

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 17: Compliance with Federal Reclamation Laws/Small Reclamation Project Laws
Purpose:	To provide requirements for the content and 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 PEC P10, <i>Reclamation Standard Water-Related Contract Articles</i> (PEC P10).
Authority:	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).
Approving Official:	Director, Policy and Administration
Contact:	Water and Environmental Resources Division, 84-55000

1. **Introduction.** This Directive and Standard provides the text for Standard Article 17 and addresses related requirements. It sets forth 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 6 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 applications.
2. **Applicability.** This Directive and Standard applies to Reclamation staff and officials involved in the contracting process, as defined at Paragraph 3.A. of PEC P10, for contracts requiring Standard Article 17 under Paragraph 6 of PEC P10.
3. **Definitions.** See Paragraph 3 of PEC P10.
4. **Responsibilities.** See Paragraph 4 of PEC P10.
5. **Text of Standard Article 17.**¹
 - A. **Version A.** Except as provided in Paragraph 5.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.²

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

²This 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 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.

(b) The Contracting Officer shall have the right to make determinations necessary to administer this contract that are consistent with its provisions, the laws of the United States [and the State(s) of _____],³ 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 (SRPA) require the following language unless the relevant project depends on federally constructed facilities for water. If the project depends on federally constructed facilities for water, the contract requires Version A appearing at Paragraph 5.A. above.

³The bracketed language may be removed from contracts with federally recognized Indian tribes.

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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.