

cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

National Park Service to administer, etc.

Vol. 39, p. 535.

Provisions. Water power Act not applicable.

Vol. 41, p. 1063.

Minimum area specified.

Area to be accepted before any development made.

Commission employed.

Vol. 43, p. 959.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, twenty thousand acres, including all of the caves: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may, for the purpose of carrying out the provisions of this Act, employ the commission authorized by the Act approved February 21, 1925.

Approved, May 25, 1926.

May 25, 1926.

[H. R. 10429.]

[Public, No. 264.]

CHAP. 383.—An Act To adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes.

Irrigation projects. Adjustment of water-right charges on specified.

Vol. 43, p. 703.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, empowered and directed to make, under subsection K, section 4, Act of December 5, 1924 (Forty-third Statutes at Large, page 701), in connection with the irrigation projects hereinafter named, adjustment of water-right charges standing upon the records of said projects as of June 30, 1925, as follows:

Belle Fourche, S. Dak.

BELLE FOURCHE PROJECT, SOUTH DAKOTA

Deductions from total cost.

SEC. 2. There shall be deducted from the total cost of said project the following sums:

(1) \$355,809, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One thousand two hundred and eight acres permanently unproductive because of topography steep and rough heretofore eliminated;

(b) Six thousand eight hundred and ninety-seven acres permanently unproductive because of topography steep and rough; based on present land classification.

(2) \$119,606 on account of operation and maintenance deficit prior to reclamation extension Act of 1914.

(3) \$12,036 on account of error or mistake representing Johnson Creek lateral storage investigations and Nine Mile location surveys as shown on page 14 of House Document Numbered 201, Sixty-ninth Congress, first session.

Construction charges suspended.

SEC. 3. All payments upon construction charges shall be suspended against the following lands:

(a) Ten thousand five hundred acres temporarily unproductive for lack of fertility in the soil, seepage, and excessive alkali salts;

(b) Six thousand eight hundred and ninety-five acres, Willow Creek lands awaiting further developments, temporarily unproductive;

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the

table on page 14 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

BOISE PROJECT, IDAHO

Boise, Idaho.

SEC. 4. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) Two thousand nine hundred and ninety acres, Arrowrock division, temporarily unproductive for lack of fertility in the soil and being water-logged;

(b) Four hundred and eight acres, Arrowrock division, Nampa and Meridian district, temporarily unproductive for lack of fertility in the soil, being water-logged;

(c) Two thousand six hundred and fifty acres, Arrowrock division, temporarily unproductive because of light, sandy soil that blows easily;

(d) Three hundred and eighty-eight acres, Arrowrock division, temporarily unproductive because of porous soil difficult to irrigate.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 15 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

CARLSBAD PROJECT, NEW MEXICO

Carlsbad, N. Mex.

SEC. 5. There shall be deducted from the total cost of the said project the sum of \$374,885.69, on account of error and mistake in providing for additional storage in Lake McMillan reservoir as follows: Deductions from total cost.

(1) Acquisition of flowage rights required for additional storage, rights of way, and expenses incidental thereto, \$164,383.62.

(2) For additional and incidental construction required for said additional storage, \$210,502.07, as follows:

(a) Preliminary surveys, and so forth, \$6,718.62.

(b) Extra dam construction, \$89,153.13.

(c) Holes in reservoir bottom, \$2,379.52.

(d) Spillway numbered 1, \$49,549.80.

(e) Spillway numbered 2, \$62,701.

SEC. 6. All payments upon construction charges shall be suspended against the following lands: One thousand and five acres temporarily unproductive for lack of fertility in the soil because of seepage and alkalinity; all as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 17 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document. Construction charges suspended.

GRAND VALLEY PROJECT, COLORADO

Grand Valley, Colo.

SEC. 7. There shall be deducted from the total cost of said project the following sums: Deductions from total cost.

\$760,628, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) Nine thousand one hundred and seven acres permanently unproductive for lack of fertility in the soil, shallow soil, alkalinity, and unfavorable topography;

(b) One thousand six hundred and fifty acres, West End Extension, permanently unproductive because of unfavorable topography, shallow soil, and alkalinity.

Construction charges suspended.

SEC. 8. When construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Seven thousand one hundred and fifty acres temporarily unproductive for lack of fertility in the soil, seepage, and alkalinity;

(b) Eleven thousand eight hundred and sixty-three acres of productive lands temporarily unproductive because no construction thus far of the Garfield pumping division, or of the Loma siphon land extension, or any other means of reclaiming the same, and there being no present demand for these unirrigated lands.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 19 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60, said document.

Huntley, Mont.

HUNTLEY PROJECT, MONTANA

Deductions from total cost.

SEC. 9. There shall be deducted from the total cost of said project the following sums:

(1) \$46,987, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres, Pryor division, permanently unproductive because eroded and marginal to the river;

(b) Four hundred and twenty-seven acres, Eastern and Fly Creek divisions, permanently unproductive for lack of fertility in the soil.

(2) \$81,354 on account of operation and maintenance deficit prior to reclamation extension Act of 1914.

The Secretary is further directed to assume as a definite loss such sums as in his judgment may be just and proper in connection with moneys expended for experiments with reclamation on alkali lands, and costs in excess of contracted returns, such total not to exceed \$41,000.

Construction charges suspended.

SEC. 10. All payments upon construction charges shall be suspended against the following lands:

(a) Eleven thousand one hundred and seventy acres, Pryor division, temporarily unproductive, being gumbo and alkali soil;

(b) One thousand three hundred and thirty-six acres, Pryor division, temporarily unproductive, being private lands unpledged;

(c) Nine hundred and seventy acres, Eastern and Fly Creek divisions, temporarily unproductive, seeped.

All as shown by classification heretofore made under the supervision of the Board of Survey and adjustments and as shown in the table on page 21 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

King Hill, Idaho.

KING HILL PROJECT, IDAHO

Deduction from total cost.

SEC. 11. There shall be deducted from the total cost of said project the following sum:

(1) \$531,958, or such amounts as represent actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Seven hundred and ten acres permanently unproductive, being not susceptible of improvement because of lack of fertility in the soil;

(b) Three thousand seven hundred and sixty-four acres on account of inadequate water supply, porous soil, and gravelly subsoil.

SEC. 12. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) One thousand eight hundred and ninety-eight acres, on account of probably insufficient water supply, porous soil and sandy and porous subsoil;

(b) Five hundred and sixteen acres included in town sites and suspended areas.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 23 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

KLAMATH PROJECT, OREGON

Klamath, Oreg.

SEC. 13. There shall be deducted from the total cost of said project the following sum: Deduction from total cost.

(1) \$1,587, or such amounts as may be actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Thirty-eight acres main divisions, Klamath irrigation district, permanently unproductive for lack of fertility in the soil.

SEC. 14. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) Five hundred and seventeen acres, main division, Klamath irrigation district, temporarily unproductive for lack of fertility in the soil;

(b) One hundred and twenty-nine acres, Horsefly irrigation district, temporarily unproductive for lack of fertility in the soil;

(c) Eighty-three acres, Langell Valley irrigation district temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the table on page 27 of said Document 201, as checked and modified as recommended in "General recommendations" numbered 2 and 4, page 60, of said Document 201.

SEC. 15. The Secretary is further authorized and directed when announcement is made of the construction charges for the Tule Lake division of this project to take into consideration the recommendation of the board on page 26 of said Document 201, that a loss to the reclamation fund will ultimately ensue on this division and also a probable loss of \$34,000 from lands of the Horsefly irrigation district by reason of the construction of the Gerber Reservoir, and he is further authorized and directed to deduct from the cost of said division the sum of \$234,407 as recommended by the Board of Survey and Adjustments on page 26 of said document, and to fix and allocate the construction cost per acre in accordance with the findings and recommendations of the said board on page 26 of said document. Tule Lake division. Adjustment of construction charges against.

The construction charge against the area in this division now under contract shall also be adjusted accordingly: *Provided*, That the construction charges shall in no event exceed a just and equitable charge against the Tule Lake division based on the value of water for irrigation under the economic conditions prevailing, notwithstanding such charges may not return the full cost of construction.

Proviso. Limitation.

SEC. 16. Nothing in this Act shall be held to affect or prejudice the claims of the Klamath Irrigation District or the State of Oregon Klamath Irrigation District, or Oregon.

Suits of, to set aside contract with California-Oregon Power Company, not affected.

in any suit or action now or hereafter instituted to set aside that certain contract between the United States and the California-Oregon Power Company, dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States of the so-called Ankeny and Keno Canals and the lands embraced in the rights of way thereof in the year 1923 to the said California-Oregon Power Company.

Lower Yellowstone Mont.-N. Dak.

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

Deduction from total cost.

SEC. 17. There shall be deducted from the total cost of said project the following sum:

(1) \$382,254, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and seventy-four acres permanently unproductive on account of right of way of the Great Northern Railway.

(b) Seven hundred and eighty-eight acres permanently unproductive, embracing town sites.

(c) Six thousand and seventy-seven acres on account of error in original estimate of irrigable area.

Construction charges suspended.

SEC. 18. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred acres temporarily unproductive because of damage by erosion;

(b) Two thousand eight hundred acres temporarily unproductive because water-logged;

(c) Seven thousand one hundred and eighty-eight acres temporarily unproductive because of forest covering and rough topography;

(d) Three hundred and thirteen acres temporarily unproductive because located in United States reserves.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 28 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

Milk River, Mont.

MILK RIVER PROJECT, MONTANA

Deductions from total cost.

SEC. 19. There shall be deducted from the total cost of said project the following sums:

(1) \$100,978, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) One thousand seven hundred and seventy acres permanently unproductive for lack of fertility in the soil.

(2) \$145,054 on account of error or mistake, representing unused Saint Mary East Canal and measuring Saint Mary waters as shown on page 31 of said Document 201.

(3) \$929,212, major work unused as shown on page 31 of said Document Numbered 201.

(4) \$735,945, major and minor works unused as shown on page 31 of said Document Numbered 201.

Construction charges suspended.

SEC. 20. When the construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Twenty-three thousand five hundred acres temporarily unproductive for lack of fertility in the soil;

(b) Nine thousand four hundred and thirty acres temporarily unproductive because of inadequate storage and refractory soils.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 31 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

MINIDOKA PROJECT, IDAHO

Minidoka, Idaho.

SEC. 21. There shall be deducted from the total cost of said project the following sum: Deduction from total cost.

(1) \$9,172, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One hundred and seventy-eight acres, Gravity division, permanently unproductive for lack of fertility in the soil;

(b) Thirty-eight acres, South Side Pumping division, permanently unproductive for lack of fertility in the soil and impregnated with alkali.

SEC. 22. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) One thousand six hundred and thirty-four acres, Gravity division, temporarily unproductive because water-logged and for lack of fertility in the soil;

(b) Nine hundred and twenty acres, Gravity division, temporarily unproductive because of inadequate water supply and of porous soil;

(c) Five hundred and twenty-five acres, Gravity division, temporarily unproductive because of "blow soil";

(d) One hundred and ninety-seven acres, South Side Pumping division, temporarily unproductive for lack of fertility in the soil and because water-logged.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 33 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60, of said document.

NEWLANDS PROJECT, NEVADA

Newlands, Nev.

SEC. 23. There shall be deducted from the total cost of said project the following sums: Deductions from total cost.

(1) \$3,315,136, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres permanently unproductive for lack of fertility in the soil;

(b) Fifty thousand acres on account of inadequate water supply; major works unused;

(c) Thirty-two thousand five hundred and eighty-two acres on account of inadequate water supply; major and minor works unused.

(2) \$139,687 for operation and maintenance deficit prior to Reclamation Extension Act of 1914;

(3) \$82,221, Truckee River water-right adjudication;

(4) \$71,605 expense pumping at Lake Tahoe and Truckee Canals, less amount recovered from sale of power;

(5) \$155,465 on account of error or mistake covering various items due chiefly to lesser irrigable area than contemplated;

(6) \$884,998 on account of error or mistake, being aggregate shortage of returns because of low acre charges in the early contracts, allowing also for surcharge on nine hundred and thirty-four acres of land.

Construction charges suspended.

SEC. 24. All payments upon construction charges shall be suspended against the following lands:

(a) Four thousand four hundred and fourteen acres temporarily unproductive for lack of fertility in the soil;

(b) Ten thousand six hundred and ninety-four acres public and private lands uncontracted at present.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 37 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60, of said document.

North Platte, Nebr.-
Wyo.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

Deductions from total cost.

SEC. 25. There shall be deducted from the total cost of said project the following sums:

INTERSTATE DIVISION

Interstate division.

(1) \$36,250, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and thirty-two acres permanently unproductive for lack of fertility in the soil.

(2) \$23,751.59 on account of error or mistake in charging the cost of secondary investigations to this division.

FORT LARAMIE DIVISION

Fort Laramie division.

(1) \$22,680 on account of error or mistake in charging the cost of secondary investigations to this division.

NORTHPORT DIVISION

Northport division.

(1) \$3,425 on account of error or mistake in charging the cost of secondary investigations to this division.

Construction charges suspended.

SEC. 26. All payments upon construction charges shall be suspended against the following lands:

INTERSTATE DIVISION

Interstate division.

(a) Twenty-five thousand three hundred and ninety-nine acres temporarily unproductive for lack of fertility in the soil, being partly seeped and partly blow sand;

(b) Five hundred and fifteen acres temporarily unproductive, being unclassified land.

FORT LARAMIE DIVISION

Fort Laramie division.

(a) Seven thousand six hundred and sixty-five acres temporarily unproductive for lack of fertility in the soil.

NORTHPORT DIVISION

Northport division.

(a) Two thousand five hundred and fifty-five acres temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the tables on pages 39 and 40 of said Document 201, as revised and as checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

OKANOGAN PROJECT, WASHINGTON

Okanogan, Wash.

SEC. 27. There shall be deducted from the total cost of said project the following sums: Deductions from total cost.

(1) \$227,783, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand three hundred and fifty-four acres permanently unproductive on account of sandy soil;

(b) Six acres, Duck Lake feeder canal right of way, permanently unproductive on account of other physical causes.

(2) \$492,917 on account of error or mistake in charging the cost of examination, surveys, construction, and purchase in connection with the following items: Colville extension, power plants numbered 1 and 2, Salmon Lake Reservoir, power plant numbered 3, transmission line, pumping plant at Riverside, and sandy land water rights.

SEC. 28. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) Fifty-seven acres, temporarily unproductive because of sandy soil;

(b) Twenty-nine acres temporarily unproductive because of seepage.

SEC. 29. The sum of \$89,708.22, representing the total cost of works described below, shall be suspended and treated as a probable loss until the question of a permanent project water supply is settled, and if such works are then abandoned the Secretary of the Interior is authorized to deduct the sum named from the total cost of the project. The works are (1) Robinson Flat pumping plant, (2) Duck Lake pumping plant, (3) Salmon Lake pumping plant, (4) Government wells numbered 1 and 2, and (5) private wells and pumping plant. Suspended deductions from total cost.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the tables on page 42 of said Document 201, subject to checking and modification as recommended in "General recommendations" numbered 2 and 4, on page 60 of said document.

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

Rio Grande, N. Mex.-Tex.

SEC. 30. There shall be deducted from the total cost of said project the following sum: Deduction from total cost.

(a) \$31,661.35 on account of error or mistake in charging the costs of the following items against said project: Operation and maintenance deficit (El Paso County water improvement district numbered 1); Farm unit survey, Leasburg division (Elephant Butte irrigation district), 50 per centum of \$14,530; Palomas Valley, farm unit survey; Palomas Valley, canal survey; Palomas Valley, flood protection and drainage; Palomas Valley, percentage cost of general investigations charged; San Luis Valley, drainage investigations.

All as shown in the table on page 45 of said Document 201 as revised and subject to checking and modification as recommended

in "General recommendations" on pages 60 and 61 of said document.

Credit authorized to El Paso County Water Improvement District No. 1.

(b) The Secretary of the Interior is hereby authorized to credit on the contract dated January 17, 1920, as supplemented by contract of October 12, 1922, between the United States and the El Paso County Water Improvement District Number 1, the sum of \$350,000 or such portion thereof as in the opinion of the Secretary of the Interior may be necessary and is actually expended in the investigation and construction of necessary works to be built at the expense of said district as a part of the Rio Grande project for the protection of its water supply encroached upon by diversions made from the Rio Grande for use in Mexico. The amounts expended by said district shall be credited upon the said contracts of January 17, 1920, and October 12, 1922, between the United States and the district to the extent of construction charges payable annually by the district to the United States under the contracts mentioned, the first credit to be applied in the year in which the funds, or a portion thereof, within above limitation, are expended. Thereafter such credits shall continue until all cost so incurred by the district shall have been absorbed. During the years credits are so applied no payments shall be required on the part of said district under its contracts mentioned. The total indebtedness under said contracts shall be reduced to the extent of expenditures made hereunder.

Extent of credit.

Shoshone, Wyo.-Mont.

SHOSHONE PROJECT, WYOMING-MONTANA

Deductions from total cost.

SEC. 31. There shall be deducted from the total cost of said project the following sums:

(1) \$1,677,630, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four thousand and eleven acres, Garland division, permanently unproductive for lack of fertility in the soil;

(b) Eighteen thousand three hundred and twenty-four acres, Frannie division, permanently unproductive for lack of fertility in the soil.

(2) (a) \$21,373 on account of operation and maintenance deficit prior to reclamation extension Act of 1914 (Garland division).

(b) \$16,663 on account of operation and maintenance deficit prior to reclamation extension Act of 1914 (Frannie division).

Construction charges suspended.

SEC. 32. All payments upon construction charges shall be suspended against the following lands:

(a) Three thousand seven hundred and nine acres, Garland division, temporarily unproductive for lack of fertility in the soil;

(b) Three thousand three hundred and fifty-three acres, Frannie division, temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 47 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60, of said document.

(c) Five hundred and twenty-four acres on account of having been abandoned.

Sun River, Mont.

SUN RIVER PROJECT, MONTANA

Deductions from total cost.

SEC. 33. There shall be deducted from the total cost of said project the following sums:

(1) \$79,649, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Nine hundred and sixty-two acres, Fort Shaw division, permanently unproductive for lack of fertility in the soil, nonirrigable and nonarable;

(b) One hundred and five acres, Fort Shaw division, permanently unproductive because inaccessible by erosion and floods;

(c) One thousand two hundred and thirty-three acres, Fort Shaw division, permanently unproductive because flooded and eroded.

(2) \$11,734 because of error or mistake on account of adjustment losses.

(3) \$34,148, Operation and Maintenance deficit prior to the Reclamation Extension Act of 1914.

SEC. 34. All payments upon construction charges shall be suspended against the following lands: Construction charges suspended.

(a) Two thousand five hundred and eighteen acres, Fort Shaw division, temporarily unproductive, subscribed; water-logged;

(b) One thousand two hundred and ninety-two acres, Fort Shaw division, temporarily unproductive, unentered, and unsubscribed.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 49 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60, of said document.

UMATILLA PROJECT, OREGON

Umatilla, Oreg.

SEC. 35. There shall be deducted from the total cost of said project the following sums: Deductions from total cost.

EAST DIVISION

East division.

(1) \$490,390, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand five hundred and seventy-five acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement;

(b) Two thousand two hundred and fifty-five acres permanently unproductive because of porous soil, gravelly subsoil.

(2) \$388,448 on account of error or mistake—excluded from district repayments on account of faulty construction.

(3) \$16,711 on account of error or mistake; loss on Hermiston district lands.

(4) \$91,083 on account of operation and maintenance deficit prior to Reclamation Extension Act of 1914.

WEST DIVISION

West division.

(1) \$5,703, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Fifty-nine acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement.

(2) \$252 on account of error or mistake representing shortage of contracted returns from fifty-four acres under water-right applications.

(3) The water-rights formerly appurtenant to all permanently unproductive lands on the Umatilla project shall be available to the remaining lands without added cost to the water users.

Construction charges
suspended.

SEC. 36. All payments upon construction charges shall be suspended against the following lands:

EAST DIVISION

East division.

- (a) Six hundred and ten acres temporarily unproductive for lack of fertility in the soil because of water-logging;
 (b) Five hundred and thirty acres representing in amount \$37,100 and described as probable loss on Hermiston district lands.

WEST DIVISION

West division.

- (a) Three thousand four hundred and twenty-two acres temporarily unproductive because of inadequate water supply;
 (b) Five hundred and ninety-five acres temporarily unproductive because of water-logging.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the tables on page 52 of said Document 201, as revised and as checked and modified as recommended in "General recommendations" numbered 2 and 4, on page 60 of said document.

Uncompahgre, Colo.

UNCOMPAHGRE PROJECT, COLORADO

Deductions from
total cost.

SEC. 37. There shall be deducted from the total cost of the said project the following sums:

(1) \$1,318,056, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

- (a) Four hundred and thirty-nine acres permanently unproductive for lack of fertility in the soil;
 (b) Twenty-four thousand nine hundred and eighteen acres permanently unproductive because of an inadequate water supply.

(2) \$47,371 on account of error or mistake representing deductions recommended and covered in contract of May 7, 1918, between the United States and the Uncompahgre Valley Water Users' Association. The total thus to be deducted from the project cost shall be charged off as a permanent loss to the reclamation fund.

Construction charges
suspended.

SEC. 38. All payments upon construction charges shall be suspended against the following lands:

- (a) Seventeen thousand acres temporarily unproductive because water-logged;
 (b) Five thousand six hundred and twenty-nine acres temporarily unproductive because of rolling and uneven topography;
 (c) Five thousand acres temporarily unproductive because of alkalinity;
 (d) The water rights formerly appurtenant to the permanently unproductive lands shall be available to the remaining land on said project without added cost to the water users, because of the Gunnison Tunnel not yet being completed and there being an inadequate water supply.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 55 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

Yakima, Wash.

YAKIMA PROJECT, WASHINGTON

Deduction from
total cost.

SEC. 39. There shall be deducted from the total cost of said project the following sum:

\$3,068, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

Fifty-nine acres, Sunnyside division, permanently unproductive because of shallow soil overlying rock.

SEC. 40. All payments upon construction charges shall be suspended against the following lands:

Construction charges suspended.

(a) One thousand eight hundred and forty-nine acres, Sunnyside division, temporarily unproductive, being either water-logged, alkali-ed, rough, steep, shallow soil overlying hardpan, or difficult to subdue.

(b) Three thousand and thirty-two acres, Tieton division, temporarily unproductive because of shallow, poor soil with rough topography.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown on page 57 of said document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

ADMINISTRATIVE PROVISIONS

Administrative provisions.

SEC. 41. All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

Permanently unproductive lands excluded from projects, etc.

Disposal of water rights.

Provisos. Use of water.

Rent of surplus water.

SEC. 42. The construction charges heretofore paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 44 of this Act. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in section 44 hereof, the total construction charges heretofore paid, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

Application of charges paid on excluded permanently unproductive lands.

Disposition of excess.

If all lands of applicant excluded, refund in cash, etc.

SEC. 43. The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior

Suspension on areas temporarily unproductive.

Water for irrigation may be furnished.

If permanently unproductive to be charged off as a permanent loss to fund.

Exchanges, if lands eliminated, or are insufficient to support a family.

Provisos.
Final proof on original entry accepted.

Entry of equal amount of contiguous land.

Selection of equal area on relinquishing eliminated, by private owner.

Credit for amounts paid.

Rights not assignable.

Rights of lien holders to be considered.

Preference of ex-service men for farm unit.
Vol. 42, p. 358.

Amending water-right contracts.

Water users, associations, etc., to contract for paying charges on remaining productive lands.

the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this Act.

SEC. 44. Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence, improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided*, That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of one hundred and sixty acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is hereby authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided further*, That the rights extended under this section shall not be assignable: *And provided further*, That in administering the provisions of this section and section 42, the Secretary of the Interior shall take into consideration the rights and interests of lien holders, as to him may seem just and equitable: *Provided further*, That where two entrymen apply for the same farm unit under the exchange provisions of this section, only one whom is an ex-service man, as defined by the joint resolution of January 21, 1922 (Forty-second Statutes, page 358), the ex-service man shall have a preference in making such exchange.

SEC. 45. The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this Act, upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this Act.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than forty years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance or water rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per centum per annum until paid.

The Secretary is further authorized, in his discretion, to grant the relief provided for in section 4, Act of December 5, 1924 (Forty-third Statutes at Large, page 701), to any of the projects mentioned in this Act, without requiring such project to take over the care, operation, and maintenance of the project works.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive: *Provided*, That nothing in this Act shall prevent the execution of any contract heretofore negotiated or in connection with which negotiations have been heretofore opened in good faith or which may be hereafter opened in good faith under the Act approved December 5, 1924 (Forty-third Statutes at Large, page 701), and which shall be executed on or before January 1, 1927, unless the water users affected elect to have the contract governed by this section: *Provided further*, That in the execution of any contract provided for in the last proviso, the Secretary of the Interior shall have authority to arrange for payment of construction charges by any project or division for the calendar years 1926, 1927, and 1928 in proportion to the state of development of the project in those years: *Provided further*, That the Secretary of the Interior is authorized to complete and execute the supplemental contract, now being negotiated and which has been approved as to form by the Secretary, between the United States and the Belle Fourche Irrigation District and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said District in accordance with the terms of said supplemental contract.

SEC. 46. No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting

Discretionary increase of time for paying construction charges, upon request of water users, etc.

Limitation.

Interest on extended charges.

Relief authorized for projects mentioned. Vol. 43, p. 701.

Secretary's decision on amending contracts conclusive. *Provisos.* Discretionary execution of contracts made in good faith to operate January 1, 1927.

Paying charges for 1926, 1927, and 1928.

Belle Fourche district. Completion of supplemental contract as to, authorized.

No water delivery on new projects until contracts made by districts, etc., for payment of costs, during Federal control.

Cooperation of States for promoting settlement, etc., after completion.

Appraisal and sales of land in private ownership in excess of 160 acres.

No water if owner refuse to sell.

Payment, etc., required before right to receive water.

Payments annually in advance.

Public notice when water available, etc.

Construction charges repealed.
Vol. 43, pp. 702, 703, repealed.

Purpose of Act declared.

Discretionary right to deliver water during 1926.
Ante, p. 479.
Vol. 43, p. 701.

Adjustments under this Act declared.
Ante, pp. 636-647.

Vol. 43, p. 703.

the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

SEC. 47. Subsections E, F, and L of section 4, Act approved December 5, 1924 (Forty-third Statutes at Large, page 701), are hereby repealed, except as herein otherwise provided.

SEC. 48. The purpose of this Act is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this Act to those ends.

SEC. 49. Pending the execution of any contract under this Act, or the Interior Department Appropriation Act for the fiscal year 1927, or the said Act of December 5, 1924, the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water.

SEC. 50. The adjustments under sections 1 to 40, inclusive, of this Act are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the Act approved December 5, 1924 (Forty-third Statutes, page 701), and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund."

Approved, May 25, 1926.