which, by the exercise of reasonable
diligence, the existence of such condi-
tions might have been discovered: Pro-
vided, nevertheless, That where an appli-
cant for amendment has made both
homestead and desert land entries for
contiguous lands, amendment may be
granted whereby to transfer the desert-
land entry, in its entirety, to the land
covered by the homestead entry, and
the homestead entry, in its entirety, to
the land covered by the desert-land
entry, or whereby to enlarge the
desert-land entry in such manner as
that it will include the whole or some
portion of the lands embraced in the
homestead entry, sufficient equitable
reason for such enlargement being ex-
hibited, and the area of the enlarged
entry in no case exceeding 320 acres.
Applications for such amendments may
be made under §§ 1821.6–1 to 1821.6–5 of
this chapter and on the prescribed
form, in so far as the same are applica-
ble. A supplemental statement should
also be furnished, if necessary, to show
the facts.

(c) Evidence of water-right to accom-
pany application to amend desert-land
entry. Application to amend desert-land
entries by the addition of a new and en-
larged area or by transferring the
entry to lands not originally selected
for entry must be accompanied by evi-
dence of applicant’s right to the use of
water sufficient for the adequate irri-
gation of said enlarged area or of the
lands to which entry is to be trans-
ferred. Such evidence must be in the
form prescribed by § 2521.2.

§ 2521.8 Contests.

(a) Contests may be initiated by any
person seeking to acquire title to or
claiming an interest in the land in-
volved against a party to any desert-
land entry because of priority of claim
or for any sufficient cause affecting the
legality or validity of the claim not
shown by the records of the Bureau of
Land Management.

(b) Successful contestants will be al-
lowed a preference right of entry for 30
days after notice of the cancellation of
the contested entry, in the same man-
ner as in homestead cases, and the au-
thorizing officer will give the same no-
tice as in other cases.

§ 2521.9 Relinquishments.

A desert-land entry may be relin-
quished at any time by the party own-
ing the same. Conditional
relinquishments will not be accepted.
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§ 2523.1 Collection of purchase money and fees; issuance of final certificate.

(a) At the time of making final proof the claimant must pay to the authorizing officer the sum of $1 per acre for each acre of land upon which proof is made. This, together with the 25 cents per acre paid at the time of making the original entry, will amount to $1.25 per acre, which is the price to be paid for all lands entered under the desert land law.

(b) If the entryman is dead and proof is made by anyone for the heirs, no will being suggested in the record, the final certificate should issue to the heirs generally, without naming them; if by anyone for the heirs or devisees, final certificate should issue in like manner to the heirs or devisees.

§ 2522.3 Act of March 28, 1908.

Under the provisions of the Act of March 28, 1908 (35 Stat. 52; 43 U.S.C. 333), the period of 4 years may be extended, in the discretion of the authorized officer, for an additional period not exceeding 3 years, if, by reason of some unavoidable delay in the construction of the irrigating works intended to convey water to the land, the entryman is unable to make proof of reclamation and cultivation required within the 4 years. This does not mean that the period within which proof may be made will be extended as a matter of course for 3 years. Applications for extension under said act will not be granted unless it be clearly shown that the failure to reclaim and cultivate the land within the regular period of 4 years was due to no fault on the part of the entryman but to some unavoidable delay in the construction of the irrigation works for which he was not responsible and could not have readily foreseen (37 L.D. 332). It must also appear that he has complied with the law as to annual expenditures and proof thereof.

§ 2522.4 Act of April 30, 1912.

(a) Under the provisions of the Act of April 30, 1912 (37 Stat. 106; 43 U.S.C. 334), a further extension of time may be granted for submitting final proof, not exceeding 3 years, where it is shown that, because of some unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry, the claimant is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands within the time limited therefor, but such further extension cannot be granted for a period of more than 3 years nor affect contests initiated for a valid existing reason.

(b) An entryman who has complied with the law as to annual expenditures and proof thereof and who desires to make application for extension of time under the provisions of the Act of March 28, 1908, should file with the authorizing officer a statement setting forth fully the facts, showing how and why he has been prevented from making final proof of reclamation and cultivation within the regular period. This statement must be corroborated by two witnesses who have personal knowledge of the facts.

§ 2522.5 Act of February 25, 1925.

Applications for further extension of time under the Acts of April 30, 1912, and February 25, 1925 (43 Stat. 982; 43 U.S.C. 336), may be made in the same manner, and the same procedure will be followed with respect to such applications as under the Act of March 28, 1908, and the Act of March 4, 1915 (38 Stat. 1161; 43 U.S.C. 335), as amended.

§ 2522.6 Service fees.

All applications for extension of time made under the Acts of March 28, 1908, April 30, 1912, or February 25, 1925, must be accompanied by an application service fee of $10 which will not be returnable.

Subpart 2523—Payments

§ 2523.1 Collection of purchase money and fees; issuance of final certificate.

(a) At the time of making final proof the claimant must pay to the authorizing officer the sum of $1 per acre for each acre of land upon which proof is made. This, together with the 25 cents per acre paid at the time of making the original entry, will amount to $1.25 per acre, which is the price to be paid for all lands entered under the desert land law.

(b) If the entryman is dead and proof is made by anyone for the heirs, no will being suggested in the record, the final certificate should issue to the heirs generally, without naming them; if by anyone for the heirs or devisees, final certificate should issue in like manner to the heirs or devisees.