

retary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said Act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act.

(June 27, 1906, ch. 3559, §5, 34 Stat. 520; June 6, 1930, ch. 405, 46 Stat. 502.)

#### REFERENCES IN TEXT

Act of June 17, 1902, and said reclamation Act, referred to in text, are act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

#### AMENDMENTS

1930—Act June 6, 1930, among other changes, inserted “within a reasonable time after notice as the Secretary may prescribe and not less than two years”, “regulations of said Secretary applicable to the remainder of the irrigable land of the project”, and substituted provisions specifying one farm unit, as determined by the Secretary of the Interior for provisions specifying 160 acres.

#### § 449. Assignment of desert-land entry within project

A desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under section 324 of this title, and the benefits and limitations of section 448 of this title shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments made in good faith prior to July 24, 1912, shall be recognized under this section.

(July 24, 1912, ch. 251, 37 Stat. 200.)

#### SUBCHAPTER VII—EXCHANGE AND AMENDMENT OF FARM UNITS

#### § 451. Conditions necessary for exchange; terms; credits; rights nonassignable

Any entryman on an unpatented farm unit on a Federal irrigation project which shall be found by the Secretary of the Interior, pursuant to a land classification, to be insufficient to support a family shall be entitled, upon timely application to the Secretary to exchange his farm unit for another farm unit of unentered public land within the same or any other such project, or, upon terms and conditions satisfactory to the Secretary, for any other available farm unit on the same or any other such project. He shall be given credit under the homestead laws for residence, improvement, and cultivation made or

performed upon the original entry, and if satisfactory final proof of residence, improvement, and cultivation has been made on the original entry it shall not be necessary to submit such proof upon the lieu entry. Rights under this subchapter shall not be assignable.

(Aug. 13, 1953, ch. 428, §1, 67 Stat. 566.)

#### § 451a. Persons eligible for benefits

The benefits of section 451 of this title shall, and those of sections 451b to 451k of this title may, be extended by the Secretary to (a) any lawful assignee of an unpatented farm unit on a Federal irrigation project who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family; and (b) any resident owner of private lands on any such project whose lands shall be found to be insufficient to support a family and (i) who, apart from his ownership of the lands to be conveyed pursuant to clause (iii) hereof and apart from his having previously exhausted his homestead right, if such be the case, is eligible to enter unappropriated public lands under section 161<sup>1</sup> of this title, (ii) who lawfully acquired his lands as an entire farm unit under the Federal reclamation laws from the United States or, in the case of a widow, widower, heir, or devisee, from a spouse or ancestor, as the case may be, who so acquired them, and (iii) who conveys, free from all encumbrances, to the United States all of his lands served by the project or such portion thereof as the Secretary may designate.

(Aug. 13, 1953, ch. 428, §2, 67 Stat. 566.)

#### REFERENCES IN TEXT

Section 161 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

The Federal reclamation laws, referred to in par. (b)(ii), are identified in section 451i of this title.

#### § 451b. Irrigation construction charges

##### (a) Credits to entryman

If an entryman making an exchange under the provisions of this subchapter becomes the direct obligor for payment to the United States of irrigation construction charges for his lieu farm unit or undertakes a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary, to the extent to which such charges upon the original farm unit or the equivalent thereof have actually been paid to the United States or to an irrigation district or other form of organization under contract with the United States, may give him credit for such charges upon the lieu unit.

##### (b) Credits to district; reduction of costs

If an irrigation district or other form of organization within the boundaries of which is located the lieu farm unit of an entryman making an exchange under the provisions of this subchapter is or becomes the direct obligor for payment to the United States of irrigation construction charges or undertakes or has under-

<sup>1</sup> See References in Text note below.