

## REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

**§ 390mm. Repayment of construction charges****(a) Ownership and pricing limitations inapplicable when repayment obligation has been discharged**

The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district after the obligation of a district for the repayment of the construction costs of the project facilities used to make project water available for delivery to such lands shall have been discharged by a district (or by a person within the district pursuant to a contract existing on October 12, 1982), by payment of periodic installments throughout a specified contract term, including individual or district accelerated payments where so provided in contracts existing on October 12, 1982.

**(b) Certification of freedom from ownership and pricing limitations**

(1) The Secretary shall provide, upon request of any owner of a landholding for which repayment has occurred, a certificate acknowledging that the landholding is free of the ownership or full cost pricing limitation of Federal reclamation law. Such certificate shall be in a form suitable for entry in the land records of the county in which such landholding is located.

(2) Any certificate issued by the Secretary prior to October 12, 1982, acknowledging that the landholding is free of the acreage limitation of Federal reclamation law is hereby ratified.

**(c) Lump sum or accelerated repayment of construction costs**

Nothing in this subchapter shall be construed as authorizing or permitting lump sum or accelerated repayment of construction costs, except in the case of a repayment contract which is in effect upon October 12, 1982, and which provides for such lump sum or accelerated repayment by an individual or district.

(Pub. L. 97-293, title II, §213, Oct. 12, 1982, 96 Stat. 1269.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in subsecs. (a) and (b), is defined in section 390aa of this title.

**§ 390nn. Trusts**

(a) The ownership and full cost pricing limitations of this subchapter and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the lands served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this subchapter.

(b) Lands placed in a revocable trust shall be attributable to the grantor if—

(1) the trust is revocable at the discretion of the grantor and revocation results in the title

to such lands reverting either directly or indirectly to the grantor; or

(2) the trust is revoked or terminated by its terms upon the expiration of a specified period of time and the revocation or termination results in the title to such lands reverting either directly or indirectly to the grantor.

(Pub. L. 97-293, title II, §214, Oct. 12, 1982, 96 Stat. 1270; Pub. L. 100-203, title V, §5302(b), Dec. 22, 1987, 101 Stat. 1330-269.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

## AMENDMENTS

1987—Pub. L. 100-203 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 390oo. Temporary supplies of water****(a) Limitations inapplicable**

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which receive only a temporary, not to exceed one year, supply of water made possible as a result of—

(1) an unusually large water supply not otherwise storable for project purposes; or

(2) infrequent and otherwise unmanaged flood flows of short duration.

**(b) Waiver of payment for temporary water supplies**

The Secretary shall have the authority to waive payments for a supply of water described in subsection (a) of this section.

(Pub. L. 97-293, title II, §215, Oct. 12, 1982, 96 Stat. 1270.)

## REFERENCES IN TEXT

Federal reclamation law, referred to in subsec. (a), is defined in section 390aa of this title.

**§ 390pp. Involuntary foreclosure**

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands when the lands are acquired by involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), by inheritance, or by devise: *Provided*, That such lands were eligible to receive irrigation water prior to such transfer of title or the mortgaged lands became ineligible to receive water after the mortgage is recorded but before it is acquired by involuntary foreclosure or similar involuntary process of law or by bona fide conveyance in satisfaction of mortgage: *Provided further*, That if, after acquisition, such lands are not qualified under Federal reclamation law, including this subchapter, they shall be furnished temporarily with an irrigation water supply for a period not exceeding five years from the effective date of such an acquisition, delivery of irrigation water thereafter ceasing until the transfer thereof to a landowner qualified under such laws: *Provided further*, That

the provisions of section 390ee of this title shall be applicable separately to each acquisition under this section if the lands are otherwise subject to the provisions of section 390ee of this title.

(Pub. L. 97-293, title II, §216, Oct. 12, 1982, 96 Stat. 1270.)

#### REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

#### § 390qq. Isolated tracts

Neither the ownership limitations of this subchapter nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which are isolated tracts found by the Secretary to be economically farmable only if they are included in a larger farming operation but which may, as a result of their inclusion in that operation, cause it to exceed such ownership limitations.

(Pub. L. 97-293, title II, §217, Oct. 12, 1982, 96 Stat. 1270.)

#### REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

#### § 390rr. Central Arizona Project

Lands receiving irrigation water pursuant to a contract with the Secretary as authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521 et seq.) which are placed under recordable contract shall be eligible to receive irrigation water upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to October 12, 1982, for a period of time not to exceed ten years from the date such lands are capable of being served with irrigation water, as determined by the Secretary.

(Pub. L. 97-293, title II, §218, Oct. 12, 1982, 96 Stat. 1271.)

#### REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, as amended. Title III of the Colorado River Basin Project Act is classified generally to subchapter III (§1521 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

#### § 390ss. Religious or charitable organizations

An individual religious or charitable entity or organization (including but not limited to a congregation, parish, school, ward, or chapter) which is exempt from taxation under section 501 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 501), and which owns, operates, or leases any lands within a district shall be treated as an individual under the provisions of this subchapter regardless of such entity or organization's affiliation with a central organization or its subjugation to a hierarchical authority of the same faith and regardless of whether or not the individual entity is the owner of record if—

(1) the agricultural produce and the proceeds of sales of such produce are directly used only for charitable purposes;

(2) said land is operated by said individual religious or charitable entity or organization (or subdivisions thereof); and

(3) no part of the net earnings of such religious or charitable entity or organization (or subdivision thereof) shall inure to the benefit of any private shareholder or individual.

(Pub. L. 97-293, title II, §219, Oct. 12, 1982, 96 Stat. 1271; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

#### AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

#### § 390tt. Contract required

Irrigation water temporarily made available from reclamation facilities in excess of ordinary quantities not otherwise storable for project purposes or at times when such irrigation water would not have been available without the operations of those facilities, may be used for irrigation, municipal, or industrial purposes only to the extent covered by a contract requiring payment for the use of such irrigation water, executed in accordance with the Reclamation Project Act of 1939 [43 U.S.C. 485 et seq.], or other applicable provisions of Federal reclamation law.

(Pub. L. 97-293, title II, §220, Oct. 12, 1982, 96 Stat. 1271.)

#### REFERENCES IN TEXT

The Reclamation Project Act of 1939, referred to in text, is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, as amended, which is classified principally to subchapter X (§485 et seq.) of this chapter. For complete classification of this Act to the Code, see section 485k of this title and Tables.

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

#### § 390uu. Waiver of sovereign immunity

Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances. Any suit pursuant to this section may be brought in any United States district court in the State in which the land involved is situated.

(Pub. L. 97-293, title II, §221, Oct. 12, 1982, 96 Stat. 1271.)

#### REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.