

[CHAPTER 13]

AN ACT

March 6, 1943
[S. 739]
[Public Law 7]

To amend the Act entitled "An Act to authorize the attendance of personnel of the Army of the United States as students at educational institutions and other places".

56 Stat. 50.
10 U. S. C., Supp.
II, § 535 note.
Army of the U. S.
Detail of personnel
as students, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 435, Seventy-seventh Congress, approved February 6, 1942, is hereby amended to read as follows:

"That during the present war and for six months thereafter and notwithstanding other provisions of existing law, personnel of all components of the Army of the United States may be detailed as students at technical, professional, and other educational institutions, or as students, observers, or investigators at industrial plants, hospitals, and other places, and all necessary expenses incident thereto shall be payable from any appropriations available to the Military Establishment: *Provided,* That this Act shall not be construed as authorizing the acquisition of real estate by the War Department, except by lease, for use in the Army specialized training program".

Approved March 6, 1943.

Lease of real estate.

[CHAPTER 14]

AN ACT

March 10, 1943
[H. R. 839]
[Public Law 8]

To amend the Act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project, and substitute and additional authority related to the settlement and development of the project, and for other purposes.

The Columbia
Basin Project Act.
16 U. S. C. §§ 835-
835c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 27, 1937 (ch. 269, 50 Stat. 208), is hereby amended to read as follows:

Purposes.

"SECTION 1. In addition to the primary purposes for which the Grand Coulee Dam project (hereafter to be known as the Columbia Basin project and herein called the 'project') was authorized under the provisions of the Act of August 30, 1935 (49 Stat. 1028), the project is hereby authorized and reauthorized as a project subject to the Reclamation Project Act of 1939; and the provisions of each of those two Acts together with the provisions of this Act shall govern the repayment of expenditures and the construction, operation, and maintenance of the works constructed as a part of the project.

49 Stat. 1040.

53 Stat. 1187.
43 U. S. C. § 485k.

Prerequisites to ex-
penditure of funds.

"SEC. 2. (a) No part of the funds heretofore or hereafter appropriated or allotted for project construction or for the reclamation of land within the project shall be expended in the construction of any irrigation features of the project, exclusive of Grand Coulee Dam and appurtenant works now under construction and of the pumping plant and equalizing reservoir and dams, until the requirements of the following subdivisions (i) and (ii) of this subsection (a) have been met:

Appraisals and re-
appraisals.

"(i) All lands within the project shall have been impartially appraised by the Secretary of the Interior (hereinafter called the 'Secretary') and evaluated at the date of appraisal without reference to or increment on account of the construction of the project. Reappraisals may be made at any time by the Secretary, and will be made upon the request of the landowner concerned accompanied by an advance to the United States of \$15 for each quarter section or fraction thereof involved, on account of expense thereof. In such reappraisals the Secretary shall take into account, in addition to the value found in the first appraisal, improvements made after said appraisal,

such irrigation construction charges on the land as have been paid, and other items of value that are proper, other than increments on account of the construction of the project. The term 'appraised value' as used in this Act shall mean appraised values determined as provided in this subsection.

"Appraised value."

"(ii) Contracts shall have been made with irrigation, reclamation, or conservancy districts organized under State law embracing the lands within the project providing for payment thereby of that part of the cost of construction of the project determined by the Secretary to be the part thereof to be repaid by irrigation. Each such contract shall conform to the requirements of this Act, shall require repayment within the maximum period permitted under the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto (hereinafter called the Federal reclamation laws), and provide that payments shall be enforceable by all means and remedies provided in said laws.

Repayment contracts.

"(b) (i) The lands within the project shall be developed in irrigation blocks, as that term is defined in the Reclamation Project Act of 1939. The Secretary shall segregate the lands in each irrigation block into farm units of sufficient acreage for the support of an average-sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as, in his judgment, enter into the determination of the area and boundaries thereof; and shall establish the units as hereafter provided. No farm unit shall contain more than one hundred and sixty or less than ten acres of irrigable land, except that any nominal quarter section comprising more than one hundred and sixty acres of irrigable land may be included in one farm unit, and except that lands owned by the United States may be established into units of lesser size for part-time farming purposes.

Irrigation blocks.
53 Stat. 1187.
43 U. S. C. § 485k.
Segregation into farm units.

"(ii) Prior to the initial delivery of water to an irrigation block, the Secretary shall prepare a plat of all the farm units in the irrigation block and shall publish a notice of the intention to establish such farm unit plat in six weekly issues of a newspaper of general circulation in the county or counties in which any part of the irrigation block is located. From the date of first publication, a copy of the plat shall be available in the county auditor's office of each of said counties for public inspection during the business hours of the office. Any interested landowner shall have the right to file written objections to the plat with the county auditor of the county in which his lands are situated before the close of the period of publication. After expiration of the period of publication the Secretary shall consider and determine all such objections, draw the plat in final form and file it for record in said county auditors' offices. With the consent of the owners of all farm units affected, the Secretary may revise the plat or any part thereof from time to time, and place the revisions of record with the original plat.

Publication of plats prior to initial delivery of water.

Public inspection.

Objections.

Revisions.

"(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, nor to or for more than one farm unit held by any one landowner, except that as to lands held by the one having equitable or legal title on May 27, 1937, or the heir or devisee of such owner, delivery may be made to or for a total irrigable area not exceeding the maximum provided in this section. The limitations of this subdivision shall not apply to lands owned by the United States or any agency or instrumentality thereof, corporate or otherwise.

Restrictions on delivery of water.

Nonapplicability to U. S. lands.

Excess land.	“(iv) Lands within the project in excess of one farm unit held by any one landowner shall, except as otherwise provided in this Act, be deemed excess land: <i>Provided</i> , 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.
Definition of terms.	“(v) As used in this Act, the terms ‘owner’, ‘landowner’, and ‘any one landowner’ denote any person, corporation, joint-stock association, or family; 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 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.
Execution of recordable contract by landowner.	“(c) As a condition precedent to receiving water from the project and in consideration thereof, each landowner shall be required to execute, within six months from the date of the execution of the contract between the United States and the district within which the land is located, a recordable contract covering all his lands within that district, agreeing as to such lands for and on behalf of himself, his heirs, successors, and assigns to the provisions set forth in this subsection (c): <i>Provided</i> , That any landowner, having failed to execute such a contract within this period, may be permitted to execute such contract within one year after the date of judicial confirmation of the validity of the contract between the United States and the district but only in accordance with such rules and regulations as may be prescribed under section 8 concerning this privilege.
Time extension.	“Each such recordable contract shall provide—
Contract provisions.	“(i) That the landowner will conform his lands by purchase, sale, or exchange at the appraisal values to the area and boundaries of the pertinent farm unit or units shown on the plats filed under subsection 2 (b) and will dispose of excess land then or thereafter owned by him at its appraised value; that the Secretary is thereby given an irrevocable power of attorney to sell in behalf of the landowner any such excess land at said appraised value; and that the United States is thereby given, without further consideration, an option to buy any such excess land at said appraised value: <i>Provided</i> , That sales under such power or such option, unless otherwise provided in writing by said owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time.
Conformity to pertinent units.	“(ii) That in the period from the date of execution thereof and to a date five years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or nonexcess lands, shall be made for a consideration exceeding its appraised value, and in connection with any conveyance of, or contract to convey, such an estate
Disposal of excess land.	
U. S. option.	
Consideration not to exceed appraised value.	
Affidavit.	

within such period the grantor or vendor or the grantee or vendee or any lien holder thereof shall, within thirty days from the date of such conveyance or contract, file in the office of the county auditor in the county or counties in which the land is located an affidavit describing the conveyance or contract and the consideration therefor.

“(iii) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within said thirty days the affidavit required in (ii) of this subsection, or is made for a consideration in excess of the appraised value, the Secretary, at any time within two years of the day on which there is filed for recording in the official county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of such estate to receive water from, through, or by means of the project works by a written notice of cancellation: *Provided*, That said power to cancel as to any given parcel of land may be waived by the Secretary at any time within said two-year period by a written notice of waiver: *And provided further*, That after any such cancellation a project water right for the estate involved may be acquired only on terms and conditions satisfactory to the Secretary.

“(iv) That should any freehold estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (ii) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection 3 (b) hereof.

“Any or all of the provisions of this subsection (c) required to be included in the recordable contracts may be made covenants running with the land when said recordable contracts expressly so provide.

“(d) Each contract made pursuant to subdivision 2 (a) (ii) shall provide that no water will be delivered from, through, or by means of the project works except in accordance with the provisions and limitations of section 2 hereof.

“(e) Each district contract may include provisions—

“(i) Requiring that all lands within the district not covered by recordable contracts provided for under subsection (c) or otherwise not eligible to receive water shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the Secretary may prescribe for postponement in payment of all or part of such assessments but not beyond the expiration of the period during which the price limit under subsection 2 (c) applies.

“(ii) That, without compliance with other provisions of State law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before such date fixed by such board between a date ten days after the official notice of the election on the contract between the United States and the district and the date of such election. The date limiting the time of such filing shall be announced in the official notice of the proposed election, and lands for which such notice is filed shall be deemed excluded from the district for all purposes as of the time of such filing. Thereafter lands so withdrawn and excluded so long as they remain in private ownership shall not be entitled to receive water from, through, or by means of the project works.

“(f) Any instrument, action, determination, rule, or regulation of the Secretary or his duly authorized representatives under the authority of this section 2 which is or may be determinative of the title to lands or interest in lands in private ownership within the project shall be effective as to any given parcel of land, as against purchasers

Cancelation of water rights.

Waiver.

Subsequent acquisition.

Conveyance of freehold estates; applicable provisions.

Covenants running with land.

Repayment contracts, provision.

District contract provisions. Assessments.

Withdrawal of lands.

Effect of recording.

for value without actual notice, only from the time of the filing for record in the office of the county auditor of the county or counties in which the lands affected are located of a copy thereof authenticated in the manner authorized by law. Such filing shall impart legal notice to the public of the matters and things set out therein.

Fraudulent misrepresentation of consideration.

Penalty.

Consideration in excess of appraised value.

Transaction involving deferred payments.

Recovery of certain excess payments.

Court costs and attorneys' fees.

Administration.
Post, p. 20.

Contracts, exchanges, leases.

Qualifications of applicants.

43 U. S. C. § 433;
Supp. II, § 433 note.

"SEC. 3. (a) Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by a recordable contract made under subsection 2 (c) hereof, in the affidavit required by that subsection shall constitute a misdemeanor punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

"(b) Should any freehold estate in lands subject to the recordable contract made under subsection 2 (c) hereof be conveyed or contracted to be conveyed, after the date of execution of such recordable contract and within five years from the time water becomes available for such lands, at a consideration in excess of the appraised value of said estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be invalid and unenforceable by the vendor or grantor, his successors or assigns as to that part of the consideration in excess of the appraised value of the estate involved. In the case of any such transaction involving deferred payments, said invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

"The vendee or grantee in any such transaction, at any time within two years from the date of any such conveyance or contract and on filing a correct affidavit as required in subdivision 2 (c) (ii), may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

"In connection with any judgment or decree hereunder in favor of a vendee or grantee, said vendee or grantee shall have the right to recover court costs and reasonable attorneys' fees.

"SEC. 4. (a) For the purposes of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, and preventing speculation in project lands, the Secretary is authorized to administer public lands of the United States in the project area and lands acquired under this section; to sell, exchange, or lease such lands; to establish town sites on such lands; to dedicate portions of such lands for public purposes in keeping with sound project development; to acquire in the name of the United States, at prices satisfactory to him, such lands or interest in lands, within or adjacent to the project area, as he deems appropriate for the protection, development, or improvement of the project; to accept donations of real and personal property for the purposes of this Act; and to disseminate information by appropriate means and methods. Any moneys realized on account of donations for purposes of this Act shall be covered into the Treasury as trust funds.

"(b) Contracts, exchanges, and leases made under this section, shall be on terms that, in the Secretary's judgment, are in keeping with sound project development. In addition, land sale contracts shall be on a basis that, in the Secretary's judgment, provides for the return in a reasonable period of years of not less than the appraised value of the land and improvements thereon.

"Qualifications of applicants for the purchase of land for irrigation farming shall be prescribed as provided in subsection C of section 4 of the Act of December 5, 1924 (43 Stat. 702), notwithstanding any other provisions of law.

"SEC. 5. (a) The Secretary may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property situated therein after it is acquired pursuant to the authority of this Act and before execution by the United States of a contract of sale covering it, out of funds derived from the leasing of such lands. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision as the case may be upon such property if it were not exempt from taxation thereby.

Lands acquired by U. S. Annual payments in lieu of taxes.

"(b) Any public lands within the project and any lands or interests in lands acquired by the United States under this Act, beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations made under section 8, shall be (i) subject to the provisions of the laws of the State of Washington relating to the organization, government, and regulation of irrigation, reclamation, and conservancy districts, and (ii) subject to legal assessment or taxation by any such district, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands of like character. The United States does not assume any obligation for amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land sale contracts made under this Act, and to any lien for any other charges, accrued or unaccrued, under and by virtue of such contracts or any contract between the United States and the district in which the land is located. Regulations to carry out this subsection shall be effective when filed for record in the manner provided in subsection 2 (f).

Lands subject to State laws, etc.

No U. S. obligation assumed.

Regulations.

"(c) In addition to taxation or assessment under subsection 5 (b) upon execution by the United States of a contract of sale of any lands within the project, the lands under contract may be taxed by the State or political subdivision thereof in the same manner and to the same extent as privately owned lands of a like character. All taxes legally so assessed may be enforced in the same manner and under the same proceeding whereby said taxes are enforced against privately owned lands, subject to the limitations in favor of the United States that govern the enforcement of district assessments or taxes as provided in subsection 5 (b). If lands under any such contract shall at any time revert to the United States before transfer of title under the contract by reason of default thereunder, all liens or tax titles resulting from taxes levied pursuant to the authority of this subsection upon such lands shall be thereupon extinguished; and the levying of any such tax by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title.

Taxation of lands under contract.

Lands reverting to U. S. before transfer of title.

"SEC. 6. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such moneys as may be necessary to carry out the provisions of this Act, to be reimbursable to the extent required by this Act. All revenues received in carrying out the provisions of section 4 hereof shall be covered into the General Treasury as miscellaneous receipts. Amounts equal to appropriated funds requisitioned by the Secretary and made available for disbursement on the books of the Treasurer of the United States shall be debited in a special account in the Treasury, to be known as the Columbia Basin Land Development Account. Amounts equal to revenues covered into the General Treasury as miscellaneous receipts shall be credited in said special account. After such credits equal the amount of the debits with interest thereon at the rate of

Appropriation authorized.

Columbia Basin Land Development Account.

3 per centum per annum from the respective dates of the debits, additional credits in said special account shall be made by the Secretary, in the manner determined by him, the basis of corresponding credits to the construction cost obligations of the district or districts entering into contracts under section 2 hereof.

Ratification, etc.,
by State of Wash-
ton.

"SEC. 7. No water shall be delivered for irrigation within the project until the State of Washington, by appropriate legislation, shall have adopted, authorized, ratified, and consented to all the provisions of this Act insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.

Effective legislation.
School and other
public lands.

"Legislation otherwise conforming to the standards above stated in this section will meet the requirements of the section even though, by reason of limitations in the State constitution, the contracts required under subsection 2 (c) cannot be executed pursuant to such legislation as to the State's school and other public lands. As to such lands, the provisions and requirements of subsection 2 (c) shall remain effective, but if these constitutional limitations have not been removed at least six months prior to the expiration of the time provided for the execution of the contracts the time is hereby extended for a period ending six months after the removal of the limitations.

Administration.
Ante, p. 18.

"SEC. 8. The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in the contracts hereinafter provided for such provisions as he deems proper for carrying out the provisions of this Act; and in connection with sales or exchanges under the Act, he is authorized to effect conveyances without regard to the law governing the patenting of public lands. Wherever in this Act functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives.

Delegation of func-
tions.

Consent to sale of
public lands of State.

"SEC. 9. The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington comprising a part of the lands within the project at prices not to exceed their appraised values, determined as provided in subsection 2 (a) hereof.

Separability of pro-
visions.

"SEC. 10. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Short title.

"SEC. 11. This Act may be cited as 'The Columbia Basin Project Act'."

Approved March 10, 1943.

[CHAPTER 15]

AN ACT

March 11, 1943
[H. R. 1501]
[Public Law 9]

To extend for one year the provisions of An Act to promote the defense of the United States, approved March 11, 1941.

An Act To Promote
the Defense of the
United States.
Time extension.
55 Stat. 32, 33.
22 U. S. C., Supp.
II, §§ 412 (c), 415 (b).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3 of An Act to promote the defense of the United States, approved March 11, 1941, is amended by striking out "June 30, 1943" wherever it appears therein and inserting in lieu thereof "June 30, 1944"; by striking out "July 1, 1946" and inserting in lieu thereof "July 1, 1947"; and by striking out "July 1, 1943" and inserting in lieu thereof "July 1, 1944"; and subsection (b) of section 6 of such Act is amended by striking out "June 30, 1946" and inserting in lieu thereof "June 30, 1947".

Approved March 11, 1943.