

§ 428.8

you did not submit RRA forms as required by this part, we will assess administrative costs against the district as specified in § 426.20(e) of this chapter. We will determine these costs in the same manner used to determine costs for landholders under §§ 426.20(a)(1) through (3) of this chapter.

§ 428.8 What can happen if a farm operator makes false statements on the required forms.

If you make a false statement on the required RRA form(s), Reclamation can prosecute you under the following statement:

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction. False statements by the farm operator will also result in loss of eligibility. Eligibility can only be regained upon the approval of the Commissioner.

§ 428.9 Farm operators who are former owners of excess land.

(a) Land held in trust or by a legal entity may not receive irrigation water if:

- (1) You owned the land when the land was excess, whether or not under recordable contract;
- (2) You sold or transferred the land at a price approved by Reclamation; and
- (3) You are the direct or indirect farm operator of that land.

(b) This section does not apply if:

- (1) The formerly excess land becomes exempt from the acreage limitations of Federal reclamation law; or
- (2) The full-cost rate is paid for any irrigation water delivered to your formerly excess land that is otherwise eligible to receive irrigation water. If you are a part owner of a legal entity that is the direct or indirect farm operator of the land in question, then the full-cost rate will apply to the proportional share of the land that reflects your interest in that legal entity.

43 CFR, Subtitle B, Ch. I (10-1-06 Edition)

§ 428.10 Districts' responsibilities concerning certain formerly excess land.

Districts must not make irrigation water available to formerly excess land that meets the criteria under § 428.9(a), unless an exception provided in § 428.9(b) applies.

§ 428.11 Effective date.

(a) All provisions of this part apply on January 1, 2001, except:

(1) For those districts whose 2001 water year commences prior to January 1, 2001, the applicability date of §§ 428.1 through 428.8 is October 1, 2000.

(b) On January 1, 2001, this part applies to all farm operating arrangements between farm operators and trusts or legal entities that:

- (1) Are then in effect; or
- (2) Are initiated on, or after, January 1, 2001.

PART 429—PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Sec.

- 429.1 Purpose.
- 429.2 Definitions.
- 429.3 Establishment of the value of rights-of-use.
- 429.4 Request by other governmental agencies and nonprofit organizations for rights-of-use.
- 429.5 Request by others for assistance.
- 429.6 Applications for rights-of-use.
- 429.7 Terms and conditions of and for the rights-of-use.
- 429.8 Reclamation land-use stipulation.
- 429.9 Hold harmless clause.
- 429.10 Decisions and appeals.
- 429.11 [Reserved]
- 429.12 Applicability.
- 429.13 General restrictions.

AUTHORITY: 43 U.S.C. 373 (32 Stat. 390); 43 U.S.C. 387 (53 Stat. 1196), as amended by 64 Stat. 463, c. 752 (1950); Department of the Interior Manual Part 346, Chapters 1, 2, 3, and 4; 43 U.S.C. 501; Independent Offices Appropriation Act (31 U.S.C. 483a); and Budget Circular A-25, as amended by transmittal memorandums 1 and 2 of Oct. 22, 1963, and April 16, 1974.

SOURCE: 48 FR 56223, Dec. 20, 1983, unless otherwise noted.