

Proviso.
Restoration of lands
not needed.

Service for the purposes aforesaid: *Provided, however,* That the Secretary of the Interior may restore such lands as he may determine are not needed for said reservoir sites.

Approved, February 28, 1919.

February 28, 1919.
[S. 3571.]

[Public, No. 305.]

CHAP. 75.—An Act Granting lands for school purposes in lots numbered one hundred and eleven in each of the townsites of Fort Shaw and Simms, Sun River reclamation project, Montana.

Sun River Irrigation
Project, Mont.
Townsite lots in,
granted to Cascade
County school dis-
tricts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be hereby authorized and directed to issue patent conveying lot numbered one hundred and eleven in the townsite of Fort Shaw, Sun River reclamation project, Montana, to school district numbered eighty-two, Cascade County, Montana, and also lot numbered one hundred and eleven in the townsite of Simms, Sun River reclamation project, Montana, to school district numbered thirty-nine, Cascade County, Montana.

Approved, February 28, 1919.

February 28, 1919.
[S. 3646.]

[Public, No. 306.]

CHAP. 76.—An Act Granting to the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes.

San Diego, Cal.
Lands granted to,
for water supply.

In Cleveland Na-
tional Forest.

In Capitan Grande
Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the south half of the northeast quarter of the northwest quarter and the north half of the southwest quarter of section eight; the west half of the southwest quarter of the southwest quarter and the west half of the northeast quarter of the northwest quarter of section nine, all in township fifteen south, range two east, San Bernardino base and meridian, within the Cleveland National Forest; and the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section fifteen; the northeast quarter of the southeast quarter of section twenty-one; the northwest quarter of the northeast quarter, the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section twenty-two; the west half of the northwest quarter of section twenty-seven; and the east half of the northeast quarter, the southwest quarter of the northeast quarter, and the southeast quarter of section twenty-eight; and the northeast quarter, the west half of the southeast quarter, the east half of the southwest quarter, and the southeast quarter of the northwest quarter of section thirty-three, all in township fourteen south, range two east, San Bernardino base and meridian; also the north half of the southwest quarter and the southwest quarter of the southwest quarter of section three, and lots two, three, six, seven, eight, nine, ten, eleven, and the south half of section four, all in township fifteen south, range two east, San Bernardino base and meridian, within the Capitan Grande Indian Reservation, and all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided,* That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply

Compensation to
Mission Indians.

Proviso.
Forfeiture for sale to
private person, etc.

said lands exclusively to the purposes herein specified, this grant shall revert to the United States.

SEC. 2. That the lands herein granted are and shall be subject to all legal rights heretofore acquired by any person, persons, or corporation in or to the above described premises, or any part thereof, and now existing under and by virtue of the laws of the United States, and no private right, title, interest, or claim of any person, persons, or corporation in or to any of such lands shall be interfered with or abridged, except with the consent of the owner or owners, or claimant or claimants thereof, or by due process of law and just compensation paid to such owner or claimant: *Provided*, That the rights and claims of the Mission Indians of the Capitan Grande Indian Reservation, located upon the lands herein described and affected by the grant herein, shall be protected and provided for as hereafter set forth in section three of this Act.

Existing legal rights retained.

Proviso.
Rights of Mission Indians.

SEC. 3. That the law of eminent domain of the State of California is hereby extended over and made to apply to said lands, and the Secretary of the Interior or his duly authorized representative is hereby directed to appear on behalf of, in the name of, and to represent the Capitan Grande Band of Indians and the United States in any proceedings instituted by the city of San Diego to condemn the interest of said Indians in said lands: *Provided*, That any judgment or order of condemnation entered in such proceeding shall be binding upon said Capitan Grande Band of Indians only upon the approval by the Secretary of the Interior of the terms of said judgment: *Provided further*, That the Secretary of the Interior shall require from the city of San Diego in addition to the award of condemnation such further sum which, in his opinion, when added to said award, will be sufficient in the aggregate to provide for the purchase of additional lands for the Capitan Grande Band of Indians, the erection of suitable homes for the Indians on the lands so purchased, the erection of such schools, churches, and administrative buildings, the sinking of such wells and the construction of such roads and ditches, and providing water and water rights and for such other expenses as may be deemed necessary by the Secretary of the Interior to properly establish these Indians permanently on the lands purchased for them; and the Secretary of the Interior is hereby authorized to expend the proceeds or any part thereof, derived from this grant for the purposes above enumerated, for the exclusive use and benefit of said Indians: *And provided further*, That the grant made in this Act shall not become effective until payment has been made of the sums herein provided for.

Condemnation proceedings by California for Indian lands.

Provisos.
Judgments to be approved by Secretary of the Interior.

Further sum to Indians for civilization, etc.

Use of proceeds.

Grant not effective before payment.

Acquirement of lands by San Diego.

Issue of bonds for paying judgment, constructing works, etc.

Commencement of dam and reservoir.

Forfeiture for failure.

SEC. 4. That within one year after the approval of this Act the city of San Diego shall commence condemnation proceedings to acquire the lands herein described and shall diligently prosecute such proceedings to a final judgment. Within two years after the approval by the Secretary of the Interior of any such judgment of condemnation the city of San Diego shall institute, and thereafter shall diligently prosecute, proceedings for the issuance and sale of municipal bonds to defray the amount necessary to satisfy any such judgment of condemnation, paying such additional sum as the Secretary of the Interior may require, as provided for in section three, and providing for the acquisition, construction, and completion of a dam, reservoir, pipe line, and appurtenances thereto necessary or convenient to the storage and conservation of water upon the lands herein described for the purposes set forth in this bill. Within six months from the time of payment into the city treasury of the moneys realized from the sale of municipal bonds issued as herein provided the city of San Diego shall commence the construction of said dam and reservoir, and the same shall be prosecuted diligently, and in the event that the Secretary of the Interior shall

find and determine that there has not been diligent prosecution of the work, or that said condemnation proceedings have not been commenced and diligently prosecuted, or that municipal bonds have not been issued and sold as herein provided, then he may declare forfeited all rights of the grantees herein and request the Attorney General, on behalf of the United States, to commence suits or proceedings in the proper court having jurisdiction thereof for the purpose of procuring a judgment declaring all rights to be forfeited to the United States, and upon such request it shall be the duty of said Attorney General to cause to be commenced and prosecuted to a final judgment such suits or proceedings: *Provided*, That the Secretary of the Interior shall make no such findings and take no such action if he shall find that the issuance or sale of municipal bonds or the construction or progress of the dam or reservoir has been delayed or prevented by the act of God or the public enemy or by legal, engineering, or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of said grantee: *Provided further*, That in the exercise of the rights granted by this Act the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations: *Provided further*, That if such dam be built the Indians of the Capitan Grande Reservation shall be permitted to reside on, occupy, and cultivate the lands of their present reservation up until within ninety days of the time when water for storage purposes will be turned into the reservoir to be constructed hereunder, provided such occupancy by the Indians will not materially hinder the construction of the dam and storage work, which fact is to be determined by the Secretary of the Interior.

Judicial procedure.

Allowance for casualties.

Compliance with regulations.

Residence of Indians until reservoir completed, etc.

Use of reservoir declared.

Riparian owners, etc.

Proviso. Sale of water to Federal Government.

Rates.

Observance of all conditions required.

Enforcement.

SEC. 5. That said reservoir, when constructed, shall be maintained and controlled by the city of San Diego for the use and benefit of said city and the inhabitants thereof and of such other municipalities within the county of San Diego, State of California, as may be now or hereafter furnished with water by said city of San Diego, and for the use and benefit of riparian owners along the San Diego River below the lands herein described and for the benefit of persons, corporations, or municipalities situated along or adjacent to the pipe lines of said city of San Diego for the conservation and storage of water for domestic, irrigation, or municipal uses: *Provided*, That the city of San Diego shall sell to the United States for the use of the War and Navy Departments such water as the War and Navy Departments, or either of them, may elect to take, and shall deliver the same through its system in or near the city of San Diego to the mains or systems of such military or naval reservations in that vicinity as may be designated by the Secretary of War or the Secretary of the Navy, or both, under such rules and regulations as they or either of them may prescribe. In payment of such water and the delivery thereof the United States shall pay to said city of San Diego a rental to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of such water to said city for all water so furnished as determined by meter measurements: *Provided, however*, That the grantee shall at all times comply with and observe on its part all of the conditions specified in this Act, and in the event that the sums are not reasonably complied with and carried out by the grantee upon written request by the Secretary of the Interior it is made the duty of the Attorney General, in the name of the United States, to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and

carrying out the provisions of this Act: *Provided*, That the city of San Diego is authorized to assign all its rights, powers, and privileges under this Act to any public water district formed under the laws of California. Assignment to public water district authorized.

SEC. 6. That this Act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation, or for municipal or other uses or any vested rights acquired thereunder, and the Secretary of the Interior and the city of San Diego in carrying out the provisions of this Act shall proceed in conformity with the laws of said State. Laws of California not affected, etc.

SEC. 7. That the grantee shall file with the Secretary of the Interior, within six months after the approval of this Act, its acceptance of the terms and conditions of this grant. Time for acceptance of grant.

Approved, February 28, 1919.

CHAP. 77.—An Act To consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto.

February 28, 1919.
[S. 4103.]

[Public, No. 307.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to accept from the persons named below title to the following described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor:

Cache National Forest, Utah.
Exchange of lands for addition to.

Lands accepted.

C. Balling: The southwest quarter of section fifteen; the west half of section twenty-two, all in township fourteen north, range four east, Salt Lake meridian.

C. Balling.

Ferdinand Zollinger, junior: The south half of the north half and the south half of section four; the south half of the north half and the south half of section five; the south half of the northeast quarter and the north half of the southeast quarter of section six; all of section nine; the north half of the northwest quarter of section ten; the north half of the northwest quarter of section seventeen, all in township eleven north, range two east, Salt Lake meridian.

Ferdinand Zollinger, jr.

Conrad Alder: The south half of the northwest quarter, the southwest quarter, the south half of the northeast quarter, and the southeast quarter of section ten; the east half of the east half of section fifteen; the northwest quarter of the southeast quarter of section seventeen, all in township eleven north, range two east, Salt Lake meridian.

Conrad Alder.

Robert Murdock: All of sections eighteen and nineteen, township fourteen north, range four east, Salt Lake meridian.

Robert Murdock.

SEC. 2. That the Secretary of the Interior is also hereby authorized to issue to the persons named below in lieu thereof patents to the following described areas or to such parts thereof as may be found approximately equal in value to the lands conveyed:

Lands granted therefor.

C. Balling: Lots one and two and the northeast quarter of section twenty-one; the west half of the northwest quarter of section twenty-two, and the southeast quarter of section twenty-eight, all in township thirteen north, range nineteen west, Salt Lake meridian.

C. Balling.

Ferdinand Zollinger, junior: The southwest quarter and the southwest quarter of the southeast quarter of section five; the northeast quarter of the southeast quarter of section eight; the northwest quarter of the southwest quarter, the south half of the southwest

Ferdinand Zollinger, jr.