

tion charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per centum per annum until paid.

The Secretary of the Interior is authorized to complete and execute the supplemental contract, being negotiated on May 25, 1926, and which had, on that date, been approved as to form by the Secretary, between the United States and the Belle Fourche Irrigation District and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said District in accordance with the terms of said supplemental contract.

(May 25, 1926, ch. 383, § 45, 44 Stat. 648.)

#### Editorial Notes

##### REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section constitutes a part of section 45 of act May 25, 1926. The remainder of said section 45 (the third par. and the fourth par., except the final proviso, which is classified as the last par. of this section) has been omitted.

#### **§ 423e. Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of land**

No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be

appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided, however,* That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor: *Provided further,* That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

(May 25, 1926, ch. 383, § 46, 44 Stat. 649; July 11, 1956, ch. 563, § 1, 70 Stat. 524.)

#### Editorial Notes

##### AMENDMENTS

1956—Act July 11, 1956, authorized delivery of water for not more than five years to excess lands acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise.

#### Statutory Notes and Related Subsidiaries

##### IMPERIAL IRRIGATION DISTRICT OF CALIFORNIA; NONAPPLICABILITY OF FEDERAL RECLAMATION LAWS

Pub. L. 96-570, § 4, Dec. 22, 1980, 94 Stat. 3340, provided that: "The following provisions of the Federal reclamation laws shall not apply to lands within the Imperial Irrigation District of California after the date of enactment of this Act [Dec. 22, 1980]:

"(a) section 5 of the Act entitled 'An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands', approved June 17, 1902 (43 U.S.C. 431);

"(b) section 46 of the Act entitled 'An Act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes', approved May 25, 1926 (42 U.S.C. 423e) [this section]; and

"(c) any other provision of law amendatory or supplementary to either of such sections."

## AMENDMENT OF EXISTING CONTRACTS

Act July 11, 1956, ch. 563, §3, 70 Stat. 524, provided that: "The Secretary of the Interior is authorized, upon request of any holder of an existing contract under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to amend the contract to conform to the provisions of sections 1 and 2 of this Act [amending sections 423e and 544 of this title]."

**§ 423f. Purpose of sections 423 to 423g and 610**

The purpose of sections 423 to 423g and 610 of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends.

(May 25, 1926, ch. 383, §48, 44 Stat. 650.)

**Editorial Notes**

## REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "this Act", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

**§ 423g. Adjustment of water right charges as final adjudication on projects and divisions named**

The adjustments under sections 1 to 40, inclusive, of the Act of Congress of May 25, 1926, 44 Statutes 636, are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in section 466 of this title, and shall not after May 25, 1926, be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not on May 25, 1926, required by law to be credited to such "reclamation fund."

(May 25, 1926, ch. 383, §50, 44 Stat. 650.)

**Editorial Notes**

## REFERENCES IN TEXT

Sections 1 to 40 of the Act of May 25, 1926, referred to in text, are not classified to the Code.

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, 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.

**§ 423h. Delivery of water to excess lands upon death of spouse**

Where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 423e of this title, and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto)

without execution of a recordable contract under section 423e of this title, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this section.

(Pub. L. 86-684, Sept. 2, 1960, 74 Stat. 732.)

**Editorial Notes**

## 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.

**§ 424. Disposal of lands classified as temporarily or permanently unproductive; persons who may take**

The Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under sections 423 to 423g and 610 of this title, as temporarily unproductive or permanently unproductive to resident farm owners, and resident entrymen on Federal irrigation projects, in accordance with the provisions of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, §1, 46 Stat. 367.)

**Editorial Notes**

## REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original "the Act of May 25, 1926", meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

Hereinafter, referred to in text, means in sections 424a to 424d of this title.

**§ 424a. Sale of unproductive lands; terms; area purchasable; tracts included**

The Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under sections 424 to 424e of this title more than one hundred and sixty acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed three hundred and twenty acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive, but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insuffi-