

March 13, 1928.
[H. R. 5476.]
[Public, No. 163.]

CHAP. 218.—An Act To authorize the Secretary of War to sell to the Pennsylvania Railroad Company a tract of land situate in the city of Philadelphia and State of Pennsylvania.

Army.
Sale of tract in Philadelphia to Pennsylvania Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Pennsylvania Railroad Company, or its nominee, a tract of land containing one and five thousand five hundred and twelve thousandths acres, more or less, said tract now forming a part of War Department reservation at Twenty-first Street and Oregon Avenue, being the westerly end of the reservation, situate in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Pennsylvania Railroad Company, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the Military posts construction fund: *Provided*, That the Secretary of War shall have the said tract appraised at the expense of the Pennsylvania Railroad Company: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

Proceeds to military posts construction fund.

Provisos.
Appraisal.

No sale for less than appraised value.

Approved, March 13, 1928.

March 13, 1928.
[S. 703.]
[Public, No. 169.]

CHAP. 219.—An Act Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico, and for other purposes.

Middle Rio Grande Conservancy District.
Agreement with, for irrigation, etc., of Pueblo Indian lands in New Mexico.
Vol. 44, p. 1098.
Post, pp. 900, 1640.

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 to enter into an agreement with the Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande Conservancy District, as provided for by plans prepared for this purpose in pursuance to an Act of February 14, 1927 (Forty-fourth Statutes at Large, page 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed \$1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited which shall be definitely determined by said Secretary and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian

Indians' share of construction costs payable in installments.

Provisos.
Payment withheld if work not approved.

Apportionment of cost of work to lands.

lands benefited exceed \$67.50: *Provided further*, That all present water rights now appurtenant to the approximately eight thousand three hundred and forty-six acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande Conservancy District, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the Act of February 14, 1927 (Forty-fourth Statutes at Large, page 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed pueblo lands whether leased by Indians or others, Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further*, That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further*, That there is hereby created against the newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands which lien shall not be enforced during the period that the title to such lands remains in the pueblo or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

Approved, March 13, 1928.

Protection of present water rights, domestic supply, etc.

Recognition of water rights on newly reclaimed land.

Area not subject to cost of future operation, etc.

Reimbursement of share of cost from Indian funds.

Vol. 44, p. 1098.

From leases of newly reclaimed pueblo lands.

No rentals if cultivated by Indians.

Lien for cost of work, not enforced against pueblo lands or on Indian ownership.

Recognition of authority of Secretary of Interior.

CHAP. 220.—An Act Granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville Road in Hancock County, Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Clinch River, at a point suitable to the interests of navigation, on the Sneedville-Rogersville Road in Hancock County, in the State of Tennessee, in accordance with the

March 14, 1928.
[H. R. 9233.]
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Clinch River.
Tennessee may
bridge, in Hancock
County.