land was sold at tax sale, together with the interest and penalties thereon provided by law.

(Aug. 11, 1916, ch. 319, § 6, 39 Stat. 508; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The reclamation Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Officer designated by the Secretary of the Interior'' substituted for ''register'' on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of district land offices and transferred functions of register of district land office to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Previously, references to ''receiver'' were changed to ''register'' by acts Oct. 28, 1921, and Mar. 3, 1925.

§ 629. Delivery of notices required by State law; right to hearing, appeal, etc.

All notices required by the irrigation district laws mentioned in this chapter shall, as soon as such notices are issued, be delivered to the officer designated by the Secretary of the Interior of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

(Aug. 11, 1916, ch. 319, § 7, 39 Stat. 509; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Officer designated by the Secretary of the Interior'' substituted for ''register'' on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of district land offices and transferred functions of register of district land office to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Previously, reference to ''receiver'' was changed to ''register'' by acts Oct. 28, 1921 and Mar. 3, 1925.

§ 630. Disposition by Government of proceeds of land sold

All moneys derived by the United States from the sale of public lands referred to in this chapter shall be paid into such funds and applied as provided by law for the disposal of the proceeds from the sale of public lands.

(Aug. 11, 1916, ch. 319, § 8, 39 Stat. 509.)

CHAPTER 14—GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION

Sec.
641. Grant of desert land to States authorized.
641a. Issuance of quitclaim deeds; patents for segregated lands.
641b. Filing of application for quitclaim deeds.
641c. Requirements of application for quitclaim deed.
641d. Effective date of quitclaim; administration of lands relinquished by States.
642. Liens for expenses of reclamation.
643. Repealed.
644. Preference right to entryman under State laws.
645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation.
646. Grant extended to New Mexico and Arizona.
647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado.
648. Omitted.

§ 641. Grant of desert land to States authorized

To aid the public-land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President is, as of August 18, 1894, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the Act approved March 3, 1877, and the Act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed, occupied, and not less than twenty acres of each one hundred and sixty acre tract cultivated by actual settlers, as thoroughly as is required of citizens who may enter under the desert-land law within ten years from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if actual construction of reclamation works is not begun within three years after the segregation of the lands or within such further period not exceeding three years, as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior, in his discretion, may restore such lands to the public domain; and if the State fails, within ten years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands not irrigated and reclaimed to the public domain upon the expiration of the ten-year period or of any extension thereof.

Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public

domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops and shall also show the source of the water to be used for irrigation and reclamation.

Any State contracting under this section is authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

As fast as any State may furnish satisfactory proof according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed, and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than one hundred and sixty acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation, shall be held as a trust fund for and be applied to the reclamation of other desert lands in such State.

(Aug. 18, 1894, ch. 301, § 4, 28 Stat. 422; Mar. 3, 1901, ch. 853, § 3, 31 Stat. 1188; Jan. 6, 1921, ch. 10, 41 Stat. 1085; Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

REFERENCES IN TEXT

Act approved March 3, 1877, referred to in text, is act Mar. 3, 1877, ch. 107, 19 Stat. 377, as amended, popularly known as the Desert Lands Act, which is classified generally to sections 321 to 323, 325, 327 to 329 of this title. For complete classification of this Act to the Code, see Tables.

The Act amendatory thereof, approved March 3, 1891, referred to in text, is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a–6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1976—Pub. L. 94–579 struck out provisions authorizing Secretary of the Interior to promulgate regulations for reservation of lands by the State.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94–579 provided that the amendment made by that section is effective on and after Oct. 21, 1976.

SHORT TITLE

This section is popularly known as the ''Carey Act''.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 641a. Issuance of quitclaim deeds; patents for segregated lands

The Secretary of the Interior shall issue quitclaim deeds to the public-land States for all lands patented to such States under section 641 of this title. He shall also issue a patent for all unpatented public lands within each State now segregated under that section for which the State issued final certificates or other evidence of right prior to June 1, 1953, or as to which equitable claims to the lands accrued prior to that date (by reason of cultivation or improvement of the lands for agricultural development purposes) for conveyance to the holders of such rights or claims, or to their heirs, successors, or assigns.

(Aug. 13, 1954, ch. 727, § 1, 68 Stat. 703.)

§ 641b. Filing of application for quitclaim deeds

The Secretary shall not issue such quitclaim deeds or patents to any State, however, unless that State files a proper application for the transfer of these lands within three years after August 13, 1954.

(Aug. 13, 1954, ch. 727, § 2, 68 Stat. 703.)

§ 641c. Requirements of application for quitclaim deed

The application must include a list of all the lands which the State certifies should be transferred under the terms of section 641a of this title, the basis for the certification of each tract included, and a quitclaim or relinquishment of all right, title, and interest in the State to any and all other lands under section 641 of this title. Such quitclaim or relinquishment by the State shall not affect any private rights obtained from the State prior to August 13, 1954.

(Aug. 13, 1954, ch. 727, § 3, 68 Stat. 703.)

§ 641d. Effective date of quitclaim; administration of lands relinquished by States

The quitclaim or relinquishment of all right, title, and interest by the State to any lands under sections 641a to 641d of this title shall not be effective until the Secretary has transferred the lands applied for under section 641a of this title. The Secretary shall provide for the administration and disposition under the public-land laws of the lands quitclaimed or relinquished by the States pursuant to sections 641a to 641d of this title.

(Aug. 13, 1954, ch. 727, § 4, 68 Stat. 703.)

REFERENCES IN TEXT

The public-land laws, referred to in text, are classified generally to this title.

§ 642. Liens for expenses of reclamation

Under any law heretofore or hereafter enacted by any State, providing for the reclamation of arid lands, in pursuance and acceptance of the terms of the grant made in section 641 of this title, a lien or liens is authorized to be created by the State to which such lands are granted and by no other authority whatever, and when created shall be valid on and against the separate legal subdivisions of land reclaimed, for the

actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

(June 11, 1896, ch. 420, 29 Stat. 434.)

§ 643. Repealed. Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 15, 1910, ch. 96, 36 Stat. 237, authorized temporary withdrawal from settlement or entry of desert lands.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 644. Preference right to entryman under State laws

The Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under sections 641, 642 and 643[1] of this title is authorized, in his discretion and under such rules and regulations as he may establish to allow for not exceeding ninety days to any entryman under section 641 of this title a preference right of entry under applicable land laws of any of such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant under section 641 of this title and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: *Provided*, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof.

(Feb. 14, 1920, ch. 74, 41 Stat. 407.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation

An additional one million acres of arid lands within each of the States of Colorado, Idaho, Nevada, and Wyoming is made available and subject to the terms of section 641 of this title, and the States of Colorado, Nevada, Idaho, and Wyoming are allowed under the provisions of said section said additional area or so much thereof as may be necessary for the purposes and under the provisions of said section.

(May 27, 1908, ch. 200, 35 Stat. 347; Mar. 4, 1911, ch. 285, 36 Stat. 1417; Aug. 21, 1911, No. 7, 37 Stat. 38.)

§ 646. Grant extended to New Mexico and Arizona

All the provisions of sections 641, 642 and 643[1] of this title are extended to the States of New Mexico and Arizona, and the said States upon complying with the provisions of said sections shall be entitled to have and receive all of the benefits therein conferred upon the States.

(Feb. 18, 1909, ch. 150, § 1, 35 Stat. 638.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

EFFECTIVE DATE

Section 2 of act Feb. 18, 1909, provided: ''That this Act [enacting this section] shall be in full force and effect from and after its passage.''

§ 647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado

The provisions of sections 641, 642 and 643[1] of this title are extended over and shall apply to the desert lands within the limits of all that portion of the former Ute Indian Reservation, not included in any national forest, in the State of Colorado, described and embraced in the Act entitled ''An Act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians,'' approved July 28, 1882: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said sections the State of Colorado shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the Act of June 15, 1880, entitled ''An Act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same.''

No lands shall be included in any tract to be segregated under the provisions of this section on which the United States Government has valuable improvements, or which have been reserved for any Indian schools or farm purposes.

(Feb. 24, 1909, ch. 178, §§ 1, 2, 35 Stat. 644, 645.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Act approved July 28, 1882, referred to in text, is act July 28, 1882, ch. 357, 22 Stat. 178, which is not classified to the Code.

[1] See References in Text note below.

[1] See References in Text note below.

[1] See References in Text note below.

Section 3 of the Act of June 15, 1880, referred to in text, is section 3 of act June 15, 1880, ch. 223, 21 Stat. 199, which is not classified to the Code.

§ 648. Omitted

CODIFICATION

Section, acts Feb. 26, 1917, ch. 124, 39 Stat. 942; Mar. 3, 1919, ch. 114, 40 Stat. 1322; June 5, 1920, ch. 249, 41 Stat. 987, provided for extension of time of segregation and reclamation in Oregon segregation lists for period of not exceeding ten years and not beyond January 12, 1929.

CHAPTER 15—APPROPRIATION OF WATERS; RESERVOIR SITES

Sec.
661. Appropriation of waters on public lands; rights of way for canals and ditches.
662. Reservation of reservoir sites generally.
663. Restriction of sites to inclusion of necessary lands.
664. Rights of way over reservoir sites generally.
665. Rights of way over reservoir sites for wagon road, railroad, or other highway.
666. Suits for adjudication of water rights.

§ 661. Appropriation of waters on public lands; rights of way for canals and ditches

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by this section.

(R.S. §§ 2339, 2340.)

AMENDMENT OF SECTION

Pub. L. 94–579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, provided that effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System this section is amended to read as follows:

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same.

All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights as may have been acquired under or recognized by this section.

CODIFICATION

R.S. § 2339 derived from act July 26, 1866, ch. 262, § 9, 14 Stat. 253.

R.S. § 2340 derived from act July 9, 1870, ch. 235, § 17, 16 Stat. 218.

This section is also classified to sections 51 and 52 of Title 30, Mineral Lands and Mining.

SAVINGS PROVISION

Amendment by Pub. L. 94–579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

§ 662. Reservation of reservoir sites generally

Sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, located or selected prior to August 30, 1890, shall remain segregated and reserved from entry, or settlement, until otherwise provided by law, and reservoir sites thereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

(Oct. 2, 1888, ch. 1069, 25 Stat. 526, 527; Aug. 30, 1890, ch. 837, § 1, 26 Stat. 391; Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

CODIFICATION

Section is based on provisions contained in acts Oct. 2, 1888, and Aug. 30, 1890, affected by act Oct. 21, 1976.

AMENDMENTS

1976—Pub. L. 94–579 struck out provision authorizing the President, in his discretion, to open by proclamation any portion or all of the lands reserved by this section to settlement under the homestead laws.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94–579 provided that the amendment made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 663. Restriction of sites to inclusion of necessary lands

Reservoir sites located or selected and to be located and selected shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs.

(Mar. 3, 1891, ch. 561, § 17, 26 Stat. 1101.)

§ 664. Rights of way over reservoir sites generally

All reservoir sites reserved or to be reserved shall be open to use and occupation under sections 946 to 949[1] of this title, and any State is

[1] See References in Text note below.