

and eighty-eight), known as “The Reclamation Act,” and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under section 334 of this title, the Secretary of the Interior is authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands.

(Mar. 3, 1909, ch. 263, 35 Stat. 798.)

#### REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

#### CODIFICATION

A further proviso authorized the expenditure of a limited amount from the appropriation in the act for irrigation, to meet the cost of carrying out this section, and was omitted as temporary.

#### SIMILAR PROVISIONS

Similar provisions were contained in act Apr. 30, 1908, ch. 153, 35 Stat. 85.

#### **§ 383. Repealed. Pub. L. 97-293, title II, § 224(f), Oct. 12, 1982, 96 Stat. 1273**

Section, act Aug. 4, 1910, ch. 140, §1, 36 Stat. 270, provided that no new irrigation project on any Indian reservation, allotments, or lands, could be undertaken until it had been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by chief irrigation engineer in Indian Service and approved by Commissioner of Indian Affairs and Secretary of the Interior, that such limit of cost could in no case be exceeded without express authorization of Congress, and that no project to cost in the aggregate to exceed \$35,000 could be undertaken on any Indian reservation or allotment, without specific authority of Congress.

#### **§ 384. Employment of superintendents of irrigation**

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number.

(Apr. 4, 1910, ch. 140, §1, 36 Stat. 271.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### **§ 385. Maintenance charges; reimbursement of construction costs; apportionment of cost**

For lands irrigable under any irrigation system or reclamation project the Secretary of the Interior may fix maintenance charges which

shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected: *Provided further*, That all moneys expended under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

(Apr. 4, 1910, ch. 140, §§1, 3, 36 Stat. 270, 272; Aug. 1, 1914, ch. 222, §1, 38 Stat. 583; Aug. 7, 1946, ch. 770, §1(8), 60 Stat. 867; Pub. L. 97-293, title II, § 224(f), Oct. 12, 1982, 96 Stat. 1273.)

#### CODIFICATION

Section is based on sections 1 and 3 of act Apr. 4, 1910, and section 1 of act Aug. 1, 1914.

A provision in act Aug. 1, 1914, appropriated a specific sum for the construction, repair, etc., of ditches, reservoirs, etc., and for the pay of designated officials and employees.

#### AMENDMENTS

1982—Pub. L. 97-293 struck out provisions requiring Secretary of the Interior to transmit annual cost accounts to Congress of all moneys expended on each irrigation project.

1946—Act Aug. 7, 1946, discontinued provisions requiring Secretary of the Interior to transmit annual cost accounts to Congress of all moneys expended on each irrigation project.

#### **§ 385a. Irrigation projects; deposit of assessments as trust fund; disposition of fund**

Effective August 7, 1946, collections made from water users on each Indian irrigation project on account of assessments levied to meet the cost of operating and maintaining such project shall be deposited into the Treasury for credit to a trust-fund account pursuant to section 1321 of title 31, and shall be available for expenditure in carrying out the purposes for which collected.

(Aug. 7, 1946, ch. 802, §1, 60 Stat. 895.)

#### CODIFICATION

“Section 1321 of title 31” substituted in text for “section 20 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227) [31 U.S.C. 725s]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 725s-1 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

#### **§ 385b. Amounts creditable to fund**

There shall be credited to each trust-fund account established under section 385a of this title the excess, if any, of (1) the unexpended balance of any repealed special fund appropriation to which operation and maintenance collections were credited prior to July 1, 1935, and (2) the