

# FORM 7-21INFO 2010 Instructions

(7-09)

## GENERAL INFORMATION ABOUT THE RRA FORMS

Bureau of Reclamation  
Do not use this form after December 31, 2010

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### GENERAL INFORMATION

You will find definitions of words used in all RRA forms at the end of this “General Information About the RRA Forms” (Form 7-21INFO). It is important that you refer to these definitions because many words have special meanings when used in these forms that differ from their common meanings.

Examples of words with special definitions are “landholder,” “direct” and “indirect” (when used in conjunction with owning, leasing, or holding land), and “irrigation land” and “irrigable land.” Other terms and corresponding definitions that are specific to the RRA forms are:

- **“Land”** or **“acres”** means irrigable and/or irrigation land.
- **“You”** or **“your”** means all types of landholders -- individuals, entities, religious or charitable organizations, public entities, etc.
- **“We,” “us,” “our,”** or **“Reclamation”** means the Bureau of Reclamation.

In addition, these instructions address the following subjects:

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Visit [www.usbr.gov/rra](http://www.usbr.gov/rra) for more information.

### FACT SHEETS

We have developed FACT SHEETS that will provide you with additional information. These FACT SHEETS are available at your district office, the appropriate Reclamation office, and at [www.usbr.gov/rra](http://www.usbr.gov/rra).

<u>FACT SHEET</u>	<u>TITLE</u>
1	RRA Forms - Who, Where, When, and What
2	How to Determine Your Status Under Reclamation Law
3	How to Become Subject to the Discretionary Provisions
4	What Are My Entitlements as a Qualified Recipient?
5	What Forms Are Required for a Qualified Recipient?
6	What Are My Entitlements as a Limited Recipient?
7	What Forms Are Required for a Limited Recipient?
8	What Are My Entitlements as a Prior Law Recipient?
9	What Forms Are Required for a Prior Law Recipient?
10	Signature Requirements for RRA Forms
11	What Constitutes a Landholding Change?
12	Trusts and Estates and the RRA
13	Involuntary Acquisitions and the RRA
14	How to Appeal Final RRA Determinations

### WHO MUST SUBMIT RRA FORMS

You must submit RRA forms if you are a landholder (including but not limited to individuals, entities, trusts, estates, public entities, and religious or charitable organizations) and you hold (directly or indirectly own or lease) land that is subject to the acreage limitation provisions of Federal reclamation law (including but not limited to the Reclamation Reform Act of 1982 [RRA]), unless you meet one of the following three exceptions:

- (1) The amount of land you hold westwide is equal to or less than your district’s RRA forms submittal threshold. The RRA forms submittal thresholds are determined by each landholder’s acreage limitation status and each district’s RRA forms submittal category. Table 1 lists the RRA forms submittal thresholds. You should contact each district in which you hold land to determine each district’s forms submittal category if you are a qualified recipient. A district’s RRA forms submittal category is subject to change annually.
- (2) You are exempt from the acreage limitation provisions by statute or by action of the Secretary of the Interior.
- (3) Your landholdings are in districts that are obligated to the United States only by a Small Reclamation Projects Act or Water Conservation and Utilization Act contract, or your landholdings are in districts that receive water from a Corps of Engineers project that is exempt from the acreage limitation provisions.

Generally, you must also submit RRA forms if you are a farm operator providing services to trusts or legal entities. The RRA forms submittal threshold for farm operators and other important information for farm operators are specified in the instructions for the “Declaration of Farm Operator Information” (Form 7-21FARMOP).

**TABLE 1.—RRA forms submittal thresholds.**

Landholder Status	District Forms Submittal Category 1	District Forms Submittal Category 2
Qualified	240 acres	80 acres
Limited recipient	40 acres	40 acres
Prior law	40 acres	40 acres
Public entities	40 acres	40 acres
Trusts and estates	Please see the instructions for the “Declaration of Trust’s or Estate’s Landholdings” (Form 7-21TRUST)	
Farm operator	Please see the instructions for the “Declaration of Farm Operator Information” (Form 7-21FARMOP)	

**Example:**

Farmer A is a prior law recipient and holds a total of 40.0 acres of land westwide. Since Farmer A does not hold more than the RRA forms submittal threshold for a prior law recipient (40 acres), Farmer A does not have to submit RRA forms to be eligible to receive Reclamation irrigation water. If Farmer A held 40.1 acres (directly or indirectly owned or leased), he would have to submit RRA forms in order to be eligible to receive such water.

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.

In situations where a parent(s) or legal guardian(s) of a minor child or ward wants us to consider the minor as being nondependent for acreage limitation purposes, they must submit to us a “Parental Oath Affirmation Regarding Nondependent Status of a Minor.” If the landholdings of the nondependent minor exceed the RRA forms submittal threshold of the district(s) in which they hold land then they must submit their own RRA form(s) to each district in which they hold land.

**ELIGIBILITY TO RECEIVE WATER**

Your land is not eligible to receive Reclamation irrigation water if the required RRA forms have not been submitted. You will jeopardize the continued delivery of Reclamation irrigation water if you fail to submit RRA forms. However, the completion of RRA forms does not guarantee the land’s eligibility for water. For example, excess land that has not been placed under recordable contract and land acquired from excess status without our price approval is generally ineligible for Reclamation irrigation water deliveries. 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.

**WHICH FORMS TO SUBMIT**

Different forms are required for different types of landholders. In most cases, the forms landholders must submit depend on whether the landholders are subject to prior law provisions or subject to discretionary provisions. The standard forms that each type of landholder must submit are shown in table 2. A complete list of forms by name and number is shown in table 3. Types of landholders are listed below, along with further information if necessary.

- **Individuals** subject to discretionary provisions.
- **Individuals** subject to prior law provisions.
- **Entities** subject to discretionary provisions (see definitions of “legal entity” and “family”).
- **Entities** subject to prior law provisions (see definitions of “legal entity” and “family”).
- **Religious or charitable organizations** subject to discretionary provisions.
- **Religious or charitable organizations** subject to prior law provisions.
- **Trusts** of all kinds, including revocable trusts where the grantor is the trustee and also the sole beneficiary. The RRA does not specifically limit the amount of land trusts may own that is eligible to receive Reclamation irrigation water or the amount of land trusts may hold and irrigate at nonfull-cost rates. However, trusts may be limited if the parties attributed with the land held in trust exceed their entitlements.

Please note that all parties attributed with the land held in trust must also submit their own RRA forms unless they meet one of the exceptions listed above under “Who Must Submit RRA Forms.” Trust documents are not required to be on file in district offices. However, section 426.7 of the Acreage Limitation Rules and Regulations requires that all trusts be approved; therefore, if your trust has not been approved, the trustee(s) must submit the trust document(s) to the appropriate Reclamation office.

- **Estates** are treated similarly to trusts. See the instructions for “Declaration of Trust’s or Estate’s Landholdings” (Form 7-21TRUST) for further explanation about attributing the estate’s landholding.
- **Public entities** include, but are not limited to, Federal, State, county, and city government agencies and any other public entities. In general, public entities are exempt from acreage limitation provisions if their land is farmed primarily in the direct furtherance of a nonrevenue producing function, but they must submit forms to aid us in determining if they are, in fact, exempt and in identifying any land they lease to other parties.
- **Farm Operators** that (1) provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities or (2) a part owner of a legal entity that is a farm operator that must submit RRA forms and the farm operator is providing services to land that was formerly owned as excess by the part owner and sold or transferred at a price approved by us.

**TABLE 2.**—Types of landholders and appropriate standard forms.

Type of landholder	Standard form
<b>Individuals</b>	
<i>Discretionary Provisions</i>	
Standard form	7-2180
Optional form <sup>1</sup>	7-2180EZ
<i>Prior Law</i>	
Standard form	7-2190
Optional form <sup>2</sup>	7-2190EZ
<b>Entities</b>	
<i>Discretionary Provisions</i>	7-2181
<i>Prior Law</i>	7-2191
<b>Religious or charitable organizations</b>	
<i>Discretionary Provisions</i>	7-2184
<i>Prior Law</i>	7-2194
<b>Trusts or estates</b>	7-21TRUST
<b>Public entities</b>	7-21PE
<b>Farm operators</b>	7-21FARMOP

<sup>1</sup> For landholders that directly hold all irrigable and/or irrigation land in only one district, where the landholdings do not total more than 960 acres, and the land is not held by a dependent.

<sup>2</sup> For landholders that directly hold all irrigable and/or irrigation land in only one district, where the landholdings do not total more than 160 acres [320 acres for husband and wife], and the land is not held by a dependent.

## WHEN AND WHERE TO SUBMIT RRA FORMS

If you are a landholder, you must submit the necessary RRA forms to each district in which you hold land prior to the delivery of Reclamation irrigation water to your land. You must submit the original form to one district and may submit copies to the others if you hold land in more than one district. You must submit RRA forms each and every year you wish to receive Reclamation irrigation water. If you do not receive Reclamation irrigation water in a given year, you do not have to submit an RRA form that year. However, if you wish to receive Reclamation irrigation water in a following year, you must demonstrate that you did not receive water in years when you did not submit forms to your district.

You are required to submit RRA forms **only once** if you are a part owner of an entity, trust<sup>3</sup>, or estate that holds land and if:

- Your westwide landholdings exceed the applicable RRA forms submittal threshold for the district;
- You hold land **only** indirectly through an entity, trust, or estate;
- Neither the number of acres attributed to you nor your percentage of ownership in the entity, trust, or estate changes; **and**
- All other information on the previously submitted form has not changed.

## VERIFICATION FORMS

Once you have submitted a standard form, if your landholdings do not change, you may submit a “Verification of Landholdings” (Form 7-21VERIFY) the next year instead of a standard form.<sup>4</sup> You may also use verification forms if the only change from the last standard form you submitted is that an annual lease (a lease whose original term and any renewal or extension are each for a term of 12 months or less) was extended or renewed or that a farm operator changed.

## USE OF SUBSTITUTE RRA FORMS, COMPUTER-GENERATED PRINTOUTS, OR SCANNED VERSIONS OF THE OFFICIAL RRA FORMS

You may use substitute RRA forms or computer-generated printouts as attachments to the official RRA forms only after

<sup>3</sup> Annual RRA forms are required for trusts that include a class of beneficiaries; specifically, an annual Form 7-21TRUST for the trust **and** an annual appropriate standard form for each beneficiary.

<sup>4</sup> Farm operators cannot use Form 7-21VERIFY to meet any applicable RRA forms submittal requirements. This includes part owners of farm operators who meet the criteria to submit RRA forms.

they have been reviewed and approved by us. The following forms are the only exceptions:

- “Continuation Sheet for Indirectly Held Landholdings” (Form 7-21CONT-I)
- “Continuation Sheet for Directly Leased Landholdings” (Form 7-21CONT-L)
- “Continuation Sheet for Directly Owned Landholdings” (Form 7-21CONT-O)
- “Attachment Sheet for Form 7-21XS” (Form 7-21XSINAQ)

These forms do not require prior approval because you are presently able to use your own similar form in place of Forms 7-21CONT-I, 7-21CONT-L, 7-21CONT-O, and 7-21XSINAQ.

If a landholder or district office uses an unapproved substitute form or computer-generated printout as an attachment to an official RRA form to meet their RRA certification or reporting requirements, we will determine them to be in noncompliance with the RRA and they will be required to recreate the information on an official RRA form. Even though landholders and district offices are not required to seek our review and approval of scanned versions of the official RRA forms, the user of such a form will be held responsible for the correctness and legibility of the text on a scanned RRA form.

## USING ATTACHMENTS

You may attach your own continuation sheets or use the preprinted continuation sheets supplied by us if you do not have enough space on a form. Please contact your district office to obtain the preprinted continuation sheets; these are listed by name and number in the section above and in table 3.

You may also prepare your own continuation sheet to list your landholdings. The sheet may be handwritten, typed, or computerized as long as it includes the required information in a format similar to the preprinted form. However, you cannot submit a continuation sheet without a standard or verification form.

## EXCESS LAND

Only direct landowners can designate land as excess. If you own land in excess of your ownership entitlement, you must designate your excess land using a “Designation of Excess Land” (Form 7-21XS). You should use Form 7-21XS to designate your excess land, whether you are an individual, entity, trust, estate, etc. Although trusts or estates do not have a specific limitation on the amount of land they can own, they must designate excess land on Form 7-21XS if any party attributed with the land held in trust or estate exceeds his or her ownership entitlement and his or her excess land is land owned by the trust or estate.

You must also designate land on your own Form 7-21XS if you indirectly own land designated as excess by an entity, trust, or estate, and if you exceed your ownership entitlement. You do not have to submit Form 7-21XS if you are only an indirect landholder and you do not exceed your ownership entitlement, even if excess land is attributed to you by an entity, trust, or estate.

If you purchase land that is designated as excess by the seller without our sales price approval you must designate that land as excess on Form 7-21XS even if you do not exceed your ownership entitlement. If you exceed your westwide ownership entitlements and do not submit Form 7-21XS to designate your excess acres, then we will determine all land held by you to be ineligible to receive Reclamation irrigation water until the appropriate excess designation is made. It is the direct landowner’s responsibility to notify potential buyers of excess land of the actions needed to make the land eligible to receive Reclamation irrigation water.

## FULL-COST LAND

If you have received Reclamation irrigation water on your maximum nonfull-cost entitlement in a given water year, you must pay the full-cost rate for Reclamation irrigation water deliveries to any additional eligible land. If you hold more land than your nonfull-cost entitlements, you must select which land is to be considered full-cost and which is nonfull-cost through the submittal of a “Selection of Full-Cost Land” (Form 7-21FC). Only direct landholders can select land as full-cost. Although trusts and estates do not have a specific limitation on the amount of land they hold that can receive Reclamation irrigation water at nonfull-cost rates, they must select land as full cost on Form 7-21FC if any party attributed with land held in trust or estate exceeds his or her nonfull-cost entitlement and his or her full-cost land is land held by the trust or estate.

You must also select land on your own Form 7-21FC if you indirectly hold land selected as full-cost land by an entity, trust, or estate, and if you exceed your nonfull-cost entitlement. You do not have to submit Form 7-21FC if you are only an indirect landholder and you do not exceed your nonfull-cost entitlement, even if full-cost land is attributed to you by an entity, trust, or estate.

## CLASS 1 EQUIVALENCY

For those districts that have class 1 equivalency factors, please refer to the separate instructions for Forms 7-21FC and 7-21XS for more information on how to utilize class 1 equivalency factors.

## WHO MUST SIGN THE RRA FORMS AND SIGNATURE AUTHORIZATION FORMS

The instructions to each form identify who must sign that specific form. For instance, if you are married and you are submitting Form 7-2180, both you and your spouse must sign the form, even if the land is not jointly held. However, a written signature authorization form may be submitted to

permit one spouse to sign for the couple. A partnership, joint tenancy, or tenancy-in-common may also submit a written signature authorization to allow one individual to sign the RRA forms for the partnership, tenancy, or tenancy-in-common. A written signature authorization cannot be used retroactively, must pre-date the signature to which it pertains on the applicable RRA form(s), and must be filed with each district where RRA forms are submitted. All trustees, administrators, or executors must sign the form unless the trust or a power-of-attorney authorizes one individual to sign the RRA forms for the trust or estate.

## MAKING AN IRREVOCABLE ELECTION

You must submit the necessary certification form(s) to your district office with an irrevocable election form in order to become subject to the discretionary provisions. If you hold land in more than one district, you must also submit copies of the irrevocable election form and certification form(s) to the appropriate district(s) at the same time. You will be eligible for a higher RRA forms submittal threshold if you make an irrevocable election and you are determined to be a qualified recipient.

An irrevocable election binds **only** the elector. An irrevocable election by a legal entity does not make the entity's stockholders, part owners, or beneficiaries subject to the discretionary provisions. Similarly, an irrevocable election by a stockholder, part owner, or beneficiary does not make the entity subject to the discretionary provisions. However, if an entity is **wholly owned by a single family**, the family members may elect for themselves and their wholly owned entity by completing the irrevocable election form as instructed on the irrevocable election form. Such an action will be binding on both the entity and the family. If an entity makes an irrevocable election and a stockholder, part owner, or beneficiary would also like to become subject to the discretionary provisions, that stockholder, part owner, or beneficiary must also make an irrevocable election. Separate irrevocable elections must be completed by all part owners and entities unless an entity is wholly owned by a single family.

You can choose to remain or become subject to prior law provisions if you **only** hold land indirectly in a district that has conformed to the discretionary provisions. This assumes that you:

- (1) Hold no land directly,
- (2) Have not made an irrevocable election to conform to the discretionary provisions, and
- (3) Have not made an irrevocable election by simply submitting a certification form to any district.

As with any irrevocable election, an election made by submitting a certification form is binding in **all** districts in which such an elector holds land, including districts under the prior law provisions (43 CFR 426.3). You must submit a

copy of the certification form to all districts in which you hold land subject to the acreage limitation provisions. (See the paragraph below titled "Nonresident Aliens and Foreign Entities" for special instructions regarding nonresident aliens and foreign entities.)

If you are under the provisions of prior law and you do not submit an RRA form(s), it will be taken as evidence that you have conformed to the discretionary provisions if you:

- (1) Hold land only indirectly in a discretionary provisions district;
- (2) Have westwide landholdings of more than 40 acres, but you do not exceed the applicable RRA forms submittal threshold for a qualified recipient in each district where you hold land; and
- (3) Have not submitted a certification form in the past or made an irrevocable election.

As with all actions to conform to the discretionary provisions, the decision not to submit an RRA form, and therefore conform, will be considered irrevocable and binding in all districts. NOTE: This action does not apply if you are an entity that is owned by or benefits 26 or more natural persons because such a landholder would be a limited recipient with a 40-acre RRA forms submittal threshold under the discretionary provisions. This action also does not apply if you and your spouse, if married, are nonresident aliens.

## NONRESIDENT ALIENS AND FOREIGN ENTITIES

If you are a nonresident alien or foreign entity, you have the applicable prior law entitlements as your base acreage limitation entitlements (ownership and nonfull-cost) for all land held directly and indirectly in prior law districts, and all land held indirectly in discretionary provisions districts. Any land you hold directly in a discretionary provisions district is ineligible to receive Reclamation irrigation water.

If you are a nonresident alien who is a citizen of a country or foreign entity that was established in a country that meets certain criteria, you have the option of conforming to the discretionary provisions to increase your acreage limitation entitlements for land held indirectly in all districts [see 43 CFR 426.8(d)]. By conforming to the discretionary provisions, you or your entity will no longer have the option to hold land directly in prior law districts and have such land be eligible to receive Reclamation irrigation water.

It should be noted that nonresident aliens and foreign entities must submit irrevocable elections to conform to the discretionary provisions. The submittal of only a certification form as an indirect landholder by a nonresident alien or foreign entity will not be acceptable [43 CFR 426.8(d)(3)(i)]. We will not approve an irrevocable election

submitted by a nonresident alien or foreign entity that directly holds land in a prior law district.

For additional information on which countries meet the established criteria and how to conform to the discretionary provisions, please contact your district office or the appropriate Reclamation office.

## **PUBLIC ENTITIES**

On January 1, 2005, Reclamation fully implemented Public Law 91-310 (Act of July 7, 1970) which, among other things, provides that the acreage limitation provisions will not apply to public entity land that is farmed primarily in the direct furtherance of a nonrevenue producing function. Generally, Reclamation will ascertain whether or not a public entity's land meets this revenue criterion and will accordingly apply the proper acreage limitation entitlements. Please contact the appropriate district office for more information.

A public entity must submit a "Declaration of Public Entity's Landholdings" (Form 7-21PE) if that public entity holds more than 40 acres westwide. Land leased from a public entity must be counted against the lessee's ownership entitlement. If your public entity holds land through a wholly-owned or partially owned legal entity and that legal entity holds land subject to the acreage limitation provisions, you must submit Form 7-21PE-IND in addition to Form 7-21PE in order to identify such land. Instructions on the use of Form 7-21PE-IND are located on the reverse side of Form 7-21PE-IND.

## **LEASES**

Leases are not required to be on file in district offices; however, all landholders must make their leases available for inspection upon request by their district office or Reclamation office. The RRA requires that all leases must:

- (1) Be in writing, and
- (2) Have terms that do not exceed 10 years, except with our written approval for perennial crops, which are determined on a crop-by-crop basis but cannot exceed 25 years.

Additional requirements for leases may be found under 43 CFR 426.6(a).

## **IF LANDHOLDINGS CHANGE**

You must notify all districts in which you hold land within 30 calendar days if your landholdings change during the water year, and you must submit new RRA forms within 60 calendar days of the change to all districts in which you hold land. 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.

The landholding change requirements do not apply to landholders that submit only a Form 7-21FARMOP. Once a farm operator has submitted a Form 7-21 FARMOP for a particular water year, that farm operator is not required to submit additional Forms 7-21FARMOP during the same water year if that farm operator starts to provide services to additional lands or ceases to provide services to certain lands.

## **ADMINISTRATIVE FEE**

You will be assessed an administrative fee according to 43 CFR 426.20 if you do not submit RRA forms as required or if they are completed incorrectly and are not corrected within a specified time. This includes the use of unapproved substitute RRA forms. Also, the administrative fee will be charged in addition to the "compensation rate" if Reclamation irrigation water is delivered to ineligible excess land.

**TABLE 3.**—Complete list of RRA forms for landholders and farm operators

<b>Form Number</b>	<b>Name</b>
7-2180	Certification of Individual's Landholdings (Discretionary Provisions)
7-2180EZ	"EZ" Certification of Individual's Landholdings (Discretionary Provisions)
7-2181	Certification of Entity's Landholdings (Discretionary Provisions)
7-2184	Certification of Religious or Charitable Organization's Landholdings (Discretionary Provisions)
7-2190	Report of Individual's Landholdings (Prior Law Provisions)
7-2190EZ	"EZ" Report of Individual's Landholdings (Prior Law Provisions)
7-2191	Report of Entity's Landholdings (Prior Law Provisions)
7-2194	Report of Religious or Charitable Organization's Landholdings (Prior Law Provisions)
7-21PE	Declaration of Public Entity's Landholdings
7-21XS	Designation of Excess Land
7-21FC	Selection of Full-Cost Land
7-21VERIFY	Verification of Landholdings
7-21TRUST	Declaration of Trust's or Estate's Landholdings
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
7-21FARMOP	Declaration of Farm Operator Information
7-21XSINAQ	Attachment Sheet for Form 7-21XS
7-21PE-IND	Attachment Sheet for Form 7-21PE
7-21BOOK-C	Certification Forms Booklet
7-21BOOK-R	Reporting Forms Booklet

## DEFINITIONS

<b>Acreage limitation provisions</b>	The ownership limitations and pricing restrictions specified in Federal reclamation law, including but not limited to, Sections 203(b), 204, and 205 of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa <u>et seq.</u> ).
<b>Acreage limitation status</b>	Whether a landholder is a qualified recipient, limited recipient, or prior law recipient.
<b>Acres</b>	The number of acres contained within the area specified by the legal description or assessor's parcel number. Class 1 equivalent acres are not to be used except in those specific instances identified in the instructions for Form 7-21FC and Form 7-21XS.
<b>Actual acres</b>	Refers to all irrigable and irrigation acres with no adjustment applied for Class 1 equivalency.
<b>Class 1 equivalency</b>	An adjustment made on a district-wide basis to irrigable land with lower productive potential (Classes 2, 3, and 4) in order to make such land equivalent in productive potential to the most suitable irrigable land (Class 1) in the local agricultural economic setting. Reclamation performs Class 1 equivalency determinations at the request and partial expense of the district.

<b>Class 1 equivalent acres</b>	The resulting number of acres when an adjustment is made to actual acres for Class 1 equivalency.
<b>Compensation rate</b>	A water rate applied, in certain situations, to water delivered to ineligible land that is not discovered until after the delivery has taken place. The compensation rate is equal to the established full-cost rate that would apply to the landholder if the landholder was to receive irrigation water on land that exceeded a nonfull-cost entitlement.
<b>Contract</b>	Any repayment or water service contract or agreement between the United States and a district providing for the payment to the United States of construction charges and normal operation, maintenance, and replacement costs under Federal reclamation law, even if the contract does not specifically identify the portion of the payment that is to be attributed to operation and maintenance and that portion that is to be attributed to construction. This definition includes contracts made in accordance with the Distribution System Loans Act, as amended (43 U.S.C.421).
<b>Contract operator</b>	See definition of farm operator.
<b>Custom service provider</b>	An individual or legal entity that provides one specialized, farm-related service that a farm owner, lessee, sublessee, or farm operator employs for agreed-upon payments. This includes, for example, crop dusters, custom harvesters, grain haulers, and any other such service.
<b>Dependent</b>	Any natural person within the meaning of the term dependent in the Internal Revenue Code of 1954 (26 U.S.C. 152) and any subsequent amendments. Landholdings of a person who is someone's dependent for income tax purposes must be identified on RRA forms submitted by the dependent's parent(s) or legal guardian(s).
<b>Description</b>	See definition of <b>legal description</b> .
<b>Direct</b>	When used in connection with the terms landholder, landowner, lessee, lessor, or owner, "direct" refers to the party that is the owner of record, holder of title, or the lessee of a land parcel, as appropriate. However, joint tenants and tenants-in-common will be considered indirect landholders; the joint tenancy or the tenancy-in-common will be considered the direct landholder.
<b>Discretionary provisions</b>	Refers to Sections 390cc through 390hh, except for 390cc(b), of the Reclamation Reform Act of 1982, (43 U.S.C. 390aa <u>et seq.</u> ). The discretionary provisions provide for increased ownership entitlements and full-cost pricing of Reclamation irrigation water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions or to remain subject to prior acreage limitation provisions. Once a landholder or district chooses to become subject to the discretionary provisions, he can never again be subject to the prior law provisions.
<b>District or irrigation district</b>	Any individual or any legal entity established under State law that has entered into a contract or can potentially enter into a contract with the United States for irrigation water service through federally developed or improved water storage and/or distribution facilities. The term "district," as used in these forms, could refer to a canal company, irrigation company, water user association, ditch company, water company, drainage district, etc.
<b>Effective date of agreement</b>	The effective date of a farm operation agreement or lease is the effective date as specified in the agreement or lease. If no date was specified in the agreement or lease, then it is the date the agreement or lease was signed.
<b>Employer Identification Number (EIN)</b>	A unique number assigned to businesses by the Internal Revenue Service (formerly known as a "Taxpayer Identification Number" [TIN], and prior to that as a "Federal Employer's Identification Number" [FEIN]).
<b>Eligible</b>	Except where otherwise provided, "eligible" means permitted to receive an irrigation water supply from a Reclamation project under applicable Federal reclamation law.
<b>Entity</b>	See definition of <b>legal entity</b> .



<b>Excess land</b>	Nonexempt land that is in excess of a landowner's maximum ownership entitlement under the applicable provisions of Federal reclamation law.
<b>Exempt</b>	Except where otherwise provided, "exempt" means not subject to the acreage limitation provisions.
<b>Extended recordable contract</b>	A recordable contract whose term was extended due to moratoriums established in 1976 and 1977 on the sale of excess land.
<b>Family</b>	A married couple and their dependents. Nondependent children are not considered part of the same family as their parents. Rather, each nondependent child is considered a separate individual or, if married, a separate family.
<b>Farm operator</b>	An individual or legal entity other than the owner, lessee, or sublessee that performs any portion of the farming operation. This includes farm managers, but does not include spouses, minor children, employees for whom the employer pays social security taxes, or custom service providers.
<b>Foreign entity</b>	A legal entity not established under State or Federal law.
<b>Full cost or full-cost rate</b>	An annual rate established by Reclamation that amortizes the expenditures for construction properly allocable to irrigation facilities in service, including all operation and maintenance deficits funded, less payments, over such periods as may be required under Federal reclamation law, or applicable contract provisions. The full-cost rate includes actual operation, maintenance, and replacement costs required under Federal reclamation law.
<b>Indirect</b>	When used in connection with the terms landholder, landowner, lessee, lessor, or owner, "indirect" means that such party is not the owner of record, holder of title, or the lessee of a land parcel, but that such party has a beneficial interest in the legal entity that is the owner of record, holder of title, or the lessee of a land parcel. Landholdings of joint tenants and tenants-in-common will be considered indirect. A security interest held by lenders, who are not otherwise considered a landholder of the land in question, in a legal entity or in a land parcel will not be considered an indirect interest or a beneficial interest.
<b>Individual</b>	Any natural person, including his or her spouse, and including other dependents. Under prior law, the term "individual" does not include a natural person's spouse or dependents. Under discretionary provisions, an individual has exactly the same entitlement as a family (see definition of <b>family</b> ).
<b>Ineligible</b>	Except where otherwise provided, "ineligible" means not permitted to receive an irrigation water supply under applicable Federal reclamation law regardless of the rate paid for such water.
<b>Intermediate entity</b>	An entity that is a part owner of another entity and in turn is owned by others (either another entity or individuals).
<b>Involuntary acquisition</b>	Land that is acquired through an involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract or deed of trust), inheritance, or devise.
<b>Irrevocable election</b>	The execution of the legal instrument that a landholder subject to prior law provisions submits to become subject to the discretionary provisions of Federal reclamation law.
<b>Irrevocable elector</b>	A landholder who makes an irrevocable election to conform to the discretionary provisions of Federal reclamation law.
<b>Irrigable land</b>	Land so classified by Reclamation under a specific project plan for which irrigation water is, can be, or is planned to be provided, and for which facilities necessary for sustained irrigation are provided or are planned to be provided.

<b>Irrigation district</b>	See definition of district.
<b>Irrigation land</b>	Any land receiving water from a Reclamation project facility for irrigation purposes in a given water year, except for land that has been specifically exempted by statute or administrative action from the acreage limitation provisions of Federal reclamation law.
<b>Irrigation water</b>	Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with Reclamation.
<b>Landholder</b>	A party that directly or indirectly owns or leases nonexempt land.
<b>Landholding</b>	The total acreage of nonexempt land directly or indirectly owned or leased by a landholder.
<b>Lease</b>	Any arrangement between a landholder (the lessor) and another party (the lessee) under which the economic risk and the use or possession of the lessor's land is partially or wholly transferred to the lessee. If a management arrangement or consulting agreement is one in which the manager or consultant performs a service for the landholder for a fee, but does not assume the economic risk in the farming operation, and the landholder retains the right to the use and possession of the land, is responsible for payment of the operating expenses, and is entitled to receive the profits from the farming operation, then the agreement or arrangement will not be considered to be a lease.
<b>Legal description</b>	A legal description (metes and bounds) of the land in question, or a county assessor's parcel number or land serial number. Parcels should be broken down as far as necessary to ensure accurate identification.
<b>Legal entity or entity</b>	For the purpose of establishing application of the acreage limitation entitlements, <i>legal entity or entity</i> means, but is not limited to, corporations, partnerships, organizations, and any business or property ownership arrangements such as joint tenancies and tenancies-in-common. For purposes of the information requirements specified in §426.18 only, trusts will be considered to be legal entities.
<b>Limited recipient</b>	Any legal entity established under State or Federal law benefitting more than 25 natural persons. In order to become limited recipients, legal entities must be subject to the discretionary provisions through either district contract action or irrevocable election.
<b>Natural person</b>	A living human being. For acreage limitation purposes, this includes shareholders specifically named on stock certificates, partners identified by a partnership agreement, tenants specifically named in landownership documents, etc. When looking at an entity, a spouse and dependents of a natural person identified on an entity document are not counted as natural persons for acreage limitation purposes unless their names also appear on the entity documents.
<b>New landholder</b>	An individual, legal entity, or public entity that did not directly or indirectly own or lease land in a specific district during the water year immediately preceding the water year in question. For forms submittal purposes only, a landholder whose landholding changes from "not exceeding" to "exceeding" the applicable RRA forms submittal threshold during the water year will be considered to be a "new landholder."

<b>Nonexempt land</b>	Either irrigation land or irrigable land that is subject to the acreage limitation provisions. Areas used for field roads, farm ditches and drains, tailwater ponds, temporary equipment storage, and other improvements subject to change at will by the landowner, are included in the nonexempt acreage. Areas occupied by and currently used for homesites, farmstead buildings, and corollary permanent structures such as feedlots, equipment storage yards, permanent roads, permanent ponds, and similar facilities, together with roads open for unrestricted use by the public are excluded from nonexempt acreage.
<b>Nonfull-cost entitlement</b>	The maximum acreage a landholder may irrigate with irrigation water at a nonfull-cost rate.
<b>Nonfull-cost rate</b>	Any water rate other than the full-cost rate. Nonfull-cost rates are paid for irrigation water made available to land in a landholder's nonfull-cost entitlement.
<b>Nonproject water</b>	Water from sources other than Reclamation project facilities.
<b>Nonresident alien</b>	Any natural person who is neither a citizen nor a resident alien of the United States.
<b>Operator</b>	See definitions of farm operator and custom service provider.
<b>Ownership entitlement</b>	The maximum acreage a landholder may directly or indirectly own and irrigate with irrigation water.
<b>Part owner</b>	An individual or legal entity that has a beneficial interest in a legal entity, but does not own 100 percent of that legal entity. A lender, who is not otherwise considered a landholder of the land in question, with a security interest in a legal entity or land owned by a legal entity shall not be considered a part owner.
<b>Prior law</b>	The Reclamation Act of 1902, and acts amendatory and supplementary thereto (43 U.S.C. 371 <u>et seq.</u> ) that were in effect prior to the enactment of the RRA, and as amended by the RRA.
<b>Prior law recipient</b>	An individual or legal entity that has not become subject to the discretionary provisions.
<b>Project</b>	Any irrigation project authorized by Federal reclamation law, or constructed by the United States pursuant to such law, or in connection with a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the United States through Reclamation for the reclamation of lands. The term project includes any incidental features of an irrigation project.
<b>Public entity</b>	States, political subdivisions or agencies thereof, and agencies of the Federal Government.
<b>Qualified recipient</b>	An individual who is a citizen or a resident alien of the United States or any legal entity established under State or Federal law that benefits 25 natural persons or less. A married couple may become a qualified recipient if either spouse is a United States citizen or resident alien. In order to become qualified recipients, individuals and legal entities must be subject to the discretionary provisions through either district contract action or irrevocable election.
<b>Reclamation</b>	The Bureau of Reclamation, Department of the Interior.
<b>Reclamation irrigation water</b>	For purposes of these forms only, irrigation water from nonexempt Reclamation project facilities.
<b>Reclamation Reform Act of 1982 (RRA)</b>	The Reclamation Reform Act of 1982, Public Law 97-293, Title II, 96 Stat. 1263, (43 U.S.C. 390aa <u>et seq.</u> ) as amended. An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Federal reclamation law or electing to become subject to the increased ownership and full-cost pricing provisions of the new law. The RRA also directs the Secretary of the Interior to collect all information on landholdings necessary to administer the acreage limitation provisions.

<b>Recordable contract</b>	A written contract between Reclamation and a landowner capable of being recorded under State law, providing for the disposition of land held by that landowner in excess of the ownership limitations of Federal reclamation law.
<b>Religious or charitable organization</b>	An organization or each congregation, chapter, parish, school, ward, or similar subdivision of a religious or charitable organization that is exempt from taxation under Section 501 of the Internal Revenue Code of 1954, as amended.
<b>Resident alien</b>	Any natural person within the meaning of the term as defined in the Internal Revenue Act of 1954 (26 U.S.C. 7701) as it may be amended.
<b>Standard certification, reporting, or declaration forms</b>	Forms on which landholders provide complete information about the directly and indirectly owned and leased nonexempt lands in their landholdings.
<b>Ultimate parent entity</b>	A legal entity that owns 100 percent of its subsidiary entity(ies) and is not <b>wholly</b> owned by any other entity.
<b>Water year</b>	A 365-day period (or 366 days during leap years) whose start date is specified within a contract between Reclamation and the district or through some other agreement between Reclamation and the district.
<b>Westwide</b>	The 17 Western States where Reclamation projects are located, namely: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.