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CUMULATIVE POCKET SUPPLEMENT

**TO THE . . . CODE
OF FEDERAL
REGULATIONS**

Title 25—Indians

**AS OF
JANUARY 1
1959**

**For changes on and after
January 1, 1959, see the daily issues of the Federal Register**

able proof and 15 days following this to make selections. Priority of selection shall be based upon the order in which the previous selectees had filed their unapproved selections with the Bureau. Failure of a member to take the required action within the specified time will constitute a forfeiture of this priority right.

§ 130.9 *Priority of selecting remaining lands available for allotment.* Upon the expiration of the 60-day period, as outlined in §§ 130.7 and 130.8, the order of preference for the members who have not yet made selections for the remaining lands will be determined by a drawing of numbers conducted by the Area Director, or his authorized representative. Notice of drawing for order number shall be sent to members by registered mail ten days in advance of the date set out for the drawing. There shall be only one drawing of numbers for all members. Members who are minors and others who are under legal disability shall have a number drawn for them by a parent or the Area Director's authorized representative. Members who are unable to appear personally may appoint a representative in accordance with the procedure for such appointment contained in § 130.5 Method of selection. All numbers shall be taken and the drawing closed on the date selected for same. If members eligible to draw a number either for themselves or for a minor shall fail to appear on the date set for the drawing, the representative of the Area Director is authorized to make the drawing for such persons. The selection of land shall be made in the order established by the drawing. The person entitled to make the first selection by reason of drawing the number "1" will be allowed five days from the date of notification within which to appear at the allotting office and make his selection. Following the completion of the allotment selection by the person holding the number "1" or the expiration of the 5-day period, whichever comes first, the holder of number "2" will be notified in writing to appear at the allotting office as soon as possible and not later than five days from the date of the notice for the purpose of making his selection. The holders of each of the next consecutive numbers drawn will be

mailed a similar notice as the selection by the holder of the preceding number is completed or at the expiration of the 5-day period for making the selection. The selection of each selectee shall be made within five days from the date of his notification. Otherwise, the order of preference obtained in the drawing will be forfeited and his selection may not be made prior to the selection of the holder of the next highest number in the drawing, unless, due to circumstances beyond his control, he is unable to appear. If his selection is not made before the holder of the second highest number to his has made his selection, then his number shall be placed next in line. In the event he again fails to make a selection for himself or a member of his family, the Area Director or his authorized representative shall make such selections as may be necessary in order that the selection process may not be unduly delayed and that the schedule of allotments may be closed.

§ 130.10 *Disposition of improvements.* Any member owning improvements on land selected properly by another member may remove, or otherwise dispose of the improvements, within a 60-day period from the date of notification by the Area Director to such member to dispose of such improvements. If in any case the whereabouts of the owner of the improvements is not immediately known, an additional reasonable time may be allowed by the Area Director in which to locate the owner so that he, or his duly appointed representative, may have an opportunity to remove or dispose of such improvements.

§ 130.11 *Submittal of allotment schedule.* Upon the completion of the allotment selections, a certified allotment schedule containing the names of the allottees, the legal descriptions of their selections and other pertinent information, shall be prepared by the Area Director. The allotment schedule shall be submitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, for approval.

§ 130.12 *Issuance of trust patents.* With the request for approval of the allotment schedule, the Area Director shall also request the Secretary of the

Interior to authorize the Director, Bureau of Land Management to issue trust patents for each of the selections in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 2, 1917 (39 Stat. 969, 970).

§ 130.13 *Special instructions.* To facilitate the work of the Area Director the Commissioner, Bureau of Indian Affairs may issue special instructions consistent with the rules and regulations in this part.

SUBCHAPTER I—LEASING AND PERMITTING

Part 131—Leasing and Permitting

- Sec. 131.3 Applicability of regulations and waiver or exception. [Revised]
131.8 Negotiation of individual leases and permits. [Revised]
131.9 Negotiation of tribal leases and permits. [Amended]

§ 131.3 *Applicability of regulations and waiver or exception.* The regulations of this part are of general application. Leases or permits in situations not covered by the regulations of this part for which there is statutory authority may be approved by the Secretary for any terms or purposes not inconsistent with law.
[23 F. R. 87, Jan. 4, 1958]

§ 131.8 *Negotiation of individual leases and permits.* (a) Adult Indians (other than those non-compos mentis) may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessee or permittees to the adult Indian lessors or permittees for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory, that such rentals be paid to the parents. Subject to the classes of leases hereinafter specified, negotiated leases shall not be approved at less than the appraised fair rental value.

(b) An adult Indian owner of trust or restricted land may lease his land for

religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at less than the fair annual rental value. Such Indian may also lease lands without regard to the fair rental value to members of his or her immediate family. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors or descendants.
[23 F. R. 87, Jan. 4, 1958]

§ 131.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands. Subject to the exception herein, negotiated leases shall not be approved at less than the appraised fair rental value. Leases for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government may be approved at less than the appraised fair rental value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

[Paragraph (a) amended, 23 F. R. 87, Jan. 4, 1958]