



United States Department of the Interior

BUREAU OF RECLAMATION
PO Box 25007
Denver, Colorado 80225-0007

IN REPLY REFER TO:

D-5200
LND-9.00

AUG 15 2003

Subject: Date Requirements Relating to Reclamation Reform Act of 1982 Forms

Dear Ladies and Gentlemen:

The purpose of this letter is to ensure that all districts subject to the acreage limitation provisions of Federal reclamation law are aware of several longstanding date requirements relating to the submittal of Reclamation Reform Act of 1982 (RRA) certification and reporting forms (*hereafter referred to as "RRA forms" or "forms"*).

Information Districts Must Provide

Pursuant to the RRA and the Acreage Limitation Rules and Regulations (Regulations), 43 CFR part 426, a landholder is not eligible to receive Reclamation irrigation water in any water year before the landholder has submitted the required RRA forms(s) to the district(s) in which the landholder holds (directly or indirectly owns or leases) land. In addition, districts must not deliver Reclamation irrigation water to landholders that have not submitted the required RRA forms. Since districts (*not Reclamation*) control the delivery of water, districts must provide Reclamation with the information it needs to determine if these requirements have been met. More specifically, districts must provide the following: (1) the date it received each landholder's RRA form(s) and (2) the date Reclamation irrigation water was first delivered to each landholder during the year in question.

With respect to the first of the above two dates, a section for "district-use only" is located in the upper right-hand corner of most RRA forms. In the second box of that section, districts must enter the date the district received the form in question. Regarding the second date, upon request, districts must provide Reclamation with records indicating the date that Reclamation irrigation water was first delivered to landholders during a given water year.

Consequences of Not Providing the Required Dates

Date RRA Form Received. Except as provided in the following paragraph, if Reclamation finds that a district did not complete the "date received" box on a landholder's RRA form, this will be considered a form submittal violation. Accordingly, Reclamation will assess an administrative fee (*currently \$260*) for each year in which the "date received" box is not completed.

Reclamation will **not** consider failure to complete the "date received" box a form submittal violation and will **not** assess the administrative fee if:

(a) The district provides evidence that it received the RRA form before Reclamation irrigation water was delivered to the landholder in that water year. For example, the district could submit an ongoing log on which it tracks the date each landholder's RRA form(s) was (were) received. Reclamation will review all evidence on a case-by-case basis to determine if it satisfactorily demonstrates that the district received the RRA form before Reclamation irrigation water deliveries were initiated. In no case will Reclamation consider the date a landholder signed an RRA form to be evidence that the district received the form before such water was delivered.

(b) The district completes the "date received" box on a landholder's standard RRA form, but fails to date Form 7-21XS, Designation of Excess Land, or Form 7-21FC, Selection of Full-Cost Land. These two forms are considered supplemental for purposes of districts dating them. Accordingly, Reclamation will not consider failure to complete the "date received" box on these forms to be a form submittal violation or a form error that requires correction by districts.

The enclosure to this letter lists those RRA forms for which district failure to complete the "date received" box is a form submittal violation (Table 1), the forms for which district failure to complete the "date received" box is not a form submittal violation or a form error violation (Table 2), and the forms that do not include a "date received" box (Table 3).

Date Water Deliveries Initiated. If, upon request, a district does not provide Reclamation with water delivery records for individual landholders, Reclamation will assume that such landholders first received Reclamation irrigation water on the date the district first began such deliveries during the year in question. Deferment to the date the district first initiated deliveries will be the case regardless of whether the district completed the "date received" box.

Prospective Application of Consequences

The date requirements addressed in this letter have been longstanding requirements. However, we have become aware that enforcement of these requirements may vary to some extent throughout Reclamation projects. Beginning with January 1, 2004, all Reclamation offices will apply the consequences explained above for noncompliance with these requirements.

Example

The main issues addressed in this letter are illustrated in the following example.

In 2004, District A first began delivering Reclamation irrigation water on March 1. Tom completed and signed his 2004 RRA form on May 1. On May 12 Tom sent a letter and his RRA form to District A. Upon receipt, District A filed the RRA form in Tom's file, but did not complete the "date received" box on the form.

In October, Reclamation notifies District A that failure to complete the "date received" box on Tom's RRA form will be considered a form submittal violation and will be subject to the administrative fee assessment, unless the district can provide evidence to show that it

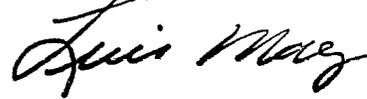
received the RRA form before Reclamation irrigation water was delivered to Tom during that year.

After Reclamation's notification, District A finds a note that the secretary had written (*and signed and dated*) on the back of Tom's May 12 letter. The note read, "Letter and RRA forms received by district on May 15." Reclamation determines that the secretary's note satisfactorily shows the date District A received Tom's RRA form.

At that point, Reclamation requests to see the water delivery records for Tom. However, District A is not able to provide the requested information because it did not maintain water delivery records on an individual basis during the year in question. Therefore, Reclamation considers March 1, the date District A first began delivering Reclamation irrigation water that year, as the date Tom first received such water. Since that date is prior to the date District A received Tom's RRA form (May 15), Reclamation will consider this to be a form submittal violation and assess the \$260 administrative fee.

If you have any questions regarding the information in this letter, please contact the appropriate Reclamation office.

Sincerely,



Luis Maez, Manager
Reclamation Law and Revenues
Management Office

Enclosure

**COMPLETION OF THE "DATE RECEIVED BOX"
ON RECLAMATION REFORM ACT OF 1982
CERTIFICATION AND REPORTING FORMS**

Generally, failure to complete the "date received" box on the Reclamation Reform Act of 1982 (RRA) certification and reporting forms listed in Table 1 below is considered a form submittal violation that is subject to the administrative fee assessment.

TABLE 1 – Forms For Which Failure To Complete The "Date Received" Box Is A Form Submittal Violation	
Number	Name
7-2180	Certification of Individual's Landholdings
7-2180EZ	"EZ" Certification of Individual's Landholdings
7-2181	Certification of Entity's Landholdings
7-2184	Certification of Religious or Charitable Organization's Landholdings
7-2190	Report of Individual's Landholdings
7-2190EZ	"EZ" Report of Individual's Landholdings
7-2191	Report of Entity's Landholdings
7-2194	Report of Religious or Charitable Organization's Landholdings
7-21PE	Declaration of Public Entity's Landholdings
7-21TRUST	Declaration of Trust's or Estate's Landholdings
7-21FARMOP	Declaration of Farm Operator Information
7-21VERIFY	Verification of Landholdings

Failure to complete the "date received" box on the RRA certification and reporting forms listed in Table 2 below is **not** considered a form submittal violation or a form error violation.

TABLE 2 - Forms For Which Failure To Complete The "Date Received" Box Is NOT A Form Submittal Violation or a Form Error Violation	
Number	Name
7-21XS	Designation of Excess Land
7-21FC	Selection of Full-Cost Land

The RRA forms listed in Table 3 below do not include a "Date Received" Box

TABLE 3 - Forms That Do Not Include A "Date Received" Box	
Number	Name
7-21CONT-O	Continuation Sheet for Directly Owned Land
7-21CONT-L	Continuation Sheet for Directly Leased Land
7-21CONT-I	Continuation Sheet for Indirectly Held Land
7-21XSINAQ	Attachment Sheet for Form 7-21XS
7-21PE-IND	Attachment Sheet for Form 7-21PE