

such charges are assessed; but nothing in this chapter shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

All charges legally assessed shall be a lien upon unentered lands and upon lands covered by unpatented entries included in said irrigation district.

(Aug. 11, 1916, ch. 319, §2, 39 Stat. 507; 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.)

#### 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.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

#### § 623. Map of district and plan of irrigation project; approval by Secretary

No unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided*, That in those irrigation districts organized prior to August 11, 1916, and whose irrigation works had then been constructed and were then in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior, as in this chapter provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments.

(Aug. 11, 1916, ch. 319, §3, 39 Stat. 507.)

#### CODIFICATION

Section is comprised of section 3 (less the first proviso) of act Aug. 11, 1916. The remainder of section 3 is classified to section 625 of this title.

#### § 624. Entry of approval on land records

Upon the approval of the district map or plat as hereinbefore provided by the Secretary of the Interior the officer designated by the Secretary of the Interior will note said approval upon his records where any unentered or entered and unpatented lands are affected.

(Aug. 11, 1916, ch. 319, §4, 39 Stat. 508; 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.)

#### TRANSFER OF FUNCTIONS

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Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

#### § 625. Release of unentered land from lien on noncompletion of irrigation project

The Secretary of the Interior may, upon the expiration of ten years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this chapter any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land.

(Aug. 11, 1916, ch. 319, §3, 39 Stat. 508.)

#### CODIFICATION

Section is comprised of the first proviso in section 3 of act Aug. 11, 1916. The remainder of section 3 is classified to section 623 of this title.

#### § 626. Enforcement of lien against entered but unpatented land

The lien described in section 622 of this title upon land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided*, That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under the Act of June 17, 1902 (32 Stat. 388), known as the reclamation Act, or subject to the provisions of said Act, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said Act, but the holder of such tax deed or tax title resulting from

such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of section 441 of this title, and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under section 441 of this title and such person may at any time thereafter receive patent upon submitting satisfactory proof of the reclamation and irrigation required by Act June 17, 1902, and Acts amendatory thereto, and making the payments required by said Acts.

(Aug. 11, 1916, ch. 319, § 2, 39 Stat. 507.)

#### REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) 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.

#### 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.

### § 627. Sale of unpatented and unentered land prohibited; suspension of entry

No public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than one hundred and sixty acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Interior, under the homestead or desert-land laws of the United States the application shall be suspended for a period of thirty days to enable the applicant to present a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land.

(Aug. 11, 1916, ch. 319, § 5, 39 Stat. 508.)

#### REFERENCES IN TEXT

The desert-land laws of the United States, referred to in text, are classified generally to chapter 9 (§321 et seq.) of this title.

### § 628. Patents to entered but unpatented land

Any entered but unpatented lands not subject to the reclamation Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), sold in the manner and for the purposes mentioned in this chapter may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the officer designated by the Secretary of the

Interior of the local land office of the minimum price of \$1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the homestead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than one hundred and sixty acres of said land shall be patented to any one purchaser under the provisions of this chapter.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

Unless the purchaser or his assignee of such lands shall, within ninety days after the time for redemption has expired, pay to the proper officer designated by the Secretary of the Interior all fees and commissions and the purchase price to which the United States shall be entitled as provided for in this chapter, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper officer designated by the Secretary of the Interior for not more than one hundred and sixty acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for which the land was sold at sale for irrigation-district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates, delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law.

(Aug. 11, 1916, ch. 319, § 6, 39 Stat. 508; 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.)

#### REFERENCES IN TEXT

The reclamation Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification