

**AMEND COLORADO RIVER BASIN SALINITY CONTROL ACT;
AMEND SMALL RECLAMATION PROJECTS ACT**

An act to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the Act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes. (Act of September 4, 1980, Public Law 96-336, 94 Stat. 1063)

[T]he Act of June 24, 1974 (hereafter referred to as the "Act"), is hereby amended as follows:

Sec. 1. [Nonreimbursability of desalting plant costs—Authorize use of Navajo Station power and energy for desalting—Conditions on such use—Precondition of alternate sources of supply analysis—Authorization of future purchases of supplemental power and energy.]—Section 101(b)(2) is amended, by inserting "(A)" after "(2)", by deleting the last sentence of the paragraph, and by adding thereafter the following:

"(B) The Secretary is authorized to use electrical power and energy available from the Navajo Generating Station which is in excess of the Central Arizona Project pumping requirements for the purpose of supplying power and energy requirements of the desalting plant and protective pumping well field constructed pursuant to title I of the Act: *Provided*, That revenues credited to the Lower Colorado River Basin Development Fund shall not be diminished below those amounts which would have accrued had the power been marketed at the rate determined by the Secretary of Energy for the sale of power from the Navajo Generating Station to utilities and public entities, as a result of the use of power and energy for the desalting, protective pumping works, and other uses authorized by law, and that power and energy from the Navajo Generating Station shall be used first to meet the pumping requirements of the Central Arizona Project and after those needs have been met, for the desalting and protective pumping facilities constructed pursuant to title I of the Act, and finally for other uses: *Provided further*, That prior to obtaining power from the Navajo Generating Station under the authority of this subsection, the Secretary shall complete an analysis of alternative sources of supply, including but not limited to the possibility of developing an agreement with the Republic of Mexico whereby the United States (or a non-Federal entity) would enter into contractual arrangements with Mexico for a sufficient supply of power to operate the desalting plant, the regulatory pumping fields and appurtenant facilities.

"(C) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, the Secretary of the Interior is authorized to purchase supplemental power and energy as required for the purposes of supplying the power and energy requirements of the desalting plant and protective pumping well field." (94 Stat. 1063; 43 U.S.C. § 1571(b))

September 4, 1980

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EXPLANATORY NOTE

Reference in the Text. The Colorado River Basin Salinity Control Act (Act of June 24, 1974, Public Law 93-320, 88 Stat. 266), which is amended by sections 1-7 of this Act, appears in Volume IV in chronological order.

Sec. 2. [Waters used for mitigation of habitat losses.]—Section 101(c) is amended by inserting “, Colorado River waters used for the mitigation of fish and wildlife habitat losses” after “from the desalting plant” in two places. (94 Stat. 1063; 43 U.S.C. § 1571(c))

Sec. 3. [Contract terms for water delivery from well field for municipal, industrial, or irrigation purposes—Acreage limitations not applicable to private lands.]—Section 103(a) of the Act is amended by adding a new subsection (4) as follows:

“(4) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts under the terms and conditions of the Act of June 17, 1902 (43 U.S.C. 371 et. seq.) as amended and supplemented for the delivery of water from said well field to entities within the United States for municipal and industrial or irrigation purposes: *Provided*, That such contracts for municipal and industrial purposes shall contain terms and conditions as substantially provided in section 9(c)(1) of the Reclamation Project Act of 1939, and that contracts for replacement irrigation water supplies to prevent damage to existing water users on privately developed lands include water charges no greater than if such water users had continued to pump their own wells without the United States lowering the water table and that the acreage limitation and related provisions of the Reclamation Law will not be applicable to such privately developed lands: *Provided further*, That no contract shall be entered which will impair the ability of the United States to continue to deliver to Mexico on the land boundary at San Luis and in the Limitrophe Section of the Colorado River downstream from Morelos Dam approximately one hundred and forty thousand acre-feet annually, consistent with the terms contained in Minute No. 242 of the IBWC.” (94 Stat. 1064; 43 U.S.C. § 1573(a))

EXPLANATORY NOTE

Reference in the Text. Section 9(c)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194; 43 U.S.C. § 485h(c)), referred to in the text, specifies the repayment provisions for fixed obligation contracts to furnish water for municipal water supply or miscellaneous purposes. The 1939 Act appears in Volume I at page 634.

Sec. 4. [Disposal of lands and facilities—Revenues credited to Treasury General Fund.]—A new section 106 shall be added to the Act, as follows, and succeeding sections shall be numbered accordingly:

“**Sec. 106.** The Secretary is hereby authorized to administer and dispose of lands and interests in lands acquired, and facilities constructed under this title, and revenues received in connection with this authority shall be credited to the general fund of the Treasury.”. (94 Stat. 1064; 43 U.S.C. § 1576)

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Sec. 5. [Increased authorization of appropriations—Implement improved desalination techniques into plant design.]—Section 108 of the Act is changed to section 109 and effective October 1, 1979, is amended by striking the first sentence and inserting in lieu thereof: “There is hereby authorized to be appropriated the sum of \$356,400,000 for the construction of the works and accomplishment of the purposes authorized in sections 101, 102, 103, and 110, of which \$3,579,000 is authorized for mitigation of fish and wildlife losses associated with replacement of the Coachella Canal in California, and \$6,960,000 is authorized for mitigation of fish and wildlife losses associated with the Desalting Complex Unit and the Protective and Regulatory Pumping Unit in Arizona, based on January 1979, prices plus or minus such amounts as may be justified by reason of ordinary fluctuation in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. In order to provide for the utilization of significant improvements in desalination technologies which may have been developed since the Bureau’s evaluation, the Secretary is directed to evaluate such cost effective improvements and implement such improved designs into the plant operations when the evaluation indicates that cost savings will result: *Provided, however,* That no more than five percent of the amount authorized to be appropriated is used for these purposes.”. (94 Stat. 1064; 43 U.S.C. § 1579)

Sec. 6. [Authorization of measures to mitigate loss of fish and wildlife habitat—Costs nonreimbursable.]—A new section 110 shall be added to the Act, as follows:

“**Sec. 110.** Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriate Acts, in order to provide measures determined by the Secretary of the Interior to be appropriate to mitigate loss of fish and wildlife habitat associated with other measures taken under this title:

“(a) The Secretary is authorized to—

“(1) acquire lands by purchase, eminent domain, or exchange;

“(2) dispose of land, facilities, and equipment;

“(3) construct, operate, maintain, and make replacements of facilities: *Provided, however,* That no funds will be provided for operation, maintenance, or replacement of non-Federal facilities.

“(b) All costs authorized by this section are nonreimbursable.”. (94 Stat. 1065; 43 U.S.C. § 1579)

Sec. 7. [Definitions—Navajo Generating Station—Terms defined in Colorado River Compact.]—A new section 111 shall be added to the Act, as follows:

“**Sec. 111.** As used in this title:

“(a) Navajo Generating Station means—

“(1) the United States entitlement to a portion of the output of power and energy from the Navajo Generating Station, Page, Arizona, pursuant to United States participation in that generating station;

“(2) in the event that said United States entitlement is integrated with other generating facilities, then Navajo Generating Station means that amount of power and energy from the integrated system which is attributable to the United States Navajo entitlement;

“(3) when the Navajo Generating Station is replaced at the end of its useful life or an alternative resource is established, then Navajo Generating Station means an amount of power and energy equivalent to the present United States entitlement from Navajo, from the replacement resource.

“(b) All terms used herein that are defined in the Colorado River Compact shall have the meanings therein defined.”. (94 Stat. 1065; 43 U.S.C. § 1580)

Sec. 8. [Increase in appropriations authorized for Small Reclamation Projects Act—No interest on repayment of sums for portion of project providing benefits to U.S. facility.]—The Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended, is further amended as follows:

(a) Effective October 1, 1980, section 10, as amended, is further amended by deleting “\$400,000,000” and inserting in lieu thereof the amount of “\$600,000,000”. (94 Stat. 1065; 43 U.S.C. § 422j)

(b) Subsection (c) of section 5, as amended, is further amended by adding the following: “Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;”. (94 Stat. 1065; 43 U.S.C. § 422e)

EXPLANATORY NOTES

Editor's Note, Annotations. Annotations of opinions relating to the Colorado River Basin Salinity Control Act are found under the Act of June 24, 1974 in Volume IV. Annotations of opinions relating to the Small Reclamation Projects Act are found in Volume II at pages 1332, 1336 and 1338, and in Supplement I under “August 6, 1956—Small Reclamation Projects Act.”

Legislative History. S. 496, Public Law 96-336 in the 96th Congress. Reported in Senate from Energy and Natural Resources, May 15,

1979; S. Rept. No. 96-181. Passed Senate June 4, 1979. Passed House, amended, February 7, 1980, in lieu of H.R. 2609, as passed. Senate concurred in House amendments with amendments, June 24, 1980. House concurred in Senate amendments, August 21, 1980. Companion bill H.R. 2609 reported in House from Interior and Insular Affairs, May 15, 1979, H.R. Rept. No. 96-177. Passed House February 7, 1980.