

## WAPATO INDIAN IRRIGATION PROJECT

In accordance with sections 389 to 389e of this title, order of Secretary of the Interior dated Sept. 12, 1962, canceling \$4,494.58 of delinquent irrigation charges, providing for the deferred payment of \$10,356.03, and providing for the removal of 78.12 acres of assessable land from the Wapato Indian irrigation project, was approved by Pub. L. 88-159, Oct. 28, 1963, 77 Stat. 278.

In accordance with sections 389 to 389e of this title, order of Secretary of the Interior canceling \$35,700.72 of delinquent irrigation charges, providing for the deferred payment of \$13,851.98, and providing for the removal of two hundred thirty-two and fifty-six one hundredths acres of assessable land from the Wapato Indian irrigation project, was approved by Pub. L. 86-281, Sept. 16, 1959, 73 Stat. 564.

Action by the Secretary of the Interior taken Sept. 9, 1942, pursuant to authority contained in sections 389 to 389e of this title with respect to lands within the Wapato Indian irrigation project was confirmed in act Dec. 24, 1942, ch. 815, 56 Stat. 1081.

## WIND RIVER INDIAN IRRIGATION PROJECT

In accordance with sections 389 to 389e of this title, the order of the Secretary of the Interior, canceling delinquent operation and maintenance irrigation charges of \$1,134.99 and accrued interest thereon, against lands on the Wind River Indian irrigation project, and a contract for the deferred payment of delinquent charges in the amount of \$2,331.59, was approved by Pub. L. 88-116, Sept. 6, 1963, 77 Stat. 151.

In accordance with sections 389 to 389e of this title, the order of the Secretary of the Interior, canceling delinquent irrigation charges of \$36,439.70 and accrued interest therein, and providing for a deferred payment of \$8,706.27, as shown in schedules A, B, and C of such order, was approved by Pub. L. 87-516, July 2, 1962, 76 Stat. 128, provided that the cancellation under schedule B not become effective until the landowners agree to pay the balance of such delinquent charges amounting to \$1,556.40.

**§ 389a. Declaring lands to be temporarily non-irrigable**

Where the Secretary finds that any such lands cannot be cultivated profitably due to a present lack of water supply, proper drainage facilities, or need of additional construction work, he shall declare such lands temporarily nonirrigable for periods not to exceed five years and no charges shall be assessed against such lands during such periods.

(June 22, 1936, ch. 692, § 2, 49 Stat. 1804.)

**§ 389b. Elimination to permanently nonirrigable lands**

Where the Secretary finds that any such lands are permanently nonirrigable he may, with the consent of the landowner, eliminate such lands from the project.

(June 22, 1936, ch. 692, § 3, 49 Stat. 1804.)

**§ 389c. Cancellation of charges in absence of lien or contract for payment**

Where irrigation assessments against any such lands remained unpaid at the time the Indian title to such lands became extinguished and no lien existed and attached to such lands for the payment of charges so assessed and no contract for the payment of such charges was entered into, the Secretary shall cancel all such charges.

(June 22, 1936, ch. 692, § 4, 49 Stat. 1804.)

**§ 389d. Rules and regulations**

The Secretary shall have power to make such rules and regulations as may be necessary to carry out the provisions of sections 389 to 389e of this title.

(June 22, 1936, ch. 692, § 5, 49 Stat. 1804.)

**§ 389e. Actions taken to be included in report to Congress**

The Secretary shall include in the report to Congress required pursuant to section 389a<sup>1</sup> of this title, a description of actions taken under the provisions of sections 389 to 389e of this title during the preceding fiscal year. No proceedings under such sections shall become effective until approved by the Congress.

(June 22, 1936, ch. 692, § 6, 49 Stat. 1804; Pub. L. 96-470, title II, § 206(b), Oct. 19, 1980, 94 Stat. 2244.)

## AMENDMENTS

1980—Pub. L. 96-470 substituted provision requiring the Secretary to include in the report to Congress required pursuant to section 389a of this title a description of the actions taken under sections 389 to 389e of this title during the preceding fiscal year for provision requiring the Secretary to make reports to Congress on the first Monday of each regular session, and from time to time thereafter, showing actions taken under sections 389 to 389e of this title during the preceding fiscal year.

## APPROVAL OF SECRETARY'S ACTION

The action of the Secretary of the Interior in deferring the collection of certain irrigation charges against lands under the Blackfeet Indian irrigation project in Montana was approved by Joint Res. Apr. 11, 1940, ch. 78, 54 Stat. 105.

**§ 390. Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agricultural, grazing, and other purposes**

The Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That no lands so leased shall be eligible for benefit payments under the crop control program, or the soil conservation act: *Provided further*, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules, regulations, and laws as govern his administration of the public domain as far as applicable, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of ten years: *Provided further*, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for ex-

<sup>1</sup> So in original. Probably should refer to section 386a.