

such lands are not in use by any of the heirs and the heirs have not been able during a three-months' period to agree upon a lease by reason of the number of the heirs, their absence from the reservation, or for other cause, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds derived from such leases shall be credited to the estates or other accounts of the individuals entitled thereto in accordance with their respective interests. (July 8, 1940, ch. 554, 54 Stat. 745.)

#### Executive Documents

##### 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.

### CHAPTER 11—IRRIGATION OF ALLOTTED LANDS

Sec.	
381.	Irrigation lands; regulation of use of water.
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389.	Investigation and adjustment of irrigation charges on lands within projects on Indian reservations.
389a.	Declaring lands to be temporarily nonirrigable.
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389d.	Rules and regulations.
389e.	Actions taken to be included in report to Congress.
390.	Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agricultural, grazing, and other purposes.

#### § 381. Irrigation lands; regulation of use of water

In cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior is authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

(Feb. 8, 1887, ch. 119, § 7, 24 Stat. 390.)

#### § 382. Irrigation projects under Reclamation Act

In carrying out any irrigation project which may be undertaken under the provisions of the

Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

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