

CHAP. 504.—An Act Granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oregon, to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

June 17, 1930.
[S. 3898.]
[Public, No. 368.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is granted to Mill Four Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate at points suitable to the interests of navigation dams and dikes for preventing the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith, in the State of Oregon.

Yaquina Bay and River.
Mill Four Drainage District may construct, etc., dams, etc., to prevent the flooding of, into Nutes, etc., Sloughs, Oreg.

Work shall not be commenced on such dams or dikes until the plans therefor, including plans for all accessory works are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they may deem necessary to protect the interests of the United States.

Approval of plans.

SEC. 2. The authority granted by this Act shall terminate if the actual construction of the dams and dikes hereby authorized is not commenced within one year and completed within three years from the date of approval of this Act.

Time for constructing.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 17, 1930.

CHAP. 505.—An Act To legalize a bridge across Duck River, on the Nashville-Centerville Road, near Centerville in Hickman County, Tennessee, and approximately one thousand feet upstream from the existing steel bridge on the Centerville-Dickson Road.

June 17, 1930.
[S. 4175.]
[Public, No. 369.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge now being constructed by the Highway Department of the State of Tennessee across Duck River on the Nashville-Centerville Road, near Centerville in Hickman County, Tennessee, and approximately one thousand feet upstream from the existing steel bridge on the Centerville-Dickson Road, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the approval of plans of said bridge by the Chief of Engineers and the Secretary of War required by the existing laws of the United States had been regularly obtained prior to commencement of construction of said bridge.

Duck River, Tenn.
Bridge across, on Nashville - Centerville Road, Tenn., legalized.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 17, 1930.

CHAP. 506.—An Act Giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, New Mexico, on February 12, 1929.

June 17, 1930.
[S. 3386.]
[Public, No. 370.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to the compact signed by the commissioners for the States of Colorado, New Mexico, and Texas at Santa Fe, New Mexico, on the 12th day of February, 1929, and thereafter approved by the Legislature of the State of Colorado by act approved April 19, 1929, by the Legislature of the State of New Mexico by act approved March 9, 1929, and by the Legislature of the State of Texas by act approved May 22, 1929, which compact reads as follows:

Rio Grande compact.
Consent of Congress to, by Colorado, New Mexico, and Texas for use of Rio Grande above Fort Quitman, Tex.

Rio Grande Compact.

"RIO GRANDE COMPACT"

Agreement between Colorado, New Mexico, and Texas as to use of Rio Grande above Fort Quitman, Tex.

"The State of Colorado, the State of New Mexico, and the State of Texas, desiring to remove all causes of present and future controversy among these States and between citizens of one of these States and citizens of another State with respect to the use of the waters of the Rio Grande above Fort Quitman, Texas, and being moved by considerations of interstate comity, have resolved to conclude a compact for the attainment of these purposes, and to that end, through their respective governors, have named as their respective commissioners Delph E. Carpenter for the State of Colorado, Francis C. Wilson for the State of New Mexico, and T. H. McGregor for the State of Texas, who, after negotiations participated in by William J. Donovan, appointed by the President as the representative of the United States of America, have agreed upon the following articles, to wit:

Commissioners.

Article I.

"ARTICLE I"

Use of terms.

"(a) The State of Colorado, the State of New Mexico, the State of Texas, and the United States of America are hereinafter designated 'Colorado,' 'New Mexico,' 'Texas,' and the 'United States,' respectively.

"Rio Grande Basin."

"(b) The term 'Rio Grande Basin' means all of the territory drained by the Rio Grande and its tributaries in Colorado, New Mexico, and Texas above Fort Quitman, Texas.

"Tributary."

"(c) The term 'tributary' means any water course the waters of which naturally flow into the channel of the Rio Grande.

"Closed Basin."

"(d) The 'Closed Basin' means that part of the San Luis Valley in Colorado where the streams and waters naturally flow and drain into the San Luis Lakes and adjacent territory, and the waters of which are not tributary to the Rio Grande.

"Domestic," "Municipal," "Agricultural."

"(e) 'Domestic' use of water has the significance which attaches to the word 'domestic' in that sense at common law. 'Municipal' use means the use of water by or through water works serving the public. 'Agricultural' use means the use of water for the irrigation of land.

"Power."

"(f) The term 'power' as applied to the use of water means all uses of water, direct or indirect, for the generation of energy.

"Spill."

"(g) 'Spill' or waste of water at a reservoir means the flowage of water over the spillway, or the release of water through outlet structures other than for domestic, municipal, or agricultural uses, and losses incident thereto.

Extent of provisions.

"The provisions hereof binding each signatory State shall include and bind its citizens, agents, and corporations, and all others engaged in, or interested in, the diversion, storage, or use of the waters of the Rio Grande in Colorado or New Mexico, or in Texas above Fort Quitman.

Article II.

"ARTICLE II"

Declaration of States.

"The States of Colorado, New Mexico, and Texas hereby declare:

Settlement by treaty.

"(a) That they recognize the paramount right and duty of the United States, in the interests of international peace and harmony, to determine and settle international controversies and claims by treaty, and that when those purposes are accomplished by that means the treaty becomes the supreme law of the Nation;

Payment of costs.

"(b) That since the benefits which flow from the wise exercise of that authority and the just performance of that duty accrue to all the people, it follows as a corollary that the Nation should defray the cost of the discharge of any obligation thus assumed;

"(c) That with respect to the Rio Grande, the United States, without obligation imposed by international law and 'being moved by considerations of international comity,' entered into a treaty dated May 21, 1906 (Thirty-fourth Statutes, page 2953), with the United States of Mexico which obligated the United States of America to deliver from the Rio Grande to the United States of Mexico sixty thousand acre-feet of water annually and forever, whereby in order to fulfill that promise the United States of America, in effect, drew upon the States of Colorado, New Mexico, and Texas a draft worth to them many millions of dollars, and thereby there was cast upon them an obligation which should be borne by the Nation;

Treaty duty to deliver from Rio Grande designated amount of water to Mexico.

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Effect on contributing States.

"(d) That for the economic development and conservation of the waters of the Rio Grande Basin and for the fullest realization of the purposes recited in the preamble to this compact it is of primary importance that the area in Colorado known as the Closed Basin be drained and the water thus recovered be added to the flow of the river, and that a reservoir be constructed in Colorado upon the river at or near the site generally described as the State Line Reservoir site. The installation of the drain will materially augment the flow of the river, and the construction of the reservoir will so regulate the flow as to remove forever the principal causes of the difficulties between the States signatory hereto; and

Closed Basin in Colorado to be drained, etc.

State Line Reservoir.

"(e) That in alleviation of the heavy burden so placed upon them it is the earnest conviction of these States that without cost to them the United States should construct the Closed Basin Drain and the State Line Reservoir described in paragraph (d).

Construction thereof by United States.

"The signatory States agree that approval by Congress of this compact shall not be construed as constituting an acceptance or approval, directly, indirectly, or impliedly, of any statement or conclusion appearing in this article.

"ARTICLE III

Article III.

"(a) Colorado, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic recording stream-gauging station at each of the following points, to wit:

Stream gauging stations to be maintained.

"(1) On the Rio Grande near Del Norte at the station now maintained, known and designated herein as the Del Norte gauging station (the water records from this station to include the flow diverted into the canal of the Del Norte irrigation system);

By Colorado.

"(2) On the Rio Conejos near Mogote, a station known and designated herein as the Mogote gauging station;

"(3) On the Rio Grande at or near the Colorado-New Mexico interstate line, a station known and designated herein as the interstate gauging station; and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

"(b) New Mexico, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic stream-gauging station at each of the following points, to wit:

By New Mexico.

"(1) On the Rio Grande at the station known as Buckman;

"(2) On the Rio Grande at San Marcial;

"(3) On the Rio Grande at the Elephant Butte Reservoir outlet;

and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

By Texas.

"(c) Texas, under the direction and administration of its duly constituted official, shall cause to be maintained and operated an automatic stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande at Courchesne;

"(2) On the Rio Grande at Tornillo; and

"(3) On the Rio Grande at Fort Quitman.

Other stations by
New Mexico and
Texas.

"(d) New Mexico and Texas shall establish and maintain such other gauging station or stations as may be necessary for ascertaining and recording the release, flow, distribution, waste, and other disposition of water at all points between the Elephant Butte Reservoir and the lower end of the Rio Grande project, both inclusive: *Provided, however,* That when the United States shall maintain and operate, through any of its agencies, an automatic gauging station at any of the points herein designated it shall not be necessary for the State within which said station is located to maintain a duplicate gauging station at such point whenever the records of such Government stations are available to the authorities of the several States.

Proviso.
Removal when Federal
stations located.

Mutual exchange of
records, etc.

"(e) The officials in charge of all of the gauging stations herein provided for shall exchange records and data obtained at such stations for monthly periods through the operation thereof, or at such other intervals as they may jointly determine, and said officials shall provide for check ratings and such other hydrographic work at the designated stations as may be necessary for the accuracy of the records obtained at such stations and to that end may establish rules and regulations from time to time.

Article IV.

"ARTICLE IV

Committee of States
to ascertain flow of the
river, etc.

"The State engineer of Colorado, the State engineer of New Mexico, and such officer of Texas as the governor thereof may designate shall constitute a committee which may employ such engineering and clerical aid as may be authorized by the respective State legislatures, and the jurisdiction of the committee shall extend only to the ascertainment of the flow of the river and to the prevention of waste of water, and to findings of fact reached only by unanimous agreement. It shall communicate its findings of fact to the officers of the respective States charged with the performance of duties under this compact. Its findings of fact shall not be conclusive in any court or other tribunal which may be called upon to interpret or enforce this compact. Annual reports compiled for each calendar year shall be made by the committee and transmitted to the governors of the signatory States on or before February 1 following the year covered by such report.

Findings of fact to be
communicated to the
States.

Article V.

"ARTICLE V

Water supply of
Colorado not to be im-
paired.

"It is agreed that to and until the construction of the Closed Basin Drain and the State Line Reservoir herein described, but not subsequent to June 1, 1935, or such other date as the signatory States may hereafter fix by acts of their respective State legislatures, Colorado will not cause or suffer the water supply at the interstate gauging station to be impaired by new or increased diversions or storage within the limits of Colorado unless and until such depletion is offset by increase of drainage return.

Article VI.

"ARTICLE VI

Notice of spill at
Elephant Butte Dam,
to be given Colorado
and New Mexico, etc.

"To the end that the maximum use of the waters of the Rio Grande may be made it is agreed that at such times as the State engineer of New Mexico, under the supervision and control of the committee, shall find that spill at Elephant Butte Dam is anticipated

he shall forthwith give notice to Colorado and New Mexico of the estimated amount of such spill, and of the time at which water may be impounded or diverted above San Marcial, and thereupon Colorado and New Mexico may use in equal portions the amount of such estimated spill so found by the State engineer of New Mexico; and on notice from the said State engineer of New Mexico that the period of said spill, or estimated spill, is terminated, Colorado and New Mexico shall desist from such increased use.

"ARTICLE VII

Article VII.

"(a) On or before the completion of the Closed Basin Drain and the State Line Reservoir, and in any event not later than June 1, 1935, a commission of three members shall be constituted, to which the governor of each of the signatory States shall appoint a commissioner, for the purpose of concluding a compact among the signatory States and providing for the equitable apportionment of the use of the waters of the Rio Grande among said States. The governors of said States shall request the President of the United States to name a representative to sit with said commission.

Commission to conclude compact to provide equitable use of Rio Grande.

Federal representative.

"(b) The commission so named shall equitably apportion the waters of the Rio Grande as of conditions obtaining on the river and within the Rio Grande Basin at the time of the signing of this compact, and no advantage or right shall accrue or be asserted by reason of construction of works, reclamation of land, or other change in conditions or in use of water within the Rio Grande Basin or the Closed Basin during the time intervening between the signing of this compact and the concluding of such subsequent compact to the end that the rights and equities of each State may be preserved unimpaired: *Provided, however,* That Colorado shall not be denied the right to divert, store, and/or use water in additional amounts equivalent to the flow into the river from the drain from the Closed Basin.

Apportionment of waters as of conditions at time of this compact.

Provido, Colorado to use additional water.

"(c) Any compact concluded by said commission shall be of no force or effect until ratified by the legislature of each of the signatory States and approved by the Congress of the United States.

Ratification necessary.

"ARTICLE VIII

Article VIII.

"(a) Subject to the provisions of this article Colorado consents to the construction and use of a reservoir by the United States and/or New Mexico, and/or Texas, as the case may be, by the erection of a dam across the channel of the Rio Grande at a suitable point in the canyon below the lower State bridge, and grants to the United States and/or to said States, or to either thereof, the right to acquire by purchase, prescription, or to exercise of eminent domain such rights of way, easements, and/or lands as may be necessary or convenient for the construction, maintenance, and operation of said reservoir and the storage and release of waters.

Colorado consents to dam across Rio Grande below the lower State bridge, for reservoir.

"(b) Said reservoir shall be so constructed and operated that the storage and release of waters therefrom and the flowage of water over the spillway shall not impede or interfere with the operation, maintenance, and uninterrupted use of drainage works in the San Luis Valley in Colorado or with the flow and discharge of waters therefrom.

Reservoir not to impede drainage in San Luis Valley, etc.

"(c) The construction and/or operation of said reservoir and the storage and regulation of flow of waters thereby for beneficial uses or otherwise shall not become the basis or hereafter give rise to any claim of appropriation of waters or of any prior, preferred, or supe-

Purpose of reservoir.

rior right to the use of any such waters. The purpose of said reservoir shall be to store and regulate the flow of the river.

Control of reservoir.

"(d) The United States, or the signatory States, as the case may be, shall control the storage and release of water from said reservoir and the management and operation thereof, subject to a compact between the signatory States.

Game, etc., jurisdiction retained.

"(e) Colorado reserves jurisdiction and control over said reservoir for game, fish, and all other purposes not herein relinquished.

Taxation waived.

"(f) Colorado waives rights of taxation of said reservoir and appurtenant structures and all lands by it occupied.

Article IX.

"ARTICLE IX

Mexican and Indian rights not impaired.

"Nothing in this compact shall be construed as affecting the obligations of the United States of America to the United States of Mexico, or to the Indian tribes, or as impairing the rights of the Indian tribes.

Article X.

"ARTICLE X

Policy to avoid waste of waters.

"It is declared by the States signatory hereto to be the policy of all parties hereto to avoid waste of waters, and to that end the officials charged with the performance of duties hereunder shall use their utmost efforts to prevent wastage of waters.

Article XI.

"ARTICLE XI

Use of waters for domestic, municipal, and agricultural purposes.

"Subject to the provisions of this compact water of the Rio Grande or any of its tributaries may be impounded and used for the generation of power, but such impounding and use shall always be subservient to the use and consumption of such waters for domestic, municipal, and agricultural purposes. Water shall not be stored, detained, nor discharged so as to prevent or impair use for such dominant purposes.

Article XII.

"ARTICLE XII

Agreement of New Mexico with Texas, as to Elephant Butte Reservoir rights.

"New Mexico agrees with Texas, with the understanding that prior vested rights above and below Elephant Butte Reservoir shall never be impaired hereby, that she will not cause or suffer the water supply of the Elephant Butte Reservoir to be impaired by new or increased diversion or storage within the limits of New Mexico unless and until such depletion is offset by increase of drainage return.

Article XIII.

"ARTICLE XIII

Physical characteristics of the territory cause of compact.

"The physical and other conditions characteristic of the Rio Grande and peculiar to the territory drained and served thereby, and to the development thereof, have actuated this compact, and none of the signatory States admits that any provision herein contained establishes any general principle or precedent applicable to other interstate streams.

Article XIV.

"ARTICLE XIV

Termination or extension.

"This compact may be terminated or extended at any time by the unanimous legislative action of all of the signatory States, and in that event all rights established under it shall remain and continue unimpaired.

"ARTICLE XV

Article XV.

"Nothing herein contained shall prevent the adjustment or settlement of any claim or controversy between these States by direct legislative action of the interested States, nor shall anything herein contained be construed to limit the right of any State to invoke the jurisdiction of any court of competent jurisdiction for the protection of any right secured to such State by the provisions of this compact, or to enforce any provision thereof.

Adjustment of claims by legislative action.

"ARTICLE XVI

Article XVI.

"Nothing in this compact shall be considered or construed as recognizing, establishing, or fixing any status of the river or the accuracy of any data or records or the rights or equities of any of the signatories or as a recognition, acceptance, or acknowledgment of any plan or principle or of any claim or assertion made or advanced by either of the signatories or hereafter construed as in any manner establishing any principle or precedent as regards future equitable apportionment of the waters of the Rio Grande. The signatories agree that the plan herein adopted for administration of the waters of the Rio Grande is merely a temporary expedient to be applied during the period of time in this compact specified, is a compromise temporary in nature and shall have no other force or interpretation, and that the plan adopted as a basis therefor is not to be construed as in any manner establishing, acknowledging, or defining any status, condition, or principle at this or any other time.

Status of river, etc., not recognized by compact.

Plan a temporary compromise expedient.

"ARTICLE XVII

Article XVII.

"The signatories consent and agree to the extension of time for construction of reservoirs on sites covered by approved applications during the time of this compact and for a reasonable time thereafter.

Time extension for construction, etc.

"ARTICLE XVIII

Article XVIII.

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval shall be given by the governor of each State to the governors of the other States and to the President of the United States, and the President of the United States is requested to give notice to the governors of each of the signatory States of its approval by the Congress of the United States.

Approval required.

Notice to be given.

"In witness whereof, the commissioners have signed this compact in quadruplicate original, one of which shall be deposited in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Signatures.

"Done at the city of Santa Fe, in the State of New Mexico, on the 12th day of February, in the year of our Lord one thousand nine hundred and twenty-nine.

Data.

"DELPH E. CARPENTER.

"FRANCIS C. WILSON.

"T. H. MCGREGOR.

"Approved:

"WILLIAM J. DONOVAN."

Approved, June 17, 1930.