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TITLE 22—FOREIGN RELATIONS
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Subchapter N—Irrigation Projects: Construction Costs

PART 141—PARTIAL PAYMENT CONSTRUCTION CHARGES ON INDIAN IRRIGATION PROJECTS

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Section 141.1 Partial reimbursement of irrigation charges; five percent per annum of cost of system, June 30, 1920. In pursuance of the Act of February 14, 1920 (41 Stat. 409; 25 U.S.C. 386), regulations governing partial payment of construction charges on Indian irrigation projects, with the exception of certain ones mentioned therein, were approved by the Department June 21, 1920, and require that each owner of irrigable land under any irrigation system constructed for the benefit of Indians under provisions of law requiring reimbursement of the cost of such system and to which land, water for irrigation purposes can be delivered from such system, shall pay, on or before November 15, 1920, a sum equal to 5 per centum of the per acre cost, as of June 30, 1920, of the construction of the system under which such land is situated. The per acre cost of a given system as of June 30, 1920, shall be determined by dividing the total amount expended for construction purposes on such system up to that date by the total area of land to which water for irrigation purposes can be delivered on that date; and on November 15 of each year following the year 1920, until further notice, the land owners, as therein prescribed, shall pay 5 per centum of the per acre construction cost as of June 30 of the current year, such per acre cost to be determined by dividing the cost of the system to June 30 of that year by the total area of land to which water for irrigation purposes can be delivered from the system on that date. Provision is contained that no payments shall be required under the regulations in behalf of lands still in process of allotment or prior to the issuance of the first or trust patent therefor, nor for lands reserved for school, agency, or other administrative purposes where the legal title still remains in the United States.*† [Sec. 1]

*§§ 141.1 to 141.6, inclusive, issued under the authority contained in 38 Stat. 583, 41 Stat. 409; 25 U.S.C. 385, 386.

†The source of §§ 141.1 to 141.6, inclusive, is Circular 1624a, Secretary of the Interior, July 25, 1927.

141.2 Landowners financially unable to pay. Considerable difficulty has been encountered in collecting charges under the regulations in this part owing to the fact that Indians have been financially unable to pay the charges, the result being that the construction charges have accrued against the lands and in cases where the land is sold for the benefit of the allottee or his heirs under the regulations, the purchaser is to pay the accrued and future irrigation charges which make it difficult in some instances, to sell the land at as favorable terms as might otherwise be secured.*† [Sec. 2]

*†For statutory and source citations, see note to § 141.1.

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141.3 Period for payments extended. Furthermore, in recent legislation dealing with specific projects in the Indian Service and also all Reclamation projects the policy has been to extend the payment of such charges over a longer period of years.*† [Sec. 3]

141.4 Annual payment reduced. In view of these conditions the regulations governing this matter are hereby modified so as to distribute the unaccrued installments over a period of time so that two and one-half per centum of the total amount yet due shall be due and payable on November 15 of each year until further notice. You shall accordingly ascertain the per acre cost after deducting the amount of the accrued charges and take 2½ percent of that amount and a like sum each year so that the amount of the annual installments will be the same each year. Superintendents are obligated to submit all proposed lists of sales involving allotments containing irrigable allotments to the project or Supervising Engineer for checking, as to the irrigable acreage and amounts of unpaid construction, operation, and maintenance charges against such allotments. Each sale forwarded to this Office for action shall be accompanied by contract executed on Form 5–462b where irrigable acreage is involved and after approval thereof a copy of contract on said form shall be sent to the Project Engineer for his records and the charges paid by the purchaser shall be turned over to the disbursing agent for credit and deposit as instructed in the next paragraph. The regulations in this part shall not apply to lands on the Wapato Project,[14] on the Yakima Indian Reservation, nor to the irrigation projects on the Blackfeet,[14] Fort Peck,[14] Flathead,[14] and Crow [14] Reservations, Montana, for which special regulations have been issued nor to the Fort Hall Reservation, Idaho,[14] or the San Carlos project, Arizona.*† [Sec. 4]

CROSS REFERENCES: For special regulations applying to San Carlos Project, see Part 147. For further information concerning Form 5–462b, see Part 154.

141.5 Payments to disbursing officer. Payments hereunder shall be made to the disbursing officer for the Supervising Engineer of the Indian Irrigation Service having jurisdiction over the irrigation system under which the land for which payment is made may lie. The sum so collected will then, after proper credit has been made to the land for which collected, be deposited in the Treasury of the United States to the credit of the respective funds used in constructing irrigation systems toward which reimbursement shall have been made.*† [Sec. 5]

141.6 "Owner" defined. The word "owner" as used herein shall be construed to include any person, Indian or white, or any firm, partnership, corporation, association, or other organization to whom title to the land capable of irrigation, as provided in the Act of February 14, 1920 (41 Stat. 409; 25 U.S.C. 386), has passed, either by fee or trust patent, or otherwise.*† [Sec. 6]

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[14] The special regulations for Wapato, Fort Peck, Flathead, Crow, and Fort Hall were not available in time to be codified. Operations of the Blackfeet Project were discontinued by the Indian Service, July 20, 1938, effective September 30, 1933.

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141.7 Modification. The Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a), cancelled all irrigation assessments for construction costs against lands in Indian ownership which were unpaid at that date and deferred all future assessments for construction costs until the Indian title to the land shall have been extinguished. (41 Stat. 409, 47 Stat. 564; 25 U.S.C. 386, 386a) [Circ. to all Supervising Engineers and Special Disbursing Agents, Sec. Int., Oct. 8, 1932]

PART 144—REIMBURSEMENT OF CONSTRUCTION COSTS, LUMMI INDIAN DIKING PROJECT, WASHINGTON

Sec.
144.1 Enabling Act.
144.2 Land classification.
144.3 Construction charges.
144.4 Payment.
144.5 Default.

Section 144.1 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.*†

*§§ 144.1 to 144.5, inclusive, issued under the authority contained in sec. 2, 44 Stat. 212.

†In §§ 144.1 to 144.5, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Public Notice, Lummi Diking Project, Washington, Secretary of Interior, Aug. 19, 1930.

144.2 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 Indian Service, and in the office of the Superintendent of the Lummi Reservation at Tulalip, Washington.*†

144.3 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 herein 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 indebtedness.*†

144.4 Payment. The construction cost under the schedule shall be paid in annual installments, the first installment to be five per centum 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 four per centum to be payable on each December 1st thereafter, on the same basis as the first installment, until the obligation

*†For statutory and source citations, see note to § 144.1.

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