62D CONGRESS, 2d Session. } SENATE. { REPORT No. 481.

LANDS BORDERING FLATHEAD LAKE.

MARCH 14, 1912.—Ordered to be printed.

Mr. BROWN (for Mr. DIXON), from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 5206.]

The Committee on Indian Affairs, to which was referred the bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake, reports the same favorably to the Senate and recommends that it be passed.

The language quoted in the original act is ambiguous, and to correct the same is the purpose of this bill. The bill (S. 5206) is a department bill and was introduced at the suggestion of the Department of the Interior.

The accompanying letter from Hon. Samuel Adams, Acting Secretary of the Interior, explaining the necessity of the legislation and approving the same, is hereby made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1912.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: In response to your request for report on S. 5206, I have to advise as follows: The act of Congress of April 23, 1904 (33 Stat., 302), as amended by the acts of March 3, 1905 (33 Stat., 1048); June 21, 1906 (34 Stat., 325); May 29, 1908 (35 Stat., 444); and April 12, 1910 (36 Stat., 296), provided for the survey, allotment, and disposition of lands in Flathead Indian Reservation, Mont.

The act of March 3, 1909 (35 Stat., 781), authorized the Secretary of the Interior to reserve lands within said reservation chiefly valuable for power or reservoir sites. September 29, 1910, on the recommendation of the Geological Survey, Executive Order No. 151 withdrew from disposal all tracts of land bordering upon Flathead Lake 100 feet back from the high-water mark of said lake of 1909.

Section 9 of the act of March 3, 1911 (36 Stat., 1066), provided for incorporation in patents issued for tracts of land bordering upon said lake of a clause to the effect that "this conveyance is subject to an easement of 100 linear feet back from the contour of elevation 9 feet above high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power."

The language quoted is ambiguous. There may be doubt as to the effectiveness of the easement attempted to be described therein. I am furthermore advised by the officers of the department that it is unnecessary for purposes of power and irrigation development that the 100-foot reservation be made, and that the reservation of an easement covering all lands between high-water mark of the lake and a contour of elevation 9 feet above the high-water mark of the year 1909 will be ample for the purpose.

The amendment contained in S. 5206 was drafted in this department and will, in my opinion, effectuate the purpose of the withdrawal, obviate the objections to section 9 of the act of March 3, 1911, supra, and relieve lands adjacent to the lake of the unnecessary 100-foot reservation. I therefore recommend its enactment into law.

Very respectfully,

SAMUEL ADAMS, *Acting Secretary.*

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