

duced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery for the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project.

(Aug. 13, 1914, ch. 247, §13, 38 Stat. 690.)

#### § 436. Time when entry may be made generally

After June 25, 1910, no entry shall be made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior.

(June 25, 1910, ch. 407, §5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 918; Aug. 13, 1914, ch. 247, §10, 38 Stat. 689.)

#### CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 437 of this title.

#### § 437. Lands as to which entries made prior to June 25, 1910, have been relinquished

Where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law.

(June 25, 1910, ch. 407, §5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 918; Aug. 13, 1914, ch. 247, §10, 38 Stat. 689.)

#### REFERENCES IN TEXT

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.

#### CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 436 of this title.

#### § 438. Repealed. Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568

Section, acts Feb. 14, 1920, ch. 76, 41 Stat. 434; Jan. 21, 1922, ch. 32, §1, 42 Stat. 358; Dec. 5, 1924, ch. 4, §4(m), 43 Stat. 703, related to exchange of farm unit. See sections 451 to 451k of this title.

#### § 439. Cultivation requirement as to entrymen

The entryman upon lands to be irrigated shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes.

(June 17, 1902, ch. 1093, §5, 32 Stat. 389.)

#### SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

#### § 440. Regulations as to use of water and requirements as to cultivation and reclamation of land; cancellation for noncompliance with requirements

The Secretary of the Interior is authorized to make general rules and regulations governing the use of water in the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

(Aug. 13, 1914, ch. 247, §8, 38 Stat. 688.)

#### § 441. Assignment of entries generally

From and after the filing with the Secretary of the Interior or such officer as he may designate of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the Act of June 17, 1902, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said Act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this section shall be subject to the limitations, charges, terms, and conditions of the reclamation Act.

(June 23, 1910, ch. 357, 36 Stat. 592; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is 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.

The reclamation Act, referred to in text, probably means act June 17, 1902, see note above.

#### TRANSFER OF FUNCTIONS

“Secretary of the Interior or such officer as he may designate” substituted in text for “Commissioner of

the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

**§ 442. Assignment between June 23, 1910, and January 1, 1913, confirmed**

In the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under section 441 of this title, is confirmed, and the assignee shall be entitled to the land assigned as under section 441 of this title, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation Act, and Acts Amendatory thereof and supplemental thereto, and all of said assignees whose entries are confirmed shall, as a condition to receiving patent, make the proof required, prior to May 8, 1916, of assignees.

(June 23, 1910, ch. 357, 36 Stat. 592; May 8, 1916, ch. 114, 39 Stat. 65.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. See section 441 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

**§ 443. Limitation of amount of land holdable under assignment of entry**

No person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

(Aug. 13, 1914, ch. 247, § 13, 38 Stat. 690.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 472 of this title.

**§§ 444, 445. Omitted**

CODIFICATION

Section 444, act June 25, 1910, ch. 432, 36 Stat. 864, related to leave of absence for entrymen.

Section 445, act Apr. 30, 1912, ch. 100, 37 Stat. 105, related to protection of entries made prior to June 25, 1910.

**§ 446. Right to make entry on relinquishment of former entry under land laws**

Wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

(June 27, 1906, ch. 3559, § 2, 34 Stat. 519.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 434 of this title.

**§ 447. Relinquishment of homestead entry and making new entry**

Any person who prior to March 4, 1915, made homestead entry under the Act of June 17, 1902 (32 Stat. 388), for land believed to be susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry or all thereof in excess of twenty acres is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of sections 436 and 437 of this title: *Provided*, That such entrymen shall be given credit on the new entry for the time of bona fide residence maintained on the original entry.

(Mar. 4, 1915, ch. 182, 38 Stat. 1215.)

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.

**§ 448. Desert-land entries within reclamation project generally**

Where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements theretofore made on any such desert-land entry of which proof has been or may be filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid action<sup>1</sup> of June 17, 1902, and shall relinquish within a reasonable time after notice as the Sec-

<sup>1</sup> So in original. Probably should be "Act".