

sixth principal meridian, in the State of Nebraska; townships seventeen, eighteen, nineteen, and twenty north, of ranges thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five west of the sixth principal meridian, in Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said counties asking for resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of said lands so occupied: *Provided further*, That before any survey is ordered it shall be made to appear to the satisfaction of the Secretary of the Interior that the former official survey of said lands is so generally inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

Approved, June 27, 1906.

Provisos.
Bona fide claims not impaired.
Condition.

CHAP. 3559.—An Act Providing for the subdivision of lands entered under the reclamation Act, and for other purposes.

June 27, 1906.
[H. R. 18536.]

[Public, No. 308.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. That wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation Act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the reclamation service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the General Land Office, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation Act a lesser area than the minimum limit in any State or Territory.

Reclamation act.
Areas for fruit and garden produce lands.

Vol. 32, p. 389.

Subdivision.

Proviso.
Entry of lesser areas.

SEC. 2. That wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

Additional entries for relinquished lands.

SEC. 3. That any town site heretofore set apart or established by proclamation of the President, under the provisions of sections twenty-three hundred and eighty and twenty-three hundred and eighty-one of the Revised Statutes of the United States, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of the Act of Congress approved April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes;" and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation

Town sites.
Disposal of, within irrigation projects.
R. S., secs. 2380, 2381, p. 436.

Ante, p. 116.

fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

Heyburn and Rupert, Idaho. Purchases by settlers.

Limitation not applicable.

Withdrawal of larger town sites.

Desert-land entries. Allowance to settlers.

Proviso. Where irrigation project abandoned.

Relinquishment of excess area if project completed.

Owners of water rights.

SEC. 4. That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March fifth, nineteen hundred and six, in permanent buildings not easily moved, the said settlers shall be given the right to purchase the lots so built upon at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Providing that the limitation on the size of townsites contained in the Act of April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes," shall not apply to the townsites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of townsites in excess of one hundred and sixty acres under the provisions of the aforesaid Act, approved April sixteenth, nineteen hundred and six, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this Act, and the aforesaid Act of April sixteenth, nineteen hundred and six, and the proceeds of all sales of townsites shall be covered into the reclamation fund.

SEC. 5. That where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid Act of June seventeenth, nineteen hundred and two, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said Act of June seventeenth, nineteen hundred and two, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act.

Approved, June 27, 1906.