

FORM 7-21PE 2005 Instructions

(7-04)

INSTRUCTIONS FOR DECLARATION OF PUBLIC ENTITY'S LANDHOLDINGS (For Certification and Reporting Requirements of the Reclamation Reform Act of 1982)

Bureau of Reclamation

OMB Control No.: 1006-0005

Do not use this form after December 31, 2005

Paperwork Reduction Act

This information is being collected to establish landholder compliance with Federal reclamation law. Response to this request is mandatory in accordance with Public Law 97-293 and 43 CFR 426.18. Public reporting burden for this form is estimated to average 1 hour 6 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Direct comments regarding the burden estimated or any other aspect of these forms to Manager, Reclamation Law and Revenues Management Office, Code D-5200, U.S. Bureau of Reclamation, PO Box 25007, Denver CO 80225.

GENERAL INFORMATION

“General Information About the RRA Forms” (Form 7-21INFO) provides basic instructions on using Reclamation Reform Act of 1982 (RRA) forms. Ask your district office for this form each year to keep current. Refer to the definitions at the end of Form 7-21INFO whenever the meaning of a term is not clear to you. Please note, some terms such as “irrigable land,” “irrigation land,” and “irrigation water” have special definitions when used in these forms which differ from their common meaning. Other terms and corresponding definitions that are specific to the RRA forms are:

- “**Land**” or “**acres**” means irrigable or irrigation land.
- “**You**” means the officer or authorized agent of the public entity who completes this form for the public entity.
- “**We**,” “**us**,” “**our**,” or “**Reclamation**” means the Bureau of Reclamation.
- “**Public entity**” means a Federal, State, county, or city government agency.

Visit www.usbr.gov/rra for more information.

WHO MUST SUBMIT THIS FORM

“Declaration of Public Entity’s Landholdings” (Form 7-21PE) is to be completed annually by Federal, State, county, and city government agencies and any other public entity that holds a total of more than 40 acres westwide.

WHERE TO SUBMIT FORMS

You must submit Form 7-21PE for your public entity to **each district** in which your public entity holds (directly or indirectly owns or leases) land. You must submit the original form to one district and may submit copies to the others if it holds land in more than one district.

WHAT LAND TO INCLUDE

You must declare all of your public entity’s land held westwide that is subject to the acreage limitation provisions. This means you must include all land for which your public entity is responsible on Form 7-21PE. We request that if your public entity leases land to or from another individual or entity, your public entity inform the lessees or lessors of their obligation to certify or report. Failure to certify or report by either the lessee or lessor will jeopardize the land’s eligibility to receive Reclamation irrigation water.

You must provide an accurate legal description or an assessor’s parcel number for each land parcel. Be sure to break down land parcels as far as necessary to ensure accurate identification.

OWNERSHIP THROUGH LEGAL ENTITIES

If your public entity **wholly owns** a legal entity that holds land subject to the acreage limitation provisions, you must:

- (1) Include land held by the wholly owned legal entity in the directly owned or directly leased sections of your Form 7-21PE, as appropriate, AND

- (2) Complete the appropriate block on Form 7-21PE-IND to supplement your Form 7-21PE. A legal entity that is wholly owned by a public entity is treated as a wholly owned subsidiary for acreage limitation purposes, and does not have to submit its own RRA form. However, the acreage limitation provisions will continue to apply to the wholly owned subsidiary.

If your public entity **partially owns** a legal entity that holds land subject to the acreage limitation provisions, you must:

- (1) Include land held by the partially owned legal entity in the directly owned or directly leased sections of your Form 7-21PE, as appropriate, AND
- (2) Complete the appropriate block on Form 7-21PE-IND to supplement your Form 7-21PE. A legal entity that is partially owned by a public entity is treated like any other legal entity for acreage limitation purposes, and must submit its own RRA form (provided the legal entity's westwide landholdings exceeds the applicable RRA forms submittal threshold).

IF LANDHOLDINGS CHANGE

Your public entity must notify all districts in which it holds land within 30 calendar days if your public entity's westwide landholdings change during the water year, and you must submit a new Form 7-21PE within 60 calendar days of the change. These 30- and 60-day grace periods do not apply to a new landholder. A new landholder must submit the appropriate RRA forms **prior** to receiving Reclamation irrigation water.

For more information on landholding changes, see Fact Sheet 11, which is available at your district office.

ANNUAL DECLARATION

Your public entities must submit a Form 7-21PE each and every year prior to the delivery of Reclamation irrigation water to its land, with the following exception: Your public entity may submit a "Verification of Landholdings" (Form 7-21VERIFY) if your public entity's westwide landholdings have not changed since the last Form 7-21PE was submitted.

GENERAL INSTRUCTIONS

Type or print in ink all answers. You must initial and date any crossouts and corrections. You may attach continuation sheets to list information. Preprinted continuation sheets are available for this purpose, or you may make your own.

Please contact your district office or the appropriate Reclamation office if you have any questions.

ITEM BY ITEM INSTRUCTIONS

Public Entity Information

1. (a) Enter your public entity's complete name.
(b) Enter your public entity's Employer Identification Number (EIN). You must obtain one for this form if your public entity does not have an EIN. The Internal Revenue Service requires an EIN for all public entities (government agencies).
2. (a) Enter your public entity's street address or rural route number, city, state, and ZIP code. An attorney's address, "c/o" addresses, etc., is not acceptable in place of a street address. Post office box numbers may be used only if no other address exists.
(b) Enter the public entity's mailing address if it is different from the street address.
3. (a) Enter the telephone number where questions can be directed.
(b) Enter the name of a contact person at that telephone number.

Land Your Public Entity Directly Owns That is Not Operated by or Leased to Another Party or Parties

It is the responsibility of landowners, sellers of land, and districts to notify lessees, buyers of land, and new landholders, respectively, of the RRA forms submittal requirements associated with the land in question.

4. This section requests information regarding land your public entity directly owns westwide that is not operated by or leased to another party. Enter the following for each land parcel. Include land your public entity owns through legal entities. Obtain this information from your public entity's Form 7-21PE-IND.
 - (a) Name of district in which the land parcel is located. Group land parcels by district.
 - (b) Provide an accurate legal description of the land parcel or an assessor's parcel number.
 - (c) Number of acres in the land parcel.

5. Total column 4(c). This is the number of acres your public entity directly owns westwide that are not operated by or leased to another party. Include in this total any directly owned acres listed on attachments that are 100-percent owned by your public entity and not operated by a lessee or other operator.

Land Your Public Entity Directly Owns That is Operated by Lessees or Other Operators

Landholders that lease land to or from other landholders should inform the lessees and lessors of their obligation to also submit RRA forms. If either the lessee or lessor fails to submit RRA forms, the eligibility of the land to receive Reclamation irrigation water will be jeopardized.

6. This section requests information regarding land your public entity directly owns westwide that is operated by lessees or other operators. Include land your public entity owns through legal entities. Obtain this information from your public entity's Form 7-21PE-IND.
- (a) Name of district in which the land parcel is located. Group land parcels by district.
 - (b) Provide an accurate legal description of the land parcel or an assessor's parcel number. For each lessee, sublessee, or operator entered in item 6(d), there is space to list four land parcels (one parcel per line) if all parcels are operated by the same natural person or entity in the same district. You may list more than one parcel per line if all parcels have the same lease information.
 - (c) Indicate if the parcel is operated by a lessee under a lease (lessee) or by an operator under any other type of farm operating arrangement (operator).
 - (d) Name, address, and telephone number of each lessee, sublessee, or other type of operator.
 - (e) Length of the lease (in years) if your public entity leases the land parcel to another natural person or entity. Remember, leases cannot exceed 10 years except with our approval for perennial crops, which are determined on a crop-by-crop basis but cannot exceed 25 years.
 - (f) Effective date of the lease. This is the effective date as specified in the lease. Enter the date the lease was signed if no effective date was specified in the lease.
 - (g) Number of acres in the land parcel.

7. Total column 6(g). This is the number of acres your public entity directly owns westwide that are operated by a lessee or other operator. Include in this total any directly owned acres listed on continuation sheets or attachments that are 100-percent owned by your public entity and operated by a lessee or other operator.

Land Your Public Entity Directly Leases From Another Party

8. Enter your public entity's name again. (These forms are often photocopied, so it is necessary to have your public entity identified on each page.)
9. This section requests information regarding land westwide that your public entity directly leases from another party. Include information about any land your public entity subleases to others here. For each land parcel, enter the following. Include land your public entity leases through legal entities. Obtain this information from your public entity's Form 7-21PE-IND.
- (a) Name of district in which the land parcel is located. Group land parcels by district.
 - (b) Provide an accurate legal description of the land parcel or an assessor's parcel number.
 - (c) Who primarily operates the land: your public entity (self) or an operator other than your public entity (other).
 - (d) Natural person or entity that directly owns the land your public entity leases. Enter the sublessee's name as well as the landowner's name if your public entity subleases the land to another landholder. If your public entity subleases the land from another landholder, enter the sublessor's name and the landowner's name.
 - (e) Length of the lease (in years). Remember, leases cannot exceed 10 years except with our approval for perennial crops, which are determined on a crop-by-crop basis but cannot exceed 25 years.
 - (f) Effective date of the lease. This is the effective date as specified in the lease. Enter the date the lease was signed if no effective date was specified in the lease.
 - (g) Number of acres in the land parcel. Do not list acres that your public entity subleases to others because they are attributed to the sublessee.

10. Total column 9(g). This is the number of acres your public entity directly leases (and subleases) westwide. Include in this total any directly leased (and subleased) acres listed on continuation sheets or attachments.

Information Concerning the Farming of the Land Held by Your Public Entity

Public Law 91-310 provides an exemption from the acreage limitation provisions for public entities that meet certain criteria. Specifically, the land must be farmed primarily in the direct furtherance of a nonrevenue producing function as determined by the Secretary of the Interior. The following two items must be answered by your public entity in order to ensure this provision is fully implemented and enforced.

11. You must provide information on how the land included on this form is utilized (e.g., experimental farms, fish and wildlife enhancement, correctional facility industries, recreation management, etc.) Please be specific as to which activity is associated with which parcels if more than one activity is associated with the parcels included on this form.
 - (a) Indicate whether your public entity owns or leases land through an entity that is wholly or partially owned by your public entity.
 - (b) If you answered "yes" to item 11(a), identify all of your public entity's wholly or partially owned entities. You must also complete an "Attachment Sheet for Form 7-21PE" (Form 7-21PE-IND) for your public entity. If you answered "no" to item 11(a), proceed to item 12.
12. Provide information on the disposition of any revenues derived from farming activities associated with the land included on this form (e.g., placed directly in an account to fund public schools or correctional facilities, directed to the general operating account of the agency, placed in a general operating fund for the local or state government, directed to the U.S. Treasury, etc.). Please be specific as to which disposition is associated with which land parcels if more than one type of disposition is associated with the land parcels included on this form.

Signatures

13. Read the attestation statements carefully and sign and date the form in ink. The statements concerning the reporting of changes in information, written leases, and the terms of such leases are requirements of Federal reclamation law.