

The condition of the works at this time was such as to require extensive reconstruction of the deteriorated wooden structures at a large cost before a dependable water supply could be furnished for the lands of the project. In 1916 negotiations were initiated by the representatives of the State of Idaho to have this reconstruction work done by the Bureau of Reclamation.

Certain examinations and surveys were made in 1917, and during that year the King Hill Irrigation District was organized. A contract was executed between the United States and the district, dated December 17, 1917. The reconstruction work to be carried out under the contract was limited to an expenditure of \$1,000,000. By contract of June 17, 1920, the limit of Federal expenditure on the project was increased by \$600,000. By later contract of January 11, 1922, the allowable Federal expenditure on the project was increased by an additional \$400,000, making the maximum allowable Federal investment \$2,000,000. The total Federal expenditures on the project have been \$1,987,254.04, part of which was written off under section 11 of the act of May 25, 1926 (44 Stat. 639).

By contract of March 2, 1926, the operation and control of the project was turned over to the King Hill Irrigation District, which agreed to repay the construction cost of the project in instalments over a series of years. The district has paid no part of the construction cost, and as there is no probability of its making repayments in the future, I am of the opinion that the indebtedness to the Government should be written off by legislation, as proposed.

The project has many adverse conditions to contend with. Water is brought to the lands through wooden flumes constructed along the hillsides. Breaks are frequent, interfering with irrigation at critical times. The wooden flumes have a comparatively short life, necessitating replacement after a few years' use, thus increasing the maintenance charge. The soil is sandy, and its organic and other elements contributing to plant growth are soon leached out under irrigation. The water supply is deficient. As a result of so many adverse factors, the lands irrigated are unable to meet the costs of operation and maintenance.

I think, however, that the form of the bill should be altered somewhat. No liens, as the language of the bill assumes, are held in the name of the United States against district property. The district and the United States should by agreement rescind the contract of March 2, 1926, and prior contracts, each party releasing the other from obligations, accrued or to accrue, out of the agreements, and the United States conveying to the district all the right, title, interest, and estate of the United States in or to the King Hill project, including the water rights thereof and any real estate acquired, held or used by the United States in connection with the project. A draft of such bill is enclosed.

The draft of bill herewith was referred to the Director of the Bureau of the Budget before report was made on the companion bill, S. 3151, who then stated that the enactment of the bill in the form indicated in the draft herewith would not be in conflict with the financial program of the President. Therefore, I recommend favorable consideration of the enclosed proposed substitute form of bill.

Sincerely yours,

HAROLD L. ICKES,  
Secretary of the Interior.

73d CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2d Session } { No. 1602

BOUNDARIES OF NAVAJO INDIAN RESERVATION IN ARIZONA

MAY 14, 1934.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. CHAVEZ, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 8927]

The Committee on Indian Affairs, to whom was referred the bill (H.R. 8927), to define the exterior boundaries of the Navajo Indian Reservation in Arizona and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 3, line 11, strike out the word, "hence", and in lieu thereof insert the word, "thence".

Page 5, line 1, strike out the word, "or", and strike out all of line 2 down to and including the word "Act" and in lieu of the matter stricken out, insert the following: "the areas added to the Navajo Reservation pursuant to section 1 of this Act."

Page 8, line 1, after the word, "sum", insert the following: "shall be reimbursable from funds accruing to the Navajo tribal funds as and when such funds accrue and".

The bill as thus amended has the approval of the Department, and the letter from the Secretary of the Interior explaining the reason for the enactment of the legislation is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, May 6, 1934.

Hon. EDGAR HOWARD,  
Chairman Committee on Indian Affairs,  
House of Representatives.

MY DEAR MR. CHAIRMAN: This is in further reference to your letter of April 17 requesting an opinion on a bill (H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes.

Section 1 established certain definite lines as the exterior boundary of the Navajo Indian Reservation within the State of Arizona. These lines merely defined the present reservation, composed of part of the original area set aside under the Navajo treaty of June 1, 1868 (15 Stat. 667), and subsequent additions thereto by Executive order withdrawals and purchases. The area which would

be added to the existing reservation as contemplated by the bill includes some public lands interspersed among privately owned lands and also tracts which have been purchased from time to time for the Navajo Indians with their own tribal funds.

Section 2 grants authority under which certain private landowners within the proposed lines could relinquish their holdings and select lieu lands from the public domain outside of the lines but within the same counties, thus effecting consolidation and solidification of the holdings of both the private owners and the Indians. Provision is made that the lands relinquished to the Government within the proposed reservation boundary are to be held in trust for the Navajo Tribe of Indians. This section also provides that no further allotments or Indian homesteads shall be made on the public domain to Navajo Indians within Apache, Navajo, and Coconino Counties, Ariz., which are the counties affected by the proposed reservation boundary line.

Most of the consolidations to be made under section 2 have been worked out pending approval of the bill.

Section 3 provides that after the completion of exchanges and consolidations within the proposed exterior boundary lines of the reservation as authorized by section 2 of the bill, the State of Arizona may solidify its school lands in the three counties mentioned.

Section 4 provides for the acquisition through purchase of certain privately owned lands located within the proposed reservation boundary, together with the improvements thereon, and also provides that in addition to purchasing the surface of the land only, the improvements on leased State school land within the boundary may be purchased under certain conditions set out in said section. Section 4 also contains an authorization for the appropriation of \$481,879.38 to purchase these privately owned lands; the amount mentioned indicates the money actually needed, based upon careful field examination and report by one of our field agents. Purchase of these privately owned lands will end a long drawn out range conflict.

It is of importance to observe here that section 1 (p. 4, lines 12 to 14, inclusive) contains a provision safeguarding the rights of the Hopi Indians to their lands, which are centrally located within the present Navajo Reservation.

It is observed that section 1 (p. 4, lines 24 and 25, and p. 5, lines 1 and 2) contains a provision which in effect would deprive the Navajo Indians of such rights as they may have under existing law to the proceeds or royalties from water-power development within the present reservation boundaries. The bill should be amended at this point so as to safeguard such rights as the Indians may have under existing law. It is accordingly recommended that the bill be amended, as follows:

On page 5, strike out the last word in line 1, and the first eight words in line 2, substituting therefor the following: "the areas added to the Navajo Reservation pursuant to section 1 of this act".

During the past 2 years representatives of the Indian Office held meetings with the boards of supervisors of all three counties involved, together with the local stockmen, and insofar as the boundary lines set out in the bill are concerned, it may be said that what opposition there was at first has now largely disappeared.

On page 7, lines 2-8, inclusive, provision is made that no more allotments or Indian homesteads involving public lands shall be made to Navajo Indians within the three counties involved. This is agreeable to this Department for the reason that we are in effect trading this right of the Indians in order to get solid areas which can be developed for them. The Indians will, however, be able to obtain homesteads as citizens on the public domain by paying the usual fees or commissions and receiving a fee patent for the land selected, which automatically would make the land taxable.

Careful field study has been made of the number of Indians in Arizona entitled to allotments on the public domain, and by checking the area of public land embraced within the boundary lines as described in section 1, it appears that the Indians will receive an area about equivalent to that which they would be entitled to, if allotted.

This proposed boundary extension represents the ultimate line to which the Indians can hope to expand their reservation. This fact is realized by the Indians themselves, as evidenced at their tribal council at Tuba City, Ariz., last November. They are aware that they must reduce the number of their sheep and goats to prevent overgrazing; that erosion and range control must be conducted continuously if they are to survive and make substantial progress.

The proposed boundary extension actually will not add any large areas of public land to the present reservation. The alternate or odd-numbered sections

within the townships involved were originally railroad grant lands which are now partly owned by the railroad and the balance by its grantees, and is practically all leased for the use of the Navajos.

A large acreage of the even-numbered sections was allotted to individual Indians and the even-numbered unallotted sections in Navajo County were reserved for the Navajo Indians by order of March 15, 1908. Hence, these particular sections have for years been reserved for Indian use.

This proposed legislation, which is related to H. R. 8922, Seventy-third Congress, second session, is indeed an emergency measure, as the future livelihood of these Indians depends on favorable action being taken. It not only is an emergency measure in regard to the Indians but also to the Federal Government, for the reason that, if enacted, proper range management and control of soil erosion now in progress on the reservation will be continued, and unless this work is continued in the Navajo country, which is tributary to the Colorado River, soil erosion within the area in question will increase tremendously within the next decade, and result in heavy silt deposits within the Boulder Dam Reservoir, thus seriously damaging the future effectiveness of that project, together with the concurrent loss to the Government on its investment therein. There are enclosed maps with appropriate legend showing the areas involved.

Attention is invited to the typographical error on page 3, line 11; the word "hence" should be changed to "thence".

In view of the foregoing, I recommend that H. R. 8927 be amended as suggested, and that it receive favorable consideration.

The Director of the Bureau of the Budget in reporting on a bill (S. 2499), identical to H. R. 8927, advised that the proposed bill would not be in conflict with the financial program of the President if modified to provide that the appropriation therein authorized "shall be reimbursable from funds accruing to the Navajo tribal funds as and when such funds accrue."

Sincerely yours,

HAROLD L. ICKES,  
Secretary of the Interior.

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