1945 SUPPLEMENT

TO THE

CODE OF FEDERAL REGULATIONS

OF THE

UNITED STATES OF AMERICA

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WITH ANCILLARIES AND INDEX

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tion Project, Yakima Indian Reservation, Washington, for 1946 and for each calendar year thereafter, until further notice, are hereby fixed as follows:

(a) *Minimum charges.* For all tracts in noncontiguous single ownership ---------- $5.00

(b) *Flat rate.* Upon all farm units or tracts, for each assessable acre------ 1.90

(c) *Storage operation and maintenance.* For all lands with a storage water right, known as "B" lands, in addition to other charges per acre- .20

[Reg., Sept. 28, 1945, 10 F.R. 12599]

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

Sec.
171.10 Business leases, allotted land. [Revised]
171.16 Rental and bond requirements. [Revised]
171.25 Execution of bond. [Revoked]

§ 171.10 *Business leases, allotted land.* The letting of allotted lands for business purposes shall be accomplished through leases, or through permits revocable in the discretion of the Commissioner of Indian Affairs. No lease or permit shall be for a period in excess of five years, as provided for in § 171.1. Where the annual rental of any lease or permit does not exceed $1,000, approval thereof shall be by the Superintendent and need not be submitted to the Commissioner of Indian Affairs. Where the annual rental is in excess of $1,000 the lease or permit shall be submitted to the said Commissioner for his consideration. (26 Stat. 795, sec. 1, 28 Stat. 305, sec. 1, 31 Stat. 229, sec. 4, 36 Stat 856, sec. 1, 39 Stat. 128, sec. 1, 41 Stat. 1232; 25 U.S.C. 397, 402, 395, 403, 394, 393) [Reg., Jan. 31, 1945, 10 F.R. 1473]

§ 171.16 *Rental and bond requirements.* Leases and permits for a term of one year only on a cash rental basis need not be supported by a bond when the rental is paid in full in advance. All other leases and permits shall be supported by an adequate bond to insure payment thereunder of rentals and performance of all other terms and conditions.

Payment of rentals due under leases and permits on cash basis shall be made annually or semi-annually in advance.

The amount of each bond shall equal the total sum of the rental for the entire lease or permit period plus a sum equal to the value of all the improvements required to be placed on the premises by the terms of the lease or permit. When the total cash rental is paid in advance for the full term, the bond shall be in an amount to cover the value of all the improvements to be placed on the premises. The value of such improvements shall be determined by the superintendent at the time of the execution of such lease or permit.

The amount of the bond to support crop-share or other non-cash-rental leases or permits shall be fixed by the superintendent at twice the estimated amount of the lessor's or permitter's share of the crops to be grown on the premises and of the estimated value of the improvements to be placed on the land.

Bonds may be individual or corporate; cash deposit or government negotiable securities.

Any corporate surety company may act as surety on any lease or permit governed by this part, provided such company holds a certificate of authority from the Secretary of the Treasury. Attorneys in fact executing corporate surety bonds must furnish satisfactory evidence of their authority to bind their principal, the surety company.

A personal surety bond to be acceptable must be executed by not less than two solvent individuals with unencumbered individually owned real estate equal to not less than twice the amount of the bond. Each personal surety must furnish to the superintendent satisfactory evidence of his ownership of such unencumbered real estate. The spouse of a surety shall sign the surety bond when the land to be leased or permitted is within a state where the law of the state requires such signature to give validity to the instrument. Each signature to a bond shall be witnessed by at least two individuals and their post office addresses shall appear immediately following the individual's name. The su-

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perintendent shall determine the qualifications of each individual personal surety. Personal sureties must not be members of the lessee's or permittee's family.

In lieu of furnishing a surety bond a lessee or permittee may deposit at the time of the payment of the first rental installment, a sum equal to the total of (1) the amount of one year's rental, (2) the pro rata annual value of the improvements, and (3) the value of all other performances required of the lessee or permittee under the terms of the lease or permit. In lieu of cash deposit the lessee or permittee may deposit negotiable United States Treasury Bonds or other negotiable Treasury obligations in the same amount as provided for in (1), (2), and (3) hereof. All cash and negotiable Treasury bonds or other negotiable Treasury obligations thus deposited shall be accompanied by a power of attorney. Powers of attorney accompanying cash deposits shall authorize the superintendent to deposit the money to the credit of the interested Indians as liquidated damages in the event of any breach of the lease or permit. Powers of attorney accompanying negotiable bonds or other negotiable Treasury obligations shall authorize the Commissioner of Indian Affairs to dispose of such bonds and deposit the proceeds as liquidated damages for the benefit of the interested Indians in the event of any breach of the lease or permit.

All cash deposits received shall be retained by the superintendent as special deposits. All Treasury bonds or other Treasury negotiable instruments thus received by the superintendent shall be forwarded promptly to the Commissioner of Indian Affairs for deposit with the United States Treasury. Upon the satisfactory termination of the lease or permit the cash deposits and Treasury bonds or other negotiable Treasury obligations which have been deposited, as provided for herein, shall be returned to the lessee or permittee, provided the terms and conditions of the lease or permit have been faithfully carried out.

Any lessee or permittee who has deposited cash or government securities in lieu of surety bond may apply in writing to the superintendent at the time the last year's rental becomes due to have a sufficient amount of the deposit applied on the last year's rental of the lease or permit. The balance of such deposit shall be retained until the termination of the lease or permit, when it will be refunded to the lessee or permittee, provided all the terms and conditions of the lease or permit have been faithfully carried out.

Where Indian lessors leasing to restricted or trust-patent Indians request that the Indian lessee be not required to furnish a bond, the superintendent, in his discretion, is empowered to waive the bond requirements and approve the lease if otherwise proper. (R.S. 161, 465, sec. 3, 26 Stat. 795, sec. 1, 30 Stat. 85, sec. 1, 31 Stat. 229, sec. 4, 36 Stat. 856, sec. 1, 41 Stat. 9, sec. 1, 41 Stat. 1232; 5 U.S.C. 22, 25 U.S.C. 9, 397, 395, 403, 214, 393) [Reg., Mar. 6, 1945, 10 F.R. 2708]

§ 171.25 *Execution of bond.* [Revoked]

CODIFICATION: § 171.25 was revoked by Regulation, Assistant Secretary of the Interior, Mar. 6, 1945, 10 F.R. 2708.

PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE NATION, OKLAHOMA

Sec.
177.19 Business leases. [Added]

§ 177.19 *Business leases.* Restricted property of the Osage Indians may be leased by the Indians having restricted interests therein for business purposes for terms not to exceed five years, subject to approval or disapproval of the Superintendent of such leases where the annual rental does not exceed $1,000. All other business leases shall be subject to the approval or disapproval of the Commissioner of Indian Affairs. Any interested party dissatisfied with the action taken, may within 90 days from the notice of such action by the Superintendent, appeal to the Commissioner of Indian Affairs and may within 90 days from the notice of any action of the Commissioner appeal to the Secretary of the Interior. Where formal hearings are granted on appeals to the Secretary of the Interior, such hearings shall be held by the Board of Appeals of the Department of the Interior and the decision of the said board when approved by the Secretary shall be final. (R.S. 161, 465, secs. 7, 12, 34 Stat. 539; 5 U.S.C. 22, 25 U.S.C. 2) [Reg., Nov. 16, 1945, 10 F.R. 14339]

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