



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

AUGUST 23, 1960

Dear Mr. Aspinall:

Your Committee has requested a report on H. R. 12771, a bill "For the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project."

We recommend that the bill be enacted.

The purpose of the bill is to fix the final construction costs of the irrigation works that have already been constructed on the Wapato-Satus unit of the Wapato Indian Irrigation Project, and to allocate that cost on a per-acre basis to the lands that can be served by those works. The portion of the cost that is allocated to non-Indian land will be assessed, and the portion that is allocated to Indian land will be deferred under the Leavitt Act. If any additional works are constructed in the future, the cost must be borne by the lands served by the additional works, and the allocation of prior construction costs will not be affected.

The bill is the outgrowth of a desire on the part of the landowners to know with certainty the total construction charges against their lands. Construction has been in process for almost half a century. The landowners cannot know the total cost under the present law because construction of the project is not yet complete. The proponents of the bill would rather fix the charges on the basis of the construction that has been completed, however, even though the action may create some unusual situations.

The Wapato Indian Irrigation Project is a part of the Yakima Federal Reclamation Project. It is within the Yakima Indian Reservation. The construction that is involved on the Indian project is the construction of the distribution system, and the entire cost is reimbursable. The cost of furnishing water to the boundaries of the reservation, however, is not reimbursable because the Indians are entitled to the water as a matter of right. The apportionment of the cost of constructing the water supply works of the Yakima Federal Reclamation Project that is properly assignable to the furnishing of water to the Wapato Indian Irrigation Project was authorized by the recent Act of August 25, 1959 (73 Stat. 429).

considerably less than the per-acre cost of the works already constructed. If this additional cost were combined with the cost of the constructed works, the change in the assessment against the non-Indian land would be negligible. In view of this fact and in view of the fact that the non-Indians involved want their total obligation to be fixed on the basis of the present construction, we believe that the enactment of the bill is justified.

The following amendments are suggested for purposes of clarity. They do not affect the substance of the bill:

1. On page 2, lines 11 to 15, after "works" insert a colon, delete "after he has first obtained from all non-Indian landowners involved contracts to repay their proportionate share of the cost of such additional construction under terms that are satisfactory to the Secretary", and insert in lieu thereof "Provided, That no land in non-Indian ownership shall be included until an agreement satisfactory to the Secretary has been reached with the owner thereof for payment of the construction cost."

The purpose of the change is to make clear that one non-Indian cannot prevent additional construction if the other landowners want it and the objecting landowner's land can be omitted.

2. On page 2, lines 16 to 25, revise section 4 to read as follows:

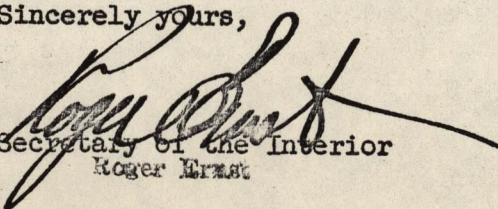
"SEC. 4. If the Secretary of the Interior determines that an operation and maintenance assessment for the repair or replacement of any irrigation works that have been or may be constructed on the Wapato-Satus unit exceeds the amount that should reasonably be paid in one year, he may provide for payment over such period of time as he deems reasonable."

The purpose of the change is to make clear that one non-Indian landowner cannot prevent repair or replacement in appropriate cases under an operation and maintenance assessment, but that the assessment can be spread over a period of years.

3. On page 3, line 2, delete "and 4" and insert "and" before "3".

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

Sincerely yours,


Assistant Secretary of the Interior
Roger Ernst

Hon. Wayne N. Aspinall, Chairman
Committee on Interior and Insular Affairs
House of Representatives
Washington 25, D. C.

86TH CONGRESS
2D SESSION

H. R. 12771

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1960

Mrs. MAY introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

For the allocation of costs on the Wapato-Satus unit of the Wapato Indian irrigation project.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Secretary of the Interior shall (a) designate the
- 4 lands that are capable of being served by the irrigation works
- 5 that have already been constructed on the Wapato-Satus unit
- 6 of the Wapato Indian irrigation project, (b) determine the
- 7 final construction costs of such works, (c) allocate the costs
- 8 on a per acre basis to the land capable of being served, (d)
- 9 assess the costs so allocated to land in non-Indian ownership,
- 10 and (e) defer the assessment of the costs so allocated to land

1 in Indian ownership in accordance with the Act of July 1,
2 1932 (47 Stat. 564).

3 SEC. 2. The Secretary of the Interior is authorized to
4 install trash racks at the Yakima River diversion headworks
5 of the Wapato-Satus unit, and the cost thereof shall be allo-
6 cated and either assessed or deferred in accordance with the
7 provisions of section 1 of this Act.

8 SEC. 3. The Secretary of the Interior is authorized (a)
9 to designate additional lands that could be served by the
10 Wapato-Satus unit if additional works were constructed, and
11 (b) to construct such additional works after he has first ob-
12 tained from all non-Indian landowners involved contracts to
13 repay their proportionate share of the cost of such additional
14 construction under terms that are satisfactory to the Secre-
15 tary.

16 SEC. 4. The Secretary of the Interior is authorized to
17 repair or replace as required any irrigation works that have
18 been or may be constructed on the Wapato-Satus unit:
19 *Provided*, That if the cost of such repairs should not in his
20 judgment be repaid through operation and maintenance
21 assessments the repairs or replacements shall not be made
22 until the Secretary has obtained from all non-Indian land-
23 owners involved contracts to pay their proportionate share
24 of the cost of repairs under terms that are satisfactory to the
25 Secretary.

1 SEC. 5. The proportionate share of the cost incurred
2 under sections 2, 3, and 4 of this Act that is allocated to land
3 in Indian ownership shall be added to the deferred con-
4 struction charges determined under section 1 of this Act,
5 and the total amount shall be assessed on a per acre basis
6 when the deferment is terminated.

7 SEC. 6. The Secretary of the Interior is authorized to
8 redesignate from time to time the lands that are capable of
9 being served by the irrigation works of the Wapato-Satus
10 unit. Any Indian or non-Indian land that is removed from
11 the project by such redesignation shall bear its proportionate
12 share of the construction costs, either deferred or assessed,
13 and its proportionate share of the operation and maintenance
14 cost to the date of such removal, if the removal is based on
15 a redesignation for a higher use. If the lands removed are
16 in Indian ownership, and the removal is based on any other
17 factor, the lands shall not thereafter be assessed for construc-
18 tion charges.

A BILL

For the allocation of costs on the Wapato-Satus
unit of the Wapato Indian irrigation
project.

By Mrs. MAY

JUNE 22, 1960

Referred to the Committee on Interior and Insular
Affairs