Bureau of Land Management, Interior

§ 2532.2

(3) The Act of June 2, 1924 (43 Stat. 253, 8 U.S.C. 3), conferred citizenship on all noncitizen Indians born within the Territorial limits of the United States, but expressly reserved to them all rights to tribal or other property. These rights include that of allotment on the public land, if qualified.


§ 2531.2 Petition and applications.

(a) Any person desiring to receive an Indian allotment (other than those seeking allotments in national forests, for which see subpart 2533 of this part) must file with the authorized officer, an application, together with a petition on forms approved by the Director, properly executed, together with a certificate from the authorized officer of the Bureau of Indian Affairs that the person is Indian and eligible for allotment, as specified in § 2531.1(b). However, if the lands described in the application have been already classified and opened for disposition under the provisions of this part, no petition is required. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter.

The petition and the statement attached to the application for certificate must be signed by the applicant.

(b) Blank forms for petitions and applications may be had from any office of the Bureau of Indian Affairs, or from land offices of the Bureau of Land Management.

[35 FR 9590, June 13, 1970]

§ 2531.3 Effect of application.

(a) Where an allotment application under the fourth section of the Act of February 8, 1887, as amended, 25 U.S.C. 334 (is not accompanied by the requisite certificate from the Bureau of Indian Affairs showing the applicant to be eligible for an allotment, and the applicant is given time to furnish such certificate, the application does not segregate the land, and other applications therefor may be received and held to await final action on the allotment application.

(b) Where an allotment application is approved by the authorized officer, it operates as a segregation of the land, and subsequent application for the same land will be rejected.

[37 FR 23185, Oct. 31, 1972]

Subpart 2532—Allotments

§ 2532.1 Certificate of allotment.

(a) When the authorizing officer approves an application for allotment, he will issue to the applicant a certificate of allotment, on a prescribed form, showing the name in full of the applicant, post office address, name of the tribe in which membership is claimed, serial number of the certificate issued by the Commissioner of Indian Affairs, and a description of the land allotted.

(b) Where the application under investigation is that of a single person over 21 years of age, or of the head of a family, report will also be made as to the character of the applicant’s settlement and improvements. A similar report will be made on applications filed in behalf of minor children as to the character of the settlement and improvements made by the parent, or the person standing in loco parentis, on his or her own allotment under the fourth section.

[35 FR 9591, June 13, 1970]

§ 2532.2 Trust patent.

(a) To enable an Indian allottee to demonstrate his good faith and intention, the issuance of trust patent will be suspended for a period of 2 years from date of settlement; but in those cases where that period has already elapsed at the time of adjudicating the allotment application, and when the evidence either by the record or upon further investigation in the field, shows the allottee’s good faith and intention in the matter of his settlement, trust patents will issue in regular course. Trust patents in the suspended class, when issued will run from the date of suspension.

(b) In the matter of fourth-section applications filed prior to the regulations in this part, where, by the record or upon further investigation in the field, it appears that such settlement has not been made as is contemplated by the regulations, such applications will not be immediately rejected, but the applicant will be informed that 2
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years will be allowed within which to
perfect his settlement and to furnish
proof thereof, whereupon his applica-
tion will be adjudicated as in other
cases.
[35 FR 9591, June 13, 1970]

Subpart 2533—Allotments Within
National Forests

SOURCE: 35 FR 9591, June 13, 1970, unless
otherwise noted.

§ 2533.0–3 Authority.
By the terms of section 31 of the Act
337), allotments under the fourth sec-
tion of the Act of February 8, 1887, as
amended, may be made within national
forests.

§ 2533.0–8 Land subject to allotment.
An allotment under this section may
be made for lands containing coal and
oil and gas with reservation of the min-
eral contents to the United States, but
not for lands valuable for metalliferous
minerals. The rules governing the con-
duct of fourth-section applications
under the Act of February 8, 1887 as
amended, apply equally to applications
under said section 31.

§ 2533.1 Application.
An Indian who desires to apply for an
allotment within a national forest
under this act must submit the appli-
cation to the supervisor of the par-
ticular forest affected, by whom it will
be forwarded with appropriate report,
through the district forester and Chief,
Forest Service, to the Secretary of Ag-
riculture, in order that he may deter-
mine whether the land applied for is
more valuable for agriculture or graz-
ing than for the timber found thereon.

§ 2533.2 Approval.
(a) Should the Secretary of Agri-
culture decide that the land applied
for, or any part of it, is chiefly valu-
able for the timber found thereon, he
will transmit the application to the
Secretary of the Interior and inform
him of his decision in the matter. The
Secretary of the Interior will cause the
applicant to be informed of the action
of the Secretary of Agriculture.

(b) In case the land is found to be
chiefly valuable for agriculture or
grazing, the Secretary of Agriculture
will note that fact on the application
and forward it to the Commissioner of
Indian Affairs.
(c) If the Commissioner of Indian Af-
fairs approves the application, he will
transmit it to the Bureau of Land Man-
agement for issuance of a trust patent.

[35 FR 9591, June 13, 1970, as amended at 41
FR 29122, July 15, 1976]