(b) After lands are classified for disposal under the regulations of this subpart, the lands shall be offered for sale or other disposal consistent with the classification. If a petitioner-applicant does not have a preference right under §2450.8, the lands shall be opened on an equal-opportunity basis.

(35 FR 9565 June 13, 1970)

Group 2500—Disposition; Occupancy and Use

NOTE: The information collection requirements contained in parts 2520, 2530, 2540 and 2560 of Group 2500 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0004, 1004–1010, 1004–0011, 1004–0023, 1004–0026, 1004–0028, 1004–0029 and 1004–0069. The information is being collected to permit the authorized officer to determine whether certain petitions or applications for use and occupancy of the public lands should be granted. The information will be used to make that determination. A response is required to obtain a benefit.

(48 FR 40889, Sept. 12, 1983)

PART 2520—DESERT-LAND ENTRIES

Subpart 2520—Desert-Land Entries: General

Sec.
2520.0–1 Purpose.
2520.0–3 Authority.
2520.0–5 Definitions.
2520.0–7 Cross references.
2520.0–8 Land subject to disposition.

Subpart 2521—Procedures

2521.1 Who may make desert-land entry.
2521.2 Petitions and applications.
2521.3 Assignment.
2521.4 When lands may be sold, taxed, or mortgaged.
2521.5 Annual proof.
2521.6 Final proof.
2521.7 Amendments.
2521.8 Contests.
2521.9 Relinquishments.

Subpart 2522—Extensions of Time To Make Final Proof

2522.1 General acts authorizing extensions of time.
2522.2 Procedure on applications for extensions of time, where contest is pending.
2522.3 Act of March 38, 1906.
2522.4 Act of April 30, 1912.

43 CFR Ch. II (10–1–11 Edition)

2522.5 Act of February 25, 1925.
2522.6 Service fees.

Subpart 2523—Payments

2523.1 Collection of purchase money and fees; issuance of final certificate.
2523.2 Amounts to be paid.

Subpart 2524—Desert-Land Entries Within a Reclamation Project

2524.1 Conditions excusing entrymen from compliance with the desert-land laws.
2524.2 Annual proof.
2524.3 Time extended to make final proof.
2524.4 Beginning of period for compliance with the law.
2524.5 Assignment of desert-land entries in whole or in part.
2524.6 Desert-land entryman may proceed independently of Government irrigation.
2524.7 Disposal of lands in excess of 160 acres.
2524.8 Cancellation of entries for non-payment of water-right charges.

Subpart 2520—Desert-Land Entries: General


SOURCE: 35 FR 9681, June 13, 1970, unless otherwise noted.

§ 2520.0–1 Purpose.

(a) It is the purpose of the statutes governing desert-land entries to encourage and promote the reclamation, by irrigation, of the arid and semiarid public lands of the Western States through individual effort and private capital, it being assumed that settlement and occupation will naturally follow when the lands have thus been rendered more productive and habitable.

§ 2520.0–3 Authority.


§ 2520.0–5 Definitions.

(a) As used in the desert-land laws and the regulations of this subpart:
(1) **Reclamation** requires conducting water in adequate amounts and quality to the land so as to render it available for distribution when needed for irrigation and cultivation.

(2) **Cultivation** requires the operation, practice, or act of tillage or preparation of land for seed, and keeping the ground in a state favorable for the growth of crops.

(3) **Irrigation** requires the application of water to land for the purpose of growing crops.

(4) **Crop** includes any agricultural product to which the land under consideration is generally adapted and which would return a fair reward for the expense of producing it.

(5) **Water supply**, to be adequate, must be sufficient to irrigate successfully and to reclaim all of the irrigable land embraced in an entry.

(6) **Water right** means the authority, whether by prior ownership, contract, purchase, or appropriation in accordance with state law, to use water on the land to be irrigated.

§ 2520.0–7 Cross references.

(a) For assignment of desert-land entries within Government reclamation projects, see §2524.5(a).

(b) For provisions under Appeals and Hearings see parts 1840 and 1850 of this chapter.

(c) For relinquishments, in general, see subpart 1825 of this chapter.

(d) For residence and cultivation requirements under the homestead laws, see §2511.4–2(a).

§ 2520.0–8 Land subject to disposition.

(a) **Land that may be entered as desert land.** (1) As the desert-land law requires the artificial irrigation of any land entered thereunder, lands which are not susceptible of irrigation by practicable means are not deemed subject to entry as desert lands. The question as to whether any particular tract sought to be entered as desert land is in fact irrigable from the source proposed by the applicant will be investigated and determined before the application for entry is allowed. In order to be subject to entry under the desert-land law, public lands must be not only irrigable but also surveyed, unreserved, unappropriated, non-mineral (except lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, sodium, sulphur, oil, gas or asphaltic minerals, which may be entered with a reservation of such mineral deposits, as explained in subpart 2093, nontimbered, and such as will not, without artificial irrigation, produce any reasonably remunerative agricultural crop by the usual means or methods of cultivation. In this latter class are those lands which, one year with another for a series of years, will not without irrigation produce paying crops, but on which crops can be successfully grown in alternate years by means of the so-called dry-farming system. (37 L.D. 522 and 42 L.D. 524.)

(2) Applications to make desert-land entries of lands embraced in applications, permits, or leases under the Act of February 25, 1920 (41 Stat. 437), if in all other respects complete, will be treated in accordance with §§2093.0–3 to 2093.0–7. Applications to make desert-land entries of lands within a naval petroleum reserve must be rejected, as no desert-land entry may be allowed for such lands.

(3) Land that has been effectually reclaimed is not subject to desert land entry.

(b) **Quantity of lands that may be entered.** An entry of lands under the Act of March 3, 1877, is limited to 320 acres, subject to the following additional limitations:

(1) An entry of lands within an irrigation district which the Secretary of the Interior or his delegate has approved under the Act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621–630), is limited to 160 acres.

(2) An entryman may have a desert-land entry for such a quantity of land as, taken together with all land acquired and claimed by him under the other agricultural land laws since August 30, 1890, does not exceed 320 acres in the aggregate, or 480 acres if he shall have made an enlarged homestead entry of 320 acres (Acts of August 30, 1890; 26 Stat. 391; 43 U.S.C. 212; and of February 27, 1917; 39 Stat. 946; 43 U.S.C. 330).

(c) **Entries restricted to surveyed lands.** Unsurveyed public land withdrawn by Executive Orders 6910 and 6964 of November 26, 1934, and February 5, 1935,