

**Bureau of Reclamation****Quarterly Status Report of Water Service and Repayment Contract Negotiations**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of proposed contractual actions that are new, modified, discontinued, or completed since the last publication of this notice on August 8, 1996. The February 5, 1996, notice should be used as a reference point to identify changes. The number in parenthesis corresponds to the number in the February 5, 1996, notice. This notice is one means in which the public is informed about contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the Federal Register and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

**ADDRESSES:** The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

**FOR FURTHER INFORMATION CONTACT:** Alonzo Knapp, Manager, Reclamation Law, Contracts, and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225-0007; telephone 303-236-1061 extension 224.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, Apr. 13, 1987, Reclamation will publish notice of proposed or amendatory contract actions for any contract for the

delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Revised Public Participation Procedures" for water resource-related contract negotiations, published in 47 FR 7763, Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 1996. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior or, pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.
2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or area office of Reclamation.
3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.
4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.
5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.
6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.
7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who request the contract in response to the initial public notice.

**Acronym Definitions Used Herein**

(BCP) Boulder Canyon Project  
(CAP) Central Arizona Project  
(CUP) Central Utah Project  
(CVP) Central Valley Project  
(CRSP) Colorado River Storage Project  
(D&MC) Drainage and Minor

**Construction**

(FR) Federal Register  
(IDD) Irrigation and Drainage District  
(ID) Irrigation District  
(M&I) Municipal and Industrial  
(O&M) Operation and Maintenance  
(P-SMBP) Pick-Sloan Missouri Basin

**Program**

(R&B) Rehabilitation and Betterment  
(SRPA) Small Reclamation Projects Act  
(WCUA) Water Conservation and

Utilization Act  
(WD) Water District

The following contract actions are either new, modified, discontinued, or completed in the Bureau of Reclamation since the August 8, 1996, Federal Register notice.

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Boise, Idaho 83706-1234, telephone 208-378-5346.

**1. New Contract Actions:**

(22) Okanogan Irrigation District, Okanogan Project, Washington: Safety of Dams contract to repay District's share of cost to install an Early Warning System.

(22) Rogue River Valley and Medford Irrigation Districts, Rogue River Basin Project, Oregon: Safety of Dams contract to repay each district's share of cost to repair Fish Lake Dam.

**2. Completed Contract Actions:**

(4) Amendatory contracts to conform to the RRA have been executed with 10 of the 19 districts to conform to the Reclamation Reform Act of 1982 (Pub.L. 97-293). The districts that have executed contracts are: American Falls Reservoir District Number 2, Burgess Canal Company, Craig-Mattson Canal Company, Danskin Ditch Company, Farmers Friend Irrigation Company, Ltd., Long Island Irrigation Company, Parks and Lewisville Irrigation Company, Ltd, Peoples Canal and Irrigation Company, Rigby Canal and Irrigation Company, and Rudy Irrigation Canal Company, Ltd., all in the Minidoka Project, Idaho.

(7) Contract has been executed for 1996 for Ochoco Dam.

(17) Fremont-Madison ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of operation and maintenance for the remaining reserved works of the Upper Snake Storage Division (including Cascade Creek Diversion Dam, Grassy Lake Dam and Reservoir, and Island Park Dam and Reservoir). Contract executed.

(19) Hermiston and West Extension Irrigation Districts, Umatilla Project, Oregon: Temporary contracts to provide water service for 1996 to lands lying outside of their boundaries. A contract for 1996 has been executed with Hermiston Irrigation District; no contract action anticipated for West Extension in 1996.

### 3. Contract Actions Modified:

(12) City of Madras and North Unit Irrigation District, Deschutes Project, Oregon: Temporary and long-term municipal water service contracts for approximately 125 acre-feet annually from the project water supply. A temporary contract for 1996 with the City of Madras and a long-term contract with North Unit Irrigation District for provision of the 125 acre-feet water supply to the City of Madras.

Mid Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825-1898, telephone 916-979-2401.

#### 1. New Contract Actions:

(21) Mercy Springs WD, CVP, California: Assignment of Mercy Springs WDs water service contract to Pajaro Valley Water Management Agency. The assignment will provide for delivery of up to 13,300 acre-feet annually of water to the Agency from the CVP for agricultural purposes.

(22) Santa Clara WD, CVP, California: Agreement for the conditional reallocation of a portion of Santa Clara Valley WDs annual CVP contract water supply to San Luis and Delta-Mendota Water Authority members. The purpose of the conditional reallocation is to improve overall management and establishment of more reliable water supplies without imposing additional demands or operation changes upon the CVP.

#### 2. Contract Actions Completed:

(15) City of Folsom, CVP, California: Amendment of existing water rights conveyance contract to allow delivery of an additional 5,000 acre-feet of water from Folsom Reservoir that has been acquired from the Southern California Water Company. ACTION: Amendment not required. Transfer of 5,000 acre-feet of water from Folsom Reservoir accomplished by Letter of Agreement.

### 3. Contract Actions Modified:

(5) Truckee Carson ID, Newlands Project, Nevada: New contract for the operation and maintenance of Newlands Project facilities. The United States terminated the original contract, and this was upheld by the U.S. District Court in Nevada on August 17, 1983. Modification: District has repaid its construction obligation.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006-1470, telephone 702-293-8536.

#### 1. New contract actions:

(59) Santa Ana Project Watershed Authority (SAWPA), SRPA, California: Amend current contract with the United States to shorten repayment schedule from 30 years to 20 years.

(60) Elsinore Valley Municipal Water District, SRPA, California: Amend current contract with United States to transfer certain project facilities and certain O&M responsibilities from District to City of Lake Elsinore.

#### 2. Contract action completed:

(10) W.F. West, BCP, California: Miscellaneous Present Perfected Rights contract for 0.8774 acre-feet of domestic water. Contract executed July 22, 1996.

(34) City of Scottsdale and other M&I water subcontractors, CAP, Arizona: Subcontract amendments associated with assignment of M&I water service subcontracts from City of Prescott, Rio Rico Utilities, Inc., and the Yavapai-Prescott Indian Tribe to provide the City of Scottsdale with additional CAP water. Contract executed September 27, 1996. (Note: Other subcontracts listed in No. 34, i.e., Mayer Domestic Water Improvement District, City of Nogales, and Cottonwood Water Works Inc., have not executed contracts to date.)

Upper Colorado Region: Bureau of Reclamation 125, South State Street, Room 6107, Salt Lake City, Utah 84138-1102, telephone 801-524-4419.

#### 1. New contract actions:

(29) Pine River Irrigation District, Pine River Project, Colorado: Contract to allow the conversion of up to 3,000 acre-feet of project irrigation water to municipal, domestic, and industrial uses.

#### 2. Contract actions modified:

(9) The National Park Service, Colorado Water Conservation Board, Wayne N. Aspinall Unit, Colorado River Storage Project, Colorado: Contract to provide specific flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

#### 3. Contract actions discontinued:

(4) Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment

contract for 7,600 acre-feet per year for M&I use. No activity expected until 1997.

(5) La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract for 9,900 acre-feet per year for irrigation use. No activity expected until 1997.

(12) Collbran Conservancy District, Collbran Project, Colorado: Amendatory contract defining priority of use of project water. No activity expected in 1996.

(13) U.S. Fish and Wildlife Service, North Fork Water Conservancy District, Paonia Project, Colorado: Contract for releases to support endangered fish in the Gunnison and Colorado Rivers; water available for releases will come from reserve capacity held by Reclamation as a sediment pool, estimated to be 1,800 acre-feet annually; contract will define the terms and conditions associated with delivery of this water. No activity expected in 1996.

(14) Rio Grand Water Conservation District, Closed Basin Division, San Luis Valley Project, Colorado: Water service contract for furnishing priority 4 water to third parties; contract will allow District to market priority water, when available, for agricultural, municipal and/or industrial use. Discontinued for lack of interest.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59197-6900, telephone 406-247-7730.

#### 1. New Contract Actions:

(24) Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities.

(25) Fort Shaw and Greenfields Irrigation Districts, Sun River Project, Montana: Contract for Safety of Dams costs for repairs to Willow Creek Dam.

(26) Canyon Ferry Unit, P-SMBP, Montana: Water service contract with Montana Tunnels Mining, Inc., expires June 1997. Renewal of existing contract for an additional 5 years.

(27) Pick-Sloan Missouri Basin Program, Kansas: Interim water service contracts with the Kirwin and Webster IDs in the Solomon River Basin, Kansas, to continue deliver of project water supply pending completion of contract renewal process for long-term water supply contracts.

(28) Pick-Sloan Missouri Basin Program, Nebraska: Interim water service contracts with the Loup Basin Reclamation District for the Sargent and Farwell IDs in the Middle Loup River Basin, Nebraska, to continue delivery of project water supplies pending

completion of contract renewal process for long-term water supply contracts.

2. Contract Actions Modified:

(1) Lakeview Irrigation District, Shoshone Project, Wyoming: New long-term water service contract for up to 3,200 acre-feet of firm water supply annually and up to 11,800 acre-feet of interim water from Buffalo Bill Reservoir. Pursuant to Section 9(c) of the Reclamation Project Act of 1939 and Public Law 100-516.

(14) Bostwick ID in Nebraska and Kansas-Bostwick ID, Farwell and Sargent IDs, Frenchman-Cambridge ID, Frenchman Valley ID, Webster ID, and Kirwin ID, P-SMBP, Kansas and Nebraska: Extension of existing water service contracts for irrigation water supplies, pursuant to Public Law 104-206.

(18) Angostura Irrigation District, Angostura Unit, P-SMBP, South Dakota: The District's current contract for water service expired on December 31, 1995. An interim 3-year contract provides for the District to operate and maintain the dam and reservoir. The proposed contract would provide a continued water supply for the District and the District's continued operation and maintenance of the facility.

3. Contract Actions Discontinued:

(6) Corn Creek Irrigation District, Glendo Unit, P-SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir pending completion of NEPA review. NEPA compliance on hold.

(19) Shadehill Water User District, Shadehill Unit, P-SMBP, South Dakota: Water service contract expired June 10, 1995. The proposed contract would provide irrigation water to the District pursuant to terms acceptable to both the United States and the District. No action expected in 1996.

4. Contract Actions Completed:

(21) Belle Fourche Irrigation District, Belle Fourche Unit, P-SMBP, South Dakota: D&MC contract for rehabilitation work on water control structures, lining additional canals, and rehabilitation of bridges and laterals. Public Law 103-434, enacted October 31, 1994, authorized an additional \$10.5 million in Federal funds and \$4 million in non-Federal cost share for completion of minor construction.

Dated: October 18, 1996.

Wayne O. Deason,  
Deputy Director, Program Analysis Office.  
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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 94-3 CARP CD-90-92]

### Distribution of 1990, 1991 and 1992 Cable Royalties

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Distribution order.

**SUMMARY:** The Librarian of Congress, upon the recommendation of the Register of Copyrights, is announcing the distribution of royalties collected under the cable compulsory license, 17 U.S.C. 111, for the years 1990, 1991, and 1992. The Librarian is adopting in part and rejecting in part the decision of the Copyright Arbitration Royalty Panel (CARP). The rejection takes the form of making some adjustments to the distribution percentages.

**EFFECTIVE DATE:** The distribution percentages announced in this Order are effective on October 28, 1996.

**ADDRESSES:** The full text of the CARP's report to the Librarian of Congress is available for inspection and copying during normal business hours in the Office of the Copyright General Counsel, James Madison Memorial Building, Room LM-407, First and Independence Avenue, S.E., Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Acting General Counsel or William Roberts, Senior Attorney for Compulsory Licenses, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380.

### SUPPLEMENTARY INFORMATION:

I. Recommendation of the Register of Copyrights

#### Background

In 1976, Congress adopted a statutory compulsory license for cable television operators to enable them to clear the copyrights to the broadcast programming which they retransmitted to their subscribers. Codified at 17 U.S.C. 111, the cable compulsory license allows cable operators to submit semiannual royalty payments, along with accompanying statements of account, to the Copyright Office for future distribution to copyright owners of broadcast programming retransmitted by those cable operators. Until December 1993 royalty distribution proceedings were conducted by the Copyright Royalty Tribunal (CRT), at which time Congress abolished the Tribunal and transferred its responsibilities to the Librarian of

Congress and the Copyright Office. Public Law No. 103-196 (1993). Distribution proceedings are now conducted by ad hoc Copyright Arbitration Royalty Panels (CARPs) convened by the Librarian of Congress, which determine the proper division of royalties among the participating claimants in a written report and then deliver that report to the Librarian for his review and approval. Today's determination constitutes the first distribution of royalties under the new system enacted by Congress in 1993.

#### *Operation of the Cable Compulsory License*

The cable compulsory license applies to cable systems that carry broadcast signals in accordance with the rules and regulations of the Federal Communications Commission (FCC). These systems are required to submit royalties for the carriage of their signals on a semiannual basis in accordance with the prescribed statutory royalty rates. The royalties are submitted to the Copyright Office, along with a statement of account reflecting the number and identity of the broadcast signals carried, the gross receipts received from subscribers for those signals, and other relevant filing information. The Copyright Office deposits the collected funds with the United States Treasury for later distribution to copyright owners of the broadcast programming through the procedure described in chapter 8 of the Copyright Act.

Creation of the cable compulsory license was premised on two significant Congressional considerations: first, the perceived need to differentiate for copyright payment purposes between the impact of local versus distant broadcast signals carried by cable operators; and second, the need to distinguish among different sizes of cable systems based upon the dollar amount of receipts they receive from subscribers for the carriage of broadcast signals. These two considerations played a significant role in deciding what economic effect cable systems had on the value of copyrighted works shown on broadcast television. See H.R. Rep. No. 1476, 94th Cong., 2d Sess. 90 (1976). It was felt that the carriage of local broadcast signals by a cable operator did not affect the value of the works broadcast because the signal was already available to the public for free through over-the-air broadcasting. Therefore, the compulsory license essentially lets cable systems carry local