

CIRCULAR No. 178.

Montana Water Court

OPENINGS AND SALES OF INDIAN LANDS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 5, 1912.

(1) BLACKFEET AND FORT PECK INDIAN RESERVATIONS IN MONTANA AND COLVILLE AND YAKIMA INDIAN RESERVATIONS IN WASHINGTON.

The surplus lands within these reservations will be opened by proclamations of the President at some future date, as soon as the necessary preliminary work has been completed. The proclamations will prescribe the time when and the manner in which the lands may be settled upon, occupied, and entered. It is probable that the Blackfeet, Fort Peck, and Colville Reservations will be opened under some form of registration and that the Yakima Reservation will be opened without a registration.

It is not now possible to furnish even the approximate area of the surplus lands in any of these reservations which will be available for entry after the Indian allotments and the other necessary reservations and withdrawals have been made.

In connection with the entry of lands, soldiers and sailors who were honorably discharged after 90 days' service during the Civil or Spanish Wars or the Philippine Insurrection (or their widows or minor orphan children) will be entitled to file declaratory statements and to claim credit for military or naval service, as under the general homestead laws.

One-fifth of the appraised value of the lands must be paid in cash at the time of filing. The remainder of the purchase money may be paid in five equal annual installments, beginning one year from the date of filings.

This office can not furnish maps of the reservations or information as to the character, quality, or topography of the lands.

The locating of the Indian allotments and the classifying and appraising of the lands are under the jurisdiction of the Commissioner of Indian Affairs.

The Blackfeet Reservation embraces about 1,500,000 acres, of which approximately 840,000 acres have been allotted to Indians, the allotments not yet having been approved. The surplus lands are now being classified and appraised by a commission appointed for that purpose; and when this work is completed, the surplus lands will be disposed of pursuant to the act of March 1, 1907 (34 Stat., 1035), under the general provisions of the homestead, mineral, and town-site laws, and of the reclamation act where irrigation projects are practicable. The agricultural lands are to be disposed of at the appraised price; the mineral and coal lands at the prices fixed under the mineral and coal-land laws of the United States; and the timber

lands are to be sold under sealed bids at not less than \$5 per acre. The lands have been surveyed; the allotment work in the field has been completed; and it is expected that the classification and appraisal work will be finished by January 1, 1913. The surplus lands may be opened during 1913. District land office: Helena, Mont.

The Fort Peck Reservation embraces about 1,776,000 acres which area will be reduced by allotments to Indians and other reservations and selections. Allotment work in the field under the provisions of the act of May 30, 1908 (35 Stat., 558), has been completed; the allotments not yet having been approved, as a large part of the land allotted is underlain with coal. The classification and appraisal of the surplus lands under the provisions of the act mentioned will be completed by March 1, 1913, and the surplus lands disposed of at not less than the appraised price under the general provisions of the homestead, desert-land, mineral, and town-site laws of the United States, as provided by the said act of May 30, 1908. The lands will probably be opened during 1913. District land office: Glasgow, Mont.

The Colville Reservation embraces about 1,000,000 acres in the diminished reservation or south half of the former Colville Reservation, but this area will be greatly reduced by Indian allotments, and other reservations and selections. The surplus lands are to be disposed of pursuant to the act of March 22, 1906 (34 Stat., 80). The agricultural lands are to be opened under the provisions of the homestead laws at not less than the appraised price; the timber lands are to be sold under sealed bids to the highest bidder for cash or at public auction; the lands classified as mineral lands are to be disposed of under the general mining laws; and the lands susceptible of irrigation are to be disposed of under the reclamation act. The surveying is completed. The allotting of lands to the Indians is in progress. It is reported that after the allotments have been made there will not be any considerable amount of desirable land for agricultural purposes. The classification and appraisal of the surplus lands is yet to be done. It is not thought that the lands can be opened before 1914. District land offices: Waterville and Spokane, Wash.

The Yakima Reservation embraces about 1,145,000 acres, but this area will be greatly reduced by Indian allotments and other reservations and selections. The surplus lands, including timber lands after the sale and removal of the timber, are to be disposed of pursuant to the act of December 21, 1904 (33 Stat., 595), under the homestead and mineral laws, settlers to pay the appraised price, and the mineral claimants to also pay the appraised price, which shall not be less than the price fixed in the mining laws. The timber on the timber lands is to be sold at not less than its appraised value, under sealed proposals. Withdrawals under the reclamation act have been made pursuant to the act of March 6, 1906 (34 Stat., 53), for the Wapato project. The surveys are completed, and the allotment work is finished, except as to about 400 additional allotments provided for by the act of May 6, 1910 (36 Stat., 348), which are being made now. The classification and appraisal of the remaining lands is nearly completed. It is reported that all the lands which can be irrigated have been, or probably will be, allotted to the Indians, and that the lands which will be left for entry under the homestead laws are arid

in character and can not be successfully cultivated without irrigation and are suitable for grazing purposes only. In view of this fact it is probable that the unallotted lands in the reservation will not be opened under the registration plan heretofore followed in opening Indian lands, but will probably be declared subject to settlement and entry under the general provisions of the homestead laws some time during 1913. District land offices: Vancouver and North Yakima Wash.

(2) CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS, S. DAK., AND N. DAK.

The act of May 29, 1908 (35 Stat., 460), provided for the opening of a part of these reservations. Pursuant to the act, a registration was held in October, 1909, and from May 2, 1910, to November 1, 1910, the surplus unallotted and unreserved lands (about 1,850,000 acres) were subject to settlement and entry under the homestead law only by persons to whom numbers were assigned under the registration. The residue of the lands became subject to settlement and entry under the homestead laws, at their appraised values (from \$0.50 to \$6 per acre), by any qualified persons, on November 1, 1910. One fifth of the purchase price of the land must be paid when entry is made. The balance may be paid in five equal annual installments beginning two years after the date of entry, unless the entry is commuted. If it is commuted all the unpaid purchase money must be paid at that time. If an entryman makes three-year proof and does not make final payment of purchase money at that time, final certificate will not issue until final payment is made.

Soldiers and sailors (or their widows or minor orphan children) may file declaratory statements for these lands and claim credit for military or naval service as under the general homestead laws. District land offices: Timber Lake and Lemmon, S. Dak.

(3) COEUR D'ALENE INDIAN RESERVATION, IDAHO.

The act of June 21, 1906 (34 Stat., 335), provided for the opening of this reservation. Pursuant to the act, a registration was held in August, 1909, and from May 2, 1910, to November 1, 1910, the non-mineral, surplus unallotted and unreserved lands (about 216,000 acres) were subject to settlement and entry under the homestead law only by persons to whom numbers were assigned under the registration. The residue of the lands became subject to settlement and entry under the homestead laws, at their appraised values (from \$1.25 to \$6.80 per acre), by any qualified persons, on November 1, 1910. One-fifth of the purchase price of the land must be paid when entry is made. The balance may be paid in five equal annual installments, beginning one year after the date of entry, unless the entry is commuted. If it is commuted, all the unpaid purchase money must be paid at that time. If an entryman makes three-year proof and does not make final payment of purchase money at that time, final certificate will not issue until final payment is made. Entries on lands classified as timbered are not subject to commutation, but entries on lands classified as agricultural and grazing are, in the absence of objection, subject to commutation.

The allotted and unreserved lands are subject to location and entry under the mining laws of the United States. The coal and oil lands are reserved as property of the United States.

Soldiers and sailors (or their widows or minor orphan children) may file declaratory statements for these lands and claim credit for military or naval service as under the general homestead laws. District land office: Coeur d'Alene, Idaho.

(4) FLATHEAD INDIAN RESERVATION, MONT.

The act of April 23, 1904 (33 Stat., 302), provided for the opening of this reservation. Pursuant to the act a registration was held in August, 1909, and from May 2, 1910, to November 1, 1910, the surplus unallotted and unreserved lands (about 451,437 acres) were subject to settlement and entry under the homestead laws only by persons to whom numbers were assigned under the registration. The residue of the lands became subject to settlement and entry under the homestead laws, at their appraised values, from \$1.25 to \$7 per acre, by any qualified persons, on November 1, 1910. One-third of the purchase price of the land must be paid when entry is made. The balance may be paid in five equal annual installments, beginning one year after the date of entry, unless the entry is commuted. If it is commuted, all the unpaid purchase money must be paid at that time. Some of these lands will be irrigated under the provisions of the act of May 29, 1908 (35 Stat., 444), and entrymen on these lands will be required to pay for water rights in addition to the price of the land. It is not now possible to even estimate what the charges for water, when available, will be, or when the irrigation works will be completed. If an entryman makes three-year proof and does not make final payment of purchase money at that time, final certificates will not issue until final payment is made. If an entryman of a farm unit makes commutation proof, he must pay all the unpaid purchase money at that time, the same as entrymen of the lands which are not to be irrigated under the provisions of said act of May 29, 1908, but final certificate will not issue to him until at least one-half of the irrigable area of the unit has been reclaimed and all the building charges have been paid.

The unallotted and unreserved lands are subject to location and entry under the mining laws of the United States.

Soldiers and sailors (or their widows or minor orphan children) may file declaratory statements for these lands, and claim credit for military or naval service, as under the general homestead laws. District land offices: Kalispell and Missoula, Mont.

(5) ROSEBUD INDIAN RESERVATION (MELLETTTE AND WASHBAUGH COUNTIES) AND PINE RIDGE INDIAN RESERVATION (BENNETT COUNTY), S. DAK.

The acts of May 30, 1910 (36 Stat., 448), and May 27, 1910 (36 Stat., 440), provided for the opening of a part of said reservations. The lands have been classified as agricultural lands of the first class, agricultural lands of the second class, grazing lands, and timbered lands. The timbered lands have been reserved for the use of the Indians. Pursuant to said acts a registration was held in October,

1911, and prior to October 1, 1912, the agricultural and grazing lands (about 425,000 acres) were subject to settlement and entry under the homestead laws only by persons to whom numbers were assigned under the registration. The residue of these lands became subject to settlement and entry, at their appraised values (from \$0.25 to \$1 per acre), by any qualified persons, at 9 o'clock a. m., on October 1, 1912. One-fifth of the purchase price of the land must be paid when entry is made. The balance may be paid in five equal annual installments, beginning two years after the date of entry, unless the entry is commuted. If it is commuted, all the unpaid purchase money must be paid at that time. If an entryman makes three-year proof and does not make final payment of purchase money at that time, final certificate will not issue until final payment is made.

Soldiers and sailors (or their widows or minor orphan children) may file declaratory statements for these lands and claim credit for military or naval service as under the general homestead laws. District land office: Chamberlain, S. Dak.

(6) FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The act of June 1, 1910 (36 Stat., 445), provided for the opening of the nonmineral, unallotted, and unreserved land within the part of this reservation which lies north and east of the Missouri River. The lands have been classified as agricultural lands of the first class, agricultural lands of the second class, grazing lands, timbered lands, and mineral lands. The timbered lands have been reserved for the use of the Indians. The mineral or coal lands have been reserved, pending legislation by Congress.

Pursuant to said act, a registration was held in August and September, 1911, and prior to October 1, 1912, the agricultural and grazing lands were subject to settlement and entry under the homestead laws only by persons to whom numbers were assigned under the registration. The residue of the lands became subject to settlement and entry at their appraised values (from \$1.50 to \$6 per acre) by any qualified persons at 9 o'clock a. m. on October 1, 1912. One-fifth of the purchase price of the land must be paid when entry is made. The balance may be paid in five equal annual installments beginning two years after the date of entry, unless the entry is commuted. If it is commuted all the unpaid purchase money must be paid at that time. If an entryman makes three-year proof and does not make final payment of purchase money at that time, final certificate will not issue until final payment is made.

Soldiers and sailors (or their widows or minor orphan children) may file declaratory statements for these lands and claim credit for military or naval service, as under the general homestead laws. District land office: Minot, N. Dak.

(7) COLORADO RIVER INDIAN RESERVATION, ARIZ. AND CAL.

The act of April 21, 1904 (33 Stat., 224), authorizes allotment of 5 acres of irrigable land to the Indians within this reservation and the disposal of the surplus irrigable land under the reclamation act of June 17, 1902 (32 Stat., 388). There is no authority

under existing law for the disposal of the surplus nonirrigable lands within this reservation. The act of March 3, 1911 (36 Stat., 1063), increases the size of the allotments to be made to the Indians from 5 to 10 acres each. It is estimated that there are between 450 and 500 Indians entitled to allotments within this reservation, which will require approximately 5,000 acres of irrigable land for allotment purposes. It appears also that there are about 150,000 acres susceptible of irrigation, provided a sufficiently comprehensive system is installed to furnish water therefor. Surveying parties are now in the field subdividing the lands within this reservation, on the completion of which the allotment work will be taken up. Until the irrigation question is settled, however, it is not known how much or just when the lands within this reservation susceptible of irrigation can be placed on the market. District land offices: Phoenix, Ariz., and Los Angeles, Cal.

(8) YUMA INDIAN RESERVATION, CAL.

The act of April 21, 1904 (33 Stat., 224), authorizes allotments of irrigable lands and the disposal of the surplus irrigable land within this reservation under the provisions of the reclamation act of July 17, 1902 (32 Stat., 388). The act of March 3, 1911 (36 Stat., 1063), increases the size of the allotments from 5 to 10 acres of irrigable land to each Indian. It is estimated that there are about 600 Indians to be allotted, which will require approximately 6,000 acres. A portion of the reservation has already been opened under the reclamation act. District land office: Los Angeles, Cal.

(9) CHIPPEWA INDIAN RESERVATION, MINN.

The ceded lands are classified as pine and agricultural under the act of January 14, 1889 (25 Stat., 642). The lands classified as agricultural, except such as are allotted to Indians or reserved for any purpose, have already been opened. The timber on the pine lands is sold under the act of June 27, 1902 (32 Stat., 400), and after the timber is removed therefrom the land is opened to entry under section 6 of said act of January 14, 1889. Circulars of these lands are printed about once a year, giving lists of these "cut-over" lands opened to entry. There will probably be another opening of Chippewa agricultural lands next spring. District land offices: Cass Lake, Crookston, and Duluth, Minn.

(10) FLATHEAD INDIAN RESERVATION, MONT. (LOTS FRONTING ON FLATHEAD LAKE.)

Section 23, act of April 12, 1910 (36 Stat., 296), provides:

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 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.

This section was amended by the acts of March 3, 1911 (36 Stat., 1066), and August 24, 1912 (Public, No. 335, sec. 10), the latter act providing:

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."

The surveys of these lots are not completed and it can not now be stated when they will be completed or when the lots will be offered for sale.

(11) KIOWA, COMANCHE, AND APACHE INDIAN RESERVATIONS, OKLA.

Section 16 of the act of March 3, 1911 (36 Stat., 1069), authorizes the Secretary of the Interior, in his discretion, to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands within these reservations. The sale authorized by said section 16 has been deferred pending proposed legislation by Congress. It is not now possible to say when it will take place.

(12) OMAHA INDIAN RESERVATION, NEBR.

The act of May 11, 1912 (Public, No. 153), provides for the appraisalment of the surplus lands within this reservation and that they shall be sold (in quantities not to exceed 160 acres to any one purchaser) to the highest bidder at not less than their appraised value under such rules and regulations as the Secretary of the Interior may prescribe. The lands have not yet been appraised and it can not now be stated when the appraisements will be made or when the lands will be offered for sale.

(13) RED LAKE INDIAN RESERVATION, MINN.

The unsold lands in that portion of this reservation which was opened under the act of February 20, 1904 (33 Stat., 46), are being disposed of under the act of February 16, 1911 (36 Stat., 213). Settlers are required to pay \$4 per acre for lands not previously entered, and, in the case of canceled entries, the price which the first entryman agreed to pay. District land office: Crookston, Minn.

(14) ROSEBUD INDIAN RESERVATION (TRIPP COUNTY), S. DAK.

The act of March 2, 1907 (34 Stat., 1230), provides:

That all lands remaining undisposed of at the expiration of four years from the opening of the said lands to entry (which was Apr. 1, 1909) shall be sold to the highest bidder for cash at not less than two dollars and fifty cents per acre under rules and regulations to be prescribed by the Secretary of the Interior * * *

This sale can not be held before April 1, 1913. No date for the sale has been fixed and rules and regulations therefor have not been adopted.

(15) ROUND VALLEY INDIAN RESERVATION, CAL.

The act of February 8, 1905 (33 Stat., 706), provides:

That all lands opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act (which was Jan. 15, 1906) may be sold and disposed of for cash under rules and regulations to be prescribed by the Secretary of the Interior.

It is not now possible to say when these lands will be offered for sale.

(16) SILETZ INDIAN RESERVATION, OREG.

The act of May 13, 1910 (36 Stat., 367), provides for the sale, at public auction, of the lands, 3,279.29 acres, reserved under the provisions of article 4 of the agreement concluded with the Siletz Indians, October 31, 1892, ratified by act of Congress approved August 15, 1894 (28 Stat., 325). The lands will be sold at public auction in such areas and on such terms and conditions as the Secretary of the Interior may prescribe. The date for the sale has not been determined, but it may take place during 1913.

(17) RESERVATIONS NOT TO BE OPENED.

Cheyenne River Indian Reservation, S. Dak.
 Crow Indian Reservation, Mont.
 Fort Belknap Indian Reservation, Mont.
 Fort Berthold Indian Reservation, N. Dak.
 Hopi (Moqui) Indian Reservation, Ariz.
 Hupa Valley Indian Reservation, Cal.
 Jicarilla Apache Indian Reservation, N. Mex.
 Klamath Indian Reservation, Oreg.
 Navajo Indian Reservation, Ariz.
 Pine Ridge Indian Reservation, S. Dak.
 Rosebud Indian Reservation, S. Dak.
 Standing Rock Indian Reservation, N. and S. Dak.
 Wind River Indian Reservation, Wyo.
 Warm Springs Indian Reservation, Oreg.

The above list comprises various reservations for which there is no authority for their opening. Parts of some of them have already been opened, in which cases the unceded parts of the reservations only are referred to.

Very respectfully,

FRED DENNETT,
 Commissioner.