

RIGHTS OF WAY THROUGH CERTAIN PARKS, ETC.

MAY 30, 1900.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DE VRIES, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 11973.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 11973) relating to rights of way through certain parks, reservations, and other public lands, beg leave to submit the following report:

The exigencies supporting this bill are fully set forth in the last annual report of the Secretary of the Interior, pages 6 and 7. This bill differs from H. R. 10225, Fifty-sixth Congress, first session, in that this bill allows permits for the rights of way set forth in the bill, while the former bill made grants in fee of these rights. The present bill also limits the permits to the Yosemite, Sequoia, and General Grant parks of the parks.

The report of the Secretary above mentioned is as follows:

Sections 2239 and 2340 of the Revised Statutes, the act of March 3, 1891 (26 Stat. L., 1095, secs. 18-21), the act of January 21, 1895 (28 Stat. L., 635), the act of May 14, 1896 (29 Stat. L., 120), and the act of May 11, 1898 (30 Stat. L., 404), relating to rights of way for ditches, canals, and reservoirs over the public lands and reservations of the United States, are so confused and so fragmentary in their nature that the Department is greatly embarrassed in their administration. For instance, the act of March 3, 1891 (25 Stat. L., 1095), grants rights of way for ditches, canals, and reservoirs used for the purposes of irrigation, and the act of May 11, 1898 (30 Stat. L., 404), in its second section authorizes the use of these rights of way for other specified purposes. The later act, however, instead of granting rights of way for these newly specified purposes, merely enlarges and extends the uses to which rights of way granted for the purposes of irrigation may be applied. Thus a right of way can not be obtained where it is intended to use the water exclusively as a means of creating power to run an electric or manufacturing plant or in hydraulic or placer mining, although when a right of way is once obtained for irrigation purposes it may also be used for these other purposes in a subsidiary way.

The several acts relating to this subject should be brought together and harmonized in a new act, the terms of which should be broad and comprehensive enough to afford the widest possible use, for all beneficial purposes, of the waters on the public lands and reservations of the United States, so long as the same is consistent with the preservation of the public interests and the attainment of the purposes for which the various reservations are established.

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The result of the above-stated conflict of statutes has produced the anomaly that while forest reserves are being set aside to preserve watersheds and increase the water supply, the same legislation has denied its use in and for the industries calculated to be benefited thereby. This bill corrects this condition by extending the opportunities to use these waters to mining, electrical, domestic, public, and any other beneficial uses.

The committee, therefore, unanimously recommend the passage of the bill as amended.