

PURCHASE OF CERTAIN LANDS BY CITY OF YAMHILL,  
OREG.

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JUNE 8, 1926.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. SINNOTT, from the Committee on the Public Lands, submitted  
the following

REPORT

[To accompany S. 3655]

The Committee on Claims, to whom was referred the bill (S. 3655) to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916, having considered the same, report thereon with a recommendation that it do pass.

The city of Yamhill, Oreg., a small town of some 350 people, has constructed a dam on Turner Creek a short distance below the point at which the creek issues from a steep, deep caynon, and now finds it necessary, in order to protect its water supply, to obtain the 80 acres in this caynon. This water supply is used also by the farmers in the vicinity. There appears to be no other available source. Since this land is a part of the Oregon & California land grant, the disposition of it is provided for by the act of June 16, 1916.

The bill provides that the city may purchase the land at \$2.50 per acre, and that since this land is a part of the Oregon & California land grant, under the act of June 16, 1916, the land and timber are to be sold and the water-power rights reserved.

The bill provides that patent shall issue to the city for the land and that the city shall pay \$2.50 per acre therefor. The Government may enter at any time, under the water power act, for the purpose of developing hydroelectric power, and the Government retains the title to the timber and may sell it under rules and regulations prescribed by the Secretary of the Interior. It gives the right to the city to purchase the timber which is appraised at \$4,375, at the highest price bid, when the timber is offered for sale. The city is not at this time in a position to buy the timber on account

of public works already undertaken, but desires the right to do so, if able, when the timber is to be sold. It appears that the rights and interests of the Government are taken care of in the bill.

While the town is small, the need of its people for an uncontaminated water supply is as urgent as it is for places having greater population, and the policy of Congress is that the protection of the water supply of a community is the highest use which can be made of lands suitable for that purpose.

The following is the report of the Secretary of the Interior on the bill:

THE SECRETARY OF THE INTERIOR,  
*Washington, April 5, 1926.*

HON. ROBERT N. STANFIELD,  
*Chairman Committee on the Public Lands and Surveys,  
United States Senate.*

MY DEAR SENATOR STANFIELD: I have your request for an opinion as to the merits of S. 3655, authorizing the purchase by the city of Yamhill, Oreg., of the N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 9, T. 2 S., R. 5 W., Willamette meridian, 80 acres, formerly embraced within the grant to the Oregon & California Railroad Co., but now reverted in the United States by the act approved June 9, 1916 (39 Stat. 218).

The provisions of this bill differ only from those of S. 3161, upon which this department on March 3, 1926, submitted favorable recommendation to your committee, with respect to the timber on the land involved, the present bill providing, in lieu of payment by Yamhill City of the appraised price for the timber, that there shall be reserved to the United States, the right to remove from said land all timber which in the opinion of the Secretary of the Interior may be cut and removed without material damage to the watershed, but in the sale of such timber under the provisions of the said act of June 9, 1916, *supra*, the said city of Yamhill shall have a preference right of purchase of the highest price bid.

The sale of these lands to the city of Yamhill separate and apart from the timber thereon, as authorized in this bill, is not in harmony with the policy heretofore adopted by Congress, with respect to the sale of these reverted lands where needed for the purpose stated, Congress having no doubt realized that such a sale of the lands only would operate as a hindrance to the subsequent sale by the Government of the timber on these lands while in private ownership at the appraised value of such timber and this department concurs in this view.

I can not therefore look with favor upon the legislation proposed in this bill under the conditions prescribed therein and recommend that it be not passed, but have no objection thereto if the same be amended so as to provide for the purchase of the timber at the appraised price in addition to payment of \$2.50 per acre for the land, in accordance with the terms of the former bill, S. 3161, upon which favorable report has heretofore been made to your committee.

Very truly yours,

HUBERT WORK.

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