

SUBCHAPTER XIV—PATENTS AND FINAL
WATER-RIGHT CERTIFICATES

§ 541. When patent or final certificate issued

Any homestead entryman under the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence reclamation, and cultivation, submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate.

(Aug. 9, 1912, ch. 278, § 1, 37 Stat. 265; Feb. 15, 1917, ch. 71, 39 Stat. 920.)

Editorial Notes

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

§ 542. Reservation of lien for charges; enforcement of lien; redemption

Every patent and water-right certificate issued under this subchapter shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this

section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

(Aug. 9, 1912, ch. 278, § 2, 37 Stat. 266.)

§ 543. Certificate of final payment and release of lien

Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266.)

Editorial Notes

CODIFICATION

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 544 of this title.

§ 544. Limitation as to holdings prior to final payment of charges; forfeiture of excess holding

No person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation Act of June 17, 1902 and Acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, may be held for five years and no longer after its acquisition, and water may be temporarily furnished during that time; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction. The above provision shall be recited in every patent and water-right certificate issued by the United States under the provisions of this subchapter.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266; July 11, 1956, ch. 563, § 2, 70 Stat. 524.)

Editorial Notes

REFERENCES IN TEXT

The reclamation Act of June 17, 1902, referred to in text, is identified in section 541 of this title as act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

CODIFICATION

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 543 of this title.

AMENDMENTS

1956—Act July 11, 1956, increased period during which land could be held from two years to five years, and to authorize delivery of water for that period.

Statutory Notes and Related Subsidiaries

AMENDMENT OF EXISTING CONTRACTS

For provisions authorizing the Secretary of the Interior to amend existing contracts under the Federal reclamation laws to conform to the provisions of this section, see section 3 of act July 11, 1956, set out as a note under section 423e of this title.

§ 545. Appointment of agents to receive payments; record of payments and amounts owing

The Secretary of the Interior is authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation Act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees which copies shall be admissible in evidence, as are copies authenticated under section eight hundred and eighty-eight¹ of the Revised Statutes.

(Aug. 9, 1912, ch. 278, § 4, 37 Stat. 267.)

Editorial Notes

REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 541 of this section as act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

Section eight hundred and eighty-eight of the Revised Statutes, referred to in text, was repealed by section 21 of act June 25, 1948, ch. 645, 62 Stat. 862, the first section of which enacted Title 18, Crimes and Criminal Procedure. Prior to repeal, R.S. §888 was classified to section 669 of former Title 28, Judicial Code and Judiciary. For provisions relating to admissibility in evidence of authenticated copies, see section 1733 of Title 28, Judiciary and Judicial Procedure.

Executive Documents

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§ 1, 4 (Nov.

6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§ 3, 5 (May 18, 1981).

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 546. Jurisdiction of district court for enforcement of this subchapter

Jurisdiction of suits by the United States for the enforcement of the provisions of this subchapter is conferred on the United States district courts of the districts in which the lands are situated.

(Aug. 9, 1912, ch. 278, § 5, 37 Stat. 267.)

§ 547. Patent to desert-land entryman

Any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, known as the reclamation Act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation Act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the Act entitled "An Act providing for patents on reclamation entries, and for other purposes, approved August ninth, nineteen hundred and twelve [43 U.S.C. 541 et seq.]"¹

(Aug. 26, 1912, ch. 408, § 1, 37 Stat. 610.)

Editorial Notes

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

The Act entitled "An Act providing for patents on reclamation entries, and for other purposes", referred to in text, is act Aug. 9, 1912, ch. 278, 37 Stat. 265, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

This section was not enacted as part of act Aug. 9, 1912, ch. 278, 37 Stat. 265, which comprises this subchapter.

¹ So in original. The closing quotation marks probably should follow "purposes".

¹ See References in Text note below.