

with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided, however,* That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor: *Provided further,* That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

(May 25, 1926, ch. 383, § 46, 44 Stat. 649; July 11, 1956, ch. 563, § 1, 70 Stat. 524.)

AMENDMENTS

1956—Act July 11, 1956, authorized delivery of water for not more than five years to excess lands acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise.

IMPERIAL IRRIGATION DISTRICT OF CALIFORNIA; NONAPPLICABILITY OF FEDERAL RECLAMATION LAWS

Pub. L. 96-570, § 4, Dec. 22, 1980, 94 Stat. 3340, provided that: "The following provisions of the Federal reclamation laws shall not apply to lands within the Imperial Irrigation District of California after the date of enactment of this Act [Dec. 22, 1980]:

"(a) section 5 of the Act entitled 'An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands', approved June 17, 1902 (43 U.S.C. 431);

"(b) section 46 of the Act entitled 'An Act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes', approved May 25, 1926 (42 U.S.C. 423e) [this section]; and

"(c) any other provision of law amendatory or supplementary to either of such sections."

AMENDMENT OF EXISTING CONTRACTS

Section 3 of act July 11, 1956, provided that: "The Secretary of the Interior is authorized, upon request of any holder of an existing contract under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to amend the contract to conform to the provisions of sections 1 and 2 of this Act [amending sections 423e and 544 of this title]."

§ 423f. Purpose of sections 423 to 423g and 610

The purpose of sections 423 to 423g and 610 of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends.

(May 25, 1926, ch. 383, § 48, 44 Stat. 650.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 423g. Adjustment of water right charges as final adjudication on projects and divisions named

The adjustments under sections 1 to 40, inclusive, of the Act of Congress of May 25, 1926, 44 Statutes 636, are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in section 466 of this title, and shall not after May 25, 1926, be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not on May 25, 1926, required by law to be credited to such "reclamation fund."

(May 25, 1926, ch. 383, § 50, 44 Stat. 650.)

REFERENCES IN TEXT

Sections 1 to 40 of the Act of May 25, 1926, referred to in text, are not classified to the Code.

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 423h. Delivery of water to excess lands upon death of spouse

Where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 423e of this title, and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 423e of this title, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a

contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this section.

(Pub. L. 86-684, Sept. 2, 1960, 74 Stat. 732.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 424. Disposal of lands classified as temporarily or permanently unproductive; persons who may take

The Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under sections 423 to 423g and 610 of this title, as temporarily unproductive or permanently unproductive to resident farm owners, and resident entrymen on Federal irrigation projects, in accordance with the provisions of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 1, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

Hereinafter, referred to in text, means in sections 424a to 424d of this title.

§ 424a. Sale of unproductive lands; terms; area purchasable; tracts included

The Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under sections 424 to 424e of this title more than one hundred and sixty acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed three hundred and twenty acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive, but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insufficient to support a family and to pay water charges.

(May 16, 1930, ch. 292, § 2, 46 Stat. 367.)

§ 424b. Application of certain statutes to lands sold

All "permanently unproductive" and "temporarily unproductive" land now or hereafter des-

ignated under sections 423 to 423g and 610 of this title, shall, when sold, remain subject to sections 423 and 423b of this title. The exchange provisions of section 423c of this title, shall not be applicable to the land purchased under sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 3, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 424c. Issuance of patents; recitals in patents; reservations

After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified in whole or in part as temporarily or permanently unproductive, as the case may be, under sections 423 to 423g and 610 of this title. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

(May 16, 1930, ch. 292, § 4, 46 Stat. 367.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Adjustment Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 424d. Use of moneys collected from sales, project construction charges and water rentals respecting unproductive lands

In the absence of a contrary requirement in the contracts between the United States and the water users organization or district assuming liability for the payment of project construction charges, all sums collected under sections 424 to 424e of this title from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the Reclamation Fund as a credit to the construction charge payable on May 16, 1930, by the water users under their present contracts, to the extent of the additional expense, if any, incurred by such water users in furnishing water to the unproductive area, while still in that status, as approved by the Commissioner of Reclamation and the balance as a credit to the sums heretofore written off in accordance with sections 423 to 423g and 610 of this title. Where water rental collections under sections 424 to 424e of this title are in excess of the current operation and maintenance charges, the excess as determined by the Secretary, shall, in the absence of such contrary contract provision, inure to the Reclamation Fund as above provided, but