

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Reclamation Standard Water-Related Contract Articles, Standard Article 17: Compliance with Federal Reclamation Laws/Small Reclamation Project Laws
<b>Purpose:</b>	To provide the text of and requirements for the application of Standard Article 17: Compliance with Federal Reclamation Laws/Small Reclamation Project Laws (Standard Article 17), for the benefit of supporting general policy and specific requirements set forth in Reclamation Manual Policy, <i>Reclamation Standard Water-Related Contract Articles</i> (PEC P10).
<b>Authority:</b>	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; especially subsection 224(c) of the Reclamation Reform Act of 1982 (Pub. L. 97-293, Title II, as amended and supplemented; 43 U.S.C. 390ww); 43 C.F.R. 426.3(c)
<b>Approving Official:</b>	Director, Mission Assurance and Protection Organization
<b>Contact:</b>	Reclamation Law Administration Division (84-55000)

1. **Introduction.** There are three versions of Standard Article 17 – Versions A, B, and C. Each version affirms that stated contractual benefits are subject to applicable law and other authorities. Paragraph 4.B. of PEC P10 indicates which contracts require Standard Article 17 without distinguishing between the three versions. The paragraph introducing each version below provides further direction on its application.
2. **Applicability.** This Directive and Standard applies to Bureau of Reclamation staff and officials involved in the contracting process, as defined at Paragraph 5.A. of PEC P10.
3. **Requirements and Responsibilities.** Reclamation staff and officials involved in the contracting process will include the appropriate text below in all contracts requiring Standard Article 17 under Paragraph 4.B. of PEC P10. <sup>1</sup>
  - A. **Version A.** Except as provided in Paragraph 3.B. below, all contracts that are identified as requiring Standard Article 17 under Paragraph 6 of PEC P10 and that provide for delivery of irrigation water and are subject to the discretionary provisions of the Reclamation Reform Act of 1982 must include the following language.<sup>2</sup>

<sup>1</sup>Approved 02/71; revised 01/79; reapproved 10/81; revised 12/82; 11/84; 09/88; 09/99; 01/02; 04/10.

<sup>2</sup>This language was made effective on January 1, 1998, by rules revising Part 426-Acreage Limitation Rules and Regulations (see 43 C.F.R. 426.3(c)).

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### COMPLIANCE WITH FEDERAL RECLAMATION LAWS

The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa, *et seq.*), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

- B. **Version B.** Contracts providing municipal and industrial, recreation, fish and wildlife, or other benefits including extended repayment of extraordinary maintenance and not providing for delivery of irrigation water must include the following language.

### RULES, REGULATIONS, AND DETERMINATIONS

(a) The parties agree that the delivery of water or the use of Federal facilities pursuant to this contract is subject to Federal reclamation law, as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.<sup>3</sup>

(b) The Contracting Officer shall have the right to make determinations necessary to administer this contract that are consistent with its expressed and implied provisions, the laws of the United States [and the State(s) of \_\_\_\_\_],<sup>4</sup> and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Contractor.

- C. **Version C.** Loan contracts made pursuant to the Small Reclamation Projects Act require the following language unless the relevant project depends on federally-

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<sup>3</sup>Subsection (a) may be omitted from contracts that do not provide for the delivery of water or the use of Federal facilities.

<sup>4</sup>The bracketed language may be removed from contracts with federally recognized Indian tribes.

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constructed facilities for water. If the project depends on federally constructed facilities for water, the contract requires Version A, at Paragraph 3.A. above.

### COMPLIANCE WITH SMALL RECLAMATION PROJECT LAWS

The parties agree that lands and irrigation-water users benefited through the use of funds furnished under this contract are subject to the Small Reclamation Projects Act<sup>5</sup>, as amended and supplemented.

4. **Definitions.** See Paragraph 5 of PEC P10.
5. **Review Period.** The originating office will review this release every 4 years.

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<sup>5</sup>70 Stat. 1044; 43 U.S.C. 422a, *et seq.*

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_