

use under the leasing program. Irrigation water has historically been made available to leased Government land on several irrigation projects pending their ultimate use for project purposes. We have the Solicitor's view that these are no different once they become in Federal ownership than any other Federal land.

Senator ANDERSON. Would you send a copy of the memorandum to us? I would like to have it.

Mr. DOMINY. Yes, sir.

(The document referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 19, 1966.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have previously been furnished with a copy of our letters of July 11, 1966, to the President of the Senate and the Speaker of the House advising that there are sufficient lands on the third division of the Riverton Federal reclamation project for sustained agricultural production under irrigation use to form an economical, feasible unit. The information contained in the letter of July 11 was submitted as required by the Act of March 10, 1964 (78 Stat. 156). That Act also authorized the continuance of water delivery to the lands of the third division during calendar years 1964, 1965, and 1966, in accordance with the provisions of Section 9, subsection d(1) of the Reclamation Project Act of 1939, but without regard to the time limit therein specified.

Subsection d(1) of Section 9 of the Reclamation Project Act of 1939 provides that the Secretary may fix a development period for any irrigation block of not to exceed 10 years from and including the first calendar year in which water is delivered to the lands. This authority relates to the delivery of water to lands in private ownership or Government-owned lands made available for entry or disposition under the general homestead and Reclamation laws. As pointed out below, however, 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 being held in Government ownership pending Congressional action on S. 1746 or similar legislation. Accordingly, we are of the view that it was not the intention of the Congress in passing the Act of March 10, 1964, to prohibit the delivery of irrigation water after 1966 to lands in Government ownership and made available for temporary use under a leasing program. Irrigation water has historically been made available to leased Government lands on Federal irrigation projects pending their ultimate use for project purposes.

By letter of June 25, 1964, we advised the President pro tempore of the Senate and the Speaker of the House of Representatives that options had been secured looking towards the purchase by the United States of all but approximately 80 acres of privately owned lands on the third division of the Riverton project. Accordingly, title to all of the land on the third division, with the exception of the aforementioned 80-acre tract, is now held by the United States. This amounts to approximately 25,080 acres, the major portion of which has been leased during calendar years 1965 and 1966 to project landowners residing within the Midvale Irrigation District.

It is not only desirable, but highly essential that the Government-owned lands on the third division continue to be utilized for grazing and agricultural purposes until action is taken by the Congress on S. 1746 or similar legislation. Accordingly, it is proposed to again lease the lands for calendar year 1967 and to furnish irrigation water to the leased lands. The leases will provide for a return to the United States of funds sufficient to cover all operations and maintenance costs involved in supplying the water to the leased lands, as well as the monetary return for the leasehold interest in the property. We consider that the delivery of water to these lands in Government ownership is consistent with and in accordance with the Federal Reclamation laws as amended and supplemented.

An identical letter is being sent to the Chairman of the House Interior and Insular Affairs Committee.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.