PART II

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TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

REPUBLICATION OF REGULATIONS

Chapter I of Title 25 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material, the various amendments and additions are brought together in their entirety and the chapter has been arranged on a functional rather than alphabetical basis.

The numbers of the parts in this chapter have been adjusted to conform with its revised arrangement. The effective date of these numbers shall be the date of this republication. Existing delegations of authority, forms and other legal or administrative documents which refer to former part numbers of Chapter I are continued in effect and shall be construed to refer to the new part numbers until modified or revoked. A listing of the respective new and former part numbers is set forth below.

It is the intent of the Department in preparing this republication to make no substantive changes in the regulations and this republication is approved accordingly.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1957.

The following table lists the former part numbers and headings and indicates their position in reorganized Chapter I:

Former Part No.		*New Part No.*
2	Reindeer in Alaska	90
3	Operation of the U. S. M. S. *North Star* between Seattle, Wash., and stations of the Bureau of Indian Affairs and other Government agencies, Alaska	254
11	Preservation of antiquities	132
14	Recognition of attorneys and agents to represent claimants	71
15	Attorney contracts with Indian tribes	72
18	Regulations governing the election of officers of the Osage Tribe	73
21	General credit to Indians	91
23	Revolving cattle pool	92
28	Klamath tribal loan fund	93
41	Federal schools for Indians	31
42	Care of Indian children in contract schools	22
43	Administration of educational loans, grants and other assistance for higher education	32
44	Enrollment of Indians in public schools	33
48	Administration of a program of vocational training for adult Indians	34
52	Reallotment of lands to unallotted Indian children	125
54	Enrollment of Indians of the Cabazon, Augustine, and Torres-Martinez Bands of Mission Indians in California	43
55	Enrollment appeals	42
56	Preparation of rolls for the distribution of the funds awarded certain Indian tribes or bands of Oregon	44
61	General forest regulations	141
62	Sale of timber products and use of forest lands for nonforest purposes, Menominee Indian Reservation	143
63	Sale of forest products, Red Lake Indian Reservation, Minn	144
64	Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservations	142
71	General grazing regulations	151
72	Navajo grazing regulations	152
73	Grazing, Pine Ridge Aerial Gunnery Range	153
81	Determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians	15
82	Determination of heirs and probate of the estates of deceased Indians of the Five Civilized Tribes	16
83	Actions on wills of Osage Indians	17
86	Commitment to St. Elizabeths Hospital	253
91	Blackfeet irrigation project, Montana	191
94	Crow irrigation project, Montana	193
95	Colville irrigation project, Washington	192
97	Flathead irrigation project, Montana	194
100	Flathead, Mission, and Jocko Valley irrigation districts, Montana	195
103	Fort Belknap irrigation project, Montana	196
106	Fort Hall irrigation project, Idaho	197
110	Fort Peck Indian irrigation project, Montana	198
121	Uintah irrigation project, Utah	199
124	Wapato irrigation project, Washington	200
127	Wind River irrigation project, Wyoming	201
128	Granting of concessions on reservoir sites, canal reserves, flowage areas, and other withdrawn and acquired lands in connection with Indian irrigation projects and the leasing of such lands for agricultural, grazing, and other purposes	203
129	Pueblo Indian lands benefited by irrigation and drainage works of Middle Rio Grande conservancy district, New Mexico	202
130	Operation and maintenance charges	221
131	Electric power system, Flathead Indian irrigation project, Montana	232
132	Electric power system, Colorado River irrigation project, Arizona	231
133	Electric power system, San Carlos irrigation project, Arizona	233
141	Partial payment construction charges on Indian irrigation projects	211
144	Reimbursement of construction costs, Lummi Indian diking project, Washington	214
147	Reimbursement of construction costs, San Carlos Indian irrigation project, Arizona	215
148	Construction assessments, Crow Indian irrigation project	212
149	Reimbursement of construction costs, Fort Hall Unit, Fort Hall Indian irrigation project, Idaho	213
150	Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington	216
151	Inclusions of liens in all patents and instruments executed	129
154	Sale of irrigable lands, special water contract requirements	128
161	Law and order on Indian reservations	11
170	Allotment of lands on the Cabazon, and Augustine Indian Reservations, Riverside County, California	126
171	Leasing and permitting	131
180	Leasing of Osage reservation lands for oil and gas mining	183
183	Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining	174
186	Leasing of tribal lands for mining	171
189	Leasing of certain restricted allotted Indian lands for mining	172
192	Leasing of certain lands in Wind River Indian Reservation, Wyo., for oil and gas mining	184
195	Leasing of lands in Crow Indian Reservation, Mont., for mining	173
201	Lead and zinc mining operations and leases, Quapaw Agency	176

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Former Part No.		New Part No.
204	Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas	175
221	Indian money accounts	104
222	Deposit and expenditure of individual funds of members of the Osage Tribe of Indians who do not have certificates of competency	108
223	Judgment and payments in lieu of allotment funds	109
224	Annuity and other per capita payments	101
227	Creation of trusts for restricted property of Indians, Five Civilized Tribes, Oklahoma	107
230	Deposit of Indian funds in banks	105
233	Regulations for pro rata shares of tribal funds	102
241	Issuance of patents in fee, certificates of competency, sale of certain Indian lands, and reinvestment of proceeds	121
242	Osage roll, certificates of competency, and Osage lands:	
	Subpart A	123
	Subpart B	127
243	Determination of competency; Crow Indians	122
252	Arrangement with States, Territories, or other agencies for relief of distress and social welfare of Indians	21
256	Rights-of-way over Indian lands	161
261	Roads of the Bureau of Indian Affairs	162
276	Licensed Indian traders	251
227	Traders on Navajo, Zuni, and Hopi Reservations	252
281	Establishment of roadless and wild areas on Indian reservations	163
291	Commercial fishing on Red Lake Indian Reservation	89
296	List of forms	3

SUBCHAPTER A—PROCEDURES; PRACTICE

SUBCHAPTER A—PROCEDURES; PRACTICE

Part
1 Rules of the Bureau of Indian Affairs. [Reserved.]
2 Appeals. [Reserved.]
3 List of forms.

SUBCHAPTERS B–E—FEDERAL SERVICES; INDIVIDUAL INDIANS

SUBCHAPTER B—LAW AND ORDER

11 Law and order on Indian reservations.

SUBCHAPTER C—PROBATE

15 Determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians.
16 Determination of heirs and probate of the estate of deceased Indians of the Five Civilized Tribes.
17 Actions on wills of Osage Indians.

SUBCHAPTER D—SOCIAL WELFARE

21 Arrangement with States, Territories or other agencies for relief of distress and social welfare of Indians.
22 Care of Indian children in contract schools.

SUBCHAPTER E—EDUCATION

31 Federal schools for Indians.
32 Administration of educational loans, grants and other assistance for higher education.
33 Enrollment of Indians in public schools.
34 Administration of a program of vocational training for adult Indians.

SUBCHAPTERS F–H—TRIBAL GOVERNMENT AND ENTERPRISES

SUBCHAPTER F—ENROLLMENT

Part
41 Membership and enrollment of Indians. [Reserved.]
42 Enrollment appeals.
43 Enrollment of Indians of the Cabazon, Augustine and Torres-Martinez Bands of Mission Indians in California.
44 Preparation of rolls for the distribution of the funds awarded certain Indian tribes or bands of Oregon.

SUBCHAPTER G—TRIBAL GOVERNMENT

51 Indian organizations exclusive of the Indian Reorganization Act. [Reserved.]
52 Tribes organized under sec. 16 of the Indian Reorganization Act. [Reserved.]
53 Alaskan native groups organized under sec. 16 of the Indian Reorganization Act, and the Alaskan Act, as amended. [Reserved.]
54 Tribes organized under the Oklahoma Indian Welfare Act. [Reserved.]
71 Recognition of attorneys and agents to represent claimants.
72 Attorney contracts with Indian tribes.
73 Regulations governing the election of officers of the Osage Tribe.

SUBCHAPTER H—ECONOMIC ENTERPRISES

81 Indian business corporations under sec. 17 of the Indian Reorganization Act. [Reserved.]
82 Alaskan native business corporations organized under sec. 17 of the Indian Reorganization Act or the Alaska Act. [Reserved.]
83 Indian Business Corporations under the Oklahoma Indian Welfare Act. [Reserved.]
89 Commercial fishing on Red Lake Indian Reservations.
90 Reindeer in Alaska.

SUBCHAPTER I—CREDIT ACTIVITIES

SUBCHAPTER I—CREDIT ACTIVITIES

91 General credit to Indians.
92 Revolving cattle pool.
93 Klamath tribal loan fund.

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

101 Annuity and other per capita payments.
102 Regulations for pro rata shares of tribal funds.
104 Indian money accounts.
105 Deposit of Indian funds in banks.
107 Creation of trusts for restricted property of Indians, Five Civilized Tribes, Oklahoma.
108 Deposit and expenditure of individual funds of members of the Osage Tribe of Indians who do not have Certificates of Competency.
109 Judgment funds, Shoshone Tribe of the Wind River Reservation, Wyoming.
111 Service charges against Indians. [Reserved.]

SUBCHAPTERS K–O—LANDS; SURFACE ESTATES AND RESOURCES

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

121 Issuance of Patents in Fee, Certificates of Competency, sale of certain Indian lands, and reinvestment of proceeds.
122 Determination of competency: Crow Indians.
123 Osage Roll, Certificates of Competency.
125 Reallotment of lands to unallotted Indian children.
126 Allotment of lands on the Cabazon, and Augustine Indian Reservations, Riverside County, California.
127 Osage lands.
128 Sale of irrigable lands, special water contract requirements.
129 Inclusion of liens in all patents and instruments executed.

SUBCHAPTER L—LEASING AND PERMITTING

131 Leasing and permitting.
132 Preservation of antiquities.

SUBCHAPTER M—FORESTRY

141 General forest regulations.
142 Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservations.
143 Sale of timber products and use of forest lands for nonforest purposes, Menominee Indian Reservation.
144 Sale of forest products, Red Lake Indian Reservation, Minn.

SUBCHAPTER N—GRAZING

151 General grazing regulations.
152 Navajo grazing regulations.
153 Grazing, Pine Ridge Aerial Gunnery Range.

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

161 Rights-of-way over Indian lands.
162 Roads of the Bureau of Indian Affairs.
163 Establishment of roadless and wild areas on Indian Reservations.

SUBCHAPTERS P–Q—LANDS; SUBSURFACE ESTATES AND RESOURCES

SUBCHAPTER P—MINING

171 Leasing of tribal lands for mining.
172 Leasing of allotted lands for mining.
173 Leasing of lands in Crow Indian Reservation, Mont., for mining.
174 Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma for mining.
175 Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas.
176 Lead and zinc mining operations and leases, Quapaw Agency.

SUBCHAPTER Q—OIL AND GAS

181 Oil and gas leases and operations on tribal lands. [Reserved.]
182 Oil and gas leases and operations on allotted lands. [Reserved.]
183 Leasing of Osage Reservation lands for oil and gas mining.
184 Leasing of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

SUBCHAPTERS R–U—WATER AND POWER RESOURCES

SUBCHAPTER R—IRRIGATION PROJECTS

191 Blackfeet irrigation project, Montana.
192 Colville irrigation project, Washington.
193 Crow irrigation project, Montana.
194 Flathead irrigation project, Montana.
195 Flathead, Mission, and Jocko Valley Irrigation districts, Montana.
196 Fort Belknap irrigation project, Montana.
197 Fort Hall irrigation project, Idaho.
198 Fort Peck Indian irrigation project, Montana.
199 Uintah irrigation project, Utah.
200 Wapato irrigation project, Washington.
201 Wind River irrigation project, Wyoming.
202 Pueblo Indian lands benefited by irrigation and drainage works of Middle Rio Grande Conservancy District, New Mexico.

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Part
203 Concessions, permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects.

SUBCHAPTER S—CONSTRUCTION

211 Partial payment construction charges on Indian irrigation projects.
212 Construction assessments, Crow Indian irrigation project.
213 Fort Hall Indian irrigation project, Idaho.
214 Reimbursement of construction costs, Lummi Indian diking project, Washington.
215 Irrigation project, Arizona.
216 Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington.

SUBCHAPTER T—OPERATION AND MAINTENANCE

221 Operation and maintenance charges.

SUBCHAPTER U—ELECTRIC POWER SYSTEM

231 Colorado River irrigation project, Arizona.
232 Flathead Indian irrigation project, Montana.
233 San Carlos irrigation project, Arizona.

SUBCHAPTER V [RESERVED]

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

251 Licensed Indian traders.
252 Traders on Navajo, Zuni and Hopi Reservations.
253 Commitment to St. Elizabeths Hospital.
254 Operation of the U. S. M. S. "North Star" (between Seattle, Wash., and stations of the Bureau of Indian Affairs and other Government agencies, Alaska).

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

Subchapter A—Procedures; Practice

Subchapter A—Procedures; Practice

PART 1—RULES OF THE BUREAU OF INDIAN AFFAIRS [RESERVED]

PART 2—APPEALS [RESERVED]

PART 3—LIST OF FORMS

§ 3.1 *Availability of forms.* Forms upon which applications and related documents may be filed and upon which rights and privileges may be granted may be inspected and procured at the Bureau of Indian Affairs, Washington 25, D. C., and at the office of any Area Director or Agency Superintendent.

(R. S. 161; 5 U. S. C. 22)

Subchapters B–E—Federal Services; Individual Indians

Subchapter B—Law and Order

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

APPLICATION; JURISDICTION

Sec.
11.1 Application of regulations.
11.2 Jurisdiction.

COURTS OF INDIAN OFFENSES

11.2CA Jurisdiction.
11.3 Judges.
11.3CA Judges.
11.4 Removal of judges.
11.5 Court procedure.
11.5CA Court proceedings.
11.6 Appellate proceedings.
11.6C Appellate proceedings.
11.6CA Appellate proceedings.
11.7 Juries.
11.7C Juries.
11.8 Witnesses.
11.8CA Witnesses.
11.9 Professional attorneys.
11.9CA Professional attorneys.
11.10 Clerks.
11.11 Records.
11.12 Copies of laws.
11.13 Complaints.
11.14 Warrants to apprehend.
11.15 Arrests.
11.16 Search warrants.
11.17 Commitments.
11.18 Bail or bond.
11.19 Definition of signature.
11.20 Definition of tribal council.
11.20C Definition of tribal council.
11.21 Cooperation by Federal employees.

CIVIL ACTIONS

11.22 Jurisdiction.
11.22C Jurisdiction.
11.22CA Jurisdiction.
11.23 Law applicable in civil actions.
11.24 Judgments in civil actions.
11.24C Judgments in civil actions.
11.24CA Judgments in civil actions.
11.25 Costs in civil actions.
11.25CA Costs in civil actions.
11.26 Payment of judgments from individual Indian moneys.
11.26C Payment of judgments from individual Indian moneys.

DOMESTIC RELATIONS

11.27 Recording of marriages and divorces.
11.28 Tribal custom marriage and divorce.
11.28CA Marriages, divorces, and adoptions.
11.29 Tribal custom adoption.
11.29C Adoption.
11.30 Determination of paternity and support.
11.30CA Determination of paternity and support.
11.31 Determination of heirs.
11.31C Determination of heirs.
11.31CA Determination of heirs.
11.32 Approval of wills.
11.32C Approval of wills.

SENTENCES

11.33 Nature of sentences.
11.33CA Nature of sentences.
11.34 Probation.
11.34C Probation.
11.35 Parole.
11.36 Juvenile delinquency.
11.36C Juvenile delinquency.
11.37 Disposition of fines.
11.37CA Deposit and disposition of fines.

CODE OF INDIAN TRIBAL OFFENSES

11.38 Assault.
11.39 Assault and battery.
11.40 Carrying concealed weapons.
11.41 Abduction.
11.42 Theft.
11.43 Embezzlement.
11.44 Fraud.
11.45 Forgery.
11.46 Misbranding.
11.47 Receiving stolen property.
11.48 Extortion.
11.49 Disorderly conduct.
11.49CA Disorderly conduct.
11.50 Reckless driving.
11.50C Reckless driving.
11.51 Malicious mischief.
11.52 Trespass.
11.52CA Trespass.
11.53 Injury to public property.
11.53CA Injury to public property.
11.54 Maintaining a public nuisance.
11.55 Liquor violations.
11.56 Cruelty to animals.
11.57 Game violations.
11.58 Gambling.
11.59 Adultery.
11.60C Fornication.
11.61 Illicit cohabitation.
11.62 Prostitution.
11.63 Giving venereal disease to another.
11.63C Giving venereal disease to another.
11.63CA Giving venereal disease to another.
11.64 Failure to support dependent persons.
11.64C Failure to support dependent persons.
11.65 Failure to send children to school.
11.66 Contributing to the delinquency of a minor.
11.67 Bribery.
11.68 Perjury.
11.69 False arrest.
11.70 Resisting lawful arrest.
11.71 Refusing to aid officer.
11.72 Escape.
11.73 Disobedience to lawful orders of court.
11.74 Violation of an approved tribal ordinance.
11.75C Limitation on filing of complaints.
11.75CA Attempted rape.
11.76CA Vagrancy.
11.76NH Failure to sell or remove from tribal range infectious or cull animals.
11.77NH Introduction of livestock without permit.
11.78NH Stock trespass in form or unauthorized use of range.
11.79NH Failure to dip sheep.
11.80NH Making false reports of stock owned.
11.81NH Unauthorized fencing of tribal land.
11.82NH Inter-district trespass.
11.83NH Grazing stock without permit.
11.84NH Refusing to brand or mark livestock.
11.85NH Obstructing or interfering with livestock roundups.
11.86NH Trespass on areas reserved for demonstration purposes.
11.87NH Peyote violations.

THE INDIAN POLICE

11.301 Superintendent in command.
11.302 Police commissioners.
11.303 Police training.
11.304 Indian policemen.
11.305 Dismissal.
11.306 Return of equipment.

AUTHORITY: §§ 11.1 to 11.306 issued under R. S. 463; 25 U. S. C. 2. Interpret or apply sec. 1, 38 Stat. 586; 25 U. S. C. 200.

NOTE: The regulations in this part are applicable on Indian reservations subject to the provisions of § 11.1, and the following exceptions:

§§ 11.6, 11.7, 11.20, 11.22, 11.24, 11.26, 11.28, 11.29, 11.31, 11.32, 11.34, 11.36, 11.50, 11.63, and 11.64, not applicable to Crow Indians.

§§ 11.6C, 11.7C, 11.20C, 11.22C, 11.24C, 11.26C, 11.29C, 11.31C, 11.32C, 11.34C, 11.36C, 11.50C, 11.60C, 11.63C, 11.64C, and 11.75C, applicable only to Crow Indians.

§§ 11.76NH to 11.87NH, inclusive, applicable only to Navajo and Hopi Indians.

§§ 11.1, 11.2, 11.3, 11.5, 11.6, 11.6C, 11.7, 11.7C, 11.8, 11.9, 11.20C, 11.22, 11.22C, 11.24, 11.24C, 11.25, 11.26C, 11.28, 11.29, 11.29C, 11.30, 11.31, 11.31C, 11.32, 11.32C, 11.33, 11.34C, 11.36C, 11.37, 11.49, 11.50C, 11.52, 11.53, 11.57, 11.58, 11.60C 11.63, 11.63C, 11.64C, 11.74, 11.75C, and 11.76NH–11.87NH, inclusive, are not applicable to Coeur d'Alene Indians.

All sections which follow bearing the symbol "CA" at the end of the number are applicable only to the Coeur d'Alene Indians.

All sections in Part 11 not heretofore mentioned in this note are applicable to the Coeur d'Alene Indians.

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the total amount of construction cost of $210,726 is to be repaid without interest. The amount of each annual installment chargeable against the lands covered by each of the several contracts with individual landowners whose lands are served under private ditches, shall be determined by multiplying the total acreage, under each contract entitled to Willow Creek storage rights, either directly or by substitution, by the per acre annual rate. Against the amounts due annually by the individual landowners whose lands are served by private ditches, under this notice there shall be allowed any credits due under section 6 of the act of June 28, 1946. Credits due on behalf of any land shall be reflected in any statement submitted to the landowners.

§ 212.21 *Time of payment.* The amount of each annual installment, payable under the private landowner contracts, determined as provided in this part shall be paid by the landowners to the United States, on or before November 15 of each year commencing with the calendar year 1951.

§ 212.22 *Penalty.* To all assessments not paid on the due date there shall be added a penalty of one-half of one per cent per month or fraction thereof, from the due date so long as the delinquency continues.

§ 212.23 *Refusal of water delivery.* The right is reserved to refuse the delivery of water to any landowner in the event of default in the payment of assessments, including penalties on account of delinquencies.

PART 213—FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Sec.
213.1 Repayment contracts.
213.2 Construction costs.
213.3 Repayment of construction costs.

AUTHORITY: §§ 213.1 to 213.3 issued under sec. 9, 46 Stat. 1063.

§ 213.1 *Repayment contracts.* A rehabilitation program was established on the Fort Hall Unit of the Fort Hall Project in 1936. Based upon the estimated construction costs, contracts were signed by all non-Indian landowners within the project, including such landowners within the Little Indian Unit, now a part of the Fort Hall Unit. Under the terms of their contracts, the landowners agreed to repay to the Government their pro rata share, on an acreage basis, of all expenditures for construction and other necessary improvements for carrying out the approved program, payments not to exceed $7.50 per acre, based upon an estimated expenditure of $450,000.00 for a project then considered as covering approximately 60,000 acres.

§ 213.2 *Construction costs.* The program of rehabilitation has now been completed at a cost of $419,186.52. This amount, chargeable on an equal per acre basis against 60,000 acres, amounts to a rate of $6,986 per acre, which rate is hereby determined to be the per acre cost to be repaid to the United States under the 1936 contracts.

§ 213.3 *Repayment of construction costs.* Under the terms of the contracts, the landowners agreed to repay the construction cost in forty (40) equal annual installments. Therefore, the annual per acre installment is hereby fixed at seventeen and one-half cents (17½¢) per acre, due and payable on December 1st of each year, the first payment being due on December 1, 1955. Under section 4 of the repayment contracts of the landowners and the act of March 10, 1928 (45 Stat. 210), the charges remain a lien against the lands until paid.

PART 214—REIMBURSEMENT CONSTRUCTION COSTS, LUMMI INDIAN DIKING PROJECT, WASHINGTON

Sec.
214.1 Enabling Act.
214.2 Land classification.
214.3 Construction charges.
214.4 Payment.
214.5 Default.

AUTHORITY: §§ 214.1 to 214.5 issued under sec. 5, 44 Stat. 212.

§ 214.1 *Enabling Act.* In pursuance of the provisions of an act of Congress approved March 18, 1926 (44 Stat. 211) entitled "An Act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes," notice is hereby given, that the total cost of the project has been distributed equitably by the Secretary of the Interior among the lands benefited by the project in accordance with the benefits received by the land.

§ 214.2 *Land classification.* That for the purpose of fixing these costs or charges, the Secretary of the Interior has divided the lands benefited into four classes to wit: Classes 1, 2, 3, and 4, and maps showing such classification are on file in the office of the proper supervising engineer of the Bureau, and in the office of the superintendent of the Lummi Reservation at Tulalip, Washington.

§ 214.3 *Construction charges.* The total construction cost of the project together with the estimated cost of certain additional improvements is the sum of $70,821.84. The construction cost assessed against each acre of land benefited by the project is stated in the schedule of charges and by this reference made a part of this notice: *Provided,* That adjustments shall be made in the assessment of costs in this section against Classes 2, 3, and 4, should the additional work contemplated be not done or the cost thereof shall be less than the estimate, such adjustments, if any, to be made before final settlement of the indebtness.

§ 214.4 *Payment.* The construction cost under the schedule shall be paid in annual installments, the first installment to be 5 percent of the total charge and be due and payable on the first day of December 1933. The remainder of said cost with interest on deferred amounts against land in private ownership from the date of said public notice will be 4 percent to be payable on each December 1 thereafter, on the same basis as the first installment, until the obligation is paid in full. Interest on deferred payments on Indian lands shall not be charged. All landowners, Indian and white, have the right to pay on the due date of the first installment the total assessment against their respective lands, and by so doing, in the case of white-owned lands, avoid payment of interest charged on all deferred obligations. They shall have the right also to pay at any time the total of the then unpaid indebtedness.

§ 214.5 *Default.* The Secretary of the Interior, in the case of default by the landowners of any installments, may take such action as he may deem proper to enforce the payment thereof under the provisions of the act of March 18, 1926, and the contracts executed with the respective landowners.

PART 215—REIMBURSEMENT OF CONSTRUCTION COSTS, SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Sec.
215.1 Water supply.
215.2 Availability of water.
215.3 Construction charges.
215.4 Future charges.
215.5 Construction costs limited.
215.6 Power development.
215.7 Private ownership defined.
215.8 Indian lands excluded.

AUTHORITY: §§ 215.1 to 215.8 issued under sec. 5, 43 Stat. 476.

§ 215.1 *Water supply.* The engineering report dealt with in section 1 of the act of June 7, 1924 (43 Stat. 475) and other available records show that the storage capacity of the San Carlos reservoir created by the Coolidge Dam and the water supply therefor over a period of years will provide for the irrigation of only 80,000 acres of lands in Indian and public or private ownership within the San Carlos irrigation project, the balance of the water supply needed for the additional 20,000 acres of the project to be provided for by recaptured and return flow water and by means of pumping the underground supply. The cost of providing the proposed supply and of operating the works for this latter acreage to be equally distributed over the entire 100,000 acres of the project regardless of where the works are placed and operated.

§ 215.2 *Availability of water.* Pursuant to section 3 of the act of June 7, 1924, 43 Stat. 475, requiring the Secretary of the Interior by public notice to announce when water is actually available for lands in private ownership under the project and the amount of the construction charges per irrigable acre against the same which charges shall be payable in annual installments as provided for therein, this public notice, of which § 215.1 is made a part hereof, is hereby given:

The date when a reasonable water supply is actually available for lands in private ownership under the San Carlos irrigation project is hereby declared to be the 1st day of December 1932.

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