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January 1, 1937, to orchards or vineyards other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Soil conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranging unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total crop land on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Montana at the rates and subject to the conditions set forth herein:

SEC. 1. *Diversion Payments*.—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.²

SEC. 2. *Sugar Beet Payments*.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

² The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SEC. 1. Soil-Building Payment.—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in the Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for the practice prescribed in item F in addition to either of the practices prescribed in items K and P, and payment will be made for the practice prescribed in item J in addition to the practice prescribed in item K.

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. Perennial legumes including alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes including red clover, alsike clover, and mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Annual and biennial sweet clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Seeding and establishment of perennial grasses including bluegrass, orchard, Bermuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Crested wheat grass seeded on cropland in 1937: \$3.00 per acre.

G. Restoring to native grass.—Land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which in accordance with good farming practices should be permanently devoted to grass: \$0.25 per acre: *Provided,*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass,

2. Approval has been obtained from the county committee, and

3. Such land is not pastured, cropped or tilled in 1937.

H. Forest Trees.—

1. Planting of trees on crop land in 1937 provided the land is maintained in a good state of cultivation and the

plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

I. *Perennial noxious weed control.*—When, after approval of the county committee, seriously infested plots of Canadian thistle, bindweed or wild morning glory, White top, Leafy spurge, Russian knapweed are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 per acre.

2. Periodic cultivation: \$5.00 per acre.

J. *Establishment of strip cropping and fallow.*—The fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: \$1.00 per acre.

K. *Plowless fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequent enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or one way disc where one way disc is used only for initial cultivation: \$0.50 per acre.

L. *Cover crop.*—Seeding of small grains other than rye or winter wheat on summer fallowed land after July 15 and left as a winter cover crop: \$0.50 per acre.

M. *Green manure crop.*—Annual legumes including soybeans, cowpeas, field beans, and field peas, when seeded on irrigated crop land in 1937 and turned under after attaining at least two months' growth: \$2.00 per acre.

N. *Diking for flood water diversion.*—When practiced on non-irrigated crop land in 1937, in accordance with specifications approved by the Director of the Western Division: \$1.00 per acre.

O. *Terracing.*—Establishment of terraces on crop land in 1937, provided, however, plans for the terracing project are approved in advance by the county committee and such practice is carried out in accordance with specifications approved by the Director of the Western Division: \$0.40 per 100 linear feet.

P. *Solid contour listing.*—When practiced on cropland in 1937 in accordance with specifications approved by the Director of the Western Division: \$1.00 per acre.

Q. Leguminous cover crops in orchards including alfalfa, sweet clover, and crimson clover, and such other biennial or perennial legumes as are approved by the Director of the Western Division.

Seeded and establishment in irrigated orchards or in orchards subject to subirrigation where no vegetation is removed and such practice is carried out in accordance with specifications approved by the Director of the Western Division: \$2.00 per acre.

R. The following practice will be applicable only to non-crop pasture acreage:

Reseeding with native perennial grasses in 1937, in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division: \$0.20 per pound of seed sown not in excess of \$2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm \$10.00, or the sum of the following items whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre diverted for payment from the soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre devoted to commercial orchards on the farm in 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00, or the sum of the following items whichever is the greater:

1. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for a ranching unit prior to their institution:

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. *Contouring.*—For each acre furrowed on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For the drilling or digging of wells, casing to be not less than 2 or 4 inches in diameter, provided a wind-

² The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

mill or power pump is installed and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or pipe to a tank or storage reservoir: \$1.00 per linear foot for a 4 inch casing; \$0.50 per linear foot for a 2 inch casing.

E. *Water spreading to prevent soil washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet. (See Farmers' Bulletin No. 1606, Farm Drainage, Published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

H. For establishing fire guards not less than four feet in width, by plowing furrows or otherwise exposing the soil: \$0.03 per 100 linear feet.

I. *Rodent Control.* For destroying at least 90% of the range destroying rodents on an infested area as follows:

1. Prairie dogs: \$0.07½ per acre.
2. Ground squirrels: \$0.06 per acre.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to the deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however*, That—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. *Modifications for Farms under Special Program.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however*, That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal

crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act. There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops, seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops*.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of Section 2 and Items d and f of Section 3 of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sugar beets.

e. Root crops grown for feed.

f. Cultivated sunflowers.

g. Mustard (commercial).

h. Rape.

i. Truck and vegetable crops and their seed, melons, and strawberries.

j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.

k. Millets.

l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay, except as indicated under item f of Section 3 of this Part VIII.

m. Cultivated fallow (summer fallow) unless otherwise provided.

SEC. 2. *Soil-Conserving Crops*.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this Bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clover, Austrian winter peas, sericea, kudzu.

(2) Grasses: bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's canary grass and velvet grass.

b. Green manure crops, on irrigated land only, including annual legumes when turned under in 1937 after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

Part IX—Appeals

SEC. 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base,

productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture, to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-547; Filed, February 24, 1937; 12:35 p. m.]

WR—B-101—Nevada

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEVADA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Nevada, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Nevada, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Nevada.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for

the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Crop land means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards and vineyards on January 1, 1937, other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops thereon.

Soil-conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres

and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Nevada at the rates and subject to the conditions set forth herein:

SEC. 1. *Diversion Payments*.—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.²

Part III—Rates and Conditions of Soil-Building Payment

SECTION 1. *Soil-Building Practices and Rates*.—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage, except that payments will be made for practices prescribed in Items A, B, C, D, E, F, or L in addition to the practice prescribed under Item N of this Section 1.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial Legumes*, including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, \$2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover), red, alsike, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet clover*, and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions, \$1.00 per acre:

a. Without establishment of a good stand, if seeded alone, or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial Grasses*, including only blue grass, timothy, red top, orchard, brome, bluestem, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, meadow fescue, mixtures thereof, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

E. *Mixtures of Grasses and Legumes* recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: \$3.00 per acre.

G. *Green Manure Crops*.—

1. Annual legumes, including vetches, mustards, bur, sour and crimson clovers, sesbania, cowpeas, soybeans, and grain and legume mixtures and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards, if turned under in the spring of

1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under after having attained a minimum of two months' ungrazed growth: \$2.00 per acre.

2. Perennial and biennial legumes, when grown on irrigated crop land and a good stand is turned under after having attained a minimum of two months' ungrazed growth in 1937: \$2.00 per acre.

3. Perennial legumes when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937, provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: \$1.00 per acre.

4. Small grains including rye, oats, barley and small grain mixtures, when seeded on irrigated crop land or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: \$1.00 per acre.

H. *Forest Trees*.—

1. When planted on crop land in 1937, for woodlot purposes, if not less than 400 trees are planted per acre: \$10.00 per acre.

2. When planted on crop land in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: \$0.06¼ per rod-row.

I. *Perennial Weed Control*.³—

1. Chemical treatment, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: \$10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: \$5.00 per acre.

J. *Approved Summer Fallow*, embodying cultivation in 1937 of irrigated crop land in a manner which will leave a rough and cloddy surface, without previous destruction of organic matter, and sufficient subsequent cultivation to prevent vegetative growth, provided, no soil-depleting crop is grown for harvest in 1937 on such acreage: \$0.50 per acre.

K. *Establishment of Terraces* on crop land in 1937; provided, however, that plans for the proposed terracing project are approved in advance by the County Committee: \$0.40 per 100 linear feet of terrace constructed.

L. *Reseeding Non-Crop Pasture Land*.—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State Committee: \$0.20 per pound of seed sown, not to exceed \$2.00 per acre.

M. *Application of Soil Amendments*.—

1. Gypsum, when applied to crop land in 1937 in connection with the seeding and establishment of legumes, and grass and legume mixtures at a rate not less than 200 pounds per acre: \$2.00 per acre.

2. Superphosphate, when applied to crop land in 1937 in connection with the seeding and establishment of legumes, and grass and legume mixtures at a rate per acre of not less than 60 pounds of available P₂O₅: \$2.25 per acre.

N. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass \$0.25 per acre: *Provided*, that—

³ Payment for the adoption of perennial weed control practices shall be limited to the following noxious weeds: Puncture vine, Canada thistle, White top, Russian knapweed, Morning glory, and leafy spurge.

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

2. Approval has been obtained by the County Committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of viable seeds.

SEC. 2. Soil-Building Allowance.—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. Range-Building Practices and Rates.—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: \$50.00 per spring or seep.

B. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

C. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or

²The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: \$1.00 per linear foot.

D. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts, not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

E. *Rodent Control.*—For destroying at least ninety per cent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: \$0.15 per acre.
2. Ground Squirrels: \$0.06 per acre.

F. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses approved by the Director of the Western Division: \$0.20 per pound of seed sown.

G. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. Range-Building Allowance.—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. Range-Building Payment.—Payments made for carrying out range-building practices shall not be subject to the deductions for increase in acreage of soil-depleting crops.

SEC. 4. Eligibility for Payment.—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentage of the total payment under the application for payment to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. Division of Payments Between Owner and Operator.—A. All payments, except range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however, That—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.
2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

— Part VI—General Conditions for Payment

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties, or other areas, for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated the allowances, rates, and conditions of payment for such county, or other area, will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county, or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payment Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range building practice unless it is carried out in accordance

with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base*.—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm.

SEC. 3. *Establishment of Grazing Capacity*.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops*.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Corn (field, sweet and popcorn).
- b. Potatoes.
- c. Sugar Beet Seed.
- d. Cultivated Sunflowers.
- e. Truck, canning and annual vegetable crops, and their seed or plants, and melons.
- f. Sorghums.
- g. Small Grains for grain or hay; or pasture except as classified under Item a of Section 2 of Part VIII.
- h. Millets.
- i. Soy beans, field beans, cowpeas, field peas, seed peas, and vetch, harvested for grain, seed, hay, pastured, or used for canning purposes.
- j. Root crops, grown for feed.

SEC. 2. *Soil-Conserving Crops*.—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, ladino, Mammoth, crimson, bur, and sour clovers; sericea; lespedeza; sesbania; and mixtures thereof.
2. Grasses: Bluegrass, timothy, reedtop, orchard, brome, bluestem, grama, buffalo, wheatgrasses, ryegrasses, fescues, oatgrass, Reed's canary grass, velvet grass, Bermuda, bent grasses, Rhode, and mixtures thereof.
3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Green manure crops, including only annual, biennial and perennial legumes, oats, rye, barley, vetch, and small grain mixtures when turned under in 1937 after attaining at least two months' growth.

c. Forest trees planted on crop land since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

- a. Orchards, vineyards, tree and small fruits, or nut trees.
- b. Perennial vegetable crops, including asparagus, artichokes, and rhubarb.
- c. Nursery stocks.
- d. Idle crop land.
- e. Fallow, including approved summer fallow.
- f. Bulbs.
- g. Crop land planted to forest trees between January 1, 1930 and January 1, 1934.

Part IX—Appeals

SEC. 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

WR—B-101—New Mexico

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEW MEXICO

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—New Mexico, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in New Mexico, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 agricultural conservation program in New Mexico.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

Person means an individual, partnership, association, or corporation, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Cropland means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Total soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops except the acreage included in the cotton soil-depleting base. Such general soil-depleting base shall be determined by subtracting the cotton soil-depleting base from the total soil-depleting base.

Soil-conserving base means the number of acres obtained by subtracting the total soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

¹Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

General diversion farm means any farm with respect to which the general soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon the recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining general diversion farms.

Diversion farm means any general diversion farm, or any farm with respect to which a cotton soil-depleting base is established.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of New Mexico at the rates and subject to the conditions set forth herein.

SECTION 1. General Diversion Payments.—With respect to general diversion farms, payment will be made for each acre diverted in 1937 from the general soil-depleting base established for the farm, not in excess of 15 percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.²

SECTION 2. Cotton Diversion Payments.—Payment will be made for each acre diverted from the cotton soil-depleting base on the farm in 1937 at the rate of 5 cents for each pound of the normal yield per acre of cotton for the farm on an acreage not to exceed 35 percent of such base except that if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed two acres.

SEC. 3. Sugar Beet Payments.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; *Provided*, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets;

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in

²The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar, by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SEC. 1. Soil-Building Practices and Rates.—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where in the determination of the State committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 agricultural conservation program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for practices prescribed in items A, B, C, D, or E of section 1 in addition to the practice prescribed in item I of section 1 of this part III.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, kudzu, sericea, white clover, ladino, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial grasses including such as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial Legumes (except sweet clover) including red clover, alsike clover, Mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, when seeded under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Annual and Biennial Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. *Planting of Sod Pieces of Perennial Grasses.*—

1. The planting of sod pieces of approved perennial grasses between February 1, 1937, and October 31, 1937, the sod pieces to be cut to a depth of approximately two inches and in blocks not less than four inches square. The sod pieces are to be planted in rows not more than four feet apart with the pieces at intervals of not more than four feet in the row and set approximately level with the surface soil: \$4.00 per acre.

G. Renovation of perennial legumes where perennial legumes have been established and are in need of cultivation for aeration, water percolation, noxious weed control, and reseeding, a payment will be made if fields are renovated, in accordance with specifications issued by the Director of the Western Division, and the noxious weeds, including bind weeds, blue weed, goat heads, and blue thistle, are pulled or burned out between February 1, 1937, and August 15, 1937: \$2.00 per acre.

H. *Green Manure Crops.*—

1. Annual or biennial legumes turned under in 1937 after attaining at least two months' growth on *irrigated* cropland: \$2.00 per acre.

2. Annual legumes turned under in 1937 after attaining at least two months' growth on *non-irrigated* cropland: \$1.00 per acre.

3. Winter small grain crops when grown on cropland preceding or following a 1937 vegetable crop or in commercial orchards in 1937 and turned under after attaining at least two months' growth: \$1.00 per acre.

I. *Establishment of terraces* on cropland in 1937: *Provided, however,* plans for the terracing project are approved in advance by the county committee: \$0.40 per 100 linear feet.

J. *Contour listing* when effected on *non-irrigated* cropland.

1. No soil-depleting crop planted for harvest in 1937: \$1.00 per acre.

2. Cover crops planted to control wind erosion:

Sudan grass or sweet sorghums when planted in rows not greater than 42 inches apart or any sorghum or Sudan grass when close drilled or broadcast: *Provided, however,* that no portion of the crop is harvested or pastured in any manner whatsoever: \$2.00 per acre.

K. *Border planting* when effected on *non-irrigated* cropland in 1937. Border planting of fields where planted borders are 100 feet wide or more and the crop is not pastured or cut for hay or grain: *Provided, however,* that payment shall be made only on the area so planted: \$1.00 per acre.

L. *Perennial Noxious Weed Control.*—When, after approval of the county committee seriously infested plots of bind weed, blue weed, goat heads, and blue thistle are controlled by periodic cultivation in accordance with specifications issued by the Director of the Western Division: \$5.00 per acre.

M. *Forest Trees.*—

1. Planting of trees on cropland in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

N. *Contour strip cropping and fallow* when effected on *non-irrigated* cropland. Contour strip planting of any crops when width of strips of crop is not less than 9 feet nor the distance between strips more than 150 feet: *Provided, however,* that only the area planted to strip crops shall be considered in computing the acreage devoted to this practice: \$1.00 per acre.

O. *Controlled summer fallowing* on *non-irrigated* cropland when the fallow is tilled in such manner and with such implements as will result in a minimum of wind and water erosion, by creating and maintaining a rough, cloddy surface reasonably free from volunteer growth, first tillage operation to be performed prior to June 15, 1937: \$0.50 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre diverted for payment from the general soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

7. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items whichever is greater:

1. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such crop land in the United States, for each acre of cropland on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. 50 cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling; and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or underdrainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage* published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: \$0.15 per acre.
2. Ground squirrels: \$0.06 per acre.
3. Prairie dogs: \$0.07½ per acre.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

H. *Reseeding.*—For reseeding depleted range land with good seeds of adapted varieties of perennial grasses or forage shrubs as follows: \$0.20 per pound of seed sown:

1. Native grammas.
2. Chamiza.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops or deductions for failure to have a sufficient acreage of soil-conserving crops equivalent to cotton acreage diverted for payment.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: *Provided*, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, and sharecroppers in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however, That*—

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.
2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

*Part IV—General Conditions for Payment***SEC. 1. Modifications for Farms under Special Programs.—**

The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. Destruction of Foods, Fibers, and Feed Grains.—

Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops and for Insufficient Acreage of Soil-Conserving Crops.—A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *Provided, however,* That if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres.

B. If the 1937 acreage of cotton upon a farm is in excess of the cotton soil-depleting base, a deduction will be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate determined for cotton diversion payment for the farm under the provisions of section 2, part II.

C. If the acreage of soil-conserving crops on the farm in 1937, in excess of the soil-conserving base minus the acreage (Not greater than the soil-conserving base) devoted to neutral uses in 1937, is less than the acreage of cotton diverted for payment, a deduction shall be made from any payment which otherwise would be made to the applicant at the rate of \$3.00 for each acre of cotton diverted for payment in excess of such acreage of soil-conserving crops.

SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary upon the basis of an investigation by the State committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. Practices Not Qualifying for Payment.—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each county agricultural conservation association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. Application and Eligibility for Payment.—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. Land to be Covered by Work Sheet.—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. Total Soil-Depleting Base.—There will be established a total soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 agricultural conservation program, such total soil-depleting base for the farm in 1937 shall be the

total soil-depleting base which was established for the farm under the 1936 agricultural conservation program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 agricultural conservation programs, changes in crop classifications, and further adjustments that will result in a total soil-depleting base for the farm which is comparable with total soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 agricultural conservation program, the total soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a total soil-depleting base for such farm which is equitable, as compared with the total soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the total soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the total soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *General Soil-Depleting Base.*—The general soil-depleting base for any farm shall represent for such farm the acreage normally used for the production of all soil-depleting crops except cotton. The general soil-depleting base for any farm shall be the difference between the total soil-depleting base and the cotton soil-depleting base.³

SEC. 3. *Cotton Soil-Depleting Base.*—A. The cotton soil-depleting base for the farm in 1937 shall be the cotton soil-depleting base which was established or which could have been established for such farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. If for causes other than flood, drouth or other abnormal weather conditions, or, if because of substantial changes in the cotton soil-depleting base by the County Committee in 1936 after planting time, the acreage planted to cotton on the farm in 1936 was less than 50 percent of the cotton soil-depleting base for the farm in 1936, the cotton soil-depleting base for 1937 shall be adjusted downward by the County

Committee to an acreage not less than 154 percent of the 1936 planted acreage.

C. For farms on which cotton was grown in 1936 for the first time since 1933, a cotton soil-depleting base may be established on the basis of the acreage planted to cotton in 1936, subject to necessary adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, and such further adjustments as will result in a cotton soil-depleting base for the farm which is comparable with cotton soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

D. The sum of the cotton soil-depleting bases for all farms covered by work sheets in any county, or other specified area, shall not exceed their proportionate share of the quota of cotton acreage established for such county, or other specified area, by the Agricultural Adjustment Administration.

SEC. 4. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the total soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 5. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-depleting Crops.*—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Small grains including flax, except as indicated under item a, section 2, and under items f and g, section 3 of this part VIII.
- b. Corn (field, sweet and popcorn).
- c. Potatoes.
- d. Sweet potatoes.
- e. Sugar beets.
- f. Peanuts.
- g. Root crops grown for feed.
- h. Hemp.
- i. Cultivated sunflowers.
- j. Mustard (commercial).
- k. Rape.
- l. Truck and vegetable crops and their seeds; melons and strawberries.
- m. Grain sorghums, sweet sorghums, broom corn and sudan grass harvested for seed, grain or hay.
- n. Millets.
- o. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas and canning peas harvested for seed, hay or pastured, except as indicated under items e and f, section 3 of this part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be

³ Under the terms of the 1937 program the sugar beet acreage is included in the general soil-depleting base.

regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur and sour clovers; sericea; lespedeza; kudzu.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass, and velvet grass.

b. Green manure crops consisting of annual and biennial legumes when turned under in 1937, after attaining at least two months' growth.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Cultivated fallow.

d. Bulbs and nursery stock.

e. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

f. Small grains seeded at a winter cover crop and pastured, but not harvested for grain or hay.

g. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

Part IX—Appeals

SEC. 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-549; Filed, February 24, 1937; 12:36 p. m.]

WR—B-101—North Dakota

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NORTH DAKOTA

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—North Dakota, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in North Dakota, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in North Dakota.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable, a State, a political sub-division of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Cropland means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Soil-conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

Commercial vegetables means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beets Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of North Dakota at the rates and subject to the conditions set forth herein:

¹ Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

SEC. 1. *Diversion Payments*.—With respect to diversion farms payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.²

SEC. 2. *Sugar Beet Payments*.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III.—Rates and Conditions of Soil-Building Payment

SEC. 1. *Soil-Building Payment*.—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this Section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for the practice prescribed in item F in addition to either of the practices prescribed in items K and N, and payments will be made for the practice prescribed in item J in addition to the practice prescribed in item K.

PRACTICES AND CONDITIONS—RATES OF PAYMENT

A. Perennial legumes including alfalfa, kudzu, sericea, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes including red clover, alsike clover, and Mammoth clover, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Annual and biennial sweet clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Perennial grasses including bluegrass, orchard, Bernuda, brome, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Crested wheat grass seeded on cropland in 1937: \$3.00 per acre.

G. *Restoring to native grass.*—Land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which in accordance with good farming practices should be permanently devoted to grass: \$0.25 per acre: *Provided:*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass,

2. Approval has been obtained from the county committee, and

3. Such land is not pastured, cropped, or tilled in 1937.

H. *Forest Trees.*—

1. Planting of trees on cropland in 1937 provided the land is maintained in a good state of cultivation and the plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked. Approval by the county committee of the site for such planting shall have been obtained before planting: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

I. *Perennial noxious weed control.*—When, after approval of the county committee seriously infested plots of Canadian thistle, bindweed or wild morning glory, white top, Leafy spurge, Russian Knapweed are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 per acre.

2. Periodic cultivations: \$5.00 per acre.

J. *Establishment of strip cropping and fallow.*—The fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops or small grain stubble the width or twice the width of the fallow strips. The first tillage operation must be completed before June 1, 1937, strips to be approximately at right angles to the prevailing winds. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for that practice in 1936: \$1.00 per acre.

K. *Plowless fallow.*—First tillage to be completed by June 1, 1937, and subsequent tillage frequent enough to prevent weed growth. All tillage to be done by implements that leave the surface rough and planted growth near the surface. Approved implements to be field cultivator, lister, or one way disc where one way disc is used only for initial cultivation: \$0.50 per acre.

L. *Cover crop.*—Seeding of small grains other than rye or winter wheat on summer fallowed land after July 15 and left as a winter cover crop: \$0.50 per acre.

M. *Green Manure.*—When field peas and soy beans are seeded on crop land in 1937 and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes: \$1.00 per acre.

N. *Solid contour listing.*—When practiced on crop land in 1937 in accordance with specifications approved by the Director of the Western Division: \$1.00 per acre.

O. *The following practice will be applicable only to non-crop pasture acreage:*

Reseeding with native perennial grasses in 1937, in accordance with specifications recommended by the State Committee and approved by the Director of the Western Division: \$0.20 per pound of seed sown not in excess of \$2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm \$10.00, or the sum of the following items whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre diverted for payment from the soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,² for each acre devoted to commercial orchards, on the farm in 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00, or the sum of the following items whichever is the greater:

1. 80 cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre or crop land on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

Part IV—Rates and Conditions of Range Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for a ranching unit prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For the drilling or digging of wells, casing to be not less than 2 or 4 inches in diameter, provided a wind-mill or power pump is installed and the water is piped to a tank or storage reservoir: \$1.00 per linear foot for 4 inch casing; \$0.50 per linear foot for 2 inch casing.

An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or pipe to a tank or storage reservoir.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, subsurface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet. (See Farmers' Bulletin No. 1606, Farm Drainage, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. *Reseeding.*—For reseeding depleted range land in 1937 with good seed of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

1. Crested wheat grass.
2. Slender wheat grass.
3. Western wheat grass.
4. Brome grass.

H. For establishing fire guards not less than four feet in width, by plowing furrows or otherwise exposing the soil: \$0.03 per 100 linear feet.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators: Provided all ranch operators signify in the application for payment a percentage of the total payment under the application for payment, to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however, That—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who

²The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II: *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such

part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act. There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. *Soil Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which

are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all crop land in the county, the ratio of the soil-depleting bases established in a county to the acreage of crop land on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base*.—The soil-conserving base shall be equal to the total acreage of crop land less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity*.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops*.—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a of Section 3 and items d and f of Section 3 of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sugar beets.

e. Root crops grown for feed.

f. Cultivated sunflowers.

g. Mustard (commercial).

h. Rape.

i. Truck and vegetable crops and their seed, melons, and strawberries.

j. Grain sorghums, sweet sorghum, broom corn and sudan grass harvested for seed, grain, or hay.

k. Millets.

l. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay, except as indicated under item d of Section 3 of this Part VIII.

SEC. 2. *Soil-Conserving Crops*.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII of this Bulletin) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

(1) Legumes: Alfalfa, sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; Austrian winter peas, sericea, kudzu.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reeds Canary grass and velvet grass.

b. Green manure crops, including field peas and soybeans when turned under in 1937 after attaining at least two months growth.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Cultivated fallow (summer fallow).

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936, provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

Part IX—Appeals

SEC. 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

WR-B-101—Oregon

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—OREGON

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of Section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Oregon, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Oregon, the following terms shall have meanings ascribed to them as follows:

Secretary means the Secretary of Agriculture of the United States.

Western region means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

Western division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

State committee or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Oregon.

County committee or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

Owner means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

Operator means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Share tenant means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

Cropland means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937 and all other farm land devoted on January 1, 1937 to orchards or vineyards other than those abandoned.

Soil-depleting base means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

Soil-conserving base means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

Sugar beet payment means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

Soil-building payment means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

Soil-building allowance means the largest amount for any farm which may be earned as a soil-building payment on such farm.

Non-crop pasture land means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

Range-building payment means a payment for the carrying out of approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

Range land means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

Ranching unit means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

Animal unit means one cow, one horse, five sheep, five goats, or the equivalent thereof.¹

Grazing capacity of range land means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

Diversion farm means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

Non-diversion farm means any farm which is not a diversion farm.

Commercial orchards means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

¹ Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

Commercial vegetables means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Oregon at the rates and subject to the conditions set forth herein.

SECTION 1. Diversion Payments.—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.²

SEC. 2. Sugar Beet Payments.—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm: provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets: or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

Part III—Rates and Conditions of Soil-Building Payment

SEC. 1. Soil-Building Payment.—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

²The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial legumes*, including alfalfa, white clover, red clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial legumes* (except sweet clovers and red clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on cropland in 1937 when good seed of an adapted variety is used, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. *Perennial grasses*, including bluegrass, orchard, brome, rye grasses, bent grasses, fescues, tall oat grass, and wheat grasses (except crested wheat grass), and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. *Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.*—

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. *Crested wheat grass seeded on cropland in 1937:* \$3.00 per acre.

F. *Biennial and annual sweet clover, sour clover, bur clover, crimson clover, winter peas, and such other annual legumes as are approved by the Director of the Western Division.*

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Reseeding farm pastures and meadows.*—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: \$0.20 per lb. of seed sown. Payment will not be made in excess of \$2.00 per acre.

H. *Winter wheat or rye.*—When seeded in the spring of 1937, not later than June 15, on non-irrigated cropland in Eastern Oregon, and utilized only as a pasture or cover crop: \$1.00 per acre.

I. *Forest Trees.*—

1. Planting of trees on cropland in 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

J. *Green Manure Crops.*—When green manure crops, including rye, annual legumes, and mixtures of annual legumes and small grains are grown in 1937 on cropland and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes.

1. Rye: \$1.00 per acre.

2. Other green manure crops:

a. In Western Oregon: \$2.00 per acre.

b. On all irrigated lands: \$2.00 per acre.

c. On non-irrigated lands in Eastern Oregon: \$1.00 per acre.

K. *Perennial Noxious Weed Control.*—When, after the approval of the County Committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 per acre.

2. Periodic cultivation: \$5.00 per acre.

L. *Controlled Fallow in Eastern Oregon.*³—

1. *Trashy summer fallow.*—When cropland is summer fallowed in such a manner as to leave all crop residue on or near the surface of the soil to prevent erosion from wind or water, and no straw or stubble is burned or otherwise removed from such land: \$0.50 per acre.

2. *Establishment of strip cropping and fallow.*—When fallow is performed in 1937 in strips not more than 10 rods in width, approximately at right angles to the prevailing winds, alternated with strips of small grain or small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only and then only when additional to the acreage used for such practice in 1936: \$0.50 per acre.

3. *Establishment of contour strip cropping and fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the

contour of the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: \$1.00 for each new acre.

M. *Restoring to native grass, land on which a crop was harvested or seeded for harvest at least once since January 1, 1930 and which, in accordance with good farming practices, should be permanently devoted to grass; \$0.25 per acre: Provided,*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped, or tilled in 1937, and

4. Any volunteer growth containing noxious weeds is clipped before seed is formed.

N. *Removal of All Trees in Abandoned Orchards and Seeding to Legumes and Grasses.*—For removal of all trees in abandoned orchards, followed by the seeding and establishment of a good stand of perennial grasses or legumes in 1937. All holes to be filled and leveled: \$5.00 per acre.

O. *Mulching in Orchards.*—When mulching materials of at least two tons, dry weight, of leguminous hay, or straw are applied during 1937: \$4.00 per acre.

P. *For applications of 17 percent superphosphate at the rate of not less than 400 pounds per acre to cropland prior to seeding mixtures of biennial and perennial legumes and grasses in Western Oregon:* \$2.40 per acre.

Q. *Lime in Western Oregon,* when applied to cropland, during 1937, in an amount not less than 1 ton, nor more than 3 tons of ground limestone or its equivalent per acre: \$3.00 per ton.

R. *Disking in of alfalfa on irrigated land in Eastern Oregon.*—Alfalfa allowed to mature in 1937 and then disked in, with no hay or seed harvested therefrom in 1937 (except in orchards): \$6.00 per acre.

S. *Control of wind erosion on critical blow areas on cropland.*—For making and maintaining furrows not less than 8" deep and 10" wide and not more than 12' apart; furrows to be at right angles to the prevailing winds: \$1.00 per acre.

T. *Construction of Straw Checks in Gullies.*—Where the slope of the bottom of the gullies is 3% or more, with checks at least 4' deep and not more than two feet apart and the straw properly packed: \$0.30 per 100 feet.

SEC. 2. *Combinations of Practices for Soil-Building Payments on the Same Acreage.*—Payments will not be made for more than one soil-building practice carried out on the same acreage except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L-1.

b. Any one of the practices specified in items A, B, D, and G in addition to either of the practices specified in items P and Q.

c. The practice specified in item L-1 in addition to either of the practices specified in items L-2 and L-3.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,²

³ Perennial noxious weeds shall include: Canada thistle, bind weed or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress, and Siberian Mustard.

⁴ Eastern Oregon shall include Wasco, Sherman, Morrow, Gilliam, Umatilla, Union, Baker, Wallowa, Malheur, Harney, Wheeler, Grant, Jefferson, Crook, Deschutes, Klaimath, and Lake Counties.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

⁵ Western Oregon shall include Hood River, Multnomah, Clackamas, Marion, Linn, Benton, Lane, Douglas, Josephine, Jackson, Curry, Coos, Lincoln, Tillamook, Clatsop, Columbia, Yamhill, and Washington Counties.

for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,² for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season; provided, however, that if the normal pasture season is ten months or more, the rate shall be \$1.00 for each animal unit in excess of five.

B. For a non-diversion farm \$20.00, or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.²

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more, the rate shall be \$1.00 for each animal unit in excess of 5.

Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of Springs and Seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. *Earthen Pits or Reservoirs for Holding Run-off and Impounding Precipitation.*—For a fill or excavation made for constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cu. yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

² The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: \$0.15 per acre.
2. Ground squirrels: \$0.06 per acre.

H. *Reseeding.*—

1. For reseeding depleted range land, except as specified in the succeeding paragraph, with good seed of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

- a. Crested wheat grass.
- b. Western wheat grass.
- c. Slender wheat grass.
- d. Brome grass.

2. In the counties of Lane, Douglas, Coos, Curry, Josephine and Jackson, for reseeding depleted range land before December 31, 1937, at a rate not less than seven pounds per acre, with such mixtures of the following grasses as may be approved for each county by the State Committee: Common western rye grass, English rye grass, timothy, orchard grass, bent grass, chewings fescue, Kentucky blue grass, white clover, bur clover and velvet grass, provided that the range land in the ranching unit is used in 1937 exclusively for the grazing of range livestock: \$1.00 per acre.

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soils: \$0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increases in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch

operators: Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

Part V—Division of Payments

SEC. 1. Division of Payments Between Owner and Operator.—A. All payments, except sugar beet and range building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *provided, however, that—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. 1937 Owner or Operator Entitled to Payments.—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

Part VI—General Conditions for Payment

SEC. 1. Modifications for Farms under Special Programs.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. Destruction of Foods, Fibers, and Feed Grains.—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin, no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be with-

held if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops.—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *Provided, however, that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.*

SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. Practices Not Qualifying for Payment.—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. Association Expenses.—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. Application and Eligibility for Payment.—A. Payments will only be made upon application filed with the County Committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State Committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or a ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. Land to be Covered by Work Sheet.—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

Part VII—Establishment of Bases

SEC. 1. *Soil-Depleting Base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which

such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, g, and h, Section 3, of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sweet potatoes.

e. Sugar beets.

f. Root crops grown for feed.

g. Hemp.

h. Cultivated sunflowers.

i. Mustard (commercial).

j. Rape.

k. Truck and vegetable crops (except perennial vegetables) and their seeds, melons and strawberries.

l. Grain sorghums, sweet sorghums, broom corn, and sudan grass, harvested for seed, grain, or hay.

m. Millets.

n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, hay, or pastured, except as indicated under item f, Section 3, of this Part VIII.

o. Flowers and their seeds.

p. Kale.

q. Annual grasses including Italian rye grass and *Bromus Secalinus*.

r. Cultivated fallow (summer fallow), except as provided in item e, Section 3, of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa, sweet, red, alsike, white, strawberry, Ladino, Mammoth, crimson, bur, and sour clovers; vetch; Austrian winter peas, sericea; and lespedeza.

2. Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, redtop, bent grasses, fescues, tall oat grass, Reed's Canary grass, and velvet grass.

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

Sec. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops, and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937, to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow when no soil-depleting crop has been seeded on such land for harvest in 1937.

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the County Committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

g. Winter wheat or rye seeded in the spring for cover crop purposes.

h. Winter seeded peas and vetch when seeded with small grains as a support crop.

Part IX—Appeals

SEC. 1. *Appeals from Determinations of County Committee.*—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-551; Filed, February 24, 1937; 12:36 p. m.]

FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

[IT-5015]

ORDER POSTPONING HEARING

IN RE METROPOLITAN EDISON CO., ET AL.

The following order was adopted:

It appearing to the Commission:

That Metropolitan Edison Company, Northern Pennsylvania Power Company, Pennsylvania Electric Company, Erie Lighting Company, The Clarion River Power Company, and Solar Electric Company have filed a petition for a rehearing with respect to the order made and entered in the above

matter on January 26, 1937,¹ setting a hearing for March 3, 1937, and for the vacation of said order;

And it further appearing that the Honorable George H. Earle, Governor of the Commonwealth of Pennsylvania, has filed an application for postponement of the hearing set by said order for March 3, 1937, to a later date:

It is ordered:

That the said hearing set for March 3, 1937, be and it is hereby continued without day.

Adopted by the Commission on February 24, 1937.

[SEAL]

LEON M. FUQUAY.

[F. R. Doc. 37-586; Filed, February 26, 1937; 10:03 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 62]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 25, 1937

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Georgia 66 Taylor.....	\$50,000
Georgia 67 Bacon.....	425,000
Iowa 9 W Scott.....	27,000
Minnesota 48 Anoka.....	170,000
Minnesota 62 Wright.....	84,000
Minnesota 64 Hennepin.....	70,000
Minnesota 65 Dakota.....	200,000
Minnesota 66 Nobles.....	230,000
Nebraska 53 Buffalo.....	212,000
Ohio 55 A Coshocton.....	144,000
Ohio 60 A Seneca (partial).....	270,000
Wisconsin 35 B Richland (Additional).....	159,000

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-585; Filed, February 26, 1937; 10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 3 (d), 9 (c), and 20 (a) thereof, and finding that certain amendments of Rule 9C-3 are necessary and appropriate and that such acquisitions of securities by registered holding companies and subsidiary companies thereof as are exempted from the provisions of the Act by said rule, as hereinafter amended, are appropriate, within the limitations therein stated, for investment of the current funds of such companies or in the ordinary course of their business and are not detrimental to the public interest or that of investors or consumers; and finding further that the following action is necessary and appropriate to carry out the provisions of said Act and not contrary to the purposes thereof, the Securities and Exchange Commission hereby amends said Rule 9C-3 so that the same will read as follows, and provides that said rule, as thus amended, shall become effective March 1, 1937:

RULE 9C-3. *Acquisition of Securities.*—

(NOTE.—Rules under Section 14 require reports as to certain acquisitions authorized by this rule.)

Section 9 (a) shall not apply to any acquisition of a security by a registered holding company or subsidiary company thereof which is permitted under the provisions of this rule:

(1) Any such company as aforesaid may acquire any bond or other evidence of indebtedness, listed or admitted to unlisted trading privileges on any national securities exchange or actively traded in on any over-the-counter market, and generally considered appropriate for the investment of current funds; provided (a) that the issuer of such security is not the acquiring company or an associate or affiliate thereof; (b) that, upon

¹2 F. R. 253.

the completion of the acquisition, the acquiring company will not own more than 5 per cent of the outstanding funded debt of the issuer; and (c) that such securities are not acquired from an associate or affiliate of the acquiring company.

(2) Any such company may acquire any prime commercial paper, trade acceptance, or bank certificate of deposit maturing within twelve months from date of issuance or payable not more than 60 days after demand, or any obligation evidencing indebtedness of a customer for goods purchased from or services rendered by the acquiring company, except that this paragraph shall not be deemed to authorize the acquisition of any security issued by an associate or affiliate of the acquiring company.

(3) Any such company which, in a proceeding by or against it under the Federal Bankruptcy Act, has been permitted by order of a court of the United States to continue to operate its business under direction or control of such court, or any receiver or trustee for any registered holding company or subsidiary company thereof appointed by a court of the United States, may acquire any security which such company, receiver or trustee shall receive in compromise of a debt or claim owing to it or because of a reorganization of another company, *provided* that the acquisition of the specific security in question has been expressly authorized by such court.

(4) Any registered holding company or subsidiary company thereof which has the full beneficial ownership of any security and transfers or causes to be transferred the bare legal title thereto to any other person or company, may acquire any other security evidencing such beneficial ownership; and any registered holding company or subsidiary company thereof may acquire legal title to any security if, immediately prior to such acquisition, it has the full beneficial ownership of such security.

(5) Any such company may acquire any security issued or delivered to it as a dividend payable in stock or other securities, or as a partial or total liquidating dividend, or as a result of a change in the par value of, a split-up of, or a reduction in the number of shares of stock which the issuer has outstanding.

(6) Any such company may acquire any securities issued (1) by a company which is a majority owned subsidiary thereof, or (2) by a company which is not, immediately before or immediately after such acquisition, an associate company thereof, *provided* that in either case such acquisition is effected without payment of any premium or additional consideration and that such acquiring company is entitled to receive such securities

(a) because of a reclassification of securities of such other company or other change in the rights of holders thereof; or

(b) because of the exercise by the acquiring company of a right or privilege to convert securities which it already owns into other securities; or

(c) because of an offer made by such other company to all holders of one or more classes of its securities to deliver in exchange for outstanding securities new securities which are subject to the provisions of Section 6 (a) or exempted therefrom by order pursuant to Section 6 (b).

(7) Any such company may exercise any preemptive right or other privilege to purchase additional securities to be issued to it by another company, which right or privilege is given to all holders of one or more classes of securities of such other company, *provided* that, upon termination of the offer of such rights, such acquisition will not increase the proportionate voting power (whether present or contingent) of the acquiring company in the company which issues such new securities.

(8) Any such company which owns, directly or indirectly, all the outstanding securities (except the minimum amount of stock required to qualify directors) of another company may at any time acquire any security owned by such other company. The provisions of this paragraph shall not be applicable, however, to the acquisition of any securities from a company which has been exempted from the provisions of the Act by virtue of Section 3 (b) or has pending an application for such an exemption.

(9) Any such company may acquire any security to which it becomes entitled by virtue of any reorganization (whether effected through a statutory merger or consolidation or by sale of the entire assets of the company or companies undergoing reorganization) or otherwise, and including a recapitalization or reincorporation) of one or more other companies, whether or not any such other company is the issuer of such security, if any one of the following additional conditions is satisfied:

(a) immediately prior to such reorganization and upon completion thereof, no company undergoing such reorganization and no issuer of any security so acquired is an associate company of the acquiring company; or

(b) immediately before such acquisition such acquiring company owns, directly or indirectly, substantially all of the outstanding securities of the company undergoing reorganization and, upon completion thereof, substantially all of the outstanding securities of the company undergoing reorganization, its successor or successors, are owned by the acquiring company; or

(c) such reorganization involves merely the transfer by a single company of substantially all of its assets to a new company having substantially the same capital structure, and does not involve any other substantial change in the rights of existing security holders; or

(d) such reorganization plan has been approved by the Commission under Section 11 (f);

provided, however, that the exemption provided by this rule shall not be applicable to the acquisition of any securities if such securities are carried on the books of the acquiring company at a higher valuation, in the aggregate, than the one at which securities surrendered or exchanged for such securities were so carried immediately prior to such acquisition.

(10) Any such company may acquire securities issued by a newly organized corporation for the purpose of, or in connection with, the original incorporation of the issuer under the laws of any State of the United States; *provided* that such original incorporation involves only the issue or receipt of subscriptions for shares of common capital stock having a par, stated or declared value of not exceeding \$10,000, and that such acquisition includes the entire issue other than required to qualify directors or incorporators.

(11) Any such company may acquire any security of any company which is primarily engaged in the business of performing services or construction for, or selling goods to the acquiring company or associate companies thereof; *provided* (a) that the issuer of such security is a mutual or a subsidiary service company which the Commission has approved or whose organization and method of conducting business it has found sufficient to meet the requirements of Section 13 of the Act; (b) that the issuance of such security was duly authorized by rule or order of the Commission; and (c) that its acquisition by the acquiring company is not in contravention of any rule, regulation or order of the Commission under Section 13.

(12) Any such company may acquire any security of a company which is primarily a public utility company or which, upon the expenditure of the proceeds of the sale of such securities, will become primarily a public utility company if, upon completion of such acquisition, the book value of the total assets of the issuer will not exceed \$100,000 and the acquiring company will be the owner of substantially all of its outstanding voting securities.

(13) Any such company that is primarily a public utility company may acquire any security which is issued by an industrial or other non-utility enterprise located in the territory served by the acquiring company, *provided* that, upon completion of any such acquisition, the total cost of all such securities acquired during any calendar year does not exceed an amount equal to $\frac{1}{10}$ th of 1 percent of the total assets of the acquiring company.

(14) Any such company, other than one which is in default in payment of principal or interest on any of its evidences of indebtedness, may acquire by purchase for cash (1) any evidence or indebtedness of which it is the issuer, or (2) any security issued by a majority-owned subsidiary thereof which is organized under the laws of the United States or of a State thereof and substantially all of whose gross revenues (on a consolidated basis) are derived from business done and performed within the United States, or (3) any security issued by a company substantially all of whose properties are located in the United States and are leased to such company or to a majority-owned subsidiary thereof; *provided* that, upon completion of any such acquisition, the total cost of all such acquisitions during the calendar year by the acquiring company, by all its majority-owned subsidiary companies, and by all companies of which it is a majority-owned subsidiary, which are authorized only by virtue of this paragraph, will not exceed, in the aggregate, an amount equal to $2\frac{1}{2}$ percent of their total assets, on a consolidated basis. The assets of a subsidiary company which is not a majority-owned subsidiary shall not be included in determining consolidated assets for purposes of this paragraph. The exemption provided by this paragraph shall not be applicable to any acquisition effected in the course of a series of transactions made for the purpose of pegging, fixing, stabilizing, or raising or depressing the price of a security; or to any acquisition of a security if, within three months prior to the acquisition, the acquiring company sold other securities of the same class, except a sale to an associate company without profit.

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Section 14 thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule 14-1 to read as follows:

RULE 14-1. Reports of Acquisitions, Redemptions and Retirements of Securities.—(a) Within 30 days after the close of each calendar year, each registered holding company shall file with the Commission a report containing the information specified in paragraph (b) below with respect to all acquisitions of securities made during such quarter by such holding company and all of its subsidiary companies (whether or not majority-owned), pursuant to any of the provisions of Rule 9C-3 except those of paragraphs (1) to (4); *provided, however*, that no subsidiary company which is also a registered holding company shall be required to file any such report for any period if any company of which it is a subsidiary company shall have filed such a report for such period and shall have included therein all acquisitions during such period which such subsidiary company would otherwise have been required to report. Any registered holding company may incorporate by exact and specific reference any such report filed with the Commission by another holding company, or any portion thereof that shall be accurately and specifically described. No report need be filed for any quarter during which no such acquisitions have been effected.

(b) Each such report shall itemize each separate transaction. The transactions shall be grouped according to the acquiring company and, as to each acquiring company, according to the paragraph of Rule 9C-3 under which they fall. Each such report shall adequately describe each security acquired (including interest or dividend rate) and give, so far as applicable, the following data:

date of transaction;

consideration paid or to be paid, including all commissions, fees, and other remuneration (a separate statement shall be made as to any commissions, fees or other remuneration in excess of the usual and customary broker's commission);

name of beneficial owner from whom acquired, his relationship to acquiring company (or an express statement that such party is not known), name and address of any broker and name of any exchange through which transaction was effected.

Each report as to securities acquired under paragraphs (13) and (14) of Rule 9C-3 shall give the data necessary to compute the percentages prescribed by each such paragraph, and shall contain a statement of the percentages acquired during the calendar year to and including the date as of which such report is made.

(c) No form is prescribed for any report pursuant to this rule. One original only need be filed. If acknowledgment is desired, a duplicate should also be filed.

RULE 3. Applications for exemption under Sections 2 or 3.—(a) Every application for an order of exemption pursuant to Section 2 or Section 3 shall comply with the provisions of Rule 2. Rules 2A3-1, 2A4-1, 2A7-1, 2A8-1 and 3A-1 set forth the specific information that is to be given in the case of applications made under corresponding subsections of the Act. If, however, any such information is not available without unreasonable effort or delay, or is deemed by the applicant to be irrelevant to the question presented, the applicant may omit such information, briefly indicating the reasons for such omission, and submitting instead such other information, if any, as it may deem relevant. Thus in any case where an applicant is of the opinion that the statement of certain facts makes the recital of other specified information unnecessary in view of the appropriate provisions of Section 2 or 3, it may state such facts and explain the reasons for such opinion without giving the further information specified, and in any case involving a question of control an applicant may admit control in whole or in part and, to such extent, omit the information bearing on this question. If any applicant is in doubt as to the interpretation of any requirement of the appropriate rule under Section 2 or 3, it should, in making its application, adopt the interpretation which seems to it most reasonable, and expressly explain the interpretation adopted. All applications shall be subject to the right of the Commission to require any additional information, whether specified by the appropriate rule or not, which it may find necessary or appropriate in the particular case. The applicant may at its option include any additional information not required by the Commission. Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the Rules and Regulations under which application is made.

(b) Any such application may incorporate by reference any information contained in any other such application previously or concurrently filed, whether by the same or by a different applicant. Any one applicant may file a combined application for different orders or file separate applications, but, if separate, each such application should include an express reference to the other. Any two or more applicants may file joint applications where substantially the same questions of fact are involved. Orders may be requested in the alternative, but in such case the applicant's preference should be indicated.

Acting pursuant to the authority granted by Section 3 (d) of the Public Utility Holding Company Act of 1935 and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of said Act, the Securities and Exchange Commission hereby adopts the following rule:

RULE 3D-6. Issue of Initial Shares by Company in Process of Organization.—Any subsidiary of a registered holding company in process of organization may, for the purposes of or in connection with its original incorporation, accept subscriptions for and issue and sell shares of its common capital stock having a par, stated or declared value of not exceeding \$10,000, and the issue and sale of such shares by such a company is hereby exempted from the provisions of Section 6 (a), provided that all securities (other than those required to qualify directors or incorporators) whose issue and sale is thus exempted shall be owned by a single company, and that the consideration received or to be received by the issuer on account of such exempt transaction shall consist exclusively of cash not in excess of said sum of \$10,000.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-592; Filed, February 26, 1937; 12:39 p. m.]

No. 39—5

HOLDING COMPANY ACT

ADOPTION OF RULE 17C-12

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 17 (c) and 20 (a) thereof, and finding that such action will not adversely affect the public interest or the interest of investors or consumers and is appropriate to carry out the provisions of said Act, the Securities and Exchange Commission hereby adopts the following rule:

RULE 17C-12. Temporary Exemption of Newly Registered Companies from Section 17 (c).—Any holding company which, on or after February 20, 1937, shall have filed with the Commission a notification of registration pursuant to the provisions of Section 5 of the Public Utility Holding Company Act of 1935 and each subsidiary company thereof shall be exempt until September 1, 1937, from the provisions of Section 17 (c) with respect to any person who was a director or officer of such company on August 26, 1936, provided that such person has not thereafter acquired any financial connection which he did not have on such last mentioned date except financial connections of a kind permitted by rules under Section 17 (c).

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-590; Filed, February 26, 1937; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of February A. D. 1937.

[File No. 2-2837]

IN THE MATTER OF BERING STRAITS TIN MINES, INC.

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Bering Straits Tin Mines, Inc. under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Wednesday, March 10, 1937, at 10 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-591; Filed, February 26, 1937; 12:39 p. m.]

