

Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

**§ 337. Entry, after expenditures, perfected as homestead entry**

Where it shall be made to appear to the satisfaction of the Secretary of the Interior, under rules and regulations to be prescribed by him, with reference to any lawful pending desert-land entry made prior to March 4, 1915, under which the entryman or his duly qualified assignee under an assignment made prior to March 4, 1915, has, in good faith, expended the sum of \$3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that, if the extension allowed by section 335 of this title or any law existing prior to March 4, 1915, were granted, he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee five years from notice within which to perfect the entry in the manner required of a homestead entryman: *Provided*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

(Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, ch. 26, 40 Stat. 458.)

CODIFICATION

Section is comprised of third paragraph of section 5 of act Mar. 4, 1915. First paragraph of such section 5, which was classified to section 26 of former Title 41, Public Contracts, was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(26), 63 Stat. 401, eff. July 1, 1949, re-numbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583; second and fourth pars. of such section 5 are classified to sections 335 and 338 of this title, respectively.

Act Mar. 21, 1918 extended the provisions to include entries made prior to Mar. 4, 1915 and added the last proviso. Act Mar. 4, 1915 related to entries made prior to July 1, 1914.

**§ 338. Election to perfect entry; final proof**

Any desert-land entryman or his assignee entitled to the benefit of section 337 of this title may, if he shall so elect within sixty days from the notice therein provided, pay to the officer designated by the Secretary of the Interior of the local land office the sum of 50 cents per acre for each acre embraced in the entry, and thereafter perfect such entry upon proof that he has upon the tract permanent improvements conducive to the agricultural development thereof of the value of not less than \$1.25 per acre, and that he has, in good faith, used the land for agricultural purposes for three years and the payment to the officer, at the time of final proof, of the sum of 75 cents per acre: *Provided*, That in such case final proof may be submitted at any time within five years from the date of the entryman's election to proceed as provided in this section, and in the event of failure to perfect the entry as herein provided, all moneys theretofore paid shall be forfeited and the entry canceled: *Provided*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

(Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1162; Mar. 21, 1918, ch. 26, 40 Stat. 458; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is comprised of fourth paragraph of section 5 of act Mar. 4, 1915. First paragraph of such section 5, which was classified to section 26 of former Title 41, Public Contracts, was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(26), 63 Stat. 401, eff. July 1, 1949, re-numbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583; second and third paragraphs of such section 5 are classified to sections 335 and 337 of this title, respectively.

Act Mar. 21, 1918 added the last proviso.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of district land offices and transferred functions of register of district land offices to Secretary of the Interior. See section 403 of Reorg. Plan No. 3, of 1946, set out as a note under section 1 of this title.

Previously, references to "receiver" changed to "register" by acts Oct. 28, 1921, and Mar. 3, 1925, which consolidated offices of register and receiver and provided for a single officer to be known as register.

**§ 339. Perfection of title to entry; supplementary provisions to sections 335, 337, and 338**

Where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to March 4, 1929, has in good faith expended the sum of \$3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee ninety days from notice within which to pay to the officer designated by the Secretary of the Interior of the United States land office 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this section, and thereafter within one year from the date of filing of such election to pay to such officer the additional amount of 75 cents an acre, which shall entitle him to a patent for the land: *Provided*, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited.

(Mar. 4, 1929, ch. 687, 45 Stat. 1548; Feb. 14, 1934, ch. 9, 48 Stat. 349; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

“Officer designated by the Secretary of the Interior” and “such officer” substituted for “register” on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of district land offices and transferred functions of register of district land offices to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

#### CHAPTER 10—UNDERGROUND-WATER RECLAMATION GRANTS

##### §§ 351 to 355. Repealed. Pub. L. 88-417, § 1, Aug. 11, 1964, 78 Stat. 389

Section 351, act Oct. 22, 1919, ch. 77, § 1, 41 Stat. 293, authorized Secretary of the Interior to grant permits to explore for underground water.

Section 352, acts Oct. 22, 1919, ch. 77, § 2, 41 Stat. 294; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to designation by Secretary of lands subject to disposal.

Section 353, acts Oct. 22, 1919, ch. 77, § 3, 41 Stat. 294; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to application for permit to explore for underground water.

Section 354, act Oct. 22, 1919, ch. 77, § 4, 41 Stat. 294, related to conditions of permit and its cancellation for failure to meet them.

Section 355, act Oct. 22, 1919, ch. 77, § 5, 41 Stat. 294, related to issuance of a patent to land on the development of a water supply.

#### SAVINGS PROVISION

Pub. L. 88-417, § 1, Aug. 11, 1964, 78 Stat. 389, provided: “That, subject to any valid rights and obligations existing on the date of approval of this Act [Aug. 11, 1964], the Act of October 22, 1919 (41 Stat. 293; 43 U.S.C. 351-355, 357-360), is hereby repealed.”

#### PROCESSING OF APPLICATIONS FILED PRIOR TO AUGUST 11, 1964

Pub. L. 88-417, § 2, Aug. 11, 1964, 78 Stat. 389, provided that: “Any valid application for permit under that Act [this chapter], on file with the Secretary of the Interior on the effective date of this Act [Aug. 11, 1964], may be processed in the same manner as if this Act [repealing sections 351 to 355 and 357 to 360 of this title] had not been enacted.”

##### § 356. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act Sept. 22, 1922, ch. 400, 42 Stat. 1012, extended time for development of underground water supplies with reclamation grants.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(a) is effective on and after Oct. 21, 1976.

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

##### §§ 357 to 360. Repealed. Pub. L. 88-417, § 1, Aug. 11, 1964, 78 Stat. 389

Section 357, act Oct. 22, 1919, ch. 77, § 6, 41 Stat. 294, provided for disposition of land not included in patents.

Section 358, act Oct. 22, 1919, ch. 77, § 7, 41 Stat. 295, provided for payment of proceeds of land sales into reclamation fund.

Section 359, acts Oct. 22, 1919, ch. 77, § 8, 41 Stat. 295; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, provided for reservation to the United States of coal and mineral rights, and for disposition of such reserved rights.

Section 360, act Oct. 22, 1919, ch. 77, § 9, 41 Stat. 295, authorized Secretary to prescribe rules and regulations.

#### SAVINGS PROVISION

Sections repealed subject to valid rights and obligations existing on Aug. 11, 1964, see section 1 of Pub. L. 88-417, set out as a note under sections 351 to 355 of this title.

#### PROCESSING OF PENDING APPLICATIONS

Processing of applications filed prior to Aug. 11, 1964, to be in same manner as if Pub. L. 88-417 had not been enacted, see section 2 of Pub. L. 88-417, set out as a note under sections 351 to 355 of this title.

#### CHAPTER 11—DISCOVERY, DEVELOPMENT, AND MARKING OF WATER HOLES, ETC., BY GOVERNMENT

Sec.

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| 361. | Authority to explore for, develop, and mark water holes, etc. |
| 362. | Injury to signposts and filling up or fouling water supply.   |
| 363. | Rules and regulations by Secretary.                           |

##### § 361. Authority to explore for, develop, and mark water holes, etc.

The Secretary of the Interior is authorized and empowered, in his discretion in so far as the authorization made herein will permit, to discover, develop, protect, and render more accessible for the benefit of the general public, springs, streams, and water holes on arid public lands of the United States; and in connection therewith to erect and maintain suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said springs, streams, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof; also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons; also to prepare and distribute suitable maps, reports, and general information relating to said springs, streams, and water holes, and their specific location with reference to lines of travel.

(Aug. 21, 1916, ch. 360, § 1, 39 Stat. 518.)

##### § 362. Injury to signposts and filling up or fouling water supply

Whoever shall willfully or maliciously injure, destroy, deface, or remove any of said monuments or signposts, or shall willfully or maliciously fill up, render foul, or in anywise destroy or impair the utility of said springs, streams, or water holes, or shall willfully or maliciously interfere with said monuments, signposts, streams, springs, or water holes, or the purposes for which they are maintained and used, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.