

**§ 383. Estimates of cost; limitations as to**

No new irrigation project on any Indian reservation, allotments, or lands, shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and no project to cost in the aggregate to exceed \$35,000 shall be undertaken on any Indian reservation or allotment, without specific authority of Congress. Apr. 4, 1910, c. 140, § 1, 36 Stat. 270.

Library references: Indians ☞12; C.J.S. Indians § 29.

**Historical Note**

**Transfer of Functions.** All functions of all officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

**§ 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, c. 140, § 1, 36 Stat. 271.

Library references: Indians ☞4; C.J.S. Indians §§ 9, 74.

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**§ 385. Maintenance charges; reimbursement of construction costs; apportionment of cost**

For lands irrigable under any irrigation system or reclamation project the Secretary of the Interior may fix maintenance charges which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected: *Provided further,* That all moneys expended under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further,* That the Secretary of the Interior is authorized

and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe. Apr. 4, 1910, c. 140, §§ 1, 3, 36 Stat. 270, 272; Aug. 1, 1914, c. 222, § 1, 38 Stat. 583; Aug. 7, 1946, c. 770, § 1(8), 60 Stat. 867.

Library references: Indians ☞12; C.J.S. Indians § 29.

**Historical Note**

**Codification.** The first sentence, excepting the provisos, is from sections 1 and 3 of Act Apr. 4, 1910. The provisos are from Act Aug. 1, 1914.

A provision in Act Aug. 1, 1914 appropriated a specific sum for the construction, repair, etc., of ditches, reservoirs, etc., and for the pay of designated officials and employees.

**1946 Amendment.** Act Aug. 7, 1946, eliminated the provisions requiring the Secretary of the Interior to transmit annual cost accounts to Congress of all moneys expended on each irrigation project.

**Appropriations.** Act Mar. 3, 1925, c. 462, 43 Stat. 1151, made appropriations for necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries of not to exceed five supervising engineers, pay of one chief irrigation en-

gineer, one assistant chief irrigation engineer, one superintendant of irrigation competent to pass upon water rights, one field cost accountant, and traveling and incidental expenses of officials and employees of the Indian irrigation service, including sleeping car fare and a per diem not exceeding \$4 in lieu of subsistence when actually employed in the field and away from designated headquarters, \$75,000."

Act May 24, 1922, c. 199, 42 Stat. 560, made appropriations for pay of one chief irrigation engineer, \$4,000; one assistant chief irrigation engineer, \$3,000; one field cost accountant, \$2,250; and for traveling and incidental expenses of officials and employees of the Indian irrigation service, including sleeping car fare and a per diem not exceeding \$3.50 in lieu of subsistence when actually employed in the field and away from designated headquarters, \$5,500; total, \$14,750."

**§ 386. Reimbursement of construction charges**

The Secretary of the Interior is authorized and directed to require the owners of irrigable land under any irrigation system constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land. Feb. 14, 1920, c. 75, § 1, 41 Stat. 409.

Library references: Indians ☞12; C.J.S. Indians § 29.

**§ 386a. Adjustment of reimbursable debts; construction charges**

The Secretary of the Interior is hereby authorized and directed to adjust or eliminate reimbursable charges of the Government of the