

## AMENDED CONTRACT AND ADJUSTMENT OF LANDS AND REVENUES, KLAMATH PROJECT

An act to approve a contract negotiated with the Klamath Drainage District and to authorize its execution, and for other purposes. (Act of June 17, 1944, ch. 261, 58 Stat. 279)

[Sec. 1. Congress approves contract.]—The contract dated April 28, 1943, negotiated by the Secretary of the Interior with the Klamath Drainage District and reported on as provided in subsections (a) and (c) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187), is approved and the Secretary is hereby authorized to execute it on behalf of the United States. (58 Stat. 279; 43 U.S.C. § 612, note)

Sec. 2. [Special provisions.]—In aid of the administration of this contract and for other purposes—

(a) The Act of May 27, 1920 (ch. 209, 41 Stat. 627), is hereby repealed.

(b) Lands owned by the United States, ceded by the States of California and Oregon pursuant to the Act of February 3, 1905 (Cal. Stat. 1905, p. 4, and of January 20, 1905 (L. Oreg. 1905, ch. 5, p. 63), lying in Klamath County, Oregon, west of range 11 east, Willamette meridian, and in Siskiyou County, California, west of range 4 east, Mount Diablo meridian, shall be subject to all applicable provisions of the Federal reclamation laws concerning entry and patent, except that any part of these lands administered by the Fish and Wildlife Service pursuant to the existing agreement with the Bureau of Reclamation, as this may be amended from time to time with the approval of the Secretary, shall not be opened to entry.

(c) Net revenues heretofore and hereafter received from lands owned by the United States within the district boundaries shall be covered into the reclamation fund and shall be applied: First, to offset the balance of \$47,627.89 as to which the district's obligation is to be released under the proposed contract; second, to offset the balance of the charges heretofore apportioned to the Government-owned lands in Klamath County, Oregon, pursuant to the Act of May 27, 1920, supra, amounting to \$36,714.37; third, to offset the balance of charges allocated as of December 31, 1942, to the Lower Klamath Lake Division; and, fourth, as an increment to the reclamation fund without further application to project construction costs. (58 Stat. 279; 43 U.S.C. § 612)

(d) *Repealed.*

### EXPLANATORY NOTES

**Provision Repealed.** Subsection 2(e) of the Act of August 1, 1956, 70 Stat. 799, which appears herein in chronological order, repealed subsection 2(d), but provided that the repeal shall not affect the application of net revenues received prior to January 1, 1943, which was made by the second sentence of the subsection. The repealed subsection read as follows:

“(d) The lands in Siskiyou County, Cali-

fornia, west of range 4 east, Mount Diablo meridian, and in the vicinity of Lower Klamath Lake, including the lands heretofore uncovered by the changing level of that lake, shall be deemed to be from and after December 31, 1942, part of the Modoc unit of the Tule Lake Division of the Klamath project. Net revenues which have accrued from Government-owned lands under the primary jurisdiction of the Bureau

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of Reclamation in that area prior to January 1, 1943, shall be applied to offset the balance of the charges allocated to the Lower Klamath Lake Division. Net revenues accruing from and after December 31, 1942, from such Government-owned lands shall be covered into the reclamation fund and applied: First, to offset the costs heretofore or hereafter incurred in connection with the completion of the Modoc unit; and, second, as an increment to the reclamation fund without further application to project construction costs."

**Exemption.** The Public Works Appropri-

ation Act, 1964, Act of December 31, 1963, 77 Stat. 850, authorizes certain leasing revenues to be credited to the Klamath project water rights program notwithstanding the provisions of section 2(c) of the Act of June 17, 1944, and sections 2(a), 2(b), and 2(c) of the Act of August 1, 1956. The referenced provision appears herein in chronological order.

**Reference in the Text.** The Act of May 27, 1920 (ch. 209, 41 Stat. 627), which is repealed by subsection 2(a), and referred to in subsection 2(c), appears herein in chronological order as a note.

**Sec. 3. [Act to be part of the reclamation laws.]**—This Act is declared to be a part of the Federal reclamation laws as these are defined in the Reclamation Project Act of 1939. (58 Stat. 280; 43 U.S.C. § 612, note)

EXPLANATORY NOTE

Legislative History. H.R. 3476, Public Law 342 in the 78th Congress. H.R. Rept. No. 849. S. Rept. No. 861.

NOTE OF OPINION

**1. Homestead entry**

The Secretary of the Interior has the authority, but is not required, to open for homestead entry under the reclamation laws any or all of the lands, whether ceded by the states of California or Oregon or

public lands in the Tule Lake Unit of the Tule Lake Wild Life Refuge, and the Klamath Straits Unit, the Sheepy Lake West Unit, and the Sheepy Lake East Unit of the Klamath Lake Reservation for the protection of native birds. Solicitor White Opinion, M-36157 (December 12, 1952).

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**EXPLANATORY NOTE**

**Codification Omitted.** Subsections 2(b) and (c) of the Act of June 17, 1944 (58 Stat. 279), relating to lands and revenues of the Klamath Project, originally were codified at 43 U.S.C. § 612 but were omitted from the 1976 and subsequent editions of the U.S. Code as having limited applicability.