



# FEDERAL REGISTER

VOLUME 22

NUMBER 248

Washington, Tuesday, December 24, 1957.

## 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:

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

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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.

§§ 11.76NE to 11.87NE, 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, 11.63C, 11.63C, 11.64C, 11.74, 11.75C, and 11.76NE—11.87NE, 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.

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, 43 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 indebtedness.

§ 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.

§ 215.3 *Construction charges.* Each acre of land in private ownership of said project is hereby charged with \$95.25, of construction cost assessable thereto at the date hereof (Dec. 1, 1932), which sum is based upon 50,000 acres of such privately owned lands, making a total charge or assessment due from the owners thereof of \$4,762,250 on this date (Dec. 1, 1932), excluding the cost of operation and maintenance for the calendar year of 1933 which may be carried into construction cost as provided for by section 3 of the act of June 7, 1924 (43 Stat. 476), and also excluding interest at the rate of 4 percent which is charged against such lands by said act. Of the 50,000 acres constituting the lands in private ownership within the said project only 46,107.49 acres have at this date (Dec. 1, 1932) actually been designated as coming within the project. Should this present designated area be not increased within a reasonable time herefrom and prior to the due date of the first installment of the charge fixed in this section, namely, on December 1, 1935, so as to bring the total designated area up to the 50,000 acres, the per acre charge fixed in this section shall be proportionately increased against the then designated area so as to assure reimbursement of the total indebtedness due the Government by the owners of the lands in private ownership from the lesser designated acreage.

§ 215.4 *Future charges.* The payment of said construction cost and costs of future operation and maintenance of said project as provided for in said section 3 of the act of June 7, 1924 (43 Stat. 476) as supplemented or amended and such contingent project liabilities which may be incurred in accordance with the provisions of said repayment contract shall be made in accordance with the provisions of said act of June 7, 1924, as supplemented or amended and the repayment contract<sup>1</sup> by and between the San Carlos irrigation and drainage district and the Secretary of the Interior bearing date of June 8, 1931; the said construction cost incurred subsequent to this public notice assessable against the lands in private ownership and costs of operation and maintenance assessed against such privately owned lands within the project for the first year after this public notice to be included in the construction cost and such contingent project liabilities which may be incurred in accordance with provisions of the repayment contract shall also be repaid to the Government pursuant to the terms of said act of June 7, 1924, as supplemented or amended, and the repayment contract and this public notice.

§ 215.5 *Construction costs limited.* The repayment contract<sup>1</sup> with the San Carlos irrigation and drainage district, page 13 thereof, contains the following:

In accordance with the foregoing the costs of the San Carlos project as fixed by the public notice to be issued as aforesaid, unless further sums shall be agreed to by the Secretary of the Interior and the district after the execution of this instrument, may amount to but shall not exceed the sum of

\$9,556,313.77, except that said total may be exceeded by the inclusion of any sums expended to safeguard the project as hereinabove provided for, and any sums expended on account of contingent liabilities as in the next paragraph hereof provided.

The foregoing and subsequent statements of project costs, the district's shares of which are to be repaid hereunder, unless otherwise provided by Congress more favorably to the lands of the project, may be increased by the addition of sums not now fixed as project charges but which possibly constitute contingent project liabilities incurred after the date of the San Carlos Act of June 7, 1924 (43 Stat. 476), or incurred on account of the Florence-Casa Grande project, and so may become project charges by the judgment of courts of competent jurisdiction or of other proper authority.

The limitation therein fixed has approximately been reached, there remaining but \$32,815.02 yet to be expended on project works before reaching that limitation. Upon the expenditure of this additional sum there shall be no further expenditures of funds for construction, operation and maintenance of the San Carlos project so far as the private lands are concerned until the San Carlos irrigation and drainage district shall, through appropriate action, authorize pursuant to the terms of the said repayment contract such additional expenditures. This limitation does not apply to project expenditures for the extension of the distributing and pumping system regardless of where they may arise. This class of expenditures being excepted from the limitation on expenditures contained in the said repayment contract<sup>1</sup> by section 14, page 10, thereof, which section is known as the "Equalization of Expenditures."

§ 215.6 *Power development.* The cost of the power development at the Coolidge Dam is hereby fixed at \$735,000. The net revenues derived from the operation of this power development shall be disposed of as required by the terms and conditions of the act of March 7, 1928 (45 Stat. 210) as supplemented or amended.

§ 215.7 *Private ownership defined.* The term "private ownership" used in this public notice includes all lands of the San Carlos irrigation project that have or may be designated by the Secretary of the Interior that are situated outside of the boundaries of the Gila River Indian Reservation.

§ 215.8 *Indian lands excluded.* This public notice, with the exception of that part dealing with payment in advance each year of operation and maintenance charges against lands in Indian ownership operated under lease, does not apply in so far as payments are concerned to Indian lands within the project. The act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386a) defers the collection of construction costs from Indian owned lands so long as the title to such lands remain in the Indian ownership.

PART 216—REIMBURSEMENT OF CONSTRUCTION COSTS, AHTANUM UNIT, WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

Sec.	
216.1	Construction costs and assessable acreage.
216.2	Repayment of construction costs.
216.3	Payments.
216.4	Deferment of assessments on lands remaining in Indian ownership.
216.5	Assessments after the Indian title has been extinguished.

AUTHORITY: §§ 216.1 to 216.5 issued under secs. 1, 3, 36, Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 216.1 *Construction costs and assessable acreage.* The construction program has been completed on the Ahtanum Unit of the Wapato Indian Irrigation Project and the construction costs have been established as \$79,833.64. The area benefited by this development has been established at 4,765.2 acres. Under the requirements of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210), these costs are to be repaid to the United States Treasury by the owners of the lands benefited.

§ 216.2 *Repayments of construction costs.* The cost per acre under § 150.1 is, therefore, established at \$16.7535. Under the provisions of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210) and based on forty equal annual payments, the annual per acre assessment is hereby fixed at \$0.42 per acre for the year 1957 and each succeeding year until the entire cost for each tract shall have been repaid to the United States Treasury. On those tracts where payments have been made pursuant to Part 211 of this chapter, annual assessments beginning with the year 1957 at the rate of \$0.42 per acre will be made until the entire cost of \$16.7535 per acre shall have been repaid to the United States Treasury. Landowners may pay at any time the total of the then remaining indebtedness. Under the act of March 10, 1928 (45 Stat. 210) the unpaid charges stand as a lien against the lands until paid.

§ 216.3 *Payments.* Payments are due on December 31 of each year and shall be made to the official in charge of collections for the project.

§ 216.4 *Deferment of assessments on lands remaining in Indian ownership.* In conformity with the act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386 (a)) no assessment shall be made on behalf of construction costs against Indian-owned land within the Project until the Indian title thereto has been extinguished.

§ 216.5 *Assessments after the Indian title has been extinguished.* Indian-owned lands passing to non-Indian ownership shall be assessed for construction costs and the first assessment shall be due on December 31 of the year that Indian title is extinguished. Assessments against this land will be at the annual rate of \$0.42 per acre and shall be due as provided in § 216.3, and payable promptly thereafter until the total construction cost of \$16.7535 per acre chargeable against the land has been paid in full.

Subchapter T—Operation and Maintenance

PART 221—OPERATION AND MAINTENANCE CHARGES

AHTANUM INDIAN IRRIGATION PROJECT, WASHINGTON

Sec.	
221.1	Charges.
221.2	Time of payment.
221.3	Deliveries to fee owners.
221.4	Deliveries to Indian farmers.
221.5	Deliveries to lessees.

<sup>1</sup> Contract available at the Bureau of Indian Affairs, Washington 25, D. C.