



Generation from Irrigation

# Columbia Basin Hydropower

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February 25, 2020

**VIA:** U.S. Mail

Lorri Gray, Regional Director  
Pacific Northwest Regional Office  
1150 North Curtis Road, Suite 100  
Boise, ID 83706-1234

**SUBJECT:** Formal Request for Non-Federal Hydropower Development at Banks Lake Pumped Storage Project, Columbia Basin Project

Dear Ms. Gray:

Consider this a formal request for Columbia Basin Hydropower (CBHP) to be considered as a potential lessee to develop non-Federal hydropower at Banks Lake Pumped Storage Project (Project), Columbia Basin Project, Washington. CBHP hereby requests that the formal Lease of Power Privilege process be initiated for the Project.

The Project will utilize Lake Roosevelt as the lower reservoir, and Banks Lake as the upper reservoir. The Project currently is subject to Federal Energy Regulatory Commission (FERC) preliminary permit No. 14329. CBHP now wishes to initiate the Lease of Power Privilege (LOPP) process with the United States Bureau of Reclamation (BOR) in order to gain all authorizations necessary to develop the Project.

CBHP understands the Project is subject to both the FERC licensing and BOR LOPP processes. This understanding is based on FERC's April 10, 2013 preliminary determination of jurisdiction, which concluded, following FERC's extensive consultation with BOR, that (1) Banks Lake is not reserved for federal development and its use by CBHP would require a FERC license, and (2) Lake Roosevelt is reserved for federal development and its use by CBHP would require a LOPP. CBHP has invested significant time and effort in information sharing and consultation on the Project with both FERC and BOR, in order to pursue the Project in a manner that meets the statutory and regulatory requirements of both agencies. Because the jurisdictional issues have already been determined, CBHP respectfully requests waiver of any additional consultation with FERC regarding jurisdiction of the Project, to the extent necessary to enable BOR's expeditious review of CBHP's Formal Request to initiate the LOPP process.

Banks Lake Pumped Storage Project  
Columbia Basin Hydropower Project  
P-14329-002  
Formal Request for Non-Federal Hydropower Development

If you have any questions or comments, I can be reached at 509-754-2227 or [dfales@cbhydropower.org](mailto:dfales@cbhydropower.org).

Sincerely,



Darwin Fales, Secretary-Manager  
Columbia Basin Hydropower

Attachments: April 10, 2013 FERC Preliminary Determination of Jurisdiction

cc: Joe Summers, Regional Power Manager, Bureau of Reclamation  
Rob Skordas, Deputy Regional Director, Bureau of Reclamation  
Kiernan Connolly, Vice President, Bonneville Power Administration  
Rodger Sonnichsen, Acting Manager, Quincy Columbia Basin Irrigation District  
Dave Solem, Manager, South Columbia Basin Irrigation District  
Craig Simpson, Manager, East Columbia Basin Irrigation District  
Anna Franz, Attorney  
Florence Webster, Columbia-Pacific Northwest, Bureau of Reclamation

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
April 10, 2013

OFFICE OF ENERGY PROJECTS

Project No. 14329-000  
Banks Lake Pumped Storage Project  
Grand Coulee Project Hydroelectric Authority

Terrald E. Kent  
Regional Power Manager  
United States Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234

**Re: Preliminary Determination of Jurisdiction for the Banks Lake Pumped Storage Project No. 14329**

Dear Mr. Kent,

Consistent with the procedures established in the 1992 Memorandum of Understanding (MOU)<sup>1</sup> between the Federal Energy Regulatory Commission (Commission) and the U.S. Department of the Interior (Interior), Bureau of Reclamation (Reclamation), I am writing to notify you of Commission staff's preliminary determination that Roosevelt Lake is reserved for federal development and Banks Lake is not reserved for federal development.<sup>2</sup>

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<sup>1</sup> 58 Fed. Reg. 3269 (January 8, 1993).

<sup>2</sup> Sections 4(e) and 4(f) of the Federal Power Act (FPA), 16 U.S.C. §§ 797(e) and (f) (2006), authorize the Commission to issue preliminary permits and licenses for non-federal hydropower projects to be located at federal dams and facilities. This jurisdiction is withdrawn if federal development of hydropower generation at the site is authorized, or if Congress otherwise unambiguously withdraws the Commission's jurisdiction over the development of such generation. The Commission and Reclamation entered into the MOU to guide determinations of whether the Commission or Reclamation has authority to license proposed non-federal hydropower development at Reclamation projects.

## Background

On December 1, 2011, Grand Coulee Project Hydroelectric Authority (Grand Coulee Authority) filed an application for a preliminary permit under section 4(f) of the Federal Power Act (FPA)<sup>3</sup> to study the feasibility of the proposed Banks Lake Pumped Storage Project No. 14329-000. The Grand Coulee Authority proposed two alternatives for its proposed pumped storage project: (1) Alternative No. 1 would use Reclamation's existing Banks Lake as the upper reservoir and Franklin D. Roosevelt Lake (Roosevelt Lake) as the lower reservoir; (2) Alternative No. 2 would use Banks Lake as the lower reservoir and an unconstructed reservoir as the upper reservoir. Both Roosevelt Lake and Banks Lake are components of the Columbia Basin Project, and they are connected by a feeder canal that provides water for twelve pumps operated by Reclamation at the John W. Keys III Pump Generating Plant (Keys Plant).

In Alternative No. 1, the proposed project would consist of the following facilities: (1) a reservoir inlet/outlet structure at Banks Lake equipped with trash racks; (2) a 1.5 mile-long penstock consisting of a vertical shaft, power tunnel segments, and a tailrace section, extending between the Banks Lake inlet/outlet and the reversible turbine/generator units in the powerhouse; (3) either an underground powerhouse containing four reversible turbine/generator units rated for 250 megawatts (MW) each, for a total installed capacity of 1,000 MW, or a powerhouse located on the shore of Roosevelt Lake, also containing four 250 MW reversible turbine/generator units; (4) a 2 mile-long, 500-kilovolt (kV) transmission line extending from the project powerhouse to an existing 500-kV substation; and (5) appurtenant facilities. The estimated annual generation of Alternative No. 1 would be 2,263 gigawatt-hours (GWh).

Alternative No. 2 would consist of the following facilities: (1) a new 312-acre upper reservoir, located approximately 3,000 feet west of Banks Lake, impounded by three earth and rockfill embankments, each with a crest elevation of 2,300 feet above mean sea level; (2) an upper reservoir inlet/outlet structure equipped with trash racks; (3) a 620-foot-long, 43-foot-diameter vertical shaft connecting the upper reservoir inlet/outlet structure to the power tunnels; (4) four 1,700-foot-long, 17-foot-diameter power tunnels leading from the vertical shaft to the powerhouse; (5) an underground powerhouse containing four reversible turbine/generator units rated for 260 MW each, for a total installed generation of 1,040 MW; (6) a 25-foot-diameter tailrace tunnel between the powerhouse and the Banks Lake; (7) a 2.4-mile-long, 500-kV transmission line extending from the project powerhouse to a new 500-kV substation; and (8) appurtenant facilities. The estimated annual generation of Alternative No. 2 would be 2,978 GWh.

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<sup>3</sup> 16 U.S.C. § 797(f) (2006).

## Columbia Basin Project Description

The Columbia Basin Project was authorized for construction in the Rivers and Harbors Act of 1935. Principal project features include Grand Coulee Dam, Roosevelt Lake (created by the dam), Grand Coulee Powerplant Complex, and a pump-generating plant. Irrigation facilities include Banks Lake (an equalizing reservoir), 333 miles of main canals, 1,993 miles of laterals canals, and 3,163 miles of drains and wasteways. The project irrigates over one million acres of land.

Construction of the Grand Coulee Dam, reservoir, and powerplant began in 1933 with funds made available by the Public Works Administration. Section 2 of the Rivers and Harbors Act of 1935 authorized the Grand Coulee Dam Project “for the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian reservations, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings.”<sup>4</sup> In 1943, the Columbia Basin Project Act reauthorized the project,<sup>5</sup> bringing it under the provisions of the Reclamation Project Act of 1939. The 1943 Act made no additional mention of hydropower.

In 1945, a Joint Report on the Allocation and Repayment of the Costs of the Columbia Basin Project described the Columbia Basin Project as a multiple-purpose project whose principal features are the Grand Coulee Dam, the Columbia River reservoir (created by the dam), and the power plants at the dam.<sup>6</sup> The Report describes the hydroelectric power installation as:

six permanent generating units, each of 108,000 kilovolt-amperes name-plate rating; two temporary generating units . . . each with a name-plate rating of 75,000 kilovolt-amperes; and two permanent station-service generating units, each rated at 12,500 kilovolt-amperes. This equipment, having an aggregate name-plate rating of 823,000 kilovolt-amperes, is

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<sup>4</sup> Rivers and Harbors Act of 1935, Pub. L. No. 74-409, 49 Stat. 1028, 1039-1040. The Act also validated and ratified all contracts and agreements which had been executed in connection with construction of the Grand Coulee Dam, reservoir, and powerplant.

<sup>5</sup> Columbia Basin Project Act, Pub. L. No. 78-8, 57 Stat. 14 (1943).

<sup>6</sup> The Report was prepared by Interior and the Bonneville Power Administration. *See Bureau of Reclamation Project Feasibilities and Authorizations at 367* (1957 Edition).

installed in the left powerhouse adjacent to the left end of the dam.<sup>7</sup>

The Report further states that the:

ultimate power installation will consist of 18 main generating units, each rated at 108,000 kilovolt-amperes, and 3 station-service units of 12,500 kilovolt-amperes each. Nine of the main units will be installed in the right powerhouse adjacent to the right end of the dam. . . . [O]nly 15 units [currently] are required to generate the potential energy in the stream modified by present storage . . . .<sup>8</sup>

Besides referring to the Grand Coulee Dam, the 1945 Joint Report also described an “equalizing reservoir,” which is today known as Banks Lake, to “be created by construction of [North Dam and Dry Falls Dam] at each end of the Grand Coulee [with] an active capacity of 700,000 acre-feet below elevation 1,570.”<sup>9</sup> To convey irrigation water from Roosevelt Lake to Banks Lake, the Report describes a “primary pumping plant,” which is now known as the Keys Plant, consisting of “10 motor-driven pumps, each of 1,600 cubic feet per second capacity, with space for 2 additional pumps if these [were] found to be needed.”<sup>10</sup> The Report provided for a “[f]eeder canal” to “extend from the upper end of the pump discharge conduits to the [Banks Lake] equalizing reservoir.”<sup>11</sup> In describing the above mentioned features, the Report stated that these works serve the primary function of the Columbia Basin Project, which is irrigation.<sup>12</sup>

Reclamation initially installed six pumps at the Keys Plant to lift water from Roosevelt Lake on the Columbia River to Banks Lake. Subsequently, Reclamation installed six additional pump-turbine units at the pumping plant, which have the ability to generate power when the pumps are reversed. A December 29, 1948 feasibility report prepared by Interior discussed the installation of three additional generating units at Grand Coulee Dam to bring the total to 18 units “to enable use of future upstream storage

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<sup>7</sup> *Id.* at 368.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *See Id.* at 369-370.

above the Franklin D. Roosevelt Reservoir created by the Grand Coulee Dam.”<sup>13</sup> In 1966, Congress authorized a third powerplant at the Grand Coulee Dam to “effectuate the fullest, most beneficial, and most economic utilization of the waters of the Columbia River.”<sup>14</sup>

### **Reclamation Letter**

On April 13, 2012, Reclamation filed a response to the Commission’s *Notice of Application for Preliminary Permit* on the Banks Lake Pump Storage Project.<sup>15</sup> Reclamation states that it “opposes the application because it represents an infringement on the efficient use of water, operation, timing, water availability, and powerhead of the congressionally authorized turbine generators at Grand Coulee Dam.”<sup>16</sup> Reclamation states that “it retains jurisdiction over the proposed development because Congress authorized Reclamation to construct, operate and maintain Grand Coulee Dam, its powerplants, the Keys P/G Plant, North Dam, Dry Falls Dam, and its reservoirs for purposes that explicitly include hydropower generation.”<sup>17</sup>

Reclamation states that the proposed Alternative No.1, which would use Roosevelt Lake as the lower reservoir, would impose on the authorized Columbia Basin Project purposes, particularly the hydropower purpose by competing for hydropower resources with the Keys Plant and generation at Grand Coulee dam. However, Reclamation states that the pumped storage project configuration in Alternative No. 2 “could be constructed and operated without reducing authorized CBP (Columbia Basin Project) benefits if fully operated as an integrated feature of the CBP and could even increase project benefits.”<sup>18</sup>

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<sup>13</sup> *Id.* at 367.

<sup>14</sup> Third Powerplant Authorizing Act, Pub. L. No. 89-448, 80 Stat. 200 (1966), as amended by Pub. L. No. 89-561, 80 Stat. 714 (1966).

<sup>15</sup> The Grand Coulee Authority’s preliminary permit application was noticed on April 11, 2012.

<sup>16</sup> Reclamation Letter at 1.

<sup>17</sup> *Id.* at 4.

<sup>18</sup> *Id.* at 7.

Reclamation also states that section 2406 of the Energy Policy Act of 1992<sup>19</sup> “reaffirmed” Reclamation’s control over power development in the Pacific Northwest.<sup>20</sup> However, as the Commission explained in *Northern Wasco County People’s Utility District*, the language of section 2406 does not create exclusive federal authority, but instead merely authorizes improvements or additions to generation facilities that are already authorized.<sup>21</sup>

### Commission Staff’s Preliminary Determination

#### A. Roosevelt Lake

Presumption 5 of the MOU states:

If the authorizing statute, as amended, or any documents incorporated by reference in the statute, specify the number, capacity, or location of powerplants authorized for federal development, then Reclamation is presumed to have jurisdiction for that specified development. Beyond the specified development, the Commission is presumed to have jurisdiction.

Section 2 of the Rivers and Harbors Act of 1935 authorized the Grand Coulee Dam and incidental works for multiple purposes including the generation of electric power. Along with the Grand Coulee Dam, the 1945 Report described Roosevelt Lake as a principal feature of the Columbia Basin Project.<sup>22</sup> Congress authorized a third powerplant at Grand Coulee Dam in 1966 to fully realize the power potential of the Columbia River.<sup>23</sup> Because the authorizing statute and the incorporated documents by reference authorized Reclamation to construct and operate Grand Coulee Dam and its incidental reservoir, Roosevelt Lake, to the fullest power potential, we agree that Roosevelt Lake is reserved for federal development. To proceed with the development of project features utilizing Roosevelt Lake, the Grand Coulee Authority will have to apply for and obtain a lease of power privilege from Reclamation.<sup>24</sup>

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<sup>19</sup> See 16 U.S.C. § 839d-1 (2006).

<sup>20</sup> Reclamation Letter at 3.

<sup>21</sup> 74 FERC ¶ 61,158, at 61,557 (1996).

<sup>22</sup> Bureau of Reclamation Project Feasibilities and Authorizations at 367-368.

<sup>23</sup> See Cumulative Supplement to the 1957 Edition of Bureau of Reclamation Project Feasibilities and Authorizations at 293 (1968 Edition)

<sup>24</sup> For the parts of the proposed project that would be located outside Roosevelt  
(continued)



## B. Banks Lake and Project Facilities

The Rivers and Harbors Act of 1935 lists hydropower as one of several project purposes of the Columbia Basin Project. However, the 1945 Report describes Banks Lake as an equalizing reservoir for irrigation functions, for which twelve pump-turbine units were authorized to convey water from Roosevelt Lake to Banks Lake.<sup>25</sup> Initially, Reclamation installed six of these pumps, and then later installed six additional pump-generator units, which is the maximum amount authorized in the statute. When the authorizing statute for a Reclamation project specifies the number, capacity, or location of powerplants authorized for federal development, then Reclamation is presumed to have jurisdiction for that specific project, but only up to the level of development specifically authorized. Because Banks Lake is beyond the specified development, the Commission is presumed to have jurisdiction to authorize the non-federal development of hydropower at the project.<sup>26</sup> That presumption can be overcome by other evidence.

Although subsequent authorizations, including documents incorporated by reference into those authorizations, demonstrate that the Grand Coulee Dam and reservoir created by the dam, Roosevelt Lake, have been reserved for federal hydropower development,<sup>27</sup> there is no indication that the Commission's jurisdiction over non-federal

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Lake, the Grand Coulee Authority would be required to obtain a Commission license, pursuant to the terms for Section 23(b)(1) of the FPA. If the Grand Coulee Authority chooses to develop Alternative No. 1, it would need a Commission license for the project facilities located on Banks Lake as well as the auxiliary project features that connect Banks Lake and Roosevelt Lake.

<sup>25</sup> Bureau of Reclamation Project Feasibilities and Authorizations at 368.

<sup>26</sup> See Presumption 5 of the 1992 Memorandum of Understanding entered into by the Commission and Reclamation to guide determinations of whether the Commission has authority to license proposed nonfederal hydropower development at individual Reclamation projects. 58 Fed. Reg. 3269 (January 8, 1993).

<sup>27</sup> Initial development of the Reclamation project included construction of a powerplant at Grand Coulee Dam, which supplied power during World War II. Subsequently, a December 29, 1948 feasibility report prepared by Interior addressed the installation of additional generating units "to enable use of future upstream storage above Franklin D. Roosevelt Reservoir created by Grand Coulee Dam." Bureau of Reclamation Project Feasibilities and Authorizations 378 (1957 edition). Then, in 1966, Congress authorized a third powerplant at Grand Coulee Dam to "effectuate the fullest, most beneficial, and most economic utilization of the waters of the Columbia River." Third Powerplant Authorizing Act, Pub. L. No. 89-448, 80 Stat. 200 (1966), as amended by Pub. L. No. 89-561, 80 Stat. 714 (1966).

hydropower development elsewhere within the Columbia Basin Project has been withdrawn. These authorizations, including any incorporated by reference, do not reserve Banks Lake or the proposed underground tunnel and powerhouse for federal development.

Presumption 5 of the MOU applies to pumped storage hydropower development using Banks Lake as an upper or lower reservoir. Except for Roosevelt Lake,<sup>28</sup> the proposed Banks Lake Pumped Storage Project will not utilize Columbia Basin Project features that are reserved for federal development.<sup>29</sup>

Accordingly, we preliminarily conclude that Banks Lake is not reserved for federal development.<sup>30</sup> Although Reclamation is presumed to have jurisdiction over hydropower development at Roosevelt Lake, this does not affect our jurisdiction over non-federal hydropower development at Banks Lake. If you disagree, please provide additional evidence to overcome the presumption that the Commission has jurisdiction over additional hydropower development at Banks Lake. I would appreciate your response within 30 days of the date of this letter.

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<sup>28</sup> As previously stated, the Grand Coulee Authority must request a lease of power privilege from Interior to construct and operate project facilities that are at Roosevelt Lake.

<sup>29</sup> I also note that Commission staff has previously issued preliminary permits and licenses for projects utilizing Banks Lake. *See BPUS Generation Development LLC*, 126 FERC ¶ 62,168 (2009) (issuing preliminary permit for a proposed project that would use Banks Lake as a lower reservoir while a new upper reservoir would be constructed to facilitate a pump-generator hydroelectric system); *see also East Columbia Basin Irrigation District*, 17 FERC ¶ 62,239 (1981) (issuing a license for a hydroelectric project using the Dry Falls Dam on Banks Lake).

<sup>30</sup> In the event that a permit is issued for this site, a preliminary permit is intended only to allow a permittee to study the feasibility of a project and does not authorize entry onto or disturbance of lands or waters. Concerns regarding the project's potential effects on the Columbia Basin Project facilities and operations will be fully addressed at the licensing stage should the permittee file a license application.

Please reference Project No. 14329-000 and submit an original and five copies of your response to the Commission's Secretary, 888 First Street, NE, Washington, D.C. 20426, with a courtesy copy to me, if possible. If you have any additional questions, please contact Jennifer Harper at 202-502-6136.

Sincerely,

Vince Yearick  
Director  
Division of Hydropower Licensing

Enclosures:

- (1) Rivers and Harbors Act of 1935
- (2) Columbia Basin Project Act
- (3) Bureau of Reclamation Project Feasibilities and Authorizations (1957 Edition)
- (4) Cumulative Supplement to the 1957 Edition of Bureau of Reclamation Project Feasibilities and Authorizations (1968 Edition)

August 30, 1935

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## PARKER AND GRAND COULEE DAMS AUTHORIZED

[Extract from] An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. (Act of August 30, 1935, 49 Stat. 1028, 1039)

\* \* \* \* \*

**Sec. 2. [Authorization of Parker and Grand Coulee dams—All contracts and agreements heretofore made ratified—Authorization of Head Gate Rock dam, Arizona.]—**For the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored water thereof, for the reclamation of public lands and Indian reservations, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings, the projects known as “Parker Dam” on the Colorado River and “Grand Coulee Dam” on the Columbia River, are hereby authorized and adopted, and all contracts and agreements which have been executed in connection therewith are hereby validated and ratified, and the President, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain dams, structures, canals, and incidental works necessary to such projects, and in connection therewith to make and enter into any and all necessary contracts including contracts amendatory of or supplemental to those hereby validated and ratified. The construction by the Secretary of the Interior of a dam in and across the Colorado River at or near Head Gate Rock, Arizona, and structures, canals, and incidental works necessary in connection therewith is hereby authorized, and none of the waters, conserved, used, or appropriated under the works hereby authorized shall be charged against the waters allocated to the upper basin by the Colorado River compact, nor shall any priority be established against such upper basin by reason of such conservation, use, or appropriation; nor shall said dam, structures, canals, and works, or any of them, be used as the basis of making any such charge, or establishing any such priority or right, and all contracts between the United States and the users of said water from or by means of said instrumentalities shall provide against the making of any such charge or claim or the establishment of any priority right or claim to any part or share of the water of the Colorado River allocated to the Upper Basin by the Colorado River compact, and all use of said instrumentalities shall be in compliance with the conditions and provisions of said Colorado River compact and the Boulder Canyon Project Act. (49 Stat. 1039; 33 U.S.C. § 540)

### EXPLANATORY NOTES

**Parker Dam: Background.** On January 14, 1935, the United States filed a bill in equity in the Supreme Court to enjoin the State of Arizona from interfering with the construction of Parker Dam, which it had done by threatening the use of military force to halt construction. The dam was begun the

previous September, over Arizona's objections, by Harold L. Ickes, Secretary of the Interior and Federal Emergency Administrator of Public Works, pursuant to a contract between the United States and the Metropolitan Water District of Southern California. Dismissing the Government's

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## PARKER AND GRAND COULEE DAMS AUTHORIZED 539

bill, the Court found that the Government had not complied with section 9 of the Act of March 3, 1899, forbidding the construction of any dam in any navigable river of the United States until the consent of Congress had been obtained, and until the plans had been approved by the Chief of Engineers and the Secretary of War. The Court held that section 9 of the 1899 Act applied to acts of Government officers as well as to private persons. *United States v. Arizona*, 295 U.S. 174 (1935). Extracts from the 1899 Act, including section 9, appear herein in chronological order.

**Parker Dam: Metropolitan Water District Contract.** Relying upon the existing reclamation law, the Secretary of the Interior entered into a cooperative contract with the Metropolitan Water District of Southern California on February 10, 1933, whereby the United States agreed to build and operate the Parker Dam with funds provided by the district. The United States was to retain title and retain control over all water passing the dam. The district was accorded the right to divert water from the reservoir created by the dam and one-half the power privileges. The United States retained one-half the power privilege and the right to divert water from the reservoir for the Colorado River Indian Reservation and for projects built under the reclamation law. The Government also secured the right to utilize excess capacity in the district's transmission system from Hoover Dam to Parker Dam.

**Cross References, Parker Dam Power Project.** The Act of May 2, 1939, 53 Stat. 626, includes an appropriation for continuing construction of the Parker Dam power plant. The Act of October 28, 1942, provided for the acquisition of Indian lands required in connection with the construction, operation and maintenance of electric transmission lines and other works of the Parker Dam project.

**Cross Reference, Parker-Davis Project.** The Act of May 28, 1954, 68 Stat. 143, authorized the Parker Dam power project and the Davis Dam project to be consolidated and administered as a single project to be known as the Parker-Davis project, Arizona-California-Nevada. The Act appears herein in chronological order.

**Reference in the Text.** The Colorado River Compact, referred to in the text, appears herein in chronological order following the Act of December 21, 1928, the Boulder Canyon Project Act.

**Grand Coulee Dam: Background.** Funds were initially made available for the construction of Grand Coulee Dam by the Public Works Administration on July 27, 1933, by an allotment of \$63 million under sec-

tion 202 of the National Industrial Recovery Act of June 16, 1933. In August 1934, the first of two major contracts for the construction of Grand Coulee Dam and Power Plant was awarded to a combination of contracting firms. Originally, the building of Grand Coulee Dam was planned in two stages. A low dam was to be built first, but with a foundation designed so that a high dam could later be superimposed on this low dam, and a pumping plant and other components of the irrigation system added at that time. By the Act above, authorizing construction of Parker and Grand Coulee Dams, the Congress ratified the contracts already entered into for construction of Grand Coulee Dam and authorized construction of the high dam and the irrigation project.

**Cross Reference, Columbia Basin Project.** The Grand Coulee Dam project on the Columbia River was renamed as the Columbia Basin Project and reauthorized by the Act of March 10, 1943, 57 Stat. 14. The Act appears herein in chronological order.

**Columbia Basin Compact, Consent to Negotiate.** The Act of March 4, 1925, 43 Stat. 1268, granted the consent of Congress to the States of Washington, Idaho, Oregon and Montana to negotiate and enter into a compact not later than January 1, 1927, providing for an equitable apportionment of the water of the Columbia River and its tributaries. This Act was extended by subsequent acts through January 1, 1935 (Acts of April 13, 1926, 44 Stat. 247; March 3, 1927, 44 Stat. 1403; and June 29, 1932, 47 Stat. 381). The compact not having been entered into, the Congress again granted its consent to the same states and Wyoming to negotiate a compact by the Act of July 16, 1952, 66 Stat. 737. This act was amended by the Act of July 14, 1954, 68 Stat. 468, by adding the States of Nevada and Utah to those already authorized to negotiate and enter into a compact. The 1952 Act, as amended, appears herein in chronological order.

**Bonneville Power Administration.** Executive Order No. 8526, dated August 26, 1940, designated the Bonneville Power Administrator under the supervision of the Secretary as agent for the sale and distribution of electrical power and energy generated at the Grand Coulee Dam project and not required for the operation of that project, including its irrigation features. 5 Fed. Reg. 3390 (1940).

**Legislative History.** H.R. 6732, Public Law 409 in the 74th Congress. H.R. Rept. No. 424. S. Rept. No. 893. H.R. Rept. No. 1738 (on H. Res. 322). H.R. Rept. No. 1816 (conference report).

August 30, 1935

## 540 PARKER AND GRAND COULEE DAMS AUTHORIZED

## NOTES OF OPINIONS

Grand Coulee Dam 1  
Parker Dam 2

## 1. Grand Coulee Dam

The Secretary of the Interior has authority under subsections 2(b), 2(f), 5(a), 5(b) and 9(b) of the Bonneville Project Act; section 5 of the Flood Control Act of 1944; section 9(c) and 14 of the Reclamation Project Act of 1939; and section 2 of the Act of August 30, 1935, 49 Stat. 1039, reauthorizing the Grand Coulee Dam project, to construct transmission lines between the Pacific Northwest and the Pacific Southwest. Solicitor Barry Opinion, 70 I.D. 237 (1963).

## 2. Parker Dam

If an upstream project, such as the proposed Central Arizona project and Bridge Canyon project in the Lower Colorado River Basin, interfere with the statutory responsibility of the Secretary to recover the costs of Hoover Dam by June 1, 1987, or to recover the costs of Davis and Parker Dams within a reasonable period of time, then the cost of such interference should be included as one of the "costs" of the new upstream development under section 9(a) of the Reclamation Project Act of 1939. Memorandum of Chief Counsel Fix, October 9, 1947.

[CHAPTER 13]

AN ACT

March 6, 1943  
[S. 739]  
[Public Law 7]

To amend the Act entitled "An Act to authorize the attendance of personnel of the Army of the United States as students at educational institutions and other places".

56 Stat. 50.  
10 U. S. C., Supp.  
II, § 535 note.  
Army of the U. S.  
Detail of personnel  
as students, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 435, Seventy-seventh Congress, approved February 6, 1942, is hereby amended to read as follows:

"That during the present war and for six months thereafter and notwithstanding other provisions of existing law, personnel of all components of the Army of the United States may be detailed as students at technical, professional, and other educational institutions, or as students, observers, or investigators at industrial plants, hospitals, and other places, and all necessary expenses incident thereto shall be payable from any appropriations available to the Military Establishment: *Provided*, That this Act shall not be construed as authorizing the acquisition of real estate by the War Department, except by lease, for use in the Army specialized training program".  
Approved March 6, 1943.

Lease of real estate.

[CHAPTER 14]

AN ACT

March 10, 1943  
[H. R. 839]  
[Public Law 8]

To amend the Act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project, and substitute and additional authority related to the settlement and development of the project, and for other purposes.

The Columbia  
Basin Project Act.  
16 U. S. C. §§ 835-  
835c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 27, 1937 (ch. 269, 50 Stat. 208), is hereby amended to read as follows:

Purposes.

49 Stat. 1040.

53 Stat. 1187.  
43 U. S. C. § 485k.

Prerequisites to ex-  
penditure of funds.

"SECTION 1. In addition to the primary purposes for which the Grand Coulee Dam project (hereafter to be known as the Columbia Basin project and herein called the 'project') was authorized under the provisions of the Act of August 30, 1935 (49 Stat. 1028), the project is hereby authorized and reauthorized as a project subject to the Reclamation Project Act of 1939; and the provisions of each of those two Acts together with the provisions of this Act shall govern the repayment of expenditures and the construction, operation, and maintenance of the works constructed as a part of the project.

"SEC. 2. (a) No part of the funds heretofore or hereafter appropriated or allotted for project construction or for the reclamation of land within the project shall be expended in the construction of any irrigation features of the project, exclusive of Grand Coulee Dam and appurtenant works now under construction and of the pumping plant and equalizing reservoir and dams, until the requirements of the following subdivisions (i) and (ii) of this subsection (a) have been met:

Appraisals and re-  
appraisals.

"(i) All lands within the project shall have been impartially appraised by the Secretary of the Interior (hereinafter called the 'Secretary') and evaluated at the date of appraisal without reference to or increment on account of the construction of the project. Reappraisals may be made at any time by the Secretary, and will be made upon the request of the landowner concerned accompanied by an advance to the United States of \$15 for each quarter section or fraction thereof involved, on account of expense thereof. In such reappraisals the Secretary shall take into account, in addition to the value found in the first appraisal, improvements made after said appraisal,

such irrigation construction charges on the land as have been paid, and other items of value that are proper, other than increments on account of the construction of the project. The term 'appraised value' as used in this Act shall mean appraised values determined as provided in this subsection.

"Appraised value."

"(ii) Contracts shall have been made with irrigation, reclamation, or conservancy districts organized under State law embracing the lands within the project providing for payment thereby of that part of the cost of construction of the project determined by the Secretary to be the part thereof to be repaid by irrigation. Each such contract shall conform to the requirements of this Act, shall require repayment within the maximum period permitted under the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto (hereinafter called the Federal reclamation laws), and provide that payments shall be enforceable by all means and remedies provided in said laws.

Repayment contracts.

"(b) (i) The lands within the project shall be developed in irrigation blocks, as that term is defined in the Reclamation Project Act of 1939. The Secretary shall segregate the lands in each irrigation block into farm units of sufficient acreage for the support of an average-sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as, in his judgment, enter into the determination of the area and boundaries thereof; and shall establish the units as hereafter provided. No farm unit shall contain more than one hundred and sixty or less than ten acres of irrigable land, except that any nominal quarter section comprising more than one hundred and sixty acres of irrigable land may be included in one farm unit, and except that lands owned by the United States may be established into units of lesser size for part-time farming purposes.

Irrigation blocks.  
53 Stat. 1187.  
43 U. S. C. § 485k.  
Segregation into farm units.

"(ii) Prior to the initial delivery of water to an irrigation block, the Secretary shall prepare a plat of all the farm units in the irrigation block and shall publish a notice of the intention to establish such farm unit plat in six weekly issues of a newspaper of general circulation in the county or counties in which any part of the irrigation block is located. From the date of first publication, a copy of the plat shall be available in the county auditor's office of each of said counties for public inspection during the business hours of the office. Any interested landowner shall have the right to file written objections to the plat with the county auditor of the county in which his lands are situated before the close of the period of publication. After expiration of the period of publication the Secretary shall consider and determine all such objections, draw the plat in final form and file it for record in said county auditors' offices. With the consent of the owners of all farm units affected, the Secretary may revise the plat or any part thereof from time to time, and place the revisions of record with the original plat.

Publication of plats prior to initial delivery of water.

Public inspection.

Objections.

Revisions.

Restrictions on delivery of water.

Nonapplicability to U. S. lands.

"(iii) Water shall not be delivered from, through, or by means of the project works to or for lands not conforming in area and boundaries to the farm units covering the lands involved, nor to or for more than one farm unit held by any one landowner, except that as to lands held by the one having equitable or legal title on May 27, 1937, or the heir or devisee of such owner, delivery may be made to or for a total irrigable area not exceeding the maximum provided in this section. The limitations of this subdivision shall not apply to lands owned by the United States or any agency or instrumentality thereof, corporate or otherwise.



Excess land.

“(iv) Lands within the project in excess of one farm unit held by any one landowner shall, except as otherwise provided in this Act, be deemed excess land: *Provided*, That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor.

Definition of terms.

“(v) As used in this Act, the terms ‘owner’, ‘landowner’, and ‘any one landowner’ denote any person, corporation, joint-stock association, or family; the term ‘family’ denotes a group consisting of either or both husband and wife, together with their children under eighteen years of age, or all of such children if both parents are dead; the term ‘their children’ includes the issue and lawfully adopted children of either or both husband and wife; and the term ‘lands within the project’ denotes those lands within the boundaries of the existing Columbia Basin irrigation districts, or revisions thereof approved by the Secretary, which the Secretary determines may be supplied water from, through, or by means of the project works and are required to be included to provide for sound development and operation of the project. Lands shall be deemed to be held by a family, if held as separate property of husband or wife, or constitute a part or all of their community property, or if they are the property of any or all of their children under eighteen years of age.

Execution of recordable contract by landowner.

“(c) As a condition precedent to receiving water from the project and in consideration thereof, each landowner shall be required to execute, within six months from the date of the execution of the contract between the United States and the district within which the land is located, a recordable contract covering all his lands within that district, agreeing as to such lands for and on behalf of himself, his heirs, successors, and assigns to the provisions set forth in this subsection (c): *Provided*, That any landowner, having failed to execute such a contract within this period, may be permitted to execute such contract within one year after the date of judicial confirmation of the validity of the contract between the United States and the district but only in accordance with such rules and regulations as may be prescribed under section 8 concerning this privilege.

Time extension.

Contract provisions.

Conformity to pertinent units.

Disposal of excess land.

U. S. option.

Consideration not to exceed appraised value.

Affidavit.

“Each such recordable contract shall provide—  
 “(i) That the landowner will conform his lands by purchase, sale, or exchange at the appraisal values to the area and boundaries of the pertinent farm unit or units shown on the plats filed under subsection 2 (b) and will dispose of excess land then or thereafter owned by him at its appraised value; that the Secretary is thereby given an irrevocable power of attorney to sell in behalf of the landowner any such excess land at said appraised value; and that the United States is thereby given, without further consideration, an option to buy any such excess land at said appraised value: *Provided*, That sales under such power or such option, unless otherwise provided in writing by said owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time.  
 “(ii) That in the period from the date of execution thereof and to a date five years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or nonexcess lands, shall be made for a consideration exceeding its appraised value, and in connection with any conveyance of, or contract to convey, such an estate

of one farm unit held otherwise provided in this excess land is acquired in satisfaction of water therefor may be within five years from the date of water thereafter the owner duly qualified to

'landowner', and 'any person, joint-stock association, partnership, or group consisting of either one or more children under eighteen years of age; the parents are dead; the fully adopted children of the landowner; term 'lands within the boundaries of the existing project works and are approved for development and operation thereof to be held by a family, or constitute a part of the property of years of age.

water from the project or shall be required to execute the execution of the district within which he owns all his lands within the district on behalf of himself, or on behalf of another person, having failed to comply with the provisions set forth in this section, he shall not be permitted to exercise the right of judicial conveyance between the United States and the district under the rules and regulations governing this privilege.

lands by purchase, sale, lease, or otherwise, and the boundaries of the lands shall be as shown on the plats filed under the act and thereafter the Secretary is thereby authorized to acquire in behalf of the landowner the land at the appraised value; and that the Secretary, in his consideration, an appraised value: *Provided*, unless otherwise provided, the land shall be sold only for cash and only for any area of excess land for farming or grazing may

execution thereof and the proceeds available for the project to convey a freehold interest in excess lands, shall be at the appraised value, and in consideration of such an estate

within such period the grantor or vendor or the grantee or vendee or any lien holder thereof shall, within thirty days from the date of such conveyance or contract, file in the office of the county auditor in the county or counties in which the land is located an affidavit describing the conveyance or contract and the consideration therefor.

"(iii) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within said thirty days the affidavit required in (ii) of this subsection, or is made for a consideration in excess of the appraised value, the Secretary, at any time within two years of the day on which there is filed for recording in the official county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of such estate to receive water from, through, or by means of the project works by a written notice of cancellation: *Provided*, That said power to cancel as to any given parcel of land may be waived by the Secretary at any time within said two-year period by a written notice of waiver: *And provided further*, That after any such cancellation a project water right for the estate involved may be acquired only on terms and conditions satisfactory to the Secretary.

"(iv) That should any freehold estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (ii) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection 3 (b) hereof.

"Any or all of the provisions of this subsection (c) required to be included in the recordable contracts may be made covenants running with the land when said recordable contracts expressly so provide.

"(d) Each contract made pursuant to subdivision 2 (a) (ii) shall provide that no water will be delivered from, through, or by means of the project works except in accordance with the provisions and limitations of section 2 hereof.

"(e) Each district contract may include provisions—

"(i) Requiring that all lands within the district not covered by recordable contracts provided for under subsection (c) or otherwise not eligible to receive water shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the Secretary may prescribe for postponement in payment of all or part of such assessments but not beyond the expiration of the period during which the price limit under subsection 2 (c) applies.

"(ii) That, without compliance with other provisions of State law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before such date fixed by such board between a date ten days after the official notice of the election on the contract between the United States and the district and the date of such election. The date limiting the time of such filing shall be announced in the official notice of the proposed election, and lands for which such notice is filed shall be deemed excluded from the district for all purposes as of the time of such filing. Thereafter lands so withdrawn and excluded so long as they remain in private ownership shall not be entitled to receive water from, through, or by means of the project works.

"(f) Any instrument, action, determination, rule, or regulation of the Secretary or his duly authorized representatives under the authority of this section 2 which is or may be determinative of the title to lands or interest in lands in private ownership within the project shall be effective as to any given parcel of land, as against purchasers

Cancellation of water rights.

Waiver.

Subsequent acquisition.

Conveyance of freehold estates; applicable provisions.

Covenants running with land.

Repayment contracts, provision.

District contract provisions. Assessments.

Withdrawal of lands.

Effect of recording.

for value without actual notice, only from the time of the filing for record in the office of the county auditor of the county or counties in which the lands affected are located of a copy thereof authenticated in the manner authorized by law. Such filing shall impart legal notice to the public of the matters and things set out therein.

Fraudulent misrepresentation of consideration.

"SEC. 3. (a) Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by a recordable contract made under subsection 2 (c) hereof, in the affidavit required by that subsection shall constitute a misdemeanor punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty.

Consideration in excess of appraised value.

"(b) Should any freehold estate in lands subject to the recordable contract made under subsection 2 (c) hereof be conveyed or contracted to be conveyed, after the date of execution of such recordable contract and within five years from the time water becomes available for such lands, at a consideration in excess of the appraised value of said estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be invalid and unenforceable by the vendor or grantor, his successors or assigns as to that part of the consideration in excess of the appraised value of the estate involved. In the case of any such transaction involving deferred payments, said invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

Transaction involving deferred payments.

Recovery of certain excess payments.

"The vendee or grantee in any such transaction, at any time within two years from the date of any such conveyance or contract and on filing a correct affidavit as required in subdivision 2 (c) (ii), may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

Court costs and attorneys' fees.

"In connection with any judgment or decree hereunder in favor of a vendee or grantee, said vendee or grantee shall have the right to recover court costs and reasonable attorneys' fees.

Administration.  
*Post*, p. 20.

"SEC. 4. (a) For the purposes of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, and preventing speculation in project lands, the Secretary is authorized to administer public lands of the United States in the project area and lands acquired under this section; to sell, exchange, or lease such lands; to establish town sites on such lands; to dedicate portions of such lands for public purposes in keeping with sound project development; to acquire in the name of the United States, at prices satisfactory to him, such lands or interest in lands, within or adjacent to the project area, as he deems appropriate for the protection, development, or improvement of the project; to accept donations of real and personal property for the purposes of this Act; and to disseminate information by appropriate means and methods. Any moneys realized on account of donations for purposes of this Act shall be covered into the Treasury as trust funds.

Contracts, exchanges, leases.

"(b) Contracts, exchanges, and leases made under this section, shall be on terms that, in the Secretary's judgment, are in keeping with sound project development. In addition, land sale contracts shall be on a basis that, in the Secretary's judgment, provides for the return in a reasonable period of years of not less than the appraised value of the land and improvements thereon.

Qualifications of applicants.

43 U. S. C. § 433;  
Supp. II, § 433 note.

"Qualifications of applicants for the purchase of land for irrigation farming shall be prescribed as provided in subsection C of section 4 of the Act of December 5, 1924 (43 Stat. 702), notwithstanding any other provisions of law.

[57 STAT.]

57 STAT.]

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"SEC. 5. (a) The Secretary may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property situated therein after it is acquired pursuant to the authority of this Act and before execution by the United States of a contract of sale covering it, out of funds derived from the leasing of such lands. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision as the case may be upon such property if it were not exempt from taxation thereby.

"(b) Any public lands within the project and any lands or interests in lands acquired by the United States under this Act, beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations made under section 8, shall be (i) subject to the provisions of the laws of the State of Washington relating to the organization, government, and regulation of irrigation, reclamation, and conservancy districts, and (ii) subject to legal assessment or taxation by any such district, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands of like character. The United States does not assume any obligation for amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land sale contracts made under this Act, and to any lien for any other charges, accrued or unaccrued, under and by virtue of such contracts or any contract between the United States and the district in which the land is located. Regulations to carry out this subsection shall be effective when filed for record in the manner provided in subsection 2 (f).

"(c) In addition to taxation or assessment under subsection 5 (b) upon execution by the United States of a contract of sale of any lands within the project, the lands under contract may be taxed by the State or political subdivision thereof in the same manner and to the same extent as privately owned lands of a like character. All taxes legally so assessed may be enforced in the same manner and under the same proceeding whereby said taxes are enforced against privately owned lands, subject to the limitations in favor of the United States that govern the enforcement of district assessments or taxes as provided in subsection 5 (b). If lands under any such contract shall at any time revert to the United States before transfer of title under the contract by reason of default thereunder, all liens or tax titles resulting from taxes levied pursuant to the authority of this subsection upon such lands shall be thereupon extinguished; and the levying of any such tax by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title.

"SEC. 6. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such moneys as may be necessary to carry out the provisions of this Act, to be reimbursable to the extent required by this Act. All revenues received in carrying out the provisions of section 4 hereof shall be covered into the General Treasury as miscellaneous receipts. Amounts equal to appropriated funds requisitioned by the Secretary and made available for disbursement on the books of the Treasurer of the United States shall be debited in a special account in the Treasury, to be known as the Columbia Basin Land Development Account. Amounts equal to revenues covered into the General Treasury as miscellaneous receipts shall be credited in said special account. After such credits equal the amount of the debits with interest thereon at the rate of

Lands acquired by  
U. S.  
Annual payments in  
lieu of taxes.

Lands subject to  
State laws, etc.

No U. S. obligation  
assumed.

Regulations.

Taxation of lands  
under contract.

Lands reverting to  
U. S. before transfer of  
title.

Appropriation au-  
thorized.

Columbia Basin  
Land Development  
Account.

Ratification, etc.,  
by State of Wash-  
ington.

Effective legislation.  
School and other  
public lands.

Administration.  
*Ante*, p. 18.

Delegation of func-  
tions.

Consent to sale of  
public lands of State.

Separability of pro-  
visions.

Short title.

3 per centum per annum from the respective dates of the debits, additional credits in said special account shall be made by the Secretary, in the manner determined by him, the basis of corresponding credits to the construction cost obligations of the district or districts entering into contracts under section 2 hereof.

"SEC. 7. No water shall be delivered for irrigation within the project until the State of Washington, by appropriate legislation, shall have adopted, authorized, ratified, and consented to all the provisions of this Act insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.

"Legislation otherwise conforming to the standards above stated in this section will meet the requirements of the section even though, by reason of limitations in the State constitution, the contracts required under subsection 2 (c) cannot be executed pursuant to such legislation as to the State's school and other public lands. As to such lands, the provisions and requirements of subsection 2 (c) shall remain effective, but if these constitutional limitations have not been removed at least six months prior to the expiration of the time provided for the execution of the contracts the time is hereby extended for a period ending six months after the removal of the limitations.

"SEC. 8. The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in the contracts hereinafter provided for such provisions as he deems proper for carrying out the provisions of this Act; and in connection with sales or exchanges under the Act, he is authorized to effect conveyances without regard to the law governing the patenting of public lands. Wherever in this Act functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives.

"SEC. 9. The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington comprising a part of the lands within the project at prices not to exceed their appraised values, determined as provided in subsection 2 (a) hereof.

"SEC. 10. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"SEC. 11. This Act may be cited as 'The Columbia Basin Project Act'."

Approved March 10, 1943.

[CHAPTER 15]

AN ACT

To extend for one year the provisions of An Act to promote the defense of the United States, approved March 11, 1941.

March 11, 1943  
[H. R. 1501]  
[Public Law 9]

An Act To Promote  
the Defense of the  
United States.  
Time extension.  
55 Stat. 32, 33.  
22 U. S. C., Supp.  
II, §§ 412 (c), 415 (b).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (c) of section 3 of An Act to promote the defense of the United States, approved March 11, 1941, is amended by striking out "June 30, 1943" wherever it appears therein and inserting in lieu thereof "June 30, 1944"; by striking out "July 1, 1946" and inserting in lieu thereof "July 1, 1947"; and by striking out "July 1, 1943" and inserting in lieu thereof "July 1, 1944"; and subsection (b) of section 6 of such Act is amended by striking out "June 30, 1946" and inserting in lieu thereof "June 30, 1947".

Approved March 11, 1943.

Document Content(s)

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