

capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent.

(May 18, 1916, ch. 125, §1, 39 Stat. 127.)

§ 379. Sale of allotted lands by heirs

The adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children.

(May 27, 1902, ch. 888, §7, 32 Stat. 275.)

§ 380. Lease of inherited allotments by superintendent

Restricted allotments of deceased Indians may be leased, except for oil and gas mining purposes, by the superintendents of the reservation within which the lands are located (1) when the heirs or devisees of such decedents have not been determined and (2) when the heirs or devisees of the decedents have been determined, and 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403c, 415a, 416c, 635 of this title.

CHAPTER 11—IRRIGATION OF ALLOTTED LANDS

Sec.	
381.	Irrigation lands; regulation of use of water.
382.	Irrigation projects under Reclamation Act.
383.	Repealed.
384.	Employment of superintendents of irrigation.
385.	Maintenance charges; reimbursement of construction costs; apportionment of cost.
385a.	Irrigation projects; deposit of assessments as trust fund; disposition of fund.
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385c.	Appropriation and disposition of power revenues.
386.	Reimbursement of construction charges.
386a.	Adjustment of reimbursable debts; construction charges.
387.	Omitted.
388.	Claims for damages; settlement by agreement.
389.	Investigation and adjustment of irrigation charges on lands within projects on Indian reservations.
389a.	Declaring lands to be temporarily nonirrigable.
389b.	Elimination to permanently nonirrigable lands.
389c.	Cancellation of charges in absence of lien or contract for payment.
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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 332, 333, 334, 335, 339, 340, 341, 342, 348, 349, 350, 352b, 354, 358 of this title.

§ 382. Irrigation projects under Reclamation Act

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

REFERENCES IN TEXT

The Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is clas-