2. Section 421.2339 is amended by adding a new paragraph (g) to provide that if the warehouseman furnishes a statement as provided in § 421.2338 (g) the numerical grade and grading factors of the corn to be delivered must be shown on the supplemental certificate. The new paragraph (g) reads as follows:

§ 421.2339 Warehouse receipts. * * *

(g) If the warehouseman has furnished a statement as provided in § 421.2338 (g), the supplemental certificate must show the numerical grade, grading factors and the weight of the corn to be delivered. Where the grade, grading factors or the weight of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the entries shown on the supplemental certificate shall take precedence for the purpose of making loans and for settlement of loans and purchases agreements.

(Sec. 6, 62 Stat. 1979, as amended; 15 U.S.C. 714b)

Issued this 11th day of April 1958.

[SEAL] CLARENCE D. PALMER, Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-2347; Filed, Apr. 18, 1958; 8:55 a.m.]
boat, or other vessel of fifteen gross tons or less propelled by machinery other than steam, under the Motorboat Act of April 25, 1940, as amended, on the class vessel, waters and within other restrictions in his license.

(b) "Minor." means an individual who has not reached his majority as defined by the laws of the state of his domicile.

§ 104.3 Osage Agency. The provisions of this part do not apply to funds deposited or expenditures of which is subject to the provisions of Part 108 of this subchapter.

§ 104.4 Minor's. Funds of a minor may be disbursed in such amounts deemed necessary in the best interests of the minor for the minor's support, health, education, or welfare of parents, legal guardians, fiduciaries, or to persons having the control and custody of the minor under laws passed by the Secretary or his authorized representative, or to the minor directly, upon such conditions as the Secretary or his authorized representative may prescribe. The Secretary or his authorized representative will require modification of an approved plan whenever deemed in the best interest of the minor.

§ 104.5 Adults under legal disability. The funds of adults under legal disability may be disbursed for the benefit of such purposes deemed to be for his best interest and welfare, or the funds may be disbursed to a legal guardian or curator under such conditions as the Secretary or his authorized representative may prescribe.

§ 104.6 Voluntary deposits. As a general rule, voluntary deposits shall not be accepted. Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is determined that an exception to this prohibition should be made to avoid a substantial hardship, the facts in the case shall be considered by the Secretary or his authorized representative and an exception will be allowed or denied.

§ 104.7 Payments by other Federal agencies. Moneys received from the Veterans Administration or other governmental agency pursuant to the Act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), may be accepted and administered for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 104.8 Purchase orders. Purchase orders may be issued only in emergencies upon the request of any account holder. The Secretary or his authorized representative may act in emergencies on behalf of an account holder who is unable to make a request because of illness or incapacity or, to meet expenses of last illness or funeral.

§ 104.9 Restrictions. Funds of individuals may be applied by the Secretary or his authorized representative against delinquent claims of indebtedness to the United States or any of its agencies to the tribe of which the individual is a member unless such payments are prohibited by acts of Congress. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Secretary or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the Secretary or his authorized representative or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress. The funds of an adult whom the Secretary or his authorized representative finds to be in need of assistance in managing his affairs, even though such adult is not non compos mentis or under other legal disability, may be disbursed to the adult, within its best interest, under approved plans. Such finding and the basis for such finding shall be recorded and filed with the records of the account.

Case Reference: For rules governing the payment of judgments from Indian money accounts, see § 11.28 of this chapter.

§ 104.10 Funds of deceased Indians. Funds of a deceased Indian other than those of the Five Civilized Tribes may be disbursed (a) for the payment of obligations previously authorized, including authorized expenses of last illness; (b) for authorized funeral expenses; (c) for support of dependent members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (d) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (e) for probate fees and taxes allowed pursuant to Part 15 of this chapter.

§ 104.11 Funds of deceased Indians of the Five Civilized Tribes. Funds of a
deceased Indian of the Five Civilized Tribes may be disbursed to pay ad
values and personal property taxes, Federal and State estate and income taxes, obligations approved by the Secretary
or his authorized representative prior to death of decedent, expenses of last
sickness and burial expenses found to be just and reasonable which are not barred
by the statute of limitations, costs of determining heirs to restricted property
by the state court, and all claims allowed pursuant to Part 16 of this chapter.

§ 104.12 Appeals. Appeal from an action taken by a Superintendent or
other officer in charge of an Indian agency or reservation may be taken
within 30 days of notification of the action to the Area Director in charge of an
area office of the Bureau of Indian Affars. An appeal from an action of an
Area Director may be taken within 30 days to the Commissioner of Indian
Affairs.

[F. R. Doc. 58-2850; Filed, Apr. 18, 1958; 3:48 a.m.]

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES
SAN CARLOS INDIAN RESERVATION IRRIGATION
PROJECT, ARIZONA

APRIL 15, 1958.
Notice is hereby given of intention to modify the regulations in Part 221 of the
Code of Federal Regulations, Title 25—Indians, relating to Miscellaneous Indian
Irrigation Projects, and the San Carlos Indian Reservation Irrigation
Project, Arizona, as set forth below. The proposed modification would delete the San
Carlos Indian Reservation Irrigation Project, Arizona, from Part 221; establish
a separate operation assessment regulation for the San Carlos Indian
Reservation Irrigation Project; and increase the annual basic assessment rate
from $9.50 per acre to $14.60 per acre for the delivery of not to exceed four acre
feet of water per acre annually.

Interested persons are hereby given an opportunity to comment on the pro-
posed revisions by submitting their views, data or arguments in writing to the Area
Director, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within 30
days from the date of publication of this notice in the Federal Register.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 221.105 is amended to read as follows:

§ 221.105 Charges. Pursuant to the acts of August 1, 1914 and March 7, 1928,
38 Stat. 583, 43 Stat. 210; 25 U. S. C. 385, 387, a part of the
irrigable area of the respective projects for the calendar year 1927 and for each
 succeeding calendar year until further order, in the amounts designated below for each
project, and there is assessed against each acre of irrigable land to
which water can be delivered through the constructed works of the respective
projects, the amounts designated for each project, to be applied in the reim-
bursement of such appropriations:

<table>
<thead>
<tr>
<th>Per acre</th>
<th>Project and Agency</th>
<th>(per annum)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Dual Valley, Western Shoshone</td>
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<tr>
<td></td>
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<td>Miscellaneous Units, N.</td>
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<td></td>
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<td>Pyramid Lake Unit, Carson</td>
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<td>San Xavier Unit, Sei</td>
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<td>Tongue River Unit, Tongue River</td>
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<tr>
<td></td>
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<td>Warm Springs Unit, Warm Springs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Burns Indian Village, Warm Springs</td>
</tr>
</tbody>
</table>

2. A new center head and new §§ 221.160 to 221.163 are added to read as follows:

SAN CARLOS INDIAN RESERVATION IRRIGATION
PROJECT, ARIZONA

§ 221.160 Basic assessment. Pursu-
ant to the Acts of Congress approved August 1, 1914, and March 7, 1928, 38
Stat. 583; 43 Stat. 210; 25 U. S. C. 385-387, the annual basic rate of assess-
ment of operation and maintenance charges against the irrigable lands to
which water can be delivered under the San Carlos Indian Reservation
Irrigation Project, Arizona, for the calendar year 1958 and subsequent years until further
notice is hereby fixed at $14.60 per acre for the delivery of not to exceed four acre
feet of water per acre annually.

§ 221.161 Excess water assessment. Additional water, if and when available, in
excess of the basic allotment, may be delivered upon written request to the
Superintendent by the landowner or lessee at the rate of $3.00 per acre foot, or
fraction thereof.

§ 221.162 Payments. The basic annual
water assessment rate fixed in § 221.160 shall become due on March 1
of each year and shall be payable on or before that date each year, and no water
shall be delivered prior to the payment of such charges except as provided in
§ 221.163.

§ 221.163 Water delivery. (a) The
delivery of water shall be refused to all
tracts of land for which the charges have
not been paid except when the lands are in
Indian ownership, not under lease to
non-Indians, and the Indian owners shall have made the necessary arrange-
ments with the superintendent as here-
lineafter provided.

(b) In any instance where the super-
intendent is convinced that an Indian
landowner, whose land is not under lease
to a non-Indian, is financially unable to
pay his operation and maintenance
charges from proceeds of labor per-
formed on the property, or from the
proceeds of the crops being grown on
the land, or from any other source, the
delivery of water may be continued if a
written certificate is issued by the super-
intendent stating that such Indian is not
financially able to pay such charges.
In such cases the unpaid charges shall be
entered on the accounts and shall stand
as a first lien against the land until paid
but without penalty for delinquency.

[F. R. Doc. 58-2850; Filed, Apr. 18, 1958; 3:48 a.m.]