

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Washington, D. C.

Public Notice No. 10

Yakima Project, Washington—Roza Division

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY
AND ANNOUNCING AVAILABILITY OF WATER THEREFOR.

February 1, 1947

1. Public land for which water is available and for which entry may be made.—In pursuance of the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper payment of water-rental charges being made, and execution of a recordable contract as required below, water will be furnished upon a rental basis in the irrigation season of 1947 and thereafter until further notice, and that entry may be made in accordance with this notice, beginning on April 1, 1947, for the following described farm units which are shown on approved farm unit plats on file in the Yakima Project office, Bureau of Reclamation, Federal Building, Yakima, Washington, and in the District Land Office at Spokane, Washington:

Willamette Meridian, Washington

<u>Order of Unit in Drawing</u>	<u>Description</u>	<u>Total Irrigable Acreage</u>
<u>Township 11 North, Range 20 East</u>		
<u>Section</u> 12	<u>Farm Unit</u> A	
1	E $\frac{1}{2}$ SE $\frac{1}{4}$	37.3
<u>Township 10 North, Range 21 East</u>		
<u>Section</u> 2	<u>Farm Unit</u> K	
2	N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	75.6
<u>Township 11 North, Range 21 East</u>		
<u>Section</u> 26	<u>Farm Unit</u> A	
3	Lot 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$	49.8
4	Lot 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$	44.2
<u>Township 10 North, Range 22 East</u>		
<u>Section</u> 2	<u>Farm Unit</u> A	
5	Lot 5	40.6
6	Lot 6	41.4
7	Lot 7	59.1
8	Lot 6	50.6
9	Lot 5	38.3
10	Lot 2	34.3
<u>Township 9 North, Range 23 East</u>		
<u>Section</u> 2	<u>Farm Unit</u> A	
11	Lot 5	50.4
12	Lot 6	49.4
<u>Township 10 North, Range 23 East</u>		
<u>Section</u> 6	<u>Farm Unit</u> A	
13	Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$	56.8
14	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	49.8
<u>Township 9 North, Range 24 East</u>		
<u>Section</u> 6	<u>Farm Unit</u> A	
15	Lots 1, 2	68.7
16	S $\frac{1}{4}$ NE $\frac{1}{4}$	78.1
17	Lot 1	64.6
18	Lot 2	80.9
19	Lot 3	48.5
20	Lot 4	60.9
21	Lot 5	59.4

Order of Unit
in Drawing

Description

Total
Irrigable Acreage

Township 9 North, Range 26 East

	<u>Section</u>	<u>Farm Unit</u>		
22	4	A	Lot 5	101.8
23		B	Lot 6	90.3
24		C	Lot 7	78.5
25		D	Lot 8	75.2
26	6	A	Lot 9	91.2
27	18	A	Lot 7	76.7

Township 10 North, Range 26 East

	<u>Section</u>	<u>Farm Unit</u>		
28	26	A	S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	69.9

2. Limit of acreage for which entry may be made or water secured.—The area of public land in each entry represents the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, and is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. Qualifications required by the Reclamation Law.—Pursuant to the provision of Subsection C of Section 4 of the Act of December 5, 1924, (43 Stat. 702, 43 U.S.C. 433), minimum qualifications as to character, industry, health, farm experience and operating capital have been established which, in the opinion of the local examining board, are necessary to insure the success of an entryman on the land. Applicants must meet these minimum qualifications in order to receive further consideration for entry. These qualifications are:

(a) Character and industry.—Each entryman must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in Paragraph 17 of the farm application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and who are willing and able to disclose full information as to the applicant's qualifications for entry on a reclamation farm unit.

(b) Health.—Each entryman must be in such physical condition as will enable him to engage in farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) Farm experience.—Each entryman must have had at least two years' full-time farming experience acquired subsequent to the applicant's fifteenth birthday. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which may contribute toward knowledge of the successful operation of a farm may be credited as one year of farming experience. No more than one year's experience may be credited from such source. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a county agent, Farmers' Home Administration county supervisor, AAA county chairman, an officer of any local farm organization or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction as required in Paragraph 18 of the farm application blank. Women applicants should describe fully the farm activities in which they have participated and the relation of agricultural courses they have taken to farm operation and management.

(d) Capital.—Each entryman must possess at least \$3,000 in operating capital or equivalent property such as livestock and farm machinery owned by the applicant and deemed by the examining board to be useful on the farm. Adequate credit will be considered when substantiated by a certified statement from the credit source, outlining the amount which will be lent to the applicant and the terms of the loan. In any event, credit will be considered only if the terms of repayment will not, in the opinion of the board, interfere with the development of a farm unit.

In addition, in order to qualify for entry on project lands, applicants must not hold or own, within any Federal Reclamation Project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land will be made to determine eligibility of applicants before awards of farm units are made.

4. Principal qualifications required by homestead law.—The homestead laws require that an entryman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be twenty-one years of age, or the head of a family, and entrywomen must be twenty-one years of age and the head of a family. The Act of June 25, 1946, removes the age requirement for both men and women who are veterans but does not affect the homestead requirement that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (certain exceptions are allowed).

(d) Must not have exhausted the right to make homestead entry on public land by prior exercise of this right. Full information concerning homesteading qualifications may be obtained from the District Land Office at Spokane, Washington, or the Bureau of Land Management, Washington, D. C.

5. Preference right of Veterans of World War II.—

(a) Nature of preference.—Pursuant to the provisions of the Act of Congress of September 27, 1944, (58 Stat. 747) and the Act of June 25, 1946 (Public Law 440, 79th Congress), a preference right of application for a period of ninety days will be given to persons who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least ninety days during World War II and who are honorably separated or discharged therefrom; provided, however, that they must be qualified to enter public land under the homestead laws and must also possess the qualifications as to industry, experience, character, capital and physical fitness required of all entrymen by this notice. This right extends to the widow of a veteran of World War II, and to the guardian of his or her minor orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) What constitutes an honorable discharge.—An honorable discharge within the meaning of the Act of September 27, 1944 (58 Stat. 747) shall mean:

- (1) The separation of a veteran from the service by means of an honorable discharge or a discharge under honorable conditions,
- (2) The transfer of a veteran from active duty to a reserve or retired status prior to the termination of the war,
- (3) The ending of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) Submission of proof.—All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified or authenticated copy of an official document of their respective branch of the service which clearly indicates an honorable separation or discharge or transfer to a reserve or retired status.

Farm applications of veterans eligible under terms of this paragraph will be considered as filed simultaneously if received prior to 2:00 p.m. on April 1, 1947, and will be considered in accordance with Paragraph 9 below. Applications of veterans received after 2:00 p.m. on April 1, 1947, but prior to 90 days thereafter, will be filed in the order received and will be considered only if there are farm units yet unentered after all applications from qualified veterans received prior to 2:00 p.m., April 1, 1947, have been considered.

6. General entry.—On and after July 1, 1947, if the farm units described in Paragraph 1 above, or any of them, shall remain unentered, the said farm unit shall be subject to entry under this notice by any person having the necessary qualifications.

(a) All applications filed prior to July 1, 1947, by persons who are not entitled to preference rights as veterans, under Paragraph 5 hereof, will be received and all applications of such persons so received prior to 2:00 p.m. of that date will be held and treated as simultaneously filed and will be considered as having been filed at 2:00 p.m., July 1, 1947. If more than one such application has been received on July 1, 1947, at 2:00 p.m., the right to make entry for such farm units shall be determined in accordance with Paragraphs 3, 4, and 9, of this notice.

(b) If award is not made of all farm units to the applicants at that time, any applications filed after 2:00 p.m., July 1, 1947, will be considered by the board in the order in which they are filed.

7. When and how to apply for a farm unit.—

(a) Application blanks.—Any person desiring to acquire any of the said public land must fill out the farm application blank which is attached to this notice. Additional blanks may be obtained from the Yakima Project Office, Federal Building, Yakima, Washington; the Regional Director, Bureau of Reclamation, Post Office Box No. 937, Boise, Idaho, or the Commissioner's Office, Bureau of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank except that a preference choice of farm units shall not be authorized and need not be listed.

(b) Filing of applications and proofs.—An application for a farm unit listed in this notice must be filed with the Project Superintendent, Bureau of Reclamation, Federal Building, Yakima, Washington, in person or by mail or otherwise. No advantage will accrue to an applicant presenting his application in person rather than by mail. Such applications must be accompanied by proof of veterans' status, farm experience, and married women's proofs of their status as the heads of families.

8. Examining Board.—An Examining Board of three members, including the Superintendent of the Yakima Project who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Yakima Project. Careful investigation shall be made to verify the statements and representations made by the applicants to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification or fraudulent representation at any time will automatically disqualify the applicant from further consideration. Each action of the Board with respect to any individual applicant is subject to appeal to the Director of Region I, Bureau of Reclamation, Boise, Idaho. Such appeals must be filed in the office of the Project Superintendent, Yakima, Washington, within ten days of receipt of notice of any action by the Board with respect to his application. The Superintendent will forward such appeals promptly to the Regional Director.

9. Showing of applicants and selection of entrymen.—Farm application blanks filed by persons claiming veterans' preference prior to 2:00 p.m., April 1, 1947, will be treated as simultaneously filed, and the Examining Board will dispose of them as follows:

(a) If the applicant fails to make a prima facie case, that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected, and

the applicant notified thereof, by registered mail with return receipt requested, and of his right to appeal to the Regional Director.

(b) After the expiration of the appeal period fixed in Paragraph 8 above, and in the absence of any pending appeals, the Board shall conduct a drawing from among the remaining qualified candidates for the award of farm units. The first name drawn shall be the first selection for the first farm unit as listed in Paragraph 1 above, the second name drawn shall be the first selection for the second unit on the list, and this process shall continue until a first selection has been made for all farm units listed herein. The names of 28 additional applicants shall then be drawn, as alternates, in the order of their drawing, but without designation for any specific units.

(c) After completion of the process of drawing, the applicants whose names are drawn shall be closely investigated to determine the authenticity and reliability of the information and proofs offered by them. This investigation may include a personal appearance before the Board of Examiners, if the Board determines that this is necessary. Those applicants first drawn shall have prior right of entry on the particular units for which drawn if this examination proves satisfactory. They shall have no prior right of entry for any other farm unit. Applicants whose names were drawn as alternates will be offered the right of entry to any unit which may not be entered by the first selected applicant. Such units will be offered, in the order in which they become available, to the alternates in the order drawn and alternates will be ineligible for any further consideration after being offered right of entry to a single unit.

10. Notification of selection and rejection.—

(a) After the completion of the selection process and the determination of all appeals, the Board shall notify the 28 selected applicants, by registered mail with return receipt requested, of his or her selection. With such notice, the Board shall enclose a formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Federal Building, Yakima, Washington, within 10 days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance, executed by the applicant before the expiration of the said ten-day period, the Secretary of the Examining Board shall furnish to each such selected applicant by registered mail, unless delivery is made in person, a certificate stating that his or her qualifications to enter public lands, as required by Subsection C of Section 4 of the Act of December 5, 1924 (43 Stat. 702), have been passed upon and approved by that Board. Such certificate, a copy of which will be forwarded by the Secretary of the Board to the District Land Office at Spokane, Washington, immediately upon the issuance thereof, must be attached by the applicant to his homestead application, together with a copy of his acceptance of the farm unit, when he files such application at the District Land Office. Such homestead application must be made within 15 days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

(b) The Secretary of the Board shall also advise each alternate by registered mail, with return receipt requested, of his or her selection and the order of priority as an alternate.

(c) The Farm Application Blanks of all other applicants shall be held for further consideration and if any farm units are still available and unentered when the first list of alternates is exhausted, a second list of alternates shall be drawn and the process in Paragraph 9 (c) repeated. After all farm units have been entered, the Board shall notify all remaining applicants that the farm units described in Paragraph 1 have been entered and that, consequently, their applications must be held for rejection.

11. Warning against unlawful settlement.—No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: Provided, however, that this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

12. Water rental charges.—The minimum water rental charges for the irrigation season of 1947 (from April 1 to October 31) will be \$2 per acre for the irrigable area of each legal subdivision for which water service is requested and such charges will entitle the water user to two acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the following rates:

Third acre-foot per acre.....	\$1.40
Fourth acre-foot per acre.....	1.85
Fifth acre-foot per acre.....	2.30
Sixth and additional acre-feet per acre..	2.75

All water rental charges must be paid to the Roza Irrigation District in advance of the delivery of water and the full amount of the charges for two acre-feet of water should be paid promptly as soon as the area of land in a farm unit to be irrigated in 1947 has been determined in order to avoid any delay in the delivery of water. The water-rental charges are intended to reimburse the United States for the operation and maintenance of project works and will be continued as the operation and maintenance charges levied by the District when payment of construction charges has been commenced. All such charges shall be subject to the penalties and provisions for cancellation and collection provided in Section 6 of the Act of August 13, 1914 (38 Stat. 686), as amended by Section H of Section 4 of the Act of December 5, 1924 (43 Stat. 703, 43 U.S.C. 478, 494).

13. Contracts with the Roza Irrigation District and recordable agreement required.—

(a) The lands involved in this notice are included in the Roza Irrigation District which has agreed:

- (1) By contract dated December 13, 1935, a copy of which is available for inspection in the project office, Bureau of Reclamation, Federal Building, Yakima, Washington, to pay the charges due to the United States in connection with construction of the irrigation works for the Roza Division of the Yakima Project and the annual costs of the operation and maintenance of such works and to collect the necessary funds for that purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges.

- (2) By contract dated July 8, 1921, as amended by supplemental contract dated April 15, 1935, copies of which are also available for inspection in the project office, to pay to the United States for storage of Yakima River water in the reservoirs of the United States, and releases designed to serve the irrigation needs of the District, the further sum of \$2,500,000 and to collect the necessary funds for this purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges.

(b) Each applicant for entry in order to receive water will also be required to execute and deliver a recordable contract as required under Article 28 of the said contract of December 13, 1935. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation.) It provides that in case of the sale of the land by the entryman, a portion of the sale price over and above the appraised value shall be applied on the construction charges against the land which is being sold.

Each applicant for entry, in making such application, agrees to be bound by the provisions of the repayment contract with the Roza Irrigation District dated December 13, 1935, as amended, and with the storage contract dated July 8, 1921, as amended, and entrymen filing applications under this notice are expected to read and become familiar with the said contracts.

14. Payment of Construction Charges.—Construction and storage charges will be paid by the water users in accordance with the terms of the contracts between the United States and the Roza Irrigation District. Payment of construction and storage charges for land entered pursuant to this notice shall commence at such time as the Secretary of the Interior shall announce by appropriate supplemental notice. By the terms of the existing contracts, repayment of the total cost of construction and storage chargeable to the Roza Division of the Yakima Project shall be paid to the United States by the Roza Irrigation District (which embraces lands herein described) within 40 years from the date of the supplemental notice, announcing the estimated or actual cost, if then ascertainable, to be repaid. The current estimate of the cost of construction and storage chargeable to the Roza Division is \$19,077,500. On the basis of this estimate and an estimate of 72,000 irrigable acres within the District, each irrigable acre of land within the Roza Irrigation District will be required to bear, in addition to the cost of operation and maintenance, an average construction and storage cost of approximately \$265.

15. Reservation of rights-of-way for County, State, and Federal highways and access roads.—Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats, said right-of-way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for State and Federal highways.

16. Reservation of rights-of-way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.—Rights-of-way are reserved for Government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

17. Waiver of mineral rights.—All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries cancelled.

18. Settler assistance in land development.—The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land, roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

19. Effect of relinquishment.—In the event that any entry of public land shall be relinquished prior to 2:00 p.m., July 1, 1947, the lands so relinquished shall be subject to entry in accordance with Paragraphs 5 and 9 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p.m., July 1, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p.m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in Paragraph 9 of this notice.

J. A. Fug

Secretary of the Interior.