

11. WILDERNESS ACT

Provisions guaranteed wherever applicable in all four bills. In all bills the Act applies whenever the wild and scenic river area is also in the Wilderness System, and in case of conflict, the more restrictive provisions apply.

12. WATER PROVISIONS

A. Existing water rights

None of the bills change existing water rights.

B. Water reservations

Aspinall: Does not specifically make a reservation of waters for purposes of the Act. (Specific reservation is unnecessary, however, since Federal legislation authorizing Federal lands to be used for a particular purpose reserves sufficient unappropriated water flowing through the Federal lands to accomplish that purpose.) *Arizona v. California* 373 US 546 on doctrine of *implied reservation*.

Senate-passed: Specifically reserves waters of a wild or scenic river area, subject to existing rights, to extent required for scenic river purposes.

Saylor: Similar to Senate provision.

Reuss: Similar to Senate provision.

C. Interstate compacts

Aspinall: Specifically provides that bill does not affect any existing compact.

Senate-passed: Similar to Aspinall provision.

Saylor: Similar to Aspinall provision.

Reuss: No provision.

D. Access rights to navigable streams

Aspinall: Specifically affirms the right of access by States to beds of navigable streams.

Senate-passed: Similar to Aspinall provision.

Saylor: Similar to Aspinall provision.

Reuss: No provision.

E. Water pollution cooperation

All bills identical in providing that Federal agencies shall cooperate with the Secretary and with States for purpose of eliminating or diminishing pollution of waters within a scenic river area.

13. MINING AND MINERAL LEASING

All of the bills continue the applicability of existing mining and mineral leasing laws, except that mining activities on mining claims perfected, and on mineral leases issued, after the date of the Act will be subject to appropriate regulations.

In addition—

Aspinall: Withdraws the minerals in Federal lands, which constitute the bed or bank of a river included in the system by Act of Congress or which are within $\frac{1}{4}$ mile of such river, from the operation of the mining and mineral leasing laws. It also withdraws, for not more than an 8-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study. Provides that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

Saylor: Provides that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

Reuss: Provides that mining claims perfected after the date of the Act will give the mining claimant title only to mineral deposits in the claim, together with the right to use the land surface.