

**GENERAL RECLAMATION CIRCULAR,
APPROVED MAY 18, 1916; LAWS AND
REGULATIONS RELATING TO THE
RECLAMATION OF ARID LANDS BY
THE UNITED STATES**

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UNITED STATES DEPARTMENT OF THE INTERIOR

**GENERAL RECLAMATION CIRCULAR,
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U.S. DEPARTMENT OF THE INTERIOR

GENERAL RECLAMATION CIRCULAR

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LAWS AND REGULATIONS
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BY THE UNITED STATES



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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that such records are not only required by law but also serve as a critical tool for monitoring performance and ensuring that resources are used efficiently and effectively.

2. The second part of the document addresses the challenges associated with implementing robust record-keeping systems. It highlights that many organizations face significant obstacles, such as limited budgets, outdated technology, and a lack of trained personnel. These challenges can hinder the ability to collect, store, and retrieve data in a timely and accurate manner. The text suggests that overcoming these barriers requires a combination of strategic planning, investment in modern infrastructure, and ongoing training and development for staff.

3. The third part of the document focuses on the role of technology in enhancing record-keeping practices. It discusses how digital tools and software solutions can streamline processes, reduce errors, and improve the overall quality of data. The text notes that cloud-based storage and data management systems offer significant advantages, including scalability, security, and ease of access. However, it also cautions that the adoption of new technologies must be accompanied by thorough risk assessments and the implementation of strong cybersecurity measures to protect sensitive information.

4. The fourth part of the document explores the importance of data security and privacy in the context of record-keeping. It emphasizes that organizations have a legal and ethical obligation to protect the personal and confidential information they collect and store. The text discusses various security protocols, such as encryption, access controls, and regular security audits, that are necessary to ensure the integrity and confidentiality of data. It also notes that compliance with data protection regulations, such as the General Data Protection Regulation (GDPR), is a key requirement for many organizations.

5. The fifth part of the document discusses the benefits of effective record-keeping for decision-making and strategic planning. It notes that well-maintained records provide a wealth of valuable data that can be analyzed to identify trends, patterns, and areas for improvement. The text suggests that organizations that invest in high-quality record-keeping systems are better positioned to make data-driven decisions, optimize their operations, and achieve their long-term goals. It also highlights that accurate records are essential for legal and regulatory compliance, as well as for responding to audits and inquiries.

6. The sixth part of the document concludes by reiterating the importance of record-keeping and providing a call to action. It encourages organizations to take a proactive approach to record management, to identify and address any existing gaps or weaknesses, and to commit to ongoing improvement. The text emphasizes that record-keeping is not a one-time task but a continuous process that requires attention and resources over time. It concludes by stating that a strong record-keeping system is a cornerstone of a successful and transparent organization.

LAWS AND REGULATIONS

RELATING TO THE RECLAMATION OF ARID LANDS BY THE UNITED STATES.

REGULATIONS.

This circular contains only the laws specifically applying to reclamation homestead entries and water-right applications and regulations thereunder, but does not contain the general homestead laws, most of which also apply to reclamation homestead entries.

GENERAL INFORMATION.

1. Section 3 of the act of June 17, 1902 (32 Stat., 388), provides for the withdrawal of lands from all disposition other than that provided for by said act. Lands withdrawn as susceptible of irrigation (usually referred to as withdrawn under the second form) are subject to entry under the provisions of the homestead law only, and since the passage of the act of June 25, 1910 (36 Stat., 835), are open to settlement or entry only when approved farm-unit plats have been filed and water is ready to be delivered to the land in said farm units or some part thereof and such fact has been announced by the Secretary of the Interior, except as provided by the act of February 18, 1911 (36 Stat., 917), as amended by section 10 of the act of August 13, 1914 (38 Stat., 686). Where settlements had been effected in good faith prior to June 25, 1910, on lands embraced within second-form withdrawals, persons showing such settlement are entitled to complete entry in the manner and within the time provided by law. The reclamation act of June 17, 1902, and acts amendatory thereof or supplementary thereto are hereinafter referred to generally as the reclamation law.

2. Under the provisions of the act of February 18, 1911 (36 Stat., 917), as amended by section 10 of the act of August 13, 1914 (38 Stat., 686), the prohibition contained in section 5 of the act of Congress approved June 25, 1910, forbidding settlement on or entry of lands reserved for irrigation purposes prior to the approval of farm-unit plats and the announcement of the fact that water is ready to be delivered to the land, is set aside as to lands included in entries made prior to June 25, 1910, where such entries have been or may be relinquished in whole or in part.

3. Settlement and entry of such lands will be allowed subject to the provisions of the homestead law and the reclamation law in the same manner as for other lands subject to entry within reclamation projects except that the certificate of the project manager that water-right application has been made and charges deposited, which must be filed in the ordinary case, is not required. (See par. 5.) The

lands must have been covered by a valid entry prior to June 25, 1910, and shall only be subject to entry under the provisions of the present act in cases where a relinquishment of the former entry has been or shall be filed. Registers and receivers in their action on applications to make homestead entry under the provisions of this act will be governed by the records of their office and will note on all entries allowed hereunder the homestead number and date of the relinquished entry and the fact that the new entry is allowed subject to the provisions of section 10 of the act of August 13, 1914 (38 Stat., 686).

4. Entries are permitted under the act of February 18, 1911, as amended by section 10 of the act of August 13, 1914, upon the relinquishment of an entry made prior to June 25, 1910, and the right to enter such land is not limited to one or more entries or entrymen. (*Lena Hektner*, 42 L. D., 462.) This act has no application where the cancellation of the entry made prior to June 25, 1910, was the result of a contest or of a relinquishment resulting from the same. (*Fred V. Hook*, 41 L. D., 67.) The act is also inapplicable in the case of lands withdrawn under the first form and has reference only to lands covered by second-form withdrawals. (*Annie G. Parker*, 40 L. D., 406.)

5. Homestead entries of lands platted to farm units and covered by public notice are made practically in the same manner as the ordinary homestead entry, and registers and receivers will allow homestead applications for such lands, if found regular, and accompanied by a certificate of the project manager showing that water-right application has been filed and the proper water-right charges deposited. No application to make homestead entry of lands within a reclamation project and covered by public notice will be received unless accompanied by such certificate of the project manager. Where under the reclamation law lands within the reclamation project are subject to entry notwithstanding public notice covering said lands has not yet issued, such certificate of the project manager is not required, and in such cases the application, if otherwise regular, will be received and entry allowed. The register and receiver will immediately notify the project manager of each entry allowed, stating whether the entry was allowed with or without the certificate of the project manager above referred to.

6. Registers and receivers will indorse across the face of each homestead application, when allowed under the reclamation act, the following: "This entry allowed subject to the provisions of the act of June 17, 1902 (32 Stat., 388)," and will advise each entryman of the provisions of the act by furnishing him with a copy of this circular.

7. These entries are not subject to the commutation provisions of the homestead law, and on the determination by the Secretary of the Interior that the proposed irrigation project is practicable, the entries hitherto made and not conforming to an established farm unit may be reduced in area to the limit representing the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question, and the lands within a project are platted to farm units representing such areas.

SUBDIVISION OF FARM UNITS.

8. An entry may be made of part of an established farm unit, (a) when the remaining portion of said unit is also desired for entry simultaneously by another person and is, in the judgment of the project manager, sufficient, if carefully managed, to return to the reclamation fund the charges apportioned to the irrigable area thereof, or (b) can be advantageously included as part of an established farm unit, or (c) can in combination with existing farm units be advantageously replatted into new farm units, each sufficient, if carefully managed, to support a family and return to the reclamation fund the charges apportioned to the irrigable area of the several new farm units.

9. Where it is desired to make entry of part only of a farm unit, an application for the amendment and subdivision of such unit should be filed with the project manager. If such subdivision is rectangular and survey is not required to determine the division of the irrigable area of the farm unit as proposed to be divided, no charge will be made. If a survey shall be found necessary to determine the boundaries of the subdivision of any such farm unit or the division of the irrigable area, the project manager will proceed as directed in paragraph 38 of this circular. Upon such application being filed, the project manager will either approve or disapprove the same, and if approved, proceed as directed in paragraph 39 of this circular.

10. The farm units may be as small as 10 acres where the lands are suitable for fruit raising, etc., but on most projects so far they have been fixed at from 40 to 80 acres each. These areas are announced on farm-unit plats, and public notice stating the amount of the charges and other details concerning payment is issued by the Secretary of the Interior. Until this public notice is issued it will be impossible in most respects to give definite information as to any particular tract or as to the details intended to be covered by such notice; but registers and receivers will, upon inquiry, give all general information relative to the public lands included in reclamation projects and will keep the project managers of the Reclamation Service fully informed by correspondence as to conditions affecting the same.

WITHDRAWALS AND RESTORATIONS.

11. The withdrawal of these lands at first is principally for the purpose of making surveys and irrigation investigations in order to determine the feasibility of the plans of irrigation and reclamation proposed. Only a portion of the lands will be irrigated, even if the project is feasible, but it will be impossible to decide in advance of careful examination what lands may be watered, if any, and the mere fact that surveys are in progress is no indication whatever that the works will be built. It can not be determined how much water there may be available or what lands can be covered or whether the cost will be too great to justify the undertaking until the surveys and the irrigation investigations have been completed.

12. There are two classes of withdrawals authorized by the act—one commonly known as "withdrawals under the first form," which

embraces lands that may possibly be needed in the construction and maintenance of irrigation works, and the other, commonly known as "withdrawals under the second form," which embraces lands not supposed to be needed in the actual construction and maintenance of irrigation works, but which may possibly be irrigated from such works.

13. After lands have been withdrawn under the first form they can not be entered, selected, or located in any manner so long as they remain so withdrawn, and all applications for such entries, selections, or locations should be rejected and denied, regardless of whether they were presented before or after the date of such withdrawal. (See John J. Maney, 35 L. D., 250.) Any withdrawal otherwise valid shall not be affected by failure to note same on tract book or otherwise follow usual procedure. (42 L. D., 318.) Lands can not be examined at the instance of individuals prior to the completion of construction to determine whether particular lands will be irrigable. (42 L. D., 8.)

14. In the event any lands embraced in any unapproved or uncertified selection are needed in the construction and maintenance of any irrigation works (other than for right of way for ditches or canals reserved under act of Aug. 30, 1890, 26 Stat., 391) under the reclamation law, the Government may cancel such selection and appropriate the lands embraced therein to such use.

15. Where there are any improvements erected on such lands in good faith, payment therefor will be made upon agreement of the owner with the representative of the Government as to the value of the improvements. Where the owner of the improvements and the representative of the Government fail to agree as to the amount to be paid therefor, the same shall be acquired by condemnation proceedings under judicial process, as provided by section 7 of the reclamation act.

16. Lands withdrawn under the second form and becoming subject to entry in the manner provided by section 10 of the act of August 13, 1914, can be entered only under the homestead laws and subject to the provisions, limitations, charges, terms, and conditions of the reclamation law, and all applications to make selections, locations, or entries of any other kind on such lands should be rejected, regardless of whether they are presented before or after the lands are withdrawn, except that where settlement rights were acquired prior to the withdrawal and have been diligently prosecuted and the homestead law complied with, the settler will be entitled to make and complete his entry subject to all the charges, terms, conditions, limitations, and provisions of the reclamation law. (See Sarah E. Allen, 44 L. D., 331.) No person will be permitted to gain or exercise any right whatever under any settlement or occupation begun after withdrawal of the land from settlement and entry until the land becomes subject to settlement and entry under the provisions of the acts of June 25, 1910, February 18, 1911, and section 10 of the act of August 13, 1914, or is restored to the public domain.

17. Withdrawals made under either of these forms do not defeat or adversely affect any valid entry, location, or selection which segregated and withheld the lands embraced therein from other forms of appropriation at the date of such withdrawal; and all

entries, selections, or locations of that character should be permitted to proceed to patent or certification upon due proof of compliance with the law in the same manner and to the same extent to which they would have proceeded had such withdrawal not been made. All lands, however, taken up under any of the land laws of the United States subsequent to October 2, 1888, are subject to right of way for ditches or canals constructed by authority of the United States (act of Aug. 30, 1890, 26 Stat., 391; circular approved by department July 25, 1903). All entries made upon the lands referred to are subject to the following proviso of the act cited:

That in all patents for lands hereafter taken up under any of the land laws of the United States, or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

18. Should a homestead entry embrace land that is needed in whole or in part for purposes contemplated by said proviso in the act of August 30, 1890, the land would be taken for such purpose, and the entryman would have no claim against the United States for the same.

19. All withdrawals become effective on the date upon which they are ordered by the Secretary of the Interior, and all orders for restorations on the date they are received in the local land office unless otherwise specified in the order. (George B. Pratt et al., 38 L. D., 146.)

20. Upon the cancellation of an entry covering lands embraced within a withdrawal under the reclamation act such withdrawal becomes effective as to such lands without further order. (See Cornelius J. MacNamara, 33 L. D., 520.) Such lands under first-form withdrawal can not, therefore, so long as they remain so withdrawn, be entered or otherwise appropriated, either by a successful contestant or any other person.

21. Where the Secretary of the Interior by the approval of farm-unit plats has determined, or may determine, that the lands designated thereon are irrigable, the filing of such plats in the General Land Office and in the local land offices is to be regarded as equivalent to an order withdrawing such lands under the second form, and as an order changing to the second form any withdrawals of the first form then effective as to any such tracts. This applies to all areas shown on the farm-unit plats as subject to entry under the provisions of the reclamation law or as subject to the filing of water-right applications, and to all farm units to which the Secretary has announced that water is ready to be delivered. Upon receipt of such plats appropriate notations of the change of form of withdrawal are to be made in accordance therewith upon the records of the General Land Office and of the local land offices.

22. Inasmuch as every entry made under the reclamation law is subject to conformation to an established farm unit, improvements placed upon the different subdivisions by the entryman prior to such conformation are at his risk. (Jerome M. Higman, 37 L. D., 718.) They should be confined to one legal subdivision until the entry is conformed. In readjusting such an entry the Secretary is not required to confine the farm unit to the limits of the entry, but may combine any legal subdivision thereof with a contiguous tract lying