

the White River to the filters and purification plants of the city, which easement shall include all rights and privileges now enjoyed by the city under a revokable license to maintain such pipe line across such lands of the United States.

Use of land.

SEC. 3. The tract of land authorized to be transferred by the first section of this Act shall be used by the grantee for purposes of a public park and recreational site or golf course or for similar and related purposes. If the grantee shall fail or cease to use such tract for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

Approved June 13, 1949.

[CHAPTER 197]

AN ACT

June 13, 1949  
[H. R. 1158]  
[Public Law 101]

To provide for the conveyance by the United States to the city of Marfa, Texas, of certain lands formerly owned by that city.

Marfa, Tex.  
Conveyance.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the War Assets Administrator is authorized and directed to convey to the city of Marfa, Texas, all the right, title, and interest of the United States in and to all of those parcels of land which were conveyed by the city of Marfa, Texas, to the United States of America by deed dated March 23, 1938, and recorded on April 25, 1938, in volume 105, pages 437 and 438, of the Deed Records of Presidio County, Texas.

Approved June 13, 1949.

[CHAPTER 198]

AN ACT

June 13, 1949  
[S. 690]  
[Public Law 102]

To authorize the furnishing of water to the Yuma auxiliary project, Arizona, through the works of the Gila project, Arizona, and for other purposes.

Yuma auxiliary  
project, Ariz.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all lands heretofore withdrawn under the reclamation law in connection with the Yuma project and set apart or otherwise dealt with as an auxiliary project under the provisions of the Act of January 25, 1917 (39 Stat. 868), as amended, are hereby severed from said auxiliary project, except those lands in the first Mesa unit of said auxiliary project which are north of the south line of the north half of the north half of the north half of sections 17 and 18, and north of the south line of the southwest quarter of the southwest quarter of section 9, township 10 south, range 23 west, Gila and Salt River base and meridian, which lands henceforth shall constitute the entire area of the Yuma auxiliary project. After application of the payments as provided in section 3 hereof, no costs heretofore allocated or charges heretofore assigned to the lands hereby severed from said auxiliary project shall be repayable to the United States.

Exchange of land by  
owners.

SEC. 2. For a period of five years from the date of enactment of this Act the owners of land with appurtenant water rights severed from the Yuma auxiliary project pursuant to the first section, the titles to which are deemed satisfactory by the Secretary of the Interior (hereinafter referred to as the Secretary) may exchange the same, acre for acre, for public lands and water rights within the Yuma auxiliary project as herein limited: *Provided*, That if any tract contains any fractional acreage, the area shall be computed to the nearest acre: *Provided further*, That such privilege of exchange shall be subject to the sale or other disposition or use by the United States of any

of such public lands prior to the time an application for the exchange thereof shall have been made.

SEC. 3. The proportionate part of all payments heretofore made under the contract dated October 23, 1918, between the United States and Imperial Irrigation District, of California, which, under the Act of June 28, 1926 (44 Stat. 776), as amended, would have been applicable as a credit to the public lands of the United States severed from the Yuma auxiliary project pursuant to the provisions of the first section of this Act, shall be applied as of the date of enactment of this Act to offset that portion of the cost, originally allocated to such lands, of those facilities previously constructed to be used jointly for the furnishing of water to the lands of the Yuma project and the Yuma auxiliary project.

Imperial Irrigation District. Application of payments.

SEC. 4. (a) The Secretary is hereby authorized to negotiate and enter into a suitable contract with an organization, as defined in section 2 (g) of the Reclamation Project Act of 1939, as amended, satisfactory in form and powers to him, representing the water users of the Yuma auxiliary project as herein limited (hereafter referred to as the organization), for the repayment of certain costs in connection with the construction of works to enable the said project to obtain delivery of water appurtenant to the lands of its water users through the works of the Gila project; to carry such water through the works of the Gila project instead of the Yuma project when additional works for the purpose shall have been completed; and to extend and improve the existing distribution system of the Yuma auxiliary project so as more adequately to supply the needs of the water users. The contract, among other things, shall provide for the assumption of liability by the organization for (1) the repayment of the cost of the additional works necessary to supply water to the Yuma auxiliary project through the works of the Gila project, together with an appropriate share of the cost of works common to the Gila project and the Yuma auxiliary project; (2) the repayment of the cost of extending and improving the Yuma auxiliary project distribution system; (3) the payment annually in advance of estimated charges for the operation and maintenance of the works of the Yuma auxiliary project and an appropriate share of the estimated charges for the operation and maintenance of the works common to the Yuma auxiliary project and the Gila project. The general repayment obligation of any organization entering into such contract covering the repayment of the construction, extension, and improvement costs herein enumerated may be spread in annual installments, without the payment of interest over such reasonable period not exceeding sixty years, as the Secretary may determine: *Provided, however,* That repayment of costs allocated on a per acre basis to lands not under water-right application under the Act of January 25, 1917 (39 Stat. 868), as amended, and the joint resolution of February 21, 1925 (43 Stat. 962), on the date of the contract may be deferred until after water-right application has been made: *Provided further,* That the liability of the organization with respect to the costs allocated to such lands shall be suspended upon the cancellation of any water-right application as to any payments for the calendar year following such cancellation, and shall remain suspended until a new water-right application shall have been made. The contract may provide for the appointment of the organization as fiscal agent of the United States for the purpose of collecting any sums of money which may become due the United States with respect to land and water rights or water-right applications under the Act of January 25, 1917, as amended, and the joint resolution of February 21, 1925, and shall provide that payments made to the organization or any of its representatives for

Contract for repayment of certain costs.

53 Stat. 1188. 43 U. S. C. § 486a (g).

Repayment.

Suspension of liability.

39 Stat. 868. 43 Stat. 962.

any purpose by any land and water right or water-right applicant shall not be applied to any tax or assessment of the organization if any obligations payable to the United States under the Act of January 25, 1917, as amended, or the joint resolution of February 21, 1925, remain due and unpaid. Such contract shall further provide that any lien held by the organization on lands covered by any land and water right or water-right application shall be inferior to the rights of the United States with respect to charges upon such lands under the Act of January 25, 1917, as amended, or the joint resolution of February 21, 1925, and to the lien thereon reserved by the United States pursuant to section 5 (b) of this Act.

39 Stat. 868; 43 Stat. 962.

Construction, etc., authorized.

(b) Upon the execution of a satisfactory contract pursuant to subsection (a), subject to the availability of funds therefor, the Secretary is authorized to proceed with such construction, extensions, and improvements as may be necessary to effectuate the purpose of such contract.

Sale of land and water rights.

SEC. 5. (a) After a contract shall have been executed pursuant to section 4, land and water rights in the Yuma auxiliary project may be sold at private sale, pursuant to the provisions of the Act of January 25, 1917 (39 Stat. 868), as amended and the joint resolution of February 21, 1925 (43 Stat. 962), for a purchase price of not less than (1) \$32 per acre for the land and (2) a sum for the water right consisting of not less than \$160 per acre for the cost of the reclamation works previously constructed exclusively for the Yuma auxiliary project. Such purchase price shall be in addition to any charges or assessments which may be levied by the organization to pay for the per acre construction, extension, and improvement costs allocable to such land under any contract executed pursuant to section 4 of this Act: *Provided*, That said purchase price shall not include any part of the cost of works of the Yuma project and such costs, less applicable credits, shall not be repayable to the United States: *And provided further*, That after a contract shall have been executed pursuant to section 4 and water is ready for delivery to the Yuma auxiliary project through the works of the Gila project, the water users of the Yuma auxiliary project shall cease to be liable for any charges for the operation and maintenance of the Yuma project, except such charges as may then be due and unpaid.

*Ante*, p. 173.

Lien by U. S.

(b) To insure payment of any sums due or which may become due to the United States under land and water right or water-right applications under the Act of January 25, 1917, as amended, and the joint resolution of February 21, 1925, the United States, as of the date of the application, shall have a lien for the entire amount of its charges which shall be prior to all other liens, mortgages, claims, or interests whatsoever. Upon default of payment of any amount so due, the United States is empowered to declare the whole of the unaccrued portion of the charges due and payable and may file suit to foreclose the lien for all accrued charges in any court of competent jurisdiction and sell said land to satisfy the obligation due the United States. This remedy, however, shall not be exclusive.

SEC. 6. All provisions of the Act of January 15, 1917 (39 Stat. 868), as amended, and the joint resolution of February 21, 1925 (43 Stat. 962), not inconsistent with the provisions of this Act shall remain in full force and effect.

Disposition of B-lift pumping plant.

SEC. 7. After a contract shall have been executed pursuant to section 4 and water is ready for delivery to the Yuma auxiliary project through the works of the Gila project, the Secretary is hereby authorized to dismantle the existing B-lift pumping plant of the Yuma auxiliary project and to dispose of any salable parts thereof, either by public or private sale. All moneys realized from the sale of such

parts shall be paid into the reclamation fund and credit therefor shall be given to the organization representing the water users of the Yuma auxiliary project toward the construction costs assumed by it pursuant to such contract.

SEC. 8. There are hereby authorized to be appropriated such sums as may be required for the purposes of this Act.

Approved June 13, 1949.

Appropriation au-  
thorized.

[CHAPTER 199]

AN ACT

To repeal that part of section 3 of the Act of June 24, 1926 (44 Stat. 767), as amended, and that part of section 13a of the Act of June 3, 1916 (39 Stat. 166), as amended, relating to the percentage, in time of peace, of enlisted personnel employed in aviation tactical units of the Navy, Marine Corps, and Air Corps, and for other purposes.

June 13, 1949  
[S. 1270]  
[Public Law 103]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph 8 of section 3 of the Act of June 24, 1926 (44 Stat. 767), as amended by the Act of June 30, 1932 (ch. 326, 47 Stat. 451), and so much of section 13a of the Act of June 3, 1916 (39 Stat. 166), as amended by the Act of July 2, 1926 (44 Stat. 781), reading "On and after July 1, 1929, and in time of peace, not less than 20 per centum of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men, except when the Secretary of War shall determine that it is impractical to secure that number of enlisted pilots.", are hereby repealed.

Enlisted personnel  
in aviation tactical  
units.  
34 U. S. C. § 735,  
par. 8.

41 Stat. 768.  
10 U. S. C. § 291f.

SEC. 2. Nothing in this Act shall be construed as affecting the status of enlisted personnel of the armed services, including the reserve components thereof, designated as aviation or enlisted pilots or engaged in training relating to or leading to such designation.

Status.

SEC. 3. Nothing in this Act shall be construed as affecting the eligibility of enlisted men of the Regular Army, Navy, Air Force, Marine Corps, or the reserve components thereof, for designation as aviation cadets: *Provided*, That, except in time of war or emergency hereafter declared by the Congress, at least 20 per centum of the total number of aviation cadets designated by the Navy and the Air Force, respectively, during each fiscal year after the date of enactment of this Act shall be designated from among those enlisted men of the Regular Army, Navy, Air Force, or Marine Corps eligible and qualified for such designation: *And provided further*, That such designations shall be with the consent of such enlisted men.

Eligibility for des-  
ignation as aviation  
cadets.

Approved June 13, 1949.

[CHAPTER 203]

AN ACT

Relating to the pay and allowances of officers of the Naval Establishment appointed to permanent grades.

June 13, 1949  
[S. 779]  
[Public Law 104]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That permanent appointments issued after August 7, 1947, to officers of the Navy, Marine Corps, and reserve components thereof, incident to the transition from temporary to permanent grades, shall in no case be effective for pay purposes prior to August 7, 1947, irrespective of the date of rank assigned for precedence purposes and notwithstanding the provisions of section 312 of the Naval Reserve Act of 1938, as amended, and the provisions of the Act of March 4, 1913 (37 Stat. 892, 34 U. S. C. 870).

Naval Establish-  
ment.  
Pay and allowances  
of certain officers.

52 Stat. 1183.  
34 U. S. C. § 855k.

Approved June 13, 1949.