

Senator ANDERSON. That is what we were discussing.

Mr. LANGLEY. Do you have it there now?

Senator ANDERSON. Go ahead.

Mr. LANGLEY. That provides that the Secretary is authorized to continue the delivery of water to the lands of the third division during the calendar years of 1964, 1965, 1966, as under the provisions of section 9, subsection (d) (1) of the Reclamation Projects Act of 1939.

Let me pause right there. I do not have it in front of me, but if you will look at section 9(d) (1) of the 1939 act, I am sure that you will find the provision that provides a limitation of 10-year development period during which you can deliver water to private land without a repayment contract.

Senator ANDERSON. Which has long ceased.

Mr. LANGLEY. That is right. So you have to look elsewhere for authority to deliver water when you are talking about public lands. Once it becomes all public lands section 2 of the March 10, 1964 act does not cover it.

Mr. DOMINY. At the time that this bill that we are reading from was enacted, authorizing the purchase, certainly it was contemplated that only part of the land would be purchased, so now we have to turn to section 10 of the 1939 act for the authority to lease when they become public lands.

Go ahead.

Mr. LANGLEY. Over in section 10 of the 1939 act it provides that the Secretary in his discretion may grant leases, licenses, easements, et cetera. What we do when we lease irrigable lands and serve them with water is to get the greatest return to the United States.

Senator ANDERSON. What about 1967 as to the water?

Mr. LANGLEY. It is public land in 1967.

Senator ANDERSON. That is your citation?

Mr. LANGLEY. Yes, sir.

Senator ANDERSON. Will you furnish us a memorandum as to what could be done in 1967? Would you mind giving us a written statement as to why this was used in 1967?

Mr. LANGLEY. Yes, sir; we can supply the committee with that. I will give you the date of the letter in just a moment that we did send.

Mr. DOMINY. We furnished a letter to this committee, Senator Anderson, under date of August 19, 1966.

Senator ANDERSON. Would you supply us with a copy of the letter?

Mr. DOMINY. We will give you another copy of that. The pertinent section that is cited in that letter reads, subsection (d) (1) of section 9 of the Reclamation Projects Act of 1939 provides that the Secretary may—this authority relates to the delivery of water to land in private ownership of Government-owned land made available for disposition under the general homestead law.

Senator ANDERSON. That does not apply to either one.

Mr. DOMINY. It is point out below, however, that the United States has acquired title to all but 80 acres of the lands of the Third Division of the Riverton project and they are now being held in Government ownership pending congressional action. Accordingly we are of the view that it was not the intention of the Congress in passing the act of March to prohibit the delivery of irrigation water after 1966, with the lands in Government ownership, and made available for temporary