

of the United States on all Government buildings on June 1, 1937, and inviting all people of the United States to observe the day and the anniversary year in schools, churches, and other suitable places, with appropriate ceremonies commemorating the tercentenary of the birth of Pere Jacques Marquette.

Approved, May 27, 1937.

[CHAPTER 269]

AN ACT

To prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no part of the funds heretofore or hereafter appropriated or allotted for the construction of the Grand Coulee Dam project (authorized by section 2 of the Act of August 30, 1935, 49 Stat. 1028, 1039, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", and by the Act of June 22, 1936, 49 Stat. 1757, 1784, entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes") or for the reclamation of land in connection with said project shall be expended in the construction of any irrigation feature of said project, exclusive of Grand Coulee Dam and appurtenant works now under construction, until after the following provisions have been complied with:

(a) The privately owned lands proposed to be irrigated under said project (including county lands and such State lands as the State may desire and be able to subscribe for irrigation under said project and to subject to the terms of this Act) shall have been impartially appraised in a manner and to the extent prescribed by the Secretary of the Interior for the determination of their value at the date of appraisal without reference to the proposed construction of the said irrigation works and without increment on account of the prospect of the construction of the said project.

(b) A contract or contracts shall have been made with an irrigation or reclamation district or districts organized under State law providing for payment by the district or districts of that part of the cost of construction of the project allocated by the Secretary of the Interior as the part thereof properly chargeable to irrigation, the said cost of construction to be repaid within such term or terms of years as the Secretary shall find to be necessary, not to exceed the maximum term permitted under the Federal reclamation laws, the payments to be made in the manner and subject to the terms and conditions provided in the said reclamation laws and subject to enforcement by all of the means and remedies provided in the Reclamation Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto or amendatory thereof: *Provided*, That every such contract with any district shall further require that all irrigable land held in private ownership by any one owner in excess of forty irrigable acres and all county and State lands which may be subscribed to or irrigated under the said project shall be designated as excess land and as such shall not be entitled to receive water from said project. The contract shall provide further that no owner of such excess lands in the said project shall receive water therefrom for any part of the

May 27, 1937
[S. 2172]
[Public, No. 117]

Grand Coulee Dam project, Wash.
Construction expenditure conditional upon designated provisions.
49 Stat. 1039, 1784.

Appraisal of lands before irrigation.

Repayment contracts.

Terms and conditions.
32 Stat. 388.
43 U. S. C. §§ 391-404.

Proviso.
Excess land, exclusion from receiving water.

Refusal to sell excess lands; penalty.

lands owned by him if and so long as he shall refuse to sell any excess lands owned or held by him under terms and conditions satisfactory to the Secretary of the Interior and at prices fixed in the appraisals made and approved as hereinabove provided. The Secretary of the Interior may require each landowner, as a condition precedent to receiving water from the said irrigation works, to execute a valid recordable contract wherein he shall agree to dispose of excess holdings then or thereafter owned by him in the manner provided in this Act and in the contract between his district and the United States, and wherein the said landowner also shall confer upon the Secretary of the Interior an irrevocable power of attorney to make any such sale on his behalf. For the purpose of determining excess lands under the provisions of this Act husband and wife shall be considered separate persons and each may hold not to exceed forty irrigable acres as nonexcess lands or husband and wife together may hold eighty irrigable acres of community property as such nonexcess lands: *Provided further*, That as to any part of the irrigable lands of the said project for which the Secretary of the Interior shall determine that farm units of less than forty irrigable acres would be sufficient to support a family, he may approve and cause to be filed farm unit plats establishing farm units of less than forty acres but not less than ten acres and in that event all lands held in any one ownership in excess of one farm unit as shown on such plat shall be considered excess lands subject to the provisions of this Act applicable to excess lands: *Provided further*, That in addition to the foregoing provisions, every such contract with any district shall also provide, with respect to all irrigable lands whether initially excess or nonexcess, that whenever any land is sold at a price in excess of the sum of the appraised value of the arid land, the appraised value of improvements made thereon after the date of the original appraisal, and the amount of irrigation construction costs actually paid for that land, then, before the new owner shall be entitled to receive water from the project, a proportionate part of the said excess or incremented value shall be paid to the United States as follows: If such payment is made to the United States more than fifty months after such sale at an excessive price has been made, then as a prerequisite to the right to receive water all of the incremented value shall be paid to the United States to apply on construction installments to come due on such land in inverse order of their accrual; if payment is made in less than fifty months but more than forty-nine months after the date of such sale, then 99 per centum of such incremented value or excess of sale price shall be thus paid and applied; if payment is made in less than forty-nine but more than forty-eight months after the date of such sale, then 98 per centum of such incremented value or excess of sale price shall be thus paid and applied, and so on for earlier payment allowing an additional reduction of 1 per centum for each month, so that in the event that such payment is made to the United States within one month after the date of such sale, then the percentage of the incremented value required to be paid to the United States for application to construction costs as a prerequisite to the right to receive water shall be 50 per centum thereof: *Provided further*, That each district contract may include a provision which, subject to authorization and validation thereof by the State of Washington, shall require that all irrigable lands which are allowed by the owners thereof without objection to remain in such district until after the judicial confirmation of the organization of the district and of the

Disposal of excess holdings a condition precedent to receiving water.

Size of farm units.

Sale above appraised value.

Payment to United States; application to construction installments.

Scope extended.

- regularity and validity of said contract and the proceedings authorizing it shall be considered as automatically subjected to the provisions of the excess land clauses and incremented value clauses hereinbefore provided for, such obligation to be impressed on the title to the land and to be considered equivalent to a covenant running with the land. The said provision, however, shall not apply to any landowner who, prior to the entry of the judicial decree of confirmation, shall file with the district and duly record as an instrument affecting title to his land, a notice of his objection to the said obligation and of his renunciation of the right of the said land to receive water through, from, or by means of any works constructed by the United States in connection with such project: *And provided further*, That the foregoing four provisos shall not apply to any lands in the State of Washington which have already been developed and are now being cultivated with the aid of water from sources other than the said Grand Coulee project and for which additional water may be desired.
- (c) The State of Washington by appropriate legislation shall have authorized, adopted, ratified, and consented to all the provisions of this Act insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.
- SEC. 2. The Secretary of the Interior is authorized to use not to exceed \$350,000 of the funds hereafter appropriated or allotted for the fiscal year 1938 for the said project for the purpose of the survey, investigation, and appraisal of the irrigable lands of the said project and for surveys, investigations, plans, and designs for the irrigation works therefor.
- SEC. 3. The Secretary of the Interior is authorized to make such rules and regulations and to include in the contracts hereinbefore provided for such provisions as may be appropriate and useful for the purpose of carrying out the purpose and provisions of this Act.
- SEC. 4. The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington which may be included in any irrigation or reclamation project to which this Act is or may be applicable at prices not to exceed the appraised valuation thereof determined as herein provided.
- Approved, May 27, 1937.

Filing objections.

Renunciation of water rights.

Lands excepted.

Ratification, etc., by State of Washington.

Use of portion of allotted funds for surveys, etc.
Post, p. 597.

Rules and regulations.

Sale of school, etc., lands.

[CHAPTER 270]

AN ACT

To reimpose a trust on certain lands allotted on the Yakima Indian Reservation.

May 27, 1937
[H. R. 5171]
[Public, No. 118]

Yakima Indian Reservation, Wash.
Extension of period of trust on allotted lands.

Proviso.
Further extension permitted.
24 Stat. 389; 34 Stat. 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of trust on lands allotted to Indians of the Yakima Reservation, Washington, upon which the trust period expired December 17, 1928, or at any other time prior to the approval of this Act, and upon which lands patents in fee have not been issued, is hereby reimposed and extended to July 9, 1942: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the Act of February 8, 1887 (24 Stat. L. 388), and the Act of June 21, 1906 (34 Stat. L. 326).

Approved, May 27, 1937.