

### § 50.3

For definition of the term *taxable year*, see § 50.3(g).

(b) *Extent to which the regulations in this part supersede prior regulations.* The regulations in this part, with respect to the subject matter within the scope thereof, supersede Treasury Decision 4952 (26 CFR (1939) part 317).

### § 50.3 General definitions and use of terms.

As used in the regulations in this part:

(a) The term *Act* means “An Act to create the California Debris Commission and regulate hydraulic mining in the State of California” approved March 1, 1893, as amended, 27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118; 52 Stat. 1040; 61 Stat. 501; 33 U.S.C. 661-687.

(b) The term *person* means an individual, a trust, estate, partnership, company, or corporation.

(c) The term *Secretary* means the Secretary of the Treasury.

(d) The term *Commissioner* means the Commissioner of Internal Revenue.

(e) The term *district director* means the district director of internal revenue.

(f) The terms *hydraulic mining* and *mining by the hydraulic process* shall have the meaning and application given said terms in the State of California.

(g) The term *taxable year* means the twelve-month period ending on August 31 of each year for which the tax imposed by the Act is payable.

### § 50.4 Rates of tax.

(a) *Determination of rate.* Under the Act the California Debris Commission will determine and prescribe with respect to each debris dam or other works the rate of tax payable in the area served by the particular debris dam or works. The Secretary of the Army will notify the Secretary of the Treasury of the rate of tax fixed with respect to each debris dam or works as such rate becomes known.

(b) *Measure of tax.* The tax is payable annually on the basis of the number of cubic yards mined from the natural bank by the hydraulic process during the taxable year.

### 26 CFR Ch. I (4-1-10 Edition)

### § 50.5 Liability for the tax.

Liability for tax attaches to any person engaged at any time during the taxable year in hydraulic mining in the area identified in paragraph (a) of § 50.2, if the debris from such mining operations is in whole or in part restrained by any of the debris dams or works constructed by the California Debris Commission.

### § 50.6 Ascertainment of quantity mined.

Each person engaged in hydraulic mining operations within the scope of the tax shall make or cause to be made appropriate surveys of the premises on which such hydraulic mining operations are conducted for the purpose of determining the cubic yardage mined from the natural bank. Such surveys shall be made at the beginning and end of hydraulic mining operations in each taxable year by a licensed engineer or other qualified agency having prior approval of the California Debris Commission, and shall conform to requirements prescribed by the California Debris Commission.

### § 50.7 Returns.

(a) *Form of return.* Every person liable for tax for any taxable year shall prepare for such year a return on Form 1 (California Debris) in accordance with the instructions thereon and in accordance with the regulations in this part.

(b) *Content of return.* The return shall show:

(1) The identity of the particular dam or other works restraining debris from the mine;

(2) The name and location of the mine;

(3) The name and address of the person to whom the California Debris Commission has issued a license to operate the mine;

(4) The number and date of the license;

(5) The name and address of the owner of the mine;

(6) The dates on which hydraulic mining operations began and ended during the taxable year for which the return is made;

(7) The number of cubic yards mined by the hydraulic process at the mine during the taxable year;