

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Yakima, Washington

5/16/39

Our records indicate that you are the holder of irrigable lands or an interest in irrigable lands in the Roza Division of the Yakima project. Excess land contracts are required to be executed by those landowners who own more than 160 acres of irrigable land for which water is desired from irrigation works constructed by the United States under the federal reclamation laws.

Enclosed please find draft of standard form of excess land contract, in form approved by the Secretary of the Interior, to comply with the requirements of Section 46 of the Act of Congress of May 25, 1926 (44 Stat. 649), and articles 28 and 29 of the contract of December 13, 1935, between the United States and the Yakima-Benton Irrigation District (now the Roza Irrigation District).

After giving consideration to the enclosed draft of contract, will you kindly be guided by the following instructions:

The detailed description of the total irrigable area in your ownership as shown under Article 2 should be carefully checked, and if found to be correct you should insert a description of the non-excess lands you expect to retain in the space shown near the top of the second page, immediately below the statement reading as follows:

"of which lands a certain tract (or tracts) containing not to exceed 160 acres of irrigable land, and described as follows:"

The rough draft should then be returned to this office to serve as a basis for the preparation of a contract in final form, which will be submitted to you for signature.

Article 29 of the contract of December 13, 1935, referred to in paragraph 2 provides that each large landowner shall be given a period of 80 days after date of notice from the United States to designate upon which 160 acres of his holdings he desires to apply the water right to be obtained under this contract for non-excess land. You are advised

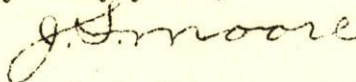
that this communication is to be considered as formal notice from the United States, and that the 80-day period will begin to run from the date of its receipt.

Attention is called to the fact that it is now necessary to determine what laterals, turnouts, and delivery structures will be built by the United States in connection with the Roza Division and that it is not intended to provide laterals, turnouts, or deliveries for any lands held in excess ownership and not subscribed to the excess land contracts. Therefore, you are urged to comply promptly with the instructions outlined above and return the draft as soon as possible.

It is deemed appropriate at this time to point out that the reclamation laws forbid the furnishing of water to any one person for more than 160 acres of irrigable land on which the construction charges, both accrued and unaccrued, have not been fully paid, unless the excess land has been subscribed to approved excess land contracts providing for the sale of the excess acreage at the appraised price as provided for in the statute and contract above referred to.

In order to carry out the provisions of the reclamation laws, each land owner desiring water from the division will be called upon at some time prior to the delivery of water on the Roza Division of the Yakima project to make a showing by affidavit as to the total irrigable acreage owned by him on any and all federal reclamation projects. Thereafter water deliveries will not begin on the Roza Division until a satisfactory showing has been made that such owner does not own more than a total of 160 acres of irrigable land for which construction payments have not been completed on any and all reclamation projects and divisions thereof on which he may own lands, or that the excess land, if any, has been duly subscribed to an approved excess land contract in full compliance with the requirements of the statute and contract to which references have been made.

Very truly yours,



J. S. Moore
Superintendent