or in time of war $1,000," as they appear in the last sentence of said section and inserting in lieu thereof "$1,000".

SEC. 2. The provisions of section 1 of this Act shall be applicable to section 1 of the Act of December 28, 1945 (Public Law 277, Seventy-ninth Congress).

59 Stat. 662.
31 U. S. C., Supp. V, § 223d.
Post, p. 847.

Approved June 28, 1946.

[CHAPTER 515]

AN ACT

For the relief of the Indians of the Fort Berthold Reservation in North Dakota.

June 28, 1946
[H. R. 1095]
[Public Law 467]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000 in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): *Provided*, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further*, That not to exceed 5 per centum of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

Indians.
Settlement of claims.
Appropriation authorized.
Post, p. 359.

Deposit of appropriated amount.

Attorneys' fees and expenses.

Approved June 28, 1946.

[CHAPTER 516]

AN ACT

To provide for adjustments in connection with the Crow irrigation project, Crow Indian Reservation, Montana.

June 28, 1946
[H. R. 4983]
[Public Law 468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) notwithstanding any other provisions of law, the aggregate charge for all expenditures which have been made for construction of the Crow irrigation project, Crow Indian Reservation, Montana, exclusive of the Willow Creek storage works, against all non-Indian-owned lands under the Crow irrigation project is hereby fixed at $45,000, which charge shall be the sole charge against these lands. The charge thus fixed shall cover all such expenditures, whatever their source, chargeable against such lands and includes expenditures from reimbursable and gratuity appropriations from the Treasury of the United States, and from moneys of the Crow Tribe whether or not the expenditures of such tribal moneys were specifically approved by the Indians in council.

Crow irrigation project.
Aggregate charge against non-Indian-owned lands.

(2) All non-Indian-owned lands under this project shall bear their pro rata share, computed on a per-acre basis, of the total charge fixed by this section, except that against the pro rata share chargeable to any particular tract there first shall be credited payments which have been already made on that tract to meet charges for reimbursable expenditures arising from the construction of such irrigation project. No credit in excess of such pro rata share, computed on a per-acre basis, shall be allowed. No refunds shall be made of amounts paid on any tract in excess of such pro rata share, computed on a per-acre basis. The first lien of the United States shall continue on each non-Indian-owned tract for repayment of the pro rata share, computed

Pro rata share chargeable to non-Indian-owned lands.

"Tract."

on a per-acre basis, against such tract less any credit allowable under this subsection. The word "tract" as used in this Act shall mean a forty-acre legal subdivision or fraction thereof.

Lands declared temporarily nonirrigable.

(3) Where the Secretary of the Interior finds that certain non-Indian-owned lands subject to the pro rata share of the costs dealt with in section 1, as well as Indian-owned lands within the irrigation project, cannot be put to immediate productive use due to a need of proper drainage facilities; need of clearing and leveling; need of additional project construction work; present unfavorable soil conditions which can be corrected at an economic cost, he shall declare such lands temporarily nonirrigable until such time as he shall determine such lands can be put to productive use, and no irrigation project charges shall be assessed against such lands during such periods. Upon application of the landowners the Secretary of the Interior is authorized to eliminate from the project five hundred and four and nine-tenths acres of land located in sections 21, 27, and 28 of township 5 south, range 26 east, and in section 10 of township 1 north, range 33 east, described in the district engineer's report of November 29, 1945, to the Commissioner of Indian Affairs on the conditions of the Crow Indian irrigation project.

Reimbursement for cost of survey.

(4) The cost of the necessary survey to determine the irrigable acreage of the project, made by the land designation committee, whose report was approved by the Secretary of the Interior in 1944, shall be reimbursed in a sum not to exceed $5,000 by the owners of project lands in Indian and non-Indian ownership. Such costs shall be reimbursed by the project landowners over a period not to exceed three years. During this period each year the per-acre annual operation and maintenance charge shall be increased in amount sufficient to insure the per acre repayment of this cost.

Cancellation of prior obligations.

(5) All obligations arising out of contracts heretofore entered into with the United States for the payment to the United States of construction charges in connection with this project are hereby canceled, and all lands heretofore covered by such contracts shall be subject to the provisions of subsections (1), (2), (3), and (4) of this section.

(6) The provisions of this section shall become operative only when the Secretary of the Interior shall determine that the contracts contemplated by section 3 have been entered into, and that the releases required by section 2 have been obtained.

Releases of claims.

SEC. 2. The Secretary of the Interior shall obtain releases of claims which non-Indians owning lands under the Crow irrigation project may have against the United States on account of the construction of the Crow irrigation project or the assessment or collection of construction or operation and maintenance charges in connection with the project.

Contracts with irrigation districts.

SEC. 3. The Secretary of the Interior may enter into contracts with irrigation districts acting on behalf of all non-Indians owning land under the Crow irrigation project in which the irrigation districts shall agree to pay the charge of $45,000 fixed by subsection (1) of section 1. Such contracts shall provide for the payment of the aforesaid sum on a per-acre basis without interest over a twenty-year period in equal annual installments, credits to be given in the amounts allowable under subsection (2) of said section 1; for the payment by the districts of the proportionate share chargeable to the lands within the districts of the annual cost of operation and maintenance of the project; and for a first lien on the lands within the districts in favor of the United States for the repayment of such construction and operation and maintenance charges.

Little Big Horn River watershed; Willow Creek storage works.

SEC. 4. The Secretary of the Interior may enter into contracts with irrigation districts acting on behalf of all non-Indians owning lands

under the Crow irrigation project on the Little Big Horn River watershed in which the irrigation districts shall agree to repay to the United States the proportionate share chargeable to the non-Indian lands within the districts of the reimbursable cost of construction of the Willow Creek storage works not to exceed $210,726. The contracts with the districts shall provide for delivery by the Secretary or his duly authorized representative to lands within the irrigation districts of the proper share of the waters stored by the Willow Creek storage works, for the repayment of such construction charges on a per-acre basis in equal annual installments over a forty-year period without interest, and for the payment on a per-acre basis of the proportionate share chargeable to the lands within the district of the cost of the annual operation and maintenance of the Willow Creek storage works. The contracts shall provide that the United States shall have no lien on the lands included within the irrigation districts for the repayment of the share of the construction cost of the Willow Creek storage works to be paid by the irrigation districts under the contracts. In the event of the failure of the districts to fulfill their obligations of contracts with the United States before entire repayment of the construction charges shall have been completed under the contract, all unpaid portions of such construction charges shall again become charges against the lands within the districts and the United States shall again have a first lien on the lands for the repayment of such charges remaining unpaid. The contracts may provide that if during any year the operation of the Willow Creek storage works is so affected in any way, except by lack of adequate precipitation, that no delivery of storage waters can be made to lands within the irrigation districts, the payments by the districts of construction charges shall be suspended, and that upon resumption of operation the payment of annual construction charges shall also be resumed until the total charges fixed by the contracts shall have been paid. If the irrigation districts at any time shall fail to pay the construction or operation and maintenance charges as provided in the contracts, the Secretary of the Interior shall not deliver any stored waters from the Willow Creek storage works to lands within the districts until the districts shall have complied with the provisions of the contracts.

Until such time as the irrigation district or districts shall execute a contract as herein provided for, the lands within said district or districts shall not be liable for either the construction or operation and maintenance charges of the Willow Creek storage works, nor shall such lands be entitled to any benefits from said storage works, either by the direct use of the stored water or by substituted water, except as authorized by section 8 of this Act.

Little Big Horn River watershed, private ditches.

SEC. 5. The Secretary of the Interior may enter into contracts with non-Indians owning lands on the Little Big Horn River watershed under private ditches which have been constructed prior to the date of approval of this Act, in which, on the same terms and conditions as are contained in the contracts entered into pursuant to section 4, such owners shall agree to the repayment of their proper proportionate share of the reimbursable cost of construction and the cost of operation and maintenance of the Willow Creek storage works, and the Secretary shall agree to deliver water to their ditches. The covenants of each such contract shall run with the land, and the contract shall provide for a first lien in favor of the United States for the repayment of such construction and operation and maintenance charges. Each owner shall be privileged to pay in full at any time his pro rata share of the construction cost. The Secretary shall not enter into any contract pursuant to this section after five years have elapsed from the date of approval of this Act. The Secretary shall also

designate the Indian lands under private ditches to receive benefits provided for herein. The Indian lands thus designated shall be subject to provisions and conditions of the Act of July 1, 1932 (47 Stat. 564–565).

25 U. S. C. § 386a.

Contract requirements.

SEC. 6. The contracts entered into between the Secretary of the Interior and an irrigation district or districts, or with non-Indians owning land under private ditches, in pursuance to sections 4 and 5, shall provide that the owners of the lands included in such contracts shall agree to pay annually to the United States for a period of five years beginning November 15 next following the date of approval of this Act, $1 per acre for each irrigable acre covered by such contract or contracts, and shall further agree at the end of such five-year period to pay thereafter their proportionate share of the total reimbursable cost of the construction of the Willow Creek storage works in the sum of $210,726. The Secretary of the Interior shall allow full credit to each landowner for all construction cost repayments applicable to the Willow Creek storage works, made to the United States during such five-year period, and on behalf of all payments made pursuant to the temporary public notice of the Secretary of the Interior issued March 1, 1944.

Availability of stored water.

SEC. 7. Water stored in the Willow Creek storage works shall be made available by the Secretary of the Interior only to the following lands on the Little Big Horn River watershed irrigable under irrigation works which have been constructed prior to the date of approval of this Act; Indian-owned lands; non-Indian-owned lands within the irrigation districts referred to in section 4; those non-Indian-owned lands covered by contracts entered into pursuant to section 5, subject, however, to the authority of the Secretary to dispose of the water as provided for in section 8 hereof.

Disposal of uncontracted water; basis.

SEC. 8. Pending the execution of contracts with a district or districts, and thereafter, the Secretary of the Interior may, in lieu of disposing of the stored water as prescribed in sections 4, 5, and 6 of this Act, dispose of any uncontracted part of the stored water during any year on an acre-foot basis upon such terms and conditions as he shall determine. The Secretary is authorized to fix annual charges to cover the costs of operating and maintaining the storage works and the distribution of the stored water.

Further construction work.

SEC. 9. No further construction work on the Crow Indian Reservation shall be undertaken by the United States without the prior consent of (1) the Crow Tribe, (2) the irrigation district or districts affected, and (3) the Congress of the United States, and without the prior execution of repayment contracts by the non-Indian water users or irrigation district or districts, obligating the non-Indian lands for the payment of their share of such construction costs. The consent of the Crow Tribe shall be obtained by a majority vote of the general council of the tribe expressed at a duly convened meeting: *Provided, however*, That such consents shall not be necessary to construct laterals necessary to irrigate the lands within the Crow Indian irrigation project as now determined and classified as irrigable by the land designation committee report, as approved by the Secretary of the Interior in 1944.

Construction of laterals.

Operation and maintenance assessments.

Ante, p. 334.

SEC. 10. Pursuant to the findings of the report referred to in section 1 (3) the sum of $676,891.83 of operation and maintenance assessments against Indian- and non-Indian-owned lands of the project on the water users' ledger is hereby canceled, and the Secretary of the Interior is authorized and directed (1) to credit not to exceed $28,000 on future operation and maintenance assessments against certain lands described in the report; (2) to make refunds not to exceed $3,000 from Crow

project operation and maintenance collections on deposit in the Treasury to cover overpayments made to the project by landowners as provided for in the report; (3) to make refunds not to exceed $40,000 from Crow project operation and maintenance collections to heirs of certain Crow allottees on account of moneys withheld from their estates by the United States and used for the payment of delinquent operation and maintenance assessments; (4) to reform in accordance with the adjustments made by the provisions of this Act any deferment contracts heretofore executed in accordance with the provisions of section 1 of the Act of June 22, 1936 (49 Stat. 1803).

25 U. S. C. § 389.

Claims, etc., against Indian-owned lands.

SEC. 11. All claims of every description, all costs, charges, and unpaid assessments against lands in Indian ownership under the Crow irrigation project system, arising out of the expenditure of Treasury and tribal moneys for the construction, operation, and maintenance of the Crow irrigation project system, including the Willow Creek storage works, to and including expenditures for the fiscal year 1945, except the proportionate share of the amount authorized in section 1 (4) of this Act, are hereby canceled, and the obligations of the Indians and their lands to repay any part or all of said claims or sums are hereby dissolved: *Provided*, That the Crow Tribe of Indians, by appropriate action of their tribal council, releases the United States and all lands of the irrigation project from any and all claims said tribe may have arising out of the expenditure of tribal moneys by the United States for the construction, operation, and maintenance of said project.

Ante, p. 334.

Claims against U. S.

Cancellation of reimbursable costs and charges.

SEC. 12. All costs and charges against lands in non-Indian ownership under the Crow Indian irrigation project system arising out of the expenditure of Treasury and tribal moneys for the construction, operation, and maintenance of the said project systems except (1) $210,726, which is the proportionate part of the cost of the Willow Creek storage works chargeable to non-Indian lands; (2) $45,000 as provided for in section 1 (1) of this Act; (3) the proportionate share of the non-Indian landowners in the $5,000 expenditure provided for in section 1 (4) hereof; and (4) all unpaid operation and maintenance assessments remaining on the water users' ledgers of the Crow project after the adjustments have been made, as recommended in the district engineer's report of November 29, 1945, referred to in section 1 (3) of this Act, which assessments when collected shall be deposited in the Treasury of the United States for the operation and maintenance of the project, are hereby canceled, and the obligations of non-Indians and their lands to repay to the United States or the Crow Tribe any part or all of said sums so canceled are hereby dissolved: *Provided, however*, That this cancellation of reimbursable costs and charges shall not serve to change the present lien status except as provided in section 4 hereof.

Ante, p. 333.

Ante, p. 334.

Ante, p. 334.

Restriction.

Ante, p. 334.

Report of cancellation.

SEC. 13. The cancellation of the reimbursable status of all project construction, operation, and maintenance costs and expenditures as herein provided shall be reported in the reimbursable accounts rendered to the Comptroller General of the United States, pursuant to the provisions of the Act of April 4, 1910 (36 Stat. 270), as deductions from the total indebtedness of the project without regard to fiscal years or appropriations from which expenditures were made.

25 U. S. C. §§ 145, 383-385.

Post, p. 867.

Time limitation.

SEC. 14. This Act, so far as non-Indian lands are involved, shall cease to be effective when two years have elapsed from the date of its approval unless prior to that time the contracts contemplated in section 3 have been executed and the releases required by section 2 have been obtained: *Provided*, That this limitation shall not apply to the cancellations, adjustments, and application of credits to be entered on the operation and maintenance water users' ledgers not

Ante, p. 334.

Nonapplicability.

exceeding $60,300 pursuant to the findings of the report of conditions on the Crow Indian irrigation project herein referred to, which entries shall be made upon approval of this Act.

Authority of Secretary of the Interior.

SEC. 15. The Secretary of the Interior is authorized to prescribe regulations and to perform all acts required for the effectuation of the purposes of this Act.

SEC. 16. All provisions of Acts inconsistent with this Act are hereby superseded to the extent of such inconsistency.

Approved June 28, 1946.

[CHAPTER 517]

AN ACT

June 28, 1946
[H. R. 5674]
[Public Law 469]

To amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation.

Yuma project and Boulder Dam.
Protection work between.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat. 1010, 1021), amended by the Act entitled "An Act to authorize defraying cost of necessary work between the Yuma project and Boulder Dam", approved July 1, 1940 (54 Stat. 708), is hereby further amended to read as follows:

Colorado River, controlling of floods, etc.
Appropriation authorized.
Post, pp. 369, 619.

"That for the purpose of controlling the floods, improving navigation, and regulating the flow of the Colorado River, there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, such sums as may be necessary, to be spent by the Bureau of Reclamation under the direction of the Secretary of the Interior, to defray the cost of (a) operating and maintaining the Colorado River front work and levee system in Arizona, Nevada, and California; (b) constructing, improving, extending, operating, and maintaining protection and drainage works and systems along the Colorado River; (c) controlling said river, and improving, modifying, straightening, and rectifying the channel thereof; and (d) conducting investigations and studies in connection therewith: *Provided*, That the expenditure of moneys for any of the foregoing purposes shall not be deemed a recognition of any obligation or liability whatsoever on the part of the United States: *Provided further*, That, within the discretion of the Secretary of the Interior, local communities to be benefited by works constructed pursuant to this Act may be required to provide, without cost to the United States, necessary rights-of-way and maintenance of the completed works and assurance, satisfactory to him, of payment of valid claims arising out of damage caused to persons or property by reason of the construction, operation, or maintenance of any such works: *Provided further*, That any moneys received by the United States as reimbursement in accordance with contracts heretofore entered into under the authority of the Act of December 21, 1928 (45 Stat. 1057), as amended, and ratified by the Act of August 30, 1935 (49 Stat. 1028, 1039), for expenditures made under the authority of this paragraph, shall be covered into the Treasury as miscellaneous receipts. In connection with operations conducted under this paragraph, the Secretary of the Interior shall have the same authority with respect to (a) the acquisition, exchange and disposition of lands, interests in lands, water rights and other property, and the relocation thereof; (b) the utilization of lands owned or acquired by the United States; (c) construction and supply contracts; (d) the performance of necessary

Condition.

Rights-of-way, maintenance of works, etc.

Reimbursements.

43 U. S. C. §§ 617-617t.
Ante, p. 36.

Authority of Secretary of the Interior.