

AMENDING CERTAIN PROVISIONS OF THE ACT OF MAY  
25, 1948 (62 STAT. 269), FLATHEAD IRRIGATION PROJECT,  
MONTANA

MAY 23 (legislative day, MARCH 29), 1950.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Interior and Insular  
Affairs, submitted the following

REPORT

[To accompany H. R. 8199]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 8199) to amend certain provisions of the act of May 25, 1948 (62 Stat. 269), relating to the Flathead irrigation project, Montana, having considered the same, report thereon with the recommendation that it do pass without amendment.

This bill has been considered by the Committee on Public Lands of the House; on May 15, 1950, that committee submitted its report (H. Rept. No. 2050) recommending its passage and on May 19, 1950, it passed the House.

This bill, if enacted, will extend the period of time allowed irrigation districts of the Flathead irrigation project to execute new repayment contracts provided for by section 3 of the said act of May 25, 1948. The contracts with the Secretary of the Interior required by said act of May 25, 1948, must contain provisions whereby the irrigation districts (1) obligate themselves to repay the construction costs chargeable against all irrigable lands embraced within the respective districts contracting (exclusive of Indian-owned lands on which the collection of construction costs is deferred) to the extent and in the manner prescribed by sections 1 and 2 of the act; (2) consent to such revisions in the limits of cost for the project, or any division thereof, as the Secretary of the Interior and the districts contracting may mutually agree upon in order to facilitate the making of improvements and extensions to the irrigation and power systems; (3) provide for the redetermination by the Secretary of the irrigable area of the project, or any division thereof, and for the exclusion of lands from the project with the consent of the holders of any water rights that would be canceled by such exclusion; and (4) make such other changes in the existing repayment contracts as the Secretary and the districts con-

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tracting may mutually agree upon for the accomplishment of the purposes of the act.

There are three irrigation districts embracing non-Indian-owned lands on the Flathead Indian irrigation project, namely, the Flathead, the Jocko Valley, and the Mission irrigation districts.

The Flathead district comprises approximately 70,000 acres of irrigable land under assessment for operation and maintenance. The Mission district comprises approximately 13,000 acres of such land; and the Jocko Valley district comprises approximately 6,000 acres of such land. The Flathead and Jocko Valley districts, comprising approximately 85 percent of the total irrigable assessable area, have each executed a repayment contract on the form approved by the Secretary of the Interior as provided for in the act of May 25, 1948.

The Flathead and Jocko districts, however, cannot now receive the benefits of the said act of May 25, 1948, because the Mission district has, as yet, not met the requirements of the act. In view of the fact that the two districts which have already complied with the act embrace the great majority of the lands in non-Indian ownership within the Flathead Indian irrigation project, it seems reasonable and just that the provisions of the act should be permitted to become effective with respect to the lands included within their boundaries, notwithstanding the failure of the third district to complete action on a new repayment contract. The interests of the United States would also be served by such action, since the provisions of the new contracts are beneficial to the United States as well as to the irrigation districts.

Under the provisions of this bill an additional period of time, namely, to May 25, 1951, would be accorded the Mission irrigation district in which to receive the benefits of the act of May 25, 1948, by executing a contract conforming to the terms and conditions of that measure.

This bill, if enacted, will also permit a possible immediate settlement of the obligations due the Indians of the Flathead Reservation provided for under the provisions of said act of May 25, 1948.

S. 3524, introduced by Senator Ecton, and S. 3535, introduced by Senator Murray, which bills are now pending before your committee and which bills are identical with that of H. R. 8199.

Under date of May 15, 1950, the Secretary of the Interior submitted his report on said bills, S. 3524 and S. 3535. The suggested amendments by the Secretary of the Interior are embodied in the text of the House bill (H. R. 8199) as herein recommended passage.

The Secretary of the Interior indicates that the Bureau of the Budget has no objection to the enactment of this bill.

A copy of the said report of the Secretary of the Interior, dated May 15, 1950, is attached hereto and made a part of this report, as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 15, 1950.

HON. JOSEPH C. O'MAHOONEY,  
*Chairman, Committee on Interior and Insular Affairs,  
United States Senate.*

MY DEAR SENATOR O'MAHOONEY: This is in further reference to your requests for reports on S. 3524 and S. 3535, bills to amend certain provisions of the act of May 25, 1948 (Public Law 554, 80th Cong.), relating to the Flathead Indian irrigation project.

I recommend that this legislation be enacted with the clarifying amendments hereafter suggested.

The non-Indian landowners on the Flathead Indian irrigation project, Montana, will benefit materially by having the irrigation districts embracing their lands accept the provisions of the act of May 25, 1948, within the time allowed by law for that purpose. Section 3 of the act in question now requires such acceptance to be manifested, through the execution of new repayment contracts by all of the irrigation districts on the project, within 2 years after the approval of that act. One of the three districts has not as yet executed the new contracts. The enactment of S. 3524 or S. 3535 would permit the two districts which have accepted the act to obtain its benefits, and would allow the third district an additional year to complete the steps incident to such acceptance.

The contracts with the Secretary of the Interior required by the act of May 25, 1948, must contain provisions whereby the irrigation districts (1) obligate themselves to repay the construction costs chargeable against all irrigable lands embraced within the respective districts contracting (exclusive of Indian-owned lands on which the collection of construction costs is deferred) to the extent and in the manner prescribed by sections 1 and 2 of the act; (2) consent to such revisions in the limits of cost for the project, or any division thereof, as the Secretary of the Interior and the districts contracting may mutually agree upon in order to facilitate the making of improvements and extensions to the irrigation and power systems; (3) provide for the redetermination by the Secretary of the irrigable area of the project, or any division thereof, and for the exclusion of lands from the project with the consent of the holders of any water rights that would be canceled by such exclusion; and (4) make such other changes in the existing repayment contracts as the Secretary and the districts contracting may mutually agree upon for the accomplishment of the purposes of the act.

There are three irrigation districts embracing non-Indian-owned lands on the Flathead Indian irrigation project, namely, the Flathead, the Jocko Valley, and the Mission irrigation districts. The largest of these is the Flathead district with approximately 70,000 acres of irrigable land under assessment for operation and maintenance of the project. The Mission district has approximately 13,000 acres of irrigable land under assessment for such charges; and the Jocko Valley district has approximately 6,000 acres of irrigable land under such assessments. The Flathead and Jocko Valley districts, comprising approximately 85 percent of the total irrigable assessable area, have each executed a repayment contract on the form approved by the Secretary as provided for in the act of May 25, 1948, and the contracts so executed have been confirmed by proceedings in a court of competent jurisdiction. These districts accordingly have complied with the terms and conditions of the act.

The Flathead and Jocko Valley districts, however, cannot now receive the benefits of the act of May 25, 1948, because the Mission district has, as yet, not met the requirements of the act. In view of the fact that the two districts which have already complied with the act embrace the great majority of the lands in non-Indian ownership within the Flathead Indian irrigation project, it seems only reasonable and just that the provisions of the act should be permitted to become effective with respect to the lands included within their boundaries, notwithstanding the failure of the third district to complete action on a new repayment contract. The interests of the United States would also be served by such action, since the provisions of the new contracts are beneficial to the United States as well as to the irrigation districts. The enactment of this legislation would afford an appropriate means of remedying this situation.

Under the provisions of these bills an additional period of time, namely, to May 25, 1951, would be accorded the Mission irrigation district in which to receive the benefits of the act of May 25, 1948, by executing a contract conforming to the terms and conditions of that measure. In the meantime, the repayment obligations of that district under its existing contract with the Secretary of the Interior would remain in full force and effect.

These bills also would permit the settlement of the obligations due the Indians of the Flathead Reservation under subsections 5 (a) and 5 (b) of the act of May 25, 1948. These subsections deal with obligations long outstanding. Further delay in their settlement would be disadvantageous to both the Indians and the United States. The proviso to these bills is designed to make possible an immediate settlement, as lands substantially in excess of the 70 percent there specified are embraced within the two irrigation districts which have already executed repayment contracts pursuant to the act.

For purposes of clarification it is recommended that at page 1, lines 9 and 10, the words "by May 25, 1951, as provided for in said act" be deleted, and that the

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words "conforming to the provisions of said act on or before May 25, 1951" be inserted in lieu thereof.

For like purposes it is recommended that at page 2, lines 8 and 9, the words "provisions and requirements of section 5 of said act shall be effective" be deleted, and that the words "appropriation authorizations of said act shall be effective, and moneys appropriated thereunder shall be available for expenditure," be inserted in lieu thereof.

Since the time for acceptance of the provisions of the act of May 25, 1948, will expire on May 25 of this year, the enactment of this legislation prior to the latter date would be most desirable.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

MASTIN G. WHITE,  
*Acting Secretary of the Interior.*

