Public Law 85-801

AN ACT

August 28, 1958
[H. R. 9239]

To provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, California, and for other purposes.

Restricted Indian lands.
Irrigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 25, 1950 (64 Stat. 470), is amended to read as follows:

"(a) The Secretary of the Interior is hereby authorized and directed to—

"(1) designate the trust or restricted Indian lands on the Cabazon, Augustine, and Torres-Martinez Indian Reservations which may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California;

"(2) construct an irrigation distribution system and drainage works within improvement district numbered 1 of the Coachella Valley County Water District that connect with the distribution system and drainage works now administered by Coachella Valley County Water District and that will irrigate and drain the Indian lands designated therein pursuant to this section: *Provided*, That such irrigation and distribution system and drainage works shall be constructed on the Torres-Martinez Indian Reservation only upon the request of the Indian owners of the lands to be irrigated thereby and a determination by the Secretary of the Interior that the construction of the irrigation distribution system and drainage works is economically feasible;

"(3) contract with the Coachella Valley County Water District, prior to the construction of the irrigation distribution system and drainage works authorized by this section, for engineering and supervision services in connection with such construction, and for the care, operation, and maintenance thereof after construction. Such contract shall provide, among other things, that—

"(i) the irrigation distribution system and drainage works authorized to be constructed by this section, or any major part thereof, when completed and ready for use as determined by the Secretary, shall be turned over to the district for care, operation, and maintenance and the district shall assume the care, operation, and maintenance thereof upon sixty days written request therefor made by the Secretary;

"(ii) water shall be delivered to the lands within improvement district numbered 1 designated pursuant to this section, through the irrigation distribution system authorized to be constructed, under the same rules and regulations, to the same extent, and for the same charges as water is delivered by the district to other lands similarly located within the district. As long as said Indian lands for which an irrigation distribution system is constructed pursuant to this section remain in a trust or restricted status the Secretary shall guarantee payment to the district for all such charges for the delivery of water, including standby charges, as well as payment of an amount of money during each year equal to the amount which would be levied by or on behalf of the district in the form of taxes on said lands if said lands were on the assessment rolls of Riverside County;

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"(iii) one-half of all moneys received by the district for the delivery of water to the designated lands (not including gate and other service charges) shall be paid annually by the district to the United States until the United States has been reimbursed in full for the actual costs incurred in the construction of the distribution system and drainage works authorized by this section;

"(iv) article 21 (access to books and records), article 23 (disputes or disagreements), article 35 (remedies under contract not exclusive), article 36 (interest in contract not transferable), article 39 (officials not to benefit), and article 41 (representative of the Secretary), of that certain contract between the United States and the district dated December 22, 1947, entitled 'Contract for Construction of Distribution System, Protective Works and Drainage Works', shall be incorporated by reference, haec verba, into the contract authorized by this section as a part thereof.

Appropriation.

"(b) There are authorized to be appropriated such amounts as may be necessary for the construction of the distribution system and drainage works authorized by this section and for making the payments guaranteed pursuant to this section. There is hereby created a recordable first lien against said Indian lands for any amounts paid by the United States to the district pursuant to such guaranty, and such lien shall be enforced at the time the land passes out of Indian ownership. The provisions of the Act of July 1, 1932, with respect to the assessment and collection of irrigation construction costs shall not apply to such lands.

Lien.

47 Stat. 564.

"(c) The Secretary of the Interior is authorized to take, use, and convey to the Coachella Valley County Water District, or other governmental agency, such rights-of-way across trust or restricted Indian lands as in his discretion may be needed for the construction, care, operation, and maintenance of the irrigation distribution system and drainage works authorized by this section or the irrigation distribution system and drainage works now administered by the District, and for the construction or improvement of roads necessary to serve the Augustine, Cabazon, and Torres-Martinez Reservations. The Indian landowner shall be paid reasonable compensation for such rights-of-way. The rights-of-way needed for the drainage works now administered by the district shall be taken and conveyed to the district only after the district has paid to the Indian landowner reasonable compensation therefor."

SEC. 2. Section 7 of the Act of August 25, 1950 (64 Stat. 470), is amended to read as follows: In clause "(a)" delete "within three years from the date of approval of this Act".

SEC. 3. Subsections (a) and (c) of section 8 of the Act of August 25, 1950 (64 Stat. 470), are amended to read as follows:

"(a) Any trust or restricted Indian land, whether individually or tribally owned, may be leased in accordance with the provisions of the Act of August 9, 1955 (69 Stat. 539).

25 USC 415-415d.

"(c) If the Secretary of the Interior determines that beneficial use of any trust or restricted lands is not being made by the owner or owners thereof, the Secretary is authorized to lease such lands for the benefit of the owner or owners."

Approved August 28, 1958.