

# **Appendix D**

## **Water Marketing Program**

*Submitted by:*

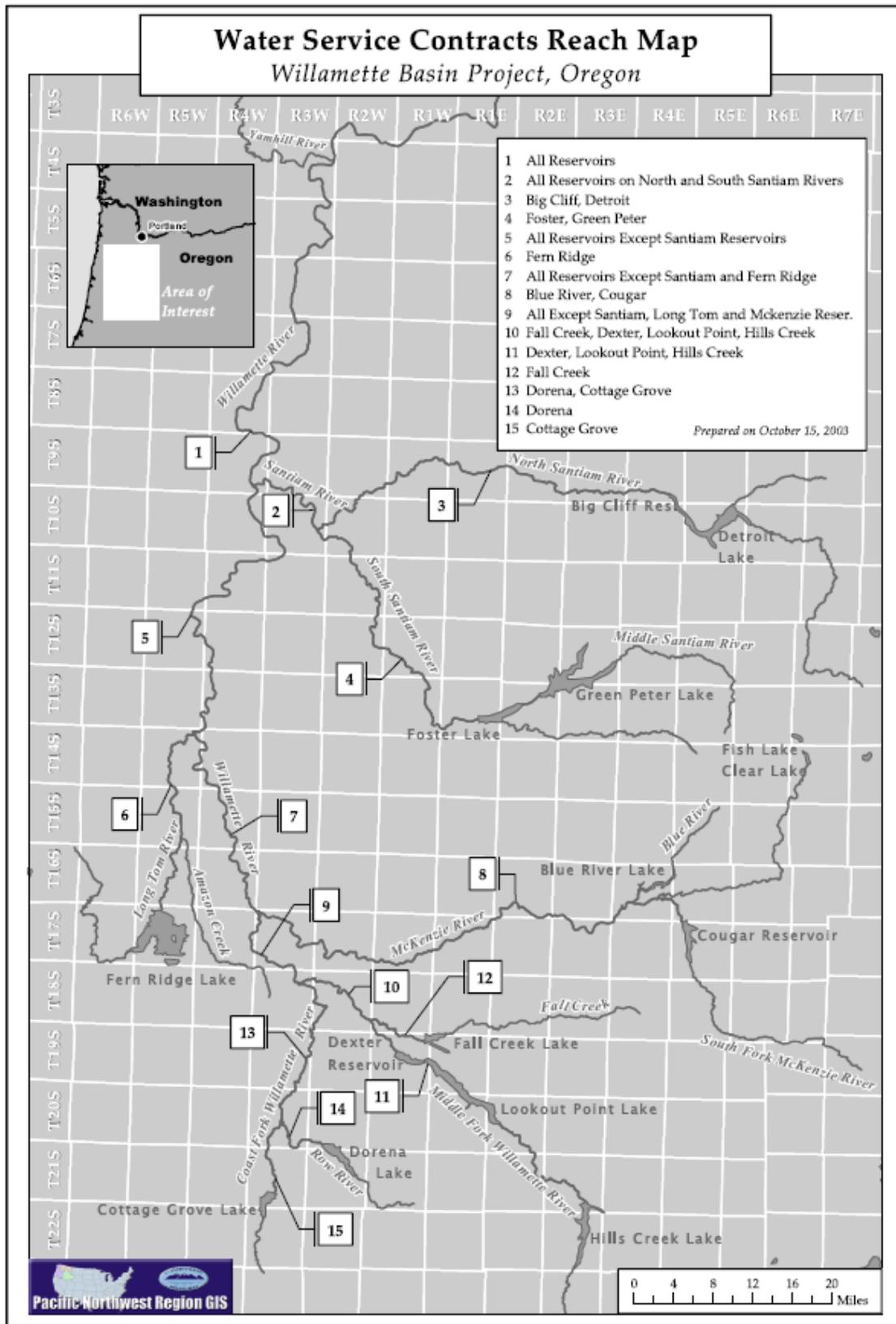
**U.S. Army Corps of Engineers, Portland District  
Bonneville Power Administration  
Bureau of Reclamation**

*Submitted to:*

**National Marine Fisheries Service  
U.S. Fish and Wildlife Service**

**Final May 2007**

# **Willamette Project Supplemental Biological Assessment**



### **Summary of Existing Willamette Basin Water Service Contracts**

The following table provides a summary of existing water service contracts executed in the Willamette River Basin by the US Bureau of Reclamation. Information includes the contract number, the date the contract was executed, the expiration date of the contract, the total acre-feet of storage and number of acres irrigated by the contract, and the river reach from which water may be withdrawn. Contracts without a date in the “Exp\_Date” column provide for automatic renewal and do not contain a definite term for expiration, however the U.S. has reserved the right to terminate the contract upon appropriate advance notice. Contracts with execution dates occurring after 1999 are contracts to replace existing contracts, typically to accommodate a change in land ownership.

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
7-07-10-W0647	05/06/1987	05/06/2027	195	78	6
1-07-10-W0818	12/07/1990	12/07/2030	5.625	2.25	3
6-07-10-W1102	04/22/1996	04/22/2036	6.5	3	8
6-07-10-W1103	04/22/1996	04/22/2036	20	15	5
7-07-10-W0650	05/06/1987	05/06/2027	158	63.2	6
1-07-10-W0828	01/17/1991	01/17/2031	125	50	6
9-07-10-W1227	10/21/1998	10/21/2038	6.85	2.74	8
7-07-10-W1143	03/21/1997	03/21/2037	60	30	8
7-07-10-W0140	09/26/1977	09/26/2017	1.27	0.59	6
6-07-10-W1104	04/22/1996	04/22/2036	94.75	37.9	8
029E101344	03/13/2002	03/13/2042	60.63	28.2	6
2-07-10-W0860	10/24/1991	10/24/2031	64	25.6	11
2-07-10-W0941	09/21/1992	09/21/2032	467.175	186.87	1
9-07-10-W1235	03/17/1999	03/17/2039	63.75	51	8
7-07-10-W0017	04/25/1977	04/25/2017	207.26	96.4	5
6-07-10-W1105	04/22/1996	04/22/2036	4	1.6	8
7-07-10-W0659	05/11/1987	05/11/2027	367	146.8	6
7-07-10-W1176	09/17/1997	09/17/2037	326.75	130.7	6
9-07-10-W1259	07/09/1999	07/09/2039	69.25	27.7	13
7-07-10-W0033	04/26/1977	04/26/2017	96.75	45	1
6-07-10-W1106	04/22/1996	04/22/2036	23.3	23.3	4
5-07-10-W1030	02/27/1995		742.5	424.3	1
7-07-10-W1144	03/21/1997	03/21/2037	25	10	1
5-07-10-W1016	02/28/1995		23.4	9.36	4
5-07-10-W1033	02/28/1995		100	356	2

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
5-07-10-W1034	03/10/1995		150	463.2	2
5-07-10-W1036	03/10/1995		35	121	2
7-07-10-W0050	04/28/1977	04/28/2017	319.49	148.6	6
5-07-10-W1026	03/01/1995		49.25	19.7	4
8-07-10-W1209	06/10/1998	06/10/2038	220.15	88.06	13
7-07-10-W0056	09/30/1977	05/02/2017	344	160	1
14-06-100-5234	07/19/1965	07/19/2005	25	11.75	6
14-06-100-5325	06/26/1975	11/12/2005	233	108.2	6
8-07-10-W0142	05/11/1978	05/11/2017	455.37	211.8	6
8-07-10-W0145	05/25/1978	05/25/2018	107.52	50.01	6
14-06-100-6279	06/12/1968	06/12/2008	131	60.6	3
7-07-10-W0638	04/08/1987	04/08/2027	124.93	49.97	6
14-06-100-6889	11/19/1970	11/19/2010	212	98.7	6
7-07-10-W1179	10/09/1997	10/19/2037	59.8	59.8	6
9-07-10-W1232	01/14/1999	01/14/2039	13.75	5.5	6
5-07-10-W1068	05/08/1995		5	2	8
7-07-10-W0688	08/04/1987	08/04/2027	57.8	23.12	6
8-07-10-W1203	04/07/1998	04/07/2038	100	86	3
5-07-10-W1082	08/23/1995		92.2	46.1	4
2-07-10-W0939	09/21/1992	09/21/2032	5.25	2.1	13
6-07-10-W1086	11/27/1995		5	2	12
5-07-10-W1059	03/14/1995		99.25	39.7	7
8-07-10-W1226	09/29/1998	09/28/2038	77	30.8	7
7-07-10-W1142	03/19/1997	03/19/2037	336	167.22	5
7-07-10-W0654	05/06/1987	05/06/2027	315	126	6

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
6-07-10-W1107	04/22/1996	04/22/2036	29.75	11.9	8
1-07-10-W0827	01/17/1991	01/17/2031	6.75	2.7	3
5-07-10-W1042	03/29/1995		42	32.7	4
6-07-10-W1108	04/22/1996	04/22/2036	6	11.5	8
7-07-10-W1152	04/21/1997	04/21/2037	22.5	9	8
8-07-10-W1200	04/07/1998	04/07/2038	367.5	295.9	5
5-07-10-W1078	07/07/1995		111.5	61.8	3
5-07-10-W0539	05/20/1985	05/20/2025	20	20	3
2-07-10-W0921	07/23/1992	07/23/2032	2.5	1	8
6-07-10-W1109	04/22/1996	04/22/2036	112.5	45	7
7-07-10-W0648	05/06/1987	05/06/2027	37.5	15	6
0-07-10-W0807	08/10/1990	08/10/2030	151.63	60.65	13
7-07-10-W1134	12/16/1996	12/16/2036	100	50	5
7-07-10-W1168	05/28/1997	05/28/2037	236.25	94.5	7
7-07-10-W1164	05/28/1997	05/28/2037	25	10	8
7-07-10-W1130	11/08/1996	11/08/2036	103.5	103.5	1
7-07-10-W1172	06/23/1997	06/23/2037	50	50	4
7-07-10-W0019	04/25/1977	04/25/2017	577.71	268.7	6
7-07-10-W0057	05/02/1977	05/02/2017	137.6	64	6
7-07-10-W0646	05/08/1987	05/08/2027	350	140	6
5-07-10-W0528	11/05/1984	11/05/2024	40	40	6
14-06-100-6853	09/29/1970	09/29/2010	765	356	6
7-07-10-W0055	05/02/1977	05/02/2017	353.25	164.3	6
0-07-10-W0806	08/08/1990	08/08/2030	65	26	13
14-06-100-6273	06/10/1968	06/10/2008	94	43.5	3

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
5-07-10-W1035	03/10/1995		236	94.5	6
7-07-10-W1131	11/08/1996	11/08/2036	828	331.2	6
8-07-10-W1187	12/12/1997	12/12/2037	39	26	6
0-07-10-W0811	09/17/1990	09/17/2030	957.75	383.1	2
7-07-10-W1135	01/16/1997	01/16/2037	56.387	45.11	15
7-07-10-W1149	04/21/1997	04/21/2037	22.5	9	6
14-06-100-7486	12/06/1972	03/25/2008	9625	3500	6
5-07-10-W1023	03/01/1995		45	45	7
7-07-10-W0021	10/11/1977	04/25/2017	129.86	60.4	1
7-07-10-W0036	04/27/1977	04/27/2017	193.5	90	5
7-07-10-W0637	04/08/1987	04/08/2027	825	330	3
2-07-10-W0927	07/27/1992	07/27/2032	51	20.4	14
6-07-10-W1110	04/22/1996	04/22/2036	144	57.6	1
019E101300	03/30/2001	03/30/2041	184.75	73.9	8
6-07-10-W1111	04/22/1996	04/22/2036	17.4	17.4	3
7-07-10-W0673	05/20/1987	05/20/2027	97.5	39	3
7-07-10-W0672	05/20/1987	05/20/2027	114.75	45.9	3
1-07-10-W0817	12/13/1990	12/13/2030	294.75	117.9	6
2-07-10-W0894	06/18/1992	06/18/2032	9.5	3.8	9
5-07-10-W1032	03/10/1995		232.5	93	8
5-07-10-W1054	03/29/1995		182.5	73	4
7-07-10-W1146	04/01/1997	04/01/2037	282.63	135.7	3
7-07-10-W1163	05/28/1997	05/28/2037	200	281	2
2-07-10-W0895	06/19/1992	06/19/2032	7.5	3	8
7-07-10-W1145	03/21/1997	03/21/2037	26.8	26.8	2

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
2-07-10-W0890	06/18/1992	06/18/2032	50	20	8
7-07-10-W0639	04/08/1987	04/08/2027	28	11.2	11
5-07-10-W1043	03/29/1995		15.5	15.5	2
3-07-10-W0504	08/12/1983	08/12/2023	1	1	6
2-07-10-W0928	07/31/1992	07/31/2032	2.75	1.1	8
5-07-10-W1019	03/01/1995		23.5	9.4	8
6-07-10-W1087	11/27/1995		7.5	3	12
5-07-10-W1055	03/29/1995		170	85	6
7-07-10-W0661	05/11/1987	05/11/2027	647.5	259	6
5-07-10-W1044	03/29/1995		247	246.6	8
7-07-10-W0674	06/05/1987	06/05/2027	12.5	5	6
7-07-10-W0012	04/25/1977	04/25/2017	215	100	1
8-07-10-W1213	06/15/1998	06/15/2038	131.25	52.5	8
7-07-10-W0642	04/08/1987	04/08/2027	52	20.8	6
7-07-10-W0115	08/10/1977	08/10/2017	184.69	85.9	5
8-07-10-W1184	11/25/1997	11/25/2037	111.3	111.3	3
7-07-10-W0652	05/06/1987	05/06/2027	74.25	29.7	1
2-07-10-W0947	09/21/1992	09/21/2032	25	10	13
2-07-10-W0903	06/30/1992	06/30/2032	118	171.58	1
5-07-10-W1050	03/29/1995		84.2	33.7	1
6-07-10-W1112	04/22/1996	04/22/2036	32.4	32.4	3
5-07-10-W1052	03/29/1995		197.45	120.3	1
8-07-10-W1193	12/24/1997	12/24/2037	340.75	136.3	1
5-07-10-W1045	03/29/1995		21.25	8.5	1
2-07-10-W0889	06/18/1992	06/18/2032	213.65	85.46	8

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
5-07-10-W1022	03/29/1995		265	258.1	1
5-07-10-W1027	03/01/1995		324.92	269.24	1
0-07-10-W0270	11/06/1980	11/06/2020	299	139	6
5-07-10-W1046	03/29/1995	03/29/2035	171.15	114.1	3
6-07-10-W1113	04/22/1996	04/22/2036	49.9	49.9	3
7-07-10-W0660	05/11/1987	05/11/2027	92.5	37	1
14-06-100-8054	02/13/1974	02/13/2014	325	151	1
5-07-10-W0540	06/25/1985	06/25/2025	28.6	25.7	3
8-07-10-W1202	04/07/1998	04/07/2038	200	203	3
7-07-10-W1173	02/25/1998	02/25/2038	130	98.7	3
7-07-10-W0013	04/25/1977	04/25/2017	144.05	67	3
7-07-10-W1166	05/28/1997	05/28/2037	188.6	94.3	4
1-07-10-W0414	10/01/1981	10/01/2020	1048.77	487.8	6
2-07-10-W0899	06/19/1992	06/19/2032	2.5	1	8
3-07-10-W0479	05/17/1983	05/17/2023	1478	591.2	1
8-07-10-W1218	07/28/1998	07/28/2038	7	7	1
8-07-10-W1210	06/10/1998	06/10/2038	36.3	24.2	3
8-07-10-W1208	06/10/1998	06/10/2038	3.75	1.5	8
2-07-10-W0915	07/23/1992	07/23/2032	72.5	29	8
8-07-10-W0705	01/12/1988	01/12/2028	665	266	6
7-07-10-W0670	05/19/1987	05/19/2027	125	50	6
5-07-10-W1038	03/10/1995		32.8	16.4	6
7-07-10-W0071	05/16/1977	05/16/2017	100.41	46.7	8
8-07-10-W0703	11/27/1987	11/27/2027	291.88	116.75	6
029E101343	03/13/2002	03/13/2042	369.37	171.8	6

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
5-07-10-W1031	03/10/1995		13.75	5.5	8
9-07-10-W0755	08/01/1989	08/01/2029	453	181.2	6
9-07-10-W1267	08/12/1999	08/12/2039	519.75	207.9	13
7-07-10-W0039	04/27/1977	04/27/2017	236.5	110	5
7-07-10-W0026	04/25/1977	04/25/2017	344	160	1
7-07-10-W0675	07/22/1987	07/22/2027	1697.8	679.12	3
6-07-10-W1118	06/05/1996	06/05/2036	298.79	298.79	3
1-07-10-W0847	07/18/1991	07/18/2031	962	384.8	5
7-07-10-W0635	04/08/1987	04/08/2027	57.5	23	3
7-07-10-W0634	04/08/1987	04/08/2027	48.75	19.5	3
7-07-10-W0636	04/08/1987	04/08/2027	48.75	19.5	3
8-07-10-W0722	07/26/1988	07/26/2028	135.73	54.29	10
7-07-10-W0016	04/25/1977	04/25/2017	200.81	93.4	4
7-07-10-W1141	03/10/1997	03/10/2037	150	106.4	1
7-07-10-W0040	04/27/1977	04/27/2017	81.92	38.1	1
7-07-10-W0686	03/28/1988	03/28/2028	2003.25	801.3	3
7-07-10-W1167	07/21/1997	07/21/2037	2233.6	2233.6	3
7-07-10-W0651	05/06/1987	05/06/2027	132.5	53	6
7-07-10-W0653	05/06/1987	05/06/2027	203.25	81.3	3
5-07-10-W1053	03/29/1995		410.5	164.2	5
2-07-10-W0917	07/23/1992	07/23/2032	5.5	2.2	8
7-07-10-W0075	06/07/1977	06/07/2017	26.88	12.5	6
7-07-10-W0059	05/02/1977	05/02/2017	121.91	56.7	5
7-07-10-W0058	05/02/1977	05/02/2017	222.53	103.5	5
7-07-10-W1140	02/18/1997	02/18/2037	380.75	152.3	1

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
1-07-10-W0819	12/07/1990	12/07/2030	12.55	5.02	4
5-07-10-W1069	05/08/1995		115	46	5
7-07-10-W0053	04/29/1977	04/29/2017	569.75	265	6
7-07-10-W0683	07/07/1987	07/07/2027	533.25	213.3	6
5-07-10-W1065	03/29/1995		400	191.7	6
7-07-10-W0684	07/07/1987	07/07/2027	263.75	105.5	6
5-07-10-W1021	03/01/1995		11	7.5	8
7-07-10-W0671	05/20/1987	05/20/2027	125.25	50.1	6
1-07-10-W0855	09/17/1991	09/17/2031	26.875	10.75	1
7-07-10-W0060	05/02/1977	05/02/2017	190.92	88.8	6
2-07-10-W0896	06/19/1992	06/19/2032	14.375	5.75	6
2-07-10-W0904	06/26/1992	06/26/2032	68.75	27.5	4
5-07-10-W1029	03/10/1995		105.75	42.3	4
14-06-100-6218	04/02/1968	04/02/2008	172	80	3
5-07-10-W1024	03/01/1995		42	42	4
8-07-10-W1195	12/24/1997	12/24/2037	150	175.4	5
029E101331	10/09/2001	10/09/2041	35	44	6
5-07-10-W1020	03/01/1995		15	6	4
9-07-10-W1228	11/13/1998	11/13/2038	2.83	1.13	8
1-07-10-W0854	09/18/1991	09/18/2031	4.5	1.8	8
8-07-10-W1185	12/10/1997	12/10/2037	4	1.6	5
2-07-10-W0887	05/26/1992	05/26/2032	3.875	1.55	8
7-07-10-W0069	05/13/1977	05/13/2017	150.5	70	6
14-06-100-7802	06/15/1973	06/15/2013	686	319.3	6
7-07-10-W0067	05/12/1977	05/01/2017	285.95	133	6

## Summary of Willamette Basin Water Service Contracts

<i>Contract #</i>	<i>Executed</i>	<i>Exp_Date</i>	<i>AF</i>	<i>Acres</i>	<i>Reach</i>
2-07-10-W0937	09/21/1992	09/21/2032	50.25	20.1	13
039E101380	05/07/2003	05/07/2043	72.4	72.4	1
7-07-10-W0643	05/11/1987	05/11/2027	7.31	7.31	6
019E101299	03/01/2001	03/01/2041	108	43.2	1
7-07-10-W0042	04/27/1977	04/27/2017	58.27	27.1	13

***Contracts to date:***

205

***Contracted Acre-feet:***

50230.802

***Acres Irrigated:***

25026.64

**Summary of Willamette Basin Water Service Contracts**

<b>1 Willamette River</b>	Reservoirs upstream of reach: All Reservoirs			
	No. of Contracts:	28	Total Acre-Feet: 6,760.050	Total Acres: 3,544.44
<b>2 Santiam River</b>	Reservoirs upstream of reach: All Reservoirs on North and South Santiam Rivers			
	No. of Contracts:	7	Total Acre-Feet: 1,485.050	Total Acres: 1,646.60
<b>3 North Santiam River</b>	Reservoirs upstream of reach: Big Cliff, Detroit			
	No. of Contracts:	30	Total Acre-Feet: 9,473.545	Total Acres: 5,807.26
<b>4 South Santiam River</b>	Reservoirs upstream of reach: Foster, Green Peter			
	No. of Contracts:	14	Total Acre-Feet: 1,096.110	Total Acres: 564.68
<b>5 Willamette River</b>	Reservoirs upstream of reach: All Reservoirs Except Santiam Reservoirs			
	No. of Contracts:	15	Total Acre-Feet: 3,631.390	Total Acres: 1,842.62
<b>6 Long Tom River</b>	Reservoirs upstream of reach: Fern Ridge			
	No. of Contracts:	58	Total Acre-Feet: 24,052.875	Total Acres: 9,876.55
<b>7 Willamette River</b>	Reservoirs upstream of reach: All Reservoirs Except Santiam and Fern Ridge			
	No. of Contracts:	5	Total Acre-Feet: 570.000	Total Acres: 255.00
<b>8 McKenzie River</b>	Reservoirs upstream of reach: Blue River, Cougar			
	No. of Contracts:	31	Total Acre-Feet: 1,640.115	Total Acres: 854.48
<b>9 Willamette River</b>	Reservoirs upstream of reach: All Except Santiam, Long Tom and Mckenzie Reser.			
	No. of Contracts:	1	Total Acre-Feet: 9.500	Total Acres: 3.80
<b>10 Middle Fork Willamette River</b>	Reservoirs upstream of reach: Fall Creek, Dexter, Lookout Point, Hills Creek			
	No. of Contracts:	1	Total Acre-Feet: 135.730	Total Acres: 54.29
<b>11 Middle Fork Willamette River</b>	Reservoirs upstream of reach: Dexter, Lookout Point, Hills Creek			
	No. of Contracts:	2	Total Acre-Feet: 92.000	Total Acres: 36.80
<b>12 Fall Creek</b>	Reservoirs upstream of reach: Fall Creek			
	No. of Contracts:	2	Total Acre-Feet: 12.500	Total Acres: 5.00
<b>13 Coast Fork Willamette River and Row River</b>	Reservoirs upstream of reach: Dorena, Cottage Grove			
	No. of Contracts:	9	Total Acre-Feet: 1,164.550	Total Acres: 469.61
<b>14 Row River</b>	Reservoirs upstream of reach: Dorena			
	No. of Contracts:	1	Total Acre-Feet: 51.000	Total Acres: 20.40
<b>15 Coast Fork Willamette River</b>	Reservoirs upstream of reach: Cottage Grove			
	No. of Contracts:	1	Total Acre-Feet: 56.387	Total Acres: 45.11
	<b>Report Totals:</b>	<b>205</b>	<b>50,230.802</b>	<b>25,026.64</b>

Percent of storage space allocated to conservation use, which includes irrigation, under contract: 3.154% of 1,592,800 AF

March 2007

### Summary of Requests for New Willamette Basin Water Service Contracts

<b>1</b>	<b>Willamette River</b>	Reservoirs upstream of reach: All Reservoirs	No. of Contracts: 25	Total Acre-Feet: 16,515.270	Total Acres: 8,048.96
<b>2</b>	<b>Santiam River</b>	Reservoirs upstream of reach: All Reservoirs on North and South Santiam Rivers	No. of Contracts: 1	Total Acre-Feet: 350.000	Total Acres: 236.00
<b>3</b>	<b>North Santiam River</b>	Reservoirs upstream of reach: Big Cliff, Detroit	No. of Contracts: 4	Total Acre-Feet: 2,795.500	Total Acres: 1,264.10
<b>4</b>	<b>South Santiam River</b>	Reservoirs upstream of reach: Foster, Green Peter	No. of Contracts: 4	Total Acre-Feet: 78.500	Total Acres: 31.40
<b>5</b>	<b>Willamette River</b>	Reservoirs upstream of reach: All Reservoirs Except Santiam Reservoirs	No. of Contracts: 9	Total Acre-Feet: 8,793.150	Total Acres: 7,047.90
<b>6</b>	<b>Long Tom River</b>	Reservoirs upstream of reach: Fern Ridge	No. of Contracts: 5	Total Acre-Feet: 541.400	Total Acres: 433.65
<b>7</b>	<b>Willamette River</b>	Reservoirs upstream of reach: All Reservoirs Except Santiam and Fern Ridge	No. of Contracts: 1	Total Acre-Feet: 198.750	Total Acres: 79.50
<b>8</b>	<b>McKenzie River</b>	Reservoirs upstream of reach: Blue River, Cougar	No. of Contracts: 7	Total Acre-Feet: 100.050	Total Acres: 61.48
<b>10</b>	<b>Middle Fork Willamette River</b>	Reservoirs upstream of reach: Fall Creek, Dexter, Lookout Point, Hills Creek	No. of Contracts: 3	Total Acre-Feet: 823.000	Total Acres: 444.00
<b>11</b>	<b>Middle Fork Willamette River</b>	Reservoirs upstream of reach: Dexter, Lookout Point, Hills Creek	No. of Contracts: 2	Total Acre-Feet: 2.750	Total Acres: 1.10
<b>13</b>	<b>Coast Fork Willamette River and Row River</b>	Reservoirs upstream of reach: Dorena, Cottage Grove	No. of Contracts: 1	Total Acre-Feet: 1.500	Total Acres: 0.60
	<b>Report Totals:</b>		<b>62</b>	<b>30,199.870</b>	<b>17,648.69</b>

Percent of storage space allocated to conservation use, which includes irrigation, under proposed new contracts: 1.896% of 1,592,800 AF

March 2007

*123.5-007*

ADDRESS REPLY TO  
THE DISTRICT ENGINEER  
(NOT TO INDIVIDUALS)

CORPS OF ENGINEERS, U. S. ARMY  
OFFICE OF THE DISTRICT ENGINEER  
PORTLAND, OREGON DISTRICT  
628 PITTOCK BLOCK  
PORTLAND 5, OREGON

NPPGT-1

JUL 11 AM 10 09

REFER TO FILE

NO.

Mr. E. T. Nelson  
Regional Director  
U. S. Bureau of Reclamation  
Box 937  
Boise, Idaho

*Handwritten signature/initials*

OFFICIAL FILE COPY		
July 12, 1956		
TO	FILE	DATE
310	RUC	7/20
110	WB	7/23
150	WB	9/12

*an 9/12*

Dear Sir:

Reference is made to the series of correspondence during 1952 and 1953 which constitute the agreement between the Bureau of Reclamation and the Corps of Engineers for the sale of water from Willamette Basin reservoirs of the Corps for irrigation purposes. Inasmuch as the procedure has been established and collections are being received under contracts with water users for the sale of water from Corps' dams, it has become necessary in the interests of proper accounting procedure for this office to have information as to the amounts creditable as reimbursement of costs allocated to irrigation at the several reservoirs.

This office has been directed to negotiate a modification of the original agreement to provide for the reporting by the Bureau of Reclamation to the District Engineer the amount of revenue deposited into the United States Treasury applicable toward payment of the allocated cost of the irrigation storage provided at Corps of Engineers' reservoir projects in Willamette Basin. Your concurrence in the procedure outlined below will constitute such a modification to the existing letter agreement.

1. The Bureau of Reclamation shall report annually to the District Engineer, 628 Pittock Block, Portland 5, Oregon, on or about June 15, the amount of revenue deposited into the United States Treasury applicable toward repayment (reimbursement) of the costs of storage allocated to irrigation at the Corps of Engineers' reservoirs in Willamette Basin. In the preparation of the above report, the amounts creditable from all contracts supplied by a single reservoir should be combined. Where contracts may be supplied from more than one reservoir, the amount creditable from all contracts which may be supplied by any specific group of reservoirs should be combined into a single figure. Distribution of credit to individual reservoirs in each group will be made by this office.

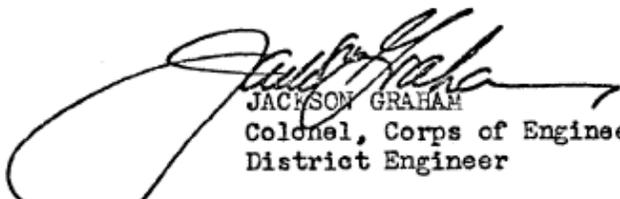
Nelson, H. T.

July 12, 1956

2. In the preparation of the initial report, information for all years prior to Fiscal Year 1956 may be combined, but Fiscal Year 1956 should be listed separately.

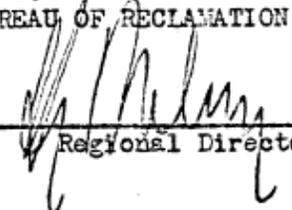
It is requested that you indicate your approval and acceptance of the above provisions of this modification to the letter agreement between the Bureau of Reclamation and the Corps of Engineers for the sale of water from Willamette Basin reservoirs of the Corps for irrigation purposes by indorsement hereon and return one signed copy to this office.

Very truly yours,

  
JACKSON GRAHAM  
Colonel, Corps of Engineers  
District Engineer

The procedures outlined in the above modification to the letter agreement between the Bureau of Reclamation and the Corps of Engineers for the sale of water from Willamette Basin reservoirs of the Corps for irrigation purposes are approved and accepted this 12th day of September 1956, at Boise, Idaho.

U. S. DEPARTMENT OF INTERIOR  
BUREAU OF RECLAMATION, REGION 1

  
Regional Director

123:5,007

ADDRESS REPLY TO  
 THE DISTRICT ENGINEER  
 (NOT TO INDIVIDUALS)  
 NPPGP-1

CORPS OF ENGINEERS, U. S. ARMY  
 OFFICE OF THE DISTRICT ENGINEER  
 PORTLAND, OREGON DISTRICT  
 628 PITTOCK BLOCK  
 PORTLAND 5, OREGON

NO. <i>WBS</i>		
January 6, 1953.		
<i>150</i>	<i>H m</i>	
<i>700</i>	<i>one</i>	<i>1/2</i>
FILE	<i>WBS</i>	<i>76</i>

REFER TO FILE  
 NO.

Mr. H. T. Nelson,  
 Regional Director,  
 U. S. Bureau of Reclamation,  
 Box 937,  
 Boise, Idaho.

*[Handwritten signature]*

Dear Sir:

Receipt is acknowledged of your letter of December 15, 1952; with your concurrence in the statements of basic policy and responsibility in my letter of November 7, 1952, on use of irrigation water stored in Willamette Basin Project reservoirs.

We do not believe that a formal joint statement of policies and responsibilities is necessary. Since by your letter you have accepted such basic policy and respective responsibilities, I am submitting my letter of November 7, 1952, and your reply of December 15, 1952, to higher authorities for approval as a letter agreement. If approved by our respective higher authorities, the agreement can be considered as consummated.

In regard to the responsibility on cost allocations, the statement of policy outlined in my letter is the same as previously proposed and agreed to in conference and by correspondence. In the future as in the past, all cost allocations will be subject to final determination by the Chief of Engineers. We will continue to obtain basic data on irrigation benefits, distribution costs, and other applicable data from the Bureau for use in connection with such cost allocations.

Very truly yours,

*[Handwritten signature]*  
 T. H. Lipscomb,  
 Colonel, Corps of Engineers,  
 District Engineer.

December 15 1952

DEC 15 1952

Willamette  
Sincerely

Sumner  
12/15/52  
Tobert 12/15

Colonel T. H. Lipscomb  
District Engineer  
Corps of Engineers  
Portland 5, Oregon

Dear Colonel Lipscomb:

I have received your letter of November 7 relating to the irrigation use of water stored in the Willamette Basin Project reservoirs and regret that other commitments have prevented a more prompt reply.

The general statements of policies in your letter follow quite closely those contained in the proposed joint agreement which was submitted to you by our letter of March 7, and later forwarded to Mr. Oakes by our letter of September 22. I note, however, that you propose to have the responsibility for determining cost allocations relating to irrigation, rest with the Corps of Engineers rather than have this matter the subject of joint action. On the understanding that there will be opportunity for presentation of our views prior to final determination of these matters, consistent with allocation procedures followed with the Corps in projects of the Bureau, this arrangement is acceptable to me. I would prefer that the agreement on principles and policies take the form of a joint statement as heretofore proposed. If, however, your procedures require that there be a preliminary formalization of views through the issuance of an exchange of letters, you can use this letter as effecting concurrence.

Sincerely yours,

(Signed) H. T. Nelson

Regional Director

Copy to: Commissioner, Washington, D. C.  
Regional Counsel, Boise, Idaho  
Regional Planning Engineer, Boise, Idaho  
Area Planning Engineer, Salem, Oregon

WBurpee:frb

RECEIVED  
BUREAU OF RECLAMATION  
ADDRESS REPLY TO  
THE DISTRICT ENGINEER  
(NOT TO INDIVIDUALS)  
BOISE, IDAHO

CORPS OF ENGINEERS, U. S. ARMY  
OFFICE OF THE DISTRICT ENGINEER  
PORTLAND, OREGON DISTRICT  
628 PITTOCK BLOCK  
PORTLAND 5, OREGON

NPPGP-1

NOV 10 PM 1:13

November 7, 1952.

150 WB 12/12  
WB 12/12

*Storage*

REFER TO FILE

NO.

Mr. Harold T. Nelson,  
Regional Director,  
U. S. Bureau of Reclamation,  
Box 937,  
Boise, Idaho.

Dear Sir:

Reference is made to your letter of June 17, 1952, in which you present the determination by the Commissioner of the Bureau of Reclamation of the authority of the Bureau to contract for the sale of water for irrigation purposes to be released on the request of the Bureau from reservoirs of the Willamette Valley Project.

In view of the above determination of authority and the results of discussions and correspondence between our respective offices at field level and at the Washington level, and in conformance with the intent of the Columbia Basin agreement of April 11, 1949, between the Bureau of Reclamation and the Corps of Engineers, the following basic policies on administration of irrigation matters in Willamette River Basin are submitted for your consideration and approval:

Negotiations with local interests for the sale of that water reserved for irrigation purposes from all Corps of Engineers' reservoirs in Willamette River Basin, whether built before or after the passage of the Flood Control Act of 1944 and the administration of contracts for such sales and collection of revenues shall be the responsibility of the Bureau of Reclamation.

A copy of all contracts for the sale of water for irrigation will be furnished to the District Engineer.

Any filing for water required pursuant to Reclamation laws made by the Bureau of Reclamation with the State Engineer shall be subject to the stipulations of this agreement and the limitations of the stored water made available by the District Engineer for irrigation use at the time of the filing. It shall be the responsibility of the District Engineer to furnish the Bureau initially a statement of stored water to be

Mr. Harold T. Nelson.

November 7, 1952.

made available now from present reservoirs to meet immediate needs and annually thereafter to make available such additional amounts of stored water as he considers available for irrigation from the several reservoirs to meet increased needs.

Annually, prior to the beginning of the irrigating season, the Bureau will submit to the District Engineer an estimate of the requirements of stored water to fulfill commitments to irrigators, giving the location, amount, and probable monthly distribution of the demand. Where the water requirements as determined by the Bureau can be supplied from more than one reservoir, the District Engineer reserves the right to decide, as the season progresses, from which reservoirs water is to be supplied. The District Engineer will be solely responsible for the operation of the reservoirs, both in the interest of irrigation and also for the other functions as stipulated by the project authorization.

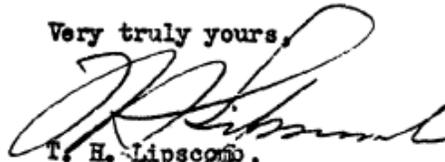
The Corps of Engineers shall provide to the Bureau of Reclamation its determination of the allocations of appropriate capital and operation and maintenance costs to irrigation for the Willamette Basin Project as a whole and where practicable for each reservoir within the project. Such determination of allocation of costs is to be the basis for determination of reimbursement under Reclamation law of irrigation costs attributable to storage.

The Corps of Engineers supports the basic premise that reimbursable irrigation costs as contemplated under existing legislation are to be paid back to the United States. The Corps will cooperate to the fullest extent in the construction, maintenance, and operation of storage dams in Willamette River Basin to the end that repayment by local interests to the United States of the cost of storage properly chargeable to irrigation is achieved. The Corps agrees that the Bureau should proceed by means of its own administrative procedures to secure repayment to the United States for irrigation costs of the reservoirs in the basin and the Corps of Engineers will cooperate to the fullest extent practicable in achieving this objective.

Your written acceptance of the foregoing basic policies will constitute a letter agreement at field level which will be subject to approval of the Chief of Engineers and the Commissioner of the Bureau of Reclamation.

Any further action in this matter by this office will be deferred pending receipt of your reply.

Very truly yours,



T. H. Lipscomb,  
Colonel, Corps of Engineers,  
District Engineer.

JUN 17 1952

*Handwritten signature/initials*

*6/16/52  
Brown  
6/17  
Lee  
6/17*

Colonel T. H. Lipscomb  
District Engineer, Portland District  
Corps of Engineers  
Portland 5, Oregon

Dear Colonel Lipscomb:

Your letter of June 10 concerning the handling of irrigation water in the Willamette Basin asked me to confirm the extent of the Bureau of Reclamation's authority to handle such arrangements. It is correct that the Bureau of Reclamation has adequate authority to handle the sale of water from Corps of Engineers reservoirs in the Willamette Basin. As you know, this is the view of the Commissioner of Reclamation and is in accord with the basic understanding reached between Newell and Weaver in 1945.

In accordance with our oral discussions, I am preparing a communication to the Willamette Basin Commission outlining a method of handling the sale of irrigation water to those interests who desire to divert stored water direct from the streams below the reservoirs. As directed by you in the discussions, we are proceeding on the basis that the basic principles of the agreement now being studied in your office are satisfactory. Whenever it is convenient to your office, we should proceed to work out all terms as to the form and contents of the agreement.

Sincerely yours,

(Signed) H. T. Nelson

Regional Director

Copy to: Regional Counsel, Boise, Idaho  
Regional Planning Engineer, Boise, Idaho  
Area Planning Engineer, Salem, Oregon

WBurpee:au

JUN 2 1952

AIR MAIL

*Super  
6/2  
Stinson*

Colonel F. H. Lipscomb  
District Engineer, Portland District  
Corps of Engineers  
Portland 5, Oregon

*M. Stinson*

Dear Colonel Lipscomb:

I am pleased to receive your letter of May 26 indicating that you now have authority to work out with me a proposed operating agreement which would cover the handling of irrigation water available in the reservoirs in the Willamette Basin. We have previously provided you with drafts of proposed arrangements which can serve as a basis for whatever further discussions are needed.

You asked for a statement from the Commissioner of Reclamation with respect to the handling of repayment for water released from the Willamette Valley reservoirs for irrigation. I have been authorized by Commissioner Straus to make the following statement on his behalf:

"The Congress has determined that any utilization of a reservoir for irrigation, the operation of which is under direction of Army, shall be subject to the provisions of the Federal Reclamation Laws. These laws provide for the execution of repayment contracts by the Department of the Interior. The specific statutory authority for this is found in section 8 of the Flood Control Act of 1944, both by its wording and by clear commitments made on the floor of the Congress and in Committee Hearings and Reports in connection with the enactment of that provision. In addition, the President has heretofore directed and the Congress has provided money for carrying out by the Bureau of Reclamation of irrigation repayment contract arrangements at any dam where, as in the Willamette, no additional federal irrigation works were needed for the utilization of the irrigation storage."

In view of this statement you need have no concern that the reimbursable irrigation costs as contemplated by the authorized Willamette Basin Project will be overlooked.

As heretofore indicated, we can arrange a meeting with you to work out an agreement that will be operative during this irrigation season.

Sincerely yours,

*[Handwritten signature]*  
Regional Director

Copy to: Regional Counsel, Boise, Idaho  
Regional Planning Engineer,  
Boise, Idaho  
Area Planning Engineer, Salem,  
Oregon

lan

ADDRESS REPLY TO  
THE DISTRICT ENGINEER  
(NOT TO INDIVIDUALS)

NPPGP-1

AIR MAIL

REFER TO FILE

NO.

Mr. Harold T. Nelson,  
Regional Director,  
U. S. Bureau of Reclamation,  
Box 937,  
Boise, Idaho.

Dear Sir:

CORPS OF ENGINEERS, U. S. ARMY  
OFFICE OF THE DISTRICT ENGINEER  
PORTLAND, OREGON DISTRICT  
628 PITTOCK BLOCK  
PORTLAND 5, OREGON

*Handwritten signature/initials*

OFFICIAL FILE COPY		
PREPARE REPLY:		
TO	INITIAL	DATE
108	WB	6/2
FILE	WB	6/2

Reference is made to your letter of March 21, 1952, in regard to the sale of irrigation water from Corps of Engineers' reservoirs in Willamette Valley, Oregon, and to my letter of March 7, 1952, and other correspondence between our offices on this subject.

Recent information from the Office, Chief of Engineers indicates that an agreement on irrigation operations in Willamette River Basin, Oregon, between the Bureau of Reclamation and the Corps of Engineers is to be made at the field level, subject to approval of higher authorities of both agencies.

The primary interests of the Corps of Engineers in consummating such an agreement is to see that all benefits built into the project are realized by the public and that reimbursable irrigation costs as contemplated under existing legislation are paid back to the United States. The Corps of Engineers will cooperate to the fullest extent in the construction, maintenance and operation of storage dams in Willamette River Basin to the end that repayment by local interests to the United States of the cost of storage properly chargeable to irrigation is achieved. The Chief of Engineers has advised that your Washington office has taken the position that the Bureau has the necessary authority to contract with local interests for reimbursement of irrigation costs in Willamette River Basin. Discussions with local interests have indicated that there is doubt in the minds of many of the residents of Willamette Valley that such authority is vested in the Bureau of Reclamation where the acreage to be irrigated and from which payment would be received lie outside the limits of any irrigation project specifically authorized by Congress. Should legal authority of the Bureau to negotiate for the sale of irrigation water in Willamette River Basin, outside the limits of

Mr. Harold T. Nelson.

May 26, 1952.

irrigation projects specifically authorized by Congress, be found to be lacking at some time in the future, the entire program for the repayment of the cost of storage at Corps of Engineers' dams in Willamette River Basin properly chargeable to irrigation would be seriously jeopardized.

This office has been unable to definitely establish a statutory authority under which the Bureau is authorized to enter into irrigation activities in the area in the Willamette Basin not included within the limits of irrigation projects authorized by Congress. This office has also not been able to definitely establish any specific statutory authority under which this District is authorized to enter into contracts for the sale of irrigation water from its projects, which authority might be redelegated to the Bureau of Reclamation. In the absence of such specific statutory authority, it appears desirable that the Commissioner of the Bureau of Reclamation make a determination, if possible, that the Bureau of Reclamation has authority under existing law to contract for the sale of water for irrigation purposes, which is released on the request of the Bureau by the Corps of Engineers from the reservoirs of the Willamette Valley Project, and to receive payments therefor for deposit with the Treasury Department to reimburse construction costs of the Government allocable to irrigation. It is understood that such a determination has been made, at least in part, and it is requested that you advise us of the exact status and wording of such a determination by the Commissioner.

Very truly yours,



T. H. Lipscomb,  
Colonel, Corps of Engineers,  
District Engineer.

December 22, 1944

## FLOOD CONTROL ACT OF 1944—SEC. 8

805

**Sec. 8. [Utilization of Army dam and reservoir projects for irrigation pursuant to reclamation laws—Existing projects excepted.]**—Hereafter, whenever the Secretary of War determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and finding thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization Act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: *Provided*, That this section shall not apply to any dam or reservoir heretofore constructed in whole or in part by the Army engineers, which provides conservation storage of water for irrigation purposes. (58 Stat. 891; 43 U.S.C. § 390)

## NOTES OF OPINIONS

Existing uses 1  
 Judicial proceedings 2  
 Reclamation laws 3  
 Revenues 5  
 Studies 4

**1. Existing uses**

The restrictive clause in section 8 that "the foregoing requirement shall not prejudice lawful uses now existing," refers to existing uses to which War Department projects were being devoted at the time the Act was passed and was intended to relieve these arrangements for use, which antedates the Act, from the new requirement that "Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section." The clause does not apply to the Pine Flat project, because it had not then been built. *Turner v. Kings River Conservation Dist.*, 360 F. 2d 184, 193 (9th Cir. 1966).

**2. Judicial proceedings**

A suit against officials of the Bureau of Reclamation for injunctive relief in connection with the operation of a project is not barred on the grounds that it is a suit against the United States without its consent if in fact the actions of the officials

sought to be enjoined are prohibited by statute or by the Constitution. *Turner v. Kings River Conservation Dist.*, 360 F. 2d 184, 190 (9th Cir. 1966).

The action by holders of private water rights in the Kings River for an injunction against officials of the Bureau of Reclamation and the Corps of Engineers restraining them from operating Pine Flat Dam in a manner that interferes with their water rights, is dismissed on the grounds that it is an action against the United States without its consent, because the officials are acting within their statutory authority. The proper remedy of the plaintiffs is an action in the Court of Claims for damages for the taking of property rights. *Turner v. Kings River Conservation Dist.*, 360 F. 2d 184 (9th Cir. 1966).

**3. Reclamation laws**

Section 46 of the Omnibus Adjustment Act of 1926 is a part of reclamation law made applicable by section 8 of the Flood Control Act of 1944 to flood control projects of the Department of the Army. Solicitor Bennett Opinion, 64 I.D. 273, 274 (1957) in re proposed contract with Kings River Conservation District.

The Secretary of the Interior is charged with the responsibility, under section 8 of the Flood Control Act of 1944, for the

December 22, 1944

806

## FLOOD CONTROL ACT OF 1944—SEC. 9

negotiation of appropriate repayment contracts with water users under reclamation law for the repayment of allocations to irrigation functions of dam and reservoir projects operated under the direction of the Secretary of the Army. This responsibility exists whether or not additional facilities are required for irrigation functions at such projects. Solicitor Bennett Opinion, 65 I.D. 525 (1957).

In order to give effect to the intent of Congress, section 8 of the Flood Control Act of 1944 requires that the reclamation laws apply to any contract for the disposition of irrigation benefits from the Isabella reservoir on the Kern River and the Pine Flat reservoir on the Kings River, California, both of which are projects of the Department of the Army, even though no additional works need to be constructed to make irrigation benefits available from the projects, and notwithstanding any contrary implication that might be drawn from section 10. 41 Op. Atty. Gen. 377, 65 I.D. 549 (1958).

Excess land provisions are a part of reclamation law made applicable by this section to Kings and Kern River project repayment contracts. Solicitor Barry Opinion, 68 I.D. 372, 375 n. 2 (1961), in re proposed repayment contracts for Kings and Kern River projects.

#### 4. Studies

Section 8 of the Flood Control Act of 1944 authorizes the Secretary of the Interior to investigate reclamation development in connection with proposed Department of the Army reservoir projects outside of the 17 reclamation states. Opinion of Chief Counsel Fisher, September 12, 1952, in re authority of Bureau of Reclamation to perform work in Arkansas and Louisiana in connection with the Arkansas-Red-White River investigations, and Opinion of Associate

Solicitor Hogan, December 6, 1963, in re authority to make studies in Louisiana; both reprinted in *Hearings on Public Works Appropriations Bill, 1965, Before a Subcommittee of the House Committee on Appropriations*, 88th Cong., 2d Sess., pt. 2, at 134-38 (1964).

The Bureau of Reclamation is authorized under reclamation law to expend appropriations made from the general funds of the Treasury under the heading "General Investigations—general engineering and research" for atmospheric water resources research that is of primary benefit to States other than the 17 Western States. Although expenditures from the Reclamation Fund may be made only for the benefit of the 17 Western States, expenditures from general fund appropriations are not so limited because section 2 of the Reclamation Act and section 8 of the Flood Control Act of 1944 evidence a Congressional intent to make the benefits of reclamation law available to all parts of the Nation notwithstanding the limitations on the use of the Reclamation Fund. Memorandum of Associate Solicitor Hogan, July 13, 1966.

#### 5. Revenues

An appropriate share of revenues received in connection with contracts for irrigation service from Pine Flat Dam and other Department of the Army developments from which the Secretary of the Interior disposes of irrigation benefits pursuant to section 8 of the Flood Control Act of 1944, should be deposited in the general fund of the Treasury as miscellaneous receipts. Letter of Administrative Assistant Secretary Beasley to Mr. A. T. Samuelson, General Accounting Office, April 22, 1957, reprinted in *Missouri Basin Water Problems: Joint Hearings Before the Senate Committees on Interior and Insular Affairs and Public Works*, 85th Cong., 1st Sess., pt. 1, at 364-66 (1957).

**Sec. 9. [Comprehensive development of Missouri River Basin.]—(a)** The general comprehensive plans set forth in House Document 475 and Senate Document 191, Seventy-eighth Congress, second session, as revised and coordinated by Senate Document 247, Seventy-eighth Congress, second session, are hereby approved and the initial stages recommended are hereby authorized and shall be prosecuted by the War Department and the Department of the Interior as speedily as may be consistent with budgetary requirements.

(b) The general comprehensive plan for flood control and other purposes in the Missouri River Basin approved by the Act of June 28, 1938, as modified by subsequent Acts, is hereby expanded to include the works referred to in paragraph (a) to be undertaken by the War Department; and said expanded plan shall be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers.

November 17, 1986

WATER RESOURCES DEVELOPMENT ACT OF 1986 3537

\* \* \* \* \*

Sec. 715. [Columbia River/Arkansas River Basin transfers.]- (a) No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(b) For a period of 5 years after the date of enactment of this Act, no Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Arkansas River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States. (100 Stat. 4161; 33 U.S.C. § 2265.)

\* \* \* \* \*

Sec. 931. [Interim use of water supply for irrigation.]- Section 8 of the Act of December 22, 1944 (58 Stat. 891; 43 U.S.C. § 390), is amended by adding at the end the following: "In the case of any reservoir project constructed and operated by the Corps of Engineers, the Secretary of the Army is authorized to allocate water which was allocated in the project purpose for municipal and industrial water supply and which is not under contract for delivery, for such periods as he may deem reasonable, for the interim use for irrigation purposes of such storage until such storage is required for municipal and industrial water supply. No contracts for the interim use of such storage shall be entered into which would significantly affect then-existing uses of such storage." (100 Stat. 4196)

EXPLANATORY NOTE

Reference in the Text. Section 8 of the Act of December 22, 1944 (58 Stat. 891; 43 U.S.C. § 390, commonly known as the "Flood Control Act of 1944") provides in part that, ". . . whenever the Secretary of War [now the Secretary of Defense through the Army Corps of Engineers] determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to

construct, operate, and maintain, under the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes."

Section 8 of the 1944 Act appears in Volume I at page 805. Amendments and annotations of the 1944 Act appear in Supplement I at page S147 and Supplement II at page S861.