

Desert Land Entries

What is the Desert Land Act?

On March 3, 1877, the Desert Land Act was passed by Congress to encourage and promote the economic development of the arid and semiarid public lands of the Western United States. Through the Act, individuals may apply for a desert-land entry to reclaim, irrigate, and cultivate arid and semiarid public lands.

Will it be difficult for me to find suitable public lands and meet the requirements of the Desert Land Act in order to receive legal title to the land?

The public lands have been in the process of being settled for many years. Most of the suitable lands for agricultural development have already been placed into private ownership. The remaining acres are managed for multiple uses. There is competition among users for these public lands. With the problems of finding suitable public land, limited water available for irrigation, and the high cost of development, it is extremely difficult to acquire a desert land entry.

Is there a limit on acreage for which I may apply?

You may apply for one or more tracts of land totaling no more than 320 acres.

Where are the lands located?

The lands are located in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, and Wyoming.

What lands are available?

The lands must be surveyed, unreserved, unappropriated, non-mineral, non-timber, and incapable of producing an agricultural crop without irrigation. The lands must be suitable for agricultural purposes and more valuable for that purpose than for any other. The tracts of land must be sufficiently close to each other to be managed satisfactorily as an economic unit.

Who is qualified to file a desert-land entry?

You must be a citizen of the United States or have declared your intention to become a citizen. You must be 21 years old. You must be a resident in the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Utah, Washington, or Wyoming. No State residency is required in the State of Nevada.

How much will it cost me to construct an irrigation system?

It is estimated that a 320-acre tract of land will cost you in excess of \$250,000 to construct the irrigation system and prepare the land.

How do I get started to apply for a desert-land entry?

You must find lands that you feel can be economically developed and determine the legal land description. You must contact the BLM State Office where the lands are located and verify that the

lands are available for desert land application. If the lands are available for desert land application, acquire an application from the State Office and also find out which BLM District administers the lands.

How do I file an application?

You must file an application on Form No. 2520-1. Two copies of this form are required. You must file the application with the administering BLM District Office.

What information must I include in my application?

You must include the description of the lands. You must include evidence of your legal right to the use of water for irrigation. You must secure a permit from the State Department of Water Administration. You must include a detailed description of soil characteristics, irrigation requirements, and economic feasibility. You must include full disclosure of your plans, arrangements--financial and otherwise--pertaining to the development and operation of your desert-land entry. You must personally sign your application. Your application must be accompanied by a non-refundable fee of \$15.00 and a partial payment of 25 cents per acre.

What will the BLM do with my application?

The BLM will examine your application for completeness and accuracy, and classify the lands included in the application. The BLM will approve your application if the lands are classified suitable for desert-land entry. The BLM will reject your application if the lands are classified unsuitable for desert-land entry.

If my application is approved, how many years will I have to meet the requirements of the desert land act?

You have four years from the date your application is approved to develop an adequate water supply to reclaim, irrigate, and cultivate all of the lands. One eighth of the land applied for must be properly cultivated and irrigated.

Can a group of individual applicants develop a common water delivery system to reclaim the lands?

Some public lands that might be suitable for desert-land entry are in areas where the cost of delivering water to the lands are so high that an individual applicant cannot establish an economic farm unit. With respect to some of these lands, individual farms within the 320-acre limitation of the Desert Land Act can be established where a group of applicants associate themselves to develop a common water delivery system and share in the cost of such a system.

If I associate myself with a group of individuals to develop a common water delivery system, what will I be required to do?

You must spend your own money or incur a personal liability for the money you spend on the necessary reclamation, irrigation, and cultivation of the entry. You must show that the proposal has engineering feasibility. You must show that the proposal will be economically feasible. The soil conditions and other physical characteristics must support continued production under proper management. You must show that, even with the consideration of properly sharing joint costs, each individual desert-land entry involved in a group proposal is economically and physically feasible.

What is annual proof?

Each year for three years from the date your application is approved, you must account for the money you spend on improvements to reclaim, irrigate, and cultivate the lands.

How much money must I spend on improvements to reclaim, irrigate, and cultivate the entry for annual proof?

You must submit statements of two credible witnesses who can testify to the expenditures made for improvements on your desert-land entry during the preceding year. You must submit itemized statements showing the manner in which the expenditures were made. At the end of the third year you must submit a map or plan showing the character and extent of the improvements placed on the desert-land entry.

If I fail to file for annual proof, what happens to my desert-land entry?

The BLM will not extend your time to meet the annual proof of compliance because there are no provisions in the Act which permit extensions of time to complete work. The BLM will cancel your entry.

Will the BLM conduct an on-site examination of the lands in my desert-land entry to determine whether the requirements of the act have been met?

Yes.

If I successfully meet the final proof requirement, what happens to my desert-land entry?

You will receive a patent from the BLM which gives you legal title to the lands.

If I fail to make final proof, what happens to my desert-land entry?

The BLM will cancel your entry, unless statutory authority permits the BLM to grant an extension of time or other relief.

If I experience an unavoidable delay in reclaiming and cultivating the lands, will the BLM extend my final proof?

If you clearly show that failure to reclaim and cultivate the land within the four-year period was due to no fault of your own, the BLM may grant you an extension. If you failed to act or were unable to get financial backing to make the required development, the BLM cannot grant you an extension.