

March 6, 1906
[H. R. 297.]

[Public, No. 35.]

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CHAP. 517.—An Act To authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect, and the Secretary of War may approve, between a point on the southern side of the river opposite to, or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and the western line of section sixteen, township three, range ten on the west, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements on the southern bank of the Tennessee River, between the two points above mentioned, as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this Act, and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States.

SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans, no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of Muscle Shoals Canal or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river, not required for the navigation of the Muscle Shoals Canal or the Tennessee River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this Act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation.

SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this Act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this Act shall be liable for any damage that may be inflicted thereby

upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

Lights, etc.

SEC. 4. That all the rights acquired under this Act shall cease and be determined if the person, company, or corporation acquiring such right shall at any time fail to comply with any of the provisions or requirements of this Act, or with any of the stipulations that may be prescribed by the Chief of Engineers and the Secretary of War, or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements as contemplated by this Act shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority.

Failure to comply with stipulations, etc.

Time of construction.

SEC. 5. That the provisions of this Act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Tennessee River.

Existing rights not affected.

SEC. 6. That the right to alter, amend, or repeal this Act is expressly reserved.

Amendment.

Approved, March 6, 1906.

CHAP. 518.—An Act Authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the Act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation Act, and for other purposes.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if within the limits of the Yakima Indian Reservation, in the State of Washington, as described in the Act approved December twenty-first, nineteen hundred and four, entitled "An Act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington," there shall be found surplus or unallotted lands under irrigation projects deemed practicable and undertaken under the provisions of the Act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation Act, the Secretary of the Interior is hereby authorized to exclude from the provisions of said Act of December twenty-first, nineteen hundred and four, such surplus or unallotted lands which can be irrigated under such project and to dispose of the same in the manner hereinafter provided, and he is further authorized to make withdrawals of such lands for the purposes provided in said reclamation Act.

Yakima Indian Reservation, Wash. Withdrawal, etc., of irrigable lands for reclamation. Vol. 33, p. 595.

Vol. 32, p. 383.

SEC. 2. That the irrigable surplus and unallotted lands in any such project shall be subject to homestead entry under all the provisions of the reclamation Act at such time as may be fixed by the Secretary of the Interior and at a price determined by appraisal as provided in said Act of December twenty-first, nineteen hundred and four. Payments for the land shall be made in annual installments, the number and time of beginning being fixed by the Secretary of the Interior, and shall be deposited in the Treasury of the United States and credited to the Yakima Indian fund, and disposed of as provided by section four of the said Act of December twenty-first, nineteen hundred and four. Such payments shall be in addition to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation Act. In case of failure to make any payment for such lands when due the Secretary of the

Lands subject to homestead entries.

Vol. 33, p. 596.
Payments.

Vol. 33, p. 597.

Forfeiture