

OPERATIONS OF RECLAMATION ACT

Prof. F. H. Newell Explains Its Workings from a Government Standpoint.

TELLS WHAT SHOULD BE DONE.

Deals With Homestead Entries, Water Users' Associations and Private Ownership.

Prof. F. H. Newell, chief hydrographer of the United States geological survey, has prepared the following comprehensive series of questions and answers, relating to the operation of the reclamation law, all of which will be of special interest to intending settlers, as it will give them a thorough understanding of the interpretation placed upon the act by the department of the interior, of which Mr. Newell is one of the chief officers.

HOMESTEAD ENTRIES.

Q. In what way can public land be taken under the reclamation law?

A. The only way in which land can be taken is under the terms of the reclamation law, which requires actual settlement and cultivation.

Q. Can I take up a homestead entry and obtain title to the land?

A. Yes, you can obtain title to the land by making a homestead entry and settling on the land.

Q. How soon must a man dispose of his excess land?

A. He will not be required to do so before the time that the government is ready to furnish the water, thus gaining the advanced price resulting from the large expenditures of the government and the sure prospect of water, and having, without expense, a good market for his land that he could have had under no other conditions.

Q. What is done to make it certain that such excess lands are sold?

A. The owner must agree that if he does not sell them to a properly qualified person by the time the government water is ready, the association shall have power to do so.

Q. Will the lands be sacrificed by the association?

A. No. Every officer and member of the association is a land owner, and a depreciation of land values is against the interest of the association, which probably be so great, as construction approaches completion, that large prices can be easily realized by the owner himself.

Q. How are former water rights affected by joining the association?

A. The reclamation act expressly protects the water rights. By joining the association the owner of such rights puts them in the care of the association and the water is to be delivered to him as before, being included in the complete supply furnished from the government system. His priority of water remains intact, is protected by the articles of the association and he must begin his term of residence from the time he makes his entry.

Q. Must I live on the land if the water is not yet cultivated?

A. Yes; after you make your homestead entry you must comply with the terms of the homestead law. No excuse is accepted because of lack of water, as it is not desired to have people on the land until water is ready for them.

Q. Under usual conditions there is a year to prevent your entering 160 acres at first, but this entry is merely preliminary, and will be cut down to eighty, or 120 acres, according to the place finally determined upon. It will also be subject to certain limitations, charges and terms, which cannot be given until the contracts for reclamation have been let.

Q. What assurance is there that the land which I enter will be irrigated?

A. You can have no assurance that the land will be irrigated until such time as public notice has been given that you enter in advance of the public entry, and you make a speculative entry, and you are not to be supplied, and with a reasonable certainty that you may lose your homestead right.

Q. What are the water users' associations?

A. These are associations of individuals owning or having claims to water and lands to which water may be supplied by the works constructed by the government.

Q. Why are the associations formed?

A. They are formed in order to assist the government in the land reclamation works, and that they will so effect the existing claims to the use of water available for lands in private ownership, whether from private or government irrigation works, shall be under one control, viz.: that of the water users themselves. This organizes the interior may have the water to lands in private ownership, contemplated by section 5 of the reclamation act.

Q. What is the form of organization?

A. The form of organization may vary in different parts of the country according to the local needs. A preliminary to approval by the secretary of the interior, which can be used in organizing such associations. Its principles have been approved by the secretary of the interior.

Q. What is required of persons joining such associations?

A. (1) They agree to turn over to the management of the association the property to be administered in connection with the additional water supply furnished from the government irrigation system. (2) They agree to make their former water rights, as well as the government water rights, appurtenant to the lands irrigated. (3) They agree to pay the charges for the reclamation act. (4) They agree that their land shall be security for the government charge for water, and that such charge shall be a lien on the land which the association may enforce if they do not pay for the water. (5) They agree to dispose of the lands they own which are in excess of the limit of lands in private ownership permitted to apply for water from the government system.

Q. How is the association managed?

A. Directly by the water users themselves and through the officers elected by them.

Q. How much water will be furnished to each water user?

A. He will receive his proportional part of the entire supply in the hands of the association, not in excess of the amount necessary for the proper cultivation of his land.

Q. What assurance has he of a sufficient supply?

A. The assurance that the government, having determined the area which can be cultivated to the highest efficiency, the association is required to enforce the law represented by its shares to that amount.

Q. What will be the cost of the government water right?

A. The smallest amount consistent with permanent work. Steel and concrete will be used wherever required. The heaviest part of the cost—that is, the maintenance which goes on forever—will be reduced to a minimum.

Q. What is the connection between the association and the government?

A. Before beginning construction the government will make a contract with the association, in which the latter will guarantee the payments and agree to enforce the collections from its shareholders by means of the lien on their lands if necessary.

Q. Does the shareholder derive any advantage from this lien?

A. Yes. It protects him against the possibility of being required to pay for a neighbor's water right, for without the lien the association would be required to assess each member for any deficiency.

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merely to reclaim the land, but to furnish homes for the greatest number of persons, and to bring about an intensive cultivation of the soil. It is necessary to cut down the land holdings to such a point as will enable a large number of families to make a comfortable living.

Q. If I have a farm of over 100 acres, for which I want water, what must I do?

A. You can, by joining the Water Users' association, secure water for 100 acres or less, as the rule may be; but the remainder of the land can not have water unless it is conveyed by a recorded deed to some other person.

Q. Can I convey this to a relative, or friend, and can he obtain water and then transfer the title back to me?

A. To secure a title to water will necessitate the land being conveyed by actual recorded deed, and remain in the ownership of some other person for five or possibly ten years or more. Such person must also be an actual bona fide resident on the land, or an occupant thereof residing in the neighborhood.

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