

**§ 390oo. Temporary supplies of water****(a) Limitations inapplicable**

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which receive only a temporary, not to exceed one year, supply of water made possible as a result of—

- (1) an unusually large water supply not otherwise storable for project purposes; or
- (2) infrequent and otherwise unmanaged flood flows of short duration.

**(b) Waiver of payment for temporary water supplies**

The Secretary shall have the authority to waive payments for a supply of water described in subsection (a).

(Pub. L. 97-293, title II, §215, Oct. 12, 1982, 96 Stat. 1270.)

## REFERENCES IN TEXT

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

**§ 390pp. Involuntary foreclosure**

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands when the lands are acquired by involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), by inheritance, or by devise: *Provided*, That such lands were eligible to receive irrigation water prior to such transfer of title or the mortgaged lands became ineligible to receive water after the mortgage is recorded but before it is acquired by involuntary foreclosure or similar involuntary process of law or by bona fide conveyance in satisfaction of mortgage: *Provided further*, That if, after acquisition, such lands are not qualified under Federal reclamation law, including this subchapter, they shall be furnished temporarily with an irrigation water supply for a period not exceeding five years from the effective date of such an acquisition, delivery of irrigation water thereafter ceasing until the transfer thereof to a landowner qualified under such laws: *Provided further*, That the provisions of section 390ee of this title shall be applicable separately to each acquisition under this section if the lands are otherwise subject to the provisions of section 390ee of this title.

(Pub. L. 97-293, title II, §216, Oct. 12, 1982, 96 Stat. 1270.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

**§ 390qq. Isolated tracts**

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which are isolated tracts found by the Secretary to be economically farmable only

if they are included in a larger farming operation but which may, as a result of their inclusion in that operation, cause it to exceed such ownership limitations.

(Pub. L. 97-293, title II, §217, Oct. 12, 1982, 96 Stat. 1270.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

**§ 390rr. Central Arizona Project**

Lands receiving irrigation water pursuant to a contract with the Secretary as authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521 et seq.) which are placed under recordable contract shall be eligible to receive irrigation water upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to October 12, 1982, for a period of time not to exceed ten years from the date such lands are capable of being served with irrigation water, as determined by the Secretary.

(Pub. L. 97-293, title II, §218, Oct. 12, 1982, 96 Stat. 1271.)

## REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, as amended. Title III of the Colorado River Basin Project Act is classified generally to subchapter III (§1521 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

**§ 390ss. Religious or charitable organizations**

An individual religious or charitable entity or organization (including but not limited to a congregation, parish, school, ward, or chapter) which is exempt from taxation under section 501 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 501), and which owns, operates, or leases any lands within a district shall be treated as an individual under the provisions of this subchapter regardless of such entity or organization's affiliation with a central organization or its subjugation to a hierarchical authority of the same faith and regardless of whether or not the individual entity is the owner of record if—

(1) the agricultural produce and the proceeds of sales of such produce are directly used only for charitable purposes;

(2) said land is operated by said individual religious or charitable entity or organization (or subdivisions thereof); and

(3) no part of the net earnings of such religious or charitable entity or organization (or subdivision thereof) shall inure to the benefit of any private shareholder or individual.

(Pub. L. 97-293, title II, §219, Oct. 12, 1982, 96 Stat. 1271; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

## AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

**§ 390tt. Contract required**

Irrigation water temporarily made available from reclamation facilities in excess of ordinary quantities not otherwise storable for project purposes or at times when such irrigation water would not have been available without the operations of those facilities, may be used for irrigation, municipal, or industrial purposes only to the extent covered by a contract requiring payment for the use of such irrigation water, executed in accordance with the Reclamation Project Act of 1939 [43 U.S.C. 485 et seq.], or other applicable provisions of Federal reclamation law.

(Pub. L. 97-293, title II, §220, Oct. 12, 1982, 96 Stat. 1271.)

## REFERENCES IN TEXT

The Reclamation Project Act of 1939, referred to in text, is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, as amended, which is classified principally to subchapter X (§485 et seq.) of this chapter. For complete classification of this Act to the Code, see section 485k of this title and Tables.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

**§ 390uu. Waiver of sovereign immunity**

Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances. Any suit pursuant to this section may be brought in any United States district court in the State in which the land involved is situated.

(Pub. L. 97-293, title II, §221, Oct. 12, 1982, 96 Stat. 1271.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

**§ 390vv. Excess crop restrictions****(a) Report to Congress on production of surplus crops on acreage served by irrigation water**

Within one year of October 12, 1982, the Secretary of Agriculture, with the cooperation of the Secretary of the Interior, shall transmit to the Congress a report on the production of surplus crops on acreage served by irrigation water. The report shall include—

- (1) data delineating the production of surplus crops on lands served by irrigation water;
- (2) the percentage of participation of farms served by irrigation water in set-aside programs, by acreage, crop, and State;
- (3) the feasibility and appropriateness of requiring the participation in acreage set-aside programs of farms served by irrigation water and the costs of such a requirement; and

(4) any recommendations concerning how to coordinate national reclamation policy with agriculture policy to help alleviate recurring problems of surplus crops and low commodity prices.

**(b) Restrictions prohibiting delivery of irrigation water for production of excess basic agricultural commodities**

In addition, notwithstanding any other provision of law, in the case of any Federal reclamation project authorized before October 12, 1982, any restriction prohibiting the delivery of irrigation water for the production of excess basic agricultural commodities shall extend for a period no longer than ten years after the date of the initial authorization of such project.

(Pub. L. 97-293, title II, §222, Oct. 12, 1982, 96 Stat. 1272.)

**§ 390ww. Administrative provisions****(a) Existing Federal reclamation law**

The provisions of Federal reclamation law shall remain in full force and effect, except to the extent such law is amended by, or is inconsistent with, this subchapter.

**(b) Existing statutory exemptions from ownership or pricing limitations of Federal reclamation law**

Nothing in this subchapter shall repeal or amend any existing statutory exemptions from the ownership or pricing limitations of Federal reclamation law.

**(c) Regulations; collection of necessary data**

The Secretary may prescribe regulations and shall collect all data necessary to carry out the provisions of this subchapter and other provisions of Federal reclamation law.

**(d) Omitted****(e) Sale of nonexcess land acquired into excess status pursuant to involuntary process of law, etc.**

Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this subchapter or to section 423e of this title: *Provided*, That if the status of mortgaged land changes from non-excess into excess after the mortgage is recorded and is subsequently acquired by the lender by involuntary foreclosure or similar involuntary process of law, by bona fide conveyance in satisfaction of the mortgage, such land may be sold at its fair market value.

**(f) Omitted****(g) Annual audit of compliance with reclamation laws**

In addition to any other audit or compliance activities which may otherwise be undertaken, the Secretary of the Interior, or his designee, shall conduct a thorough audit of the compliance with the reclamation law of the United