IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River Storage Project and participating projects, and for other purposes.

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

2 That, in order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, the Congress, in the exercise of its constitutional authority to provide for the general welfare, to regulate commerce among the States and with the Indian tribes, and to make all needful rules and regulations respecting property belonging to the United States, and for the purposes, among others, of regulating the flow of the Colorado River, storing
among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semi-arid land, for the control of floods and for the improvement of navigation, and the generation of hydroelectric power, as an incident of the foregoing purposes, hereby authorizes the Secretary of the Interior (1) to construct, operate, and maintain the following initial units of the Colorado River Storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Curecanti, Echo Park, Flaming Gorge, Glen Canyon, Juniper, and Navajo: Provided, That the Curecanti Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter referred to as participating projects: Central Utah (initial phase); Emery County, Florida, Gooseberry, Hammond, LaBarge, Lyman, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Pine River Extension, Seedskadee, Silt, Smith Fork, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, Woody Creek,
Provided, That (a) construction of the participating projects set forth in this clause (2) shall not be undertaken until the Secretary has reexamined the economic justification of such project and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress, through the President, that, in his judgment, the benefits of such project will exceed its costs, and that the financial reimbursability requirements set forth in section 4 of this Act can be met. The Secretary's supplemental report for each such project shall include, among other things, (i) a reappraisal of the prospective direct agricultural benefits of the project made by the Secretary after consultation with the Secretary of Agriculture; (ii) a reevaluation of the non-direct benefits of the project; and (iii) allocations of the total cost of construction of each participating project or separable features thereof, excluding any expenditures authorized by section 7 of this Act, to power, irrigation, municipal water supply, flood control or navigation, or any other purpose authorized under reclamation law. Section 1 (c) of the Flood Control Act of 1944 shall, except as hereinafter provided for the San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, Woody Creek, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Elkhorn, and Kendall participating projects, not be applicable to such
been submitted to the affected States, including (but without limiting the generality of the foregoing) the State of Texas, pursuant to the Act of December 22, 1944, and said projects shall have been authorized by the Congress. Provided further, That with reference to the San Juan-Chama project, it shall be limited to a single off-stream dam and reservoir on a tributary of the Chama River to be used solely for the control and regulation of water imported from the San Juan River, that no power facilities shall be established, installed, or operated along the diversion or on the reservoir or dam, and such dam and reservoir shall at all times be operated by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. Provided further, That no appropriation for or construction of the Parshall, Troublesome, Rabbit Ear, Eagle Divide, Woody Creek, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Elkhorn, and Kendall participating projects shall be made or begun until reports thereon shall have been submitted to the affected States, pursuant to the Act of December 22, 1944, and said projects shall have been authorized by the Congress.

Sec. 2. In order to achieve such comprehensive development as will assure the consumptive use in the States of the Upper Colo-
River Basin Compact, it is the intent of the Congress in the future to authorize the construction, operation, and maintenance of further units of the Colorado River storage project, of additional phases of participating projects authorized in this Act, and of new participating projects as additional information becomes available and additional needs are indicated. It is hereby declared to be the purpose of the Congress to authorize as participating projects only projects (including units or phases thereof) --

(1) for the use, in one or more of the States designated in article III of the Upper Colorado River Basin Compact, of waters of the Upper Colorado River system the consumptive use of which is apportioned to those States by that article; and

(2) for which pertinent data sufficient to determine their probable engineering and economic justification and feasibility shall be available. It is likewise declared to be the policy of the Congress that the costs of any participating project authorized in the future shall be amortized from its own revenues to the fullest extent consistent with the provisions of this Act and Federal reclamation law.

Sec. 3. Except as otherwise provided in this Act, in constructing, operating, and maintaining the units of the Colorado River storage project and the participating projects listed in section 1 of
contracts shall be entered into which, except as otherwise provided
for the Paonia and Eden projects, provide for repayment of the obli-
gation assumed thereunder with respect to any project contract unit
over a period of not more than fifty years exclusive of any develop-
ment period authorized by law; (b) prior to construction of irriga-
tion distribution facilities, repayment contracts shall be made with
an "organization" as defined in paragraph 2 (g) of the Reclamation
Project Act of 1939 (53 Stat. 1187) which has the capacity to levy
assessments upon all taxable real property located within its bound-
aries to assist in making repayments, except where a substantial pro-
portion of the lands to be served are owned by the United States;
(c) 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; and (d), as to Indian lands
within, under or served by any participating project, payment of con-
struction costs within the capability of the land to repay shall be
subject to the Act of July 1, 1932 (47 Stat. 564). All units and
participating projects shall be subject to the apportionments of the
use of water between the Upper and Lower Basins of the Colorado River
and among the States of the Upper Basin fixed in the Colorado River
Compact and the Upper Colorado River Basin Compact, respectively, and
to the terms of the treaty with the United Mexican States (Treaty
Series 994).
shall remain available until expended, as hereafter provided, for carrying out provisions of this Act other than section 7.

(b) All appropriations made for the purpose of carrying out the provisions of this Act, other than section 7, shall be credited to the Basin Fund as advances from the general fund of the Treasury.

(c) All revenues collected in connection with the operation of the Colorado River storage project and participating projects shall be credited to the Basin Fund, and shall be available, without further appropriation, for (1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the Colorado River storage project and participating projects, within such separate limitations as may be included in annual appropriation acts, (2) payment as required by subsection (d) of this section, (3) payment of the reimbursable construction costs of the Paonia project which are beyond the ability of the water users to repay within the period prescribed in the Act of June 25, 1947 (61 Stat. 181), said payment to be made within fifty years after completion of that portion of the project which has not been constructed as of the date of this Act, and (4) payment in connection with the irrigation features of the Eden project as specified in the Act of June 28, 1949 (63 Stat. 277): Provided, That revenues credited to the Basin Fund shall not be available for appropriation for construction of the units and participating projects authorized by or pursuant
(1) the costs of each unit, participating project, or any separable feature thereof which are allocated to power pursuant to section 5 of this Act, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(2) the costs of each unit, participating project, or any separable feature thereof which are allocated to municipal water supply pursuant to section 5 of this Act, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(3) interest on the unamortized balance of the investment (including interest during construction) in the power and municipal water supply features of each unit, participating project, or any separable feature thereof, at a rate determined by the Secretary of the Treasury as provided in subsection (e), and interest due shall be a first charge; and

(4) the costs of each unit, participating project, or any separable feature thereof which are allocated to irrigation pursuant to section 5 of this Act within a period not exceeding fifty years, in addition to any development period authorized by law, from the date of completion of such unit, participating project, or separable feature thereof, or, in the cases of the Paonia project and of Indian lands, within a
(e) The interest rate applicable to each unit of the storage
project and each participating project shall be determined by the
Secretary of the Treasury as of the time the first advance is made
for initiating construction of said unit or project. Such interest
rate shall be determined by calculating the average yield to maturity
on the basis of daily closing market bid quotations during the month
of June next preceding the fiscal year in which said advance is made,
on all interest-bearing marketable public debt obligations of the
United States having a maturity date of fifteen or more years from
the first day of said month, and by adjusting such average annual
yield to the nearest one-eighth of 1 per centum.

(f) Business-type budgets shall be submitted to the Congress
annually for all operations financed by the Basin Fund.

Sec. 5. Upon completion of each unit, participating project
or separable feature thereof the Secretary shall allocate the total
costs (excluding any expenditures authorized by section 7 of this Act)
of constructing said unit, project or feature to power, irrigation,
municipal water supply, flood control, navigation, or any other pur-
poses authorized under reclamation law. Allocations of construction,
operation and maintenance costs to authorized nonreimbursable purposes
shall be nonreturnable under the provisions of this Act. On January 1
of each year the Secretary shall report to the Congress for the pre-
vious fiscal year, beginning with the fiscal year 1956, upon the status
the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

Sec. 6. The hydroelectric powerplants authorized by this Act to be constructed, operated, and maintained by the Secretary shall be operated in conjunction with other Federal powerplants, present and potential, so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates, but no exercise of the authority hereby granted shall affect or interfere with the operation of any provision of the Colorado River Compact, the Upper Colorado River Basin Compact, or the Boulder Canyon Project Act.

Sec. 7. In connection with the development of the Colorado River storage project and of the participating projects, the Secretary is authorized and directed to investigate, plan, construct, operate, and maintain (1) public recreational facilities on lands withdrawn or acquired for the development of said project or of said participating projects, to conserve the scenery, the natural, historic, and archeologic objects, and the wildlife on said lands, and to provide for public use and enjoyment of the same and of the water areas created by these projects by such means as are consistent with the primary purposes of said projects; and (2) facilities to mitigate
laws necessary for the construction, operation, and maintenance of the facilities herein provided, and to dispose of them to Federal State, and local governmental agencies by lease, transfer, exchange, or conveyance upon such terms and conditions as will best promote their development and operation in the public interest. All costs incurred pursuant to this section shall be nonreimbursable and non-returnable.

Sec. 8. Nothing contained in this Act shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with any provision of the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774), the Colorado River Compact, the Upper Colorado River Basin Compact, the Rio Grande Compact of 1938, or the Treaty with the United Mexican States (Treaty Series 994).

Sec. 9. Expenditures for the Flaming Gorge, Glen Canyon, Navajo and Echo Park initial units of the Colorado River storage project may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act, 1954.

Sec. 10. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this Act.

Sec. 11. (a) In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and super-
Project Act, the Boulder Canyon Project Adjustment Act, and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section, and consent is given to the joinder of the United States as a party in such suit or suits. No right to impound or use water for the generation of power or energy, created or established by the building, operation or use of any of the powerplants authorized by this Act, shall be deemed to have priority over or otherwise operate to preclude or impair any use, regardless of the date of origin of such use, of the waters of the Colorado River and its tributaries for domestic or agricultural purposes within any of the States of the Upper Colorado River Basin.

(b) In the operation of works under his jurisdiction for the storage and release of waters of the Colorado River System and in programming the storage and release of such waters, the Secretary of the Interior shall consult from time to time with an Integrating Committee consisting of one representative from each of the Colorado River Basin States, one representative of the Colorado River Board of California, one representative of the Upper Colorado River Commission, and one representative of the United States Section of the Interna-
The terms "Colorado River Basin," "Colorado River Compact,"
"Colorado River System," "Lee Ferry," "States of the Upper Division,"
"Upper Basin," and "domestic use" shall have the meaning ascribed to
them in article II of the Upper Colorado River Basin Compact;

The term "States of the Upper Colorado River Basin" shall mean
the States of Arizona, Colorado, New Mexico, Utah and Wyoming;

The term "Upper Colorado River Basin" shall have the same mean-
ing as the term "Upper Basin;"

The term "Upper Colorado River Basin Compact" shall mean that
certain compact executed on October 11, 1948, by commissioners rep-
resenting the States of Arizona, Colorado, New Mexico, Utah, and
Wyoming, and consented to by the Congress of the United States of
America by Act of April 6, 1949 (63 Stat. 31);

The term "Rio Grande Compact" shall mean that certain compact
executed on March 18, 1938, by Commissioners representing the States
of Colorado, New Mexico, and Texas and consented to by the Congress of
the United States of America by Act of May 31, 1939 (53 Stat. 785);

and

The term "treaty with the United Mexican States" shall mean
that certain 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