Public Law 85-264

September 2, 1957
[S. 1482]

AN ACT

To amend certain provisions of the Columbia Basin Project Act, and for other purposes.

Columbia Basin Project Act, amendments.
16 USC 835a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (b) (iii) of the Columbia Basin Project Act (57 Stat. 14), as amended, is hereby repealed and the following is substituted therefor:

"(iii) Water shall not be delivered from, through, or by means of the project works to or for lands not conforming in area and boundaries to the farm units covering the lands involved. Water may be delivered to one or more farm units held by any one landowner (a) which, taken together, comprise not more than one hundred and sixty irrigable acres, or (b) in the case of a nominal quarter section comprising more than one hundred and sixty irrigable acres referred to in subdivision (i) of subsection (b) of this section, which comprise the acreage contained in such quarter section: *Provided*, That water may be delivered to one or more farm units comprising a total irrigable area of not more than three hundred and twenty acres held by members of a family: *Provided further*, That notwithstanding any other provision of this Act, water shall not be delivered (1) to more than one farm unit held by any one owner or family on September 1, 1957, except that, in the case of land held by one having equitable or legal title on May 27, 1937, or by the heir or devisee of such owner, delivery may be made to farm units comprising not more than one hundred and sixty irrigable acres or a nominal quarter section, or (2) to any excess lands disposed of after September 1, 1957, which are reacquired (otherwise than in the circumstances set forth in the proviso to section 2 (b) (iv) of this Act) by the present owner or a member of his family within five years from the date of their disposition, or which are reacquired by the present owner or a member of his family at any time pursuant to any contract, arrangement, or understanding (other than a bona fide security transaction) made in connection with or as an incident to their disposition, or in which the owner or any member of his family retains any interest (except a bona fide security interest) or from which he or any member of his family derives any profit or advantage after their disposition."

(b) Section 2 (b) (iv) of said Act is hereby repealed and the following is substituted therefor:

"(iv) Lands within the project held by any landowner in excess of the farm unit or units to which water may lawfully be delivered as provided in subdivision (iii) of this subsection shall be deemed excess land: *Provided*, 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."

(c) Section 2 (b) (v) of said Act is hereby repealed and the following is substituted therefor:

"(v) As used in this Act, the terms 'owner', 'landowner', and 'any one landowner' denote any person, corporation, joint-stock association; the term 'family' denotes a group consisting of either or both husband and wife, together with their children under eighteen years of age, or all of such children if both parents are dead; the term 'their children' includes the issue and lawfully adopted children of either or both husband and wife; and the term 'lands within the project' denotes those lands within the boundaries of the existing Columbia

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Basin irrigation districts, or revisions thereof approved by the Secretary, which the Secretary determines may be supplied water from, through, or by means of the project works and are required to be included to provide for sound development and operation of the project. Lands shall be deemed to be held by a family, if held as separate property of husband or wife, or constitute a part or all of their community property, or if they are the property of any or all of their children under eighteen years of age. Lands held in trust for any person shall, for the purpose of this Act, be deemed to be held both by that person and, if the trustee derives any profit or advantage from the trust other than a moderate fixed fee for the management of the same, by the trustee."

The last sentence of this amendment shall not be deemed to affect any irrevocable trust for the benefit of a child under eighteen created prior to this amendment, which would then have been held to be consistent with the provisions and intent of the Columbia Basin Project Act or to excuse any violation or evasion of that Act, or of the rules and regulations issued pursuant to it or of contracts entered into under it, by the creation or purported creation of a trust prior to this amendment, which would then have been held to be inconsistent with said provisions and intent.

57 Stat. 14.
16 USC 835 note.

(d) Section 4, subsection (b), of said Act is hereby amended by substituting a comma for the period at the end thereof and adding thereto the following: "and each such applicant shall be required to agree that he, his heirs and assigns will not, except with the approval of the Secretary, sell, assign, lease, or otherwise dispose of or contract to sell, assign, lease, or otherwise dispose of his land during a period ending five years from the date of his purchase contract. No application for a farm unit shall be received from any person who, or a member of whose family, then has outstanding another application for a farm unit on the project or to whom a farm unit could not at the time of application lawfully be sold under this Act. No farm unit shall be sold to, and no contract to sell a farm unit shall be entered into with, any person, corporation, joint-stock association, or family which has theretofore purchased or entered into a contract to purchase a farm unit under this Act or which then owns a farm unit within the Columbia Basin Project. The prohibition of the preceding sentence, however, shall not preclude a purchase or contract to purchase by a person, otherwise eligible, whose farm unit has been or is acquired by the United States for exchange purposes under this Act or the Act of August 13, 1953 (67 Stat. 566) or, if he is 18 years of age or older, whose family purchased or entered into a contract to purchase a farm unit at a time when he was under 18 years of age."

64 Stat. 1037.
16 USC 835c.

43 USC 451.

SEC. 2. The Secretary of the Interior is authorized to amend any contract, which has been entered into prior to the date of enactment of this Act, or any existing deed or other document to conform with the provisions of the first section of this Act. The consent of the United States is hereby given to the recording, at the expense of the party benefited thereby, of any such amendment.

Approved September 2, 1957.

Contracts or deeds.
Amendments.

Public Law 85-265

AN ACT

To grant certain lands to the Territory of Alaska.

September 2, 1957
[H. R. 3940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Territory of Alaska all right, title, and interest of the

Alaska.
Grant of lands.