

# code of federal regulations

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**Indians**

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**Revised as of April 1, 1982**

**CONTAINING  
A CODIFICATION OF DOCUMENTS  
OF GENERAL APPLICABILITY  
AND FUTURE EFFECT**

**AS OF APRIL 1, 1982**

*With Ancillaries*

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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 134 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.

§ 138.3 Payments.

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

§ 138.4 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.

§ 138.5 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 § 138.3, and payable promptly thereafter until the total construction cost of \$16.7535 per acre chargeable against the land has been paid in full.

**PART 139—REIMBURSEMENT OF CONSTRUCTION COSTS WAPATO-SATUS UNIT, WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON**

Sec.

- 139.1 Construction costs and assessable acreage.
- 139.2 Repayment of construction costs.
- 139.3 Payments.
- 139.4 Deferment of assessments on lands remaining in Indian ownership.
- 139.5 Assessments after the Indian title has been extinguished.

**AUTHORITY:** Sec. 41 Stat. 409, 45 Stat. 210; 25 U.S.C. 386, 387.

**SOURCE:** 28 FR 6536, June 26, 1963, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 139.1 Construction costs and assessable acreage.

The construction program has been completed on the Wapato-Satus Unit of the Wapato Indian Irrigation Project, and the construction costs have been established by Designation Report dated August 1962 as \$7,903,823.12 for the project and \$1,499,073.62 for the "B" lands share of the construction costs in the Bureau of Reclamation reservoirs on the Yakima River. The area benefited by this development has been established at 136,559.59 acres divided into 79,025.68 acres of "A" land and 57,533.91 acres of "B" land. 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.

§ 139.2 Repayment of construction costs.

The cost per acre of the construction under § 139.1 is, therefore, calculated at \$57.8782 for "A" lands and \$83.9337 for "B" lands in non-Indian ownership as established by Designation Report dated August 1962. Under the provisions of the acts cited in § 139.1 the annual per acre assessment for forty equal annual payments, is hereby fixed at \$1.45 per acre for "A" lands and \$2.10 per acre for "B" lands for the year 1962 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 uncodified special regulations, annual assessments beginning with the year 1962 at the rate of \$1.45 per acre for "A" lands and \$2.10 per acre for "B" lands will be made until the entire cost of \$57,8782 per acre for "A" lands and \$83,9337 per acre for "B" lands 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.

#### § 139.3 Payments.

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

#### § 139.4 Deferment of assessments on lands remaining in Indian ownership.

In conformity with the act of July 1, 1932 (47 Stat. 564; 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.

#### § 139.5 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 the Indian title is extinguished. The construction costs against this land will be established as provided by section 5 of the act of September 26, 1961 (75 Stat. 680). The annual per acre assessment rate will be determined by dividing the established construction cost per acre into forty equal payments. "B" lands will also be assessed for reservoir construction costs in the annual per-acre rate as established in the Designation Report dated August 1962. Assessments against this land will continue until the entire established construction costs shall have been repaid to the United States Treasury. Landown-

ers 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.

### PART 140—LICENSED INDIAN TRADERS

- Sec.
- 140.1 Sole power to appoint.
  - 140.2 Presidential prohibition.
  - 140.3 Forfeiture of goods.
  - 140.5 Government employees not to trade with Indians except in certain cases.
  - 140.6 Small Purchases.
  - 140.9 Application for license.
  - 140.11 License period.
  - 140.12 License renewal.
  - 140.13 Power to close unlicensed stores.
  - 140.14 Trade limited to specified premises.
  - 140.15 License applicable for trading only by original licensee.
  - 140.16 Trade in annuities or gratuities prohibited.
  - 140.17 Tobacco sales to minors.
  - 140.18 Intoxicating liquors.
  - 140.19 Drugs.
  - 140.21 Gambling.
  - 140.22 Inspection of traders' prices.
  - 140.23 Credit at trader's risk.
  - 140.24 Cash payments only to Indians.
  - 140.25 Trade in antiquities prohibited.
  - 140.26 Infectious plants.

**AUTHORITY:** Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U.S.C. 261, 262, unless otherwise noted.

**SOURCE:** 22 FR 10670, Dec. 24 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

**CROSS REFERENCE:** For law and order regulations on Indian reservations, see Part 11 of this chapter. For regulations pertaining to traders on Navajo, Zuni, and Hopi reservations, see Part 141 of this chapter.

#### § 140.1 Sole power to appoint.

The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes. Any person desiring to trade with the Indians on any reservation may, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe.