

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of June 17, 1902 (32 Stat. 388), for land believed to be susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry or all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 action¹ of June 17, 1902, and shall relinquish within a reasonable time after notice as the Secretary 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

¹ So in original. Probably should be “Act”.

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 161¹ 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.

¹ See References in Text note below.

§ 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 undertaken a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary may, to the extent to which it gives credit to the entryman for such charges or the equivalent thereof actually paid upon the original farm unit, give the district or other form of organization credit for payment of such charges. Upon the making of an exchange pursuant to the provisions of this subchapter, the Secretary may reduce (i) the reimbursable construction costs of the project or division thereof upon which the original farm unit was located by the amount of such costs which were properly assignable to the original farm unit and which were not then due and payable, and (ii) the reimbursable construction costs of the project or division thereof upon which the lieu farm unit is located by the amount of credit which might be given under the provisions of this section.

(c) Extension of benefits to districts

In any case in which the benefits of this subchapter are extended to an assignee of an unpatented farm unit or to a resident owner of private lands, as provided in subsection (b) of section 451a of this title, an appropriate extension of benefits may also be made to an irrigation district or other form of organization under subsection (b) of this section.

(Aug. 13, 1953, ch. 428, § 3, 67 Stat. 566.)

§ 451c. Cancellation of charges or liens; credits

(a) After his approval of any application for an exchange as provided in this subchapter, the Secretary may cancel and release, in whole or in part, any and all charges or liens against the entryman or against the relinquished farm unit which are within his administrative jurisdiction. In administering the provisions of this subsection the Secretary shall take into consideration other charges and liens and the rights and interests of other lien holders as to him may seem just and equitable.

(b) An entryman making an exchange under the provisions of this subchapter may be given