

The Water Supply Act of 1958, as amended, referred to in subsec. (b), is title III of Pub. L. 85-500, July 3, 1958, 72 Stat. 319, as amended, which enacted section 390b of this title and enacted a provision set out as a note under section 390b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 390b of this title and Tables.

§ 390kk. Residency not required

Notwithstanding any other provision of law, irrigation water made available from the operation of reclamation project facilities shall not be withheld from delivery to any project lands for the reason that the owners, lessees, or operators do not live on or near them.

(Pub. L. 97-293, title II, §211, Oct. 12, 1982, 96 Stat. 1269.)

§ 390ll. Corps of Engineers projects

(a) Applicability of Federal reclamation laws

Notwithstanding any other provision of law, neither the ownership or pricing limitation provisions nor the other provisions of Federal reclamation law, including this subchapter, shall be applicable to lands receiving benefits from Federal water resources projects constructed by the United States Army Corps of Engineers, unless—

(1) the project has, by Federal statute, explicitly been designated, made a part of, or integrated with a Federal reclamation project; or

(2) the Secretary, pursuant to his authority under Federal reclamation law, has provided project works for the control or conveyance of an agricultural water supply for the lands involved.

(b) Payment of construction, operation, maintenance and administrative costs allocated to conservation or irrigation storage

Notwithstanding any other provision of this section to the contrary, obligations that require water users, pursuant to contracts with the Secretary, to repay the share of construction costs and to pay the share of the operation and maintenance and contract administrative costs of a Corps of Engineers project which are allocated to conservation storage or irrigation storage shall remain in effect.

(Pub. L. 97-293, title II, §212, Oct. 12, 1982, 96 Stat. 1269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

§ 390mm. Repayment of construction charges

(a) Ownership and pricing limitations inapplicable when repayment obligation has been discharged

The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district after the obligation of a district for the repayment of the construction costs of the project facilities used to make project water available for delivery to such lands shall have been discharged by a district (or by a person

within the district pursuant to a contract existing on October 12, 1982), by payment of periodic installments throughout a specified contract term, including individual or district accelerated payments where so provided in contracts existing on October 12, 1982.

(b) Certification of freedom from ownership and pricing limitations

(1) The Secretary shall provide, upon request of any owner of a landholding for which repayment has occurred, a certificate acknowledging that the landholding is free of the ownership or full cost pricing limitation of Federal reclamation law. Such certificate shall be in a form suitable for entry in the land records of the county in which such landholding is located.

(2) Any certificate issued by the Secretary prior to October 12, 1982, acknowledging that the landholding is free of the acreage limitation of Federal reclamation law is hereby ratified.

(c) Lump sum or accelerated repayment of construction costs

Nothing in this subchapter shall be construed as authorizing or permitting lump sum or accelerated repayment of construction costs, except in the case of a repayment contract which is in effect upon October 12, 1982, and which provides for such lump sum or accelerated repayment by an individual or district.

(Pub. L. 97-293, title II, §213, Oct. 12, 1982, 96 Stat. 1269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsecs. (a) and (b), is defined in section 390aa of this title.

§ 390nn. Trusts

(a) The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the lands served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this subchapter.

(b) Lands placed in a revocable trust shall be attributable to the grantor if—

(1) the trust is revocable at the discretion of the grantor and revocation results in the title to such lands reverting either directly or indirectly to the grantor; or

(2) the trust is revoked or terminated by its terms upon the expiration of a specified period of time and the revocation or termination results in the title to such lands reverting either directly or indirectly to the grantor.

(Pub. L. 97-293, title II, §214, Oct. 12, 1982, 96 Stat. 1270; Pub. L. 100-203, title V, §5302(b), Dec. 22, 1987, 101 Stat. 1330-269.)

REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

AMENDMENTS

1987—Pub. L. 100-203 designated existing provisions as subsec. (a) and added subsec. (b).