SENATE JUDICIARY
Exhibit No. 18
Date: 2/16/15
Bill No. SB262

EXCERPT OF COMPACT COMMISSION HEARING

Friday - January 9, 2015

LEADER - Chris Tweeten, Attorney
Chairman, Reserved Water Rights Compact Commission

SPEAKER - Bill Myers

MR. MYERS: I'd also finally point out something that really troubles me greatly about this and it's a fundamental violation of the Constitution of the United States, of the State of Montana, and of other laws of our country.

And I've mentioned this in October of 2012, right here in Ronan, a couple hundred yards away at the other building. I asked the Tribes then, and I ask again, and I'm going to ask some questions here. But I'm going to ask five of them in a section.

I asked if I could join the Tribe, I was told no. Rhonda Swaney didn't have a quote, but Ruthie Ann Swaney gave it orally. But I found it, it took me a year and half to two years of research. And the relevant passage is from the Constitution and By-Laws of the Salish and Kootenai Tribes, Amendment II, dated 5/5/1960, according to my research. And the relevant passage says:

That you must be and possess one-fourth or more Salish/Kootenai blood to be a member of the Tribe.

That's the requirement, that's the qualification. Therefore, even though my rights are at stake here and to be ruled by this UMO or by final ability to put a call against my water upstream off the Reservation. . .This is being decided by: <u>one-quarter racial, blood purity, of lineage</u>. In this country today, after we fought a Civil War a hundred and fifty or sixty years ago, and after the Civil Rights Movement of 50 years ago, and after all the current discussion on racial relations in this country, it is fundamentally a violation of US Montana Constitution and the Civil Rights Act, and I claim, right here and now, my civil rights are being violated by this.

And so I ask this Commission these questions right now, and I'd like

an answer:

➳ Do you know of any other group, entity or corporation in this country or state – and the Tribe is a corporation, they were incorporated in 1934-'35 as you well know – do you know of any other group, entity or corporation, that if they had a requirement, that their requirement for membership, to be given control of a federally controlled power dam, water rights on and off a reservation, for hundreds of thousands of people, that the sole requirement of their membership that they be 25% White?

➳ Do you know of any other entity that would require of that?

MR. TWEETEN: Well, I'll answer your question. And then I'll – then I want – want the opportunity to explain briefly.

The answer is no. And the reason that this –

MR. MYERS: Just let me ask the –

MR. TWEETEN: Now, Mr. Myers, let me finish. The answer is no, but the reason that that's not a consequential issue, is because the United States Supreme Court has explicitly ruled that determinations there are based on Tribal membership versus non-Tribal membership, are not racial, but are rather political affiliation determinations.

And whether you agree with that or not, that's what the Supreme Court has said, so your attempt to make an equal protection argument based on a racial distinction between you and a Tribal member fails. And the US Supreme Court has explicitly addressed that issue, and told you, and everybody else, that those arguments don't hold water under the protection laws.

MR. MYERS: That is your interpretation as a lawyer, and when it goes to the Supreme Court, I – I'm preserving a right here because I think this will be referred on this issue.

But the second question is:

➳ Do you know of any organization in this country that would

require that you be 25% Black to be a member and be given all these water rights?

MR. TWEETEN: Well, the answer here is no, but it's irrelevant for the same reasons.

MR. MYERS: Then the – the next question is:

»» Do you know of any organization, corporation or entity in this country that would require that you be 25% Hispanic or Latino to get the water rights?

MR. TWEETEN: Well, you know the answer. I mean, these are rhetorical questions and – and –

MR. MYERS: And –

MR. TWEETEN: – if you want to ask about Whites or any other racial (inaudible), that would be the same.

MR. MYERS: The final one:

»» Do you know of any other organization, corporation or entity in this country, anywhere, that would require any 25% Asian-American or Lithuanian, or any other entity, to be given other people's water rights?

MR. TWEETEN: Well, not specifically with respect to water, but I suspect that the Ku Klux Klan were requiring it be White. I mean, there are organizations out there that make distinctions based on race.

MR. MYERS: I don't –

MR. TWEETEN: But – but –

MR. MYERS: (Inaudible) given water rights.

MR. TWEETEN: – as I said, the point's irrelevant, but the answer is no. I don't know of any such organization.

MR. MYERS: Well, I'm – I'm here, again – I'm concluding now by saying I think this is a violation of the Constitution of the United States, State of Montana, and my civil rights and those of many other people in Montana, to give over our rights based on one qualification.

(Loud clapping from audience.)

MR. TWEETEN: Okay. Let me – let me respond to that, please.

I can tell you that the Supreme Court receives several thousand cases every year and it gives full consideration to about 80. The – the chances of the Supreme Court taking this case is specifically quite small, especially in light of the fact that your argument is based on an ar – on assertion that the court has already thoroughly considered and rejected. So let me make that point, first of all.

Now, second, with respect to the Omaha Treaty, the distinction between water rights ownership on one hand and the navigational servitude on the other, is well established in law, and the fact that – that you may have been guaranteed the right of navigation on navigable waters within Indian Country has nothing whatsoever to do with the question of the nature and extent of the Tribe's water rights. So that's in – that's a second observation.

Third, the Compact contains a provision under which the Tribes have a – have – would receive a right to maintaining Flathead Lake level at the level that existed in 1855. I believe it's 2,883 feet, if I remember correctly. So – so that the assertion that the Compact is going to allow for the – the reduction of the level of Flathead Lake below – below what existed in 1855, it's false on that basis.

It's secondly false because the Lake levels are managed according to the per – permit for Kerr Dam, which has a – has a very extensive public participation program with respect to the management of the level of the Lake by Kerr Dam. And the suggestion that somehow the Compact is going to supersede that, I think is just flat wrong.

Now, with respect to the Omaha Treaty, the – ah – ah – you know, we – your suggestion that – that you've made that known to the – at least the Compact Commission – I can't speak for the Tribes, or the United States, but to the Compact Commission, and then – and then the – the Commission ignored the

issue, is just false.

I've read that provision, I've studied it. I've compared with a – to the – ah – ah – Hellgate Treaty. I've listened to the arguments that you've made with respect to the – the Omaha Treaty. I've listened to the arguments that the Tribes have made with respect to the Omaha Treaty, don't (inaudible) ignore your issue. In fact, the people may not agree with your legal conclusions arising from the Omaha Compact. It doesn't mean that nobody listened to you. It means they didn't agree with you. And those are two very different things.

We've studied the Omaha Treaty, we've looked at it in – in the context of the arguments that you've made. We don't think your arguments hold water. That doesn't mean we haven't listened to you, it doesn't mean we have ignored you. It doesn't mean we treated you rudely. It just means we didn't agree with your – your assertions as a matter of law, and that's still the case.

I respect you, certainly, for – for bringing these issues up and I'm actually glad you brought the Omaha Treaty to our attention, so we had the opportunity to look at it. But, having looked at it, *we don't conclude that it carries the legal force that you assert that it does*. So if you want to, you know, pick out (inaudible) ultimately achieves approval by the – by the Legislature and by Congress, and if folks want to file a lawsuit, and you specifically want to file one and raise this issue, the courts will sort it out. If – maybe we were wrong. We don't think we were but we might be. You know, courts have a habit of – of having their own minds with respect to things that are alleged in lawsuits, but until the court rules, what's in your complaint can be nothing more than an unsupported assertion, and the court's going to have to rule on it to determine whether it's – it's correct or not, as a matter of law. And I will fully acknowledge the possibility that – that however we vote, that – that we may be wrong, we make it right, that our study of the issue then produced an incorrect conclusion. But that doesn't mean that we behaved in bad faith, doesn't mean that we treated you rudely, it doesn't

mean that we've ignored your question. Just means that we don't agree with you, and – I think we certainly have had the – the authority to study those issues and – and reach our conclusions and advise our clients accordingly. Just as you do. And, you know, it just turns out that we disagree on that. And if you choose to – to bring it to the attention of the court and ask the court to decide it, I'm sure the Attorney General will go to court within the Compact and – and the court will ultimately make its decision –

UNIDENTIFIED FEMALE: Next.

MR. TWEETEN: – against (inaudible) and the Supreme Court will take the question up and – and devote its limited attention to it. But – but that's all –

UNIDENTIFIED FEMALE: Next.

MR. TWEETEN: – substantially down the road from where we are now.

MR. MYERS: A couple of points of information, so it's clear what I was saying. And you – you weren't quite accurate on the Lake level.

In your own document, it talks about preserving the Lake level at the minimum of 2883, not 93, which is the current full pool. There's a ten-foot difference, that's quite normal. Whether SCOTUS, the Supreme Court of the United States, reviews this, we both know it'll be their decision. So your – your analysis for the last 10 minutes is speculative. Just as what I'm preserving is a right to appeal.

As for the – my comments on things I've submitted being ignored, the fact is: ➳ Fact! I submitted a hundred and some pages of treaties compiled by the Tribe to you and to your lawyer, in October of 2012, as you would well know, that was supposed to be put in the record. Your own attorney, Melissa Hornbein, called me when she took over, asking how to find them. It wasn't even logged into your own record of 2012. That is a fact, sir, that I know you did not put it in

the record.

I also question whether the documents I submitted to you in my three-minute comment in Polson have been put on the record. Do you have an answer to that? Is – is all of the data and information I submitted at Polson part of the record?

MR. TWEETEN: I don't keep the Compact Commission's files. I guess I'd ask Melissa and even Stan.

MR. MYERS: My understanding is that it's not on the Internet site.

MR. TWEETEN: No.

MR. MYERS: Melissa, do you have an answer to that at this time?

MR. TWEETEN: Stan?

MS. HORNBEIN: We – we don't put all of the information we receive from the public or all of the information we generate online. There is simply too much over 35 years of negotiations. I did ask for help finding the treaty you had submitted because I was not the Commission's attorney at that time. We did find, in the files, the treaty you submitted, and you and I had well over an hour phone call discussion about it. It's still in our files, it will remain there and the information that you gave us, I – at the Polson meeting is also in our files, and we had a couple conversations about that. You also had a conversation with Stan about that – that information after the meeting. It is part of the public record, we are simply not able to post everything on our website.

MR. MYERS: My final comment on that is: If somebody submits something for the record, and much of your Commission is not even here, and many people looking at these documents are not here, and this could go to court, could be tied up for 30 years of court. My contention is: when somebody submits something significant to the record, it should be part of the record. And,

therefore, on your Internet site – and I will make a slight correction to Melissa. We were assured at the last go-around in 2012, that everything submitted to the Commission, would be part of the Internet site and posted. That did not happen. That's a fact.

MR. TWEETEN: Thanks for your time, (inaudible).

(Clapping from the audience.)

CERTIFICATE

I, Rita K. Hanson, Notary Public in and for the State of Montana, residing in Whitefish, Montana, do hereby certify:

That I did transcribe the foregoing recording and format to this transcript;

That the foregoing is a true and correct transcription of a digital audio recording as provided to me by William G. Myers, Jr.;

I further certify that I am not counsel, attorney nor relative of any party, nor otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal of office this 4th day of February, 2015.

RITA K. HANSON
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
September 9, 2015

Rita K. Hanson

Rita K. Hanson, Notary Public, State of Montana
Residing at Whitefish, Montana 59937
My Commission Expires 9/09/2015

November 5, 2014

To: "Compact Commission"
CSKT
St. of MT.
From: Bill Myers
Re: A New Approach

No waste of shared water:

Capture and utilize spill and water downstream from Kerr Dam. This water in Western Montana should be shared by all of us together. This water is a great gift from our almighty Creator Father God and needs to be appreciated as a shared blessing and inheritance for all of us. We should not be fighting over our abundant water! Based on this premise I propose:

1. The possible need for a cooling off period to rebuild trust and friendship, especially before any implementation.
2. Any proposal should have a phase-in, with opportunity for further modifications/refinements. Forever is a long time and does not allow for correction and change.
3. A radical change in the compact proposal to create a win/win/win for three major groups that are currently clashing: the CSKT, the FIP irrigators, and the off reservation groups (i.e. Flathead Valley and supporters of Flathead Lake full pool).

I believe I have uncovered a way to meet the needs of the three groups, and hopefully avoid the ugliness of approximately 30 years of protracted litigation that appears on the horizon. To that end I have included a smattering from the boxes of information and data I have collected. Especially important is the datum from Kerr Dam operations from approximately 1990-2014, including both lake levels and river flows at Kerr in CFS. Also included are the Kerr re-licensing articles numbers 55-58, June 26, 1997, spelling out clearly the minimum flow regimes and ramping rates, which were agreed to by all parties, including the CSKT. Also included are documents showing schematics of the Mission Valley irrigation system, with acre feet capacity for: Tabor, Mission, McDonald, Lower Crow, Kicking Horse, Ninepipe, Pablo and other reservoirs (including the Jocko and Camas divisions). Finally the misc. articles on droughts and projected droughts and historic documents provided by Don Kude, the Kerr Project Manager for MT. Power Co. who retired I the late 1990's. I have much more that is available to facilitate a peaceful and mutually beneficial solution for all parties.

The Compromise Proposal

I. Remove all off reservation claims to water. This includes the potential to make call on Flathead River and Swan River, off reservation. The 90,000 ac. Ft. leased water disappears, and Flathead Basin above lake remains open to and through regular DNRC/State of Montana permitting. However, the tribe will have access to call for water releases from Hungry Horse to mitigate in drought for irrigation on FIP and to maintain Flathead Lake at full pool. This amount will be original 100,000 Ac. Ft. per discussions of Northwest Power Planning Council and Clerk Fork Task Force.

II. Re-tool the UMO concept, eliminating UMO with: Dual administration, with expanded Board to resolve conflicts (per other Compacts). Unresolved issues would be taken to State or Federal Court per WPIC recommendation #2. I would suggest expansion of the Board to include <u>possibly:</u>

- 3 CSKT
- 3 Federal (one @ Congessional or from BIA)
- 3 State (DNRC, FWP, Water Court)
- 3 Lake County
  - a. Commissioner
  - b. Conservation District
  - c. Elected
- 2 Flathead County:
  - a. Commissioner
  - b. Conserv. Dist.
- 1 Each other affected county, but at least Missoula & Sanders
- 3 From Flathead Joint Board, i.e., elected from irrigators.

This would give a balance of interests and assure no one group would be in total or majority control.

III. Make more water available to tribes to mitigate against drought and allow for full historic delivery of FIP water to all parties. This would replace the previously listed total of 229,000 Ac. Ft. from upstream. This water would be made available for pumping <u>up-hill</u> to Pablo Reservoir and <u>beyond!</u> The increased amount of water would be available from reducing or eliminating need to spill over Kerr Dam by increased capacity and authority to pump at the Flathead pumping station and other locations downstream from Kerr. To facilitate this, Pablo Reservoir likely would have capacity increased. In addition, options:

A. Create a series of pumps with large capacity pipe to be run uphill via the Pablo feeder canal to the main North/South feeder canal at base of Mission Mountains.

B. Install a series of pumps i.e., below Lower Crow Reservoir and other trunk lines to pump water uphill from the Flathead River to augment irrigation water coming gravity from feeder canal.

C. Build 1-4 additional dams at locations originally evaluated in the 1920's, to capture and retain water on tribal/trust land for pumping, and generate additional electricity and revenues for the tribe.

*** The key breakthrough idea that might make pumping uphill possible is what the business world calls a two-fer...that is doing two things essentially for one cost. We have all heard, and I believe agreed, that the current gravity canal system needs improvement and likely complete replacement in many areas, especially to increase efficiency. So when that is taking place, all the elements are in place to install a pumping pipeline flowing uphill in same location. The right of way/property is already acquired and in place, the excavator is needed to replace current ditch with upgrades, so it would relatively easy to dig out a slightly deeper or wider ditch to have 2 pipelines: one sealed for pumping uphill to storage or to be

used to supplement flows in the irrigation line, by staggered release into the irrigation line from the pump line tube.

This would supplement the normal flow mechanism from waters flowing down from the Mission Mountains to the feeder line and those from the Tabor feeder canal/reservoir. Thus, the water from the Flathead River and Swan River above Flathead Lake would be available in large quantities, especially during times of spill, for capture and use in the FIP project. It would no longer be necessary to quantify water depletion/diversion from the lake or rivers upstream because the take of the water is left to the FIP to take the excess water before spilled at Kerr via an increased Pablo pump canal line or after Kerr at small below dam pumping sites or dams, or best of all: both.

This concept has the additional economic benefit of keeping Flathead Lake at recreational full pool even during drought! WIN/WIN/WIN!

See enclosed documents

Bill Myers

NOV. 5, 2014

TO: "COMPACT COMMISSION"
CSKT
ST. OF MT.

FROM: BILL MYERS

RE: A NEW APPROACH

NO WASTE OF SHARED WATER:

CAPTURE & UTILIZE SPILL & WATER DOWN STREAM FROM KERR DAM. THIS WATER IN WESTERN MONTANA SHOULD BE SHARED BY ALL OF US TOGETHER. THIS WATER IS A GREAT GIFT FROM OUR ALMIGHTY CREATOR FATHER GOD AND NEEDS TO BE APPRECIATED AS A SHARED BLESSING AND INHERITANCE FOR ALL OF US. WE SHOULD NOT BE FIGHTING OVER OUR ABUNDANT WATER! BASED ON THIS PREMISE I PROPOSE:

(1) THE POSSIBLE NEED FOR A COOLING OFF PERIOD TO REBUILD TRUST & FRIENDSHIP, ESPECIALLY BEFORE FOR ANY IMPLEMENTATION.

(2) ANY PROPOSAL SHOULD HAVE A PHASE-IN, WITH OPPORTUNITY FOR FURTHER MODIFICATIONS/REFINEMENTS. FOREVER IS A LONG TIME AND DOES NOT ALLOW FOR CORRECTION & CHANGE.

(3) A RADICAL CHANGE IN THE COMPACT PROPOSAL TO CREATE A WIN/WIN/WIN FOR THREE MAJOR GROUPS THAT ARE CURRENTLY CLASHING: THE CSKT, THE FIP IRRIGATORS, AND THE OFF RESERVATION GROUPS (I.E. FLATHEAD VALLEY & SUPPORTERS OF FLATHEAD LAKE FULL POOL).

I BELIEVE I HAVE UNCOVERED A WAY TO MEET THE NEEDS OF THE THREE GROUPS, AND HOPEFULLY AVOID THE UGLYNESS OF 30 YEARS OF PROTRACTED LITIGATION THAT APPEARS ON THE

MYERS TO "COMPACT COMMISSION"

HORIZON. TO THAT END I HAVE INCLUDED A SMATTERING FROM THE BOXES OF INFORMATION + DATA I HAVE COLLECTED. ESPECIALLY IMPORTANT IS THE DATUM FROM KERR DAM OPERATIONS FROM @ 1990 – 2014, INCLUDING BOTH LAKE LEVELS AND RIVER FLOWS @ KERR IN CFS. ALSO INCLUDED ARE THE KERR RELICENSING ART. # 55–58, JUNE 26, 1997, SPELLING OUT CLEARLY THE MINIMUM FLOW REGIMES + RAMPING RATES, WHICH WERE AGREED TO BY ALL PARTIES, INCLUDING THE CSKT. ALSO INCLUDED ARE DOCUMENTS SHOWING SCHEMATICS OF THE MISSION VALLEY IRREGATION SYSTEM, WITH ACRE FEET CAPACITY FOR: TABOR, MISSION, McDONALD, LOWER CROW, KICKING HORSE, NINEPIPE, PABLO AND OTHER RESERVOIRS (INCLUDING THE JOCKO + CAMAS DIVISIONS). FINALLY, THE MISC. ARTICLES ON DROUGHTS + PROJECTED DROUGHTS + HISTORIC DOCUMENTS PROVIDED BY DON KUDE, THE KERR PROJECT MGR. FOR MT. POWER CO. WHO RETIRED @ IN THE LATE 1990'S. I HAVE MUCH MORE THAT IS AVAILABLE TO FACILITATE A PEACEFUL AND MUTUALLY BENEFICIAL SOLUTION FOR ALL PARTIES.

THE COMPROMISE PROPOSAL

I REMOVE ALL OFF RESERVATION CLAIMS TO WATER. THIS INCLUDES THE POTENTIAL TO MAKE CALL ON FLATHEAD RIVER AND SWAN RIVER, OFF RESERVATION. THE 90,000 AC. FT. LEASED WATER DISAPPEARS, AND FLATHEAD BASIN ABOVE LAKE REMAINS OPEN TO + THROUGH REGULAR DNRC/STATE OF MONTANA PERMITTING. HOWEVER, THE TRIBE WILL HAVE ACCESS TO CALL FOR WATER RELEASES FROM

MYERS TO "COMPACT COMMISSION"

HUNGRY HORSE TO MITIGATE IN DROUGHT FOR IRRIGATION OF FIP AND TO MAINTAIN FLATHEAD LAKE @ FULL POOL. THIS AMOUNT WILL BE ORIGINAL 100,000 AC. FT. PER DISCUSSIONS OF NORTHWEST POWER PLANNING COUNCIL + CLARK FORK TASK FORCE.

II RE-TOOL THE UMO CONCEPT, ELIMINATING UMO WITH: DUAL ADMINISTRATION, WITH EXPANDED BOARD TO RESOLVE CONFLICTS (PER OTHER COMPACTS). UNRESOLVED ISSUES WOULD BE TAKEN TO STATE OR FEDERAL COURT PER WPIC RECOMMENDATION #2. I WOULD SUGGEST EXPANSION OF THE BOARD TO INCLUDE POSSIBLY:

(3) CSKT
(3) FEDERAL (ONE @ CONGRESSIONAL OR FROM BIA)
(3) STATE i.e DNRC WATER COURT FWP
(3) LAKE COUNTY (A) COMMISSIONER (B) CONSERV. DIST (E) ELECTED
(2) FLATHEAD COUNTY (A) COMMISSIONER (B) CONSERV. DIST.
(1) @ OTHER AFFECTED COUNTY, BUT AT LEAST MISSOULA+SANDERS,
(3) FROM FLATHEAD JOINT BOARD i.e ELECTED FROM IRREGATORS

THIS WOULD GIVE A BALANCE OF INTERESTS AND ASSURE NO ONE GROUP WOULD BE IN TOTAL OR MAJORITY CONTROL.

III MAKE MORE WATER AVAILABLE TO TRIBES TO MITIGATE AGAINST DROUGHT AND ALLOW FOR FULL HISTORIC DELIVERY OF FIP WATER TO ALL PARTIES. THIS WOULD REPLACE THE PREVIOUSLY LISTED TOTAL OF 229,000 AC FT FROM UPSTREAM. THIS WATER WOULD BE MADE AVAILABLE FOR PUMPING UP-HILL TO PABLO

WYERS TO "COMPACT COMMISSION"

RESERVOIR AND BEYOND! THE INCREASED AMOUNT OF WATER WOULD BE AVAILABLE FROM REDUCING OR ELIMINATING NEED TO SPILL OVER KERR DAM BY INCREASED CAPACITY AND AUTHORITY TO PUMP @ THE FLATHEAD PUMPING STATION AND OTHER LOCATIONS DOWNSTREAM FROM KERR. TO FACILITATE THIS, PABLO RESERVOIR LIKELY WOULD HAVE CAPACITY INCREASED. IN ADDITION, OPTIONS:

(A) CREATE A SERIES OF PUMPS W/ LARGE CAPACITY PIPE TO BE RUN UPHILL VIA THE PABLO FEEDER CANAL TO THE MAIN NORTH/SOUTH FEEDER CANAL @ BASE OF MISSION MOUNTAINS.

(B) INSTALL A SERIES OF PUMPS i.e. BELOW LOWER CROW RESERVOIR AND OTHER TRUNK LINES TO PUMP WATER UPHILL FROM THE FLATHEAD RIVER TO AUGMENT IRRIGATION WATER COMING GRAVITY FROM FEEDER CANAL

(C) BUILD 1-4 ADDITIONAL DAMS @ LOCATIONS ORIGINALLY EVALUATED IN THE 1970's, TO CAPTURE + RETAIN WATER ON TRIBAL/TRUST LAND FOR PUMPING, AND GENERATE ADDITIONAL ELECTRICITY + REVENUES FOR THE TRIBE.

*** THE KEY BREAKTHROUGH IDEA THAT MIGHT MAKE PUMPING UPHILL POSSIBLE IS WHAT THE BUSINESS WORLD CALLS A TWO-FER ... THAT IS DOING TWO THINGS ESSENTIALLY FOR ONE COST. WE HAVE ALL HEARD, AND I BELIEVE AGREED, THAT THE CURRENT GRAVITY CANAL SYSTEM NEEDS IMPROVEMENT + LIKELY COMPLETE REPLACEMENT IN MANY AREAS, ESPECIALLY TO INCREASE EFFICIENCY. SO WHEN THAT IS TAKING PLACE, ALL THE

EV. 5, 2014

VERS TO "COMPACT COMMISSION"

ELEMENTS ARE IN PLACE TO INSTALL A PUMPING PIPELINE FLOWING UPHILL IN SAME LOCATION. THE RIGHT OF WAY / PROPERTY IS ALREADY ACQUIRED & IN PLACE, THE EXCAVATOR IS NEEDED TO REPLACE CURRENT DITCH W/ UPGRADES, SO IT WOULD RELATIVELY EASY TO DIG OUT A SLIGHTLY DEEPER OR WIDER DITCH TO HAVE 2 PIPELINES: ONE SEALED FOR PUMPING UPHILL TO STORAGE OR TO BE USED TO SUPPLEMENT FLOWS IN THE IRRIGATION LINE, BY STAGGERED RELEASE INTO THE IRREGATION LINE FROM THE PUMPLINE TUBE.

THIS WOULD SUPPLEMENT THE NORMAL FLOW MECHANISM ~~FROM~~ WATERS FLOWING DOWN FROM THE MISSION MOUNTAINS TO THE FEEDER LINE & THOSE FROM THE TABOR FEEDER CANAL / RESERVOIR. THUS, THE WATER FROM THE FLATHEAD RIVER & SWAN RIVER ABOVE FLATHEAD LAKE WOULD BE AVAILABLE IN LARGE QUANTITIES, ESPECIALLY DURING TIMES OF SPILL, FOR CAPTURE AND USE IN THE FIP PROJECT. IT WOULD NO LONGER BE NECESSARY TO QUANTIFY WATER DEPLETION / DIVERSION FROM THE LAKE OR RIVERS UPSTREAM BECAUSE THE TAKE OF THE WATER IS LEFT TO THE FIP TO TAKE THE EXCESS WATER BEFORE SPILLED AT KERR VIA AN INCREASED PUMP CANAL LINE OR AFTER KERR AT SMALLER PUMPING SITES OR DAMS, OR BEST OF ALL: BOTH. PABLO BELOW DAM

THIS CONCEPT HAS THE ADDITIONAL ECONOMIC BENEFIT OF KEEPING FLATHEAD LAKE AT RECREATIONAL FULL POOL EVEN DURING DROUGHT! WIN / WIN / WIN!

→ SEE ENCLOSED DOCUMENTS

Bill Myers

KERR MITIGATION AND MANAGEMENT PLAN

PER FERC ORDER

ISSUED JUNE 25, 1997

OPERATIONAL REQUIREMENTS

Article 55: The licensee shall operate the Kerr Project as a base-load facility, which precludes the load-following or peak power generation (releases and power generation are not changed within a day).

Article 56: The licensee shall maintain releases at or above the following instantaneous minimum flow, in cubic feet per second (cfs) on a continuous basis as measured at the U.S. Geological Survey Polson gage, provided that the passage of minimum flows from Flathead Lake downstream is not limited by the natural channel capacity immediately upstream of the Kerr Dam. The licensee shall manage the project in a manner that limits the occurrence of such channel capacity limitations.

MINIMUM FLOW REQUIREMENTS

DATES	MINIMUM FLOW
August 1 to April 15	Continuous at 3,200 cfs
April 16 to April 30	Increased from 3,200 cfs to 5,000 cfs at 120 cfs per day
May 1 to May 15	Increased from 5,000 cfs to 12,700 cfs at 510 cfs per day
May 16 to June 30	Continuous at 12,700 cfs
July 1 to July 15	Reduced from 12,700 cfs to 6,400 cfs at 420 cfs per day
July 16 to July 31	Reduced from 6,400 cfs to 3,200 cfs at 200 cfs per day

The minimum instream flows may be temporarily modified by operating emergencies beyond the control of the licensee, or for short periods upon prior written approval from the Secretary of the Interior.

ARTICLE 57: The licensee shall operate the Kerr Project in accordance with the following between-day restrictions on flow variations as measured at the U.S. Geological Survey Polson gage, except as necessary to meet flood control requirements imposed by the U.S. Army Corps of Engineers under the Memorandum of Understanding with Montana Power Company (as amended in 1965), or as may be further amended by the U.S. Corps of Engineers subsequent to approval of the Secretary of the Interior.

MAXIMUM BETWEEN-DAY FLOW CHANGES

MEAN FLOW	MAXIMUM CHANGE IN FLOW (cfs)
Less than 5,000	500
Between 5,000 and 10,000	1,000
Between 10,000 and 20,000	2,500
Between 20,000 and 40,000	5,000
Between 40,000 and 60,000	10,000

The between-day restrictions on flow variations may be temporarily modified if required by operating emergencies beyond the control of the licensee, or for short periods upon prior written approval from the Secretary of the Interior.

ARTICLE 58: The licensee shall operate the Kerr Project in accordance with the following hourly maximum allowable ramping rates, except as necessary to meet flood control requirements imposed by the U.S. Army Corps of Engineers under the Memorandum of Understanding with Montana Power Company (as amended in 1965), or as may be further amended by the U.S. Corps of Engineers subsequent to approval of the Secretary of the Interior.

MAXIMUM ALLOWABLE RAMPING RATES

mean flow cfs 24 hr average — Ramping Rate

MEAN FLOW CFS	RAMPING RATE
Between 3,200 and 7,500	250 cfs/hour
7,500 or greater	1,000 cfs/hour

The hourly ramping rates may be temporarily modified if required by operating emergencies beyond the control of the licensee, or for short periods upon prior written approval from the Secretary of the Interior.

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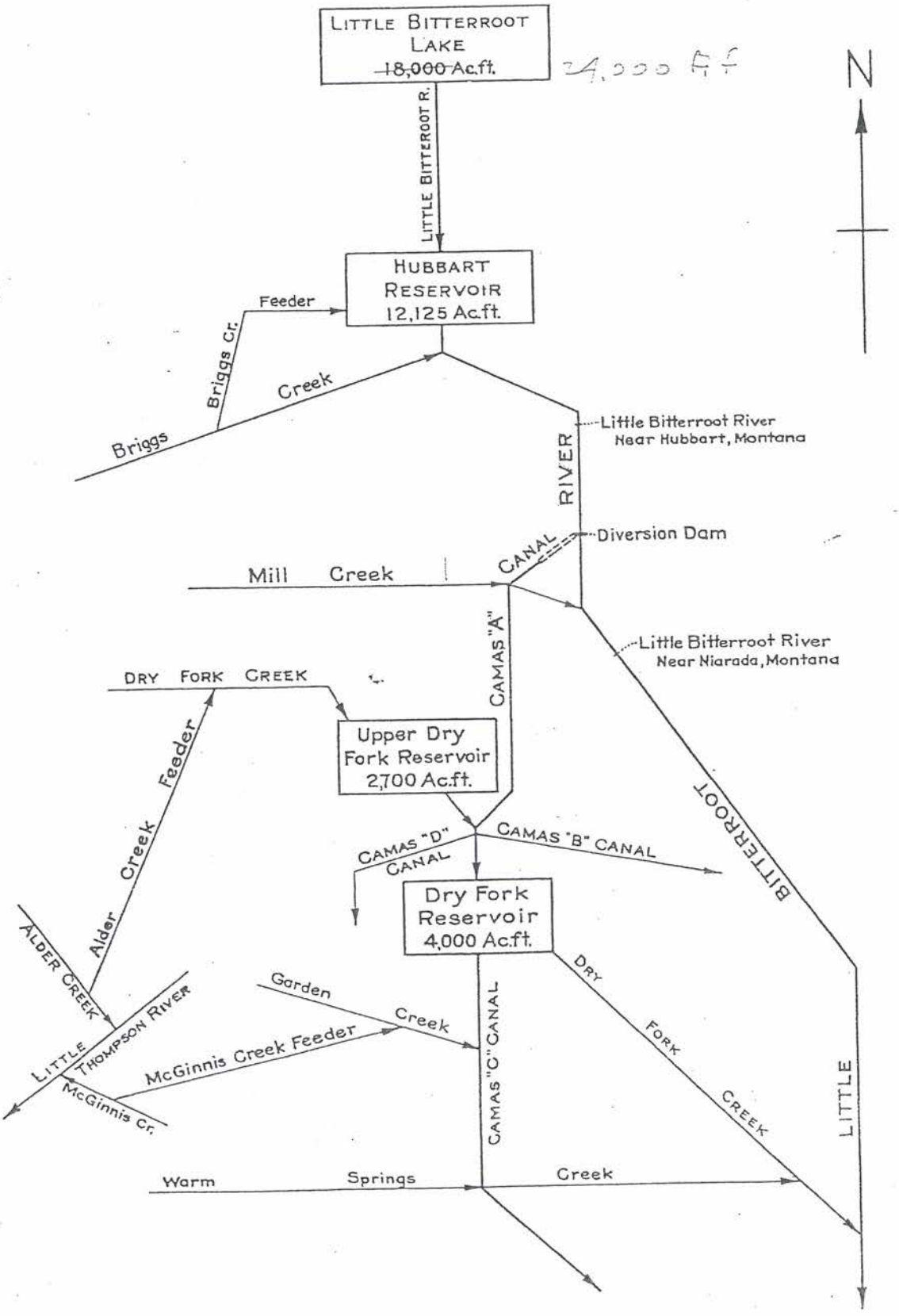
WTR/sv

Diagram No. III, Showing Camas Division Water Supply and Distribution Features, Flathead Irrigation Project, Montana



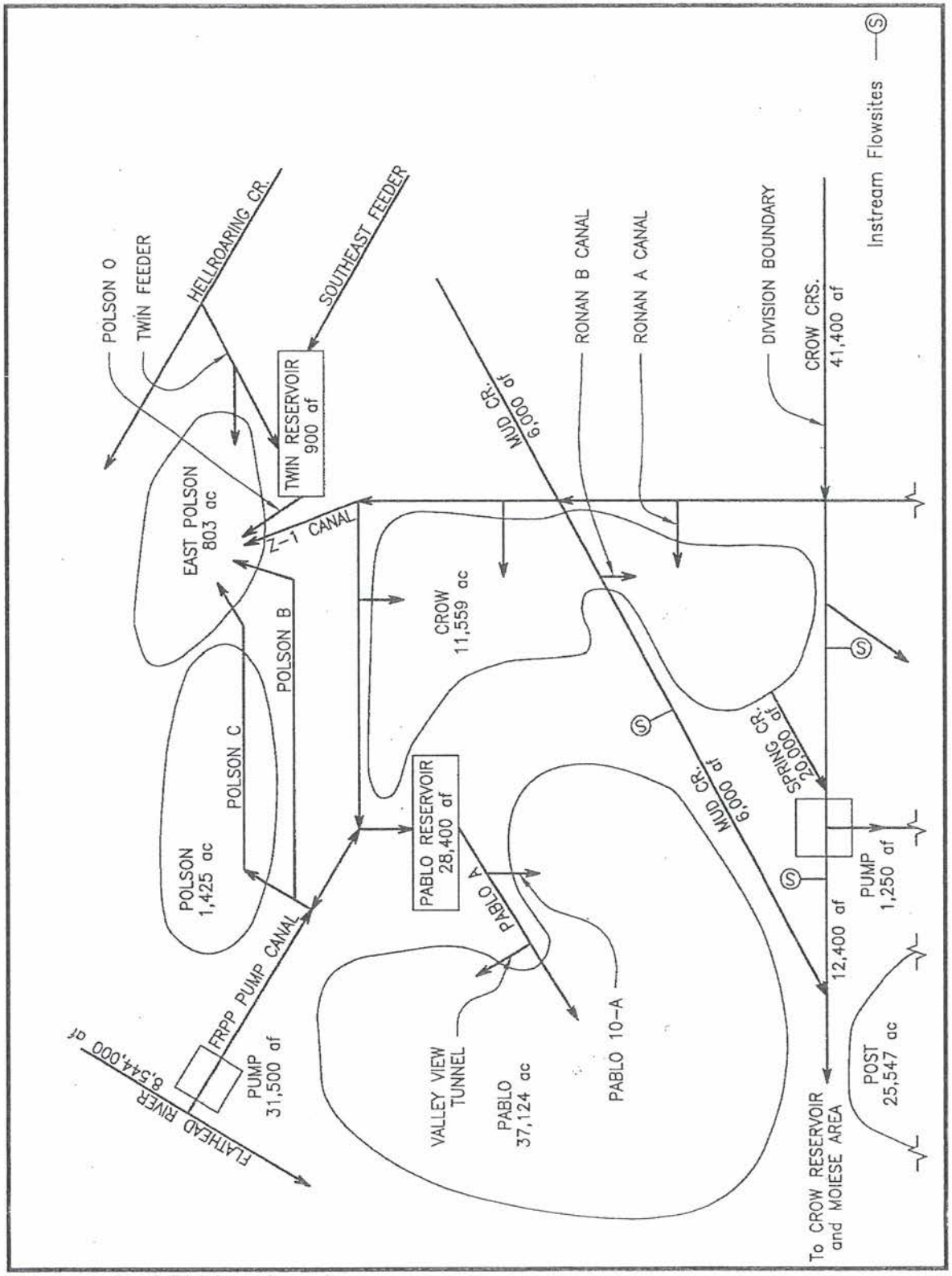
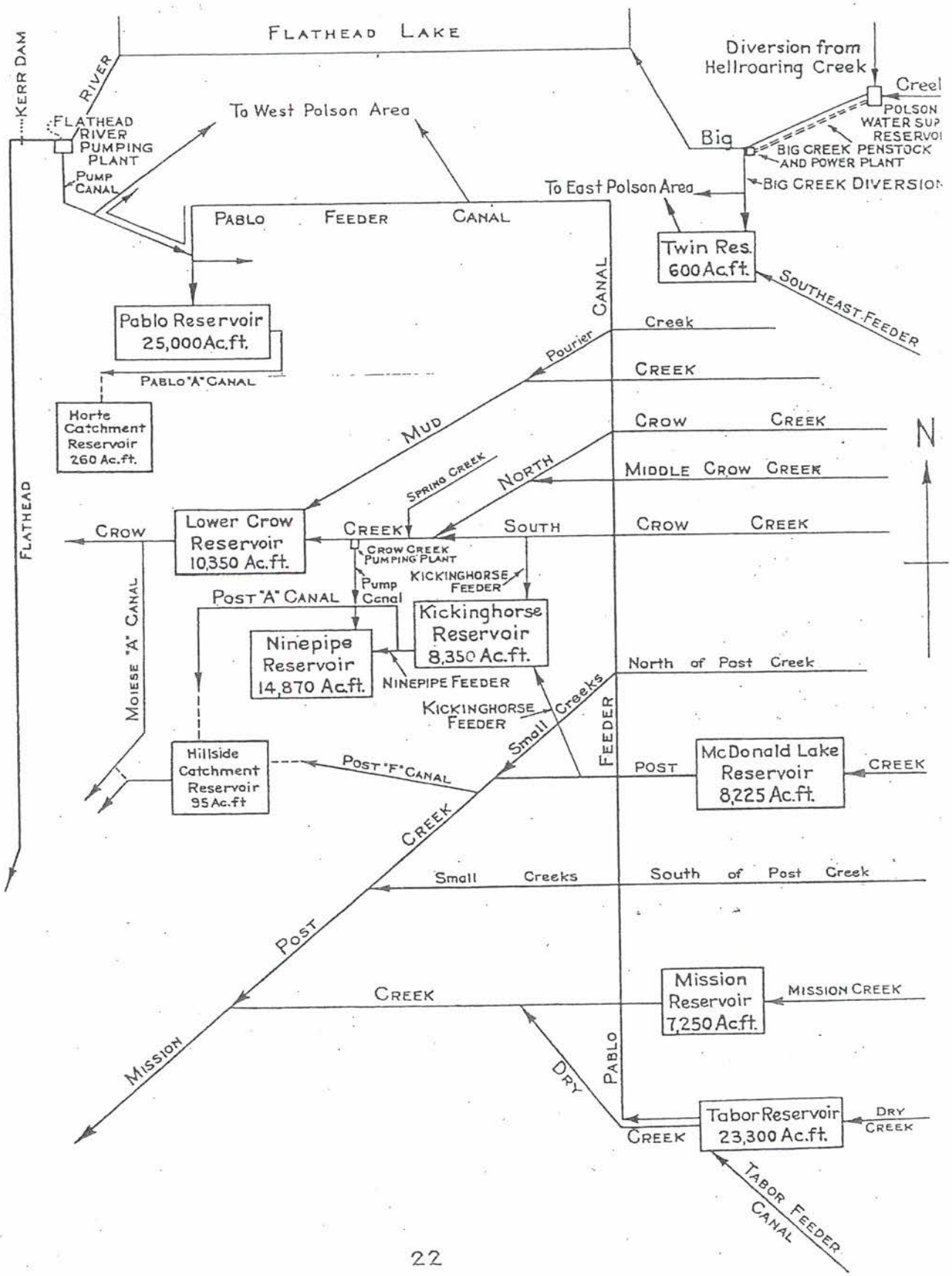


Figure 2-2. North Division schematic.

Diagram No. 1, Showing Jocko Valley Water Supply and Distribution Features
Flathead Irrigation Project, Montana

Diagram No. II, Showing Mission Valley Water Supply and Distribution Features, Flathead Irrigation Project, Montana



fied as irrigable in 1930, and covered by construction charges, differed from the irrigable acreage as proposed following the reclassification of 1943-1944, and in many cases both of these figures differing from the acreage actually assessed for operation and maintenance charges, made it necessary to write many follow-up letters and to call on many of the landowners living on the project to explain the details of the adjustments proposed.

About 85 per cent of all landowners contacted agreed substantially with the results of the analysis made by the Agricultural Economics Unit and signed agreements to adjust their irrigable acreage to conform to the 1943-1944 land classification survey. Inasmuch as the total of class 1, class 2 and class 3 land within a farm unit was used as the base in making adjustments in irrigable acreage, it was the desire of about 10 per cent of the landowners contacted to retain the acreage so classified in 1930 as the irrigable area as now determined. Approximately 5 per cent of the landowners either refused to sign the agreements submitted to adjust their irrigable acreage or did not reply to the letters that were sent them with agreements enclosed. In these instances, the 1931 acreage was allowed to stand as the irrigable acreage as now determined except in cases where errors were made in the 1930 classification or where lands for highway or canal right-of-way have been taken since the 1930 classification was completed. Based upon results thus obtained, the irrigable acreage of the project has been determined and is shown in Appendix "A" of this report for every 1/16 part of a section and the tabulations contained therein are based on agreements or letters contained in Appendix "B" of this report.

Table 27 has been prepared to show the irrigable area of the Flathead Irrigation Project. The figures represent the results of the land classification completed in 1943-1944 as agreed to by the landowners of the Flathead Irrigation Project.

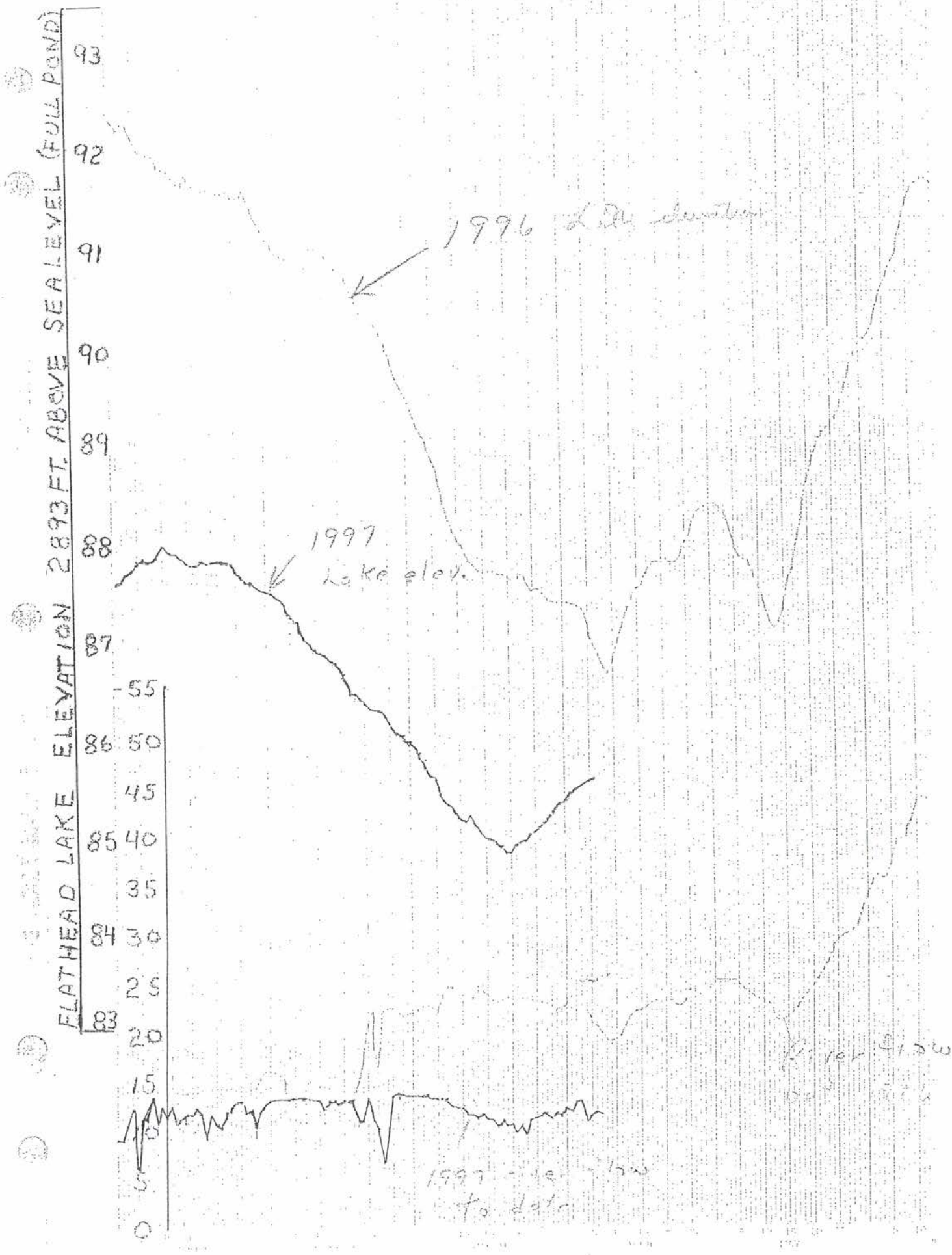
Table 27 - Irrigable Area of the Project by Divisions, Subdivisions and Parts as Determined by the Agricultural Economics Unit, 1945-1946.
Flathead Irrigation Project, Montana

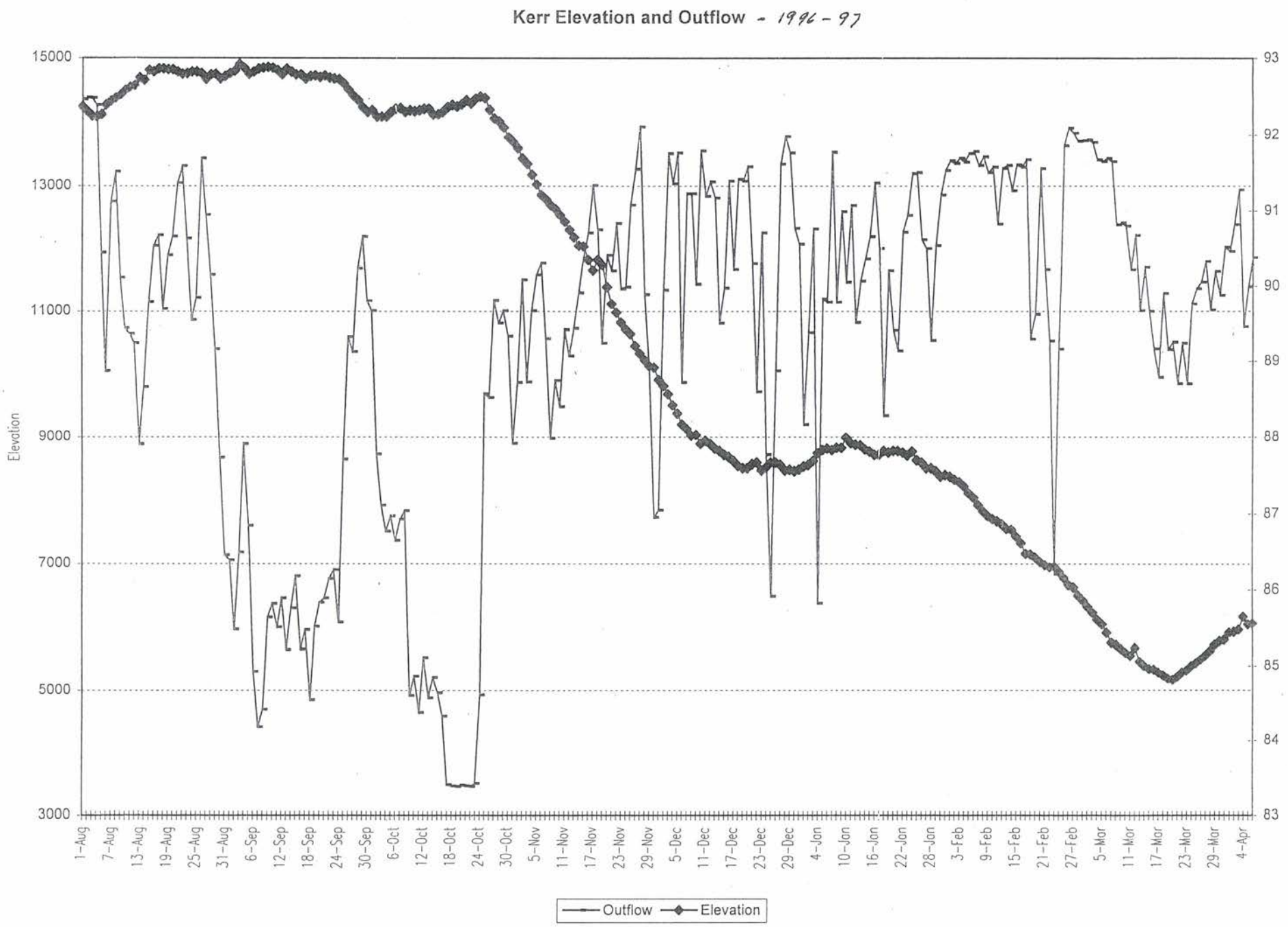
Division	Total	Irrigable Acreage	
		Non-Indian	Indian 1/
Total	116,359.36	91,980.50	24,378.86
Camas	11,219.22	11,030.16	189.06
Jocko	11,017.04	6,446.33	4,570.71
Mission Valley	94,123.10	74,504.01	19,619.09
Mission South of Post Creek	19,897.02	13,044.69	6,852.33
Mission North of Post Creek	74,226.08	61,459.32	12,766.76
Post	24,744.92	20,380.69	4,364.23
Moiese	5,863.21	5,389.36	473.85
Pablo	19,309.33	14,772.45	4,536.88
Round Butte	13,636.35	12,176.40	1,459.95
Valley View	8,286.95	6,868.10	1,418.85
Polson	2,385.32	1,872.32	513.00

1/ Government-owned land included with Indian.

FLATHEAD LAKE

PROJECTED DRAWDOWN AND F




Kerr Elevation and Outflow - 1996 - 97
Elevation
15000
13000
11000
9000
7000
5000
3000
93
92
91
90
89
88
87
86
85
84
83
1-Aug
7-Aug
13-Aug
19-Aug
25-Aug
31-Aug
6-Sep
12-Sep
18-Sep
24-Sep
30-Sep
6-Oct
12-Oct
18-Oct
24-Oct
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5-Nov
11-Nov
17-Nov
23-Nov
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17-Dec
23-Dec
29-Dec
4-Jan
10-Jan
16-Jan
22-Jan
28-Jan
3-Feb
9-Feb
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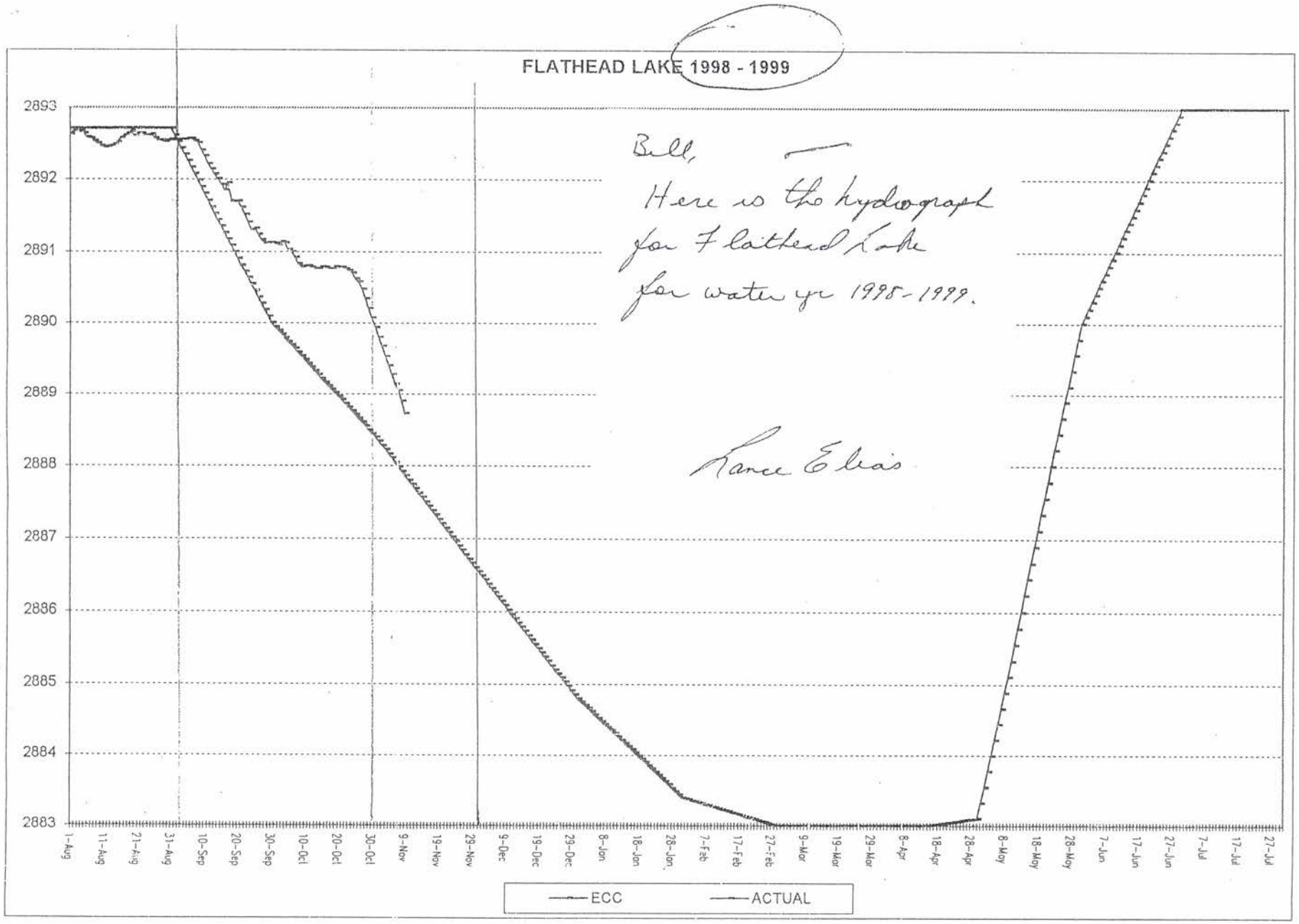
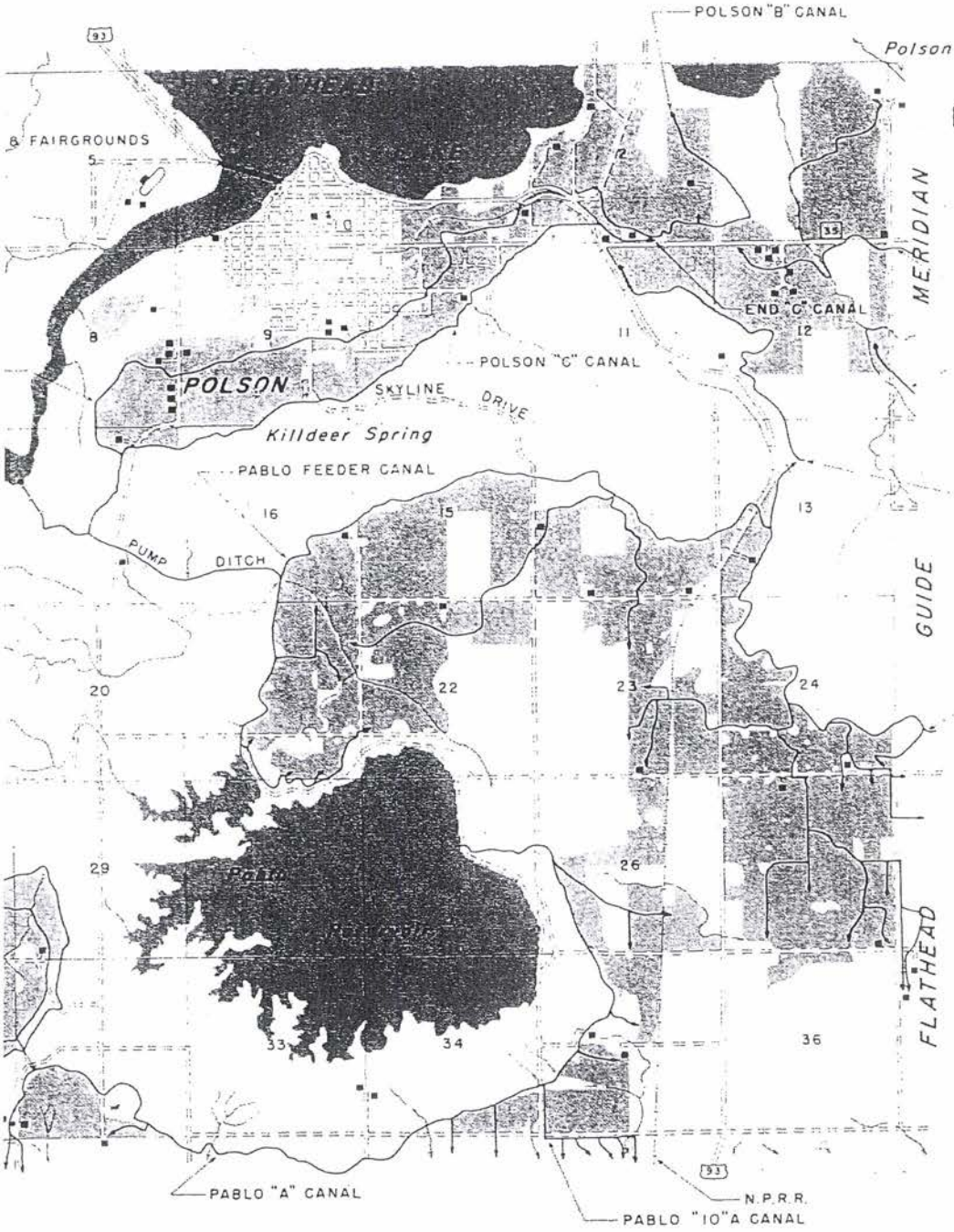
21-Feb
27-Feb
5-Mar
11-Mar
17-Mar
23-Mar
29-Mar
4-Apr
Outflow
Elevation


FLATHEAD LAKE 1998 - 1999
2893
2892
2891
2890
2889
2888
2887
2886
2885
2884
2883
1-Aug
11-Aug
21-Aug
31-Aug
10-Sep
20-Sep
30-Sep
10-Oct
20-Oct
30-Oct
9-Nov
19-Nov
29-Nov
9-Dec
19-Dec
29-Dec
8-Jan
18-Jan
28-Jan
7-Feb
17-Feb
27-Feb
9-Mar
19-Mar
29-Mar
8-Apr
18-Apr
28-Apr
8-May
18-May
28-May
7-Jun
17-Jun
27-Jun
7-Jul
17-Jul
27-Jul
ECC
ACTUAL
Bill,
Here is the hydrograph
for Flathead Lake
for water yr 1998-1999.
Lance Ellis



LEGEND

Flathead Irrigation District

POLSON "A" CANAL

POLSON "D" CANAL LATERAL

POLSON "Z" CANAL

PABLO FEEDER CANAL

Twp. 22 North

Rge. 20 West

19

WATER STORAGE IN FLATHEAD LAKE

ELEVATION	SEC. FT. DAYS.	A. FEET.
2883.0	~~22840~~	xxxxxxx
83.5	29850	59103
84.0	58700	118206
84.5	89800	177804
85.0	119900	237402
85.5	150200	297396
86.0	180500	357390
86.5	200000	417780
87.0	241500	478170
87.5	272150	538857
88.0	302800	599544
88.5	333600	660508
89.0	364400	721512
89.5	395350	782793
90.0	426300	844074
90.5	457450	905757
91.0	488600	967428
91.5	520000	1029600
92.0	551400	1091772
92.5	583050	1154459
2893.0	614700	1217106

WATER FLOW FORMULA

1 sec. ft. day --1.983 A. ft.

Sec. ft. days x 1.983 -- A. feet.

Lb. per. sq. in. --.434 x head in feet.

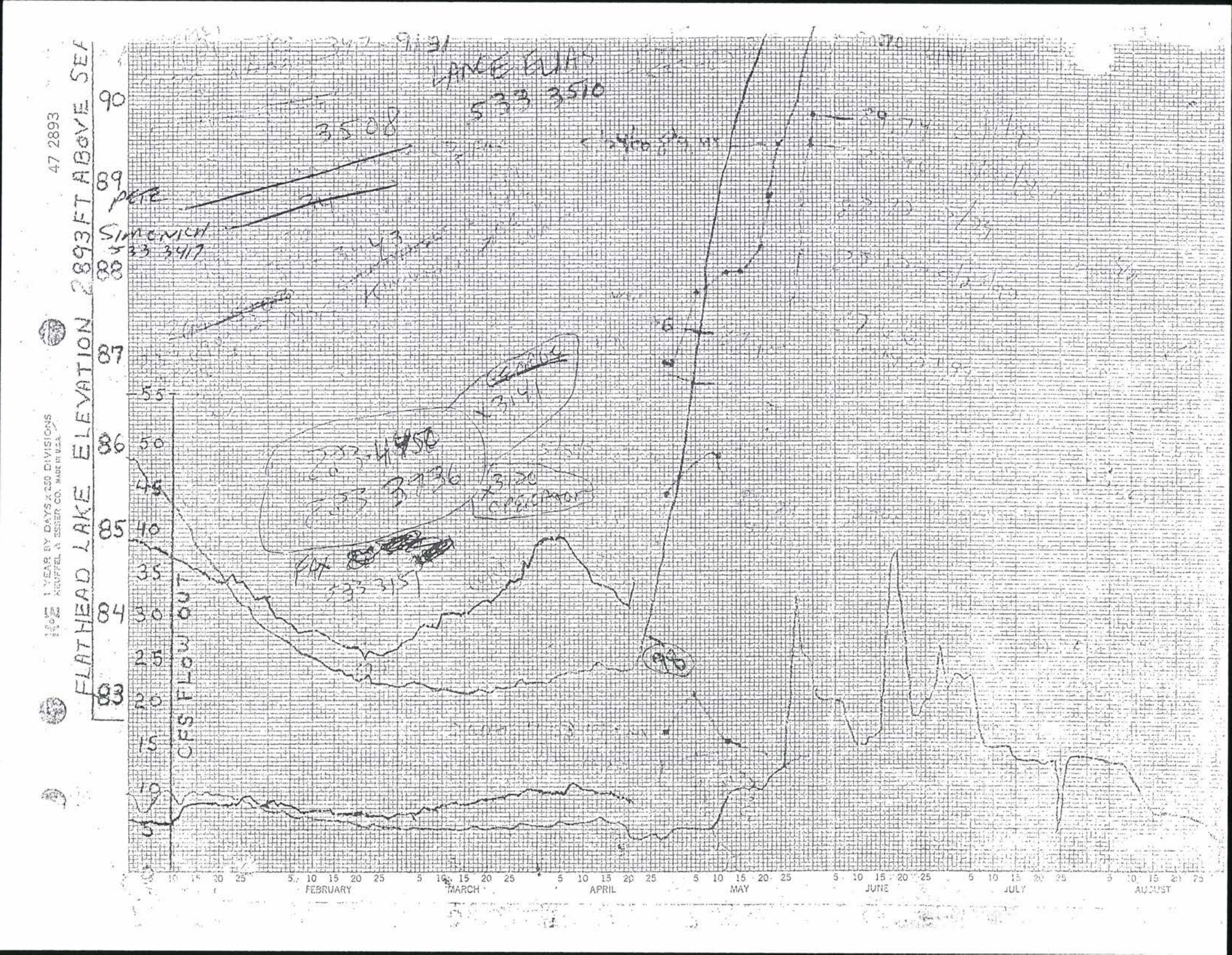
Head in feet -- 2.31 x Lb. psi.

FLATHEAD LAKE

Capacity of natural outlet,

1932 records compiled by Geo. Ellis

2880.9	1000
2881.9	2400
82.4	3500
82.9	4800
83.4	6200
83.9	7800
84.4	9500
84.9	11500
85.9	15500
86.9	20000
87.9	25000
88.9	31000
89.9	37000
90.9	44000
91.9	50000
92.9	57000
93.9	65000
94.9	74000
95.9	81000



FLATHEAD LAKE ELEVATION 2893 FT ABOVE SEA
CFS FLOW OUT
LANCE ELIAS
533 3510
3508
PETE
SIMONICH
533 3417
3141
3120
OPERATOR
FAX
533 3151
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.
47 2893

Daily [illegible] [illegible] from our [illegible]

96

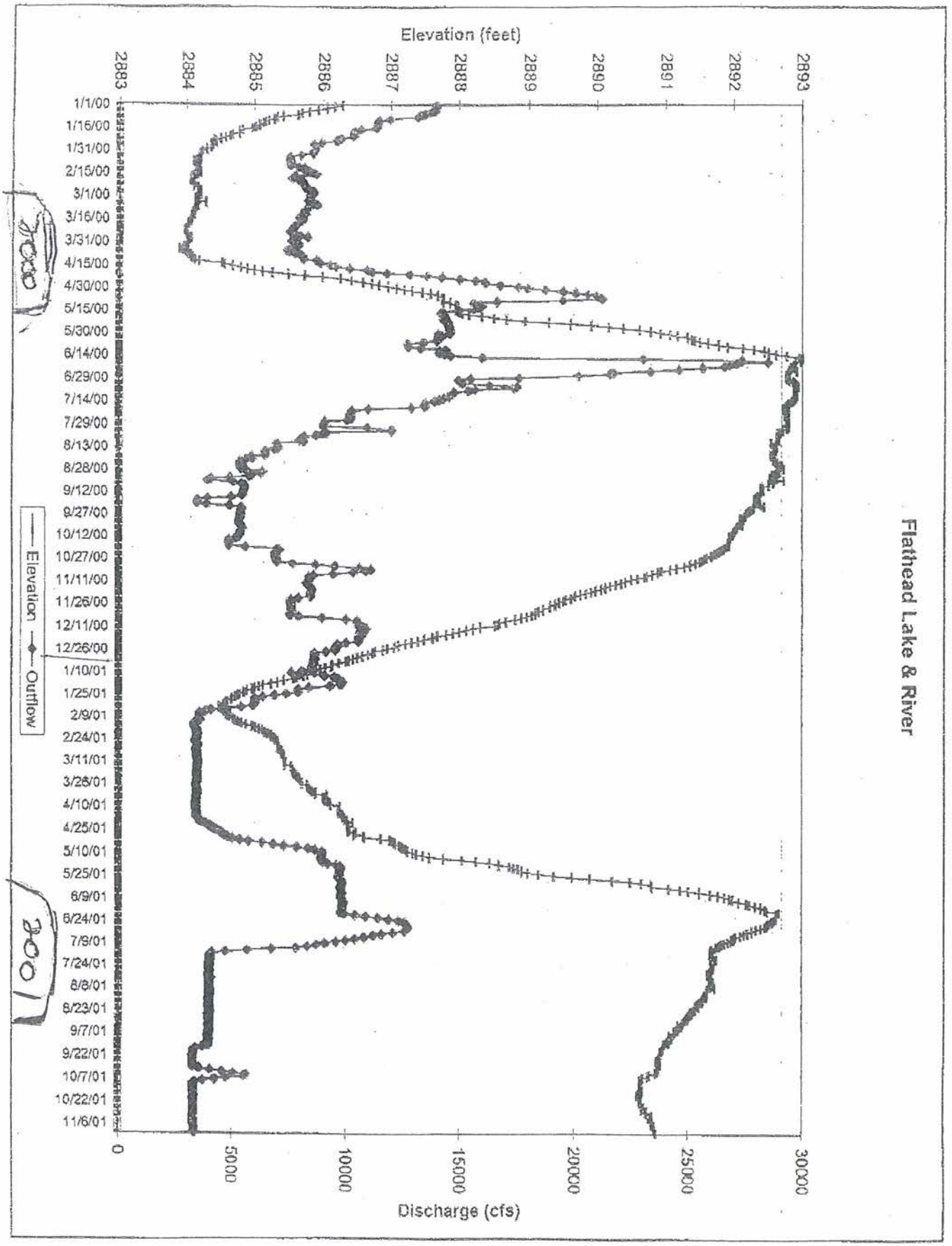
97

2800-00

Date	Elev	In	Out
Jan 1	87.62	11652	9200
2	87.64	11886	10660
3	.69	15375	12310
4	.79	12520	6390
5	.83	13650	11200
6	.85	12376	11150
7	.83	12304	13530
8	.86	12990	11150
9	.86	12590	12590
10	.99	19430	11460
11	.92	8400	12690
12	.90	9590	11820
13	.89	10870	11480
14	.84	8760	11830
15	.81	10350	12190
16	.77	10600	13050
17	.77	12000	12000
18	.82	12405	9340
19	.80	10414	11640
20	.82	11926	10990
21	.82	10370	10370
22	.80	11034	12260
23	.76	10078	12530
24	.81	16265	13200
25	.70	6477	13220
26	.67	10300	12140
27	.60	7709	12000
28	.60	10540	10540
29	.56	9600	12050
30	.52	8570	12860
31	.51	14480	13250
Feb 1	.49	12170	13400
2	.45	10910	13360
3	.42	11600	13440
4	.36	9700	13380
5	.27	7993	13510
6	.21	9862	13540
7	.11	7200	13330
8	.03	8556	13460
9	86.97	9551	13220
10	.93	10860	13300
11	.90	10560	12390
12	.86	10840	13280

Date	Elev	In	Out
Feb 13	86.80	9670	13300
14	.79	12320	12930
15	.70	7850	13340
16	.61	7810	13300
17	.47	4880	13420
18	.46	9950	10560
19	.42	8510	10950
20	.36	9620	13280
21	.33	9220	11660
22	.29	8700	10530
23	.30	7450	6840
24	.23	6130	10400
25	.15	8750	13630
26	.06	8420	13910
27	.03	12000	13830
28	85.93	7628	13700
Mar 1	.86	9468	13710
2	.78	8872	13720
3	.70	8832	13680
4	.61	7966	13420
5	.55	9754	13390
6	.44	6774	13440
7	.31	5512	13390
8	.28	10562	12380
9	.23	9380	12410
10	.18	9330	12360
11	.14	9240	11660
12	.24	18270	12210
13	.06	100	11010
14	.00	8060	11700
15	84.96	8590	11000
16	.95	9790	10400
17	.91	7550	9950
18	.87	8880	11290
19	.83	7982	10390
20	.81	9306	10510
21	.85	12260	9850
22	.91	14100	10490
23	.94	11660	9850
24	85.00	14730	11120
25	.04	13780	11360
26	.09	14490	11460
27	.14	14820	11790

[illegible] of [illegible]


Flathead Lake & River
Elevation (feet)
2883
2884
2885
2886
2887
2888
2889
2890
2891
2892
2893
1/1/00
1/16/00
1/31/00
2/15/00
3/1/00
3/16/00
3/31/00
4/15/00
4/30/00
5/15/00
5/30/00
6/14/00
6/29/00
7/14/00
7/29/00
8/13/00
8/28/00
9/12/00
9/27/00
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10/27/00
11/11/00
11/26/00
12/11/00
12/26/00
1/10/01
1/25/01
2/9/01
2/24/01
3/11/01
3/26/01
4/10/01
4/25/01
5/10/01
5/25/01
6/9/01
6/24/01
7/9/01
7/24/01
8/8/01
8/23/01
9/7/01
9/22/01
10/7/01
10/22/01
11/6/01
Elevation
Outflow
0
5000
10000
15000
20000
25000
30000
Discharge (cfs)

NW TECH. MANAGEMENT TEAM

TONY NORRISH
RECLAMATION
503 872 - ~~[illegible]~~
2802

Summer flow end-end of Sep.

RIVER CONTROL PORTLAND 18 DAYS → CORPS OF ENGIN.
CATHY
HLEBECHUK LEEBACHUCK 503 808-3942

503
222
9480

James Litchfield
works for MT State
advocacy
CONSULTANT

BPA DROVE ↓ Flow

BRIAN
MARUTZ
ST FWD
FISHERIES
BIOLOGIST

FILLED THE GAP
4700 ALL SUMMER

NEED TO
PROTECT RIVER

3500

BRUCE MEASURE (H) 756 - 3437
(O) 752 6373/755 7975

~~[illegible]~~

NW POWER & PLANNING council ~~[illegible]~~ x1 406 444 3952

~~[illegible]~~ x2

STAFF KARI BERG x4

April 7, 2004 SERVING THE FLATHEAD SINCE 1988 ••• www.dailyinterlake.com

More drought could hurt lak

By JIM MANN
The Daily Inter Lake

An early and rapid snowmelt, combined with a deep winter drawdown of Flathead Lake, have created a shaky outlook for maintaining the lake at full pool this summer.

When it comes to water in the Flathead Basin, there are deficits all around.

The Flathead basin's snowpack is at 79 percent of its 30-year average, and it is 9 percent behind last year's April 1 measurements, according to a recent report from the Natural Resources Conservation Service in Bozeman.

The snowpack declined 13 percent in March due to a lack of precipitation and an early snowmelt.

But that snowmelt has not translated to runoff that reaches the Flathead River, and Flathead Lake is nearly 10 feet below full pool.

"Right now, we're saying yes, we can refill," said Lance Elias, a resource coordinator with PPL Montana, the power company that operates Kerr Dam at the foot of Flathead Lake. "But to maintain the

Lake ringed with docks, marinas that require a full pool

REFILL/From A1

the end of April, and then up to 12,700 cfs from mid-May through June.

Elias said if flows into the lake were to decline severely, that could make it difficult to maintain the lake at its full-pool elevation of 2,893 feet above sea level.

"Once we get the lake full, it's kind of a different situation that says can you keep it full," he said. "It depends on what the sustained inflows will be."

PPL Montana is required to have the lake at full pool by June 15 and maintain it at that elevation for the bulk of the summer.

Flathead Lake is ringed with fixed docks and marina facilities that require the lake to be at or near full pool. Lakefront property and business owners were outraged three years ago when the lake never reached full pool and the summer passed with many docks and shore stations well above the waterline.

The situation revealed a conflict between minimum flow requirements in the Flathead River below Kerr Dam and the full pool requirement, and it led to an effort to establish a drought management plan for Flathead Lake.

That effort, which is led by the U.S. Department of Interior, is still under way.

The Natural Resources Conservation Service has issued a streamflow forecast for April 1 through July 31 predicting a basinwide runoff of 67 percent to 75 percent of average.

But that forecast is based on "near normal" spring precipitation and runoff.

Roy Kaiser, water supply specialist with the Natural Resources Conservation Service, said that if April weather is similar to the relatively warm, dry days of March, the basinwide streamflow forecast could drop off "to somewhere around 54 percent of average."

And that would make it even more difficult to maintain Flathead Lake at full pool.

Kaiser said soils depleted of moisture after years of drought are definitely hindering stream runoff.

"Most of the snowmelt we've seen so far has not turned into runoff," he said. "It's going into the soil, because we have this long-running soil moisture deficit."

Kaiser noted that the Kraft Creek automated snow monitoring station at 4,750 feet in the Swan River basin has already "zeroed out" weeks before it normally does.

Elias conceded that refilling the lake and maintaining it at full pool could be difficult if extreme dry weather continues.

"We saw the month of March change very dramatically," he said. "Maybe it will rain 6 or 7 inches in April. But if it continues to be dry, I could say that it absolutely will not fill. It's a moving target."

Bill Myers, a Flathead Lake tour boat operator who closely monitors the lake and Kerr Dam operations, contends that PPL Montana drew the lake down too far over the winter.

"We've had five or six years of drought and the ground is very dry right now. The groundwater is down," he said. "I think it would have been prudent for them to leave more water on the lake."

Elias said "strong forecasts" for the basin's snowpack in January, February and March played a big part in dropping the lake level.

Based on those forecasts, he said, the U.S. Army Corps of Engineers wanted the lake lower for flood control purposes.

Reporter Jim Mann may be reached at 758-4407 or by e-mail at jmann@dailyinterlake.com

e refill

refill is something different."

Starting in mid-April, Kerr Dam will release minimum flows that are required under the dam's license conditions. Outflows will ramp up from 3,200 to 5,000 cubic feet per second by

See REFILL on Page A3

NO

PPL DISCHARGE WAS STILL OVER 6,650 ON 3/30/04

THEN THEY REDUCED OUTFLOW BEGIN. 3/31/04

INTERLAKE 3/4/05

Flathead snowpack hits a record low

By JIM MANN
The Daily Inter Lake

Driven by the driest February in 100 years, the Flathead River Basin now has a record low snowpack.

And there is no relief in sight, according to National Weather Service officials.

As of the end of February, snowpack measurements at more than a dozen sites above the Flathead Basin show snow levels at 51 percent of the 30-year average.

And those measurements averaged out are 2 inches below earlier record lows set at the end of February 2001.

The basin has the lowest

See SNOWPACK on Page A3

'We're really kind of in uncharted territory considering the drought we've had for the last six years.'

■ Roy Kaiser
Natural Resources Conservation Servi

FROM PAGE ONE

Snowpack at record low: 'We're in uncharted territory'

SNOWPACK/From A1

snow levels since reliable measurements started in 1961, according to Roy Kaiser, water supply specialist for the Natural Resources Conservation Service, the agency in charge of monitoring snowpack and streamflows.

The Kootenai River Basin, meanwhile, has a snowpack that's at 50 percent of the 30-year average, with average measurements that are barely above record lows set in 1977.

"When we talk about these record lows, we're really kind of in uncharted territory considering the drought we've had for the last six years," Kaiser said. "We've really not been here before in terms of the number of drought years strung together, and now we get record lows."

Kaiser said the cumulative effects could be profound in terms of streamflows and groundwater supplies.

Kaiser's streamflow forecasts, which assume there will be normal precipitation from March through June, project dismal flows for many Northwest Montana rivers.

Projected flows are 61-67 percent of average on the North Fork Flathead; 53-57 percent of normal on the Middle Fork Flathead; 30-35 percent of average on the Stillwater River near Whitefish; 42-47 percent of average on the Whitefish River near Kalispell; and 22-26 percent of average on Ashley Creek south of Kalispell.

The Ashley Creek forecast "really reflects the lack of snow at low elevations," Kaiser said.

National Weather Service officials said Thursday that most of Western Montana requires precipitation at 200 percent above average over the next three months to ensure normal streamflows.

Several automated snow measuring sites at middle or low elevations are recording record low measurements. The Kraft Creek station near Condon (at an elevation of 4,750 feet) has 4.2 inches of snow water content, well below the March 1 record low of 5.4 inches set in 1951.

A 3.9-inch measurement at Hand Creek, located near Star Meadows at 5,035 feet, is below the record low of 5.7 inches set in 1984.

In Glacier National Park, the Many Glacier site is recording 3.1 inches, far below a 1977 record low of 7.9 inches.

Despite the extremely dry conditions in Northwest Montana, it is not the driest part of the state.

That distinction goes to the Sun, Teton and Marias river basins, where snowpack is 42 percent of the 30-year average.

Peter Felsch, a meteorologist with the National Weather Service in Missoula, said immediate and long-term forecasts show no change in weather patterns that have left Montana dry with mostly blue skies over the last several weeks.

The Flathead Valley received just .03 inches of precipitation during February, compared to the previous record low of .06 inches in 1934. This February was the driest the Flathead has experienced since record keeping started more than 100 years ago.

A normal February has 1.15 inches of precipitation.

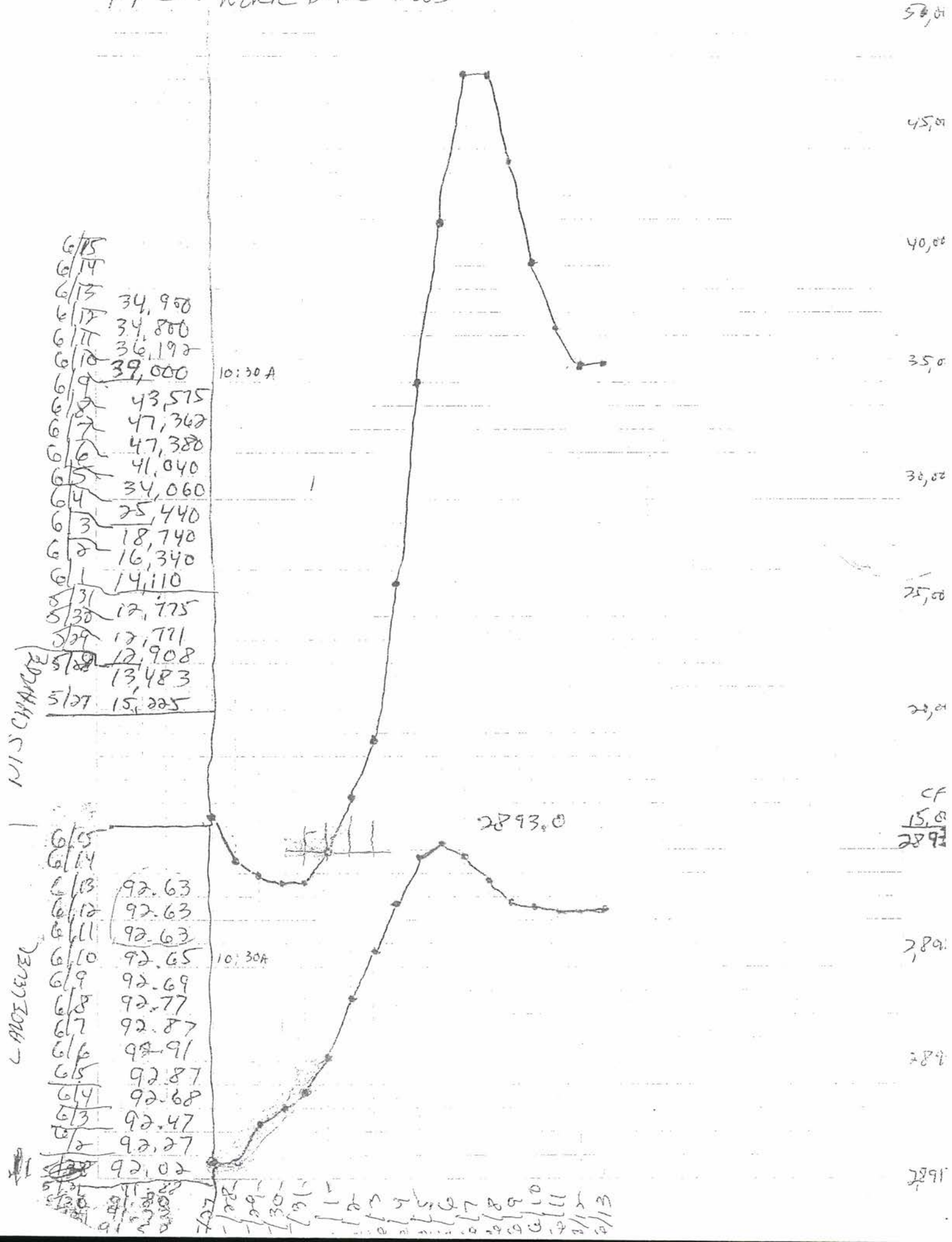
Since January, a high-pressure ridge has persisted over the region, with Pacific moisture going across the southwestern United States or northern British Columbia, driven by a split jet stream.

"The last real trough we had in the Northern Rockies was in early January," Felsch said. "This is really unprecedented t have a ridge pattern persist for two months.

"I would say that there is some hope, maybe by the middle of the month, maybe after, that we would see some change in the weather we have right now," he said.

Reporter Jim Mann may be reached at 758-4407 or by e-mail at jmann@dailyinterlake.com

PPL: KERR DAM 2005



	2007 CFS	2007 Elev.	2008 CFS	2008 Elev.
1-Jan	9782	89.32	11500	87.82
2-Jan	9781	89.25	11160	87.7
3-Jan	9782	89.18	11200	87.6
4-Jan	9783	89.07	10590	87.49
5-Jan	9779	88.99	10200	87.4
6-Jan	9782	88.81	10160	87.32
7-Jan	9769	88.83	10260	87.23
8-Jan	9770	88.77	9529	87.16
9-Jan	9760	88.71	9250	87.12
10-Jan	9780	88.53	9201	87.02
11-Jan	9760	88.67	8595	86.92
12-Jan	9750	88.48	8248	86.89
13-Jan	9750	88.4	7994	86.83
14-Jan	9750	88.36	7834	86.78
15-Jan	9750	88.2	7796	86.74
16-Jan	9750	88.13	7811	86.68
17-Jan	9750	88.05	7742	86.61
18-Jan	9748	87.97	7828	86.65
19-Jan	9749	87.91	7790	86.56
20-Jan	9751	87.88	7798	86.63
21-Jan	9750	87.76	7825	86.5
22-Jan	9751	87.67	7900	86.4
23-Jan	9750	87.65	7880	86.34
24-Jan	9780	87.6	7960	86.3
25-Jan	9778	87.52	7980	86.23
26-Jan	9780	87.42	8000	86.18
27-Jan	9780	87.37	8000	86.06
28-Jan	9780	87.3	7940	86.16
29-Jan	9780	87.2	7961	86.06
30-Jan	9780	87.16	7975	85.99
31-Jan	9780	87.02	8023	85.86
1-Feb	9750	87	8150	85.88
2-Feb	9750	86.89	8090	85.79
3-Feb	9740	86.81	8060	85.78
4-Feb	9740	86.73	8073	85.71
5-Feb	9730	86.65	7945	85.64
6-Feb	9726	86.6	7932	85.55
7-Feb	9730	86.51	7933	85.51
8-Feb	9100	86.46	7775	85.44
9-Feb	8720	86.4	7746	85.44
10-Feb	8760	86.34	7655	85.39
11-Feb	8730	86.31	7784	85.34
12-Feb	8799	86.32	7790	85.3
13-Feb	8800	86.21	7920	85.23
14-Feb	8800	86.15	8010	85.23
15-Feb	8850	86.07	8060	85.17
16-Feb	8858	85.99	8080	85.13
17-Feb	8901	85.96	8100	85.1
18-Feb	8933	85.84	8060	85.05

19-Feb	9015	85.79	8073	85
20-Feb	9540	85.69	8078	84.94
21-Feb	10550	85.7	8513	84.86
22-Feb	10250	85.63	9323	84.73
23-Feb	9830	85.55	9540	84.7
24-Feb	9780	85.45	9632	84.65
25-Feb	9780	85.42	9630	84.54
26-Feb	9780	85.3	9570	84.46
27-Feb	9780	85.26	9544	84.38
28-Feb	9771	85.1	9492	84.34
1-Mar	9708	85.04	8978	84.18
2-Mar	9680	84.99	8521	84.08
3-Mar	9680	84.91	8065	84.05
4-Mar	9680	84.82	8070	84.02
5-Mar	9680	84.75	8290	83.96
6-Mar	9676	84.67	8300	83.93
7-Mar	9660	84.61	8170	83.88
8-Mar	9630	84.41	7830	83.82
9-Mar	9620	84.45	7570	83.79
10-Mar	8980	84.36	7410	83.75
11-Mar	8740	84.31	7186	83.59
12-Mar	8640	84.23	6917	83.7
13-Mar	8610	84.2	7032	83.6
14-Mar	9220	84.28	6472	83.59
15-Mar	9550	84.35	6881	83.56
16-Mar	9550	84.37	6753	83.53
17-Mar	9570	84.4	6493	83.52
18-Mar	9580	84.34	6390	83.47
19-Mar	9590	84.42	6410	83.47
20-Mar	9592	84.42	6430	83.45
21-Mar	9612	84.54	6450	83.42
22-Mar	9661	84.66	6440	83.41
23-Mar	9311	84.77	6440	83.36
24-Mar	9716	84.83	6240	83.34
25-Mar	9789	84.85	5920	83.32
26-Mar	9701	85.02	5920	83.31
27-Mar	9504	85.29	5980	83.28
28-Mar	11208	85.48	5990	83.27
29-Mar	14262	85.62	5920	83.27
30-Mar	14892	85.71	6010	83.28
31-Mar	14700	85.68	5995	83.22
1-Apr	14904	85.77	5817	83.21
2-Apr	15358	85.79	5700	83.22
3-Apr	15240	85.81	5645	83.21
4-Apr	15600	85.9	5713	83.15
5-Apr	15600	85.87	5665	83.18
6-Apr	15600	85.86	5387	83.17
7-Apr	15440	85.85	5249	83.12
8-Apr	15400	85.8	5640	83.14
9-Apr	15090	85.77	5890	83.11
10-Apr	14842	85.69	5720	83.14

11-Apr	15196	85.74	5500	83.15
12-Apr	15233	85.79	5410	83.18
13-Apr	14988	85.73	5660	83.2
14-Apr	14783	85.72	5970	83.22
15-Apr	14708	85.68	5940	83.24
16-Apr	14808	85.66	5860	83.29
17-Apr	14721	85.66	6110	83.37
18-Apr	14700	85.62	6370	83.48
19-Apr	14612	85.61	6690	83.58
20-Apr	14629	85.62	6890	83.53
21-Apr	14604	85.65	6670	83.56
22-Apr	14562	85.6	6686	83.61
23-Apr	14462	85.58	6920	83.68
24-Apr	14230	85.56	7026	83.62
25-Apr	14090	85.53	7108	83.66
26-Apr	14120	85.51	7106	83.66
27-Apr	14240	85.54	7110	83.66
28-Apr	14360	85.58	7420	83.78
29-Apr	14600	85.62	7850	83.84
30-Apr	15108	85.7	8040	83.85
1-May	15400	85.81	8010	83.99
2-May	15538	85.93	8020	84.07
3-May	15654	86.19	8310	84.14
4-May	15012	86.42	8970	84.21
5-May	15300	86.73	9450	84.31
6-May	15108	86.95	9630	84.47
7-May	15258	87.13	10030	84.58
8-May	15212	87.31	10820	84.82
9-May	14867	87.43	11710	85.03
10-May	15233	87.65	12530	85.19
11-May	15275	88	12750	85.32
12-May	15275	88.3	13350	85.47
13-May	15158	88.71	14133	85.6
14-May	16396	89	14579	85.72
15-May	18740	89.36	15192	85.82
16-May	21430	89.56	15433	85.95
17-May	23590	89.7	15600	86.14
18-May	25150	89.83	15729	86.44
19-May	25180	89.98	15596	87.02
20-May	25100	90.15	16942	87.79
21-May	25020	90.31	19983	88.43
22-May	25129	90.45	19983	88.43
23-May	24400	90.51	22858	89
24-May	20346	90.58	25875	89.38
25-May	15942	90.76	32896	90.03
26-May	14808	90.85	35325	90.28
27-May	14496	90.99	37450	90.48
28-May	14512	91.09	38880	90.59
29-May	14579	91.27	38870	90.64
30-May	14475	91.45	39260	90.72
31-May	14483	91.6	39550	90.78

1-Jun	14362	91.76	39900	90.91
2-Jun	16779	91.92	40530	90.97
3-Jun	19183	92.12	38682	91.03
4-Jun	20150	92.2	37890	91.16
5-Jun	24780	92.45	36089	91.2
6-Jun	30100	92.55	31850	91.18
7-Jun	32480	92.59	28800	91.42
8-Jun	30040	92.56	29288	91.59
9-Jun	24630	92.59	32504	91.63
10-Jun	21500	92.62	35041	91.66
11-Jun	21630	92.65	38962	91.66
12-Jun	21625	92.68	37550	91.55
13-Jun	20946	92.72	38200	91.48
14-Jun	18758	92.71	39340	91.45
15-Jun	15438	92.79	39400	91.47
16-Jun	14604	92.86	37250	91.51
17-Jun	14575	92.85	33990	91.58
18-Jun	16038	92.9	30580	91.68
19-Jun	18221	92.94	27750	91.86
20-Jun	20446	92.96	30330	91.99
21-Jun	20025	92.92	33940	92.02
22-Jun	19254	92.89	35280	92.01
23-Jun	18929	92.85	37670	92.03
24-Jun	17979	92.85	37708	92.05
25-Jun	17708	92.86	36638	92.04
26-Jun	15090	92.81	36000	92.06
27-Jun	14160	92.96	32167	92.08
28-Jun	13890	92.86	27783	92.21
29-Jun	13810	92.88	23467	92.39
30-Jun	13840	92.83	22000	92.6
1-Jul	13980	92.89	24517	92.92
2-Jul	13920	92.86	33146	92.94
3-Jul	13600	92.82	41800	92.86
4-Jul	13317	92.82	38150	92.83
5-Jul	13158	92.83	34470	92.85
6-Jul	12729	92.8	32930	92.86
7-Jul	11879	92.78	32330	92.8
8-Jul	11167	92.77	28350	92.76
9-Jul	10971	92.77	23090	92.77
10-Jul	10925	92.77	19990	92.78
11-Jul	10954	92.81	19010	92.79
12-Jul	11012	92.79	18470	92.83
13-Jul	10692	92.79	17700	92.82
14-Jul	10419	92.78	15650	92.85
15-Jul	10193	92.75	18540	92.86
16-Jul	9370	92.73	15962	92.9
17-Jul	8850	92.76	16579	92.9
18-Jul	8550	92.85	16654	92.89
19-Jul	9110	92.9	16200	92.85
20-Jul	9310	92.86	15080	92.88
21-Jul	9410	92.86	14520	92.84

22-Jul	9420	92.85	14430	92.85
23-Jul	9370	92.84	14380	92.88
24-Jul	9337	92.8	14421	92.89
25-Jul	9235	92.8	14312	92.88
26-Jul	9229	92.79	14242	92.84
27-Jul	9135	92.76	14200	92.82
28-Jul	8188	92.76	13980	92.78
29-Jul	8112	92.76	13480	92.78
30-Jul	8197	92.72	12920	92.72
31-Jul	7692	92.69	12340	92.71
1-Aug	6878	92.73	11630	92.7
2-Aug	6687	92.71	10570	92.7
3-Aug	6639	92.68	10260	92.75
4-Aug	6135	92.66	10180	92.76
5-Aug	5802	92.72	9980	92.81
6-Aug	5760	92.68	9031	92.8
7-Aug	5810	92.66	9813	92.82
8-Aug	5810	92.66	8489	92.84
9-Aug	5810	92.68	8573	92.88
10-Aug	5830	92.69	8882	92.92
11-Aug	5840	92.73	9220	92.9
12-Aug	5840	92.72	9193	92.92
13-Aug	5820	92.7	9294	92.93
14-Aug	5802	92.75	10017	92.96
15-Aug	5762	92.73	10662	92.91
16-Aug	5742	92.71	10788	92.89
17-Aug	5742	92.74	10660	92.88
18-Aug	5825	92.75	10600	92.86
19-Aug	5813	92.7	10370	92.83
20-Aug	5835	92.66	9980	92.84
21-Aug	5859	92.65	9810	92.82
22-Aug	5891	92.69	9690	92.87
23-Aug	5892	92.71	9650	92.86
24-Aug	5908	92.7	9690	92.84
25-Aug	5918	92.68	9730	92.84
26-Aug	5894	92.63	9700	92.81
27-Aug	5895	92.65	9710	92.8
28-Aug	5780	92.72	9796	92.81
29-Aug	6020	92.67	9769	92.82
30-Aug	6000	92.67	9739	92.83
31-Aug	6010	92.64	9741	92.86
1-Sep	5980	92.65	9180	92.82
2-Sep	6000	92.66	8860	92.79
3-Sep	6020	92.66	8880	92.8
4-Sep	6185	92.64	8910	92.75
5-Sep	6335	92.59	8910	92.7
6-Sep	6335	92.53	8930	92.69
7-Sep	6212	92.49	8900	92.64
8-Sep	6145	92.47	8860	92.6
9-Sep	6150	92.42	8300	92.58
10-Sep	6093	92.37	7480	92.57

11-Sep	6087	92.35	6890	92.55
12-Sep	6078	92.31	6730	92.58
13-Sep	6101	92.27	6680	92.56
14-Sep	6129	92.26	6670	92.54
15-Sep	6135	92.19	6720	92.53
16-Sep	6138	92.15	6786	92.53
17-Sep	6139	92.08	6789	92.52
18-Sep	6180	92.02	6845	92.5
19-Sep	6200	92	7344	92.49
20-Sep	6270	91.99	7596	92.46
21-Sep	6300	91.93	7605	92.44
22-Sep	6280	91.88	7571	92.42
23-Sep	6320	91.9	7520	92.42
24-Sep	6650	91.88	7200	92.39
25-Sep	7272	91.8	7700	92.4
26-Sep	7585	91.76	8040	92.42
27-Sep	7576	91.73	8700	92.39
28-Sep	7682	91.69	8050	92.35
29-Sep	7671	91.6	7590	92.32
30-Sep	7619	91.56	7560	92.29
1-Oct	7589	91.55	7560	92.26
2-Oct	7560	91.38	7660	92.21
3-Oct	7577	91.34	7740	92.17
4-Oct	7659	91.36	7780	92.12
5-Oct	7510	91.34	7700	92.08
6-Oct	6787	91.25	7730	92.05
7-Oct	6417	91.18	7741	91.92
8-Oct	5608	91.16	7610	91.96
9-Oct	4810	91.19	7638	92
10-Oct	4620	91.17	7617	91.92
11-Oct	4620	91.13	7628	91.88
12-Oct	4660	91.16	7621	91.76
13-Oct	4650	91.18	7655	91.66
14-Oct	4670	91.17	7604	91.62
15-Oct	4660	91.16	7646	91.61
16-Oct	4673	91.15	7810	91.57
17-Oct	4668	91.12	7810	91.52
18-Oct	4677	91.14	7820	91.46
19-Oct	4658	91.14	7800	91.45
20-Oct	4652	91.13	7680	91.37
21-Oct	4718	91.12	7620	91.35
22-Oct	4705	91.12	7640	91.32
23-Oct	4730	91.09	7570	91.3
24-Oct	4698	91.12	7590	91.19
25-Oct	4677	91.1	7620	91.2
26-Oct	4693	91.09	7659	91.14
27-Oct	4728	91.11	7699	91.11
28-Oct	4747	91.09	7710	91.08
29-Oct	4735	91.09	7530	91.03
30-Oct	4720	91.11	7008	90.94
31-Oct	4740	91.07	6343	90.97

1-Nov	4740	91.07	6099	90.91
2-Nov	4740	91.06	5952	90.94
3-Nov	4730	91.01	5363	90.93
4-Nov	4720	90.98	5029	90.94
5-Nov	4720	91.05	4987	90.99
6-Nov	4744	91.03	4973	91
7-Nov	4661	91.01	4973	91.02
8-Nov	4573	91.01	4968	91.05
9-Nov	4573	91.01	5110	91.01
10-Nov	4550	91.02	4970	91
11-Nov	4547	91.03	4970	91.02
12-Nov	4396	90.98	4980	90.99
13-Nov	4340	90.98	4970	91.05
14-Nov	4361	90.99	5110	91.1
15-Nov	4393	91.02	5220	91.13
16-Nov	4424	91.01	5340	91.13
17-Nov	4382	91	5580	91.14
18-Nov	4329	91.03	6010	91.14
19-Nov	4354	91.07	6170	91.15
20-Nov	4370	91.12	6254	91.06
21-Nov	4720	91.07	6460	91.12
22-Nov	4910	91.06	6220	91.05
23-Nov	4950	91.04	6200	91.07
24-Nov	4970	91.02	6245	91.02
25-Nov	4950	91.01	6204	90.99
26-Nov	5180	90.97	6202	91.03
27-Nov	5705	90.96	6153	90.98
28-Nov	6460	90.96	6112	90.94
29-Nov	6879	90.98	6150	90.94
30-Nov	7252	90.97	6080	90.92
1-Dec	7644	90.86	6590	90.86
2-Dec	7650	90.71	7510	90.87
3-Dec	7543	90.66	8725	90.86
4-Dec	8020	90.74	9100	90.73
5-Dec	8512	90.66	9180	90.66
6-Dec	8558	90.61	9250	90.54
7-Dec	9216	90.62	9220	90.53
8-Dec	9597	90.59	9880	90.43
9-Dec	9624	90.46	10360	90.34
10-Dec	10252	90.34	10408	90.2
11-Dec	10750	90.24	10429	90.17
12-Dec	11020	90.08	10604	90.14
13-Dec	11090	90.04	10821	90.03
14-Dec	11770	89.93	10925	89.86
15-Dec	12130	89.82	11012	89.76
16-Dec	12150	89.68	10983	89.69
17-Dec	12010	89.6	10862	89.67
18-Dec	12138	89.47	11170	89.61
19-Dec	12133	89.38	11670	89.41
20-Dec	12083	89.21	11740	89.25
21-Dec	12046	89.14	11730	89.09

22-Dec	12017	88.99	11780	89
23-Dec	12008	88.86	11810	88.9
24-Dec	12075	88.66	11870	88.79
25-Dec	12096	88.64	11950	88.7
26-Dec	12088	88.46	11940	88.56
27-Dec	12079	88.4	11910	88.46
28-Dec	12117	88.28	11960	88.37
29-Dec	12083	88.2	11904	88.23
30-Dec	12104	88.02	11892	88.16
31-Dec	12096	87.87	11888	87.99

Walter W. McDonald
To be returned to Tribal Office
Dec. 31, 1961

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COMPILATION

of

TREATIES AND STATUTES
(vols. 1-68, Statutes at Large of the U.S.)

and Executive Orders, Proclamations,
the Constitution and By-laws, and
the Corporate Charter

pertaining to

THE CONFEDERATED SALISH AND KOOTENAI TRIBES

OF THE FLATHEAD RESERVATION, MONTANA

Property of the Confederated Tribes
Dixon, Montana

- 1955 -

THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA

TREATIES AND STATUTES

Treaty of Hell Gate, July 16, 1855
Treaty of Upper Missouri, October 17, 1855
Special Statutes Affecting Flathead
Private Statutes Affecting Flathead
Appropriation Acts Naming Flathead

(Does not contain statutes generally applicable to all Indians, including Flathead Tribes, for which see Title 25, United States Code.)

TOGETHER with

Executive Orders
Proclamations
Constitution and Bylaws of the Tribes
Corporate Charter of the Tribes

This is Copy No.

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1955

Compiled by Wilkinson, Cragun, Barker & Hawkins, 744 Jackson Place, N.W., Washington 6, D. C., General Counsel for the Tribes.

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TREATIES

Treaties

[Treaty of July 16, 1855, 12 Stat. 975]

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a treaty was made and concluded at the treaty ground, at Hell Gate, in the Bitter Root Valley, on the sixteenth day of July, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the hereinafter named chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes and duly authorized thereto, by them, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead nation, with Victor the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognise Victor as said head chief.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115°,) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Coeur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to

the divide between the head waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Commencing at the source of the main branch of the Jocko River; thence along the divide separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camash and Horse prairies; thence northerly to and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied if with the permission of the owner or claimant.

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Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall

be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them; as also the right in common with citizens of the United States to travel upon all public highways.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner--that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books and stationery, to be located at the agency, and to be free to the children of the said tribes, and

to employ a suitable instructor or instructors. To furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnished with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken sahll be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-in River by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent Indian Affairs W.T. [L.S.]

VICTOR, Head Chief of the Flathead Nation,	his x mark.	[L.S.]
ALEXANDER, Chief of the Upper Pend d'Oreilles,	his x mark.	[L.S.]
MICHELLE, Chief of the Kootenays,	his x mark.	[L.S.]
AMBROSE,	his x mark.	[L.S.]
PAH-SOH,	his x mark.	[L.S.]
BEAR TRACK,	his x mark.	[L.S.]
ADOLPHE	his x mark.	[L.S.]
THUNDER,	his x mark.	[L.S.]
BIG CANOE,	his x mark.	[L.S.]
KOOTEL CHAH,	his x mark.	[L.S.]
PAUL,	his x mark.	[L.S.]
ANDREW,	his x mark.	[L.S.]
MICHELLE,	his x mark.	[L.S.]
BATTISTE,	his x mark.	[L.S.]

Kootenays

GUN FLINT,	his x mark.	[L.S.]
LITTLE MICHELLE,	his x mark.	[L.S.]
PAUL SEE,	his x mark.	[L.S.]
MOSES,	his x mark.	[L.S.]

James Doty, Secretary.
R. H. Lansdale, Indian Agent
W. H. Tappan, Sub Indian Agent.
Henry R. Crosire,
Gustavus Sohon, Flathead Interpreter.
A. J. Hoecken, Sp. Mis.
William Craig.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

"In Executive Session,
"Senate of the United States, March 8, 1859.

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and Chiefs, Headmen and Delegates of the

confederate tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, who are constituted a nation under the name of the Flathead Nation, signed 16th day of July, 1855.

"Attest: "ASBURY DICKINS, Secretary."

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight
[Seal.] hundred and fifty-nine, and of the Independence of the United States, the eighty-third.

JAMES BUCHANAN.

By the President:
LEWIS CASS, Secretary of State.

[October 17, 1855, 11 Stat. 657]

FRANKLIN PIERCE

PRESIDENT OF THE UNITED STATES OF AMERICA

To all persons to whom these presents shall come, greeting:

WHEREAS, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit:--

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac I. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellow Stone Rivers, and who have permanent homes as follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Perce tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes, and being duly authorized thereto by them.

ARTICLE 1. Peace, friendship and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good-will and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that

peaceful relations shall be maintained with and that they will abstain from all hostilities whatsoever, excepting in self-defence, against the following named nations and tribes of Indians, to wit: the Crows, Assineboins, Crees, Snakes, Blackfeet, Sans Arce, and Aunce-pa-pas bands of Sioux, and all other neighboring nations and tribes of Indians.

ARTICLE 3. The Blackfoot nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

Provided, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscle Shell to the Yellow Stone; the Muscle Shell River being the boundary separating the Blackfoot from the Crow Territory.

And provided, That no nation, band or tribe of Indians parties to this treaty, nor any other Indians, shall be permitted to establish permanent settlements, or in any other way exercise, during the period above mentioned, exclusive rights or privileges within the limits of the above-described hunting-ground.

And provided further, That the rights of the western Indians to a whole or a part of the common hunting-ground, derived from occupancy and possession, shall not be affected by this article, except so far as said rights may be determined by the treaty of Laramie.

ARTICLE 4. The parties to this treaty agree and consent, that the tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel

of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

Provided also, That the Assiniboins shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the common hunting-ground, nor any part of the Blackfoot Territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt or otherwise disturb the game, when visiting the Blackfoot Territory for trade or social intercourse.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries except when going to or from, or whilst hunting upon, the "common hunting-ground," or when visiting each other for the purpose of trade or social intercourse.

ARTICLE 7. The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the country respectively

occupied and claimed by them, construct roads of every description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agree to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventre tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: Provided, however, That if, in the judgment of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: Provided, however, That to accomplish the objects of this article, the President may, at his discretion, apply any or all the annuities provided for in this treaty: And provided, also, That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the

government out of the annuities. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and are held responsible in their tribal capacity, to make reparation for depredations so committed.

Nor will they make war upon any other tribes, except in self-defence, but will submit all matters of difference between themselves and other Indians to the government of the United States, through its agent, for adjustment, and will abide thereby. And if any of the said Indians, parties to this treaty, commit depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 12. It is agreed and understood, by and between the parties to this treaty, that if any nation or tribe of Indians aforesaid, shall violate any of the agreements, obligations, or stipulations, herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portion or all of the annuities agreed to be paid to said nation or tribe under the ninth and tenth articles of this treaty.

ARTICLE 13. The nations and tribes of Indians, parties to this treaty, desire to exclude from their country the use of ardent spirits or other intoxicating liquor, and to prevent their people from drinking the same. Therefore it is provided, that any Indian belonging to said tribes who is guilty of bringing such liquor into the Indian country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine.

ARTICLE 14. The aforesaid nations and tribes of Indians, west of the Rocky Mountains, parties to this treaty, do agree, in consideration of the provisions already made for them in existing treaties, to accept the guarantees of the peaceful occupation of their hunting-grounds, east of the Rocky Mountains, and of remuneration for depredations made by the other tribes, pledged to be secured to them in this treaty out of the annuities of said tribes, in full compensation for the concessions which they, in common with the said tribes, have made in this treaty.

The Indians east of the Mountains, parties to this treaty, likewise recognize and accept the guarantees of this

treaty, in full compensation for the injuries or depredations which have been, or may be committed by the aforesaid tribes, west of the Rocky Mountains.

ARTICLE 15. The annuities of the aforesaid tribes shall not be taken to pay the debts of individuals.

ARTICLE 16. This treaty shall be obligatory upon the aforesaid nations and tribes of Indians, parties hereto, from the date hereof, and upon the United States as soon as the same shall be ratified by the President and Senate.

In testimony whereof the said A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid nations and tribes of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. CUMMING. [L.S.]
ISAAC I. STEVENS. [L.S.]

Piegans

150681

NEE-TI-NEE, or "the only chief," now called the Lame Bull,	his x mark.	[L.S.]
MOUNTAIN CHIEF,	his x mark.	[L.S.]
LOW HORN,	his x mark.	[L.S.]
LITTLE GRAY HEAD,	his x mark.	[L.S.]
LITTLE DOG,	his x mark.	[L.S.]
BIG SNAKE,	his x mark.	[L.S.]
THE SKUNK,	his x mark.	[L.S.]
THE BAD HEAD,	his x mark.	[L.S.]
KITCH-EEPONE-ISTAH,	his x mark.	[L.S.]
MIDDLE SITTER,	his x mark.	[L.S.]

Bloods

ONIS-TAY-SAY-NAH-QUE-IM,	his x mark.	[L.S.]
THE FATHER OF ALL CHILDREN,	his x mark.	[L.S.]
THE BULL'S BACK FAT,	his x mark.	[L.S.]
HEAVY SHIELD,	his x mark.	[L.S.]
NAH-TOSE-ONISTAH,	his x mark.	[L.S.]
THE CALF SHIRT,	his x mark.	[L.S.]

Gros Ventres

BEAR'S SHIRT,	his x mark.	[L.S.]
LITTLE SOLDIER,	his x mark.	[L.S.]
STAR ROBE,	his x mark.	[L.S.]

SITTING SQUAW,	his x mark.	[L.S.]
WEASEL HORSE,	his x mark.	[L.S.]
THE RIDER,	his x mark.	[L.S.]
EAGLE CHIEF,	his x mark.	[L.S.]
HEAP OF BEARS,	his x mark.	[L.S.]

Blackfeet

THE THREE BULLS,	his x mark.	[L.S.]
THE OLD KOOTOMAIS,	his x mark.	[L.S.]
POW-AH-AUE,	his x mark.	[L.S.]
CHIEF RABBIT RUNNER,	his x mark.	[L.S.]

Nez Perces

SPOTTED EAGLE,	his x mark.	[L.S.]
LOOKING GLASS,	his x mark.	[L.S.]
THE THREE FEATHERS,	his x mark.	[L.S.]
EAGLE FROM THE LIGHT,	his x mark.	[L.S.]
THE LONE BIRD,	his x mark.	[L.S.]
IP-SHUN-NEE-WUS,	his x mark.	[L.S.]
JASON,	his x mark.	[L.S.]
WAT-TI-WAT-TI-WE-HINCK,	his x mark.	[L.S.]
WHITE BIRD,	his x mark.	[L.S.]
STABBING MAN,	his x mark.	[L.S.]
JESSE,	his x mark.	[L.S.]
PLENTY BEARS,	his x mark.	[L.S.]

Flathead Nation

VICTOR,	his x mark.	[L.S.]
ALEXANDER,	his x mark.	[L.S.]
MOSES,	his x mark.	[L.S.]
BIG CANOE,	his x mark.	[L.S.]
AMBROSE,	his x mark.	[L.S.]
KOOTLE-CHA,	his x mark.	[L.S.]
MICHELLE,	his x mark.	[L.S.]
FRANCIS,	his x mark.	[L.S.]
VINCENT,	his x mark.	[L.S.]
ANDREW,	his x mark.	[L.S.]
ADOLPHE,	his x mark.	[L.S.]
THUNDER,	his x mark.	[L.S.]

Piegans

RUNNING RABBIT,	his x mark.	[L.S.]
CHIEF BEAR,	his x mark.	[L.S.]
THE LITTLE WHITE BUFFALO,	his x mark.	[L.S.]
THE BIG STRAW,	his x mark.	[L.S.]

Flathead

BEAR TRACK, his x mark. [L.S.]
LITTLE MICHELLE, his x mark. [L.S.]
PLACHINAH, his x mark. [L.S.]

Bloods

THE FEATHER, his x mark. [L.S.]
THE WHITE EAGLE, his x mark. [L.S.]

Executed in presence of--

JAMES DOTY, Secretary.
ALFRED J. VAUGHAN, Jr.
E. ALW. HATCH, Agent for Blackfeet.
THOMAS ADAMS, Special Agent Flathead Nation.
R. H. LANSDALE, Indian Agent Flathead Nation.
W. H. TAPPAN, Sub-Agent for the Nez Perces.
JAMES BIRD,)
A. CULBERTSON,)- Blackfoot Interpreters.
BENJ. DEROCHE,)
BENJ. KISER, his x mark,)- Flathead Interpreters.
Witness, JAMES DOTY,)
GUSTAVUS SOHON,)
W. CRAIG,)
DELAWARE JIM, his x mark,)- Nez Perce Interpreters.
Witness, JAMES DOTY)
A. CREE CHIEF, (BROKEN ARM,) his mark.
Witness, JAMES DOTY.
A. J. HOEEKEORSG,
JAMES CROKE,
E. S. WILSON,
A. C. JACKSON,
CHARLES SHUCETTE, his x mark.
CHRIST. P. HIGGINS,
A. H. ROBIE,
S. S. FORD, Jr.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 15, 1856.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratifica-

tion of the articles of agreement and convention made and concluded between the United States and the Blackfeet and other tribes of Indians, at the council ground on the Upper Missouri River, October seventeenth, eighteen hundred and fifty-five.

Attest: ASBURY DICKINS, Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fifth day of April, A.D. one thousand eight hundred and fifty-
[L.S.] six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, Secretary of State.

EXECUTIVE ORDERS

[1 Kapp. 854]

EXECUTIVE MANSION, November 14, 1871.

The Bitter Root Valley, above the Loo-lo Fork, in the Territory of Montana, having been carefully surveyed and examined in accordance with the eleventh article of the treaty of July 16, 1855, concluded at Hell Gate, in the Bitter Root Valley, between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, which was ratified by the Senate March 8, 1859, has proved, in the judgment of the President, not to be better adapted to the wants of the Flathead Tribe than the general reservation provided for in said treaty; it is therefore deemed unnecessary to set apart any portion of said Bitter Root Valley as a separate reservation for Indians referred to in said treaty. It is therefore ordered and directed that all Indians residing in said Bitter Root Valley be removed as soon as parcticable to the reservation provided for in the second article of said treaty, and that a just and impartial appraisement be made of any substantial improvements made by said Indians upon any lands of the Bitter Root Valley, such as fields inclosed and cultivated and houses erected; that such appraisement shall distinguish between improvements made before the date of said treaty and such as have been subsequently made.

It is further ordered that, after the removal herein directed shall have been made, the Bitter Root Valley aforesaid shall be open to settlement.

It is further ordered that if any of said Indians residing in the Bitter Root Valley desire to become citizens and reside upon the lands which they now occupy, not exceeding in quantity what is allowed under the homestead and preemption laws to all citizens, such persons shall be permitted to remain in said valley upon making known to the superintendent of Indian affairs for Montana Territory by the 1st day of January, 1873, their intention to comply with these conditions.

U. S. GRANT.

[3 Kapp. 679]

FLATHEAD RESERVATION

Whereas it is believed that the following-described land, to wit:

Lot three of section two, in township twenty-two north, of range twenty-four west, of the Montana meridian, in the State of Montana, is a natural and prospective center of population:

Now, therefore, I, William Howard Taft, President of the United States of America, by virtue of the power in me vested by the act of Congress entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stats., 302), and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the land above described is hereby reserved as a town site, to be disposed of by the United States under the terms of the statutes applicable thereto.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of February, in the year of our Lord one thousand nine hundred and twelve, and of the independence of the United States the one hundred and thirty-sixth.

[Seal.] Wm. H. Taft

By the President:
HUNTINGTON WILSON,
Acting Secretary of State.

THE WHITE HOUSE, April 13, 1912.

It is ordered that the NE. 1/4 of the SW. 1/4 of sec. 31, T. 19 N., R. 23 W., M.P.M., in the Flathead Indian Reservation, Montana, be, and the same is hereby, withdrawn from settlement, location, sale, and entry, and reserved for examination and classification, subject to all of the provisions, limitations, exceptions, and conditions contained in the act of June 25, 1910 (36 Stat., 847).

Wm. H. Taft.

[January 14, 1913, 4 Kapp. 1026]

FLATHEAD

It is hereby ordered that the SE. 1/4 of the SW. 1/4 of section 9, township 18 north, range 21 west, Montana meridian, containing 40 acres, be, and the same is hereby, withdrawn from entry and set apart for administrative purposes in connection with the affairs of the Flathead Indians in the State of Montana: Provided, however, That this withdrawal shall not affect the valid prior rights of any persons to the lands described.

Wm. H. Taft.

THE WHITE HOUSE, Jany. 14, 1913.

[April 13, 1912, 3 Kapp. 679]

DISPOSAL OF LANDS IN THE FLATHEAD INDIAN RESERVATION, STATE OF MONTANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas it is believed that the following-described land, to wit:

Lot 3 of sec. 2, in T. 22 N., R.24 W., of the Montana meridian, in the State of Montana, is a natural and prospective center of population:

Now, therefore, I, William Howard Taft, President of the United States of America, by virtue of the power in me vested by the act of Congress entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stats., 302), and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the land above described is hereby reserved as a town site, to be disposed of by the United States under the terms of the statutes applicable thereto.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of February, in the year of our Lord one thousand nine hundred and twelve, and of

the independence of the United States the one hundred and thirty-sixth.

[Seal]

Wm. H. Taft.

By the President:
HUNTINGTON WILSON, Acting Secretary of State.
(No. 1182)

[April 13, 1912, 3 Kapp. 680]

It is ordered, That the NE. 1/4 of the SW. 1/4 of sec. 31, T. 19 N., R. 23 W., Montana principal meridian, in the Flathead Indian Reservation, Mont., be, and the same is hereby, withdrawn from settlement, location, sale, and entry, and reserved for examination and classification, subject to all of the provisions, limitations, exceptions, and conditions contained in the act of June 25, 1910 (36 Stats., 847).

Wm. H. Taft.

THE WHITE HOUSE, April 13, 1912.
(No. 1518.)

[November 23, 1932 5 Kapp. 642]

EXTENSION OF TRUST PERIOD ON INDIAN RESERVATION ALLOTMENTS

It is hereby ordered, under authority contained in section 5 of the act of February 8, 1887 (24 Stat. 388, 389), and the act of June 21, 1906 (34 Stat. 325, 326), that the period of trust covering allotments made in favor of Indians on the following-named reservations, or on other reservations not specifically named herein, which trust will expire during the calendar year 1933, be, and the same is hereby, extended for a period of 10 years from the respective dates of expiration thereof:

Round Valley Reservations, Calif.
White Earth Reservation, Minn.
Flathead Reservation, Mont.
Santee Reservation, Nebr.
Devils Lake and Standing Rock Reservations, N. Dak.
Kiowa Reservation, Okla.
Pine Ridge Reservation, S. Dak.
Shoshone or Wind River Reservation, Wyo.

HERBERT HOOVER.

THE WHITE HOUSE, November 23, 1932.

[No. 5953]

NOTE: The Flathead Indian Tribe have accepted the provisions of the Indian Reorganization Act, 48 Stat. 984, which extend indefinitely the trust status of the Reservation lands.

PROCLAMATIONS

[May 22, 1909, 3 Kapp.655]

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

I, William H. Taft, President of the United States of America, by virtue of the power and authority vested in me by the Acts of Congress hereinafter named, do hereby prescribe, proclaim and make known that all the nonmineral, unreserved lands classified as agricultural lands of the first class, agricultural lands of the second class and grazing lands within the Flathead Indian Reservation in the State of Montana under the Act of Congress approved April 23, 1904 (33 Stat. L., 302), which have not been withdrawn under the Act of Congress approved June 17, 1902 (32 Stat. L., 388); all the nonmineral unreserved lands classified as agricultural lands within the Spokane Indian Reservation in the State of Washington under the Act of Congress approved May 29, 1908 (35 Stat. L., 458); and all the nonmineral, unreserved lands classified as agricultural lands, grazing lands and timbered lands in the Coeur d'Alene Indian Reservation in the State of Idaho under the Act of Congress approved June 21, 1906 (34 Stat. L., 335), shall be disposed of under the provisions of the homestead laws of the United States and said Acts of Congress and be opened to settlement and entry in the following manner and not otherwise:

1. All persons qualified to make a homestead entry may, on and after the fifteenth day of July and prior to and including the fifth day of August, 1909, but not theretofore or thereafter, present to James W. Witten, Superintendent of the Opening, at the City of Coeur d'Alene in the State of Idaho, by ordinary mail, but not in person or by registered mail or otherwise, sealed envelopes containing their applications for registration for lands in any or all of said Reservations, but no envelope should contain more than one application and no person should present more than one application for lands in the same Reservation.

2. All applications for registration must be on forms furnished by the General Land Office and they must show the name, post office address, age, height and weight of the applicant and be sworn to by him on or after July 15 and prior to and including August 5, 1909, before some notary public designated by said Superintendent.

3. Applications for registration must be sworn to at the following places and not elsewhere. Applications for Flathead lands must be sworn to at either Kalispell or Missoula, Montana, for Spokane lands at Spokane, Washington, and for Coeur d'Alene lands at Coeur d'Alene, Idaho.

4. Persons who are honorably discharged after ninety days service in the army or navy of the United States, during the War of the Rebellion, the Spanish-American War or the Philippine Insurrection, or their widows or minor orphan children, may present their applications for registration, either in person or through their duly appointed agents, but no person can act as agent for more than one such applicant and all applications presented by agents must be signed, sworn to and presented by them at the same places and in the same manner in which other applicants are required to present their applications.

5. Beginning at ten o'clock a.m. on August 9, 1909, at the City of Coeur d'Alene in the State of Idaho and continuing thereafter from day to day, Sundays excepted, as long as may be necessary, there shall be impartially taken and selected indiscriminately from the whole number of envelopes so presented such number thereof as may be necessary to carry into effect the provisions of this Proclamation, and the applications for registration contained in the envelopes so selected shall, when correct in form and execution, be numbered serially in the order in which they are selected, beginning with number one for the lands within each of said Reservations, and the numbers thus assigned shall fix and control the order in which the persons named therein may make entry after the lands shall become subject to entry.

6. A list of the successful applicants, showing the number assigned to each of them, will be conspicuously posted and furnished to the press for publication as a matter of news, and a proper notice will be promptly mailed to each person to whom a number is assigned.

7. Beginning at nine o'clock a. m. on April 1, 1910, and continuing thereafter on such dates as may be fixed by the Secretary of the Interior, persons holding numbers assigned to them under this Proclamation will be permitted to present their applications to enter (or file their declaratory statements in cases where they are entitled to file declaratory statements) at the land office for any land district in which their numbers entitle them to make entry, in the order in which their applications for registration were selected and numbered, but no person can present more than one application to enter or file more than one declaratory statement.

8. If any person fails to apply to enter, or to file a declaratory statement if he is entitled to do so, on the day assigned him for that purpose, or if he presents more than one application for registration for lands within the same Reservation, or presents an application in any other than his true name, he will forfeit his right to make entry or filing under this Proclamation.

9. None of the lands opened to entry under this Proclamation shall become subject to settlement or entry prior to the first day of September, 1910, except in the manner prescribed herein; and all persons are admonished not to make any settlement prior to that date on lands not covered by entries or filings made by them under this Proclamation. On September 1, 1910, all of said lands which have not then been entered under this Proclamation will become subject to settlement and entry under the general provisions of the homestead laws and the said Acts of Congress.

10. The Secretary of the Interior shall make and prescribe such rules and regulations as may be necessary and proper to carry this Proclamation and the said Acts of Congress into full force and effect.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 22nd day of May in the year of our Lord one thousand nine hundred and nine [Seal.] and of the Independence of the United States the one hundred and thirty-third.

Wm. H. Taft

By the President:
P C Knox
Secretary of State

[February 15, 1912, 3 Kapp. 663]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, it is believed that the following described land, to wit:

Lot three of section two, in township twenty-two north, of range twenty-four west, of the Montana Meridian, in the State of Montana, is a natural and prospective center of population:

NOW THEREFORE, I, WILLIAM HOWARD TAFT, President of the United States of America, by virtue of the power in me vested by the Act of Congress entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands

after allotment", approved April 23, 1904 (33 Stats. 302), and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the land above described is hereby reserved as a townsite, to be disposed of by the United States under the terms of the Statutes applicable thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of February, in the year of our Lord one thousand nine hundred and [Seal] twelve, and of the independence of the United States the one hundred and thirty-sixth.

Wm H Taft

By the President:
HUNTINGTON WILSON
Acting Secretary of State.

SPECIAL STATUTES

[June 5, 1872, 17 Stat. 226]

CHAP. CCCVIII.—An Act to provide for the Removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the President, as soon as practicable, to remove the Flathead Indians, (whether of full or mixed bloods,) and all other Indians connected with said tribe, and recognized as members thereof, from Bitter Root valley in the Territory of Montana, to the general reservation in said Territory, (commonly known as the Jocko reservation,) which by a treaty concluded at Hell Gate, in the Bitter Root valley, July sixteenth, eighteen hundred and fifty-five, and ratified by the Senate March eighth, eighteen hundred and fifty-nine, between the United States and the confederated tribes of Flathead, Kootenai, and Pend d'Oreille Indians was set apart and reserved for the use and occupation of said confederated tribes.

Sec. 2. That as soon as practicable after the passage of this act, the surveyor-general of Montana Territory shall cause to be surveyed, as other public lands of the United States are surveyed, the lands in the Bitter Root valley lying above the Lo-Lo fork of the Bitter Root river; and said lands shall be open to settlement, and shall be sold in legal subdivisions to actual settlers only, the same being citizens of the United States, or having duly declared their intention to become such citizens, said settlers being heads of families, or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres to each settler, at the price of one dollar and twenty-five cents per acre, payment to be made in cash within twenty-one months from the date of settlement, or of the passage of this act. The sixteenth and thirty-sixth sections of said lands shall be reserved for school purposes in the manner provided by law. Town-sites in said valley may be reserved and entered as provided by law: Provided, That no more than fifteen townships of the lands so surveyed shall be deemed to be subject to the provisions of this act: And provided further, That none of the lands in said valley above the Lo-Lo fork shall be open to settlement under the homestead and preemption laws of the United States. An account shall be kept by the Secretary of the Interior of the proceeds of said lands, and out of the first moneys arising therefrom there shall be reserved and set apart for the use of said Indians the sum of fifty thousand dollars, to be by the President expended, in annual instalments, in such manner as in his judgment shall be for the best good of said Indians, but no more than five thousand dollars shall be expended in any one year.

Sec. 3. That any of said Indians, being the head of a family, or twenty-one years of age, who shall, at the passage of this act, be actually residing upon and cultivating any portion of said lands, shall be permitted to remain in said valley and pre-empt without cost the land so occupied and cultivated, not exceeding in amount one hundred and sixty acres for each of such Indians, for which he shall receive a patent without power of alienation: Provided, That such Indian shall, prior to August first, eighteen hundred and seventy-two, notify the superintendent of Indian affairs for Montana Territory that he abandons his tribal relations with said tribe, and intends to remain in said valley: And provided further, That said superintendent shall have given such Indian at least one month's notice prior to the date last above mentioned of the provisions of this act and of his right so to remain as provided in this section of this act.

Sec. 4. That in case John Owen, an actual settler in said valley, above the Lo-Lo fork, shall come within the provisions of the act of Congress of September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands" and the acts amendatory thereof, he shall be permitted to establish such fact in the land-office in the said Territory of Montana, and, upon proof of compliance with the provisions of said act or acts, shall be permitted to obtain title, in the manner provided therein, to such quantity of land as he may be entitled to under the same. All disputes as to title to any lands mentioned in this act shall be decided according to the rules governing the decision of disputes in ordinary cases under the pre-emption laws of the United States.

Approved, June 5, 1872.

Amended Act 2/11/74, 18 Stat. 15, infra this page. Act 6/22/74, 18 Stat. at p.173, post, p.89; Act 3/2/89, § 7, 25 Stat.871, post p.20.

[February 11, 1874, 18 Stat. 15]

CHAP. 25.—An act to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of sale and payment of pre-empted lands in the Bitterroot Valley, in the Territory of Montana, is hereby extended for the period of two years from the expiration of the time allotted in the act entitled "An act to provide for the removal of the Flathead and other Indians

from the Bitterroot Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Sec. 2. That the benefit of the homestead act is hereby extended to all the settlers on said lands who may desire to take advantage of the same.

Approved, February 11, 1874

For Act 3/3/85, 23 Stat. 362, 363, 382, see p. 91, post, note 3.

[March 2, 1889, 25 Stat. 871]

CHAP. 391.--An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June fifth, eighteen hundred and seventy-two, entitled, "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana" or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding one hundred and sixty acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their value: Provided, That the improvements thereon shall be appraised separate and distinct from land: Provided, further, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

Sec. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land-office, in tracts not exceeding one hundred and sixty acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres to the highest bidder: Provided, That no portion of said lands shall be sold at less than the appraised value thereof: Provided, That the said Secretary may dispose of the same on the following terms as to payment, that is to say, one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one third in one year, and one-third in two years from said date, with interest on the deferred

payments at the rate of five per centum per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of sixty days shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made; and the land thus forfeited shall again be sold as in the first instance: Provided further, That before the second or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of United States to the benefit of the homestead laws.

Sec. 3. That the net proceeds derived from the sale of the lands herein authorized shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and the Secretary of the Interior is hereby authorized to pay the same in cash to original allotters and patentees, or the heirs at law of such, or expend the same for their benefit in such manner as he may deem for their best interest.

Sec. 4. That when a purchaser shall have made full payment for a tract of land, as herein provided, and for the improvements thereon, patent shall be issued as in case of public lands under the homestead and preemption laws.

Sec. 5. That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, which sum shall be reimbursed pro rata out of the proceeds of the sale of the lands herein authorized.

Sec. 6. That in the event of the sale of the lands herein authorized it shall be the duty of the Secretary of the Interior to remove the Indians whose lands shall have been sold to the general reservation, known as the Jocko Reservation, in the Territory of Montana.

Sec. 7. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved, March 2, 1889.

Amended Act 7/1/98, 30 Stat. at p.596, post, p.93; Act 6/5/00, 31 Stat. at p.270, post, p.23.

[March 3, 1891, 26 Stat. 1091]

CHAP. 556.—An act granting to the Missoula and Northern Railroad Company the right of way through the Flathead Indian Reservation, in the State of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Missoula and Northern Railroad Company, a corporation organized and existing under the laws of the State of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Flathead Indians, commonly known as the Flathead Indian Reservation, said railroad line beginning at a point at or near the mouth of Jocko River, on the Northern Pacific Railroad, in the county of Missoula, State of Montana, and running thence by the most practicable route to the northern line of said State of Montana, and more particularly described, as far as extending through said Indian reservation, as beginning at or near the aforesaid mouth of Jocko River, and running thence in a northerly direction to the southerly end of Flathead Lake, and thence by the most practicable route, either to the east or west of said lake, in a northerly direction to the said northern boundary of Montana.

Sec. 2. That the right of way hereby granted to said railroad company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid, and said company shall also have the right to take from lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction thereof; also ground adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of said road.

Sec. 3. That it shall be the duty of the Secretary of the Interior to agree with the Flathead and Confederated tribes on the compensation to be paid them for such right of way, and the time and manner for the payment thereof, but no right of way of any kind shall vest in said railroad company in or to any part of the right of way or station grounds herein provided for until plats thereof, made upon actual survey for the definite location of such road, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation agreed on has been paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out the provisions of this act: Provided, That the right of way herein granted shall be lost and forfeited by said company unless

the road is constructed and in running order through said reservation within three years from the passage of this act: Provided further, That when said railroad shall have been constructed to the south end of said Flathead Lake said company may establish a temporary terminal station on the shore of said lake, on grounds not exceeding three thousand feet square, and, pending completion of said railroad, may utilize the waters of said Flathead Lake for transportation purposes.

Sec. 4. That Congress may at any time amend, alter, or repeal this act.

Approved, March 3, 1891.

For Act 7/13/92, 27 Stat. 138-139, authorizing negotiations, see post, p. 92, note 5.

[June 10, 1896, 29 Stat. 321, 341]

CHAP. 398.--An Act Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes.

The Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, namely: With the Crow and Flathead Indians in the State of Montana for the cession of portions of their respective reservations; with the Northern Cheyenne and Crow Indians for the removal of said Northern Cheyenne Indians from their present reservation on the Rosebud River at Lame Deer Agency to the southern portion of the Crow Reservation; with the Indians residing on the Fort Hall Indian Reservation in the State of Idaho, and with the Indians residing upon the Uintah Reservation in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior; and with the Yakima Indians in the State of Washington for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress; and for the expenses of such commission and

negotiations hereunder the sum of ten thousand dollars is appropriated: Provided, That the time for the completion of the canal, or any part thereof, authorized by an Act entitled "An Act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington," be, and is hereby, extended two years from July twenty-fourth, eighteen hundred and ninety-six.

For Act July 1, 1898, 30 Stat. 571, 596, reappraisal of unsold tracts, see p. 93, post, note 6.

[June 5, 1900, 31 Stat. 267, 270]

CHAP. 716.--An Act For the relief of the Colorado Cooperative Colony; to permit second homesteads in certain cases, and for other purposes.

* * *

SEC. 3. That any person who prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made: Provided, That persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

Approved, June 5, 1900.

[April 23, 1904, 33 Stat. 302]

CHAP. 1495.--An Act For the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be and he is hereby, directed to immediately cause to be surveyed all of the Flathead Indian Reservation, situated within the State of Montana, the same being particularly described and set forth in article two of a certain treaty entered into by and between Isaac H. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille Indians, on the sixteenth day of July, eighteen hundred and fifty-five.

Sec. 2. That so soon as all of the lands embraced within said Flathead Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said confederated tribes of Flatheads, Kootenais, Upper Pend d'Oreille, and such other Indians and persons holding tribal relations as may rightfully belong on said Flathead Indian Reservation, including the Lower Pend d'Oreille or Kalispel Indians now on the reservation, under the provisions of the allotment laws of the United States.

Sec. 3. That upon the final completion of said allotments to said Indians, the President of the United States shall appoint a commission consisting of five persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians, the said persons so constituting said commission to be as follows: Two of said connissioners so named by the President shall be two persons now holding tribal relations with said Indians--the same may be designated to the President by the chiefs and headmen of said confederated tribes of Indians, two of said commissioners shall be resident citizens of the State of Montana, and one of said commissioners shall be a United States special Indian agent or Indian inspector of the Interior Department.

Sec. 4. That within thirty days after their appointment said commission shall meet at some point within the boundaries of said Flathead Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary not to exceed seven dollars per day.

Sec. 5. That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following clases: First, agricultural land of the first class; second, agricultural land of the second class; third, timber lands, the same to be lands more valuable for their timber than for any other purpose; fourth, mineral lands; and fifth, grazing lands. [Further classification Act 6/25/10, 36 Stat. at p.863, post pp. 39-40.]

Sec. 6. That said commission shall in their report of lands of the third class determine as nearly as possible the amount of standing saw timber on legal subdivisions thereof and fix a minimum price for the value thereof, and in determining the amount of merchantable timber growing thereon they shall be empowered to employ a timber cruiser, at a salary of not more than eight dollars per day while so actually employed, with such assistants as may be necessary, at a salary not to exceed six dollars per day while so actually employed. Mineral lands shall not be appraised as to value.

Sec. 7. That said commissioners, excepting said special agent and inspector of the Interior Department, shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be fully completed within one year from date of the organization of said commission.

Sec. 8. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and excepting sections sixteen and thirty-six of each township, which are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the said State of Montana by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract under consideration, to locate other lands not occupied, not exceeding two sections in any one township, and such selections shall be made prior to the opening of such lands to settlement: Provided, That the United States shall pay to said Indians for the lands in said sections sixteen and thirty-six, or the lands selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

Sec. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: Provided, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: Provided further, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the

price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: Provided, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: And provided, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made. [Amended Act of 5/29/1908, 35 Stat. at p.448, p.33 post; Act 5/18/16, 39 Stat. at p.139, post p.48.*]

Sec. 10. That only mineral entry may be made on such of said lands as said commission shall designate and classify as mineral under the general provisions of the mining laws of the United States, and mineral entry may also be made on any of said lands whether designated by said commission as mineral lands or otherwise, such classification by said commission being only prima facie evidence of the mineral or nonmineral character of the same: Provided, That no such mineral locations shall be permitted upon any lands alloted in severalty to an Indian.

Sec. 11. That all of said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe. [Rewritten by Act of 3/3/09, 35 Stat. at p.795, post p.37.]

Sec. 12. That the President may reserve and except from said lands not to exceed nine hundred and sixty acres for Catholic mission schools, church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, and said lands to be granted in the following amounts, namely, to the Society of Jesus, six hundred and forty acres, to the Sisters of Charity of Providence, one hundred and sixty acres, and to the Ursuline Nuns, one hundred and sixty acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained and occupied by said organizations for the purposes indicated. The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make applications therefor within one year after the passage of this Act, in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental

* See also Act 4/30/08, 35 Stat. at pp.83-84, post, p.95; Act 3/3/09, 35 Stat. at p.795, post p.95; Act 8/24/12, 37 Stat. at p.526, post p.96.

institutions now in use on said reservation or which may be used or occupied by the Government of the United States. [Amended and rewritten Act 3/3/05, 33 Stat. at p.1080, post p.28.]

Sec. 13. That all of said lands classified as agricultural lands of the first class and agricultural lands of the second class and grazing lands that shall be opened to settlement under this Act remaining undisposed of at the expiration of five years from the taking effect of this Act shall be sold and disposed of to the highest bidder for cash, under rules and regulations to be prescribed by the Secretary of the Interior, at not less than their appraised value, and in tracts not to exceed six hundred and forty acres to any one person.

Sec. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the lands, shall be expended or paid, as follows: One-half shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the time that this Act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising, and in the education and civilization of said Indians, and the remaining half to be paid to the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the date of the proclamation provided for in section nine hereof, or expended on their account, as they may elect. [Amended and rewritten Act 5/29/08, 35 Stat.448, post p.35. Proceeds, see amendments noted § 9 ante.]

Sec. 15. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency, school, and mission purposes, as provided in sections eight and twelve of this Act, at the rate of one dollar and twenty-five cents per acre; also the sum of seventy-five thousand dollars, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands to enable the Secretary of the Interior to survey the lands of said reservation as provided in section one of this Act.

Sec. 16. That nothing in this Act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township, and the reserved tracts mentioned in section twelve, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received. [Amended by addition of §§17-20, Act of 6/21/06, 34 Stat. at p.354, p.30 post. Addition of §§ 21-22, Act 3/3/09, 35 Stat.795, Approved, April 23, 1904. post p.36. Addition of §§ 23-25, Act 4/12/10, 36 Stat.296, post p.38. Addition of Sec. 26, Act 2/28/19, 40 Stat.1203.]

ch 3, 1905, 33 Stat. 1048, 1080]

CHAP. 1479—An Act Making appropriations for the current contingent expenses of the Indian Department and for fulfilling aty stipulations with various Indian tribes for the fiscal year ing June thirtieth, nineteen hundred and six, and for other pur- es.

* * * *

Sec. 9. That section twelve, chapter fourteen hundred and ety-five, Statutes of the United States of America, entitled, Act for the survey and allotment of lands now embraced within the its of the Flathead Indian Reservation, in the State of Montana, the sale and disposal of all surplus lands after allotment," be, the same is hereby, amended so as to read as follows:

"Sec. 12. That the President may reserve and except from id lands, not to exceed one thousand two hundred and eighty acres, Catholic mission schools, church, and hospital and such other emosynary institutions as may now be maintained by the Catholic urch on said reservation, which lands are hereby granted to those ligious organizations of the Catholic Church now occupying the same, own as the Society of Jesus, the Sisters of Charity of Providence, d the Ursuline Nuns, the said lands to be granted in the following ounts, namely: To the Society of Jesus, six hundred and forty res; to the Sisters of Charity of Providence, three hundred and enty acres, and to the Ursuline Nuns, three hundred and twenty res, such lands to be reserved and granted for the uses indicated ly so long as the same are maintained, used, and occupied by said ganizations for the purposes indicated, except that forty acres of e six hundred and forty acres hereinbefore mentioned as granted to e Society of Jesus are hereby granted in fee simple to said Society Jesus, its successors and assigns: And be it further provided, at the President shall further reserve and except from said lands r the use of the University of Montana for biological station rposes one hundred and sixty acres, which land is hereby granted the State of Montana for the use of the University of Montana. e governor of said State, with the approval of the Secretary of the terior, is hereby authorized to locate said last-mentioned lands.

"The President is also authorized to reserve lands upon the me conditions and for similar purposes for any other missionary or eligious societies that may make application therefor within one ar after the passage of this Act in such quantity as he may deem roper. The President may also reserve such of said lands as may be onvenient or necessary for the occupation and maintenance of any and ll agency buildings, substations, mills, and other governmental

institutions now in use on said reservation, or which may be used or occupied by the Government of the United States."

The President is also hereby authorized to reserve not to exceed five thousand acres of timber lands for the use of said Indians as a fuel supply, under such restrictions and regulations as may be prescribed by the Secretary of the Interior.

[May 31, 1906, 34 Stat. 205]

CHAP 2567.—An Act Making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year nineteen hundred and six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to transfer to the credit of the appropriation "Fees of witnesses, United States courts, nineteen hundred and six," sixty thousand dollars of the unexpended balance of the appropriation "Fees of witnesses, United States courts, nineteen hundred and five," and to the credit of the appropriation "Fees of jurors, United States courts, nineteen hundred and six," thirty thousand dollars of the unexpended balance of the appropriation "Fees of jurors, United States courts, nineteen hundred and five."

To meet the expenses of opening to entry and settlement during the fiscal years nineteen hundred and six and nineteen hundred and seven the ceded lands of the Flathead Indian Reservation in the State of Montana, under Act of April twenty-third, nineteen hundred and four; the Crow Indian Reservation in the State of Montana, under Act of April twenty-seventh, nineteen hundred and four; the Yakima Indian Reservation in the State of Washington, under Act of December twenty-first, nineteen hundred and four; the Shoshone Indian Reservation in the State of Wyoming, under Act of March third, nineteen hundred and five, and such other Indian reservations that may be open to entry and settlement during the fiscal year nineteen hundred and seven, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available during the fiscal year nineteen hundred and seven: Provided, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively: Provided further, That clerks detailed to assist in the opening of said reservations, while on such duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for trans-

portation, including necessary sleeping-car fares.

Approved, May 31, 1906.

[June 21, 1906, 34 Stat. 325, 354]

CHAP. 3504.—An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and seven.

* * * *

FLATHEAD RESERVATION

That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section nine of the Act of March third, nineteen hundred and five (Thirty-third Statutes at Large, page one thousand and forty-eight), be amended by adding the following sections:

"Sec. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than forty acres of said land at or near each of the present settlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than eighty acres at the present settlements of Saint Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

"Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: Provided, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for thepublic sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial

and permanent improvements: Provided further, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: Provided further, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than ten dollars: And provided further, That said lots, when surveyed, shall approximate fifty by one hundred and fifty feet in size.

"Sec. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside one hundred and sixty acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

"That said hot springs and the said one hundred and sixty acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section thirteen of this Act.

"Sec. 19. That nothing in this Act shall be construed to deprive any of said Indians, or said persons or corporations to whom the use of land is granted by the Act, of the use of water appropriated and used by them for the necessary irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed and used by them in the appropriation and use of said water.

"Sec. 20. That there is hereby appropriated, for the survey, appraisement, and sale of said town sites, out of any money in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands:

Provided, That the persons employed or detailed under this appropriation shall be allowed therefrom while on duty a per diem in lieu of subsistence, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares."

For Act 3/1/07, 34 Stat. 1015, 1034, appraisal of lands, see p. 95, post, note 7; for Act 4/30/08, 35 Stat. 70, 83-4, irrigation plans, see p. 95, post, note 8.

[May 28, 1908, 35 Stat. 251, 267]

CHAP. 192.--An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine.

* * *

NATIONAL BISON RANGE: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed twelve thousand eight hundred acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars.

[May 29, 1908, 35 Stat. 444, 448]

CHAP. 216.--An Act To authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

* * * *

Sec. 15. That section nine, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

"Sec. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: Provided, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in section twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: Provided further, That the price of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: Provided, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: And provided, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: Provided, however, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section fourteen of this Act shall in addition to the payment required by section nine of said Act be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen

annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

"All applicants for water rights under the systems constructed in pursuance of this Act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this Act as well as of any moneys already paid thereon.

"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this Act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

"The land irrigable under the systems herein provided, which has been alloted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for cnnstruction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands alloted to Indians shall

bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

"When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect." [Limited Act 5/18/16, 39 Stat. at p.139, post p.46.]

That section fourteen of said Act be, and the same is hereby, amended to read as follows:

"Sec. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike: Provided, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of irrigation system."

For Act of 3/3/09, 35 Stat. 781, 795, disposal of irrigable lands, see p. 95, post, note 9.

[March 3, 1909, 35 Stat. 781, 795]

CHAP. 263.--An Act Making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten.

* * *

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the Act of April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," including the necessary surveys, plans, and estimates, two hundred and fifty thousand dollars, one hundred thousand dollars thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands and timber within said reservation.

That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by the Act of June twenty-first, nineteen hundred and six, and the Act of May twenty-ninth, nineteen hundred and eight, be amended by adding thereto the following sections:

"Sec. 21. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

"Sec. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites, or reservoir sites, and he shall report to Congress such reservations."

That section eleven of the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

"Sec. 11. That all merchantable timber on said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: Provided, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

[March 4, 1909, 35 Stat. 1039, 1051]

CHAP. 301.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and ten.

* * * *

For the maintenance of the Montana National Bison Range and other reservations for mammals and birds, seven thousand dollars; and so much of the forty thousand dollars heretofore appropriated for the Montana National Bison Range as remains unexpended is hereby reappropriated, the same to be immediately available, to be expended in fencing said lands, the erection thereon of the necessary sheds and buildings, and enlarging the limits heretofore established so as to make the total acreage not to exceed twenty thousand acres, and the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a sufficient area to enlarge said range as herein provided;

[April 12, 1910, 36 Stat. 296]

CHAP. 156.—An Act To amend the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey

and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following sections:

"Sec. 23. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed and subdivided into lots of not less than two acres or more than five acres in area all of the unallotted lands fronting on Flathead Lake in the State of Montana, that are embraced within the limits of the Flathead Indian Reservation, whether classified as grazing, agricultural, or timber lands, and may sell same to the highest bidder at public sale subject to the right to reject any and all bids. The proceeds from the sale of said lands, after deducting the expense of the survey and sale thereof, shall be paid into the Treasury and expended as heretofore provided in section fourteen as amended by the Act of May twenty-ninth, nineteen hundred and eight.

"Sec. 24. That where allotments of lands have been made in severalty to said Indians from the lands embraced within the area of said Flathead Indian Reservation, which are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed sixty acres of such individual allotment of land under such terms and conditions of sale as the Secretary of the Interior may prescribe, one-half of the proceeds of the sale of said individual allotment to be paid to the Indian allottee and the remaining half of the proceeds of sale to be held in trust for the said Indian allottee, upon which he shall be paid annually not less than three per centum interest, the remaining principal sum to be paid to said allottee or his heirs when the full period of his trust patent for the remaining lands covered by his allotment shall have expired, or sooner, should the Secretary of the Interior, in his judgment, deem it best for said Indian allottee.

"Sec. 25. That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the surplus unallotted and otherwise unreserved lands of the Flathead Indian Reservation as may be necessary to provide an allotment to each Indian having an allotment on any of the lands set aside and reserved for power or reservoir sites, as authorized by section twenty-two of the Act of March third, nineteen hundred and nine (Thirty-fifth Statutes at Large, page seven hundred and ninety-six), who may relinquish his allotment within such power or reservoir sites.

"And in the event of the failure, neglect, or refusal of any such allottee to relinquish any allotment made to him on any land reserved or necessary for reservoir sites, as aforesaid, the Secretary of the Interior is authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire

title to any and all lands necessary or useful for said reservoir sites that have heretofore been allotted on said Flathead Indian Reservation lands."

Approved, April 12, 1910.

[June 23, 1910, 36 Stat. 592] [Extended to Flathead Irr. Project Act 7/17/14, 38 Stat.510, post pp.43-44.]

CHAP. 357.—An Act Providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the Act of June seventeenth, nineteen hundred and two,* may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said Act of June seventeenth, nineteen hundred and two, may receive from the United States a patent for the lands: Provided, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms and conditions of the reclamation Act. [* Established the Reclamation Fund.]

Approved, June 23, 1910.

[June 25, 1910, 36 Stat. 855, 863]

CHAP. 431.—An Act To provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians for the leasing of allotments, and for other purposes.

* * * *

Sec. 29. That the Secretary of the Interior be, and he is hereby, authorized to classify and appraise, under such rules and regulations as he may prescribe, all of the vacant, unallotted, and unreserved lands of the Flathead Indian Reservation, in the

state of Montana, which have not been classified and appraised as provided for by the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and the classification and appraisement made hereunder shall be of the same effect as provided for in said Act; and the said Secretary is hereby authorized to dispose of all lands classified as "barren," "burned over," and "containing small timber," under such rules and regulations as he may prescribe, at not less than their appraised value.

[March 3, 1911, 36 Stat. 1058, 1066]

CHAP. 210.—An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and twelve.

* * * *

In the issuance of patents for all tracts of land bordering upon Flathead Lake, Montana, it shall be incorporated in the patent that "this conveyance is subject to an easement of one hundred linear feet back from a contour of elevation nine feet above the high-water mark of the year nineteen hundred and nine of Flathead Lake, to remain in the Government for purposes connected with the development of water power." [Amended Act 8/24/12, 37 Stat. at p.27, post p.43.]

[June 6, 1912, 37 Stat. 125]

CHAP. 155. —An Act Authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the Act or Acts opening such reservations to settlement and entry, or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous.

Approved, June 6, 1912.

[August 9, 1912, 37 Stat. 265] [Extended to Flathead Irr. Project, Act 7/17/14, 38 Stat.510, post pp.43-44.]

CHAP. 278.—An Act Providing for patents on reclamation entries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead entryman under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: Provided, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

Sec. 2. That every patent and water-right certificate issued under this Act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with eight per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: Provided, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

Sec. 3. That upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance: Provided, That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water right application shall have been made under the said reclamation Act of June seventeenth, nineteen hundred and two, and Acts supplementary thereto and amendatory thereof, before final payment in full of all instalments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this Act.

Sec. 4. That the Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation Act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section eight hundred and eighty-eight of the Revised Statutes.

Sec. 5. That jurisdiction of suits by the United States for the enforcement of the provisions of this Act is hereby conferred on the United States district courts of the districts in which the lands are situated.

Approved, August 9, 1912.

[August 24, 1912, 37 Stat. 518, 526, 527]

CHAP. 388.—An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and thirteen.

* * *

There is hereby appropriated the sum of forty thousand dollars, to remain available until expended, and the Secretary of the Interior is hereby authorized and empowered to use said money, or so much thereof as may be necessary, in the erection of buildings for agency purposes on the Flathead Indian Reservation in Montana; for the purchase of lands therein for an agency site not to exceed eighty acres if such is deemed by the Secretary of the Interior to be necessary for the proper location of such agency; for the expenses of the removal of the agency to the new site selected; and for the protection and repair of any other buildings required for the efficient conduct of the affairs of the Flathead Indians in Montana: Provided, that the entire sum expended hereunder for the purposes herein mentioned shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

* * *

That so much of the Act of Congress approved March third, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page one thousand and sixty-six), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Montana, be, and the same hereby is, amended to read as follows: "That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Montana, which lie below an elevation of nine feet above the high-water mark of said lake for the year nineteen hundred and nine, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation."

[July 17, 1914, 38 Stat. 510]

CHAP. 143.—An Act To extend the provisions of the Act of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and ninety-two), authorizing assignment of reclamation homestead entries, and of the Act of August ninth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page two hundred and sixty-five), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and ninety-two), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the Act of August ninth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page two hundred and sixty-five), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Montana, but such lands shall otherwise be subject to the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), as amended by the Act of Congress approved May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-eight): Provided, That the lien reserved to the United States on the land patented, as provided for in section two of said Act of August ninth, nineteen hundred and twelve, shall include all sums due or to become due to the United States on account of the Indian price of such lands.

Approved, July 17, 1914.

[August 1, 1914, 38 Stat. 582]

Chap. 222.—An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fifteen.

* * *

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the Act of June twenty-fifth, nineteen hundred and ten, $335,000, to remain available until expended: Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this Act or for which public funds are or may be available under any other Act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be

a skilled irrigation engineer, $2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of $3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, $4,200; in all, $345,700: Provided also, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field-cost accountant, may be employed: Provided further, That the proceeds of sales of material utilized for temporary work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation; and for lands irrigable under any such system or 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 heretofore or hereafter 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 hereby 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, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a resume of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June thirtieth of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project: Provided further, That in addition to what is herein required there shall be submitted to Congress on the first Monday in December, nineteen hundred and fourteen, as to the Uintah, Shoshone, Flathead, Blackfeet, and Fort Peck Reclamation projects, a report showing the status of the water rights of the Indians and the method of financing said projects, together with such other information as the Secretary of the Interior may deem necessary for a full and complete understanding of all the facts and conditions in connection therewith.

[March 4, 1915, 38 Stat. 1188, 1189]

CHAP. 161.--An Act To authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska and on Indian Reservations in Montana.

* * *

SEC. 2. That the legal authorities charged with the duty of laying out and opening public roads and highways under the laws of the State of Montana, having jurisdiction over any territory embraced within any Indian reservation in Montana, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Montana relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road: Provided, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road, and no such road shall be laid out until after it has received the approval of such superintendent.

Approved, March 4, 1915.

May 18, 1916, 39 Stat. 123, 139]

CHAP. 125.—An Act Making appropriations for the current and contingent expenses of the Bureau of Indians Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and seventeen.

* * *

For the purchase of a strip of land containing sixteen acres, more or less, laying between the Flathead River and the Flathead Indian Agency reserve, Montana, for an addition to said reserve, $320, and said amount shall be reimbursed to the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

That lands on the Flathead Indian Reservation in Montana valuable for agricultural or horticultural purposes, heretofore classified as timber lands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisement of the land itself is made, such payment to be in addition to the appraised price of the lands apart from the timber.

For continuing construction of the irrigation systems on the Flathead Indian Reservation, in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended: Provided, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section nine, chapter fourteen hundred ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section fifteen of the Act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-eight), shall be made as herein provided: Provided further, That nothing contained in the Act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-four), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with

the public notices herein provided for, or to relieve the owners of any or all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

* * *

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: Provided further, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservation in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the

remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: Provided, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: Provided further, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: Provided, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: Provided further, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such

notices as may be necessary to carry into effect the provisions of this Act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: Provided, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

[June 27, 1918, 40 Stat. 616]

CHAP. 106.—An Act To authorize the Secretary of the Interior to issue a deed to G. H. Beckwith for certain land within the Flathead Indian Reservation, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey by deed, at the appraised price, to G. H. Beckwith, two certain tracts of land in the Flathead Indian Reservation and town of Saint Ignatius, Montana, lying in the southeast quarter of the southeast quarter of section fourteen, township eighteen north, range twenty west, Montana principal meridian, separated by a public highway sixty feet wide, and described as follows: The point of beginning "A" of the first tract is south eighty-nine degrees and forty-six minutes west four hundred and sixty-three and one-tenth feet from the 1/128 corner found in place on the east line of said section fourteen and north eighty-nine degrees and forty-six minutes east thirty-three feet from a 1/128 corner, which in turn is north no degrees and twenty-two minutes west eight hundred and twenty-six and seven-tenths feet from a 1/128 corner found in place on the south line of said section fourteen. Thence from point of beginning "A" north no degrees and twenty-two minutes west fifteen and eight-tenths feet to "B," thence north fifty-six degrees and thirty-seven minutes west three hundred and seventy-seven and six-tenths feet to "K," thence south no degrees and twenty-two minutes east four hundred and sixty-two and eight-tenths feet to "L," thence north eighty-nine degrees and thirty-five minutes east three hundred and fourteen and three-tenth feet to "Z," thence north no degrees and twenty-two minutes west two hundred and thirty-seven and two-tenths feet to the point of beginning, "A," and containing two and fifty-eight one-hundredths acres. The point of

beginning "C" of the second tract is north no degrees and twenty-two minutes west eighty-eight feet from the point of beginning "A" of the first tract, thence north fifty-six degrees and thirty-seven minutes west two hundred and ninety-eight feet to "D," thence north thirty-one degrees and ten minutes west one hundred and thirty feet to "F," thence north fifty-eight degrees and fifty minutes east ninety-six feet to "H," thence south forty-five degrees and thirty-three minutes east one hundred and fifteen feet to "J," thence south sixty-five degrees and six minutes east two hundred and sixty-four and two-tenths feet to "E," thence south thirty-three degrees and twenty-three minutes west one hundred and sixty feet to the point of beginning "C," and containing one and twenty one-hundredths acres: Provided, That the land in said tracts shall at no time be used for the sale of intoxicating liquors, and should it be so used, the title to the same shall revert to the Government of the United States and all payments made thereon shall be forfeited: Provided further, That whatever business is conducted on this tract shall be under Government supervision as at present, and shall continue under such supervision so long as the United States Government retains control over the Flathead Indians at this point.

Approved, June 27, 1918.

[January 7, 1919, 40 Stat. 1053]

CHAP. 5.—An Act To authorize the sale of certain lands to school district numbered twenty-eight, of Missoula County, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to school district numbered twenty-eight, of Missoula County, Montana, the southwest quarter of the southwest quarter of the southeast quarter of section thirty-six, township twenty-one north, range twenty west, on the Flathead Indian Reservation, in Montana, or so much thereof as may be required, for public school purposes, under such terms and regulations as he may prescribe, at not less than its appraised value; and the net proceeds from the sale of said land shall be deposited in the Treasury of the United States to the credit of the Flathead Indians, to draw interest at the rate now provided by law, and to be used for the benefit of the Indians on the Flathead Indian Reservation: Provided, That the patent therefor shall contain the condition that Indian children, residing in the said school district numbered twenty-

right, shall at all times be admitted to the privilege of attendance and instruction on equality with white children.

Approved, January 7, 1919.

[February 28, 1919, 40 Stat. 1203]

CHAP. 71.--An Act To provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following section:

"Sec. 26. That the Secretary of the Interior be, and he hereby is, authorized and directed to designate as valuable for stock-watering purposes such of the unallotted and unreserved lands of the Flathead Indian Reservation, which border on streams, as may be subject to settlement and disposal under sections nine and thirteen of this Act. Lands so designated shall be disposed of under the terms of this Act, subject to the condition, which shall be expressed in all patents issued for lands so designated, that existing trails crossing said land shall be kept open to the extent necessary to provide access for live stock to streams adjacent to said lands. The Secretary of the Interior is authorized and directed to perform all acts necessary to the enforcement of this condition."

Approved, February 28, 1919.

For Act 2/14/20, 41 Stat. 408, lieu selection Montana State lands, see p. 98, post, note 17.

[February 25, 1920, 41 Stat. 452]

CHAP. 87.--An Act for the relief of certain members of the Flathead Nation of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the

period of one year from and after the approval of this Act the Secretary of the Interior is hereby authorized, under existing law and under such rules and regulations as he may prescribe, to make allotments on the Flathead Reservation, Montana, to all unallotted, living children enrolled with the tribe, enrolled or entitled to enrollment: Provided, That such allotments be made from any unallotted or unsold lands within the original limits of the Flathead Indian Reservation, including the area now classified and reserved as timber lands, cut-over lands, burned or barren lands thereon; and patents issued for allotments hereunder for any lands from which such timber has not been cut and marketed, shall contain a clause reserving to the United States the right to cut and market, for tribal benefit, as now authorized by law, the merchantable timber on the lands so allotted: Provided further, That when the merchantable timber has been cut from any lands allotted hereunder, the title to such timber as remains on such lands will thereupon pass to the respective allottees, and the Secretary of the Interior is hereby directed to withhold from sale or entry all lands unsold and unentered within the said reservation at the date of the passage of this Act until allotments hereunder have been completed: Provided further, That not exceeding forty acres of each allotment made under the provisions of this Act shall be designated as a homestead which shall be inalienable and nontaxable during the minority of the allottee, and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior. [Amended 6/16/50, 64 Stat.229, post p.79.]

Approved, February 25, 1920.

For Act 3/3/21, 41 Stat. 1225, 1236, claims for sale of patented lands, see p. 98, post, note 18.

[March 13, 1924, 43 Stat. 21]

CHAP. 54.--An Act For the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine all legal and equitable claims against the United States of the Blackfeet, Blood, Piegan, and Gros Ventre Nations or Tribes of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana; and the Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians, residing upon the Flathead Indian Reservation, in the State of Montana; and the Nez Perce Nation or Tribe of Indians, residing upon the Lapwai Indian Reservation, in the State of Idaho; and upon the Colville Indian

Reservation, in the State of Washington, for lands or hunting rights claimed to be existing in all said nations or tribes of Indians by virtue of the treaty of October 17, 1855 (Eleventh Statutes at Large, page 657, and the following), and in said Flathead, Kootenais and Upper Pend d'Oreilles Nations or Tribes of Indians by virtue of the Treaty of July 16, 1855 (Twelfth Statutes at Large, page 975, and the following), with said Indians, and all claims arising directly therefrom, which lands and hunting rights are alleged to have been taken from the said Indians by the United States, and also any legal or equitable defenses, set-offs, or counterclaims, including gratuities, which the United States may have against the said nations or tribes, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time; and the final judgment and satisfaction thereof shall be in full settlement of all said claims.

That suits under this Act shall be begun by the filing of a petition within two years of the date of the approval of this Act, to be verified by the attorney or attorneys selected by the claimant Indians, with the approval of the Secretary of the Interior, employed under contracts executed and approved in accordance with existing law. The claimant Indians shall be parties plaintiff and the United States shall be party defendant, and such suits shall on motion of either party be advanced on the docket of the Court of Claims and of the Supreme Court of the United States. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims in accordance with terms of the said approved contracts and shall be paid out of any sum or sums found and adjudged to be due said Indians: But in no event shall said compensation exceed 10 per centum of the amount of the respective judgments, nor exceed $25,000 for the Indians residing on each respective reservation: Provided, however, That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville Indian Reservations, nor exceed 10 per centum of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe, said compensation to be exclusive of all actual and necessary expenses in prosecuting said suits. The balance of any such judgments shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto and draw interest at the rate of 4 per centum per annum.

Approved, March 13, 1924.

[May 31, 1924, 43 Stat. 246]

CHAP. 215.—An Act To provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Montana.

Memo letter to Slowe to write Jan 7-1962

43 Stat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby authorized to add to the final roll of the Indians of the (Jocko) Flathead Indian Reservation, Montana, approved January 22, 1920, under the Act of May 25, 1918 (Fortieth Statutes, page 591), and the Act of June 30, 1919 (Forty-first Statutes, page 9), the names of the following persons, descendants of the Confederated Flathead Tribes of Indians: Lucy Contesto, Mary Sophie Contesto, Clifford Gendron, Adolph Squeque, Peter Joseph Chalwain, Dennis McLeod, Margaret Louise Ashley, Veona Carlson, Lois May Houle, Norbert Marage, Eva Matilda Matt, Eneas Isadore Woodcock, Wilton Sidney Worley, Harry Leon Beauchaine, Henry Louzeau, and Louise Isaac.

The Secretary of the Interior is also authorized to pay to each of the persons named a sum equal to that heretofore paid per capita to those whose names were on the approved roll, such payments to be made from any tribal funds in the Treasury to the Credit of the Flathead Indians.

Approved, May 31, 1924.

[May 10, 1926, 44 Stat. 453, 464]

CHAP. 277.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

FLATHEAD COUNTY LIBRARY
KALISPELL, MONTANA

* * * *

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, $575,000: Provided, That of the total amount herein appropriated not to exceed $15,000 shall be available for operation and maintenance of the project, the balance to be available for the construction items hereinafter enumerated in not to exceed the following amounts: Pablo Feed Canal enlargement, $100,000; Moiese Canal enlargement, $15,000; South Side Jocko Canal, $40,000; Hubbart Feed Canal, $7,500; Camas A Canal, $2,500; Continuing construction of power plant, $395,000, of which sum $15,000 shall be immediately available for additional surveys and preparation of plans: Provided further, That no

part of this appropriation, except the $15,000 herein made immediately available, shall be expended on construction work until an appropriate repayment contract, in form approved by the Secretary of the Interior, shall have been properly executed by a district or districts organized under State law embracing the lands irrigable under the project, except trust patent Indian lands, which contract, among other things, shall require repayment of all construction costs heretofore or hereafter incurred on behalf of such lands, with provision that the total construction cost on the Camas Division in excess of the amount it would be if based on the per acre construction cost of the Mission Valley Division of the project, shall be held and treated as a deferred obligation to be liquidated as hereinafter provided. Such contract shall require that the net revenues derived from the operation of the power plant herein appropriated for shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas Division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the entire project; and fourth, to liquidate operation and maintenance costs within the entire project. Provision shall also be contained therein requiring payment of operation and maintenance charges annually in advance of each irrigation season and prohibit the granting of a water right to or the use of water by any individual for more than one hundred and sixty acres of land irrigable under constructed works within the project after the Secretary of the Interior shall have issued public notice in accordance with the Act of May 18, 1916 (Thirty-ninth Statutes at Large, pages 123-130); all lands, except lands owned by individual Indians, at the date of public notice in excess of one hundred and sixty acres not disposed of by bona fide sale within two years after said public notice shall be conveyed in fee to the United States free of encumbrance to again become a part of the public domain under contract between the United States and the individual owners at the appraised price fixed at the instance of the Secretary of the Interior, such amount to be credited in reduction of the construction charge against the land within the project retained by such owner. All lands so conveyed to the United States shall be subject to disposition by the Secretary of the Interior in farm units at the appraised price, to which shall be added such amount as may be necessary to cover any accruals against the land and other costs arising from conditions and requirements prescribed by said Secretary: Provided further, That trust patent Indian lands shall not be subject to the provisions of the law of any district created as herein provided for

but shall, upon the issuance of fee patent therefor, be accorded the same rights and privileges and be subject to the same obligations as other lands within such district or districts: Provided further, That all construction, operation, and maintenance costs, except such construction costs on the Camas Division held and treated as a deferred obligation herein provided for, on this project shall be, and are hereby, made a first lien against all lands within the project, which lien upon any particular farm unit shall be released by the Secretary of the Interior after the total amount charged against such unit shall have been paid, and a recital of such lien shall be made in any instrument issued prior to such release by the said Secretary. The contracts executed by such district or districts shall recognize and acknowledge the existence of such lien: Provided further, That pending the issuance of public notice the construction assessment shall be at the same rate heretofore fixed by the Secretary of the Interior, but upon issuance of public notice the assessment rate shall be 2 1/2 per centum per acre, payable annually, in addition to the net revenues derived from operations of the power plant as hereinbefore provided, of the total unpaid construction costs at the date of said public notice: Provided further, That the public notice above referred to shall be issued by the Secretary of the Interior upon completion of the construction of the power plant.

[January 12, 1927, 44 Stat. 934, 945]

CHAP. 27.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes.

* * *

Flathead irrigation project, Montana: For operation and maintenance, $25,000, to be immediately available: Provided, That of the unexpended balance of the appropriation for this project for the fiscal year 1927 there is hereby reappropriated and made available for the fiscal years 1927 and 1928, $40,000 for construction of the South Side Jocko Canal, available when the Jocko irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions provided for a contract in the appropriation for

this project for the fiscal year 1927: Provided further, That of said unexpended balance there is hereby reappropriated and made available for the fiscal years 1927 and 1928 not to exceed the following amounts: Pablo Feed Canal enlargement, $100,000; Moiese Canal enlargement, $15,000; Hubbart Feed Canal, $7,500; Camas A Canal, $2,500; available when the Flathead irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions provided for a contract in the appropriation for this project for the fiscal year 1927: And provided further, That the remainder of the unexpended balance of the appropriation for this project for the fiscal year 1927 shall at once become available, and remain available for the fiscal years 1927 and 1928, for continuing construction of power plant when an appropriate repayment contract, in form approved by the Secretary of the Interior, and which, except as hereinafter provided, contains the provisions set forth for such a contract in the appropriation for this project for the fiscal year 1927, shall have been executed by a district or districts organized under State law embracing not less than eighty thousand acres of the lands irrigable under the project: And provided further, Any contract provided for in this paragraph shall require that the net revenues derived from operation of the power plant shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas Division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the district or districts contracting; and fourth, to liquidate operation and maintenance costs within such district or districts. [Amended 3/7/28, 45 Stat.212, post p.58.]

[March 7, 1928, 45 Stat. 200, 212]

CHAP. 137.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

* * *

Flathead irrigation project, Montana: The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Montana, contained in the Act of May 10, 1926 (Forty-fourth Statutes at Large, pages 464-466), as continued available

in the Act of January 12, 1927 (Forty-fourth Statutes at Large, page 945), shall remain available for the fiscal year 1929, subject to the conditions and provisions of said Acts: Provided, That the unexpended balance of the $395,000 available for continuation of construction of a power plant may be used, in the discretion of the Secretary of the Interior, for the construction and operation of a power distributing system and for purchase of power for said project but shall be available for that purpose only upon execution of an appropriate repayment contract as provided for in said Acts: Provided further, That the net revenues derived from the operation of such distributing system shall be used to reimburse the United States in the order provided for in said Acts: Provided further, That the Federal Power Commission is authorized in accordance with the Federal Water Power Act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the development of power, of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects: Provided further, That rentals from such licenses for use of Indian lands shall be paid the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per centum: Provided further, That the public notice provided for in the Act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: Provided further, That in his discretion the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary, the charges now due so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary with interest payable annually at the rate of 6 per centum per annum until paid: Provided further, That not more than $35,000 of said reappropriated balance of $395,000 shall be immediately available for operation and maintenance, and $75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said Acts. [Amended Act 3/4/29, 45 Stat. at p.1639, post p.60]

[March 4, 1929, 45 Stat. 1562, 1574]

CHAP. 705.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

* * * *

The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Montana, contained in the Act of May 10, 1926 (44 Stat., pp. 464-466), as continued available in the Act of January 12, 1927 (44 Stat., p. 945), and the Act of March 7, 1928 (45 Stat., p. 212), shall remain available for the fiscal year 1930, subject to the reimbursable and other conditions and provisions of said Acts: Provided, That not more than $10,000 of the unexpended balance of $395,000 made available by the Act of March 7, 1928 (45 Stat., p. 212), for the construction of a power distributing system and for purchase of power, or for construction of power plant, shall be available for operation and maintenance, and $40,000 shall be available for construction of laterals near Ronan.

[March 4, 1929, 45 Stat. 1623, 1639]

CHAP. 707.—An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

* * * *

Flathead irrigation project, Montana: Not exceeding $220,000 of the unexpended balance of the appropriation of $395,000 made available by the Interior Department appropriation Act for the fiscal year 1929 for the construction and operation of a power-distributing system and for purchase of power for said project, may be used, in the discretion of the Secretary of the Interior, during the fiscal years 1929 and 1930, for the purposes and in the amounts specified, as follows: $10,000, for betterment work on Camas A. Canal; $25,000, for lateral extensions and replacement of wooden structures in the Mission Valley; $45,000, for completion of the Dry Creek Canal; $40,000, for part enlargement of Taber

Reservoir; and $100,000, for part construction of Kicking-horse Reservoir, of which sum not to exceed $15,000 may be used for classification of land in the Flathead irrigation project: Provided, That any portion remaining under such unexpended balance (after the diversions hereinbefore made) and applicable during the fiscal years 1929 and 1930 to the construction of power transmission lines and the purchase of power shall be available if and when license for the development of power on the Flathead River shall have been issued by the Federal Power Commission as provided in the Act of March 7, 1928 (45 Stat., pp. 212, 213): Provided further, That the Secretary of the Interior, in lieu of collecting past-due and unpaid construction charges with interest as provided in the Act of March 7, 1928 (45 Stat., p. 213), shall, in determining the construction costs to be fixed in the public notice specified in said Act and in the repayment contract, include the amounts due on account of said past-due construction charges in the construction costs chargeable against the respective units or legal subdivisions upon which the same are now a lien: Provided further, That the Federal Power Commission in issuing any permits or licenses for the development of power or power sites on the Flathead Indian Reservation in the State of Montana, as authorized by the Act of March 7, 1928 (45 Stat., pp. 212, 213), is hereby authorized and directed to waive payment of the usual administrative fees or commissions charged under existing laws relating to or under regulations of said Federal Power Commission in the issuance of any such permits or licenses.

[May 14, 1930, 46 Stat. 279, 291]

CHAP. 273.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes.

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $15,000; for continuation of construction, Camas A Betterment, $12,000; to complete construction Kicking Horse Reservoir, $100,000; Nine Pipe Feed Canal structures, $15,000; to complete Nine Pipe Reservoir, $5,000; Twin Reservoir, $30,000; lateral systems betterment, $25,000; miscellaneous engineering, surveys and examinations, $15,000; headquarters buildings, $15,000; for construction or purchase of a power distributing system or for construction of a power plant, $40,000; in all, $272,000: Provided, That the unexpended balance of the appropriations for continuing

construction of this project now available shall remain available for the fiscal years 1930 and 1931 for such construction or purchase of a power-distributing system or for construction of a power plant: Provided further, That in addition to the amounts herein appropriated for such construction or purchase of a power-distributing system or for construction of a power plant, the Secretary of the Interior may also enter into contracts for the same purposes not exceeding a total of $200,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for such purposes shall be considered available for the purpose of discharging the obligation so created: Provided further, That the funds made available herein for continuation of construction shall be subject to the reimbursable and other conditions and provisions of said Acts: And provided further, That upon execution by the Jocko and Mission Districts of repayment contracts in pursuance to existing law, the operation and maintenance charges for those districts for the irrigation season of 1930 shall be covered into construction costs.

[February 14, 1931, 46 Stat. 1115,1127]

CHAP. 187.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

* * * *

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $18,000; for continuation of construction, Camas A betterment, $10,000; beginning construction of Lower Crow Reservoir, $90,000, together with the unexpended balance of the appropriation for completing the Kicking Horse Reservoir contained in the Interior Department Appropriation Act for the fiscal year 1931; beginning Pablo Reservoir enlargement, $85,000; lateral systems betterment, $25,000; miscellaneous engineering, surveys and examinations, $5,000; purchase of reservoir and camp sites, $55,000; for the construction or purchase of a power distributing system, $50,000; in all $338,000: Provided, That the unexpended balance of the appropriations for continuing construction of this project now available shall remain available for the fiscal year 1932 for such construction or purchase of a power-distributing system: Provided further, That in addition to the amounts herein appropriated for such construction or purchase of a power-distributing system, the Secretary of the Interior may also enter into contracts for the same purposes not exceeding a total of $200,000, and his action in so doing shall be deemed a contractual obligation of the Federal

Government for the payment of the cost thereof and appropriations hereafter made for such purposes shall be considered available for the purpose of discharging the obligation so created: Provided further, That the funds made available herein for continuation of construction shall be subject to the reimbursable and other conditions and provisions of said Acts: Provided further, That in any district in this project, which has or may hereafter execute a repayment contract in pursuance of existing law, the first payment of construction charges may in the discretion of the Secretary of the Interior be required in the calendar year 1935, but in any event the total repayment of such construction charges shall be required in not more than forty years from the date of public notice heretofore given: And provided further, That upon execution by the Jocko and Mission districts of repayment contracts in pursuance to existing law, the operation and maintenance charges for those districts for the irrigation season of 1931 shall be covered into construction costs.

[March 4, 1931, 46 Stat. 1552, 1567]

CHAP. 522.—An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

* * * *

Irrigation systems, Flathead Reservation, Montana (reimburseable): For an additional amount for the construction and/or purchase of a power distributing system for the use of the Flathead irrigation project, Montana, fiscal years, 1931 and 1932, $200,000 in lieu of the contract authorizations of $200,000 for this purpose contained in the Interior Department Appropriation Acts for the fiscal years 1931 and 1932.

[April 22, 1932, 47 Stat. 91, 101]

CHAP. 125.—AN ACT Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1933, and for other purposes.

* * *

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $12,000; for continuation of construction Camas A betterment, $2,000; completing cnnstruction of Lower Crow Reservoir $135,000, together with the unexpended balance of the appropriations for cnntinuing construction of the Flathead irrigation system contained in the Interior Department Appropriation Act for the fiscal year 1932; continuing Pablo Reservoir enlargement, $80,000; lateral systems betterment, $20,000; miscellaneous engineering, surveys, and examinations, $5,000; in all, $254,000: Provided, That the funds made available herein for continuation of construction shall be subject to the reimbursable and other conditions and provisions of said Acts: Provided further, That upon execution by the Jocko district of repayment contract in pursuance to existing law, the operation and maintenance charges for such district for the irrigation season of 1932 shall be covered into construction costs.

[February 17, 1933, 47 Stat. 820, 830]

CHAP. 98.—AN ACT Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1934, and for other purposes.

* * *

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $12,000; * * * Provided, That the unexpended balance of the appropriation of $55,000 contained in the Interior Department Appropriation Act, fiscal year 1932 (46 Stat., p. 1127), for purchase of sites for reservoirs, construction headquarters and administrative uses, is hereby made available for the same purpose until June 30, 1934: Provided further, That (with the consent of the irrigation districts on the Flathead irrigation project which have executed repayment cnntracts with the United States as required by law) the Secretary of the Interior may modify the terms of such contracts by requiring the operation and maintenance charges (not heretofore carried into construction costs and dealt with in the Act of March 7, 1928 (45 Stat., pp. 212-213)) to be paid over the same period of years and in like manner as the construction costs are to be paid under the terms of the

public notice issued by such Secretary on November 1, 1930, as amended April 20, 1931: Provided further, that the first installment of such operation and maintenance charges shall be due and payable on the same date as the first installment of construction charges is due and payable, where modifications of the contracts are made pursuant hereto.

[May 9, 1935, 49 Stat. 176, 187]

CHAP. 101.—An Act Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1936, and for other purposes.

* * *

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $12,000, reimbursable, together with $110,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934: Provided, That (with the consent of the irrigation districts of the Flathead irrigation project which have executed repayment contracts with the United States as required by law) the Secretary of the Interior may modify the terms of such contracts by requiring the operation and maintenance charges (not heretofore carried into construction costs and which were dealt with in the Act of March 7, 1928 (45 Stat., pp. 212-213)), and those accruing subsequent to March 7, 1928, which were due and unpaid at the time of execution of repayment contract, to be paid over the same period of years and in like manner as the construction costs are to be paid under the terms of the public notice issued by such Secretary on November 1, 1930, as amended April 20, 1931: Provided, That no interest rate shall be charged from and after the date of the passage of this Act: Provided further, That the first installment of such operation and maintenance charges shall be due and payable on the same date as the first installment of construction charges is due or may be due and payable, where modifications of the contracts are made pursuant hereto: Provided further, That the first installment of construction costs shall be due and payable in December 1938 instead of the date now fixed: Provided further, That the operation and maintenance costs assessable against the Jocko Valley irrigation district for the calendar year of 1935 shall be carried into the construction costs and shall be payable as other construction costs.

[June 7, 1935, 49 Stat. 328]

CHAP. 191.--An Act to provide funds for cooperation with Joint School District Numbered 28, Lake and Missoula Counties, Montana, for extension of public-school buildings to be available to Indian children of the Flathead Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $100,000 for the purpose of cooperating with Joint School District Numbered 28, Lake and Missoula Counties, Montana, for the extension and improvement of public-school buildings, namely, at Arlee in the sum of $40,000, at Roman in the sum of $30,000, and at St. Ignatius in the sum of $30,000: Provided, That the expenditure of any money so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the Flathead Indian Reservation, Montana, on the same terms, except as payment of tuition, as other children of said school district: Provided further, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

[April 4, 1938, 52 Stat. 193]

CHAP. 63.--An Act To authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: Provided, That no lands so leased shall be eligible for benefit payments under the crop control program, or the

soil conservation act: Provided further, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules, regulations, and laws as govern his administration of the public domain as far as applicable, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of ten years: Provided further, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: Provided further, That where tribal lands of any Indian tribe organized under section 16 of the Act of June 18, 1934 (48 Stat. 984), have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes.

Approved, April 4, 1938.

[August 5, 1939, 53 Stat. 1221]

CHAP. 483.—Joint Resolution To approve the action of the Secretary of the Interior deferring the collection of certain irrigation construction charges against lands under the San Carlos and Flathead Indian irrigation projects.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with the Act of June 22, 1936, the action of the Secretary of the Interior in deferring such charges under said irrigation projects is hereby approved.

Approved, August 5, 1939.

[June 24, 1946, 60 Stat. 302]

CHAP. 460.—An Act To provide for the disposition of tribal funds of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, in the United States Treasury, shall be available for such purposes as may be designated by the tribal council of said tribe and approved by the Secretary of the Interior: Provided, That any expenditures so designated and approved shall be in accordance with the provisions of the tribal constitution and charter.

Approved June 24, 1946.

[July 30, 1946, 60 Stat. 715]

CHAP. 701.—An Act Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, subject to review by the Supreme Court of the United States on writ of certiorari as in other cases, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims of whatsoever nature which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation of Montana, or any tribe or band thereof, may have against the United State.

Sec. 2. That suit or suits under this Act may be instituted by the Confederated Salish and Kootenai Tribes of Indians, or any tribe or band thereof, either separately or jointly, as party or parties plaintiff, against the United States as party defendant, by filing within five years after the approval of this Act a petition or petitions in the Court of Claims and serving with respect to each suit a copy thereof on the Attorney General of the United States, who, either in person or by some attorney from the Department of Justice to be designated by him, shall appear and defend the interests of the United States. Such petition or petitions shall set

forth the facts upon which the claim or claims for recovery is or are based and shall be verified by the attorney or attorneys employed by said Indians, under contract approved in accordance with existing law, to prosecute said claims, which may be made upon information and belief, and no other verification shall be necessary. The petition or petitions shall be subject to amendment at any time prior to final submission of the case to the Court of Claims. Such petition or petitions may, in addition to alleging specific claims, demand a general accounting of all funds and property expended or used by the United States for the account of said Indians, in which event the General Accounting Office shall within a reasonable time from date of filing said petition or petitions make a complete audit of said accounts, and, in addition to the usual copies furnished the Attorney General, shall furnish a copy thereof to the attorney or attorneys for said Indians; and the court, after full hearing, shall state the account and render judgment in accordance therewith.

Sec. 3. That at the trial of any suit instituted hereunder the court shall settle and determine the rights therein, both legal and equitable, of said Indians against the United States, notwithstanding lapse of time or statutes of limitation. In the determination of the validity of any claim asserted or defense interposed hereunder, the court shall have the full power and authority of a court of equity.

Sec. 4. That the court shall have authority, by proper orders and process, to make parties to any suit or suits instituted hereunder any other tribe, band, or group of Indians deemed by it necessary or proper to a final determination of the matters in controversy.

Sec. 5. That in any suit instituted hereunder any letter, paper, document, map, or record in the possession of any officer or department of the United States (or certified copies thereof) may be used in evidence, and the departments of the Government of the United States shall give full and free access to the attorney or attorneys for said Indians to such letters, papers, documents, maps, or records as may be useful to said attorney or attorneys in the preparation for trial or trials of such suit or suits.

Sec. 6. That no payment or payments which have been made by the United States upon any claim or claims asserted in any suit brought hereunder, or expended for any of the said Indians, shall operate as an estoppel against any suit brought hereunder, but there shall be set off against any recovery obtained by said Indians hereunder any payment made

by the United States on any claim asserted by said Indians, together with such gratuity expenditures as are directed to be set off by the Act of Congress, approved August 12, 1935 (49 Stat. 596): Provided, That no moneys expended for the benefit of said Indians under the Wheeler-Howard Act, approved June 18, 1934 (48 Stat. 984), shall be applicable as set-offs.

Sec. 7. That upon the final determination of any suit or suits instituted hereunder, the Court of Claims, in the event of judgment for said Indians shall determine such fees or compensation to be paid the attorney or attorneys as said court shall find reasonable or equitable, and in addition thereto such actual and necessary expenses as shall have been incurred by the attorney or attorneys in the prosecution of said claims. In no case shall the fees or compensation decreed by said Court of Claims be in excess of the amount stipulated in the contract or contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and in no event to exceed 10 per centum of the amount of the recovery, and shall be paid out of any money appropriated by Congress for the benefit of said Indians pursuant to any judgment hereunder.

Sec. 8. That the amount of any judgment recovered for said Indians, less attorneys' fees and expenses, shall be placed to the credit of said Indians in the Treasury of the United States and shall draw interest at the rate of 4 per centum per annum from date of judgment and shall thereafter be subject to appropriation by Congress and used for the benefit of said Indians, including, but without limitations, the purchase of lands, livestock, farming implements, erection of buildings and improvements, and for productive enterprises, with the approval of the Secretary of the Interior and the consent of said Indians.

Approved July 30, 1946.

[July 26, 1947, 61 Stat. 494]

Chap. 340.—An Act To authorize the Secretary of the Interior to defer the collection of certain irrigation construction charges against lands under the Flathead Indian irrigation project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of the Act entitled "An Act to authorize the Secretary of the Interior to investigate and adjust irrigation charges on irrigation lands within projects on Indian reservations, and for other purposes", approved

June 22, 1936 (49 Stat. 1803), the Secretary of the Interior is authorized and directed to defer the collection of irrigation construction charges on the Flathead Indian irrigation project until January 1, 1949.

Approved July 26, 1947.

[May 20, 1948, 62 Stat. 248]

CHAP. 325.—An Act To authorize the sale of certain individual Indian land on the Flathead Reservation to the State of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clara Keenan Dumontier, a Flathead Indian, is hereby authorized to sell and convey to the State of Montana the following-described tract of land held by the United States in trust for her under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), said conveyance to be made by an appropriate warranty deed approved by the Secretary of the Interior or his authorized representative: A tract of land in the north half of the southwest quarter, section 1, township 16 north, range 20 west, Montana principal meridian; more particularly described as follows: Beginning at the southwest corner of the said north half southwest corner, section 1, thence from the said point of beginning northerly along the west line of the said point of beginning northerly along the west line of the said section 1, two hundred and fourteen and five-tenths feet, to a point; thence south eighty degrees forty-eight minutes east one thousand three hundred and forty and five-tenths feet, to a point, on the south line of the said north half of the southwest quarter, section 1; thence westerly along the south line of the said north half of the southwest quarter, section 1, one thousand three hundred and twenty-three and three-tenths feet, to the said point of beginning, containing three and twenty-six hundredths acres, more or less.

Approved May 20, 1948.

[May 25, 1948, 62 Stat. 269]

An Act To provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the repayment to the United States of all reimbursable costs heretofore or hereafter incurred for the construction of the irrigation and power systems of the Flathead Indian irrigation project in Montana (hereinafter called the project), including such operation and maintenance costs as have been covered into construction costs under the Act of March 7, 1928 (45 Stat. 200, 212-213), and supplemental Acts, and including the unpaid operation and maintenance costs for the irrigation seasons of 1926 and 1927 which are hereby covered into construction costs, shall be accomplished as prescribed by this Act, notwithstanding any provision of law to the contrary.

Sec. 2. (a) All costs heretofore or hereafter incurred for the construction of the irrigation system shall be allocated to the Mission Valley, Camas, and Jocko divisions of the project in proportion to the amount of such costs incurred for the respective benefit of each of these divisions.

(b) The net revenues heretofore and hereafter accumulated from the power system shall be determined by deducting from the gross revenues the expenses of operating and maintaining the power system, and the funds necessary to provide for the creation and maintenance of appropriate reserves in accordance with section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s-3).

(c) The deferred obligation established by the Act of May 10, 1926 (44 Stat. 453, 464-466), for repayment of the per acre costs of the Camas division in excess of the per acre costs of the Mission Valley division shall be determined on the basis of the costs heretofore incurred for the construction of those divisions, and shall be liquidated from the net revenues heretofore accumulated from the power system.

(d) The remainder of the net revenues heretofore accumulated from the power system shall be applied to reduce the reimbursable costs heretofore incurred for the construction of the power system and the reimbursable costs heretofore incurred for the construction of the irrigation system (exclusive of the deferred obligation for the excess costs of the Camas division) as allocated among the several divisions pursuant to subsection (a) of this section, in proportion to the respective amounts of each of the foregoing categories of costs.

(e) The reimbursable costs heretofore incurred for the construction of the irrigation system of each division of the project and not repaid through the credits provided for in subsections (c) and (d) of this subsection shall be

scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period of fifty years from January 1, 1950. The reimbursable costs hereafter incurred for the construction of the irrigation system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be distributed over all irrigable lands within the division on an equal per acre basis, and the costs so charged against any parcel of lands within the division shall constitute a first lien thereon under the Act of May 10, 1926 (44 Stat. 453, 464-466). Upon the maturity or prepayment of any annual installment, the amount of the installment shall be reduced by deducting any sums included therein which are chargeable to lands on which the collection of construction costs is then deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or which are chargeable to other lands and have been already repaid to the United States.

(f) The reimbursable costs heretofore incurred for the construction of the power system and not repaid through the credits provided for in subsections (c) and (d) of this subsection, or through other credits from the revenues of the power system, shall be scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period not exceeding the remaining useful life of the power system as a whole, or not exceeding fifty years from January 1, 1950, whichever period is the lesser. The reimbursable costs hereafter incurred for the construction of the power system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be repaid to the United States solely out of the revenues from the power system.

(g) Electric energy available for sale through the power system shall be sold at the lowest rates which, in the judgment of the Secretary of the Interior, will produce net revenues sufficient to liquidate the annual installments of the power system construction costs established pursuant to subsection (f) of this section, and (for the purpose of reducing the irrigation system construction costs chargeable against the lands embraced within the project and of insuring the carrying out of the intent and purpose of legislation and repayment contracts applicable to the project) to yield a reasonable return on the unliquidated portion of the power system construction costs, and (for the same purpose) to yield such additional sums as will cover the amount by which the wholesale value of the electric energy sold exceeds the cost thereof where such excess is the result of the electric energy having been obtained on a special basis in return for water rights or other grants.

(h) All net revenues hereafter accumulated from the power system shall be applied annually to the following purposes, in the following order of priority:

(1) To liquidate all matured installments of the schedule of repayments for construction costs of the power system;

(2) To liquidate all matured installments of the schedule of repayments for construction costs of the irrigation system of each division, on an equal per acre basis for all irrigable lands within the division;

(3) To liquidate unmatured installments of the schedule of repayments for construction costs of the power system which will mature at a date not later than the maturity of any unliquidated installment of irrigation system construction costs;

(4) To liquidate unmatured installments of the schedule of repayments for construction costs of the irrigation system of each division which will mature at a date prior to the maturity of any unliquidated installment of power system construction costs, on an equal per acre basis for all irrigable lands within the division;

(5) To liquidate construction costs chargeable against Indian-owned lands the collection of which is deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a); and

(6) To liquidate the annual operation and maintenance costs of the irrigation system.

(i) In applying net revenues from the power system to the annual installments of irrigation system construction costs for any division of the project under the preceding subsection, allowance shall be made for any construction costs deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or already repaid to the United States which have been deducted from such installments under subsection (e) of this section, by distributing the net revenues available for such application over all irrigable lands within the division on an equal per acre basis, and by applying the net revenues distributed to the lands chargeable with the construction costs that have been so deferred or repaid, in amounts proportionate to the deductions made on account of such costs, to any then unpaid or subsequently assessed costs of operating and maintaining the irrigation system which are chargeable against the same lands.

(j) Any matured installment of irrigation system construction costs, or portion thereof, which is not liquidated at or before its maturity through the application thereto of net revenues from the power system under subsection (h) of this section shall be repaid to the United States by an assessment against the lands chargeable with the construction costs included in the installment. Such repayment shall be deferred for any period of time that may be requisite to provide for the assessment and collection of such costs in conformity with the laws of the State of Montana, but shall be completed within two years after the maturity of the installment concerned.

Sec. 3. The repayment adjustments provided for in sections 1 and 2 of this Act shall not become effective unless, within two years after the approval of this Act, the irrigation districts embracing lands within the project not covered by trust or restricted patents have entered into contracts satisfactory to the Secretary of the Interior, whereby such districts (1) obligate themselves for the repayment of the construction costs chargeable against all irrigable lands embraced within the districts contracting (exclusive of Indian-owned lands on which the collection of construction costs is deferred) to the extent and in the manner prescribed by sections 1 and 2 of this Act; (2) consent to such revisions in the limits of cost for the project, or any division thereof, as the Secretary and the districts contracting may mutually agree upon in order to facilitate the making of needed improvements and extensions to the irrigation and power systems; (3) provide for redetermination by the Secretary of the irrigable area of the project, or any division thereof, and for the exclusion of lands from the project,

with the consent of the holder of any water rights that would be canceled by such exclusion; and (4) make such other changes in the existing repayment contracts as the Secretary and the districts contracting may mutually agree upon for accomplishment of the purposes of this Act. In order to facilitate the commencement of repayment at the earliest practicable time, such contracts may provide for adjusting the maturity dates or amounts of the annual installments in a manner which will ultimately place the repayment schedules on substantially the same basis as though such contracts had been entered into prior to their actual execution, but not earlier than January 1, 1949.

Sec. 4. Unpaid charges for operation and maintenance of the irrigation system which were assessed prior to May 10, 1926, against any lands within the project, amounting to a sum not exceeding $40,549.89, and unpaid charges due from consumers for electric energy sold through the power system between July 1, 1931, and June 30, 1942, amounting to a sum not exceeding $2,195.16, are hereby canceled. The cancellation of the operation and maintenance charges shall be reported in the reimbursable accounts rendered to the Comptroller General of the United States, pursuant to the Act of April 14, 1910 (36 Stat. 269, 270; 25 U. S. C., sec. 145), as deductions from the total indebtedness of the project without regard to the fiscal years in which, or the appropriations from which, the expenditures were made.

Sec. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the following sums, for the following purposes, to be reimbursed to the United States as hereinafter provided:

(a) The sum of $64,161.18, with interest thereon at the rate of 4 per centum per annum from May 18, 1916, and the sum of $409.38, with interest thereon at the same rate from December 1, 1925, to be used to repay the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana the balance remaining due them under the Act of May 18, 1916 (39 Stat. 123, 141). The aggregate principal amount of $64,570.56 so repaid shall be added to the construction costs of the project and shall be reimbursable.

(b) The sum of $400,000 to be deposited in the United States Treasury to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana; of which sum one-half shall be in full settlement of all claims

of said tribes on account of the past use of tribal lands for the physical works and facilities of the irrigation and power systems of the project, or for wildlife refuges; and the other one-half shall be in full payment to said tribes for a permanent easement to the United States, its grantees and assigns, for the continuation of any and all of the foregoing uses, whether heretofore or hereafter initiated, upon the tribal lands now used or reserved for the foregoing purposes. The said tribes shall have the right to use such tribal lands, and to grant leases or concessions thereon, for any and all purposes not inconsistent with such permanent easement. The amount deposited in the Treasury pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable.

(c) The sum of $1,000,000 to continue the construction of the irrigation and power systems of the project. Amounts expended pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable.

(d) No expenditure shall be made from any appropriation granted under the authorizations contained in this section until the repayment of all reimbursable construction costs incurred through such expenditure has been secured by contracts conforming to the requirements of section 3 of this Act.

Sec. 6. In each fiscal year commencing after the approval of this Act for which an appropriation of the power revenues from the project is made in an indefinite amount pursuant to section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s-3), the power revenues so appropriated shall be available, to the extent of not to exceed $75,000, for the purpose, in addition to those other purposes now required or permitted by law, of making such improvements and extensions to the power system as the Secretary of the Interior may deem requisite for the provision of electric service to persons whose applications for such service could not otherwise be complied with in due course of business. Amounts so expended shall be added to the unmatured portion of the reimbursable construction costs of the power system in accordance with subsection 2 (f) of this Act, so as not to reduce the net power revenues available for application under subsection 2 (h) of this Act.

Sec. 7. Consistent with the terms of the repayment contracts heretofore or hereafter executed, the Secretary of the Interior is hereby authorized to issue such public notices fixing construction costs and apportioning construction charges, to enter into such contracts, to make such determinations, to

effect such adjustments in project accounts, to prescribe such regulations, and to do such other acts and things as may be necessary or appropriate to accomplish the purposes of this Act.

Sec. 8. All Acts or parts thereof inconsistent with the provisions of this Act are hereby repealed. [Amended Act 5/25/50, 64 Stat.192, post p.79.]

Approved May 25, 1948.

[August 18, 1949, 63 Stat. 614]

CHAP. 472.--An Act Authorizing the Secretary of the Interior to issue to Lake County, Montana, a patent in fee to certain Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, with the consent and approval of the tribal council of the Consolidated Tribes of Flathead, Kootenai, and Salish Indians, to issue to Lake County, Montana, a patent in fee to the following-described lands on the Flathead Indian Reservation, Montana: The north half of the northwest quarter of the southwest quarter of the southeast quarter of section 36, township 21 north, range 20 west, Montana principal meridian, containing five acres more or less.

Approved August 18, 1949.

[August 19, 1949, 63 Stat. 621]

CHAP. 487.--An Act To authorize an appropriation in aid of a system of drainage and sanitation for the city of Polson, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $100,000 or so much thereof as may be necessary for the repair and rehabilitation or replacement of the drainage structures of a system of drainage for lands within and adjacent to the city of Polson, Montana, on the Flathead Indian Reservation in sections 3, 4, 8, 9, and 10, township 22 north, range 20 west, Montana principal meridian: Provided, That the said

city or the residents in the affected area form a drainage-sanitation district and levy an assessment to provide additional funds to convert the drainage lines into a dual purpose system for drainage and sewer disposal purposes and agree to take title to the system and operate and maintain it in perpetuity.

Sec. 2. Nothing in this Act shall be construed as an admission of liability on the part of the United States for damages that may be claimed by any property owner as resulting from seepage in theaffected area, and the drainage-sanitation district formed pursuant to section 1 hereof shall specifically agree to hold the United States harmless against any and all damage claims that may be asserted by property owners of the area.

Approved August 19, 1949.

[October 6, 1949, 63 Stat. 722]

An Act To amend an Act entitled "An Act to provide for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes", approved May 25, 1948.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 4 of the Act entitled "An Act to provide for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes", approved May 25, 1948, is hereby amended to read as follows:

"Sec. 4. Unpaid charges for operation and maintenance of the irrigation system which were assessed prior to May 10, 1926, against any lands within the project, amounting to a sum not exceeding $40,549.89, together with all unpaid interest and penalties on such charges, and unpaid charges due from consumers for electric energy sold through the power system between July 1, 1931, and June 30, 1942, amounting to a sum not exceeding $2,195.16, together with interest thereon, are hereby canceled."

Approved October 6, 1949

[May 25, 1950, 64 Stat. 192]

CHAP. 201.—An Act To amend certain provisions of the Act of May 25, 1948 (Public Law 554,Eightieth Congress), relating to the Flathead Indian irrigation project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the repayment adjustments and other provisions of sections 1 and 2 of the Act of May 25, 1948 (Public Law 554, Eightieth Congress), providing for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes, shall be effective as to lands included in any irrigation district which has or which shall have entered into a contract conforming to the provisions of said Act on or before May 25, 1951. Said Act as herein amended shall not be deemed to defer the repayment obligations provided for in existing contracts between the Secretary of the Interior and any irrigation district on the Flathead Indian irrigation project which has not entered into a repayment contract conforming to the provisions of the Act of May 25, 1948, as herein amended, unless and until such district shall have entered into such a contract: Provided, That the appropriation authorizations of said Act shall be effective, and moneys appropriated thereunder shall be available for expenditure, when an irrigation district or districts containing not less than 70 per centum of the irrigable acreage of thenon-Indian lands within the Flathead Indian irrigation project shall have entered into repayment contracts under said Act.

Approved May 25, 1950.

[June 16, 1950, 64 Stat. 229]

CHAP. 264.—An Act To amend the Act of February 25, 1920 (41 Stat. 452), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of the Act entitled "An Act for the relief of certain members of the Flathead Nation of Indians, and for other purposes", approved February 25, 1920 (41 Stat. 452), is amended by striking out "when the merchantable timber has been cut from any lands allotted hereunder" and substituting in lieu thereof "when the first cutting of merchantable timber from any lands allotted hereunder has been completed".

Sec. 2. The right heretofore reserved to the United States in any of the patents for allotments issued under the provisions of said Act of February 25, 1920 (41 Stat. 452), to cut and market timber for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be limited to the cutting of so much of the merchantable timber on such allotments as may be cut during the first cutting operations on such allotments, and when such cutting operations have been completed, the title to the residual timber on such allotments shall thereupon pass to the respective allottees or their heirs or devisees.

Approved June 16, 1950.

[August 8, 1950, 64 Stat. 418]

An Act To authorize the elimination of lands from the Flathead Indian irrigation project, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to eliminate from the Flathead Indian irrigation project, on application by the owner thereof, twelve acres, more or less, of land in the northwest quarter of the northwest quarter of section 6, township 21 north, range 23 west, of the Montana meridian: Provided, That the landowner shall pay all accrued irrigation charges heretofore assessed against the land and relinquish the water right to the United States for the benefit of the Flathead irrigation project, and no further charges shall be assessed against the land: Provided further, That the obligations of the Flathead irrigation district for the repayment of the reimbursable construction costs of the Camas division of the Flathead Indian irrigation project shall not be reduced or otherwise affected by reason of the elimination of the land, and such elimination shall not be made until the Board of Commissioners of that district has consented thereto: And provided further, That, notwithstanding the elimination of said land from the Flathead irrigation project, there shall be reserved to the United States a right-of-way for ditches and canals now or hereafter needed for the operation and maintenance of the project works, and the owner of said land shall release the United States and its assigns from all liability for damage to said land by reason of the operations of the project.

Approved August 8, 1950.

[April 1, 1952, 66 Stat. 32]

CHAP. 126.—An Act To authorize the Secretary of the Interior to issue to School District Numbered 28, Ronan, Montana, a patent in fee to certain Indian land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, with the consent of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, to issue to School District Numbered 28, Ronan, Montana, a patent in fee to certain land situated in Ronan, Montana, and more particularly described as follows: South half northwest quarter southwest quarter southeast quarter, section 36, township 21 north, range 20 west, containing five acres, more or less, of Tribal Agency Reserve Land.

Approved April 1, 1952.

[August 1, 1953, 67 Stat. B132]

CONCURRENT RESOLUTION

WHEREAS it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

WHEREAS the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath

Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution

Passed August 1, 1953.

PRIVATE STATUTES

17 Stat.

[March 3, 1873, 17 Stat. 787]

CHAP. CDXLIX.--An Act to authorize the Secretary of the Interior to settle the Claims of Messrs. Durfee and Peck and E. H. Durfee for Supplies furnished the Indians in Montana in the Winter of eighteen hundred and sixty-nine--

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to settle, upon such terms as he shall think just and proper, all claims of Messrs. Durfee and Peck and E. H. Durfee, late Indian agents, for supplies furnished the Crows, Gros Ventres, Assinaboines, and other Indians of Montana Territory, in the winter of eighteen hundred and sixty-nine upon the recommendation of the Honorable James Tufts acting governor of said Territory, and ex-officio superintendent of Indian affairs: Provided, That he shall be satisfied as to the quantity of supplies so furnished, and the amount shall not exceed thirteen thousand four hundred and forty dollars and seventy-three cents, which sum shall be in full of all claims against the government.

Approved, March 3, 1873.

46 Stat.

[April 12, 1930, 46 Stat. 1634]

CHAP. 146.--An Act For the relief of Carl Stanley Sloan, minor Flathead allottee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is, hereby authorized to sell and convey under such terms and conditions as he may prescribe, the homestead allotment of Carl Stanley Sloan, minor Flathead allottee numbered 3265, described as the northeast quarter northeast quarter section 27, township 21 north, range 21 west, Montana meridian, Montana, containing forty acres, allotted to him under the provisions of the Act of Congress approved February 25, 1920 (Forty-first Statutes at Large, page 452).

Approved, April 12, 1930.

[March 3, 1933, 47 Stat. 1753]

CHAP. 261.--An Act To provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation Montana, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to add to the final roll of the Indians of the Flathead Indian Reservation, Montana, approved January 22, 1920, under the Act of May 25, 1918 (40 Stat. L. 591), and the Act of June 30, 1919 (41 Stat. L. 9), the names of the following persons, descendants of the confederated Flathead Tribes of Indians: Joseph Russell Bird, Daniel Lawrence Pablo, Valerie Roullier, Henry Roullier, junior, Julia Roullier, Laura Soucie, Blanche Soucie, Joseph Soucie, Julie Soucie, Rose Marie Soucie, and Audra Jane Martin. The Secretary of the Interior is also authorized to pay each of the persons named a sum equal to that heretofore paid per capita to those whose names were upon the approved roll, and to allot each of these persons except Audra Jane Martin the same area of land allotted to children of the Flathead Reservation enrolled upon the final roll, such payments to be made from any tribal funds in the Treasury to the credit of the Flathead Indians, the allotments to be made from any available tribal unallotted lands of the Flathead Reservation.

Approved, March 3, 1933.

[March 24, 1933, 48 Stat. 1296]

CHAP. 9--An Act For the relief of the Holy Family Hospital, Saint Ignatius, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the Holy Family Hospital, Saint Ignatius, Montana, out of any money in the Treasury not otherwise appropriated, the sum of $8,825.66, in full satisfaction of all claims against the United States for compensation for the care by such hospital of persons admitted thereto under authority of the Flathead Indian Agency, State of Montana, prior to and

including November 30, 1931: Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, March 24, 1933.

[June 11, 1934, 48 Stat. 1380]

CHAP. 451.--An Act For the relief of Peter Pierre.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $45 to Peter Pierre, in payment for a horse which was lost while being used to transport supplies to a forest fire on the Flathead Indian Reservation, State of Montana.

Approved, June 11, 1934.

[June 14, 1934, 48 Stat. 1391]

CHAP. 525.--An Act For relief of M. M. Twichel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to M. M. Twichel, of Saint Ignatius, Montana, out of any money in the Treasury not otherwise appropriated, the sum of $3,433.34 in full satisfaction of his claim against the United States for compensation for services rendered and expenses incurred in connection with the burial of Indians on the Flathead Indian Reservation, Montana, prior to May 1, 1933: Provided, That no part of the amount appropriated in

this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 14, 1934.

[June 14, 1935, 49 Stat. 2078]

CHAP. 251--For the relief of certain Indians of the Flathead Reservation killed or injured en route to dedication ceremonies of the Going-to-the-Sun Highway, Glacier National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sums of $2,890 in full settlement of all claims of the following Indians of the Flathead Indian Reservation, Montana, against the United States, arising out of any and all injuries sustained while en route to the dedication ceremonies of the Going-to-the-Sun Highway in Glacier National Park in the amounts indicated: Sophie Conko, $600; Mary Calowahcan Smallsalmon, $190; Alexander Calowahcan, $250; Michael Smallsalmon, $250; Joseph Woodcock, $30; Martine Siwahsah, $20; Sophie C. Granjo, $20; Sophie Moiese, $600; Isabel Granjo, $30; Eneas Granjo, $50; Mary Kyser Stateah, $600; Eneas Michel Conko, $50; Pierre Pierre, $50; William Michel, $50; Andrew Manybear, $100: Provided, That if any of the beneficiaries under this Act are deceased, payment herein authorized shall be made to their heirs; and to pay the sum of $3,000 to the heirs of Louise Cullooyah, deceased, and the sum of $3,000 to the heirs of Michel Kizer, deceased, also of the Flathead Indian Reservation, who were killed while en route to the said dedication ceremonies of the Going-to-the-Sun Highway in Glacier National

Park in full settlement of all claims against the United States arising out of the death of the said Indians on the said occasion.

Approved, June 14, 1935.

APPROPRIATION STATUTES

APPROPRIATIONS

Date of Act	Citation	What and How Much
3/29/60	12 Stat. 4, 8-9	Treaty instalments and appropriations-- $36,000, 2,400, 1,200, 1,800, 5,400, 9,000, 1,200, 1,000, 3,000, 3,000, 500, 350.
6/19/60	12 Stat. 44, 58	Treaty instalments and appropriations--$1,000, $1,000.
3/2/61	12 Stat. 221, 234-235	Treaty instalments and appropriations--$6,000, 300, 800, 500, 7,400, 500, 300, 1,400, 300, 1,500.
6/25/64	13 Stat. 161, 174-175	Treaty instalments and appropriations--$5,000, 300, 1,800, 500, 7,400, 500, 300, 1400, 300, 1500.
3/3/65	13 Stat. 541, 553-554	Treaty instalments and appropriations--$5,000, 300, 1,800, 500, 7,400, 500, 1,400, 300, 1,500, 11,920.
7/26/66	14 Stat. 255, 269-270	Treaty instalments and appropriations--$5,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500.
3/2/67	14 Stat. 492, 500-501, 514	Treaty instalments and appropriations--$5,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 11,920.41, 1,000.
7/27/68	15 Stat. 199, 207-208	Treaty instalments and appropriations--$5,000, 300, 1,200, 500, 7,400, 500, 300, 1,500, 4,000.
4/10/69	16 Stat. 13, 22-23	Treaty instalments and appropriation--$4,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 400.
7/15/70	16 Stat. 335, 343-344	Treaty instalments and appropriations--$4,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 4,000, 11,800.

APPROPRIATIONS

Date of Act	Citation	What and How Much
3/3/71	16 Stat. 544, 553	Treaty instalments and appropriations--$4,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 500, 2,000.
5/29/72	17 Stat. 165, 188	Removal to Jocko Reservation--$6,000.
2/14/73	17 Stat. 437, 438, 439, 446	Pay 71 Indian agents, including Flathead--$106,500; Pay of Interpreter--$400; Treaty instalments and appropriations--$4,000, 300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 2,000.
6/22/74	18 Stat. 133, 139	Removal to Jocko Reservation--$5,000; Treaty instalments and appropriations--$1,275.44.
6/22/74	18 Stat. 146, 155, 156, 173	Agent's pay--$1,500; Interpreter's pay--$400; Treaty instalments and appropriations--$300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 3,000, 1,500; Removal to Jocko Reservation--$5,000 1/.

1/ "Provided, That the proceeds of the sales of land in Bitter Root Valley, Montana Territory, referred to in the second section of the act of Congress approved June fifth, eighteen hundred and seventy-two, entitled 'An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana,' shall be paid into the Treasury of the United States; in the same manner that other moneys derived from the sale of other public lands are now paid in: And provided further, That in lieu of the amount provided to be set apart therefrom by the act of Congress of June fifth, eighteen hundred and seventy-two, hereinbefore referred to there shall be annually appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of five thousand dollars, for the period of ten years, to be expended, under the direction of the President, in the manner deemed for the best good of the Indians who have been removed from Bitter Root Valley: And provided further, That no part of said sum shall be paid to any Indian of said tribe who shall not have settled upon the Jocko reservation." 18 Stat. 173.

APPROPRIATIONS

Date of Act	Citation	What and How Much
3/3/75	18 Stat. 420, 430-431, 447	Treaty instalments and appropriation--$300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 500, 3,000, 1,500; Removal to Jocko Reservation--$5,000.
8/15/76	19 Stat. 176, 177, 183, 195	Agent's pay--$500; Interpreter's pay--$400; Treaty instalments and appropriation--$300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 300; Removal to Jocko Reservation--$5,000.
3/3/77	19 Stat. 271, 272, 277-278, 290	Agent's pay--$1,500; Interpreter's pay--$300; Treaty instalments and appropriations--$300, 1,800, 500, 7,400, 500, 300, 1,400, 300, 1,500, 3,000; Removal to Jocko Reservation--$5,000.
5/27/78	20 Stat. 63, 64, 65, 71, 85	Agent's pay--$1,500; Interpreter's pay--$300; Treaty instalments and appropriations--$300, 1,800, 300, 7,400, 500, 300, 1,200, 300, 1,500, 16,600; Removal to Jocko Reservation--$5,000; Indian Bureau expenses, Montana (includes Flathead)--$6,000.
2/17/79	20 Stat. 295, 296, 301-302	Agent's pay--$1,500; Interpreter's pay--$300; Treaty instalments and appropriations--$300, 1,800, 300, 7,400, 500, 300, 1,200, 300, 13,600; Removal to Jocko Reservation--$5,000.
5/11/80	21 Stat. 114, 115, 120, 128, 129	Agent's pay--$1,500; Interpreter's pay--$300; Treaty instalments and appropriations--$6,000; Removal to Jocko Reservation--$5,000; Subsistence and civilization--$13,500.
3/3/81	21 Stat. 485, 486, 498	Agent's pay--$1,500; Interpreter's pay--$300; Removal to Jocko Reservation--$5,000; Subsistence and civilization--$13,000.

APPROPRIATIONS

Date of Act	Citation	What and How Much
5/17/82	22 Stat. 68, 69, 70	Agent's pay--$1,500; Interpreter's pay 2/.
8/5/82	22 Stat. 257, 279	Support appropriation--$13,50; Treaty instalment and appropriation--$719.32.
3/1/83	22 Stat. 433, 446	Agent's pay--$1,500; Subsistence and civilization--$13,000.
7/4/84	23 Stat. 77, 89, 90	Agent's pay--$1,500; Subsistence and civilization--$11,000; Carlos's Band support and civilization--$21,000.
3/3/85	23 Stat. 362, 363, 382	Agent's pay--$1,500; Carlo's Band support and civilization--$18,000; School support--$2,000 3/

2/ "For the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, twenty thousand dollars; and section two thousand and seventy of the Revised Statutes be, and the same is hereby, repealed." 22 Stat. 70.

"Sec.2070. The salaries of interpreters lawfully employed in the service of the United States, in Oregon, Utah, and New Mexico, shall be five hundred dollars a year each, and of all so employed elsewhere, four hundred dollars a year each." Rev. Stat. 2d Ed., 1878.

3/ "For payment, out of the unexpended balance of the appropriation for support of schools for the year eighteen hundred and eighty-four, to the Indian Industrial School for Boys on the Flathead Indian Reservation, for clothing, subsisting, maintaining, and educating twenty Indian pupils in excess of the number provided for by contract with the Indian Department, during the twelve months beginning July first, eighteen hundred and eighty-three and ending June thirtieth, eighteen hundred and eighty-four, two thousand dollars." 23 Stat. 382.

APPROPRIATIONS

Date of Act	Citation	What and How Much
5/15/86	24 Stat. 29, 41	Agent's pay--$1,500; Carlo's Band support and civilization--$16,000; Support and civilization--$10,000.
3/2/87	24 Stat. 449, 461	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
3/30/88	25 Stat. 47, 66	Support and civilization--$125.40.
6/29/88	25 Stat. 217, 218, 230	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
3/2/89	25 Stat. 980, 981, 995	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
8/19/90	26 Stat. 336, 337, 351	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
3/3/91	26 Stat. 989, 990, 1004	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
7/13/92	27 Stat. 120, 121, 137, 138-139	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000; Substation and mills--$10,000 4/; Negotiations for land--$5,000 5/.

4/ "Substation and mills, Flathead Agency, Montana: Establishment of substation, purchase of saw and flour mills, and construction of necessary buildings for same; purchase of animals and pay of employees at Flathead Agency, Montana, ten thousand dollars". 27 Stat. 137.

5/ "To enable the Secretary of the Interior in his discretion to reopen the negotiations with the Shoshone and Arapahoe Indians for the surrender of certain portions of their reservation in the State of Wyoming, and Flathead and confederated tribes of Indians in the State of Montana, five thousand dollars, or so much thereof as may be necessary, to be immediately available, and not more than two of the Commissioners to be appointed hereunder shall be of the same political party, and any agreement entered into shall be ratified by Congress." 27 Stat. 138-139.

APPROPRIATIONS

Date of Act	Citation	What and How Much
7/28/92	27 Stat. 282, 294	Removal of Indians to reservation--$184.71.
3/3/93	27 Stat. 612, 613	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; support and civilization--$10,000; Substation and mills--$3,500.
8/15/94	28 Stat. 286, 287, 302	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
3/2/95	28 Stat. 876, 891.	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000; Substation and mills--$3,000.
6/8/96	29 Stat. 267, 293	Substation and mills--$137.04.
6/10/96	29 Stat. 321, 322, 337	Agent's pay--$1,500; Carlo's Band support and civilization--$12,000; Support and civilization--$10,000.
6/7/97	30 Stat. 62, 63, 77, 85, 86	Agent's pay--$1,500; Carlo's Band support and civilization--$10,000; Support and civilization--$10,000; Substation and mills--$3,000; Continuing negotiations--$10,000 (other Indians included).
7/1/98	30 Stat. 571, 572, 585, 596	Agent's pay--$1,500; Carlo's Band support and civilization--$10,000; Support and civilization--$10,000; Continuing negotiations--$15,000 (other Indians included); Reappraisement of certain lands--(amount not given) 6/.

6/ "SEC. 9. That with the consent of the Indians, severally, the Secretary of the Interior is hereby authorized to cause a reappraisement of the unsold tracts of land of the Flathead Indians, situated in the Bitter Root Valley, Montana, by such person connected with the Indian service as he may designate, and that such lands shall then be sold, at the reappraised value, as provided for in the Act of Congress of March second, eighteen hundred and eighty-nine, chapter three hundred and ninety-one, Twenty-fifth Statutes at Large, page eight hundred and seventy-one." 30 Stat. 596.

APPROPRIATION

Date of Act	Citation	What and How Much
7/7/98	30 Stat. 652, 677	Continuing negotiations--$296.85.
3/1/99	30 Stat. 924, 937	Agent's pay--$1,500; Carlo's Band support and civilization--$10,000; Support and civilization--$10,000.
3/3/99	30 Stat. 1214, 1235	Continuing negotiations--$14,500 (other Indians included); Support and civilization--$46.75; Substation--$29.25.
5/31/00	31 Stat. 221, 234	Agent's pay--$1,500; Carlo's Band support and civilization--$8,000; Support and civilization--$8,000.
6/6/00	31 Stat. 280, 302	Continuing negotiations--$15,000 (other Indians included).
3/3/01	31 Stat. 1010, 1041	Continuing negotiations--$12,000 (other Indians included).
3/3/01	31 Stat. 1058, 1059	Agent's pay--$1,500; Carlo's Band support and civilization--$8,000; Support and civilization--$8,000.
5/27/02	32 Stat. 245, 255	Agent's pay--$1,500; Carlo's Band support and civilization--$6,000; Support and civilization--$6,000.
7/1/02	32 Stat. 552	Support and civilization--$234.61.
3/3/03	32 Stat. 982, 992	Agent's pay--$1,500; Carlo's Band support and civilization--$6,000; Support and civilization--$6,000.
3/3/03	32 Stat. 1031	Support and civilization--$307.85.
4/21/04	33 Stat. 189, 190, 202	Agent's pay--$1,500; Support and civilization--$10,000.
3/3/05	33 Stat. 1048, 1057	Agent's pay--$1,500; Support and civilization--$9,000.
6/20/06	34 Stat. 325, 353	Agent's pay--$1,500.

APPROPRIATIONS

Date of Act	Citation	What and How Much
3/1/07	34 Stat. 1015, 1034	Agent's pay--$1,500; Completion of survey of Reservation--$30,000 7/.
2/15/08	35 Stat. 8, 19	Complete survey of reservation--$60,000 (reimbursable).
4/30/08	35 Stat. 70, 83-84	Agent's pay--$1,800; Support and civilization--$9,000; Irrigation system--$50,000 8/; Complete survey--$15,000.
3/3/09	35 Stat. 781, 795	Agent's pay--$1,800; Support and civilization--$9,000; Irrigation--$250,000 9/

7/ "To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisement of the lands in the Flathead Indian Reservation, Montana, thirty thousand dollars: Provided, That this sum shall be reimbursed the United States from the proceeds of the sale of the surplus lands after the allotments are made." 34 Stat. 1034.

8/ "For preliminary surveys, plans, and estimates of irrigating systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the Act of April twenty-third, nineteen hundred and four, entitled 'An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment,' and to begin the construction of the same, fifty thousand dollars, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation." 35 Stat. 83-84.

9/ "For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the Act of April twenty-third, nineteen hundred and four, entitled 'An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment,' including the necessary surveys, plans, and estimates, two hundred and fifty thousand dollars, one hundred thousand dollars thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands and timber within said reservation." 35 Stat. 795.

APPROPRIATIONS

Date of Act	Citation	What and How Much
3/3/09	35 Stat. 781, 828	River and harbor works--$8,185,750 (Includes Polson Bay, Flathead Lake).
4/4/10	36 Stat. 269, 277	Support and civilization--$9,000; Irrigation--$250,000 (reimbursable).
6/25/10	36 Stat. 630, 666	Harbor at Polson Bay--$6,000.
6/25/10	36 Stat. 703, 740	Completing survey of reservation--$10,000.
3/3/11	36 Stat. 1058, 1066	Support and civilization--$9,000; Irrigation system--$150,000 (reimbursable).
8/24/12	37 Stat. 518, 526	Support and civilization--$9,000; Irrigation system--$200,000 (reimbursable); Agency bldgs.--$40,000; (reimbursable) 10/; Sawmill and logging equipment--$20,000 (reimbursable) 11/.
6/30/13	38 Stat. 77, 90	Support and civilization--$12,000; Irrigation system--$325,000 (reimbursable).
4/6/14	38 Stat. 312, 332	Completing survey of reservation--$402.92.

10/ Refer page 43, supra.

11/ "There is hereby appropriated the sum of twenty thousand dollars to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as he may deem necessary, in the purchase of a sawmill and logging equipment and the employment of suitable persons to manufacture and to lumber burned timber on the Flathead Indian Reservation, Montana, and to protect the remaining timber from fire and trespass: Provided, That the sum expended under authority of this Act shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within said reservation under existing Acts of Congress." 37 Stat. 526.

APPROPRIATIONS

Date of Act	Citation	What and How Much
8/1/14	38 Stat. 582, 593	Support and civilization--$12,000; Irrigation system--$200,000 (reimbursable); Tuition for Indian children--$471.60.
5/18/16	39 Stat. 123, 139	Support and civilization--$20,000; Purchase of land--$320 (reimbursable) 12/; Irrigation system--$750,000 (reimbursable) 13/.
3/2/17	39 Stat. 969, 980	Support and civilization--$2,000 14/; Irrigation system--$750,000 (reimbursable) 15/.
5/25/18	40 Stat. 561, 574	Irrigation system--$375,000 (reimbursable) 16/; Support and civilization--$20,000.

12/ Refer to page 46 of Special Statutes, supra.

13/ Refer to page 46, last paragraph, to page 49 of Special Statutes, supra.

14/ " . . . of which amount not exceeding $1,000 may be expended for the purchase of two automobiles, and not exceeding $4,500 of which shall be expended for salaries." 39 Stat. 980.

15/ "Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: Provided further, That not to exceed $9,000 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $2,000 may be used for the purchase of motor-propelled passenger-carrying vehicles." 39 Stat. 980.

16/ "Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation project: Provided further, That not to exceed $3,500 may be used . . . and not to exceed . . . $4,000 may be used . . ." 40 Stat. 574.

APPROPRIATIONS

Date of Act	Citation	What and How Much
6/30/19	41 Stat. 3, 15, 16, 31	Support and civilization--$20,000; Irrigation system--$375,000 (reimbursable); Support and civilization--$40,000 (tribal fund
2/14/20	41 Stat. 408,17/ 420, 421, 434	Support and civilization--$20,000; Irrigation system--$200,000 (reimbursable); Support and civilization--$20,000 (tribal fund
3/3/21	41 Stat. 1225, 1236, 1237	Support and civilization--$20,000; Irrigation system--$200,000 (reimbursable); Bitter Root Valley claims--$1,124.67 18/; Support and civilization--$20,000 (tribal funds).

17/ "That the State of Montana, acting through its proper officia is hereby authorized to select two hundred acres of unappropriat unreserved, and nonmineral lands within the boundaries of the former Flathead Indian Reservation in Montana, or an equal quantity of public lands of like character within the boundaries of said State, in lieu of the northwest quarter and the north-east quarter of the southwest quarter of section sixteen, township eighteen north, range twenty-one west, Montana meridian, Montana, upon due and proper showing that the lands authorized herein to be surrendered by the State have not been sold or otherwise encumbered by it, and the selection of such lieu lands by the said State shall be a waiver of its right, title, and claim in and to the tracts in said section sixteen above described: Provided, That in case the exchange herein contempla shall be perfected the lands so surrendered by the State shall b held for the benefit of the Flathead Tribe and be subject to such disposition as shall be directed by the Secretary of the Interior." 41 Stat. 408.

18/ "For the purpose of enabling the Secretary of the Interior to settle all unpaid claims against the United States Government to funds derived from sale of patented Indian lands in the Bitte Root Valley, Montana, under the provisions of the Act of March 2 1889 (Twenty-fifth Statutes at Large, page 871), entitled 'An Act to provide for the sale of lands patented to certain members of the Flathead Band of Indians in Montana Territory, and for other purposes,' $1,124.67, the same to be immediately available 41 Stat. 1236.

APPROPRIATIONS

Date of Act	Citation	What and How Much
5/25/22	42 Stat. 552, 570	Support and civilization--$19,000; Private claims against tribe--$2,250, 851, 531.92 (tribal funds)19/; Support and civilization--$18,000 (tribal funds); Irrigation system--$200,000 (reimbursable).
1/24/23	42 Stat. 1174, 1191, 1192	Support and civilization--$19,000; Support and civilization--$18,000 (tribal funds); Irrigation system--$555,000 (reimbursable).
12/5/24	43 Stat. 391, 402	Irrigation system--$150,000 (reimbursable); Support and civilization--$14,200.
12/6/24	43 Stat. 704, 707	Irrigation system--$7,760 (reimbursable); Support and civilization--$1,830.
3/3/25	43 Stat. 1141, 1153, 1159	Irrigation system--$35,000 (reimbursable); Support and civilization--$14,000; Support and civilization--$41,000 (tribal funds).
3/4/25	43 Stat. 1313, 1229	Adjust compensation to field service employees--$4,370 (tribal funds).
5/10/26	44 Stat. 453, 464	Irrigation system--$575,000 (reimbursable) 20/; Support and civilization--$40,000 (tribal funds).

19/ "The Secretary of the Interior is authorized to expend $3,632.92 from funds held by the United States in trust for the Flathead Tribe of Indians in the payment of $2,250 due Swan Johnson on a logging contract and $851 and $531.92, respectively, due Agnes and Paul Antoine, Flathead Indians, for stumpage." 42 Stat. 570.

20/ See pages 54-56 of Special Statutes for provisos.

APPROPRIATIONS

Date of Act	Citation	What and How Much
1/12/27	44 Stat. 934, 953	Support and civilization--$40,000 (tribal funds).
3/7/28	45 Stat. 200, 222	Support and civilization--$44,000 (tribal funds) 21/.
3/4/29	45 Stat. 1562, 1571, 1584	Industrial assistance--$50,000 (tribal funds, reimbursable); Irrigation system--22/; Support and civilization--$42,000 (tribal funds).
3/4/29	45 Stat. 1623, 1639	Irrigation system--23/.
3/26/30	46 Stat. 90, 105	Support and administration--$5,000 (tribal funds).
5/14/30	46 Stat. 279, 301	Support and administration--$42,000 (tribal funds).

21/ " . . . Provided, That the Secretary of the Interior is hereby authorized to pay not exceeding $3,756.20 from said sum, which is hereby made available for the purpose, to the Saint Julian's Hospital, Saint Ignatius, Montana, for medical and hospital services to members of the Flathead Tribe from December 21, 1921, to June 30, 1926; . . ." 44 Stat. 222.

22/ See page 59 of Special Statutes for amount and provisos.

23/ See pages 59-60 of Special Statutes for amount and provisos.

APPROPRIATIONS

Date of Act	Citation	What and How Much
2/14/31	46 Stat. 1115, 1127, 1138	Irrigation system--$18,000 24/; Support and administration--$50,400 (tribal funds).
3/4/31	46 Stat. 1552, 1567	Irrigation system--$200,000 (reimbursable) 25/.
4/22/32	47 Stat. 91, 101	Irrigation system--$12,000 26/.
2/17/33	47 Stat. 820, 830	Irrigation system--$12,000 27/.
3/3/33	47 Stat. 1602	Irrigation system--$25,000 (reimbursable).
3/2/34	48 Stat. 362, 370	Irrigation system--$12,000 (reimbursable).
5/9/35	49 Stat. 176, 187	Irrigation system--$12,000 (reimbursable) 28/.

24/ See pages 61-62 for provisos.

25/ See page 62 of Special Statutes for provisos.

26/ See pages 62-63 of Special Statutes for provisos.

27/ See pages 63-64 of Special Statutes for provisos.

28/ See page 64 of Special Statutes for provisos.

APPROPRIATIONS

Date of Act	Citation	What and How Much
6/22/36	49 Stat. 1757, 1767, 1770, 1778	Industrial assistance--$15,000 (tribal funds); Irrigation system--$12,000 (reimbursable); Support and administration--$16,000 (tribal funds).
8/9/37	50 Stat. 564, 578, 579-580	Irrigation system--$147,000 (reimbursable); $251,275 (reimbursable).
5/9/38	52 Stat. 291, 305, 313, 316	Irrigation system--$160,000 (reimbursable); Support and administration--$240,000; Improvement of water system--$19,000.
5/10/39	53 Stat. 685, 701, 703, 708	Irrigation system--$205,000 (reimbursable); $500,000 (reimbursable); Support and administration--$24,000 (tribal funds).
6/18/40	54 Stat. 407, 420, 422, 428, 430	Irrigation system--$207,000 (reimbursable); $250,000 (reimbursable); Support and administration--$24,000 (tribal funds); Construction and repair--$5,000.
6/28/41	55 Stat. 303, 318, 319, 326	Irrigation system--$210,000 (reimbursable); $250,000 (reimbursable); Support and administration--$24,000 (tribal funds); Construction and repair--$13,000.
7/3/41	55 Stat. 541, 552	Compensation and expenses of attorney--$7,000.
7/2/42	56 Stat. 506, 515, 516, 519, 526	Purchase of land--$25,000 (tribal funds); Industrial assistance--$35,000 (tribal funds); Irrigation system--$246,300 (reimbursable); Support and administration--$24,000 (tribal funds).

APPROPRIATION

Date of Act	Citation	What and How Much
7/12/43	57 Stat. 451, 458, 459, 462, 468	Purchase of land--$25,000 (tribal funds); Industrial assistance--$130,000 (tribal funds); Irrigation system--$235,000 (reimbursable); Support and administration--$35,000 (tribal funds).
4/1/44	58 Stat. 150, 170	Irrigation system--$26,890.
6/28/44	58 Stat. 463, 471, 475, 480	Purchase of Land--$38,000 (tribal funds); Industrial assistance--$27,000 (tribal funds); Irrigation system--$278,850 (reimbursable); Support and administration--$35,000 (tribal funds).
7/3/45	59 Stat. 318, 325, 329, 331	Purchase and lease of lands--$25,000 (tribal funds); Irrigation system--$250,300 (reimbursable); $65,000 (reimbursable).
4/19/46	60 Stat. 103, 110	Irrigation system--$25,780.
5/18/46	60 Stat. 183, 192	Irrigation system--$12,800.
7/1/46	60 Stat. 348, 360	Development of Hot Springs enterprise--$350,000 (tribal funds)29/.
3/10/48	62 Stat. 213, 221, 272	Irrigation system--$125,000; Irrigation system and other purposes--$64,570.56 (reimbursable) 30/.

29/ "Development of Hot Springs enterprise, Confederated Salish and Kootenai Tribes, Montana (tribal funds): For all expenses necessary for the development of a health resort on the Flathead Indian Reservation at Hot Springs, Montana, including the construction of buildings, and the payment of private architectural and engineering fees, $350,000, to remain available until expended, payable from funds held by the United States in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana." 60 Stat. 360.

30/ See pages 70-77 of Special Statutes for provisos.

APPROPRIATIONS

Date of Act	Citation	What and How Much
6/29/48	62 Stat. 1112, 1119, 1120	Irrigation system--$200,000; Construction and repair--$750,000.
6/23/49	63 Stat. 231, 241	Construction and repair--$750,000; Payment to tribe--$549,648 ($464,570.56 reimbursable).
10/12/49	63 Stat. 765	Irrigation system--$150,000 (reimbursable).

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

✦

CONSTITUTION AND BYLAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION MONTANA

✦

APPROVED OCTOBER 28, 1935

UNITED STATES
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CONSTITUTION AND BYLAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

PREAMBLE

We, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Confederated Tribes of the Flathead Reservation.

ARTICLE I—TERRITORY

The jurisdiction of the Confederated Salish and Kootenai Tribes of Indians shall extend to the territory within the original confines of the Flathead Reservation as defined in the Treaty of July 16, 1855, and to such other lands without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Flathead Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes as of January 1, 1935.

(b) All children born to any member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation who is a resident of the reservation at the time of the birth of said children.

SECTION 2. The Council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the Confederated Tribes.

SECTION 3. No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE III—THE TRIBAL COUNCIL

SECTION 1. The governing body of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be the Tribal Council.

SECTION 2. The Council shall consist of ten councilmen to be elected from the districts as set forth hereafter, and Chiefs Martin Charlo and Eneas Paul Koostahtah.

SECTION 3. Representation from the districts hereby designated shall be as follows: Jocko Valley and Mission Districts, two council-

men each; Ronan, Pablo, Polson, Elmo-Dayton, Hot Springs-Camas Prairie, and Dixon, one councilman each.

SECTION 4. The Tribal Council shall have the power to change the districts and the representation from each district, based on community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of delegates shall not be changed as provided for in section 2 of article III of this Constitution.

SECTION 5. The Tribal Council so organized shall elect from within its own number a chairman, and a vice chairman, and from within or without its own membership, a secretary, treasurer, sergeant-at-arms, and such other officers and committees as may be deemed necessary.

SECTION 6. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Confederated Tribes of the Flathead Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election.

SECTION 7. The Tribal Council of the Confederated Tribes of the Flathead Reservation shall be the sole judge of the qualifications of its members.

ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present Tribal Council within 30 days after the ratification and approval of this Constitution, and thereafter elections shall be held every two years on the third Saturday prior to the expiration of the terms of office of the members of the Tribal Council. At the first election, five councilmen shall be elected for a period of two years and five for a period of four years. The term of office of a councilman shall be for a period of four years unless otherwise provided herein.

SECTION 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SECTION 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Council, within the district of his residence, notifying the Secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post in each district at least 10 days before the election, the names of all candidates for the Council who have met these requirements.

SECTION 4. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council within 5 days after the election returns.

SECTION 5. Any member of the Confederated Tribes of the Flathead Reservation who is 21 years of age or over and who has maintained a legal residence for at least one year on the Flathead Reservation shall be entitled to vote.

SECTION 6. The Tribal Council, or a board appointed by the Tribal Council, shall designate the polling places and appoint all elec-

Article V—Vacancies and Removal from Office

Section 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, *provided* that the person chosen to fill such vacancy shall be from the district in which such vacancy occurs.

Section 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, and *provided further*, that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

Article VI—Powers and Duties of the Tribal Council

Section 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws;

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture, to administer charity; to protect the health, security, and general welfare of the Confederated Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Flathead Confederated Tribes and their members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Departments of the Government of the United States on all matters affecting the affairs of the Confederated Tribes.

(d) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, *provided* that no tribal lands shall be sold or encumbered or leased for a period in excess of five years, except for Governmental purposes.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Confederated Tribes, prior to the submission of such estimates to the Congress.

(f) To manage all economic affairs and enterprises of the Confederated Tribes in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Confederated Tribes in conformity with article VIII of this Constitution.

Amended See p.13-14

(h) To appropriate for tribal use of the reservation any available applicable tribal funds, provided that any such appropriation may be subject to review by the Secretary of the Interior, and *provided, further*, that any appropriation in excess of $5,000 in any one fiscal year shall be of no effect until approved in a popular referendum.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may also be applied to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which may be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with article II of this Constitution governing adoptions and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Confederated Tribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its powers and duties.

(m) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Confederated Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Flathead Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Confederated Tribes.

(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Confederated Tribes, and incompetents subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Confederated Tribes or Tribal Council for this purpose.

(s) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Confederated Tribes, any

of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SECTION 2. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: *Provided*, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SECTION 3. The council of the Confederated Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Confederated Tribes.

SECTION 4. Any rights and powers heretofore vested in the Confederated Tribes but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII—BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of 21 years shall have the right to vote in all tribal elections, subject to any restrictions as to residence as set forth in article IV.

SECTION 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SECTION 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, speech, press, and assembly.

SECTION 4. Any member of the Confederated Tribes accused of any offense, shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested, by any member accused of any offense punishable by more than 30 days' imprisonment, and excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII—LAND

SECTION 1. *Allotted lands.*—Allotted lands, including heirship lands, within the Flathead Reservation, shall continue to be held as

dian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exhanged in the same manner as the original allotment.

SECTION 2. *Tribal lands.*—The unallotted lands of the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Confederated Tribes or by the United States in trust for the Flathead Confederated Tribes, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SECTION 3. *Leasing of tribal lands.*—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4. *Grants of standard assignments.*—In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 80 acres of agricultural land, or other land or interest in land of equal value.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of lands as a landless Indian.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "Standard Assignments."

The Tribal Council may, if it seems fit, charge a fee of not to exceed $5.00 on approval of an assignment of land made under this section

SECTION 5. *Tenure of standard assignments.*—If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "Standard Assignment", his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a "Standard Assignment."

SECTION 6. *Grant of exchange assignment.*—Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservations, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land or to other lands of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange Assignments."

SECTION 7. *Leasing of exchange assignments.*—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SECTION 8. *Inheritance of exchange assignments.*—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 320 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SECTION 9. *Inheritance of improvements.*—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SECTION 10. *Exchange of assignments.*—Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

(a) *Use of unassigned community land.*—Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION 11. *Purchase of land by community.*—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Flathead Reservation, or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution may be purchased by or for the Confederated Tribes with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Confederated Tribes who desires to leave the reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SECTION 12. *Method of making assignments.*—Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on the application for assignment of land, and

a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

Article IX—Referendum

Section 1. Upon a petition of at least one-third (⅓) of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

Aticle X—Amendments

Section 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third (⅓) of the qualified voters, members of the Confederated Tribes.

BYLAWS

Article I—The Tribal Council

Section 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall be entitled to vote on all questions.

Section 2. The vice chairman shall assist the chairman when called on so to do, in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

Section 3. The Council secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Reservation and to the Commissioner of Indian Affairs.

Section 4. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

Section 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SECTION 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, to carry out faithfully and impartially, the duties of my office to the best of my ability; to cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and Bylaws."

SECTION 7. Regular meetings of the Tribal Council shall be held on the first Saturdays of January, April, July, and October, at 9:00 o'clock a. m., at the Flathead Agency.

SECTION 8. Special meetings may be called by a written notice signed by the chairman or a majority of the Tribal Council and when so called the Tribal Council shall have power to transact business as in regular meetings.

SECTION 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds (⅔) of the entire membership.

SECTION 10. Order of business:

(a) Call to order by chairman.
(b) Roll call.
(c) Reading of minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New business.
(g) Adjournment.

SECTION 11. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected, concerning the proceedings of the Tribal Council.

SECTION 12. The Tribal Council may prescribe such salaries for officers or members of the Council as it deems advisable, from such funds as may be available.

ARTICLE II—ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SECTION 2. All final decisions of the Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SECTION 3. All questions of procedure (such as acceptance of [illegible] shall be

decided by action of the Council or by ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION 4. *Legislative forms.*—Every ordinance shall begin with the words: "Be it enacted by the Council of the Confederated Salish and Kootenai Tribes—."

SECTION 5. Every resolution shall begin with the words: "Be it resolved by the Council of the Confederated Salish and Kootenai Tribes—."

SECTION 6. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the attached Bylaws, when adopted by a majority vote of the voters of the Confederated Tribes voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and were on October 4, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 147, 74th Cong.).

ROY E. COURVILLE,
Chairman of Election Board.

JOSEPH R. BLODGETT,
President of Tribal Council.

LUMAN W. SHOTWELL,
Superintendent and ex officio
Secretary of the Tribal Council.

MARTIN (his thumb mark) CHARLO,
Chief Confederated Salish Tribe.

PAUL (his thumb mark) KOOS TA-TA,
Chief Kootenai Tribe.

Witnesses to mark:
HENRY MATT.
NICOLAI LASSAW.

I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended October 26, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C.,
October 28, 1935.

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AMENDMENT TO THE CONSTITUTION AND BY-LAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA

AMENDMENT I.

Article VI, Section 1 (h) of the Constitution and By-laws of the Confederated Salish and Kootenai Tribes shall be amended to read as follows:

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached By-laws;

(h) To appropriate for tribal use of the reservation any available applicable funds in the tribal treasury, provided that any such appropriation in excess of $25,000 shall be subject to review by the Secretary of the Interior.

CERTIFICATION OF ADOPTION

Pursuant to an order approved October 14, 1948, by the Assistant Secretary of the Interior, the attached Amendment I to the Constitution and By-laws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, was submitted for ratification to the Indians of the Flathead Reservation and was on December 10, 1948, duly adopted by a vote of 405 for, and 201 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WALTER W. MCDONALD,
Chairman, Confederated Salish & Kootenai Tribal Council.

PHIL HAMEL,
Secretary, Confederated Salish & Kootenai Tribal Council.

C. C. WRIGHT,
Superintendent, Conf. Salish & Kootenai Tribes.

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment I to the Constitution and By-laws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

Approval recommended: December 21, 1948.

JOHN H. PROVINSE,
Assistant Commissioner.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *December 22, 1948.*

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UNITED STATES

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION MONTANA

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RATIFIED APRIL 25, 1936

UNITED STATES

GOVERNMENT PRINTING OFFICE

WASHINGTON : 1936

CORPORATE CHARTER OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana constitute a recognized Indian tribe organized under a constitution and bylaws ratified by the tribe on October 4, 1935, and approved by the Secretary of the Interior on October 28, 1935, pursuant to section 16 of the act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Confederated Salish and Kootenai Tribes of the Flathead Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation.

Corporate Existence.

1. In order to further the economic development of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana by conferring upon the said tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the tribe an assured economic independence; and to provide for the proper exercise by the tribe of various functions heretofore performed by the Department of the Interior, the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Salish and Kootenai Tribes of the Flathead Reservation."

Perpetual Succession.

2. The Confederated Salish and Kootenai Tribes shall, as a Federal corporation, have perpetual succession.

Membership.

3. The Confederated Salish and Kootenai Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the tribe, as provided by its duly ratified and approved constitution and bylaws.

Management.

4. The tribal council of the Confederated Tribes established in accordance with the said constitution and bylaws of the tribe, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and bylaws of the said tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal constitution and bylaws:

(*a*) To adopt, use, and alter at its pleasure a corporate seal.

(*b*) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

1. No sale or mortgage may be made by the tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the tribe within the boundaries of the Flathead Reservation.
2. No mortgage may be made by the tribe of any standing timber on any land now or hereafter held by the tribe within the boundaries of the Flathead Reservation.
3. No leases, permits (which terms shall not include land assignments to members of the tribe), or timber-sale contracts covering any land or interests in land now or hereafter held by the tribe within the boundaries of the Flathead Reservation shall be made by the tribe for a longer term than 10 years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
4. No action shall be taken by or in behalf of the tribe which conflicts with regulations authorized by section 6 of the act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Flathead Reservation.
5. No distribution of corporate property to members shall be made except out of net income.

(*c*) To issue interests in corporate property in exchange for restricted Indian lands.

(*d*) To borrow money from the Indian credit fund in accordance with the terms of section 10 of the act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the tribe: *Provided*, That the amount of indebtedness to which the tribe may subject itself shall not exceed $100,000, except with the express approval of the Secretary of the Interior.

(*e*) To engage in any business that will further the economic well-being of the members of the tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(*f*) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services and including contracts with the United States or the State of Montana or any agency of either for the development of water-power sites within the reservation: *Provided*, That all contracts involving payment of money by the corporation in excess of $5,000 in any one fiscal year, or involving the development of water-power sites within the reservation, shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(*g*) To pledge or assign chattels or future tribal income due or to become due to the tribe under any notes, leases, or other contracts, whether or not such notes, leases, or contracts are in existence at the time: *Provided*, That such agreements of pledge or assignment shall not extend more than 10 years from the date of execution and shall not cover more than one-half the net tribal income in any 1 year: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(*h*) To deposit corporate funds from whatever

to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the tribe.

(*i*) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said tribe or by the United States to the levy of any judgment, lien, or attachment upon the property of the tribe other than income or chattels specially pledged or assigned.

(*j*) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. At any time after 10 years from the effective date of this charter, upon the request of the tribal council of the Confederated Tribes for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5b (3), 5d, 5f, 5g, 5h, and section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall thereupon submit the question of such termination or grant for ratification by the tribe. If the Secretary of the Interior shall approve such termination, it shall be effective upon ratification by a majority vote of the adult members of the tribe residing on the reservation, at an election in which at least 30 percent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the tribal council to popular referendum of the adult members of the tribe actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

Corporate Property.

7. No property rights of the Confederated Salish and Kootenai Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Corporate Dividends.

8. The tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the tribe and may distribute per capita, among the recognized members of the tribe, all profits of corporate enterprises over and above sums necessary to defray corporate obligations to members of the tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any 1 year amounting to a per capita cash payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior.

Corporate Accounts.

9. The officers of the tribe shall maintain accurate and complete public accounts of the financial affairs of the tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the tribe to the Commissioner of Indian Affairs. The treasurer of the tribe shall be the custodian of all moneys which come under the jurisdiction or control of the tribal council. He shall pay out money in accordance with the orders and resolutions of the council, and no disbursements shall be made without the signature or approval of the treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the tribal council at each regular and special meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the treasurer shall be audited at the direction of the council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the tribe or duly authorized representatives of the Government at all reasonable times.

Amendments.

10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the council which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

Ratification.

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Salish and Kootenai Tribes living on the Flathead Reservation,

provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the superintendent of the Flathead Agency and the chairman of the tribal council of the Confederated Tribes.

Submitted by the Secretary of the Interior for ratification by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in a popular referendum to be held on April 25, 1936.

T. A. WALTERS,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 21, 1936.*

CERTIFICATION

Pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984), this charter, issued on April 21, 1936, by the Secretary of the Interior to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on April 25, 1936, duly ratified by a vote of 425 for and 129 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

EDWIN DUPUIS,
Chairman of the Tribal Council.

L. W. SHOTWELL,
Superintendent, Flathead Agency.

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CONSTITUTION AND BYLAWS
of the
SALISH AND KOOTENAI TRIBES
of the
FLATHEAD RESERVATION
MONTANA

Amendment II

Article II of the Constitution entitled "Membership" is hereby amended in its entirety to read as follows:

"Section 1. Confirmation of Rolls - The membership of the Confederated Tribes of the Flathead Reservation is confirmed in accordance with the per capita rolls as from time to time prepared.

"Section 2. Present Membership - Membership in the Tribes on and after the date of the adoption of this amendment shall consist of all living persons whose names appear on the per capita roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, as prepared for the per capita distribution as shown on the per capita roll paid in February 1959 together with all children of such members, born too late to be included on such per capita roll and prior to the effective date of this section who possess one-fourth (1/4) or more Salish or Kootenai blood or both and are born to a member of the Confederated Tribes of the Flathead Indian Reservation. Subject to review by the Secretary of the Interior, the Tribal Council shall make any necessary corrections in this 1959 membership roll so that no one eligible for membership under prior constitutional provisions shall be excluded therefrom.

"Section 3. Future Membership - Future membership may be regulated from time to time by ordinance of the Confederated Tribes subject to review by the Secretary of the Interior. Until and unless an ordinance is adopted any person shall be enrolled as a member who shall (a) apply, or have application made on his behalf, establishing eligibility under this provision; (b) show that he is a natural child of a member of the Confederated Tribes; (c) that he possesses one-quarter (1/4) degree or more blood of the Salish or Kootenai Tribes or both, of the Flathead Indian Reservation, Montana; (d) is not enrolled on some other reservation.

"Section 4. Adoption - The Tribal Council shall have the power to enact and promulgate ordinances, subject to review by the Secretary of the Interior, governing the adoption of persons as members of the Confederated Salish and Kootenai Tribes.

"Section 5. Loss of Membership - Membership in the Confederated Tribes may be lost (1) by resignation in writing to the Tribal Council; (2) by enrollment of the member with another Indian tribe; (3) by establishing a legal residence in a foreign country; (4) upon proof of lack of eligibility for enrollment, or fraud in obtaining enrollment, with due notice and opportunity to be heard and to defend before the Tribal Council, subject to appeal to the Secretary of the Interior, whose decision shall be confined to the record made in such proceeding which, if supported by substantial evidence, shall be binding.

"Section 6. Definitions - Wherever the term "Indian Blood" shall have been used herein or in tribal ordinances, unless the context shall require a different meaning, it shall be determined to mean the blood of either or both the Kootenai or the Salish Tribes of the Flathead Reservation.

"Section 7. Current Membership Roll - The membership roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be kept current by striking therefrom the names of persons who have died or have lost membership pursuant to this Constitution and adding thereto the names of persons who shall have established eligibility or been adopted. The roll so prepared shall be the basis for determining the right of persons whose names appear thereon to share in annual per capita distribution of funds or in any other tribal property, subject to Secretarial approval.

"Section 8. Rules of Procedure - The Tribal Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Tribal Council of the Confederated Salish and Kootenai Tribes. In case of distribution of tribal assets, the roll shall be submitted to the Secretary of the Interior for final approval as may be provided by law.

"Section 9. Rights of Members are Prospective - No person shall be entitled to receive a per capita payment or share in any other tribal assets which were distributed prior to the date of his actual enrollment."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960 duly ratified by a vote of 762 for, and 187 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) Jerome Hewankorn
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd) E. W. Morigeau
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd) Charles S. Spencer
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner, Bureau of Indian Affairs

(sgd) Fred A. Seaton
Secretary of the Interior
(SEAL)

May 5, 1960

Washington, D. C.

CONSTITUTION AND BYLAWS
of the
SALISH AND KOOTENAI TRIBES
of the
FLATHEAD RESERVATION
MONTANA

Amendment III

Article VIII of the Constitution entitled "Land" is hereby amended in its entirety to read as follows:

"Section 1. Land Transactions - Subject to any limitations imposed by this Constitution and Bylaws, to any applicable Federal statute and to the approval of the Secretary of the Interior, the Tribal Council may:

(1) Purchase or receive by gift or relinquishment land or any interest therein, and may lease, exchange (with or without the giving or receipt of other consideration), encumber, and assign tribal lands or any interest therein; and

(2) Adopt ordinances or resolutions governing any or all such transactions.

"Section 2. Saving Clause - Nothing herein shall be held to impair rights heretofore acquired in any allotment or assignment held by any individual."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960, duly ratified by a vote of 617 for, and 329 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd.) Jerome Hewankorn
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd.) E. W. Morigeau
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

(sgd) Charles S. Spencer
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment III to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner, Bureau of Indian Affairs

(sgd) Fred A. Seaton
Secretary of the Interior
(SEAL)

May 5, 1960 Washington, D. C.

CONSTITUTION AND BYLAWS
of the
SALISH AND KOOTENAI TRIBES
of the
FLATHEAD RESERVATION
MONTANA

Amendment IV

Section 7 of Article I of the Bylaws entitled "The Tribal Council" is hereby amended to read as follows:

"Section 7. Regular meetings of the Tribal Council shall be held on the first Friday of January, April, July, and October, at 9:00 o'clock a.m., at the Flathead Agency."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960, duly ratified by a vote of 825 for, and 117 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) Jerome Hewankorn
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Trib

(sgd) E. W. Morigeau
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribe

(sgd) Charles S. Spencer
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment IV to the Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner, Bureau of Indian Affairs

(sgd) Fred A. Seaton
Secretary of the Interior
(SEAL)

May 5, 1960 Washington, D. C.

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

DATE: August 5, 1970

National Archives and Records Service
Washington, D.C. 20408

REPLY TO ATTN OF: NNR

SUBJECT: Request for certain information about the Flathead Indian Reservation.

St. Ignatius, Montana 59865

The enclosed electrostat of a listing of the laws and treaties relating to the Flathead Indian reservation which appears in The House Resolution Authorizing the Committee on Interior to Conduct an Investigation of the Bureau of Indian Affairs (House of Representatives No. 2503, Union Calendar 790, 82d Congress, 2d Session) is for your information.

If you wish to order copies of any of the documents listed in the enclosure, may we suggest that you write to the Photo Duplication Service, Library of Congress, Washington, D. C. 20540.

Richard S. Maxwell

RICHARD S. MAXWELL
Assistant Director
Social and Economic Records Division

Enclosure

FLATHEAD OR SALISH INDIANS

Flathead or Jocko Reservation, Mont.

There were 3,630 Flathead or (Salish) and Kutenay Indians on this reservation in 1945 [1] and an estimated 3,894 Indians in 1950. In 1929, Bitter Root, Carlos band, Lower Kalispel and (Upper) Pend d'Oreille Indians were also listed as being on the reservation.[2] The original area was 1,248,000 acres, of which 664,372 acres of allotted lands had been patented in fee, sold or

otherwise alienated in 1934.[3] In 1950, the area consisted of 629,922 acres (232,102 acres, trust allotted; 397,820 acres, tribal; 1,283 acres, reserved by the government).

A treaty of July 16, 1855, with the Flathead Nation, consisting of the Confederated Tribes of Flathead, Kutenay and Upper Pend d'Oreille Indians, ceded certain lands in Montana and Idaho to the United States in return for a reservation in Montana for the confederated tribes and friendly tribes of Washington, who wished to consolidate with them under the designation of "Flathead Nation", certain payments, etc., over a period of years and exclusive fishing rights in the reservation. The President was authorized to have lands allotted in severalty, allotments to consist of from one-eighth to one section, or more, and to issue patents therefor conditioned on non-alienation, leases limited to two years and tax exemption, etc. (12 Stat. 975–979).

A treaty of October 17, 1855, with the Flathead Nation and the Nez Perce Indians, west of the Rocky Mountains, and the Blackfoot Nation, east of the Rocky Mountains permitted the Flathead Nation to hunt east of the Rockies (11 Stat. 657–662).

An act of June 5, 1872, amended June 22, 1874, provided for removal of the Flatheads from Bitter Root Valley in Montana to the Jocko Reservation, Mont., set apart under the treaty of July 16, 1855, above. Lands in Bitter Root Valley were to be opened for settlement and proceeds from sale paid into the Treasury and an annual appropriation of $5,000 made for ten years, to be expended by the President for the benefit of the Indians who settled on the Jocko reservation (17 Stat. 226–227, c. 308; 18 Stat. 173, c. 389).

An act of July 4, 1884, ratified an agreement of September 2, 1882, with the Flatheads authorizing a right of way through the reservation and appropriated $16,000 to pay the Flatheads (23 Stat. 89, c. 180).

An act of March 2, 1889, amended July 1, 1898, provided for sale of lands allotted to Flatheads in Bitter Root Valley, Mont., with consent of the individual Indians, and deposit of proceeds in the Treasury to the credit of the individual Indians. The Secretary was authorized to pay cash to them or expend the money for their benefit. The Indians were to be moved to the Jocko Reservation in Montana (25 Stat. 871–872, c. 391; 30 Stat. 596, c. 545, § 9).

An act of April 23, 1904, amended March 3, 1905, June 21, 1906, May 29, 1908, March 3, 1909, April 12, 1910, and February 28, 1919, provided for allotments to be made to the Confederated Tribes of Flathead, Kootenai, and Upper Pend d'Oreille Indians and other Indians on the reservation, including Lower Pend d'Oreille or Kalispel Indians. Residue of lands was to be opened to settlement, except for certain lands reserved for missions, government agencies, etc., a biological station for the University of Montana and 5,000 acres of timber lands for use of said Indians. Proceeds from sale of lands were to be deposited in the Treasury and after deducting funds for irrigation, one-half of the remaining funds were to be expended by the Secretary for the benefit of the Indians and the other half was to be paid to the Indians on the reservation, semiannually, as the same became available, share

and share alike, except that the Secretary was authorized to withhold pro rata shares for irrigation charges. The amending act of 1906 authorized the Secretary to reserve town sites and 160 acres at hot springs near Camas, moneys derived from the springs to be for the benefit of the Indians. The amending act of 1909 permitted the Secretary to reserve lands for power or reservoir sites (45,714 acres were reserved). Under the amendment of 1910, sale of not more than 60 acres of allotted lands, upon application of the allottee, was authorized, half of proceeds to be paid to the allottee and half to be held in trust at three percent interest, which interest was to be paid to the allottee annually and the remaining principal paid to the allottee or heirs when the trust patent expired, or sooner in the discretion of the Secretary. Lieu lands were to be given for allotments on power or reservoir sites, to be enforced by condemnation proceedings if necessary. The amendment of 1919 provided for designation of land as valuable for stock-watering and required existing trails to be kept open to same (33 Stat. 302–306, c. 1495; 1080–1081, c. 1479, § 9; 34 Stat. 354–355, c. 3504; 35 Stat. 449–450, c. 216, 795–796, c. 263; 36 Stat. 296–297, c. 156; 40 Stat. 1203, c. 71).

An act of May 23, 1908, amended March 4, 1909, authorized reservation of 20,000 acres of the reservation for the National Bison Range and $30,000 was appropriated to pay the Indians on the reservation for their lands (35 Stat. 267, c. 192, 927, c. 298, 1051, c. 301).

An act of April 4, 1910, provided for reimbursement of appropriations for irrigation systems for allotted and unallotted irrigable lands (36 Stat. 277, c. 140).

An executive order of February 15, 1912, reserved certain lands in the reservation for a town site and an executive order of April 13, 1912, reserved other lands.

An act of July 10, 1912, authorized sale of lands to the city of Ronan, proceeds to be credited to the Flathead Indians, to draw interest at the rate provided by law and to be used for the benefit of said Indians (37 Stat. 192, c. 229).

Executive Order 1682 of January 14, 1913, reserved certain lands on the reservation for administrative purposes.

An act of May 18, 1916, authorized the opening of lands on the reservation, formerly classified as timber lands, to homestead entry; payment was to be made for timber in addition to the price of the land (39 Stat. 139, c. 125).

An act of May 18, 1916, regulated the payment of irrigation charges on lands allotted in severalty and allotted lands that had been sold; tribal funds which had been covered into the Treasury for irrigation construction charges were to be placed to the credit of the tribe and to be available for expenditure for the benefit of the tribe (39 Stat. 141, c. 125, § 11).

An act of June 27, 1918, authorized the Secretary to convey 120 acres of land in the reservation to a certain individual, said land to remain under government control (40 Stat. 616–617, c. 106).

An act of January 7, 1919, authorized sale of land to a school district, proceeds to be deposited to the credit of the Flathead

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Indians, to draw interest as provided by law and to be used for the benefit of the Indians on the reservation, provided Indian children were admitted to attend school on equality with white children (40 Stat. 1053, c. 5).

An act of February 14, 1920, authorized exchange of 200 acres of land with the State, in lieu of a portion of the reservation reserved for school lands (41 Stat. 421, c. 75, § 10).

An act of February 25, 1920, amended June 16, 1950, authorized allotments to all unallotted living children enrolled or entitled to enrollment with the tribe; 40 acres of each allotment was to be designated as a homestead and was to be inalienable and nontaxable during minority; the first cutting of timber on timber land allotments was to be reserved for tribal benefit and title to residual timber was to pass to the allottees, etc. (41 Stat. 452, c. 87; Public Law 557, 81st Cong.).

An act of May 31, 1924, authorized addition of certain descendants of the Confederated tribes, to the final roll and per capita payments to such Indians (43 Stat. 246, c. 215).

An act of March 13, 1924, amended February 3, 1931, conferred jurisdiction on the Court of Claims to determine claims of Flathead, Kootenai, and Upper Pend d'Oreille Tribes on the reservation under treaty of July 16, 1855, above, and provided that the amount of any judgment was to be deposited in the Treasury to the credit of the Indians and was to draw interest at four percent (43 Stat. 21, c. 54; 46 Stat. 1060, c. 101).

An act of May 10, 1926, required contracts for repayment of irrigation construction charges and also required disposal of holdings in excess of 160 acres of land on the reservation, but trust patent Indian lands were not to be subject to these provisions until issuance of a fee patent (44 Stat. 465, c. 277).

An act of March 7, 1928, authorized the Federal Power Commission to issue licenses for water power developments on the reservation; rentals were to be paid to the Indians as a tribe and deposited in the Treasury at four percent interest (45 Stat. 212, c. 87).

An act of March 7, 1928, directed the Federal Power Commission to waive fees for issuance of water power permits or licenses on the reservation (45 Stat. 1640, c. 707).

An act of April 4, 1938, authorized lease of lands for agricultural and grazing, etc., purposes, on irrigation projects, reserves, etc., funds derived therefrom to be deposited to the credits of the tribe; consent of the tribe to lease of tribal lands was required if the tribe was organized (52 Stat. 193, c. 63).

An act of June 24, 1946, provided that tribal funds of the Confederated Salish and Kootenai Tribes on the reservation were to be available for purposes designated by the tribal council and approved by the Secretary (60 Stat. 302, c. 460).

An act of July 30, 1946, conferred jurisdiction on the Court of Claims to adjudicate claims of the Confederated Salish and Kootenai Tribes on this reservation. The amount of any judgment was to be placed in the Treasury to the credit of the Indians, at four percent interest, and was to be subject to appropriation by Congress for the benefit of the Indians (60 Stat. 715–716, c. 761).

An act of May 20, 1948, authorized conveyance of certain lands on the reservation to the State of Montana (62 Stat. 248, c. 325).

An act of May 25, 1948, authorized reimbursable appropriations of $64,570.56 to repay the Confederated Salish and Kootenai Tribes of the Reservation amounts due them under the act of May 18, 1916, above, and $100,000 in settlement of claims for use of tribal lands for irrigation and power systems or wildlife refuges; the tribes were to have the right to use such tribal lands and grant leases or concessions thereon, for purposes not inconsistent with such permanent easements (62 Stat. 272, c. 340, § 5).

An act of August 18, 1949, authorized a patent in fee to about five acres of land to be issued to Lake County, Mont., with the consent of the tribal council (63 Stat. 614, c. 472; Public Law 245, 81st Congress).

An act of August 19, 1949, authorized an appropriation for repair, etc., of the drainage system for lands within the city of Polson, Mont., on the reservation; the city was to operate same in perpetuity (63 Stat. 621, c. 487; Public Law 255, 81st Congress).

Upper Columbia UPDATE

THE NEWSLETTER OF THE UPPER COLUMBIA ALTERNATIVE FLOOD CONTROL AND FISH OPERATIONS ENVIRONMENTAL IMPACT STATEMENT (EIS)

ISSUE #6 – WINTER 2005

In this issue . . .

We have published five newsletters to inform you of the progress on the Upper Columbia Alternative Flood Control and Fish Operations Environmental Impact Statement (also known as the VARQ EIS). This 6th edition is intended specifically to summarize results of the hydrologic analysis at Hungry Horse and Libby Dams and hydropower analysis of the Columbia River coordinated hydropower system.

The 7th newsletter will be timed to come out during the public review period for the draft EIS later in 2005, and will focus on the overall document and the comment process. The 8th and final newsletter will be geared toward the wrap-up of the EIS and our decision on future project operations.

The EIS will evaluate four alternatives that combine different operations at Libby and Hungry Horse dams:

At Hungry Horse Dam:

- Standard Flood Control (FC) with fish flows*
- VARQ FC with fish flows

*At Libby Dam***:*

- Standard FC with fish flows including sturgeon flows up to current powerhouse capacity
- VARQ FC with fish flows including sturgeon flows up to current powerhouse capacity
- Standard FC with fish flows including sturgeon flows up to 10,000 cubic feet per second (cfs) above current powerhouse capacity
- VARQ FC with fish flows including sturgeon flows up to 10,000 cfs above current powerhouse capacity

**Fish flows include bull trout minimum flows and salmon augmentation at Hungry Horse Dam and bull trout minimum flows, salmon augmentation and sturgeon flows at Libby Dam.*

***The impacts of the Libby fish flows will be evaluated by comparing EIS alternatives to operational scenarios without fish flows.*

INSIDE

Simulation of Local Effects of Alternative Flood Control and Fish Operations at Libby Dam, Montana p.2

Simulation of Multipurpose Operation of the Columbia River Hydropower System p.3

Simulation of Local Effects of Alternative Flood Control Operations at Hungry Horse Dam, Montana

Reclamation has completed a hydrologic analysis, using computer modeling, for alternative operations at Hungry Horse Dam. The analysis shows that impacts to reservoir elevations and discharges at Hungry Horse Dam and at projects downstream to below Albeni Falls Dam are minimal when comparing VARQ FC to Standard FC.

VARQ FC is intended to reduce the seasonal flood control draft without compromising system-wide flood control protection. If the amount of water that is normally stored during the refill period is passed through the project, then the amount of storage space needed in the project is reduced. Typically the May 1 water surface elevation at Hungry Horse will be higher with VARQ FC than Standard FC in years when forecasted project inflows are less than 130% of average. In years where forecasted inflows are greater than 130% of average,

continued on page 2 ▸

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Hungry Horse Reservoir would be at similar elevations for both Standard FC and VARQ FC.

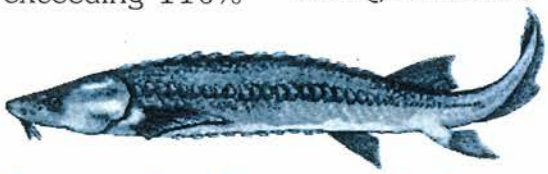
Refill probabilities are slightly higher at Hungry Horse Reservoir and at Flathead Lake under VARQ FC compared to Standard FC. Flathead Lake elevation remains up to six inches higher for several weeks in the summer during below-average water years under VARQ FC.

The discharges from Hungry Horse Dam under the VARQ FC rule curves are generally higher in May and June and lower in April when compared to Standard FC. This same pattern is also true at Flathead Lake and Albeni Falls Dams where flows are slightly higher in June and slightly lower in April under VARQ FC.

Limitations in capacity to transmit electricity, which are summarized in more detail in the full report, could result in increased spill at Hungry Horse due to VARQ FC. Increased spill causes subsequent increases in total dissolved gas saturation. Consequently occurrences of total dissolved gases exceeding 110% saturation (Montana State maximum standard under the Clean Water Act) could be increased below Hungry Horse Dam under VARQ FC.

There is no difference between Standard FC and VARQ FC in the probability of exceeding flood stage at Columbia Falls. There is no increase in the occurrence of flooding on the Flathead River at Columbia Falls, Montana under VARQ FC. Below flood stage, Flathead River flows are slightly higher for VARQ FC. VARQ FC resulted in slightly lower flows in the Pend Oreille River below Albeni Falls Dam during the March-April time period when flooding at Cusick, Washington due to local inflows is a concern. Flows in the Pend Oreille River below Albeni Falls Dam are slightly higher in June under VARQ FC, but the frequency of exceeding the flood warning threshold of 100,000 cfs is essentially the same for VARQ FC and Standard FC.

Additional details may be found in the Hungry Horse report available at: http://www.usbr.gov/pn/programs/VARQ/links.html



Simulation of Local Effects of Alternative Flood Control and Fish Operations at Libby Dam, Montana

The Corps conducted a hydrologic analysis using computer modeling for alternative operations at Libby Dam. The analysis simulates how those operations affect flows, river levels, and reservoir/lake elevations at Libby Dam, Bonners Ferry, and Kootenay Lake.

Results show that VARQ FC improves reservoir refill compared to the corresponding Standard FC operation, but fish flow operations decrease the annual maximum reservoir elevation and refill percentage. In near-average-runoff years, peak Libby Dam outflows during refill in the spring and summer are generally greater with VARQ FC than they are with Standard FC. As peak outflows approach the powerhouse capacity (about 25,000 cfs), outflows under VARQ FC and Standard FC outflows are similar. This is because draft requirements are the same for VARQ FC as for Standard FC in high runoff years. In all simulations, the maximum outflow from Libby Dam remained below 40,000 cfs. In general, the peak outflow from Libby Dam increases as a result of sturgeon flows and as the peak sturgeon flow increases.

In most years at Bonners Ferry, VARQ FC results in higher river stages than the

continued on next page▸

? DEFINITIONS IN THIS ISSUE

Variable flow (Q), or VARQ flood control: An alternative flood control operation whereby a storage reservoir is lowered less in winter during years with a low or medium runoff forecast.

Standard Flood Control (also referred to as BASE-CRT63): The flood control protocol proposed for long-term replacement by VARQ flood control for Libby & Hungry Horse dams.

Flood Control Draft: Releasing water from the dam to lower the reservoir elevation, typically when reservoir inflows are low. The lowered reservoir then has storage space to capture water when necessary to help control downstream flows during high runoff events caused by rainfall and/or snowmelt.

PUBLISHING INFORMATION

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Standard FC procedure. However, Bonners Ferry river stage in the high runoff years is similar under both VARQ FC and Standard FC since simulated and actual water management for flood control limits Bonners Ferry stage to 1764 feet, when possible. With VARQ FC, the modeled likelihood of peak Bonners Ferry elevations between 1764 and 1765 feet is about 1% higher than with Standard FC. But the likelihood of exceeding a peak Bonners Ferry stage of 1765 feet is equal for both operations. When compared to without-fish-flow scenarios, fish flows cause an increase in peak stage and duration at river levels below flood stage at Bonners Ferry, with sturgeon flows at 10,000 cfs above current powerhouse capacity showing the greatest increases.

Kootenay Lake tends to be higher under VARQ FC than Standard FC. Sturgeon flows tend to increase the peak level of Kootenay Lake between one and three feet, depending on the flood control method (standard or VARQ) and type of sturgeon flows provided (limited to powerhouse capacity or to 10,000 cfs above current powerhouse capacity).

To complete this modeling, many assumptions regarding real-time operations were made, including water supply forecasts, sturgeon operations and operational decisions. The study included an analysis of how sensitive the results were to these decision criteria used in the computer models. The sensitivity analysis indicates that the modeling has captured the upper bounds of impacts to river flows and stages.

Additional details may be found in the Libby report available at: http://www.usbr.gov/pn/programs/VARQ/links.html

Simulation of Multipurpose Operation of the Columbia River Hydropower System

Using computer modeling, the Corps conducted a study that simulates the operation of Federal, private, and public utility dams that make up the Columbia River basin's coordinated hydropower system. The study evaluated impacts of flood control and fish operations at Libby and Hungry Horse dams on hydropower generation, Grand Coulee Dam operations, and mainstem Columbia River flow targets for salmon.

Comparing the impacts of the two flood control operations, VARQ Flood Control (FC) and Standard FC (both including fish flows at Libby Dam), the model showed the following:

Power impacts: Results indicate that although the average individual monthly generation could be reduced by as much as 4% with VARQ FC, the average annual system generation would decrease by less than 0.1%, or about 7 average megawatts. VARQ operations tended to increase system power generation from May through August and decrease system power generation from January through April.

Impacts to Grand Coulee reservoir elevation: Grand Coulee Dam, in coordination with Libby, Hungry Horse, and other dams in the U.S. and Canada, is operated to provide flood protection at The Dalles and Portland, Oregon. Available space at upstream dams can affect flood control space requirements at Grand Coulee. On May 1, Grand Coulee is drafted from 0 to 6 feet deeper due to implementation of VARQ FC at Libby and Hungry Horse. There would be no difference in draft at Grand Coulee in 24 out of 52 years.

Impacts to salmon flow targets: Spring and summer flow targets at McNary Dam were achieved more frequently with VARQ FC, but the likelihood of meeting flow targets at Priest Rapids Dam was not substantially affected.

continued on back page

NOW ON THE WEB

For the latest news and information on the UC project, go to

www.usbr.gov/pn/programs/VARQ

Listed below are just a few of the informative articles and documents you'll find on the website:

- **Monthly Forecast Updates**
  Monthly updates of water supply forecasts, flood control target elevations based on those forecasts, and current reservoir elevations for Libby, Hungry Horse, and Grand Coulee.
- **Technical Study Reports**
  Postings of reports on the various technical studies being done to support the EIS evaluation.
- **Frequently Asked Questions**
  Answers to a number of questions about the project covering technical issues, policy, background, and process.

Plus links to:

- Agency websites
- Articles and reports on Columbia and Kootenai River dam and flood control operations
- Information on endangered species
- Alternative perspectives and viewpoints

Any Missing Links?

If there are any links you think would add to the information on our site, please submit them to: **uceis@usace.army.mil**

Thanks for your input!

◂continued from previous page

In addition to comparisons between the two flood control alternatives (which both included implementation of fish flows at Libby), this study also looked at changes specifically due to the fish flows themselves at Libby Dam. The basic results were:

Power impacts: The average annual generation of the Columbia River power system was decreased by less than 1% due to the implementation of fish flows at Libby Dam. Under Standard FC, Libby fish flows resulted in monthly generation increases in the spring of 1% to 3%, and decreases in September of about 13%. Under VARQ FC, Libby fish flows resulted in monthly generation increases of 1% to 5% from May to August, and decreases of about 13% in September.

Impacts to Grand Coulee reservoir elevation: Implementation of fish flows at Libby Dam did not affect Grand Coulee water surface elevations on May 1.

Impacts to salmon flow targets: Flow targets at McNary Dam were more likely to be met in May through August with Libby fish flows added to either VARQ FC or Standard FC. Priest Rapids flow targets were more likely to be met in May and June for Standard FC with Libby fish flows, but were equally likely under VARQ FC regardless of fish flow implementation.

Hydropower generation data from this study will be used to assess anticipated economic impacts. The economic impacts report is scheduled for completion in the next few months. Additional details may be found in the final hydropower impacts report located at: http://www.usbr.gov/pn/programs/VARQ/links.html

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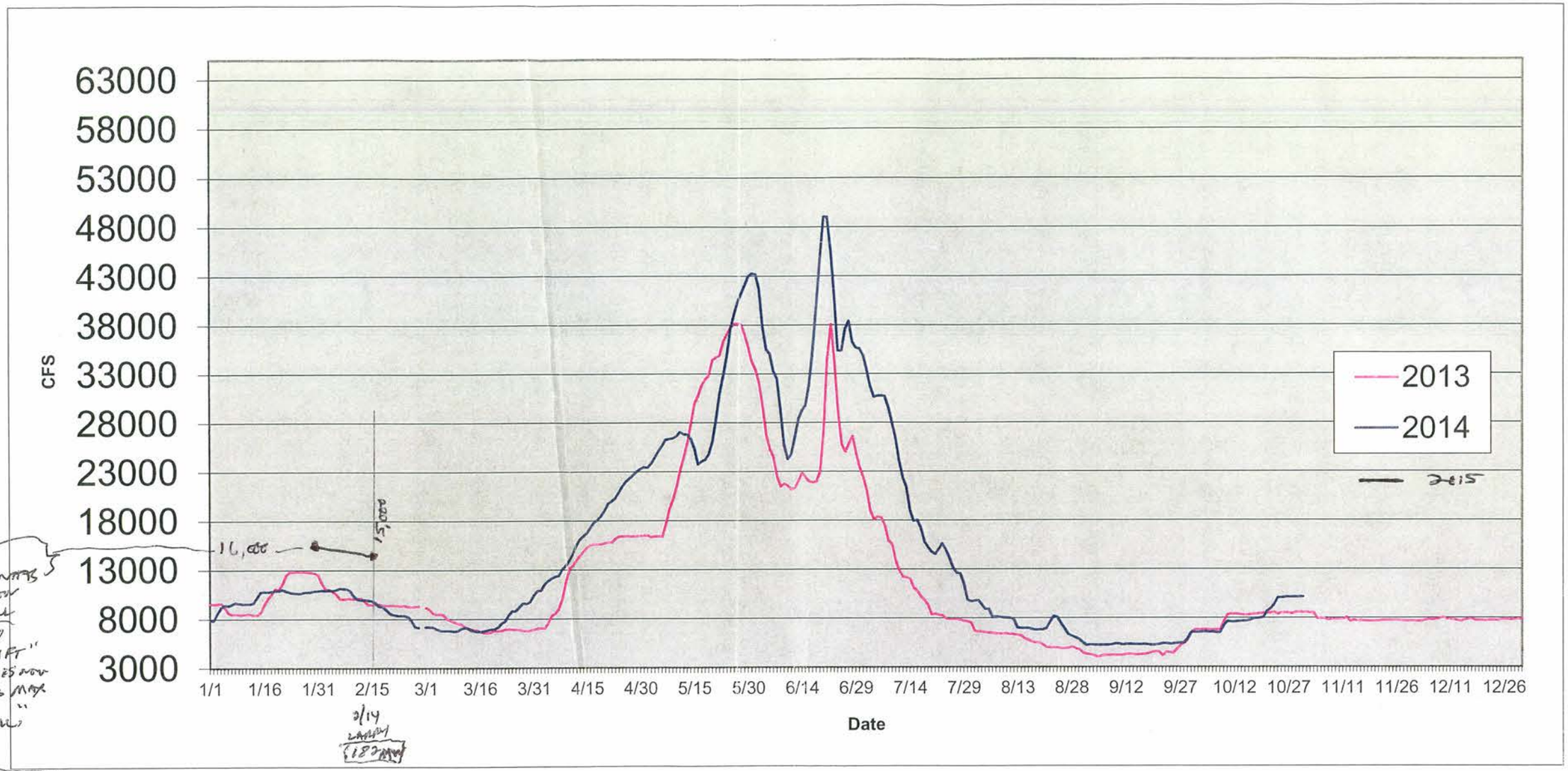

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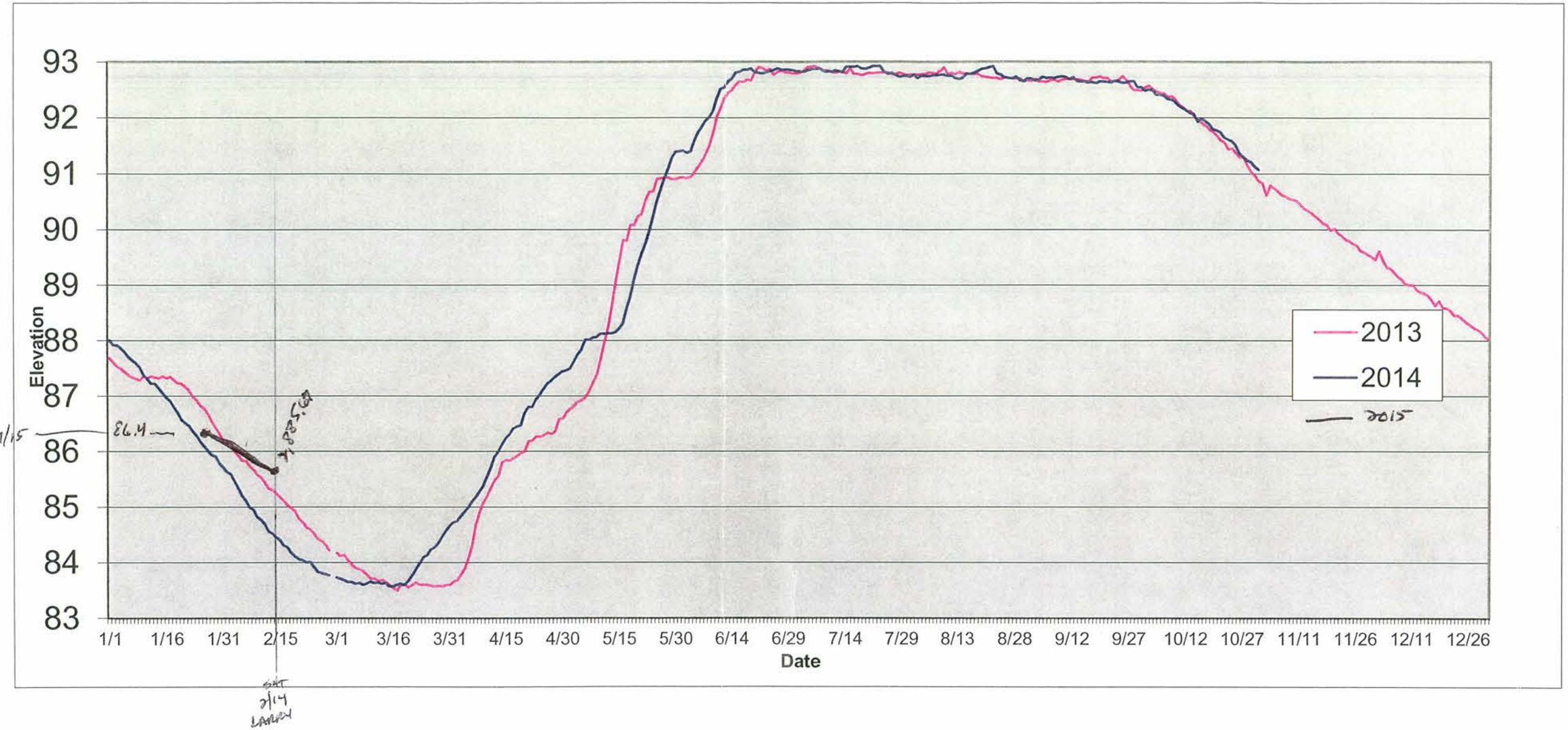
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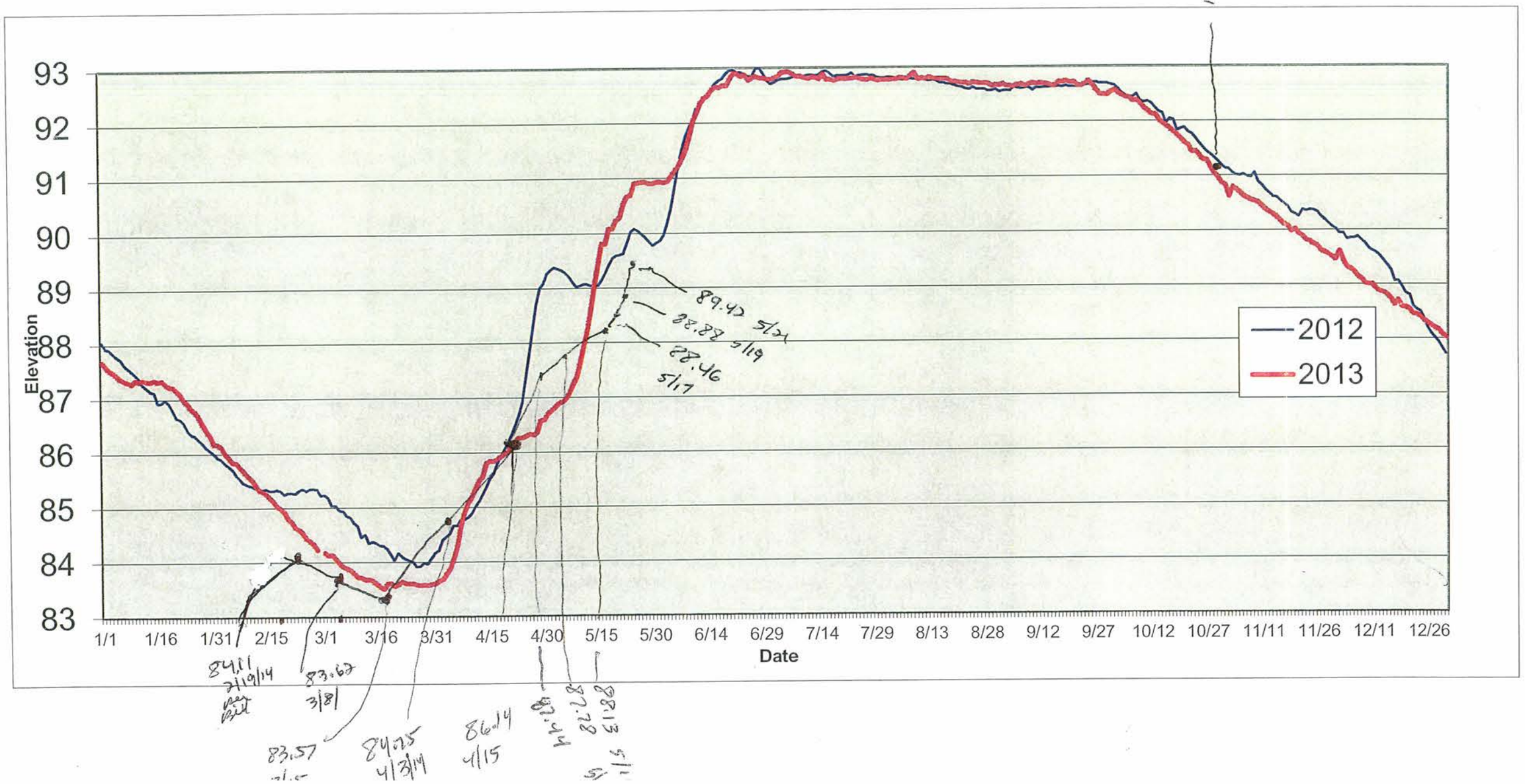
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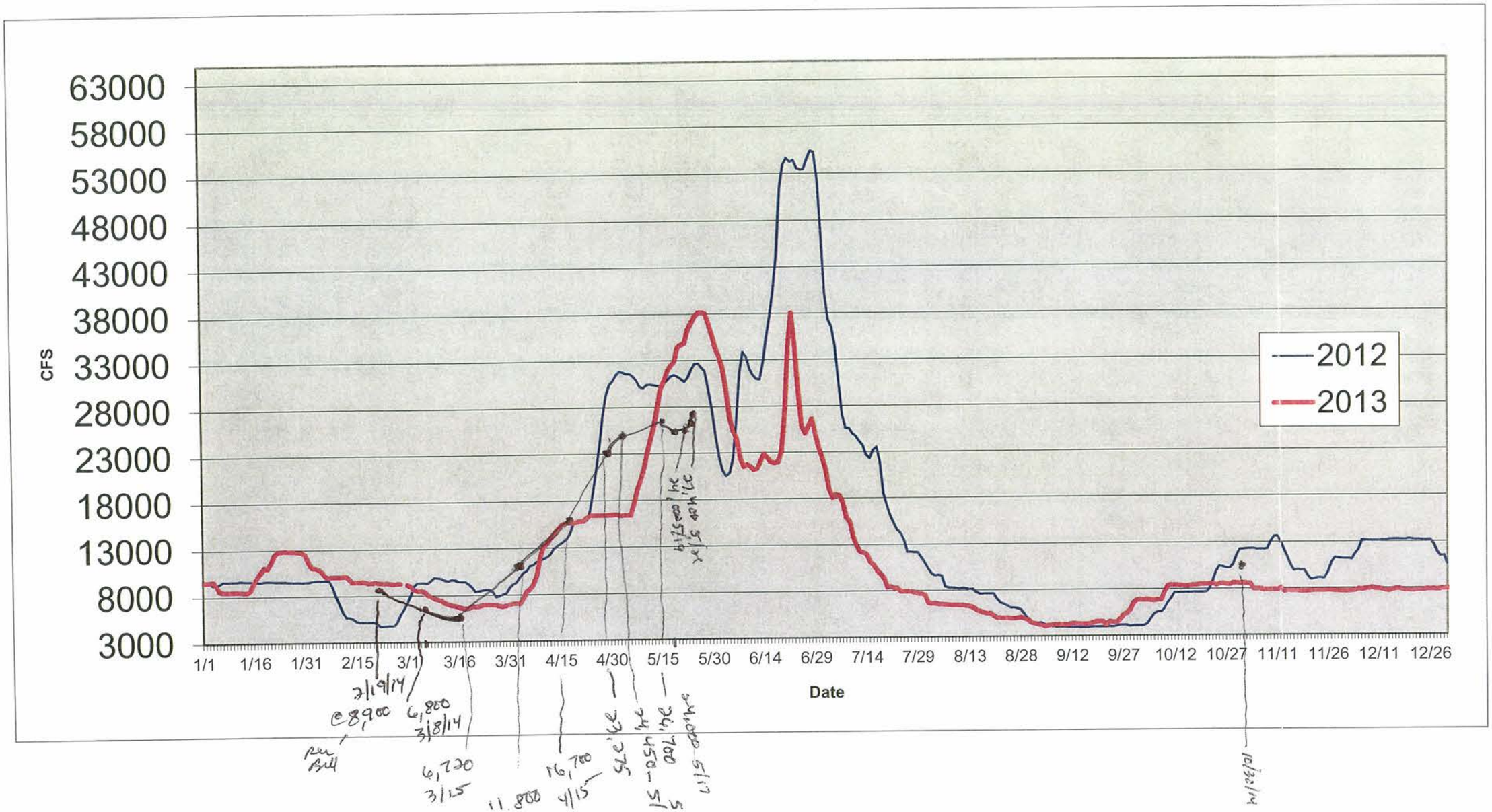

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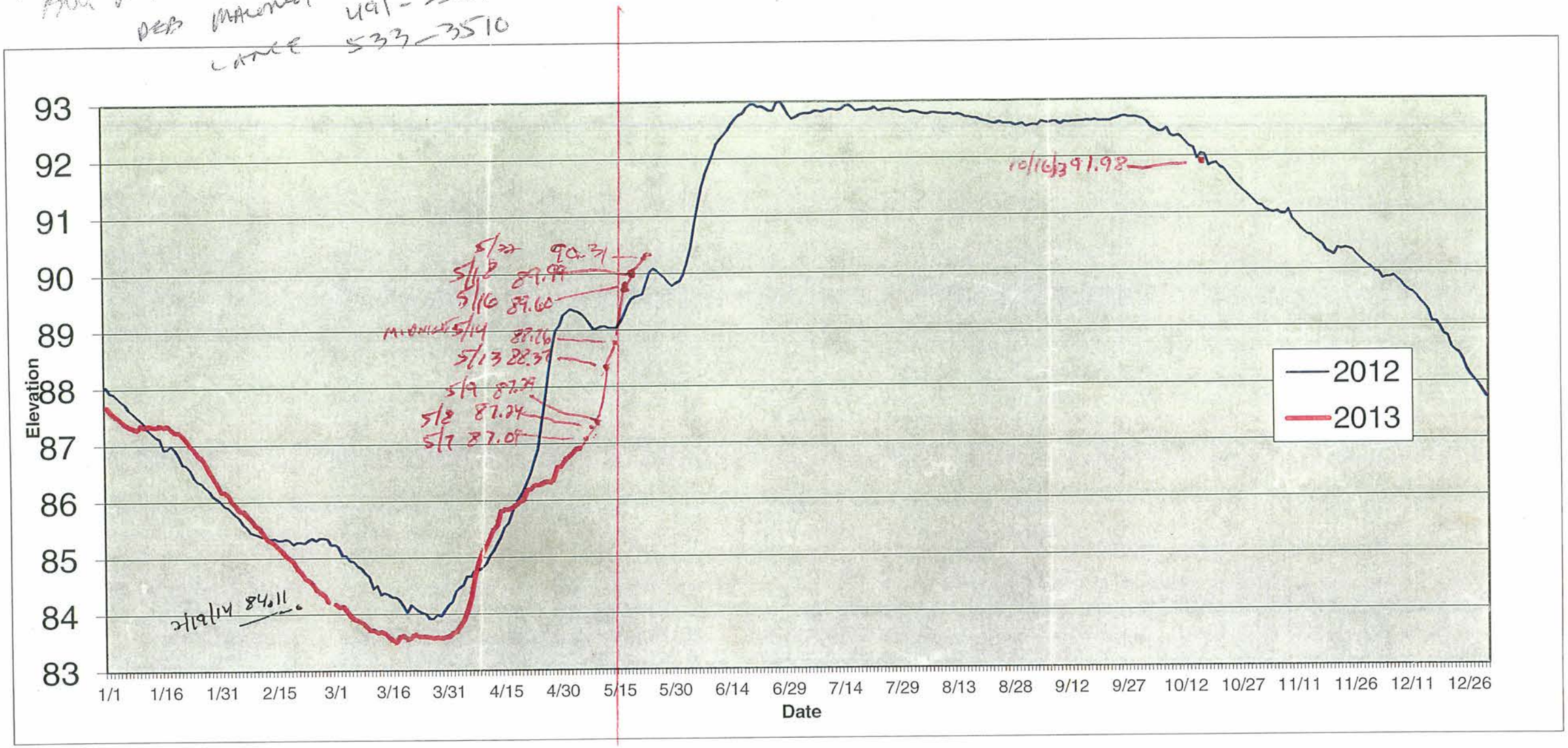

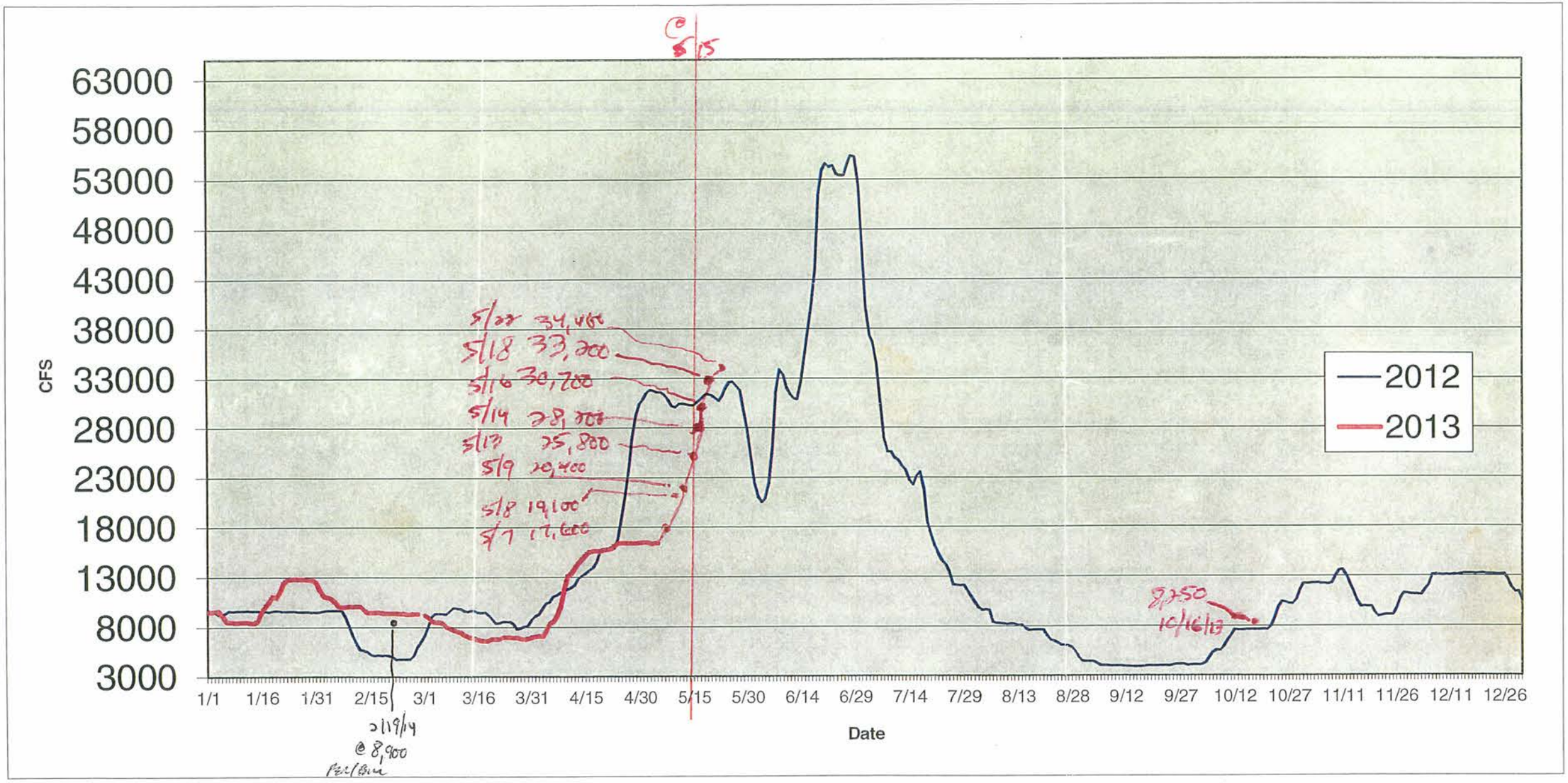
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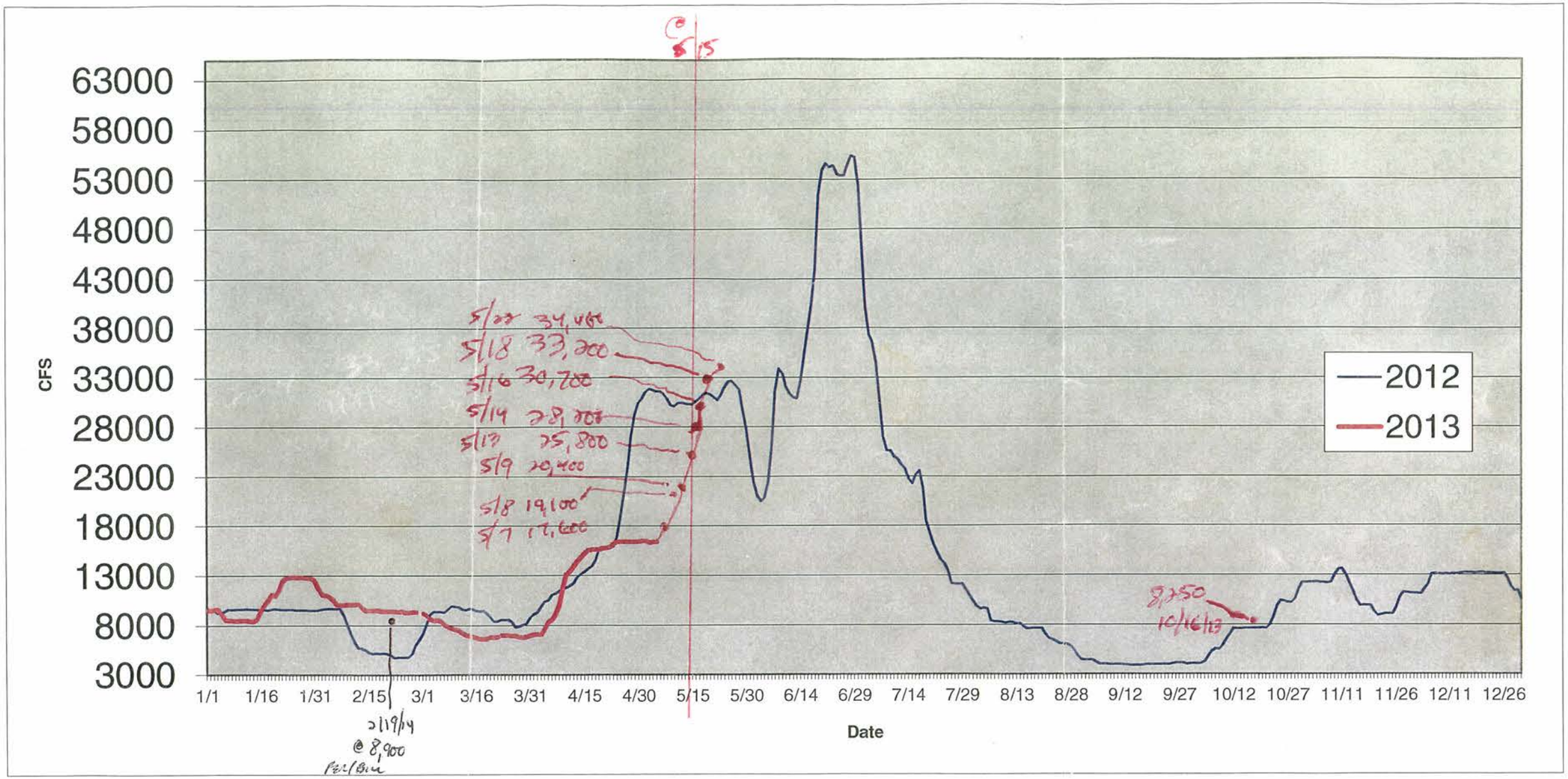
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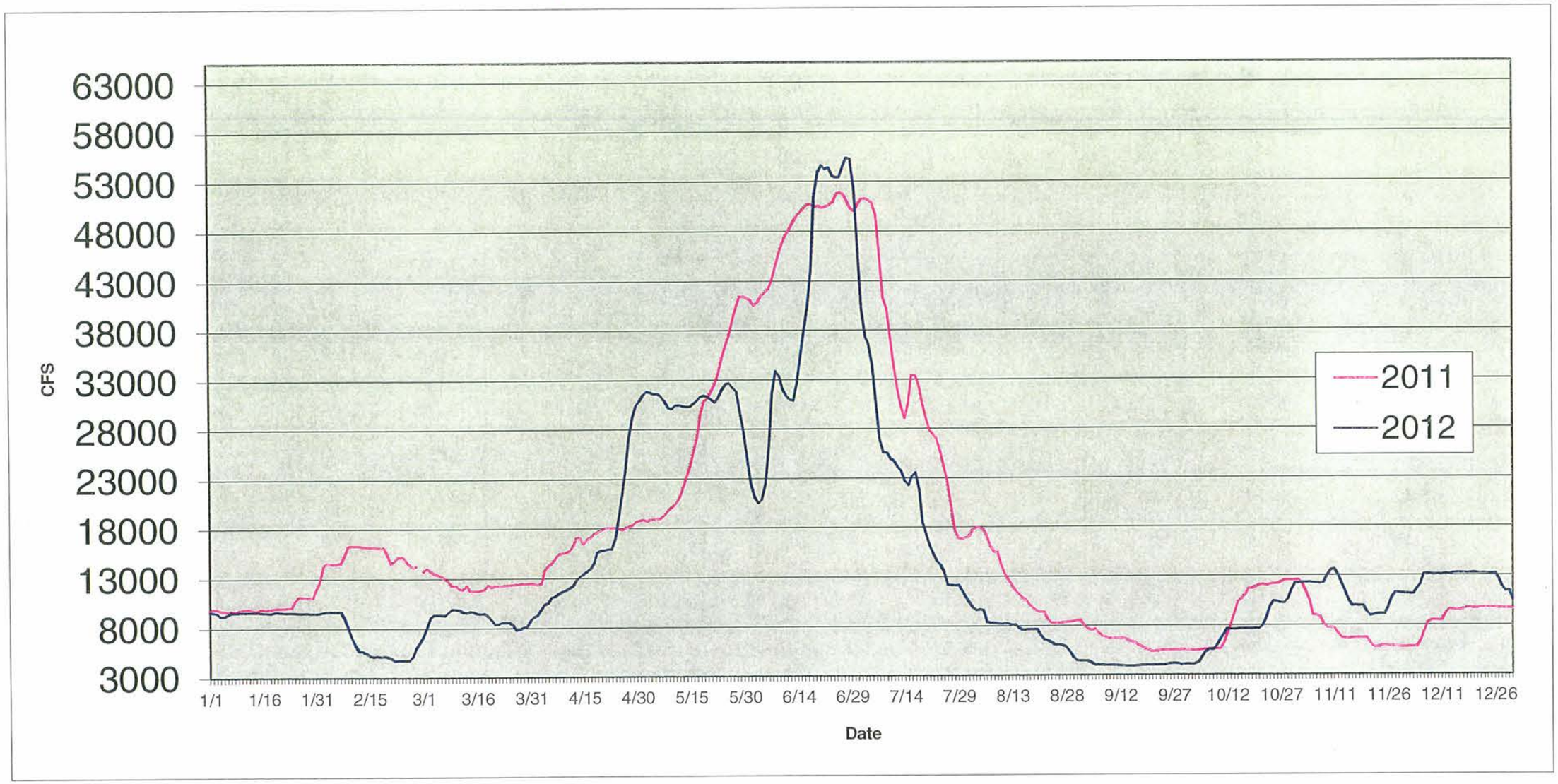
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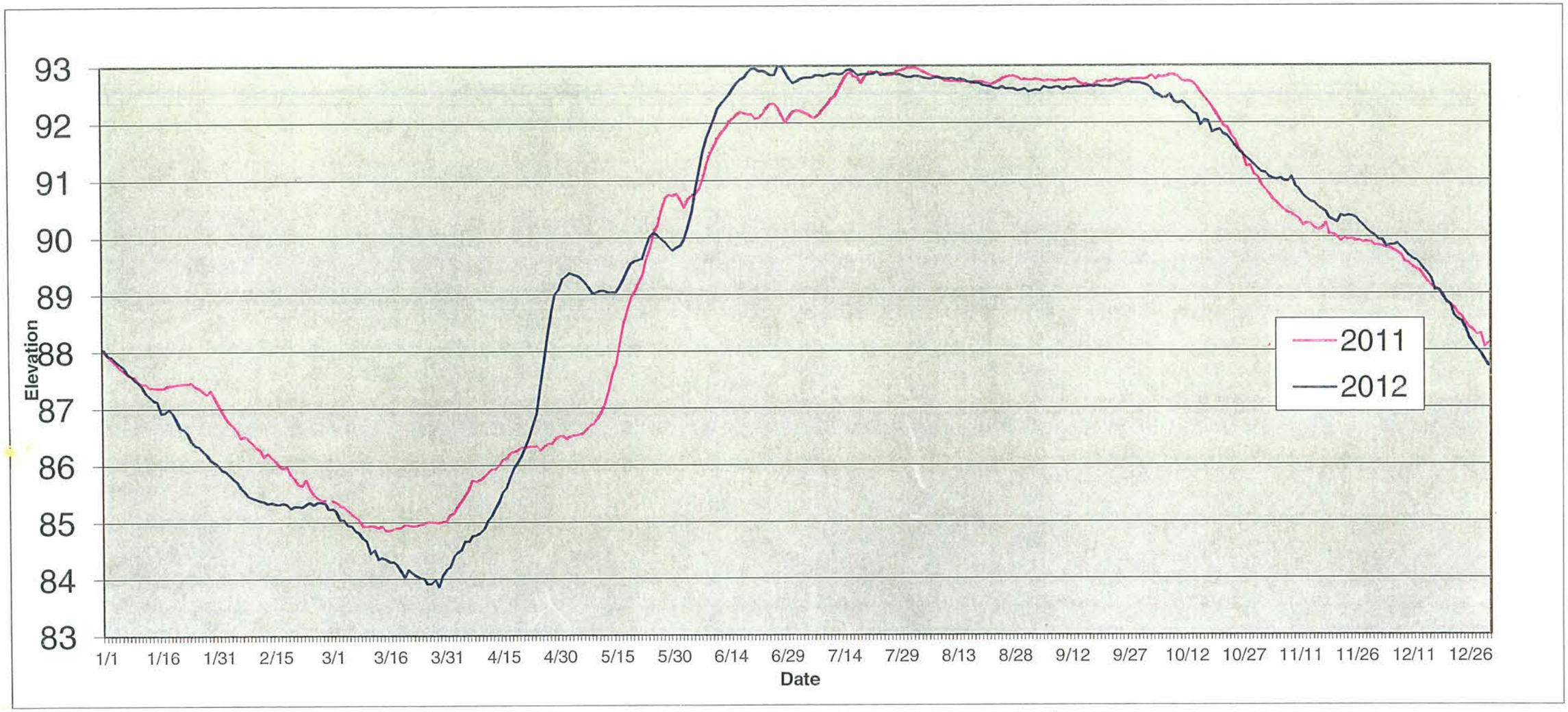
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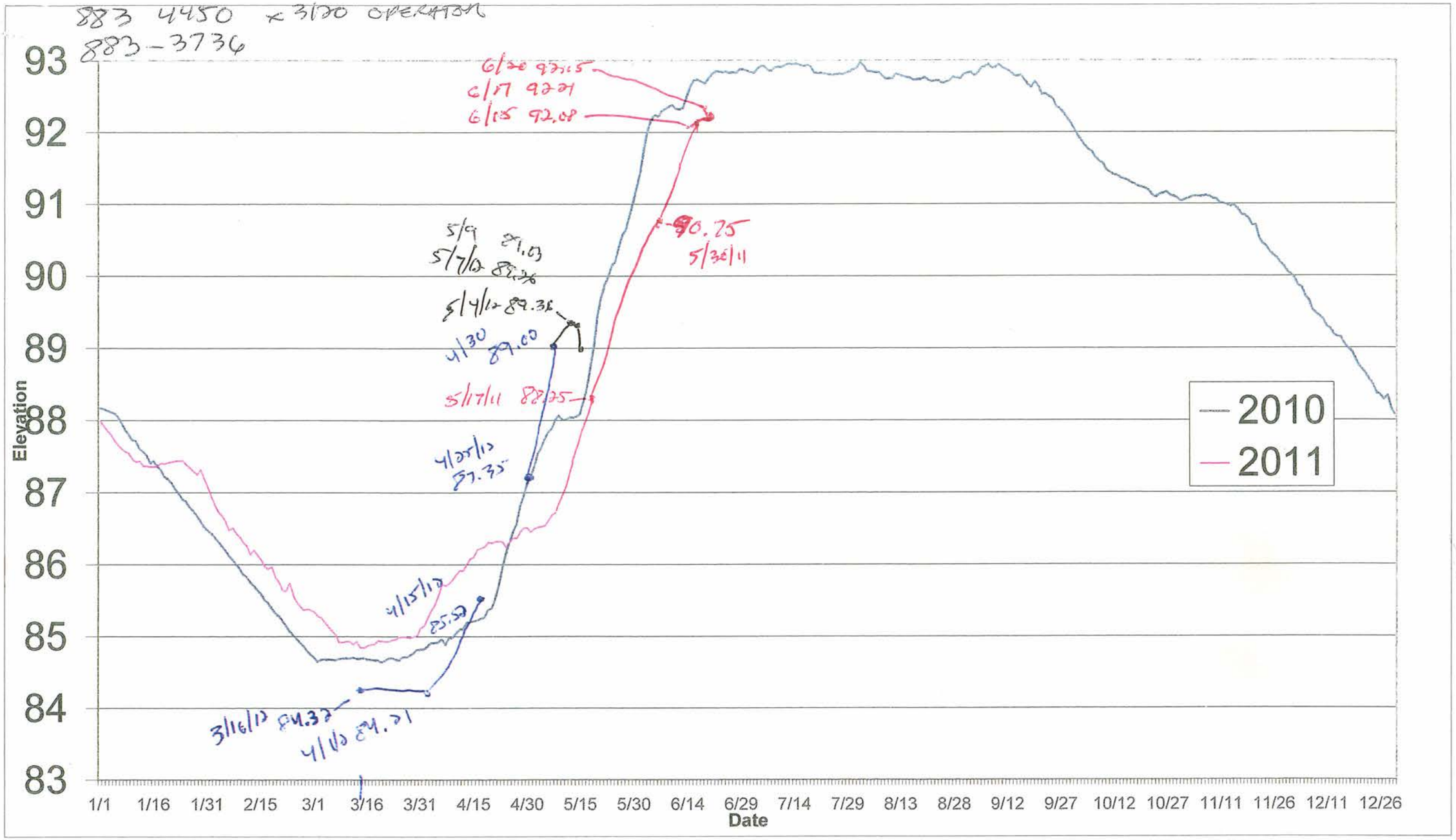

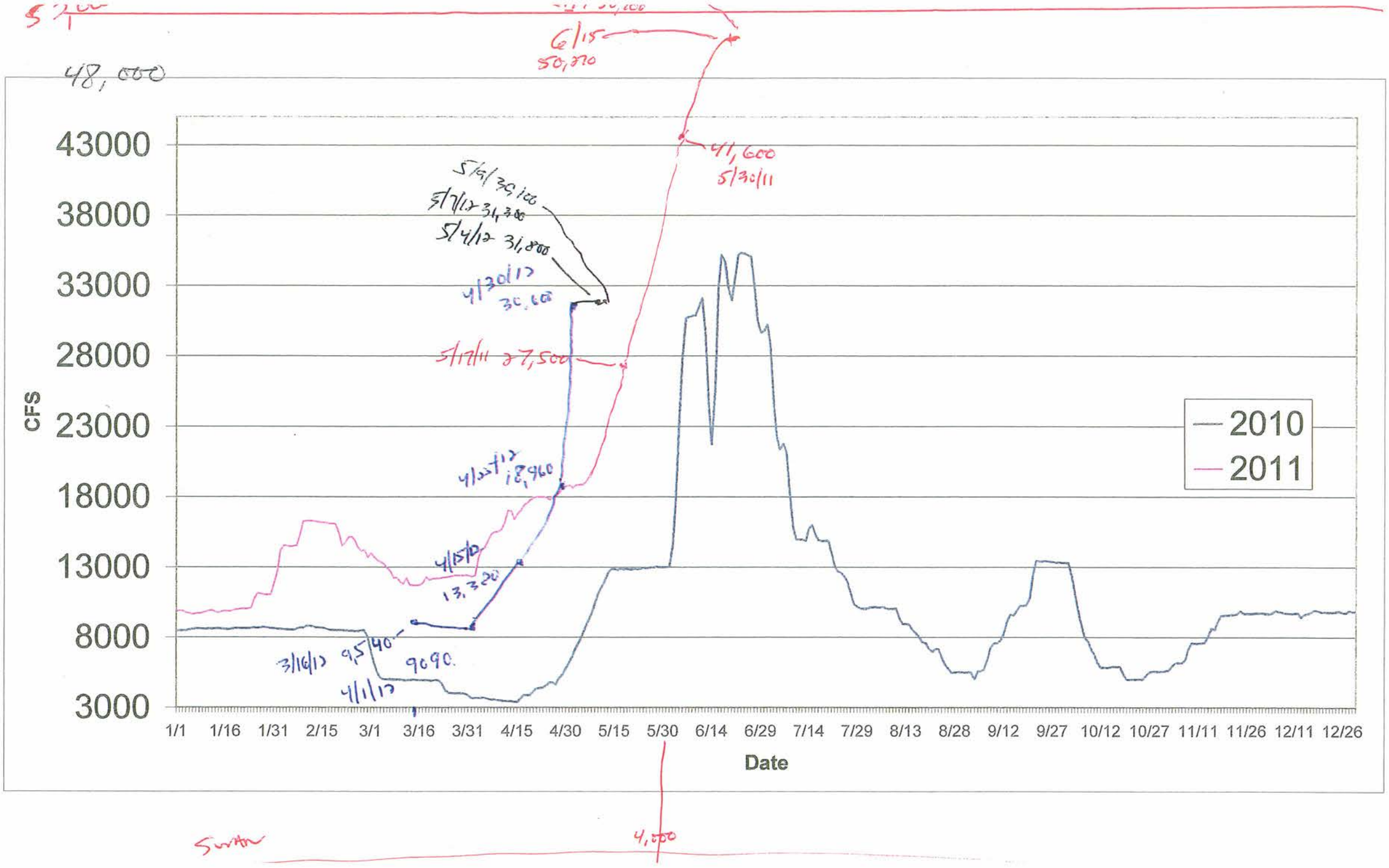
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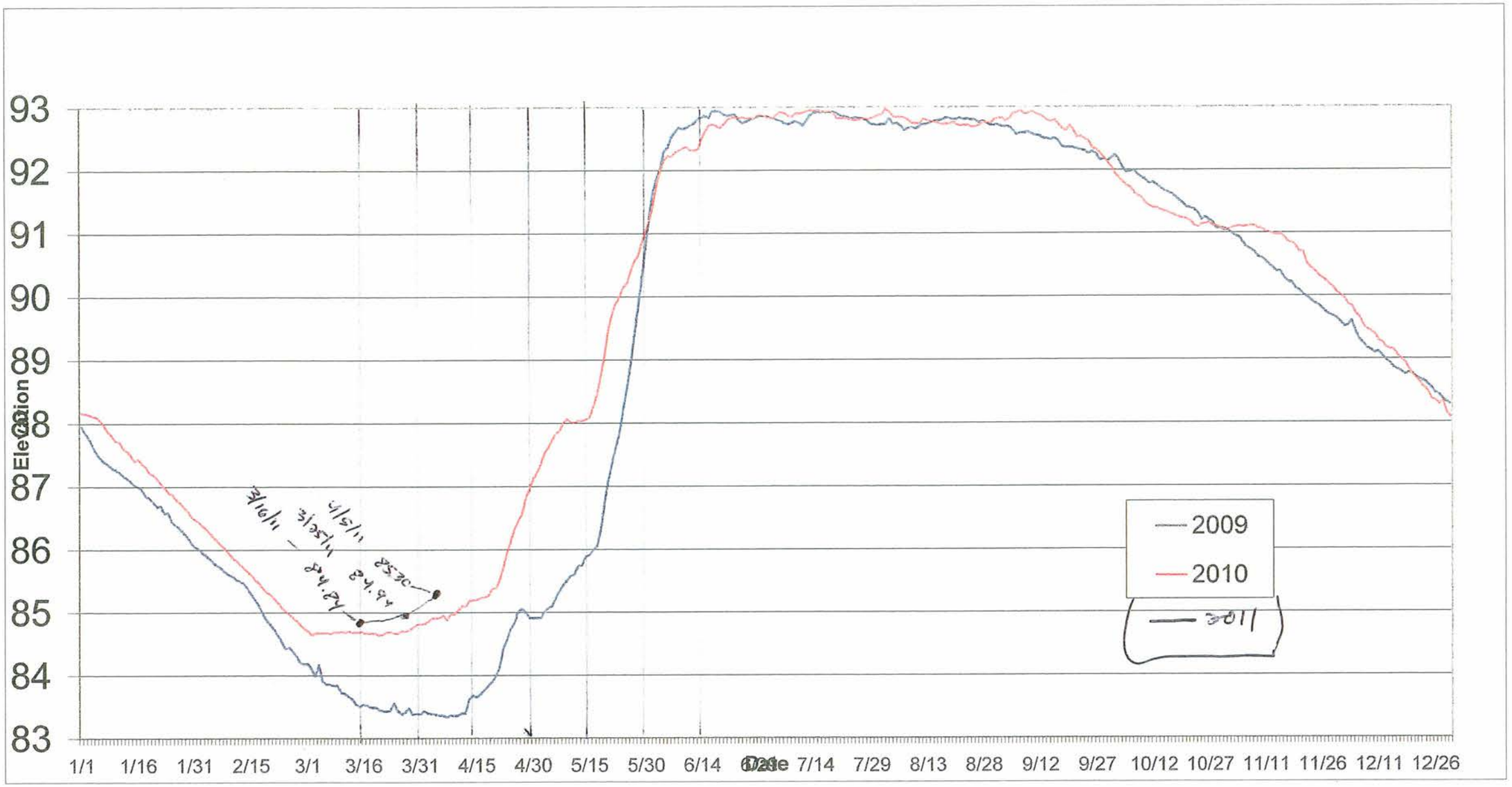
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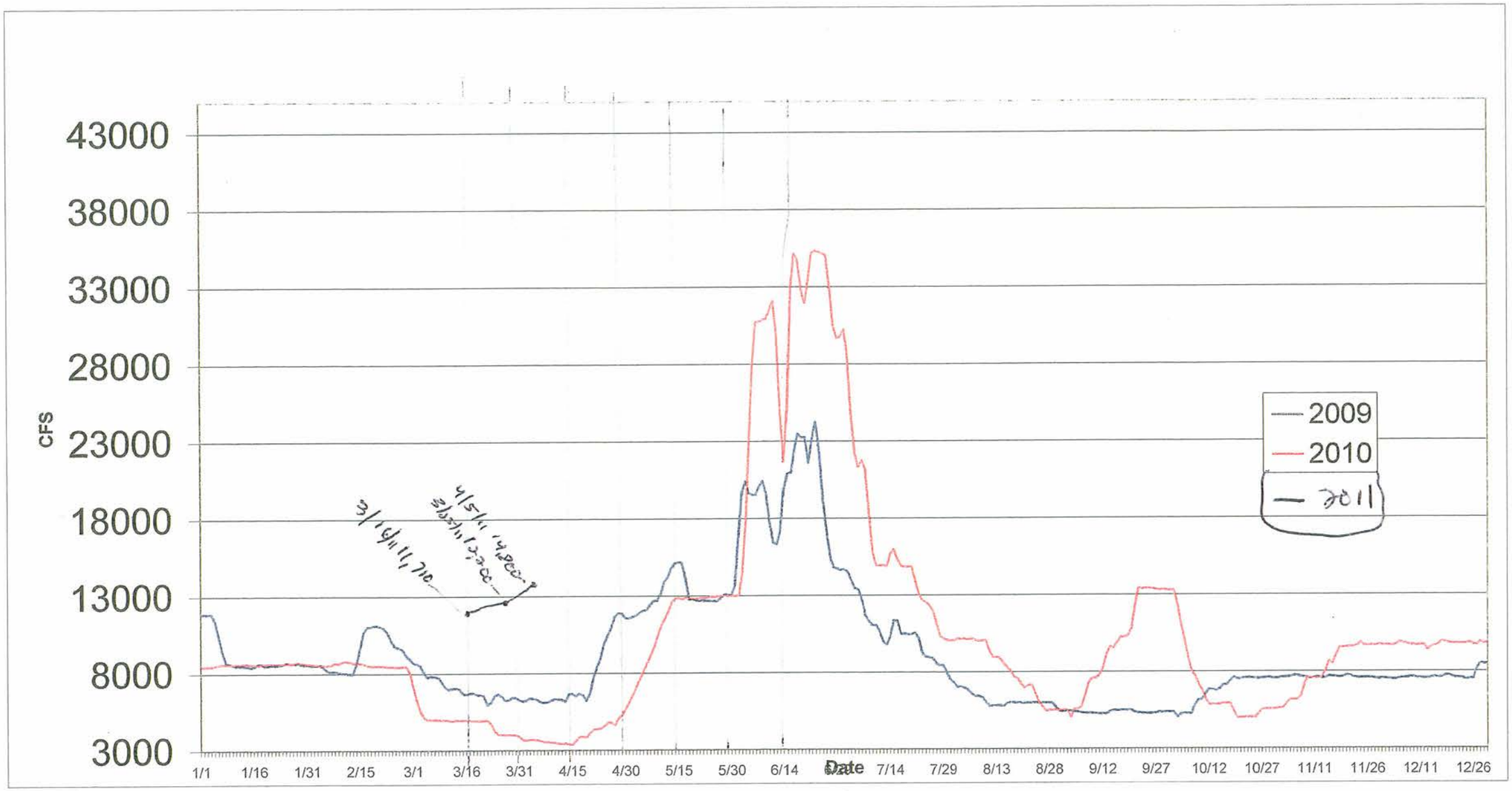
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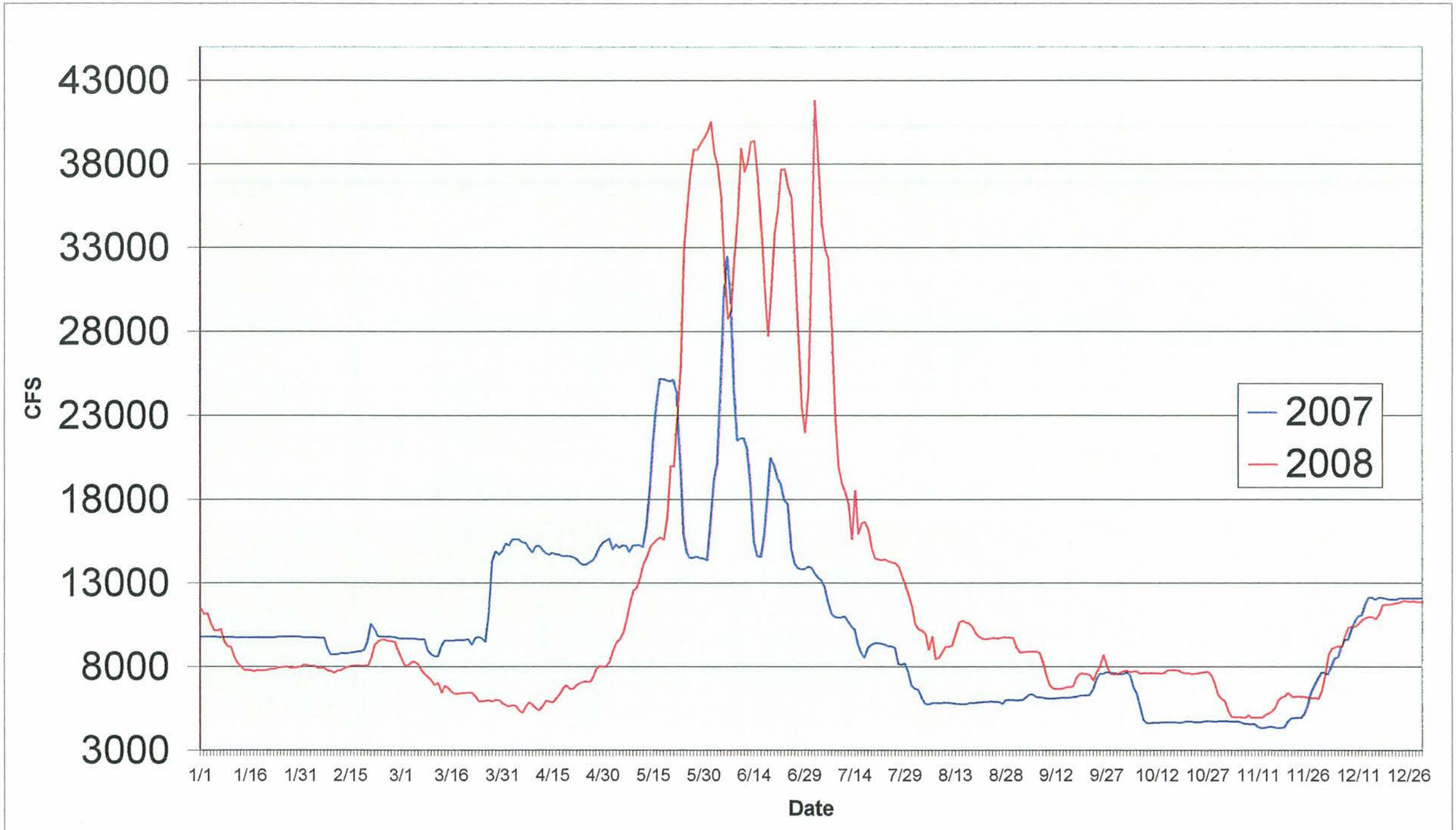
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8/28
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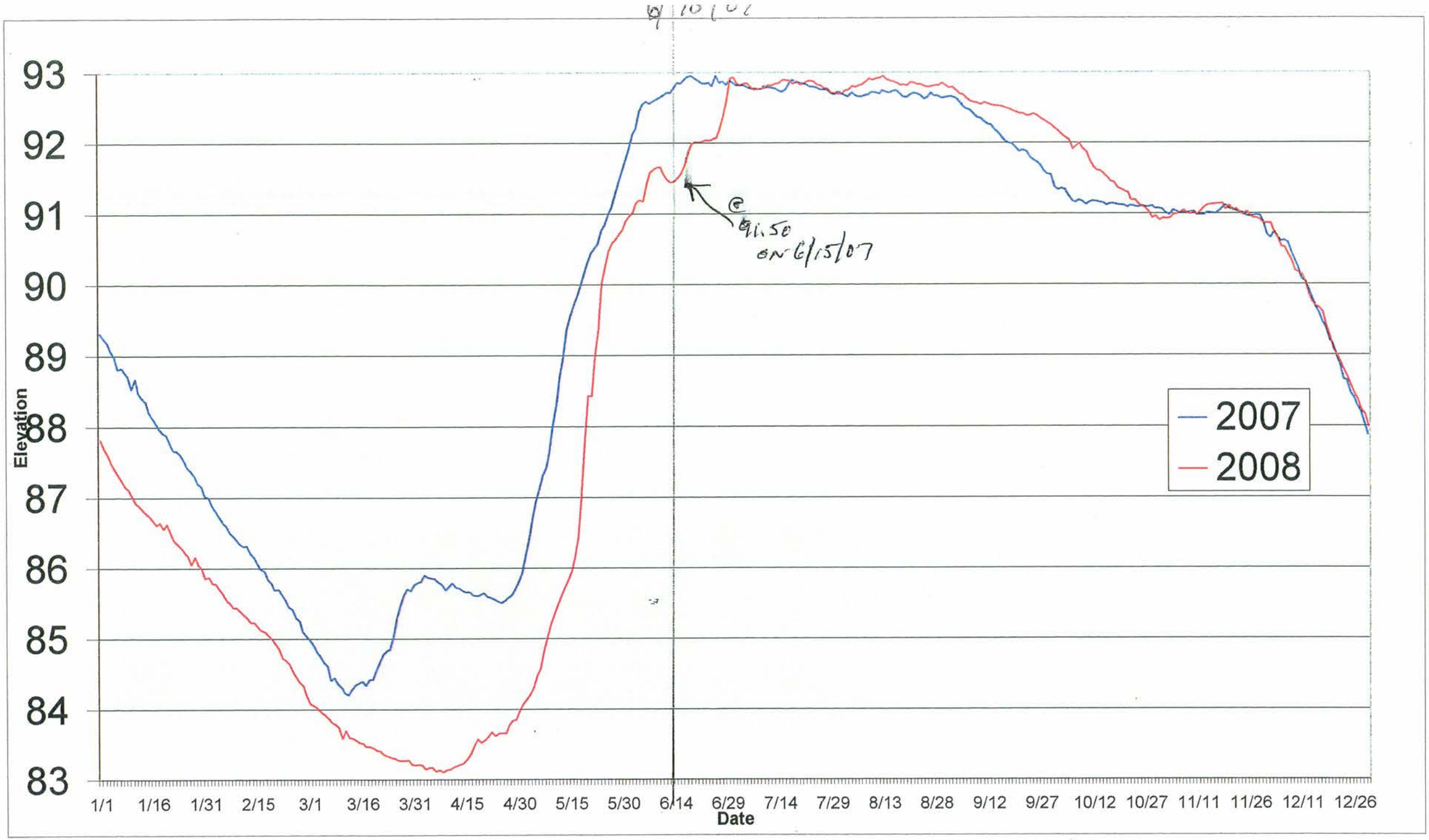
12/11
12/26
Date


93
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84
83
Elevation
1/1
1/16
1/31
2/15
3/1
3/16
3/31
4/15
4/30
5/15
5/30
6/14
6/29
7/14
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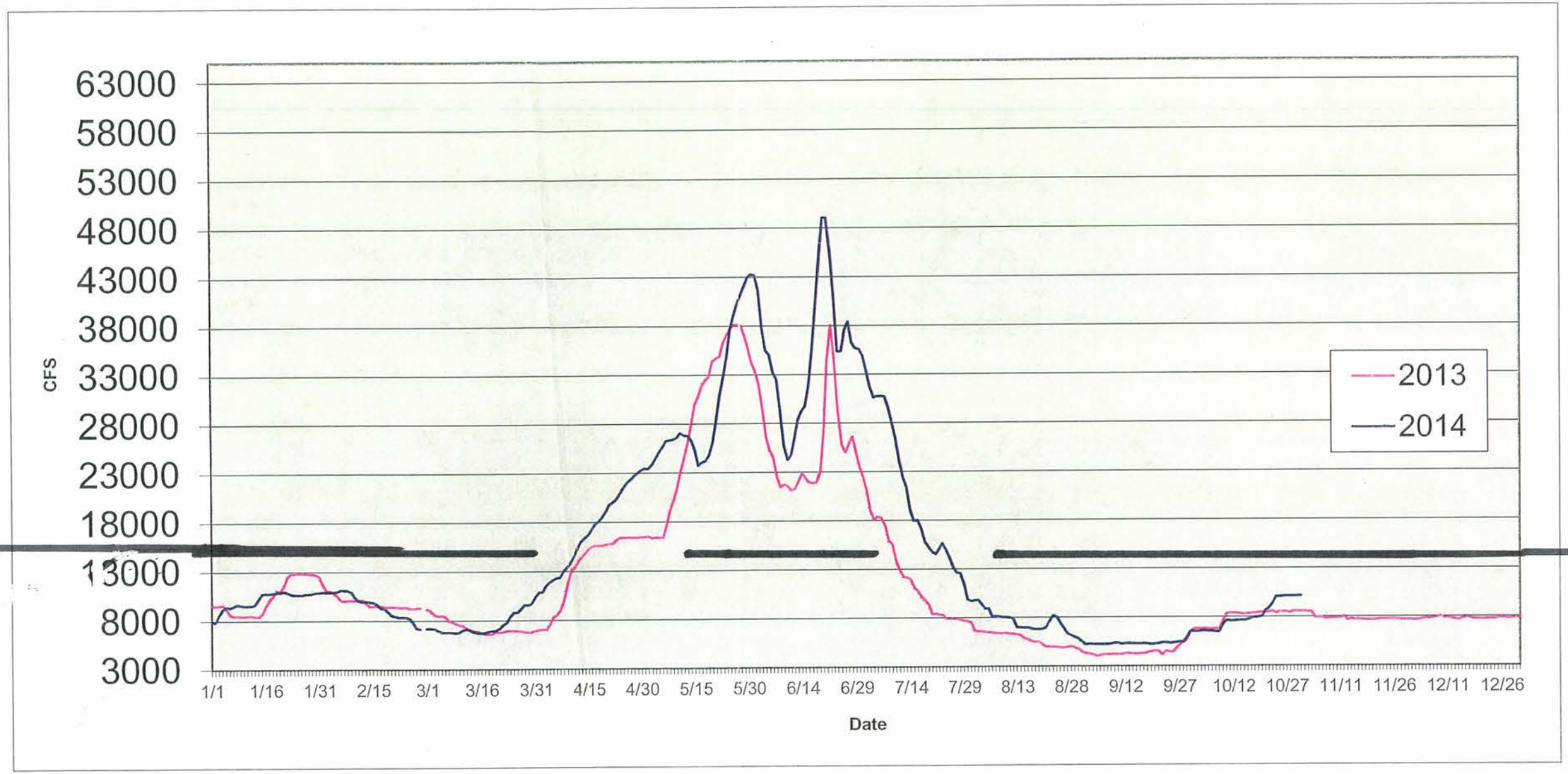
12/11
12/26
Date
2007
2008
@
91.50
ON 6/15/07


63000
58000
53000
48000
43000
38000
33000
28000
23000
18000
13000
8000
3000
CFS
1/1
1/16
1/31
2/15
3/1
3/16
3/31
4/15
4/30
5/15
5/30
6/14
6/29
7/14
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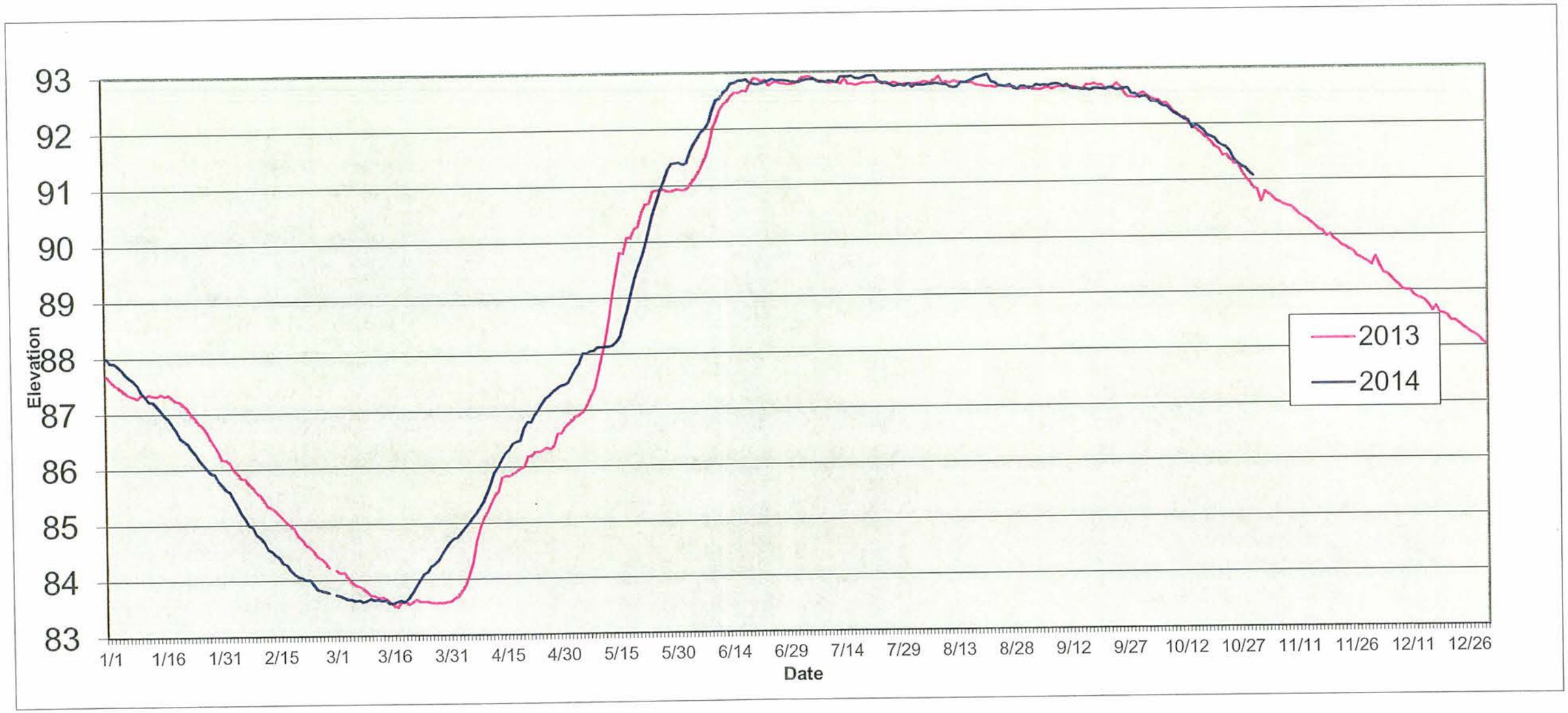
12/11
12/26
Date
2013
2014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Elevation
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5/30
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9/12
9/27
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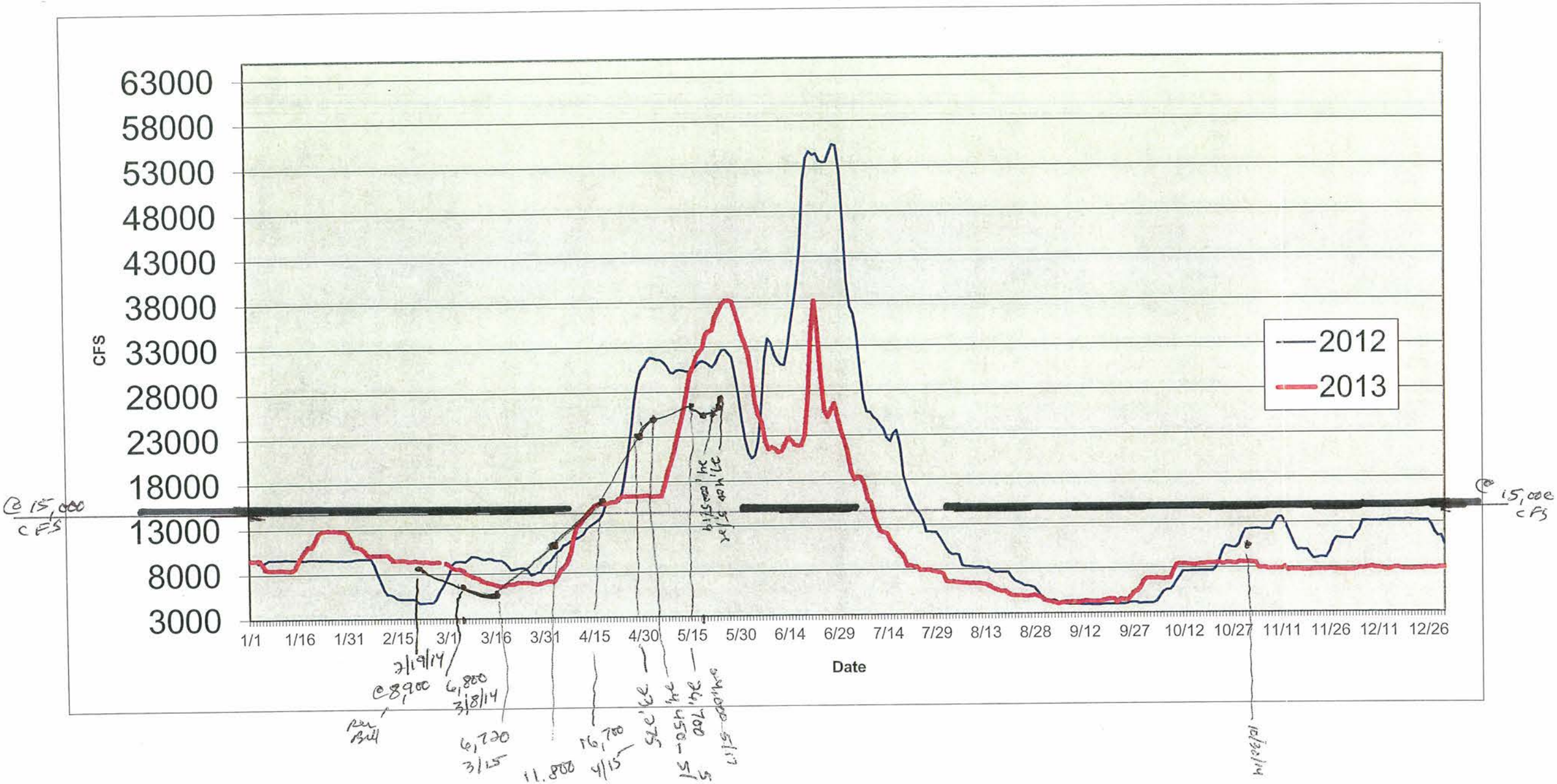
10/27
11/11
11/26
12/11
12/26
Date
2013
2014

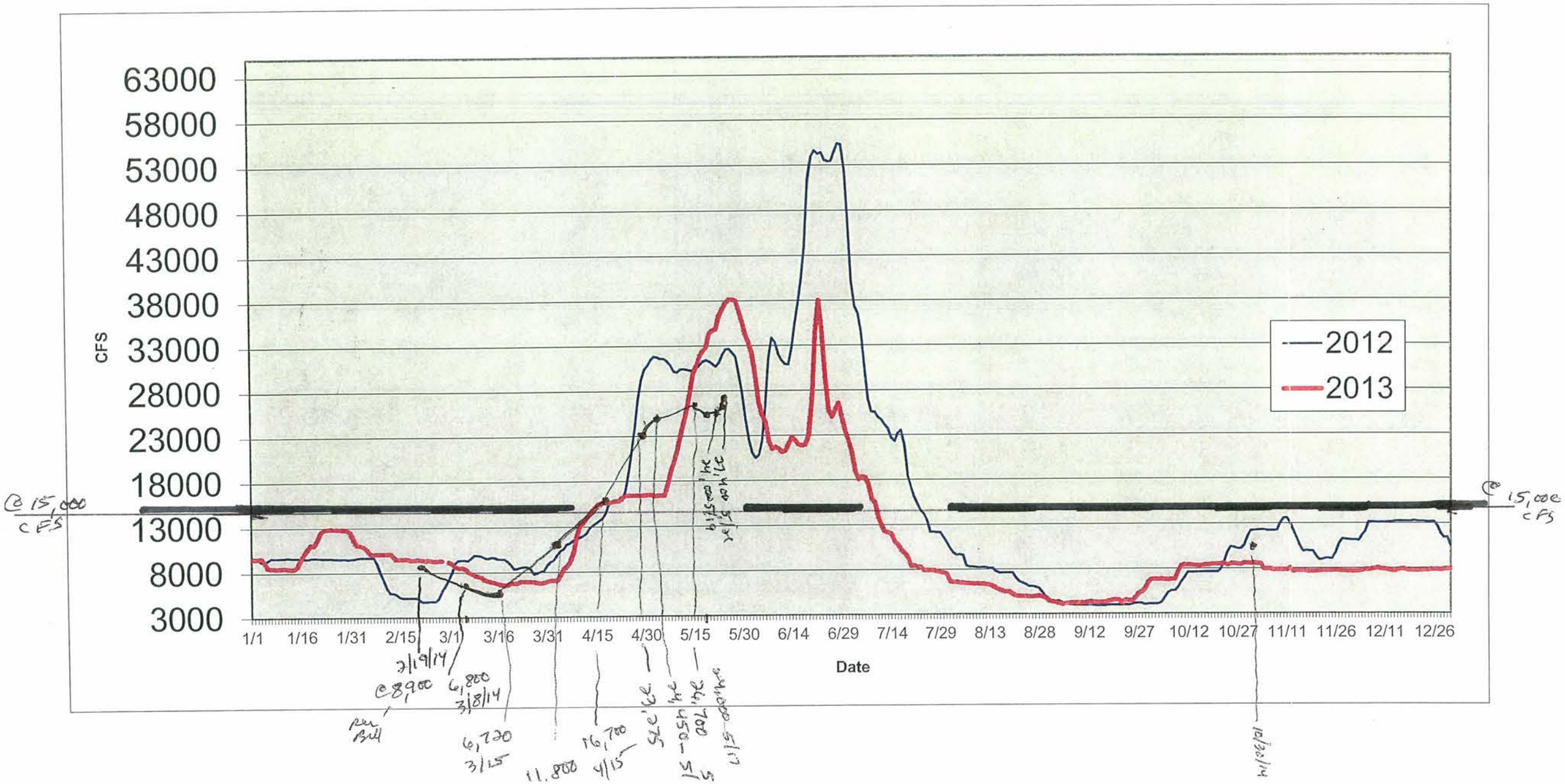
883-4450

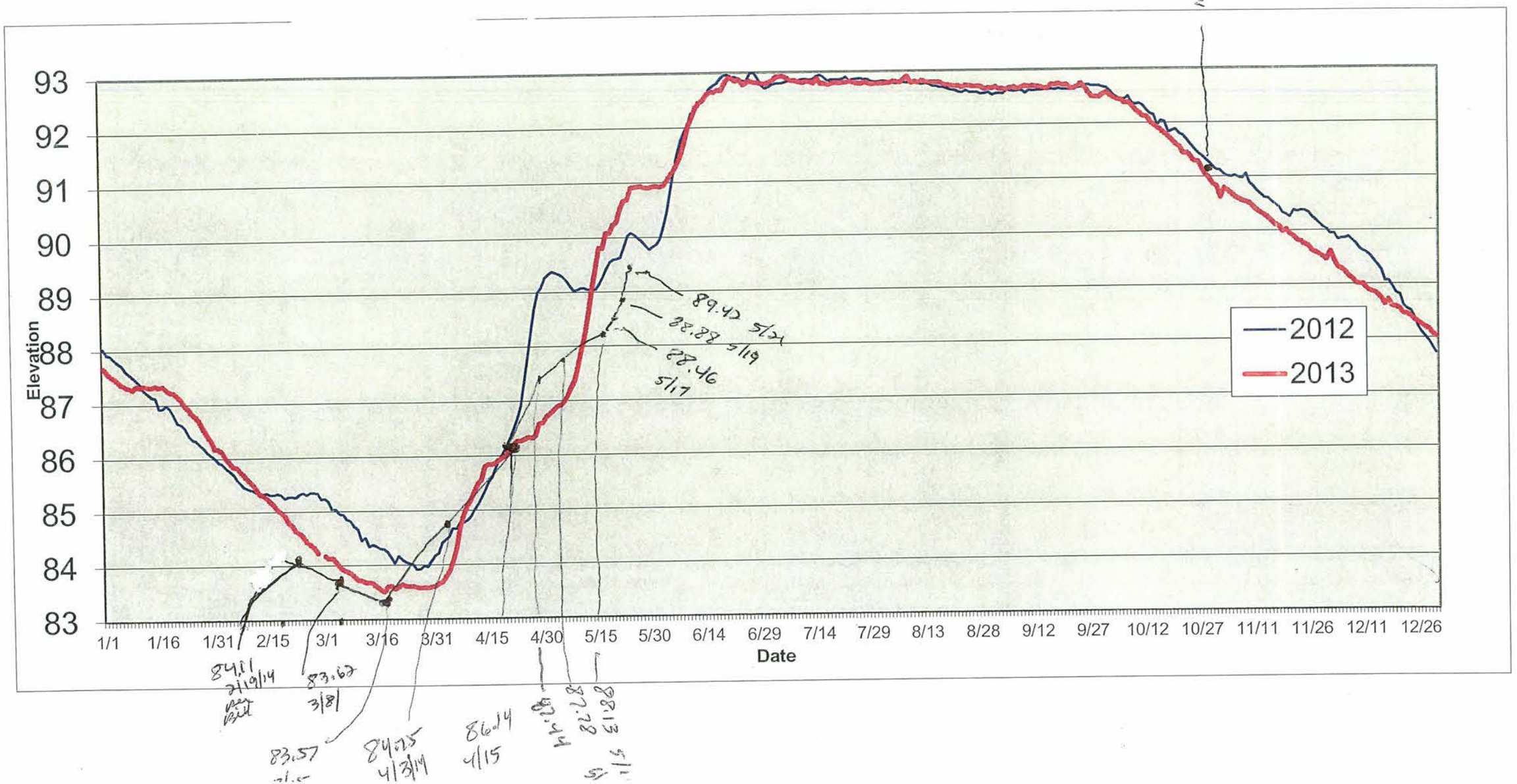
rec'd 5/7/14 M



883-4450

rec'd 5/7/14 KK




93
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Elevation
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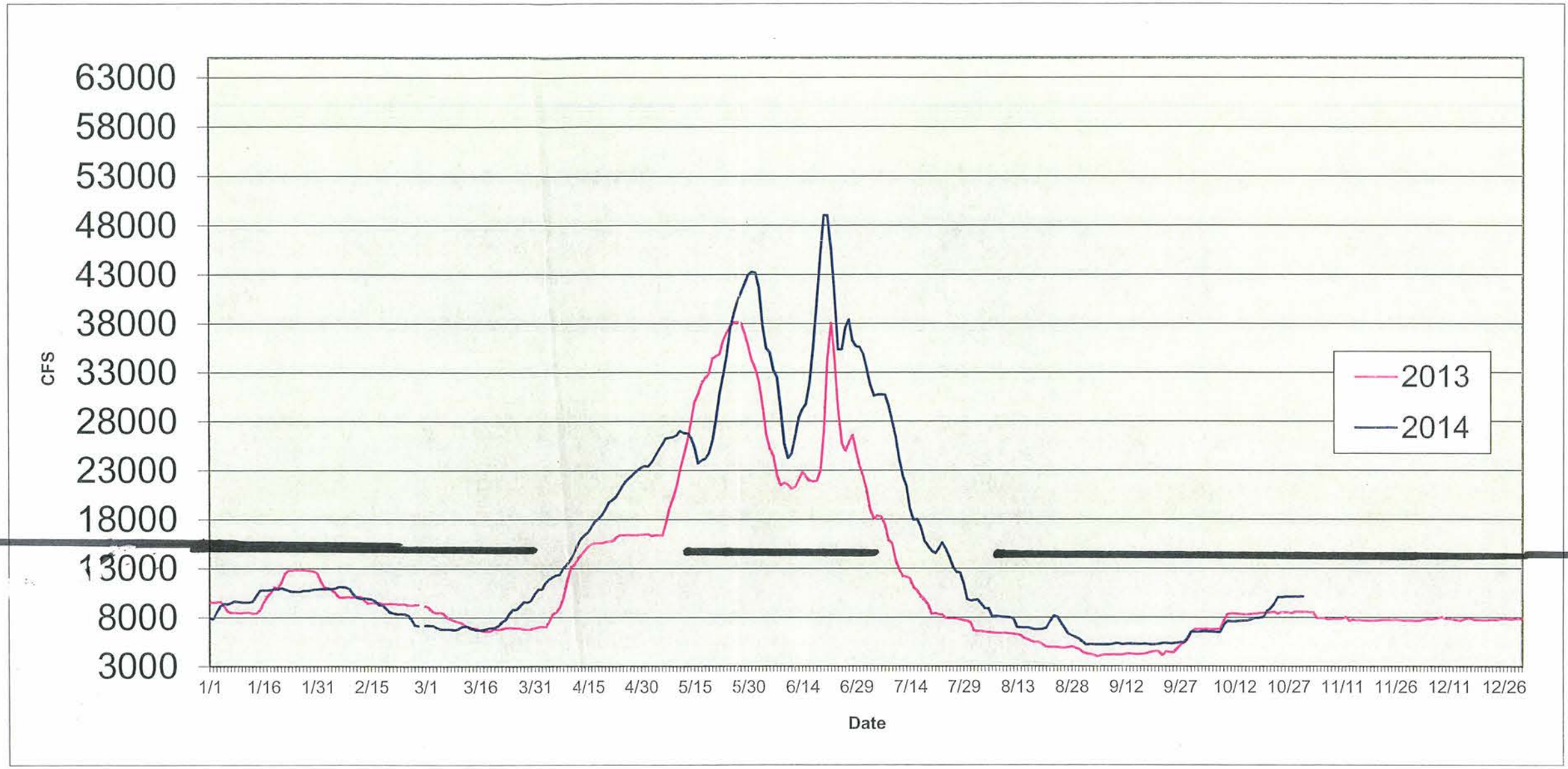
10/27
11/11
11/26
12/11
12/26
Date
2012
2013
89.42 5/21
88.88 5/19
88.46 5/17
84.11 2/19/14
83.62 3/8
83.57
84.25 4/3/14
86.14 4/15
88.24
88.28
88.13 5/15


63000
58000
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23000
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8000
3000
CFS
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1/16
1/31
2/15
3/1
3/16
3/31
4/15
4/30
5/15
5/30
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10/27
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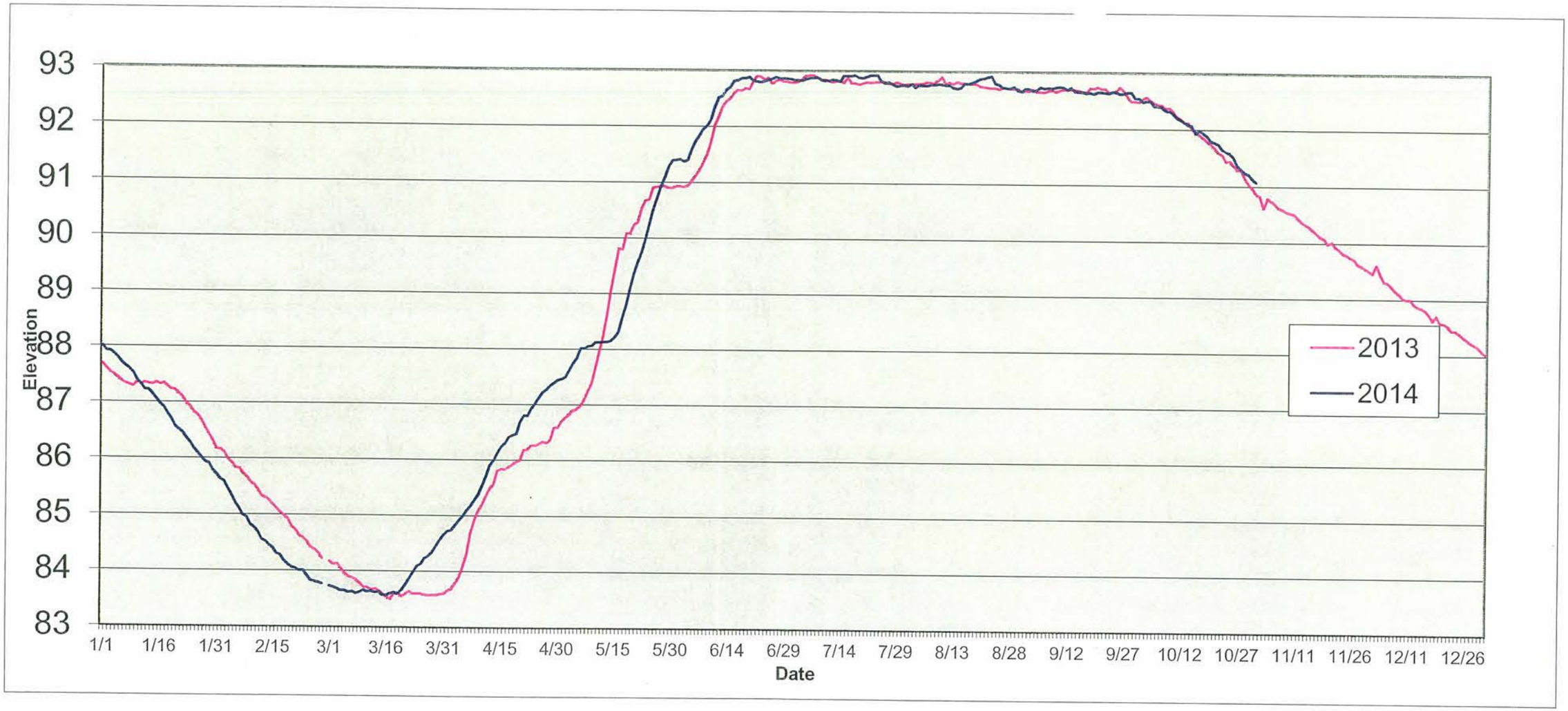
12/26
Date
2013
2014


93
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Elevation
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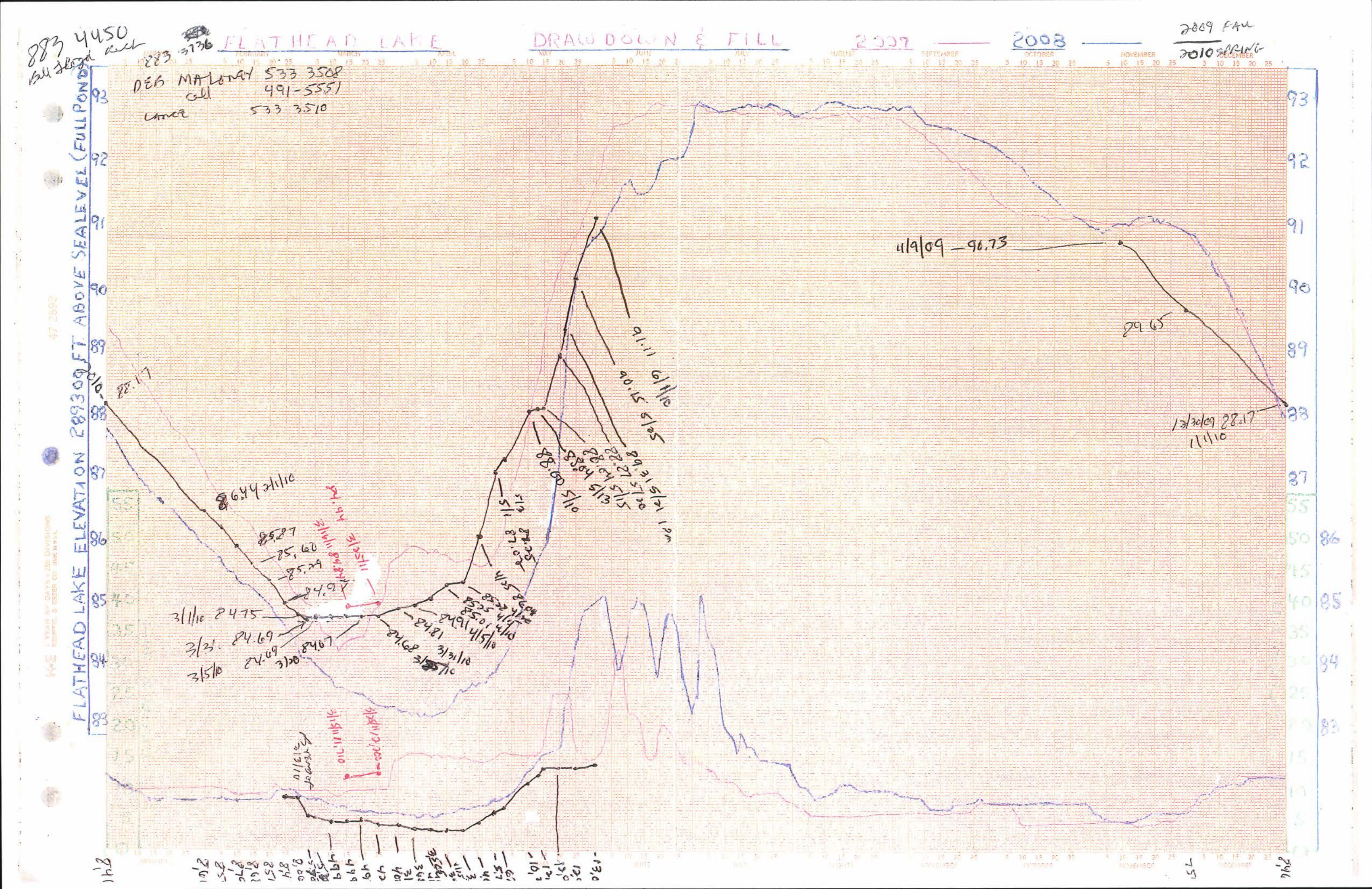
10/12
10/27
11/11
11/26
12/11
12/26
Date
2013
2014

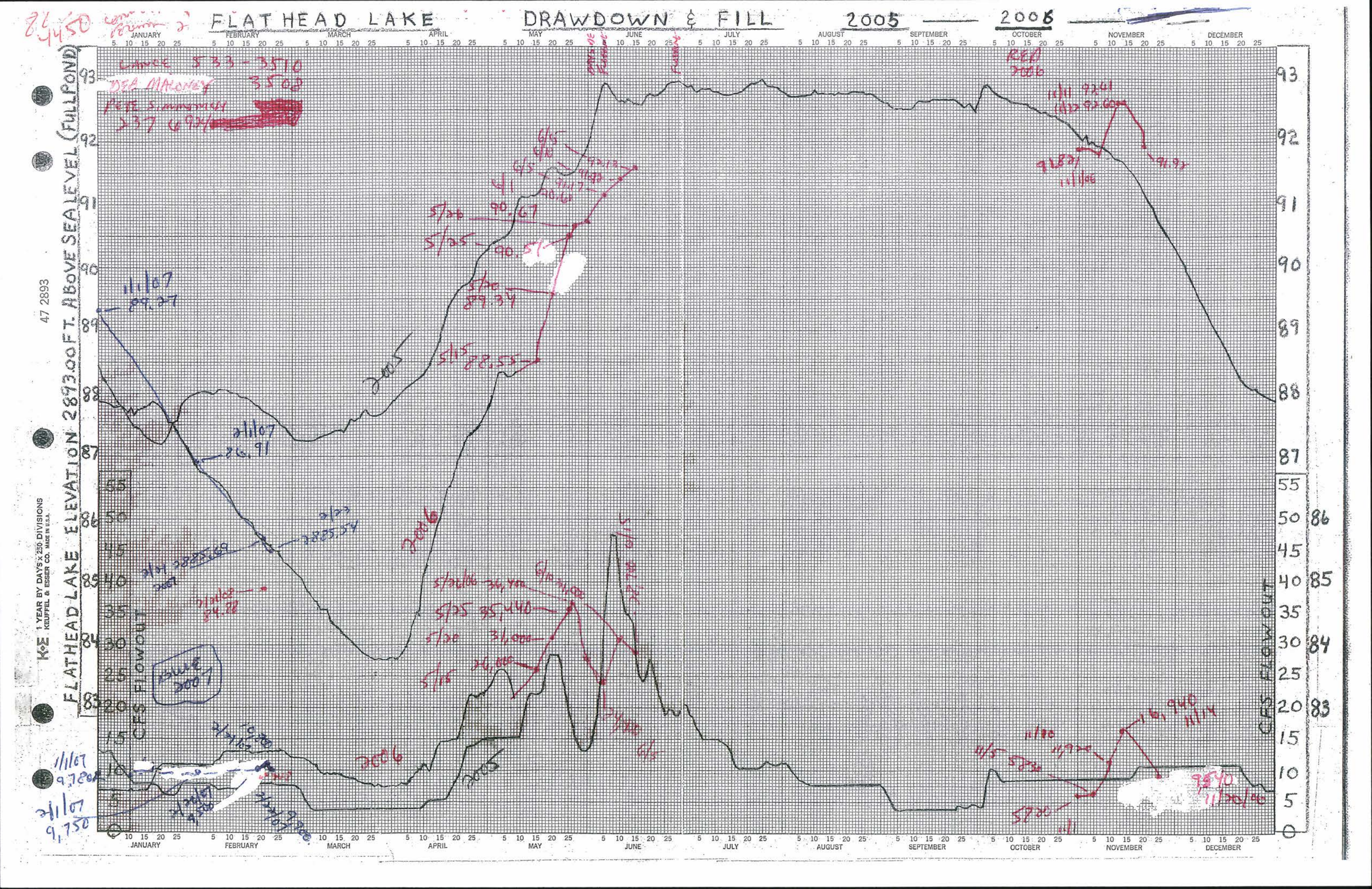


883 4450
Bill Floyd Rich
883 3736
FLATHEAD LAKE
DRAWDOWN & FILL
2007
2008
2009 FALL
2010 SPRING
DEB MALONEY 533 3508
cell 491-5551
LANCE 533 3510
FLATHEAD LAKE ELEVATION 289309 FT. ABOVE SEALEVEL (FULL POND)
4/9/09 — 90.73
29.65
13/30/09 88.17
1/1/10
91.11 6/1/10
90.15 5/25
88.17
86.44 7/1/10
85.87
85.60
85.29
84.97
3/1/10 84.75
3/31 84.69
3/5/10 84.69
3/20 84.67
84.68
84.81
84.91 4/5/10
3/31/10

FLATHEAD LAKE ELEVATION 2893.00 FT ABOVE SEALEVEL (FULL POND)

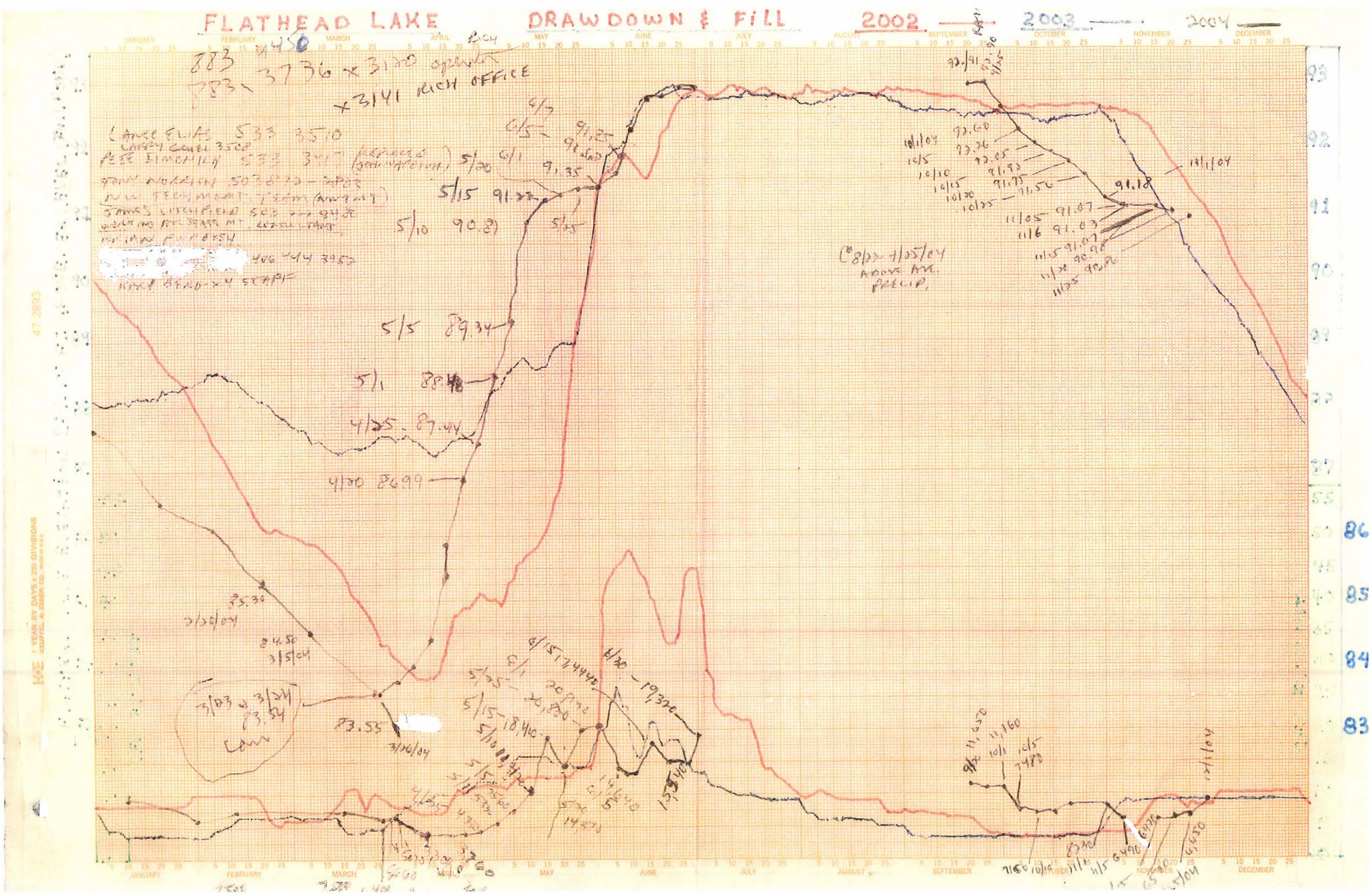
K&E 1 YEAR BY DAYS × 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

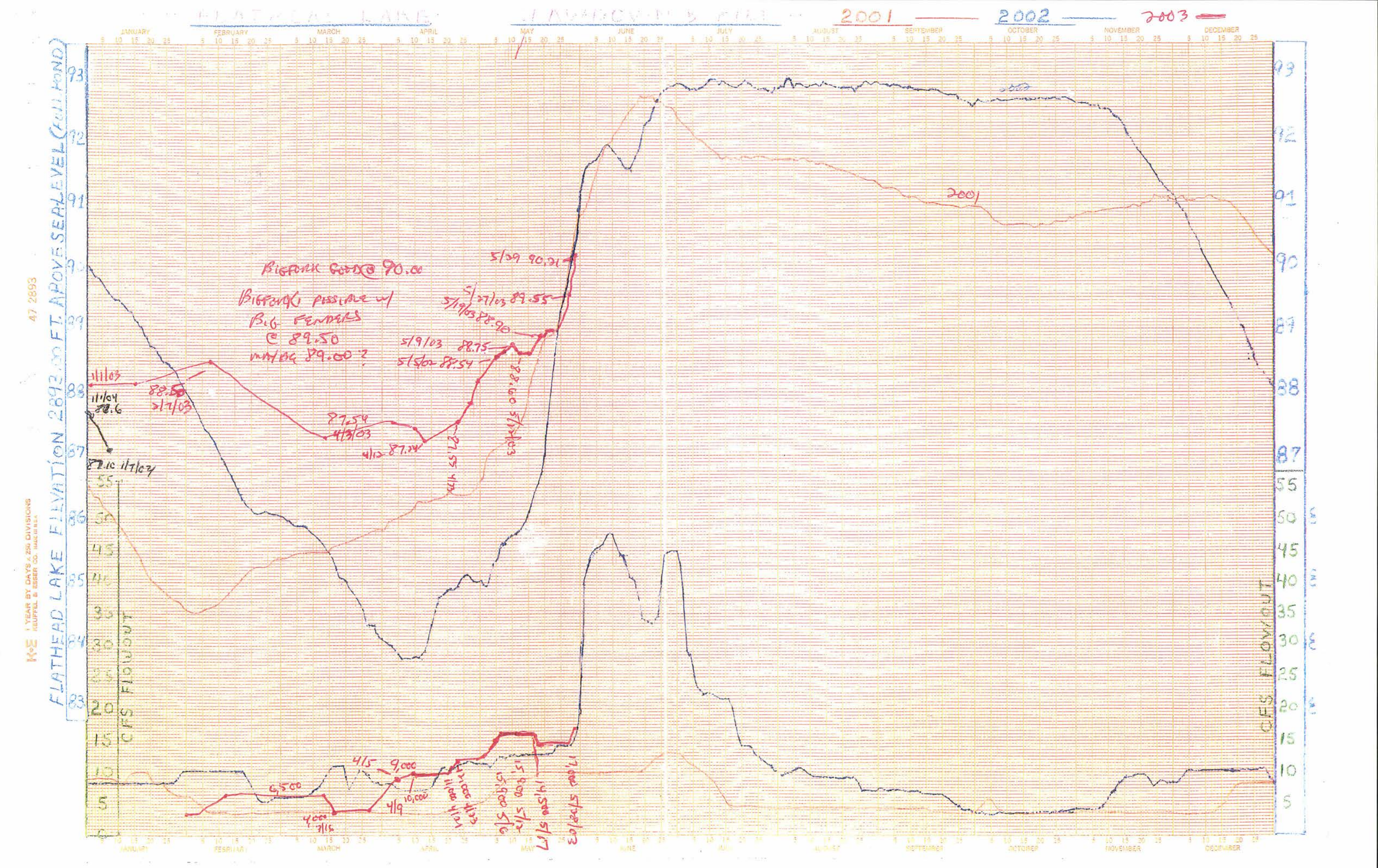
47 2893



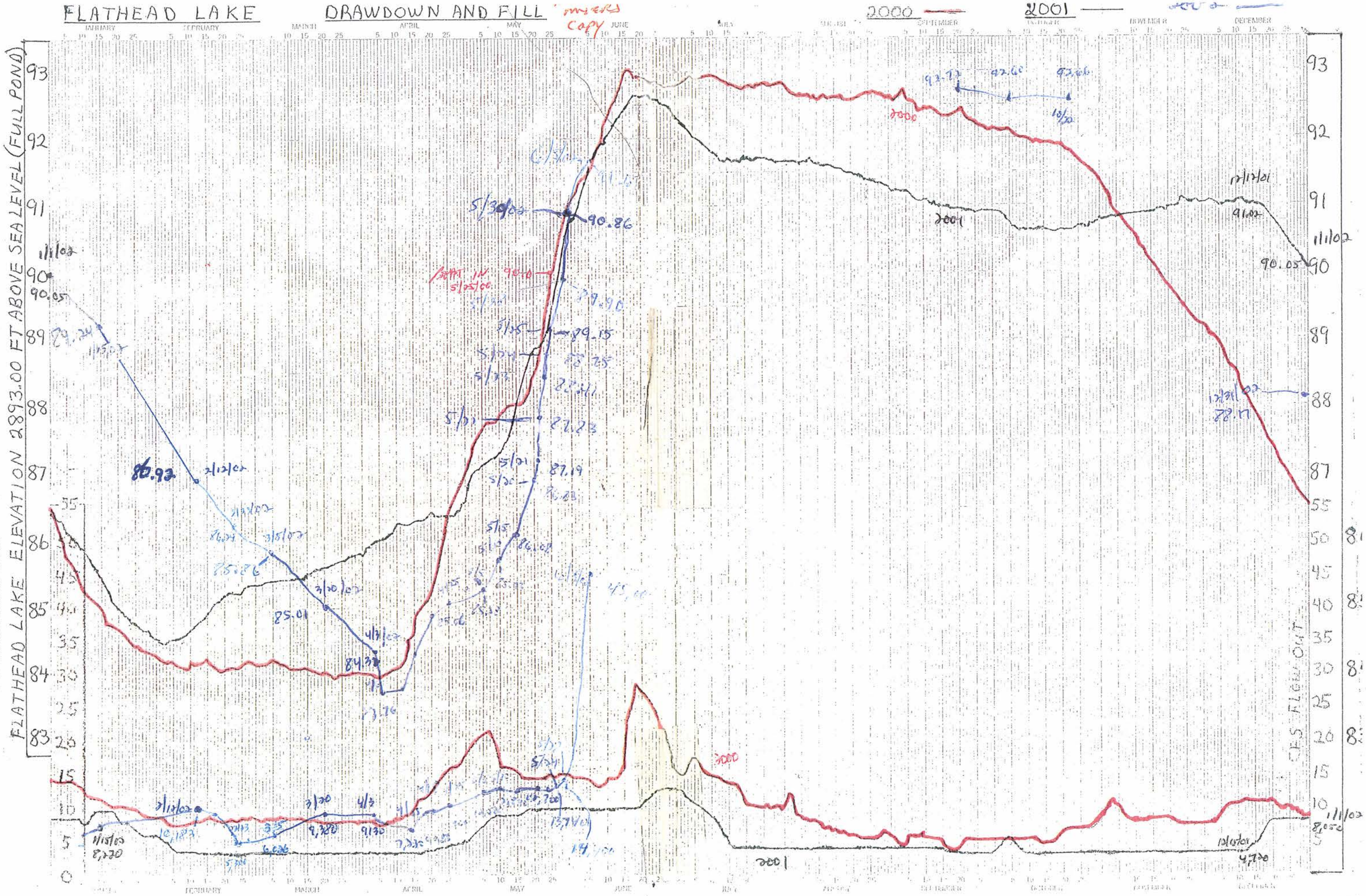
FLATHEAD LAKE DRAWDOWN & FILL 2005 — 2006
FLATHEAD LAKE ELEVATION 2893.00 FT. ABOVE SEA LEVEL (FULLPOND)
CFS FLOWOUT
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
LANCE 533-3510
DEB MALONEY 3508
PETE SIMMONSEN 237 6924
1/1/07 89.27
2/1/07 86.91
2/23 2885.54
2/21 2885.69
2/20/08 84.88
2005
2006
5/26 90.67
5/25 90.51
5/20 89.34
5/15 88.55
6/5
6/10
6/1
5/26/06 36,400
5/25 35,440
5/20 31,000
5/15 26,000
6/10 31,000
6/15
6/5
RED 2006
11/11 92.61
11/22 92.60
91.82
11/1/06
91.92
16,940 11/14
11/20
11/5 5830
11/1
5820
9540 11/20/06
1/1/07 9,780
2/1/07 9,750
2/20/07 9,500
2/21/07 9,900
ISLE 2007
47 2893
K+E 1 YEAR BY DAYS x 250 DIVISIONS KEUFFEL & ESSER CO. MADE IN U.S.A.

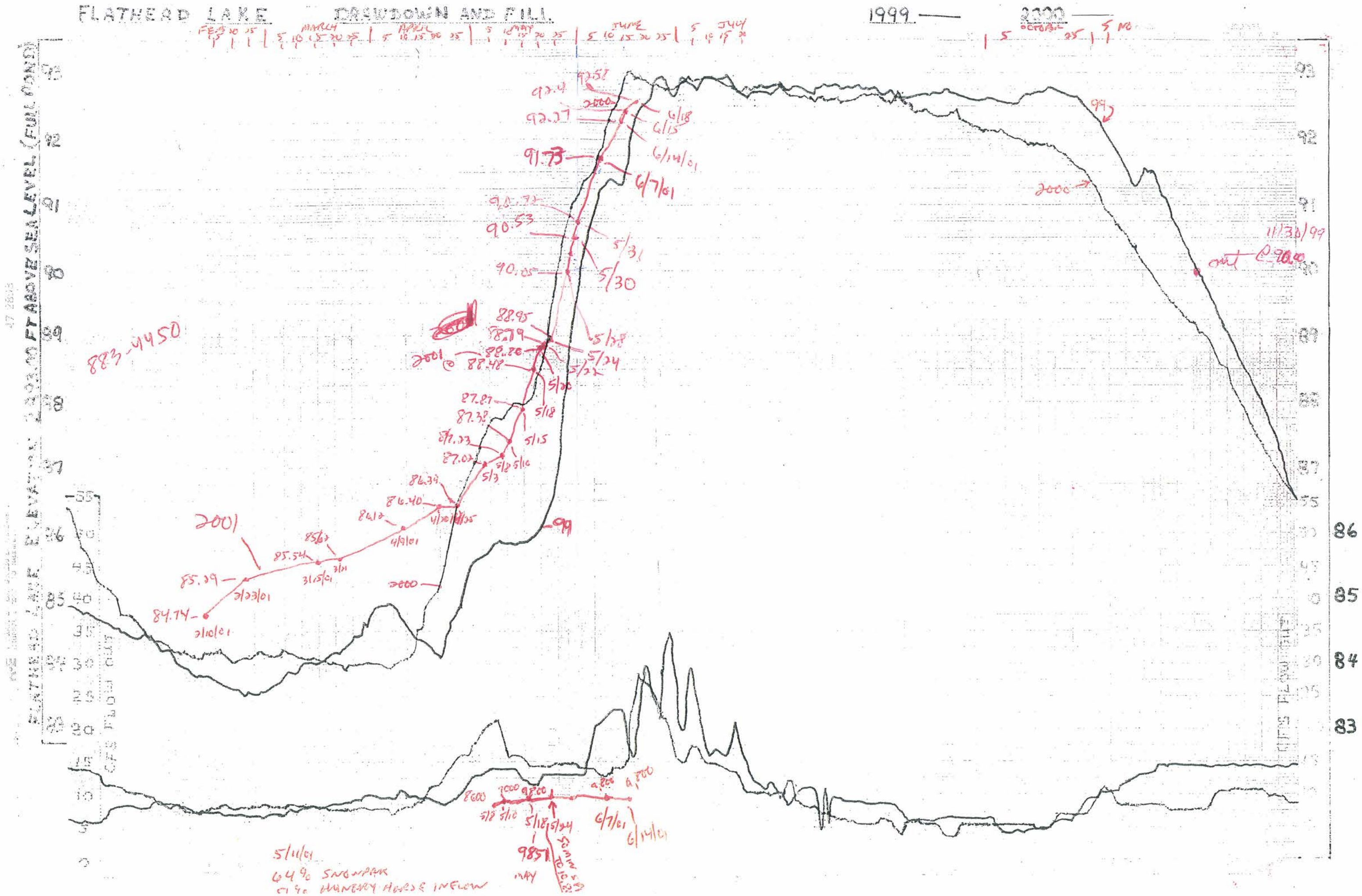
FLATHEAD LAKE DRAWDOWN & FILL 2003 2004 2005
JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER
FLATHEAD LAKE ELEVATION 2893.00 FT. ABOVE SEA LEVEL (FULL POND)
CFS FLOWOUT
883 4450
883-3736 x 3120 operator
x 3141 RICH
LANCE 533-3510
LARRY GRUEL 3508
PETE SIMONICH 3417
5/19/05
5/18 91.55
5/13 91.48
5/10 91.12
5/8 91.05
5/5 90.69
5/3 90.47
5/1 90.41
4/26 89.87
4/22 89.70
4/20 89.57
4/15 88.85
4/10 88.31
4/5 88.07
87.57
87.33
3/8/05 87.28
3/10 87.33
5/19/05
5/18 28,200
5/13 26,129
5/8 22,120
5/5 18,000
5/3 14,912
5/1 14,800
4/24 13,800
4/23 12,800
4/22 11,700
4/21 9,800
2001


FLATHEAD LAKE DRAWDOWN & FILL 2002 2003 2004
JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER
883 3736 x 3120 operator
x 3141 RICH OFFICE
LANCE ELIAS 533 3510
5/20 6/1 91.35
5/15 91.22
5/10 90.81
5/5 89.34
5/1 88.48
4/25 87.44
4/20 86.99
85.30
84.50
3/5/04
83.55
3/26/04
3/23 & 3/24 83.54 Low
8/23-4/25/04 ABOVE AVE. PRECIP.
91.18
91.07
91.03
91.07
90.98
90.86
86
85
84
83



2001
2002
2003
FLATHEAD LAKE ELEVATION 2893.00 FT. ABOVE SEA LEVEL (FULL POND)
CFS FLOWOUT
BIGFORK GOOD @ 90.00
BIGFORK POSSIBLE W/ BIG FENDERS @ 89.50 MAYBE 89.00 ?
1/1/03
1/1/04 88.6
88.50 2/7/03
87.10 1/7/03
87.54 4/3/03
4/12 87.24
5/9/03 88.75
5/5/02 88.54
5/19/03 88.90
5/27/03 89.55
5/29 90.21
88.60 5/22/03
87.55 4/23
6,500
4,000 7/16
4/5 9,000
4/9 10,000
11,000 4/21
15,900 5/6
15,900 5/12
14,500 5/17
17,000 5/28/03


FLATHEAD LAKE
DRAWDOWN AND FILL
2000
2001
FLATHEAD LAKE ELEVATION 2893.00 FT ABOVE SEA LEVEL (FULL POND)
CFS FLOW OUT
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
93
92
91
90
89
88
87
86
85
84
83
55
50
45
40
35
30
25
20
15
10
5
0
90.86
89.90
89.15
88.25
88.41
87.23
87.19
86.92
85.01
84.32
90.05
91.02
88.17
3000
2000
2001


FLATHEAD LAKE DRAWDOWN AND FILL
1999
2000
FEB
MARCH
APRIL
MAY
JUNE
JULY
OCTOBER
NOV
FLATHEAD LAKE ELEVATION 2,893.00 FT ABOVE SEA LEVEL (FULL POND)
CFS FLOW OUT
883-4450
2001
2000
99
11/30/99
out @ 90.00
5/11/01
64% SNOWPAK
51% HUNGRY HORSE INFLOW
MAY
50 MIN SEA TO 10,000

FLATHEAD LAKE DRAWDOWN AND FILL

1997 1998

JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER

5 10 15 20 25

93 92 91 90 89 88 87 86 85 84 83

55 50 45 40 35 30 25 20 15 10 5 0

'97

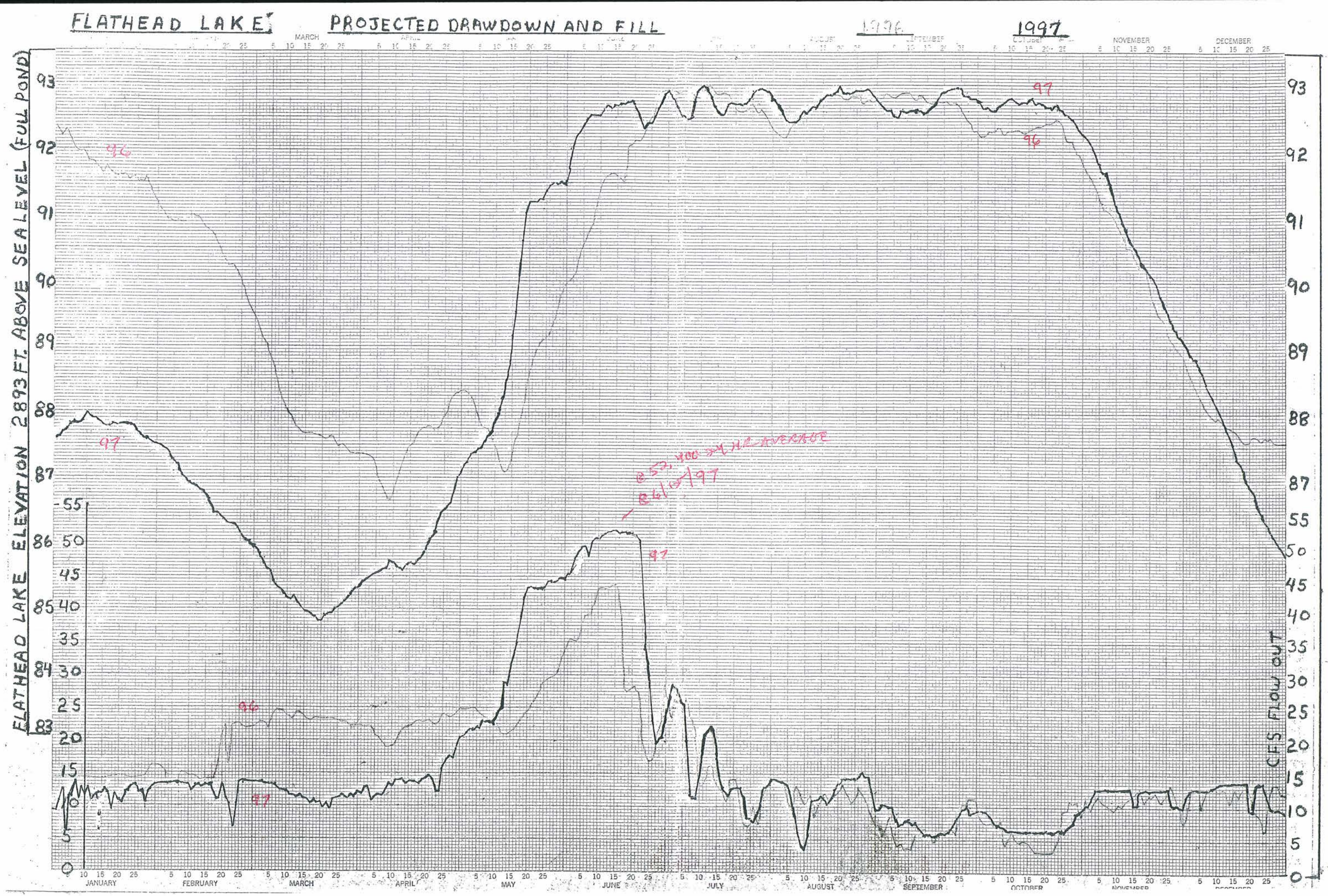
'98

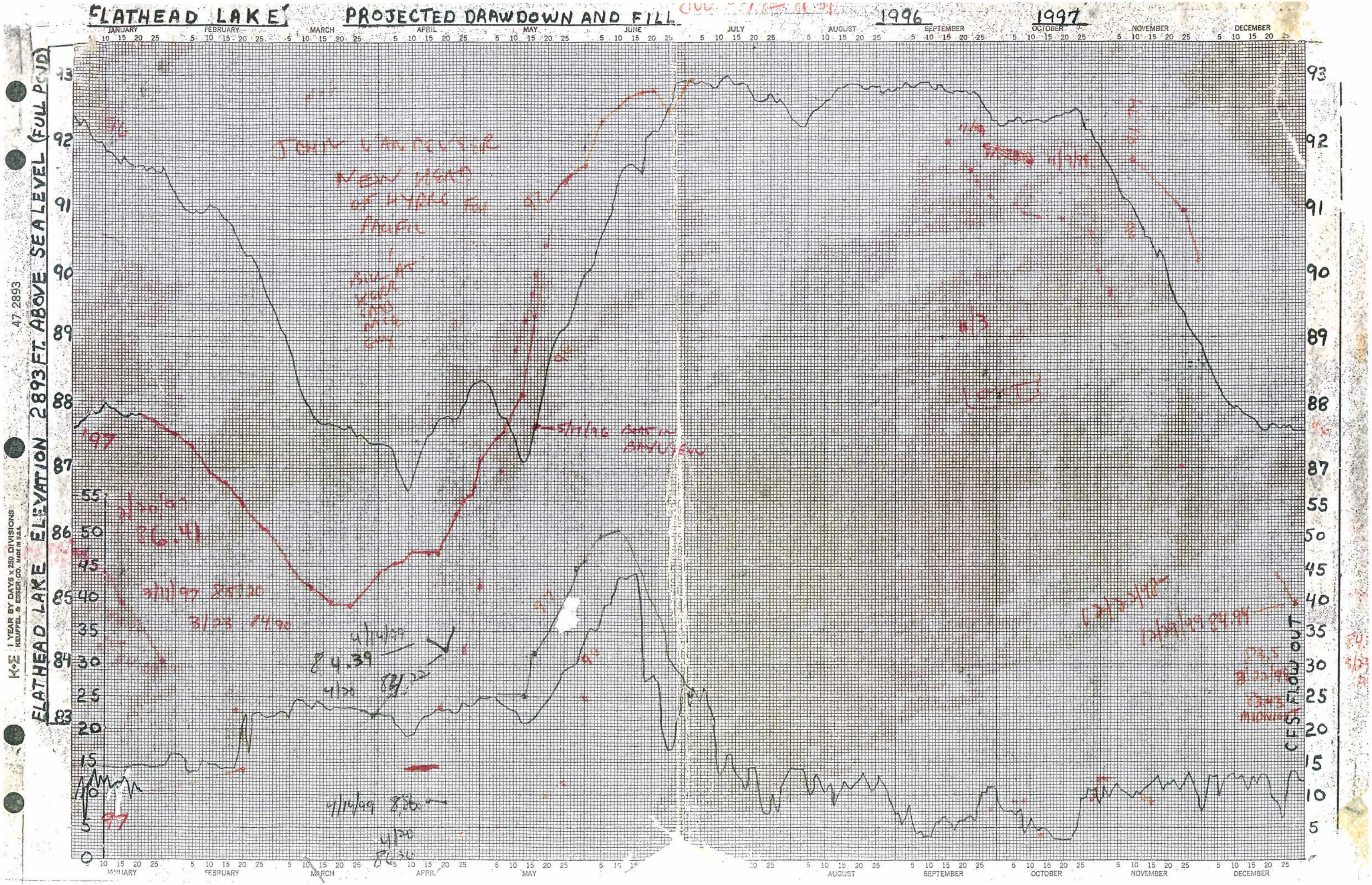
FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEALEVEL (FULL POND)

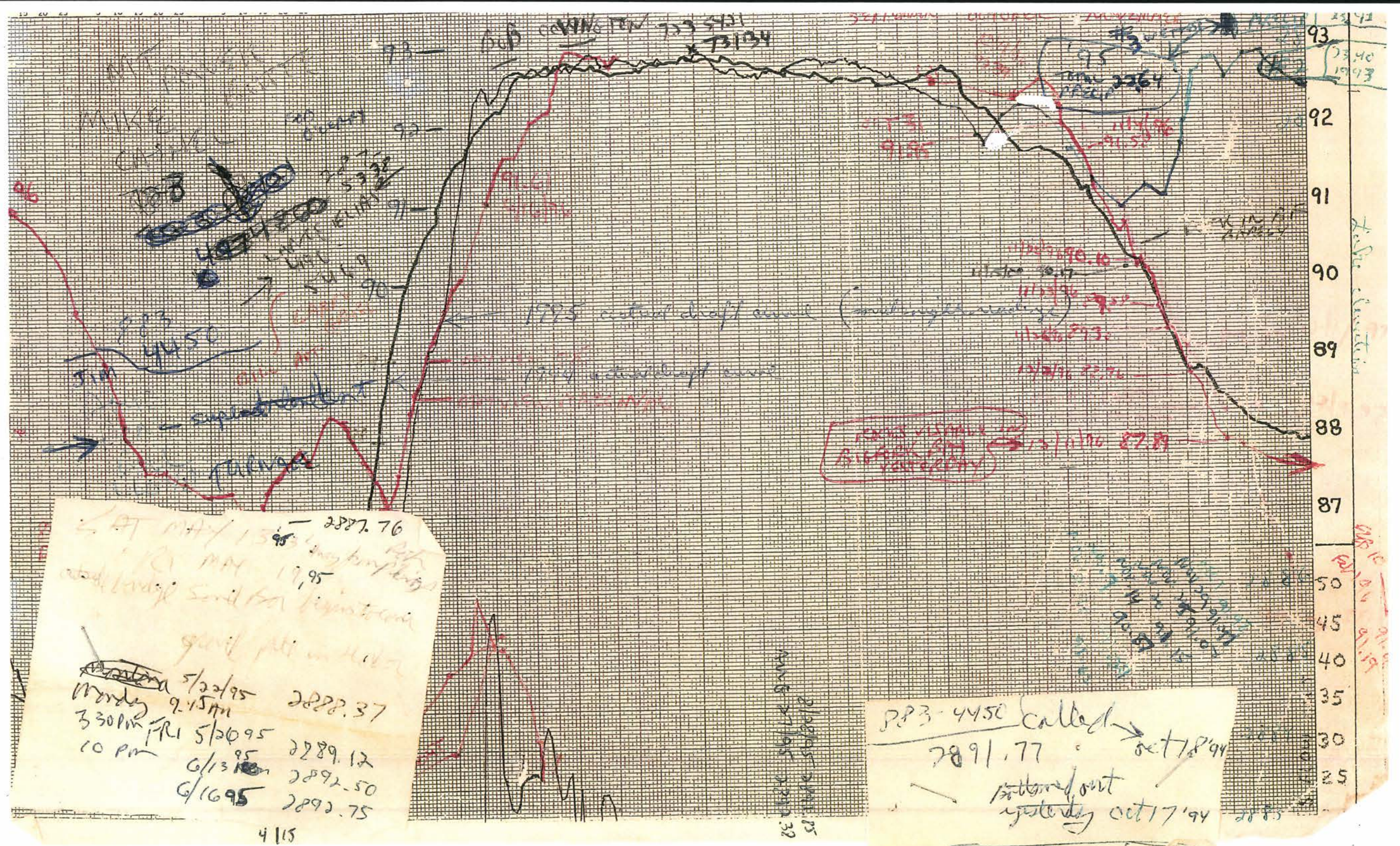
CFS FLOWOUT

47 2893

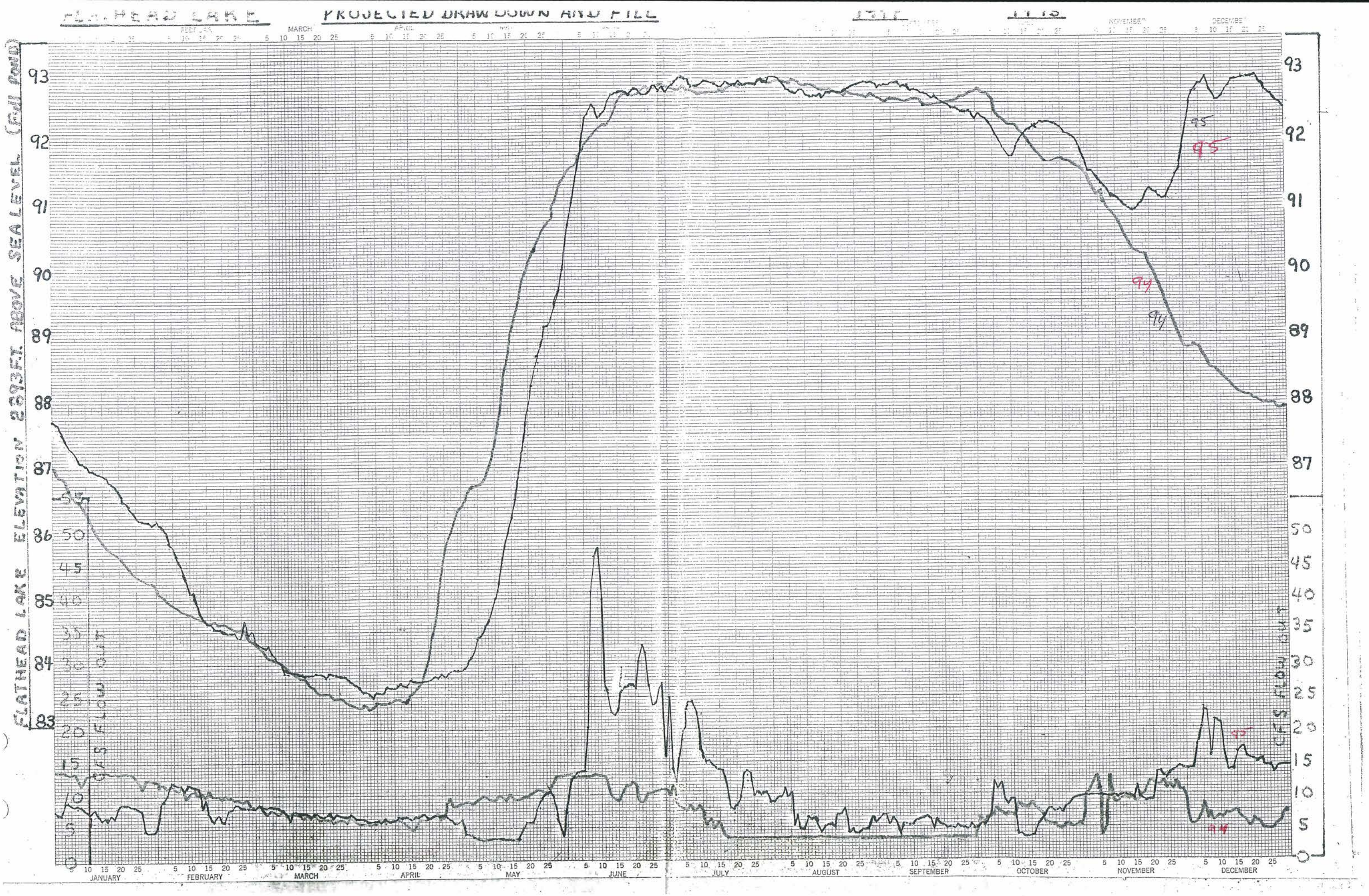
K&E 1-YEAR BY-DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

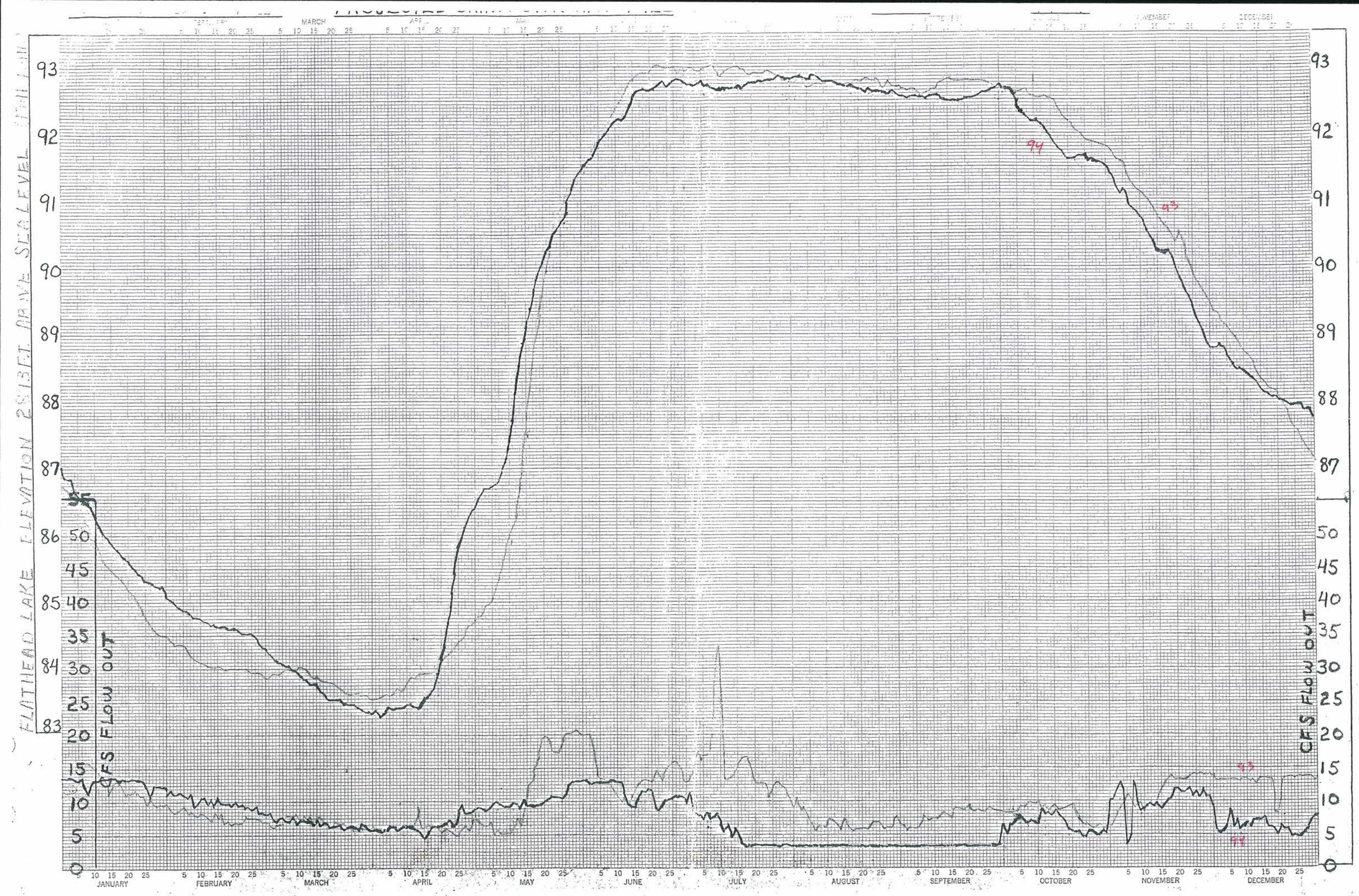

FLATHEAD LAKE
PROJECTED DRAWDOWN AND FILL
1996
1997
FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEA LEVEL (FULL POND)
CFS FLOW OUT
93
92
91
90
89
88
87
86
85
84
83
55
50
45
40
35
30
25
20
15
10
5
0
96
97
@52,400 >4 HR AVERAGE
@61 97
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER


FLATHEAD LAKE
PROJECTED DRAWDOWN AND FILL
1996
1997
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEA LEVEL (FULL POND)
CFS FLOW OUT
JOHN VANDEVER
NEW HEAD OF HYDRO FOR PACIFIC
5/17/96 BOAT IN BAYVIEW
86.41
3/11/97 88.20
3/23 84.90
4/14/99
84.39
4/20
4/14/99 8.80
4/20
86.30
12/22/98
12/24/99 84.94
3/22/98
K+E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.
47 2893

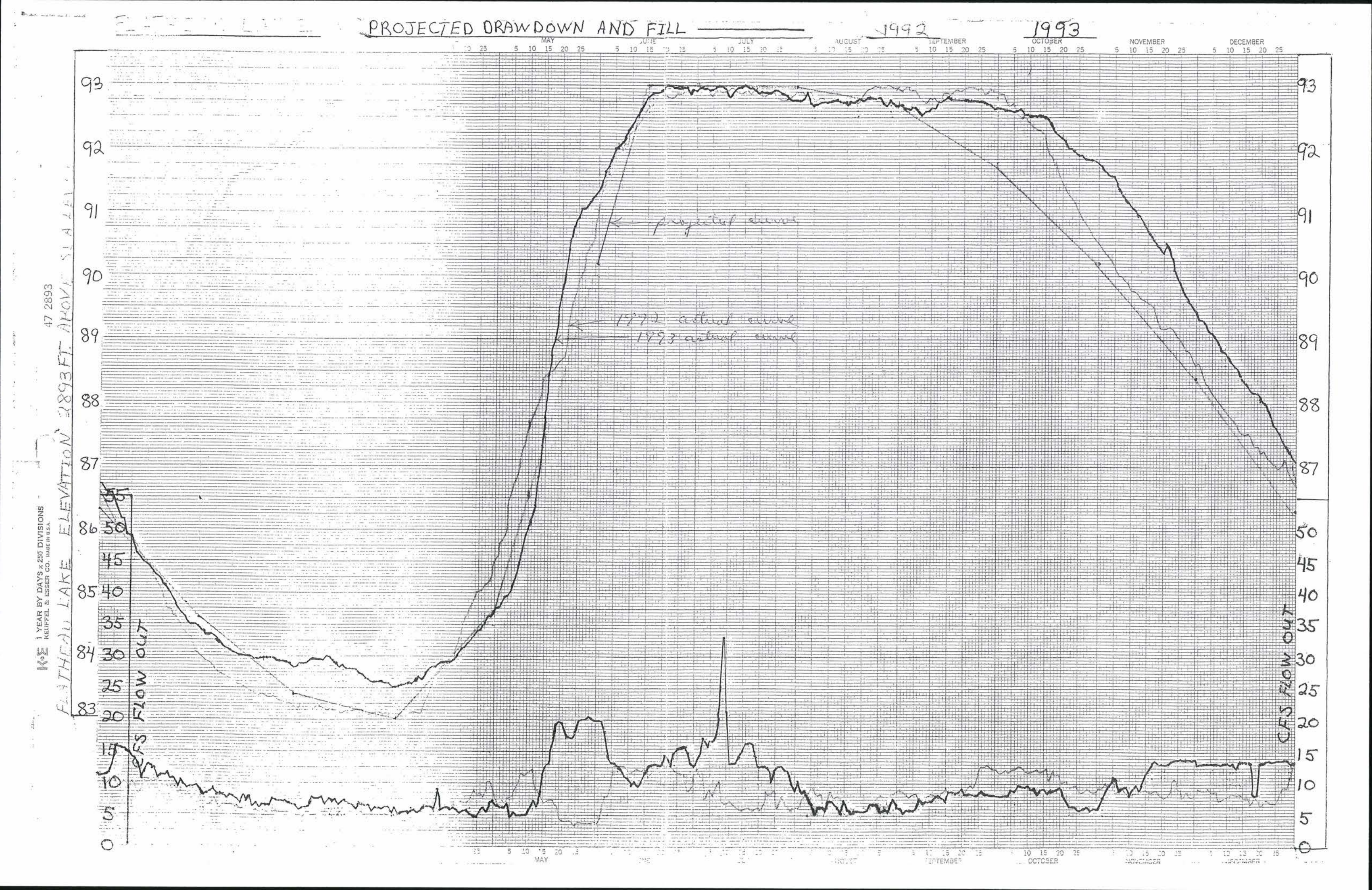


93
92
91
90
89
88
87
50
45
40
35
30
25
1995 actual draft curve
1994 actual draft curve
2887.76
5/22/95 2888.37
Monday 9:15 AM
3:30 PM FRI 5/26 95 2889.12
10 PM 6/13 95 2892.50
6/16 95 2892.75
4/15
883-4450 called → oct 18 '94
2891.77
bottomed out yesterday oct 17 '94
Scheduled for '94
91.50 Oct 31
2891.00 invited
CAROL JAMES
4340


FLATHEAD LAKE
PROJECTED DRAWDOWN AND FILL
FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEA LEVEL (Full Pond)
CFS FLOW OUT
93
92
91
90
89
88
87
86
85
84
83
50
45
40
35
30
25
20
15
10
5
0
95
94
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER



FLATHEAD LAKE ELEVATION 2913 FT. ABOVE SEA LEVEL
CFS FLOW OUT
CFS FLOW OUT
93
92
91
90
89
88
87
86
85
84
83
50
45
40
35
30
25
20
15
10
5
0
94
93
JANUARY
FEBRUARY
MARCH
APRIL
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER


PROJECTED DRAWDOWN AND FILL
1992
1993
MAY
JUNE
JULY
AUGUST
SEPTEMBER
OCTOBER
NOVEMBER
DECEMBER
93
92
91
90
89
88
87
86
85
84
83
55
50
45
40
35
30
25
20
15
10
5
0
projected curve
1992 actual curve
1993 actual curve
CFS FLOW OUT
FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEA LEVEL
47 2893
K+E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

FLATHEAD LAKE — PROJECTED DRAWDOWN AND FILL — 1992 — 1993

JANUARY 5 10 15 20 25 | FEBRUARY 5 10 15 20 25 | MARCH 5 10 15 20 25 | APRIL 5 10 15 20 25 | MAY 5 10 15 20 25 | JUNE 5 10 15 20 25 | JULY 5 10 15 20 25 | AUGUST 5 10 15 20 25 | SEPTEMBER 5 10 15 20 25 | OCTOBER 5 10 15 20 25 | NOVEMBER 5 10 15 20 25 | DECEMBER 5 10 15 20 25

93 92 91 90 89 88 87

92 92 93 93

55 50 45 40 35 30 25 20 15 10 5 0

86 85 84 83

FLATHEAD LAKE ELEVATION 2893 FT. ABOVE SEA LEVEL

FLOW OUT CFS

CFS FLOW OUT

47 2893

K+E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

JANUARY 5 10 15 20 25 | FEBRUARY 5 10 15 20 25 | MARCH 5 10 15 20 25 | APRIL 5 10 15 20 25 | MAY 5 10 15 20 25 | JUNE 5 10 15 20 25 | JULY 5 10 15 20 25 | AUGUST 5 10 15 20 25 | SEPTEMBER 5 10 15 20 25 | OCTOBER 5 10 15 20 25 | NOVEMBER 5 10 15 20 25 | DECEMBER 5 10 15 20 25

FLATHEAD LAKE — PROJECTED DRAWDOWN AND FILL — 1991 — 1992

JANUARY 5 10 15 20 25 | FEBRUARY 5 10 15 20 25 | MARCH 5 10 15 20 25 | APRIL 5 10 15 20 25 | MAY 5 10 15 20 25 | JUNE 5 10 15 20 25 | JULY 5 10 15 20 25 | AUGUST 5 10 15 20 25 | SEPTEMBER 5 10 15 20 25 | OCTOBER 5 10 15 20 25 | NOVEMBER 5 10 15 20 25 | DECEMBER 5 10 15 20 25

93 92 91 90 89 88 87

corrected curve

FLATHEAD LAKE ELEVATION 2893FT ABOVE SEALEVEL

55 50 45 40 35 30 25 20 15 10 5 0

CFS FLOW OUT

50 45 40 35 30 25 20 15 10 5 0

CFS FLOW OUT

JANUARY 5 10 15 20 25 | FEBRUARY 5 10 15 20 25 | MARCH 5 10 15 20 25 | APRIL 5 10 15 20 25 | JUNE | JULY | AUGUST | SEPTEMBER 5 10 15 20 25 | OCTOBER 5 10 15 20 25 | NOVEMBER | DECEMBER

47 2893

K&E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

FLATHEAD LAKE — PROJECTED DRAWDOWN AND FILL

1990 — 1991

JANUARY · FEBRUARY · MARCH · APRIL · MAY · JUNE · JULY · AUGUST · SEPTEMBER · OCTOBER · NOVEMBER · DECEMBER

FLATHEAD LAKE ELEVATION +2800 FT. ABOVE SEA LEVEL

CFS FLOW OUT

47 2893

K&E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

FLATHEAD LAKE — PROJECTED DRAWDOWN AND FILL — 1992 — 1991

JANUARY · FEBRUARY · MARCH · APRIL · MAY · JUNE · JULY · AUGUST · SEPTEMBER · OCTOBER · NOVEMBER · DECEMBER

1990 actual curve

1992 actual curve - (mid-night readings)

Projected draft curve

FLATHEAD LAKE ELEVATION +2800 FT. ABOVE SEA LEVEL

93 92 91 90 89 88 87 86 85 84 83

55 50 45 40 35 30 25 20 15 10 5 0 CFS Flow out

93 92 91 90 89 88 87

50 45 40 35 30 25 20 15 10 5 0 CFS Flow out

47 2893

K+E 1 YEAR BY DAYS x 250 DIVISIONS KEUFFEL & ESSER CO. MADE IN U.S.A.

FLATHEAD LAKE — PROJECTED DRAWDOWN AND FILL — 1990 — 1991

JANUARY 5 10 15 20 25 | FEBRUARY 5 10 15 20 25 | MARCH 5 10 15 20 25 | APRIL 5 10 15 20 25 | MAY 5 10 15 20 25 | JUNE 5 10 15 20 25 | JULY 5 10 15 20 25 | AUGUST 5 10 15 20 25 | SEPTEMBER 5 10 15 20 25 | OCTOBER 5 10 15 20 25 | NOVEMBER 5 10 15 20 25 | DECEMBER 5 10 15 20 25

FLATHEAD LAKE ELEVATION +2800 FT. ABOVE SEA LEVEL

93 92 91 90 89 88 87 86 85 84 83

1990 actual curve

1991 actual curve - (mid-night readings)

Projected draft curve

CFS Flow out

55 50 45 40 35 30 25 20 15 10 5 0

47 2893
K&E 1 YEAR BY DAYS x 250 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

Mr. Geo Swing
Po Box 1012
KR 59901 LUCKY SULTZ

WATER FLOW DATA
MAX IN AND OUT.

1948

Flow in Max--May 27,	101170 csf.	
Flow out " --June 6,	72900 "	
Max Elev. --June 7.	2895.93	

1949

Flow in Max--May 15.	76340 "	
Flow out Max-May 31 June 1	46490 "	
Max Elev. June 27.	2893.06	

1950

Flow in Max--June 6.	89160 "	(Caused hi wind
Flow out Max-June 23	65100 csf	
Max Elev. June 25.	2894.65	

1951

Flow in Max--May 13.	80400 csf	
Flow out Max- June 16.	62350 "	
Max Elev. June 17.	2892.98	

1952

Flow in Max--Apr. 29.	54960 "	
Flow out Max-May 23.	40450 "	
Max Elev. July 11.	2893.05	

Max. & Min. Flow.

1953

Flow in Max -- June 14.	54900 csf.	
Flow out Max.- June 4.	54200 "	
Max. Elev. 2893.0 July 25.		

1954.

Flow in Max--May 21.	72340 "	
Flow out Max. July 3.	55400 "	
Max. Elev. 2893.05 July 28.		

1955.

Flow in Max. June 24.	48400 "	
Flow out Max. June 18.	45800 "	
Max. Elev. 2893.0 July 2.		

1956.

Flow in Max. July 7.	71800 "	
Flow out Max. June 7.	57800 "	
Max. Elev. July 7. 2893.06		

1957.

Flow in Max. May 23.	54830 "	
Flow out Max. May 23.	47600 "	
Max. Elev. 2893.0 July 5.		

1958.

Flow in Max. May 27.	59920 "	
Flow out Max. May 27.	56950 "	
Max. Elev. June 9.	2893.01.	

Max. & Min Flow Cont.

1959.

Flow in Max. --- June 23,	66,880	
Flow out Max.-- June 24,	52,400	
Max. Elev. Sept. 16,	2893.0[illegible]	

1960.

Flow in Max. -- June 4,	57,520	
Flow out Max. - June 18,	51,500	
Max. Elev. 2893.02 July 10		

1961

Flow in Max.-- May 27	64,700	
Flow out Max. -- June 8	52,400	
Max. Elev. ---- July 5	2893.01	

1962

Flow in Max.-- May 30	40,290	
Flow out Max. - May 31	39,850	
Max. Elev. --- July 2	2893.0[illegible]	

1963

Flow in Max.--- June 2	36,300	
Flow out Max.-- July 1	39,300	
Max. Elev. -- June 30	2893.0[illegible]	

Several days in Aug. July and Sept.

1964

Flow in Max.-- June 10	113,400	
Flow out Max. -June 12	63450	
Max. Elev.--- June 12	2894.15	

1965

Flow in Max.---- June 20	53830	
Flow out Max.-- June 20	50900	
Mav Elev.------ July 20	2893.00	

1966

Flow in Max. --- May 31	49630	
Flow out Max. -- June 2	39900	
Max. Elev. --- July 10	2893.0[illegible]	

1967

Flow in Max - - - 60,060	May 24	
Flow out Max - - June 15	46,000	
Max elev - - - July 4	2893.00	

Min Lake Elevation recorded
since 1922 → 2881.07
December 5, 1936 MMH

Max. Lake Elevation recorded
since 1922 → 2896.26
June 19, 1933
Flow 108,000 CSF

F.W. Bird - Pump slab -
Elev. 1894.4.

Bill

I hope some of this ~~[illegible]~~ information will be of help to you. I got it out of some old records one of the retired tons left behind.

Don. Kuhl