco River shall not be depleted at the project diversion points below the values set forth at page D2–7 of appendix D of the United States Bureau of Reclamation report entitled “San Juan-Chama Project, Colorado-New Mexico”, dated November 1955;

(g) the Secretary is hereby authorized to construct the tunnel and conduit works of the initial stage of the San Juan-Chama project with sufficient capacity for future diversion of an average of two hundred and thirty-five thousand acre-feet per annum: Provided, however, That nothing contained in this Act shall be construed as committing the Congress of the United States to future authorization of any additional stage of the San Juan-Chama project. (76 Stat. 97; 43 U.S.C. § 615pp)

EXPLANATORY NOTE

Supplementary Provision: Cochiti Reservoir. The Act of March 26, 1964, 78 Stat. 171, authorizes the Secretary of the Interior to make available, from water diverted into the Rio Grande Basin under the San Juan-Chama project, sufficient water initially to fill, and thereafter annually to offset evaporation from, a permanent pool for recreation and fish and wildlife purposes at Cochiti Reservoir, New Mexico. The 1964 Act appears herein in chronological order.

NOTE OF OPINION

1. Leavitt Act

Section 4(d) of the Colorado River Storage Project Act extends the Leavitt Act to all participating projects. The Leavitt Act therefore applies to Pueblo Indian lands in the Middle Rio Grande Conservancy District served by the San Juan-Chama project; and the fact that section 2 of the Act of initially to fill, and thereafter annually to offset evaporation from, a permanent pool for recreation and fish and wildlife purposes at Cochiti Reservoir, New Mexico. The 1964 Act appears herein in chronological order.

Sec. 9. [Surplus crops.]—For the period ending ten years after completion of construction of the initial stage of the San Juan-Chama project no water from the project shall be delivered to any water user for the production of newly irrigated lands of any basic agricultural commodity, as defined in section 408(c) of the Agricultural Act of 1949 (63 Stat. 1056, 7 U.S.C. 1428), 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 (52 Stat. 41), as amended (7 U.S.C. 1281), unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. (76 Stat. 99; 43 U.S.C. § 615(q))

Sec. 10. [Appropriation].—The amount which section 12 of the Act of April 11, 1956, authorizes to be appropriated is hereby increased by $85,828,000 (June 1961 prices) plus or minus such amounts, if any, as may be required by reason of changes in construction or to the types of construction of the purpose. (76 Stat. 99)

Cross Reference, Sec. 11. [Contract determination of sufficient irrigation projects for or be entitled to have Indian irrigation projects for the San Juan River, the use of which the contract satisfactory. Such contracts, together with the Navajo Tribes and the 2 and 8 of this Act, shall be considered above Navajo Reservoir, and for a sharing of the runoff shall be appointed at or below the diversion requirements of such requirements. In the event such contract shall provide in the same proportion that bears to the total normal amount made hereunder a sharing procedure either with Navajo Reservoir an amount at the point of his diversion or more such contracts mentioned, as near as may be, in the proportion of the total normal diversion diverting from or below a sharing of the remaining proportion as the normal total normal diversion made hereunder.

The Secretary shall be beyond that which, in a reasonable amount bein
Law 87-483. Section 8(f) of Public Law 87-483 is quoted for your reference:

"(f) the Secretary shall operate the project so that for the preservation of fish and aquatic life the flow of the Navajo River and the flow of the Blanco River shall not be depleted at the project diversion points below the values set forth at page D2-7 of appendix D of the United States Bureau of Reclamation report entitled 'San Juan-Chama Project, Colorado-New Mexico,' dated November 1955;"

The following table lists the values of page D2-7 and also lists the equivalent values in cubic feet per second.

<table>
<thead>
<tr>
<th>Month</th>
<th>BLANCO RIVER</th>
<th>NAVAJA RIVER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acre-Feet</td>
<td>c.f.s. 1/</td>
</tr>
<tr>
<td>January</td>
<td>900</td>
<td>15</td>
</tr>
<tr>
<td>February</td>
<td>800</td>
<td>15</td>
</tr>
<tr>
<td>March</td>
<td>1,200</td>
<td>20</td>
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<td>April</td>
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<td>May</td>
<td>2,400</td>
<td>40</td>
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<td>June</td>
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<td>1,200</td>
<td>20</td>
</tr>
<tr>
<td>October</td>
<td>1,200</td>
<td>20</td>
</tr>
<tr>
<td>November</td>
<td>1,200</td>
<td>20</td>
</tr>
<tr>
<td>December</td>
<td>900</td>
<td>15</td>
</tr>
</tbody>
</table>

During the summer of 1971, near record low flows of water occurred concurrently with record high temperatures. This fact may have been the most serious contributor to any loss of fish that may have occurred. Fish kills reportedly occurred on other mountain streams in the area where no diversions were made. When natural flows in the streams were less than

1/ Rounded figures using 30-day months except February, and 1 c.f.s. equals 2 acre-feet.
NAVAJO AND SAN JUAN-CHAMA PROJECTS

June 13, 1962

elements, shall include diversion dams and conduits, storage and regulation facilities at the Heron Numbered 4 Reservoir site, enlarged outlet works of the existing El Vado Dam, and water use facilities consisting of reservoirs, dams, canals, lateral and drainage systems, and associated works and appurtenances. The construction of recreation facilities at the Nambe Reservoir shall be contingent upon the Secretary's making appropriate arrangements with the governing body of the Nambe Pueblo for the operation and maintenance of such facilities, and the construction of recreation facilities at the Heron Numbered 4, Valdez, and Indian Camp Reservoirs shall be contingent upon his making appropriate arrangements with a State or local agency or organization for the operation and maintenance of those facilities: Provided, That—

(a) the Secretary shall so operate the initial stage of the project authorized herein that diversions to the Rio Grande Valley shall not exceed one million three hundred and fifty thousand acre-feet of water in any period of ten consecutive years, reckoned in continuing progressive series starting with the first day of October after the project shall have commenced operation: Provided, however, That not more than two hundred and seventy thousand acre-feet shall be diverted in any one year;

(b) the Secretary shall operate the project so that there shall be no injury, impairment, or depletion of existing or future beneficial uses of water within the State of Colorado, the use of which is within the apportionment made to the State of Colorado by article III of the Upper Colorado River Basin compact, as provided by article IX of the Upper Colorado River Basin compact and article IX of the Rio Grande compact;

(c) all works of the project shall be constructed so as to permit compliance physically with all provisions of the Rio Grande compact, and all such works shall be operated at all times in conformity with said compact;

(d) the amount of water diverted in the Rio Grande Basin for uses served by the San Juan-Chama project shall be limited in any calendar year to the amount of imported water available to such uses from importation to and storage in the Rio Grande Basin in that year;

(e) details of project operation essential to accounting for diverted San Juan and Rio Grande flows shall be developed through the efforts of the Rio Grande Compact Commission, the Upper Colorado River Commission, the appropriate agencies of the United States and of the States of Colorado, New Mexico, and Texas, and the various project entities. In this connection the States of Texas and New Mexico shall agree, within a reasonable time, on a system of gaging devices and measurements to secure data necessary to determine the present effects of tributary irrigation, as well as present river channel losses: Provided, That if the State of Texas shall require, as a condition precedent to such agreement, gaging devices and measurements in addition to or different from those considered by the Department of the Interior and the State of New Mexico to be necessary to this determination, the State of Texas shall pay one-half of all costs of constructing and operating such additional or different devices and making such additional or different measurements which are not borne by the United States. The results of the action required by this subsection
Honorable Ellis L. Armstrong
Commissioner
Bureau of Reclamation
Interior Building
Washington, D. C. 20240

Dear Mr. Commissioner:

I have at hand your letter of October 24, 1972, in response to my previous letter concerning the diversions from the San Juan-Chama project in Colorado for use in the State of New Mexico. To the best of my knowledge, it has not been the contention of any water users in the State of Colorado that the diversions to the San Juan-Chama project are interfering with decreed water rights in Colorado. The principal complaint has been that the fishery values of the streams from which diversions are being made have been seriously impaired.

I am gratified to learn of your action in attempting to determine the actual amount of water which will be required to maintain the fish and aquatic values of the streams from which the diversions are being made. Since it was the Congressional intent to preserve these values as a part of the project purposes, I am very hopeful that you can arrive at some conclusions which in the future will preserve the very valuable fish and aquatic values of those tributaries of the San Juan River which are affected by the San Juan-Chama project diversions.

We shall lend every assistance at this end, and we shall expect the final determination which will carry out the intent of the legislation which authorized the San Juan-Chama project. I wish to express my great appreciation for your present and continued cooperation in this matter.

Sincerely,

John A. Love
Dear Governor Love:

This is in response to your letter dated August 28, 1972, regarding stream diversions from the San Juan River in Colorado.

We share your concern for maintaining a viable fishery and are cooperating with other Federal and State agencies to determine if a method of operation can be developed to maintain a flow adequate to meet fishery and water-right requirements.

We began diverting water in the spring of 1971 and have operated strictly in accordance with the authorizing law (Public Law 87-483), bypassing the required quantities of water or, when natural flows were less, bypassing all of the flow in the stream. There were varying recommendations about bypassing amounts in several Bureau of Sport Fisheries and Wildlife and State Game Department reports; however, the latest Bureau of Sport Fisheries and Wildlife report recognized the amounts required by Public Law 87-483.

We are also required by law to release water committed to prior water rights on a preferential basis. We are unaware of any instance where these bypasses have failed to supply vested prior water rights. If, in the future, they are insufficient to satisfy preferential downstream water rights, they will be increased to the extent necessary to satisfy the downstream water-right demands. Our operational personnel cooperate with the Colorado State Engineer's representatives responsible for the administration of water rights in the project area to ensure that there is no infringement upon water rights.

The current low-flow conditions are primarily the result of continued drought experienced during the first two years of operation. The project plan was designed to satisfy the needs.
of both Colorado and New Mexico. It was also designed to recognize existing and future water rights and existing State compacts. The minimum bypasses provided by legislation were judged to be sufficient for the preservation of fish and aquatic life.

Because of objections of environmental interests, we participated in several meetings with other Federal and State representatives. Several public meetings were held in an attempt to develop an operational plan more acceptable to all concerned; all meetings involved Federal agencies. This series of meetings culminated in a meeting in Denver during December 1971 among representatives of the States of Colorado and New Mexico.

Many allegations have been made regarding the effect of project operations upon stream fisheries. As agreed among all participants in the Denver meeting, a "Stream Fishery Monitoring Committee" was established to collect factual data concerning stream fishery problems. This committee was established to monitor fishery problems over a three-year period, with reports to be submitted at the end of each year. The factual data that will be collected will provide a basis for evaluation of present operating criteria. We shall continue to cooperate fully in the monitoring program with a view to developing a plan compatible with all purposes.

To comply with your request, we will send you the annual reports of project diversions, with copies to the Colorado Water Conservation Board and to the Colorado State Engineer. To date, we have furnished monthly operational reports of project operations to State Engineer Clarence J. Kuiper and copies of the monthly recorder charts for diversion gaging stations to Division Engineer George E. Barclay at Durango, Colorado.

We shall continue to work toward developing project operating criteria that will be acceptable to all concerned.

Sincerely,

ELLIS L. ARMSTRONG

Ellis L. Armstrong
Commissioner

cc:
Mr. Clarence J. Kuiper
State Engineer
Room 101, Columbine Bldg.
1845 Sherman Street
Denver, Colorado 80203

Mr. George E. Barclay
Division Engineer
Colorado Division of Water Resources
Post Office Box 551
Durango, Colorado 81301
AN ACT

To authorize, enlarge, and repair various Federal reclamation projects and programs, and for other purposes.

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

3. That this Act shall be known as "The Reclamation Development Act of 1974."

6. TITLE I

INCORPORATION OF PAGE, ARIZONA

Sec. 101. It is the purpose of this title to separate that unincorporated area in Coconino County in the State of Arizona, commonly known as the town of Page, Arizona,
from the Colorado River storage project in order that the United States may withdraw from the ownership and operation of the town and the people of that area may enjoy self-government, and to facilitate the establishment by the people of a municipal corporation under the laws of the State of Arizona by the transfer of certain Federal property described in section 103 of this title.

Sec. 102. The following definitions shall apply to terms used in this title.

(a) The area referred to herein as Page, Arizona, includes the following described land:

--- Page Townsite, Arizona ---
Gila and Sal River Meridian, Arizona

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</tr>
<tr>
<td>Section 8. All ..................................</td>
<td>640.00</td>
</tr>
<tr>
<td>Section 9. All ..................................</td>
<td>640.00</td>
</tr>
<tr>
<td>Section 19. East half southwest quarter, southeast quarter</td>
<td>240.00</td>
</tr>
<tr>
<td>Section 20. South half</td>
<td>320.00</td>
</tr>
</tbody>
</table>
Township 41 north, range 9 east:

Section 21. West half southwest quarter, west half southeast quarter southwest quarter, southeast quarter southeast quarter southwest quarter, southwest quarter southwest quarter southeast quarter 120.00

Section 22. West half northeast quarter, northwest quarter southeast quarter northeast quarter, south half southeast quarter northeast quarter west half, southeast quarter 590.00

Section 29. All 640.00
Section 30. All 641.20
Section 31. All 642.00
Section 32. All 640.00
Section 33. All 640.00

Total 10,717.56

1 The boundary of Page, Arizona, is shown on drawing numbered 557-431-83, entitled "Page, Arizona, Townsite Boundary" which is on file in the Office of the Commissioner of Reclamation, Washington, District of Columbia.

2 (b) The term "municipality" shall mean Page, Arizona, after its incorporation as a municipality under the laws of the State of Arizona.

3 (c) The term "Secretary" shall mean the Secretary of the Interior.

4 (d) The term "municipal facilities" shall mean certain land, and the improvements thereon, in Page, Arizona, such as hospital, police, and fire protection systems, sewage and refuse disposal plants, water treatment and distribution facilities, streets and roads, parks, playgrounds, airport, cemetery, municipal government buildings, and other properties suitable or usable for local municipal purposes, includ-
ing any fixtures, equipment, or other property appropriate
to the operation, maintenance, replacement, or repairs of
the foregoing, which are owned by the United States and
under the jurisdiction of the Department of the Interior,
Bureau of Reclamation, on the date of incorporation of
Page, Arizona.

Sec. 103. Upon incorporation of Page, Arizona, as a
municipality under the statutes of the State of Arizona, the
Secretary shall:

(a) Transfer to the municipality without cost, subject
to any existing leases granted by the United States, all im-
proved or unimproved lands within Page, Arizona, owned
by the United States, which the Secretary determines are
not required in the administration, operation, and mainte-
nance of Federal activities within or near Page, Arizona, and
can properly be included within the municipality under the
laws of the State of Arizona, except the land to be transferred
pursuant to subsection (c) hereof, and to assign to the munic-
ipality without cost any leases granted by the United States
on such land.

(b) Transfer to the appropriate school district without
cost all right, title, and interest of the United States to the
land in block 14-A and lot 1, block 16, as shown on the
United States Department of the Interior, Bureau of Reclama-
mation drawing numbered 557-431-87, April 29, 1971,
which drawing is on file in the Office of the Commissioner of Reclamation, Washington, District of Columbia, together with improvements thereon owned by the United States at the time of the transfer.

(c) Transfer to the municipality without cost all rights, title, and interest of the United States in and to any land, and the improvements thereon, which may be contained in any reversionary clause of any dedication deed for land in Page, Arizona, issued by the United States.

(d) Transfer all activities and functions of a municipal character being performed by the United States to the municipality subject to the provisions of sections 104 and 107 of this title.

(e) Transfer to the municipality without cost the municipal facilities, as defined in subsection 102 (d) of this title, except as provided under subsection 104 (a) of this title.

(f) Assign to the municipality without cost those contracts to which the United States is a party, and which pertain to activities or functions to be transferred under subsection (e) of this section and are properly assignable. This shall include contracts for furnishing water outside the boundaries of Page, Arizona, utilizing the municipal system:

Provided, That the contract which the United States has executed with a private utility for furnishing and distribut-
ing electrical energy to the municipality shall be assigned
to the municipality upon its request: And provided further,
That in the assignment of the contract for the operation
of the Page Hospital the operating fund balance under said
contract, together with all hospital accounts receivable, shall
be transferred to the municipality for the same purpose as
a part of the assignment of said contract.

Sec. 104. There is hereby reserved for the Glen Can-
yon unit, Colorado River storage project, the consumptive
use of not to exceed three thousand acre-feet of water per
year from Lake Powell, of which not to exceed two thou-
sand seven hundred and forty acre-feet of consumptive use
of water are hereby assigned to the municipality, consistent
with the Navajo Tribal Council resolution numbered CJN–
50–69, dated June 3, 1969: Provided, That upon incor-
poration the municipality shall enter into a contract satis-
factory to the Secretary covering payment for and delivery
of such water pursuant to the Colorado River Storage Proj-
ect Act of June 11, 1956 (70 Stat. 105), which contract
shall among other things provide that:

(a) The reservation and assignment of the consumptive
use of water from Lake Powell under this section shall be
subject to the apportionments of consumptive use of water
to the State of Arizona in article III of the Colorado River
Compact and article III (a) (1) of the Upper Colorado River Basin Compact.

(b) Title to the water pumping and conveyance systems within the Glen Canyon Dam and powerplant necessary to supply water to the municipality for culinary, industrial, and municipal purposes shall be retained by the United States until the Congress provides otherwise.

(c) Such retained facilities shall be operated and maintained by the Secretary at the expense of the United States until termination of the fifth fiscal year following the year of incorporation. Not to exceed two thousand seven hundred and forty acre-feet of water per annum or three million gallons of water in any twenty-four-hour period, will be pumped by the United States from Lake Powell to the water treatment plant, or to such intermediate points of delivery as shall be mutually agreed upon by the municipality and the United States for use by the municipality.

(d) Beginning with the sixth year following incorporation and continuing through the tenth year, the municipality shall in each year pay to the United States proportionately increasing increments of the annual costs, including depreciation of the pumping equipment, involved in subsection (c) above with the objective that following the close of said tenth
1. year the municipality shall thereafter bear such costs in total,
2. according to the following schedule:

<table>
<thead>
<tr>
<th>Year following incorporation</th>
<th>Portion of cost in subsection (c) of section 104 to be paid to United States each year by municipality (per centum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sixth</td>
<td>20</td>
</tr>
<tr>
<td>Seventh</td>
<td>40</td>
</tr>
<tr>
<td>Eighth</td>
<td>60</td>
</tr>
<tr>
<td>Ninth</td>
<td>80</td>
</tr>
<tr>
<td>Tenth</td>
<td>80</td>
</tr>
<tr>
<td>Thereafter</td>
<td>100</td>
</tr>
</tbody>
</table>

3. (e) Upon incorporation and at all times thereafter, the municipality shall bear all costs for operation, maintenance, and replacement of the municipal water system beyond Glen Canyon Dam and powerplant, including but not limited to filtration, treatment, and distribution of water supplied pursuant to the water service contract with the United States.

4. **SEC. 105.** As soon as reasonably practicable after incorporation of the community, the Secretary is hereby authorized to complete all or any part of the following work which has not been completed at the date of incorporation.

5. (a) Take census of population of the municipality within one year following incorporation.

6. (b) Repair existing twelve-inch water supply line, if inspection determines this is necessary.

7. (c) Paint interior of water storage reservoirs.

8. (d) Seal coat paved streets in municipality.

9. (e) Install water sprinkler system in Page cemetery.

10. (f) Improve streets, install curbs, gutters, and sidewalks as follows:
1. (i) North Navajo Drive:
   (ii) Pave streets to seventy-foot width from Ninth Avenue to relocated intersection of Aero Avenue and sixty-one-foot width from Aero Avenue to Tenth Avenue.

   (ii) Place curb, gutter, and sidewalk on east side of North Navajo Drive from Aero Avenue to Tenth Avenue.

2. (ii) Aero Avenue from North Navajo Drive to Future Street:
   (i) Widen existing thirty-foot paved width to seventy-foot paved width.
   (ii) Place curb, gutter, and sidewalk on both sides of street.

3. Tenth Avenue from Future Street to Sandstone Street:
   (i) Construct new pavement on north half of street and overlay south half of street.
   (ii) Place curb and gutter only on north side of street.

4. (4) Future Street—Approximately two thousand one hundred and fifty feet beginning at Tenth Avenue and bordering east side of block 101 as shown on Page townsite and block plats:
   (i) Pave street to fifty-two-foot width.
(ii) Place curb, gutter, and sidewalk on west side of street and curb and gutter only on east side of street.

(5) Hopi Avenue from Oak Avenue to west boundary of block 101:

(i) Pave street to forty-two-foot width.

(ii) Place curb, gutter and sidewalk on north side.

(iii) Place curb and gutter only on south side.

(g) Construct paved access road from United States Highway Numbered 89 to site of new sanitary landfill to be located in the northwest quarter, section 20, township 41 north, range 8 east, Gila and Salt River meridian, Arizona:

Provided, That in the performance of the work authorized in this section, the Secretary may either cause the work to be done or transfer funds to the municipality for this purpose after ascertaining that each segment of work will be accomplished by a date certain and to standards satisfactory to the Secretary.

Sec. 106. (a) Upon incorporation the Secretary is authorized to make a lump-sum payment of $500,000 to the municipality as assistance to the municipality in meeting the expenses of police and fire protection facilities and services, sewage system, refuse disposal, electrical distribution system, water treatment and distribution, streets and roads, library,
park, playgrounds and other recreational facilities, municipal
government buildings, and other properties and services re-
quired for municipal purposes.

(b) To make a lump-sum payment of $50,000 to the
municipality for improvements to the Page Hospital.

Sec. 107. Upon incorporation, the United States will
provide to the municipality, upon its request, the services
of Federal personnel, while they are employed by the United
States in the operation and maintenance of the Glen Canyon
unit of the Colorado River storage project, to assist in the
transition from a federally administered community to a self-
governing municipal corporation: Provided, That such as-
stance shall be for a maximum of six months following the
date of incorporation: And provided further, That the total
number of such employees shall be limited to ten at any time.

Sec. 108. (a) Except as herein specifically provided, no
assets of the Colorado River storage projects or moneys of the
Upper Colorado River Basin Fund shall be utilized after in-
corporation of the municipality for carrying out the provisions
of this Act.

(b) There is hereby authorized to be appropriated from
the Upper Colorado River Basin Fund and thereupon trans-
ferred to the municipality the amount necessary for the mu-
icipality to acquire the electric distribution facilities in Page,
Arizona, in accordance with the terms and conditions of the
contract with the utility supplying the electricity, in the event the municipality exercises the option in said contract to acquire said electric distribution facilities: Provided, That the municipality agrees to repay with interest the amount of the funds so transferred in twenty equal annual installments: Provided, That the funds so repaid and the accrued interest thereon will be deposited in the Treasury to the credit of the aforesaid Upper Colorado River Basin Fund. The interest rate used for computing interest on the unpaid balance of funds transferred to the municipality for purposes of this subsection shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the incorporation of Page, Arizona, occurs, 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.

Sec. 109. The Secretary of the Interior is authorized to transfer to the United States to be held in trust for the Navajo Tribe title to a tract of land situated within the southeast quarter of the southeast quarter, section 8, the southwest quarter, section 9, section 16, the east half of the northeast quarter, section 17, section 21, and the northeast quarter of the northeast quarter, section 28, all in township 41 north,
range 9 east, Gila and Salt River meridian, Coconino County, Arizona, and containing eight hundred and eight acres, more or less, of which the particular description and drawing (Numbered 557–431–38 "Navajo Tribe—Antelope Creek Recreation Development Area Survey Traverse" dated May 22, 1969) are on file and available for public inspection in the office of the Bureau of Reclamation, Department of the Interior. The transfer of title to such land is made in consideration of Navajo Council Resolution Numbered CNJ–50–69 dated June 3, 1969, and with the understanding that the land so transferred shall thereafter constitute a part of the Navajo Reservation and shall be subject to all laws and regulations applicable to that reservation.

Sec. 110. The Congress hereby directs the Secretary of the Interior to facilitate the effectuation of Navajo Tribal Council Resolutions CD 108–68 and CJN–50–69, subject to the provisions of the Colorado River Basin Project Act (82 Stat. 885).

Sec. 111. The Secretary is hereby authorized, subject only to the provisions of this title to perform such acts, to delegate such authority, and to prescribe such rules and regulations, and establish such terms and conditions as he may deem necessary and appropriate for the purpose of carrying out the provisions of this title.
SEC. 112. The Upper Colorado River Basin Fund established pursuant to section 5 of the Act of April 11, 1956 (70 Stat. 105), shall be utilized as appropriate for carrying out the provisions of this title: Provided, That the total expenditures from the fund shall not exceed $4,000,000. Payments made under the provisions of section 105 and section 106 of this title, and transfer, made under the provisions of subsection 108 (b) will be made from revenues accruing to said basin fund from the sale of power from the Upper Colorado River storage project.

SEC. 113. All authority of the Secretary under sections 101 through 112 of this title shall terminate five years following date of enactment unless incorporation of Page, Arizona, shall previously have been achieved.

SEC. 114. This title may be cited as the "Page, Arizona, Community Act of 1974".

TITLE II
CIBOLO PROJECT, TEXAS

SEC. 201. The Secretary of the Interior is authorized to construct, operate, and maintain the Cibolo project, Texas, 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 title and the plan set out in the report of the Secretary on this project with such modification of, omissions from, or addi-
tions to the works, as the Secretary may find proper and
necessary for the purposes of storing, regulating, and fur-
nishing water for municipal and industrial use, conserving
and developing fish and wildlife resources, providing outdoor
recreation opportunities, and controlling floods. The principal
features of the project shall consist of a dam and reservoir on
Cibolo Creek and public outdoor recreation facilities.

SEC. 202. The interest rate used for computing interest
during construction and interest on the unpaid balance of
the reimbursable costs of the project shall be determined by
the Secretary of the Treasury, as of the beginning of the
fiscal year in which construction of the project is commenced,
on the basis of the computed average interest rate payable by
the Treasury upon its outstanding marketable public obliga-
tions which are neither due nor callable for redemption for
fifteen years from date of issue.

SEC. 203. (a) The Secretary is authorized to enter into
a contract with a qualified entity or entities, for delivery of
water and for repayment of all the reimbursable construction
costs.

(b) Construction of the project shall not be commenced
until a suitable contract has been executed by the Secretary
with a qualified entity or entities.

(c) Such contract may be entered into without regard to
the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939.

(d) Upon execution of the contract referred to in subsection 203 (a) above, and upon completion of construction of the project, the Secretary shall transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works; and, after such transfer is made will reimburse the contractor annually for that portion of the year’s joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to flood control, fish and wildlife, and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with regulations prescribed by the Secretary of the Army with respect to flood control, and by the Secretary of the Interior with respect to fish and wildlife and recreation.

(e) Upon execution of the contract referred to in subsection 203 (a) above, and upon completion of construction of the project, the contracting entity or entities, their designee or designees, shall have a permanent right to use the reservoir and related facilities of the Cibolo project in accordance with said contract.

Sec. 204. The conservation and development of the fish and wildlife resources and the enhancement of recreation op-
opportunities in connection with the Cibolo project shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 205. There is hereby authorized to be appropriated into defray construction costs of the Cibolo reclamation project allocable to flood control, fish and wildlife, and recreation the sum of $24,160,000 (July 1973 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein: Provided, That prior to appropriation of any Federal funds the San Antonio River Authority shall, pursuant to a contract satisfactory to the Secretary of the Interior, agree to advance funds for postauthorization planning and construction of the Cibolo reclamation project. The amount of funds to be advanced annually shall be in the proportion to the total annual fund requirements for the project as the construction cost allocated to municipal and industrial water is to the total cost of the project: Provided further, That the sum of funds advanced shall not exceed the total project cost allocated to municipal and industrial water. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project. The discount rate to be used by the
Secretary for allocating costs of the works authorized herein shall be the rate for the fiscal year of passage of this Act as derived by the Secretary of the Treasury utilizing the formula set forth in Senate Document Numbered 97, Eighty-Seventh Congress, second session, as revised by the Water Resources Council announcement in the Federal Register of December 24, 1968.

TITLE III

MOUNTAIN PARK PROJECT, OKLAHOMA

Sec. 301. In order to provide for the construction, operation, and maintenance of facilities to deliver a water supply to the city of Frederick, Oklahoma, from the Mountain Park reclamation project, section 1 of Public Law 90–503 (82 Stat. 853) is amended by deleting "Altus and Snyder, Oklahoma," and substituting therefor "Altus, Snyder, and Frederick, Oklahoma."

Sec. 302. The amount which section 6 of said Act authorizes to be appropriated is hereby further increased by the sum of $6,057,000 (January 1974 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 type of construction involved herein.
TITLE IV

CASITAS RESERVOIR OPEN SPACE, CALIFORNIA

Sec. 401. In order to provide for protection of the quality of water in Lake Casitas, and to provide for the preservation and enhancement of public outdoor recreation, fish and wildlife, and the environment of the area, the Secretary of the Interior is hereby authorized to acquire in the name of the United States certain privately owned lands within townships 3 and 4 north, ranges 23 and 24 west, San Bernardino base and meridian, lying outside the boundaries of the Los Padres National Forest, as generally depicted on the drawing entitled “Private Lands in Casitas Reservoir Watershed”, numbered 767-208-237, and dated September 1972, which is on file and available for public inspection in the offices of the Bureau of Reclamation, Department of the Interior.

Sec. 402. (a) Within the area described in section 401 of this title, the Secretary may acquire such lands by donation, purchase with donated or appropriated funds, or exchange; Provided, That any lands owned by the State of California or any political subdivision thereof may be acquired only by donation.

(b) With respect to any property acquired for the purposes of this title, which is beneficially owned by a natural
person and which the Secretary determines can be continued
in private use for a limited period of time without undue inter-
ference with the administration and public use of the area, the
owner may on the date of its acquisition by the Secretary
retain a right of use and occupancy of such property for
agricultural or noncommercial residential purposes for a term,
as the owners may elect, ending either—
(1) at the death of the owner or spouse, whichever
occurs later, or
(2) not more than twenty-five years from the date
of acquisition.
Any right so retained may, during its existence, be trans-
ferred or assigned. The Secretary shall pay to the owner the
fair market value of the property on the date of such acqui-
sition less the fair market value on such date of the right
retained by the owner.
(c) The Secretary may terminate the right of use and
occupancy, retained pursuant to this section, upon his deter-
mination that such a right is being exercised in a manner not
consistent with the purposes of this title and upon tender
to the holder of the right an amount equal to the fair market
value of that portion of the right which remains unexpired
on the date of termination.
(d) For the purposes of this title, "noncommercial resi-
1. "Residential property" shall mean any single family residence in
2. existence or under construction as of July 1, 1974.
3. Sec. 403. The Secretary shall administer the lands to
4. be acquired in accordance with the provisions of section 4
5. of the Act of July 9, 1965 (79 Stat. 213), and may issue
6. such licenses, permits, or leases, or take such other action
7. as may be required for proper management in accordance
8. therewith. The lands will be kept in their natural state as
9. permanent open space and may be managed by the Casitas
10. Municipal Water District, or any other authorized non-Fed-
11. eral public body, as part of the Lake Casitas Recreation
12. Area.
13. Sec. 404. There is authorized to be appropriated the
14. sum of $10,000,000 (April 1974 price levels) plus or minus
15. such amounts as may be justified by changes in the price in-
16. dexes for agricultural and noncommercial residential property
17. in Ventura County, California. All funds authorized to be
18. appropriated by this title shall be nonreimbursable.
19. TITLE V
20. KLAMATH PROJECT RIGHT-OF-WAY, OREGON
21. Sec. 501. The Secretary of the Interior is hereby au-
22. thorized and directed to convey by quitclaim deed to the
23. respective owners of record of those certain lots situated in
24. those subdivisions of Klamath Falls, Oregon, respectively:
known as Mills Addition, Enterprise Tracts, Mills Garden, Old Orchard Manor, Sixth Street Addition, and Subdivision Block 803, and as such officially shown on the recorded plats of the city records, all right, title, and interest of the United States in the specific tracts of land now owned by the United States which collectively constitute the abandoned Klamath reclamation project "B" lateral canal right-of-way, as designated for general location purposes on Bureau of Reclamation drawing numbered 12-208-338, dated March 27, 1970, and filed for reference purposes in both the Klamath County recorder's office and the corresponding records of the city of Klamath Falls, to the extent that any such tract would constitute a contiguous addition to each of the lots in the above-named subdivisions if the boundaries of each of said lots were to be extended to include the affected portion of above-cited public lands of the United States. Such conveyance shall, in each instance, be made only upon application therefor by the owner of record of one of the affected lots within one year of the date of this Act: Provided, That said owner of record shall, to the satisfaction of the Secretary of the Interior, support such application at time of filing same with proof of ownership and an adequate description of the exterior boundaries of the parcel of Government interest land applied for. The Secretary of the Interior is authorized, as determined appro-
16. Solano project, California, the Secretary of the Interior is hereby authorized to develop, operate, and maintain such short-term recreation facilities as he deems necessary for the safety, health, protection, and outdoor recreational use of the visiting public; to undertake a thorough and detailed review of all existing developments and uses on Federal lands to determine their compatibility with preservation of environmental values and their effectiveness in providing needed public services; to implement corrective procedures when necessary; and to otherwise administer the Federal land and water areas associated with said Lake Berryessa in such a
manner that, in his opinion, will best provide for the public
recreational use and enjoyment thereof, all to such an ex-
tent that said use is not incompatible with other authorized
functions of the Solano project.

Sec. 602. The Secretary of the Interior shall make such
rules and regulations as are necessary to carry out the pro-
visions of this title and may enter into an agreement or
agreements with the State of California, or political sub-
division thereof, or a non-Federal agency or agencies or
organizations as appropriate, for the development of a recre-
ation management plan, and for the management of recrea-
tion including the operation and maintenance of the facilities
within the area. The agency performing the recreation man-
agement functions is authorized to establish and collect fees
for the use of recreation facilities.

Sec. 603. There is authorized to be appropriated to the
Secretary of the Interior the sum of $3,000,000 (April 1974
price levels) plus or minus such amounts, if any, as may be
justified by reason of ordinary fluctuations in development
costs as indicated by cost indexes applicable to the types of
development involved herein. There is also authorized to be
appropriated such sums as may be necessary for administra-
tion of existing facilities and for operation and maintenance
of the facilities authorized by this title.
1. Sec. 604. All funds authorized to be appropriated by this title shall be nonreimbursable.

2. TITLE VII

3. MISCELLANEOUS DRAINAGE CONSTRUCTION, UTAH

4. Sec. 701. The Secretary of the Interior is authorized to construct drainage facilities for the Vernal Unit of the Central Utah project and the Emery County project to the extent that he determines necessary for the sustained crop production on the irrigable lands of these projects. The Secretary is further authorized to negotiate and execute amendments to contract numbered 14-06-400-778, dated July 14, 1958, between the United States and the Uintah Water Conservancy District and contract numbered 14-06-400-2427, dated May 15, 1962, between the United States and the Emery Water Conservancy District to provide for the cost of such drainage works to be paid from the Colorado River storage project basin fund with repayment to be based on ability of irrigation water users to repay as determined by the Secretary.

5. TITLE VIII

6. BELLE FOURCHE DAM REHABILITATION, SOUTH DAKOTA

7. Sec. 801. The Secretary of the Interior is authorized to construct, operate, and maintain an adequate spillway and to improve the upstream slope protection of Belle Fourche
Dam, Belle Fourche project, Belle Fourche, South Dakota, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and the provisions of this title.

Sec. 802. Construction authorized by this title shall be for the safety of Belle Fourche Dam and shall not provide additional conservation storage capacity or develop benefits over and above those provided by the original dam and reservoir. Nothing in this title shall be construed to reduce the amount of project costs allocated to reimbursable purposes heretofore authorized.

Sec. 803. Reimbursement of costs associated with improving upstream slope protection on Belle Fourche Dam shall be limited to an amount equal to the estimated annual savings to the Belle Fourche Irrigation District in operation and maintenance expense over the remaining life of the district's repayment contract with the United States. The Secretary is hereby authorized to enter into an amendatory repayment contract with the Belle Fourche Irrigation District to effect such reimbursement without interest. All other costs of construction authorized by this title shall be non-reimbursable.

Sec. 804. There is hereby authorized to be appropriated for the construction authorized by this title the sum of $3,620,000 (April 1974 price levels) plus or minus such
amounts, if any, as may be justified by reason of changes
in construction costs as indicated by engineering cost indices
applicable to the types of construction involved.

TITLE IX

GLENDO UNIT ROAD RECONSTRUCTION, WYOMING

Sec. 901. The Secretary of the Interior is authorized to
relocate, reconstruct, and rehabilitate the road that was
initially relocated in connection with the construction of
Glendo Dam and Reservoir to provide a safe, durable, two-
lane highway for public use.

Sec. 902. There is hereby authorized to be appropriated
for the relocation, reconstruction, and rehabilitation of said
highway the sum of $284,000 (January 1974 price levels)
plus or minus such amounts, if any, as may be justified by
reason of ordinary fluctuation in construction cost indices
applicable to the types of construction involved herein.

TITLE X

NUECES RIVER PROJECT, TEXAS

Sec. 1001. The Secretary of the Interior is authorized
to construct, operate, and maintain the Nueces River project,
Texas, in accordance with the Federal reclamation laws
thereof or supplementary thereto and the provisions of this
title and the plan set out in the report of the Secretary on
this project with such modification of, omissions from, or
1. additions to the works, as the Secretary may find proper and
2. necessary for the purposes of storing, regulating, and fur-
3. nishing water for municipal and industrial use, conserving
4. and developing fish and wildlife resources, and providing
5. outdoor recreation opportunities. The principal features of
6. the project shall consist of the Choke Canyon Dam and
7. Reservoir on the Frio River and public outdoor recreation
8. and sport fishing facilities.

Sec. 1002. (a) Costs of the project, allocated to mu-
10. nicipal and industrial water supply, shall be repayable to the
11. United States in not more than forty years under either the
12. provisions of the Federal reclamation laws or under the pro-
13. visions of the Water Supply Act of 1958 (title III of Public
14. Law 85–500, 72 Stat. 319, and Acts mandatory thereof or
15. supplementary thereto): Provided, That, in either case,
16. repayment of costs allocated to municipal and industrial
17. water supply shall include interest on the unamortized
18. balance.

(b) The interest rate used for computing interest during
19. construction and interest on the unpaid balance of the reim-
20. burserable costs of the project allocated to municipal and indus-
21. trial water supply shall be determined by the Secretary of the
22. Treasury, as of the beginning of the fiscal year in which con-
23. struction of the project is commenced, on the basis of the
24. computed average interest 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.

Sec. 1003. (a) The Secretary is authorized to enter into
a contract with a qualified entity or entities, for delivery of
water and for repayment of the balance of the reimbursable
construction costs.

(b) Construction of the project shall not be commenced
until a suitable contract has been executed by the Secretary
with a qualified entity or entities.

(c) Such contract may be entered into without regard to
the last sentence of section 9, subsection (c), of the Reclama-
tion Project Act of 1939.

(d) Upon execution of the contract referred to in sec-
tion 1003 (a) above, and upon completion of construction
of the project, the Secretary shall transfer to a qualified con-
tracting entity or entities the care, operation, and mainte-
nance of the project works, and, after such transfer is made,
will credit annually against the contractors repayment obli-
gation that portion of the year’s joint operation and mainte-
nance costs which, if the United States had continued to
operate the project, would have been allocated to fish and
wildlife and recreation purposes. Prior to assuming care,
operation, and maintenance of the project works the con-
tracting entity or entities shall agree to operate them in ac-
In accordance with regulations prescribed by the Secretary of the Interior with respect to fish and wildlife and recreation.

(e) Upon complete payment of the obligation assumed, including appropriate interest charges, the contracting entity or entities their designee or designees, shall have a permanent right to use the reservoir and related facilities of the Nueces River project in accordance with said contract.

Sec. 1004. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Nueces River project shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 1005. There is hereby authorized to be appropriated for construction of the Nueces River project, Texas, the sum of $50,000,000 (January 1974 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein: Provided, That, prior to appropriation of any Federal funds, a qualified local entity shall, pursuant to a contract satisfactory to the Secretary, agree to advance on a schedule mutually acceptable to the local entity and the Secretary, the sum of not less than $15,000,000 representing a non-Federal contribution toward implementation of this title.
Upon completion of the work authorized herein, the aforesaid $15,000,000 shall be applied as a credit to the repayment obligation of the local entity for municipal and industrial water service.

The Secretary is authorized and directed, upon receipt of the aforesaid advance to proceed with postauthorization planning, preparation of designs and specifications, land acquisition, and award of construction contracts pending availability of appropriated funds.

At any time following the first advance of funds by the local entity, said entity may request that the Secretary terminate activities then in progress, return unexpended balances of the funds so advanced, assign to the local entity the rights to any contract in force, convey any real estate acquired by the advanced funds and provide any data, drawings, or other items of value procured with advanced funds to the local entity; and such request shall be binding upon the Secretary.

TITLE XI

ELEPHANT BUTTE RECREATION POOL, NEW MEXICO

SEC. 1101. (a) Pending the negotiation of contracts and completion of construction for furnishing water supplies for tributary irrigation units as authorized by section 8 of the Act of Congress dated June 13, 1962 (Public Law 87–483; 76 Stat. 96), and subject to the availability of stored water in Heron Reservoir in excess of one hundred thousand acre-
feet, which water is not required for existing authorized uses, the Secretary of the Interior is authorized to permit releases from the Heron Reservoir or the San Juan-Chama project to provide storage and establish a minimum recreation pool in Elephant Butte Reservoir. Such releases, to the extent of the available supply, shall be limited to providing fifty thousand acre-feet for the initial recreation pool and up to six thousand acre-feet of water delivered to Elephant Butte Reservoir annually, for a period not exceeding ten years from establishment of the recreation pool, to replace loss by evaporation and other causes. Authorized releases, as provided above, are subject to and subordinated to any obligations under contracts for San Juan-Chama project water now or hereafter in force and for filling and maintaining a pool in Cochiti Reservoir under the Act of Congress dated March 26, 1964 (Public Law 88–293; 78 Stat. 171). The provisions of section 11 (a) of the Act of June 13, 1962 (76 Stat. 96), requiring a contract satisfactory to the Secretary for the use of any water of the San Juan River are hereby expressly waived with respect to the use of water required to establish and maintain a permanent pool in Elephant Butte Reservoir.

(b) The releases of water from Heron Reservoir authorized herein shall not be permitted unless and until the Rio Grande Compact Commission agrees by resolution that—
(1) the term "usable water" as defined in article I of the Rio Grande Compact shall not include San Juan-Chama project water stored in Elephant Butte Reservoir;

(2) in the determination of "actual spill" as that term is defined in article I of the Rio Grande Compact, neither the spill of "credit water", as that term is defined in article I of the Rio Grande Compact, nor "actual spill" shall occur until all San Juan-Chama project water in Elephant Butte Reservoir shall have been spilled; and

(3) the amount of evaporation loss chargeable to San Juan-Chama project water stored in Elephant Butte Reservoir shall be that increment of the evaporation loss from the reservoir resulting from the storage of San Juan-Chama project water; the evaporation loss from the reservoir shall be taken as the difference between the gross evaporation from the water surface of Elephant Butte Reservoir and the rainfall on the same surface.

(c) Fifty per centum of any incremental costs incurred by the Secretary in the implementation of this title shall be borne by a non-Federal entity pursuant to arrangements satisfactory to the Secretary.

Sec. 1102. Nothing contained in this title shall be con-
Sections 1101, 1103. Nothing herein shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Rio Grande Compact.

**TITLE XII**

**FRYINGPAN-ARKANSAS PROJECT, COLORADO**

Section 1201. Section 7 of the Act entitled "An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Fryingpan-Arkansas project, Colorado," approved August 16, 1962 (76 Stat. 389), is amended by striking out "$170,000,000 (June 1961 prices)" and inserting in lieu thereof "$432,000,000 (January 1974 price levels)."

Section 1202. For the purpose of increasing the hydro-electric generating capacity the Secretary of the Interior is authorized to construct, operate, and maintain a second one hundred-megawatt unit at the Mount Elbert pumped storage power plant site of the Fryingpan-Arkansas project, Colorado. The funds required to construct such unit are included in the amount authorized to be appropriated by section 1201 of this title.
TITLE XIII

SAVAGE RAPIDS FISH WAY, OREGON

SEC. 1301. The Secretary of the Interior is hereby authorized and directed to construct the necessary facilities at Savage Rapids Dam, Grants Pass Division, Rogue River Basin, Oregon, to provide for improved anadromous fish passage at the dam. Such improvements will be substantially in accordance with the plan set forth in the joint special report of the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife entitled "Anadromous Fish Passage Facilities, Savage Rapids Dam, March 1974": Operation and maintenance of the facilities herein authorized will be in conformity with procedures developed by the Oregon State Game Commission and will be performed by the Grants Pass Irrigation District at no cost to the United States.

SEC. 1302. There is hereby authorized to be appropriated for construction of the facilities authorized by this Act the sum of $851,000 (April 1974 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein.

SEC. 1303. The cost of all construction authorized by this title shall be nonreimbursable.
TITLE XIV

FEASIBILITY STUDY AUTHORITIES

Sec. 1401. The Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resource development programs:

1. A total water management study to consider and coordinate the results of other water-related studies concerning Solano County, California.

2. A municipal and industrial water supply delivery system for delivery of water to the city of Yuma, Arizona.

3. The Apple Creek unit, Pick-Sloan Missouri Basin program in North Dakota.

Passed the House of Representatives August 2, 1974.

Attest: W. PAT JENNINGS, Clerk.
AN ACT

26th Session
39th Congress
H. R. 15736
ELEPHANT BUTTE RES. RECREATION POOL
HEARINGS (H.R. 1677 & S. 1119)

Storage as of June 16 or 17, 1974:

A.F. Full
2,137,000 Elephant Butte Res. = 545,460 A.F. \( \text{Average past 10 yr.} \) \approx 300,000 A.F.
344,000 Coballo Res. = 91,630 A.F.
400,000 Heron Res. = 189,870 A.F.

Present charges for delivery of San Juan-Chama Water:

<table>
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<tr>
<th>Use</th>
<th>Constr</th>
<th>O&amp;M</th>
<th>Total</th>
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<tbody>
<tr>
<td>For Albuquerque (Maj)</td>
<td>$26.69</td>
<td>2.00</td>
<td>28.69</td>
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<tr>
<td>For MRG. Proj. (Irrig)</td>
<td>3.25</td>
<td>2.00</td>
<td>5.25</td>
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Est. extra O&M Costs to fill Elephant Butte Res. Recreation Pool = 20 $ per A.F. \( \text{per 10,000 A.F.} \) \( \frac{20}{10,000} = 2 \) \( \text{per 100 A.F.} \)
50,000 A.F. filling + 70,000 A.F. Evap. = 120,000 A.F.

Plans for filling Cochiti Res. - Fall of 1975

Elephant Butte Res. - 1976

Phreatophyte control at Elephant Butte Res.
Only spot control necessary for O&M until EIS completed
Draft of EIS scheduled for Mar. 1975

Involved in litigation

Call from Raitt Werner of Reg. Office 6-17-74
RHJ & MJC