

Reclamation Manual

Directives and Standards

- Subject:** Reclamation Standard Water-Related Contract Articles, Article 17: Compliance with Federal Reclamation Laws (All Programs Except D&MC)
- Purpose:** To commit Reclamation's Standard Contract Article 17 to the Reclamation Manual, introduced by a brief description and direction regarding its use, for the benefit of making it easily accessible and promoting Reclamation-wide consistency in its use and content.
- Authority:** The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; especially section 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 CFR 426.3(c).
- Approving Official:** Director, Office of Program and Policy Services
- Contact:** Office of Program and Policy Services; Contract Services Office, 84-56000

1. **Compliance with Federal Reclamation Laws (All Programs Except D&MC).** This article affirms that the delivery of water or use of Federal facilities is subject to Reclamation law and that the Secretary will make rules, regulations, and determinations, as necessary, for the administration of the contract. The article, as it appears below, includes three alternate subsections. Which of them is appropriate to a given contract depends on the contract's purpose. The charts included in Reclamation Manual Policy PEC P10 specify which contract types require standard article 17.
2. **Reclamation Standard Contract Article 17.**
 - A. New or renewed contracts or contracts amended to conform to the discretionary provisions of the Reclamation Reform Act of 1982 executed after January 1, 1998, must include the following language:¹

(All Programs Except D&MC)

COMPLIANCE WITH FEDERAL RECLAMATION LAWS²

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

¹Because the Reclamation Reform Act of 1982 does not apply to Safety of Dams Act contracts, the subparagraph (a) may be revised to exclude them.

²Approved 2/71; Revised 1/79; Reapproved 10/81; Revised 12/82; 11/84; 9/88; 9/99; 01/02.

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the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.³

- B. For Small Reclamation Projects Act projects that depend on federally constructed facilities for water, the standard language above should be used. For Small Reclamation Projects Act loan contracts that are exclusive of any Federal project, the article should be revised as follows:

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, as amended and supplemented.

- C. For contracts conferring municipal and industrial, recreation, fish and wildlife, or other benefits (no irrigation), the following language should be used:

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.

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

³This 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)).

⁴For contracts with federally recognized Indian tribes the bracketed phrase may be deleted.