UNITED STATES
DEPARTMENT of the INTERIOR
news release


An official of the Department of the Interior comes to this Council meeting acutely aware that his agency stands indicted by many of its members for some of its policies. In effect, we are charged with not understanding the facts of life of modern agriculture.

I have neither the inclination nor the authority to plead to the indictment. But I am willing to discuss the matter, with the hope that an interchange will serve both you and the Department.

Interior's involvement with the farming business results from its responsibilities as a public land law administering agency, and as the instrumentality to carry out the Federal reclamation program. The economic and social, as well as the technical side of the business are the concerns of a sister Department.

However, Interior does have a special relationship to that segment of agriculture which is dependent in whole or in part upon irrigation water supplied through the Federal reclamation program. The relationship is of long standing, and it is close. But it is not one-to-one. Less than one-fourth of irrigated agriculture is Federally aided.

Still a little history is in order. The story of irrigated agriculture is the story of the development of the arid West. Theodore Roosevelt enunciated national policy when he said:

"The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States."

Roosevelt was stating truth, not discovering it. That the settlement of the western lands was not only in the national interest, but was virtually a national duty, was a part of a national heritage dating back to the time of Thomas Jefferson and beyond.

But it has never really been generally understood, either in Teddy Roosevelt's time or today, that the arid land of the West would not be taken up and developed by the methods which had brought settlers beyond the Cumberland.

Available land alone led people to develop the rain abundant East and the midwest plains. In the arid regions, land without water was valueless.
Major John Wesley Powell, first director of the U. S. Geological Survey, recognized and said in 1878 that the "redemption of the arid region involves engineering problems requiring for their solution the greatest skill . . . extensive and comprehensive plans for the execution of which aggregated capital or cooperative labor will be necessary. Here individual farmers, being poor men, cannot undertake the task. For its accomplishment, a wise prevision, embodied in carefully considered legislation, is necessary."

The Reclamation Act of 1902 was the Congressional recognition that the needed projects were too vast for either private or single State efforts. That act outlined the conditions for Federal assistance to private efforts to bring water to land.

It should not be forgotten that the early Federal reclamation projects were in areas where private irrigation systems had already been built.

Irrigation was the lodestar of the earlier stages of development, but hydropower production enabled projects to be broadened, and flood control, recreation, fish and wildlife and recreation, water quality and pollution control as direct and indirect benefits in later years have come to be equally important.

By way of review, the 1902 Reclamation Act limited the amount of land for which water could be furnished from a Federal project. For privately owned lands this was 160 acres. In the case of public lands, farm units varying from 40 to 160 acres were to be established, the criterion being the acreage required for support of a family. Public land units could be entered only under the homestead laws, which meant that the entryman had to make his home on the entry. That requirement, by the way, holds today for public land units.

For private units, the owner either had to reside on the land or in the neighborhood. "To settle a man on the land" was clearly the objective of the 1902 Act for private as well as public lands.

But although the Reclamation Act limits the amount of land within a single ownership to which water can be delivered, individuals may own additional land that is not irrigated without violating the law, and they may also rent irrigated land from others, including land served by reclamation works.

When the irrigation program involved only facilities to deliver surface waters to desert public lands and private lands, and when repayment contracts were with individuals, it was relatively easy to administer the law.

But when the program was changed to provide supplemental water to irrigated lands developed by non-Federal means; when development and use of ground water came along; when the irrigation district contract replaced contracts with individuals; and when technological advances in farming literally outran our imagination--then the administrative troubles began.
Paradoxically, administrative troubles seem to be a measure of the success of irrigated agriculture. Other sources of capital were stepping in.

Within the last two decades, most of it within the last half-decade, 1.1 million acres of land have been brought under water by private efforts—private pumping, private financing, appropriated water—in my own State of Idaho.

In Nebraska, irrigated acreage has increased phenomenally, from 1.4 million acres in 1954 to 3.4 million acres in 1964—all by private efforts.

Here in California, State projects have also returned to the scene—the single-State efforts which Powell could not foresee.

With private and State-financed programs functioning side-by-side with the Federal programs, but with different sets of rules for them, it is no wonder that the restrictive Federal rules have come to be regarded as an irritant.

Secretary Udall, in a letter of June 10, 1964, to Chairman Henry M. Jackson of the Senate Committee on Interior and Insular Affairs, transmitted certain papers concerning the "Acreage Limitation Policy Study." Two key paragraphs were:

"In essence, there are two major schools of thought on the excess land laws. One holds that the technical and business character of modern agriculture is such that the large scale farm will largely displace the homestead farmer and, therefore realism and public interest require modification of the excess land laws. Obviously, if such a policy is to be examined, other requisites to the public interest should also be considered.

"The other school of thought holds that the irrigation phase of the reclamation program of the United States cannot be justified except as a means by which farmers will be given an opportunity to make their homes on the land. If this is to continue to be the policy of the United States, then the law should be modernized where necessary and such loopholes as may presently exist should be closed."

I do not think the Secretary will mind if I suggest that this may oversimplify the issue. I do not think that "large scale" farming is the only alternative, and that unbridled bigness is the only choice to the homestead ideal. To put it another way, I most emphatically feel that the irrigation phase of the reclamation program of the United States can be justified without a blind adherence to the ideal of the yeoman family farmer.

I think the Secretary feels so too.
Consider some of the principal variables on this matter of size of farm unit. When John Wesley Powell wrote about the arid lands of the West in 1878, he distinguished arable land from irrigable land. Irrigability involves engineering feasibility, which originally was synonymous with storage and gravity but is now much more complicated.

The amount of arable land which is irrigable is a function of water cost and that involves all manner of considerations, starting with the basic availability of a supply.

Furthermore, arability itself is a general term. Soil quality, the length of the growing season, and topographic and physical features of the terrain, water aside, are factors which have to be accounted. What was once a crude indicator—the nature of the stand of sagebrush—has been replaced by highly scientific methods. In this and many parts of California, you have been able to go farther and pay more for your water because once you got it to the land you could make more money with it, given the soil quality and the fact that you could harvest several crops rather than one or two.

Agriculture is not an isolated system—what can be spent for land and water is determined by such economic factors as being able to grow vegetables in the winter and having accessible markets.

These factors change. Within the last ten years, a breakthrough has equalized the competitive advantage of growing winter vegetables—processing.

Economics is the word which describes these various forces. No one can evaluate an irrigation project without considering economic determinants.

In areas like California, the economic considerations take a different form than in Idaho. You are in a water short, and water competitive area; we are not. Put another way, you must consider alternative uses and demands for water, and the price others will pay as against what you can pay. In Idaho, it is the cost of water development, not the availability of the water, which is the limiting factor.

A major analytic effort within the executive branch to bring a common focus to the many federal programs involving water is under way. Irrigation and reclamation is a target for special attention in this effort.

The legislative branch, as I've already said, is considering the larger policy issues involved in water development programs, and is reviewing the policy of the law for assistance to agriculture and the excess land laws. Congress in effect reviews these policies each time it debates an authorization for a new multiple-purpose project.

The courts, too, are in the picture.

The farmers of the Imperial Valley who have relied on Interior Secretary Wilbur's interpretation of the applicability of the 160-acre limitation
to their lands will not be content with less than a judicial determination that their reliance was ill-placed, given the economic stakes involved.

Congress, in my opinion, is not going to act soon to change the acreage limitation provisions of existing reclamation law.

The reclamation program has a built-in momentum; it had been highly successful; and this particular aspect of it is deeply rooted in our national character.

You can cite facts to show that the concept is archaic, inequitable, and unadministrable—but you cannot overcome a basic emotional antipathy to the only alternative ever presented—unbridled bigness.

Judicial scrutiny of executive action in this area presents a complex of considerations apart from the basic legislative policy. For my part, I'm concerned about the policy implications of changes in interpretations which adversely affect rights vested in good faith reliance on earlier interpretations. But apart from this, there is the problem of isolating a justiciable controversy, which the courts understandably demand.

The judicial route is rocky—courts give great weight to administrative interpretations of statutes having a discretionary component, or which call for expertise in administration. Courts respect Congressional policies, even those they may not agree with.

I have great confidence that the courts will hear and fairly determine the legal questions in the various cases involving applicability of the acreage limitation. As to the Imperial Valley situation, it is not yet in Court. Secretary Udall has agreed to receive and review the brief of the affected landowners, and he is doing so. Should he be unpersuaded by it, he will carry out his commitment to facilitate a prompt judicial review of the basic legal question, and in the meantime, water is being delivered.

And the Justice Department lawyers, who must represent the Department in any litigation, will make another and independent review of the law.

A hundred years ago lack of transportation justified irrigation which would not today be practicable, particularly in the less favorable areas. Fifty years ago, projects were purposefully planned to fill the vacant land of the West, whereas today it seems to be filling without such incentives. More recently, irrigation, particularly the furnishing of supplemental water, has been overshadowed by other multiple-purpose benefits.

Alternative uses of water, for municipal and industrial uses, is getting Reclamation Bureau attention under specific statutes, and the Bureau is talking about using hydropower as peaking power principally.

What these things mean, it seems to me, is that we cannot rely on old formulas to answer our questions. We are, I firmly believe, going to
continue to build reclamation projects—not to settle family farmers on their quarter section—but for better reasons:

-- Because the country is going to need the food, domestically and as a weapon of international diplomacy.

-- Because irrigated agriculture is diversified agriculture, which will release areas from servitude to one-crop, plantation-type, boom-and-bust agriculture. In the process, we will achieve the real objectives of socially desirable agriculture, a healthy economy in an area, and a strong individual enterprise system.

-- Because irrigation remains the most economic and soundest use of a great deal of water in the West now being wasted while good land lies idle.

-- Because we will have mastered the techniques of economic analysis, so that we may show concretely, and not in emotional or political terms only what the benefits of irrigated agriculture are.

-- Because we will have developed the toughness of mind to own up to our mistakes, and not let them stand as continuing obstacles to public acceptance of irrigation or agriculture generally.

-- Because we will have mastered the techniques of more efficient irrigation, and a willingness to end wasteful practices. Chairman Jackson told Central Valley Project 25th anniversary celebrants that the Northwest does not want to hoard its water, but that he does believe (and I agree with him) that thirsty regions must first closely examine their own situations and establish that they do actually need additional water and cannot obtain it except by import.

Despite the high payrolls of space and other industries, agriculture is still number one in California. Most of it is from irrigated land—$2 billion dollars in 1964.

Let me wind up by returning to Major Powell.

That great man had no patience with myths. He devoted his life to dispelling the myth that the whole West was a land of milk and honey, where a quarter section of land was an assurance of security and the good life. He knew that the land was valueless without water, at least it was then, and he knew that getting water to the land was not within the capability of the average individual—cooperation was necessary, and capital, and most of all an understanding of the concept of an economic unit.

As an aspect of that early myth-dispelling, he developed his own ideas as to how the arid lands ought to be parcelled out, in terms of sound social and valid economic sense. Thus he recommended—unsuccessfully—that land be parcelled according to the natural contours or water-availability of the land. He vigorously dispelled the notion, nine decades ago, that any but a large amount of land—he suggested four sections—could be worth owning and operating for "pasturage", and even with this he contemplated a number of owners running in common.
In a contest between private reclamation and public reclamation, all else being equal, the odds are likely to favor the system most nearly conforming to the circumstances of contemporary agriculture. Nineteen hundred sixty-six agriculture is not 1926 agriculture.

I hope the Public Land Law Review Commission, which surely must have a hand in this developing public policy question—in Idaho and Oregon, at least, there are millions of acres of available arable land, now technologically irrigable, in public domain status—will help us along a sound road.

The water ought to be brought to the best land; and the pattern of the land’s development ought to take into account current methods of farming and, as often as possible, of private sources of capital.

President Johnson has indicated his interest in this matter in an affirmative way by an executive order establishing the President’s Committee on Food and Fiber, and the National Advisory Commission on Food and Fiber. Late last year he asked a Cabinet-level Committee to "appraise existing and alternative agricultural policies and foreign trade policies related thereto in terms of the national interest, the welfare of farmers, workers, consumers, rural Americans, and the general public; their effect on the performance of the economy and on foreign relations; and their implications for the optimum allocation of Federal resources among national objectives; . . ."

At the same time the President appointed a Commission from the private sector of the economy and charged it with the duty of transmitting to the Committee its independent analysis, evaluation and recommendations with respect to the same matters.

Sherwood Berg, Dean of the School of Agriculture at the University of Minnesota, is the Chairman of the Commission.

Although not included explicitly in the terms of the executive order, the federal program for reclamation and irrigation is bound to be an important aspect of any study which covers the matters listed. Secretary Udall is determined to see that the deliberations of this Committee and the Commission will include the great and affirmative story which irrigated agriculture in the West can tell.