

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-336, §8(a), Sept. 4, 1980, 94 Stat. 1065, provided that the amendment made by section 8(a) is effective Oct. 1, 1980.

**§ 422k. Supplement to Federal reclamation laws; short title**

This subchapter shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956.

(Aug. 6, 1956, ch. 972, §11, 70 Stat. 1047.)

**Editorial Notes**

## REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

**§ 422k-1. Loan contracts for deferment of repayment installments; amendment or supplementation**

A loan contract negotiated and executed pursuant to this subchapter may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 485b-1(b) of this title.

(Aug. 6, 1956, ch. 972, §13, as added Pub. L. 92-167, §1(8), Nov. 24, 1971, 85 Stat. 488.)

**§ 422l. Application of this subchapter to Hawaii**

This subchapter as heretofore and hereafter amended, shall apply to the State of Hawaii.

(Pub. L. 86-624, §31, July 12, 1960, 74 Stat. 421.)

**Editorial Notes**

## CODIFICATION

Section was enacted as a part of the Hawaii Omnibus Act, and not as a part of the Small Reclamation Projects Act of 1956 which comprises this subchapter.

## SUBCHAPTER V—ADMINISTRATION OF EXISTING PROJECTS

**§ 423. Permanently unproductive lands; exclusion from project; disposition of water right**

All lands found by the classification made under the supervision of the Board of Survey and Adjustments (House Document 201, 69th Congress, 1st Session, checked and modified as outlined in General Recommendations numbered 2 and 4, Page 60 of said document), to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(May 25, 1926, ch. 383, §§40, 41, 44 Stat. 647.)

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## SECTIONS 423 TO 423g AND 610 UNAFFECTED BY SECTIONS 451 TO 451k OF THIS TITLE

Act Aug. 13, 1953, ch. 428, §10, 67 Stat. 568, provided in part that: "Nothing contained in this Act [enacting sections 451 to 451k of this title] shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the Act of May 25, 1926 (44 Stat. 636), as amended and supplemented [sections 423 to 423g and 610 of this title]."

**§ 423a. Construction charges on permanently unproductive lands already paid; disposition**

The construction charges prior to May 25, 1926, paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 423c of this title. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in said section, the total construction charges paid before May 25, 1926, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

(May 25, 1926, ch. 383, §42, 44 Stat. 647.)

**§ 423b. Suspension of payment of construction charges against areas temporarily unproductive**

The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin, as the case may be. Any payments made on such areas shall be credited to the unpaid balance of the construction charge on the productive area of each unit. Such credit shall be applied on and after April 23, 1930, which shall not be construed to require revision of accounts adjusted before April 23, 1930, under the provisions of this section as originally enacted. While said lands so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges