

### § 130. Entry of public lands in States where no land offices exist

Public lands situated in States in which there are no land offices may be entered at the Bureau of Land Management, subject to the provisions of law touching the entry of public lands; and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Secretary of the Interior, or such officer as he may designate, for lands entered by cash entry shall be covered into the Treasury.

(Mar. 3, 1877, ch. 102, § 1, 19 Stat. 315; June 19, 1878, ch. 329, § 1, 20 Stat. 201; 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.

"Bureau of Land Management" substituted for "General Land Office" and "Secretary of the Interior, or such officer as he may designate," substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

### CHAPTER 6—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY

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| Sec. |                                                                                                                                                   |
| 141. | Repealed.                                                                                                                                         |
| 142. | Rights of occupants or claimants of oil- or gas-bearing lands; exceptions to withdrawals.                                                         |
| 143. | Repealed.                                                                                                                                         |
| 144. | Entries on land withdrawn as valuable for oil or gas validated.                                                                                   |
| 145. | Sale of lands withdrawn.                                                                                                                          |
| 146. | Patents to purchasers of lands withdrawn.                                                                                                         |
| 147. | Disposition of proceeds of sale of withdrawn lands.                                                                                               |
| 148. | Repealed.                                                                                                                                         |
| 149. | Exchange of private lands included in Indian reservation for other lands.                                                                         |
| 150. | Withdrawals of land for Indian reservations prohibited.                                                                                           |
| 151. | Opening of lands restored to entry after withdrawals.                                                                                             |
| 152. | Restoration of lands previously withdrawn.                                                                                                        |
| 153. | Reservation of lands in North Dakota.                                                                                                             |
| 154. | Vacation of withdrawals under reclamation law; lands valuable for minerals; reservation of rights, ways, and easements; rules and regulations.    |
| 155. | Withdrawal, reservation, or restriction of public lands for defense purposes; "public lands" defined; exception.                                  |
| 156. | Approval by Congress necessary for withdrawal, reservation, or restriction of over 5,000 acres for any Department of Defense project or facility. |
| 157. | Application for withdrawal, reservation, or restriction; specifications.                                                                          |
| 158. | Mineral resources on withdrawn lands; disposition and exploration.                                                                                |

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

Section, act June 25, 1910, ch. 421, § 1, 36 Stat. 847, authorized the withdrawal and reservation of lands for water-power sites and other purposes.

#### EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided that this section is repealed 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.

#### EX. ORD. NO. 10355. DELEGATION OF AUTHORITY

Ex. Ord. No. 10355, eff. May 26, 1952, 17 F.R. 4831, as amended by Pub. L. 101-509, title V, § 529 [title I, § 112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454, provided:

SECTION 1. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, I hereby delegate to the Secretary of the Interior the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 [this section], and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States in the continental United States or Alaska for public purposes, including the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.

(b) All orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register, General Services Administration, for filing and for publication in the FEDERAL REGISTER.

(c) No order affecting land under the administrative jurisdiction of any executive department or agency of the Government other than the Department of the Interior shall be issued by the Secretary of the Interior under the authority of this order without the prior approval or concurrence, so far as the order affects such land, of the head of the department or agency concerned, or of such officer of the department or agency concerned as the head thereof may designate for such purpose: *Provided*, that such officer is required to be appointed by the President by and with the advice and consent of the Senate.

(d) Any disagreement between two or more executive departments or agencies with respect to any proposed withdrawal or reservation shall be referred to the Director of the Bureau of the Budget [now Office of Management and Budget] for consideration and adjustment. The Director may, in his discretion, submit the matter to the President for his determination.

SEC. 2. The Secretary of the Interior is authorized to issue such rules and regulations, and to prescribe such procedures, as he may from time to time deem necessary or desirable for the exercise of the authority delegated to him by this order.

SEC. 3. The Secretary of the Interior is authorized to redelegate the authority delegated to him by this order to one or more of the following-designated officers: the Deputy Secretary of the Interior and the Assistant Secretaries of the Interior.

SEC. 4. This order supersedes Executive Order No. 9337 of April 24, 1943, entitled "Authorizing the Secretary of the Interior to Withdraw and Reserve Lands of the Public Domain and Other Lands Owned or Controlled by the United States".

#### EX. ORD. NO. 12688. TRANSFER AUTHORITY CHOCTAWHATCHEE NATIONAL FOREST, FLORIDA

Ex. Ord. No. 12688, Aug. 15, 1989, 54 F.R. 34129, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to ensure that excess property under the control of the Department of Defense within and adjacent to the Choctawhatchee National Forest, Florida, is transferred to the Department of Agriculture for inclusion in the National Forest, it is hereby ordered as follows:

The Secretary of Defense is hereby delegated the President's authority under Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to transfer such property within or adjacent to the boundaries of Choctawhatchee National Forest, Florida, that is no longer required for military purposes, to the Secretary of Agriculture to be restored to national forest status. To the extent this order delegates the President's authority under Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to the Secretary of Defense, it supersedes Executive Order No. 10355 [set out above], which delegates the President's authority to revoke withdrawals and reservations of public lands to the Secretary of the Interior. The Secretary of Defense will document the transaction by letter of transfer between the Departments. The Secretary of Defense, 30 days prior to taking any action to transfer property pursuant to this order, shall notify the Secretary of the Interior of the effective date and time for "opening" of the lands to relevant land laws. The authority delegated by this order may be further redelegated within the Department of Defense.

GEORGE BUSH.

#### § 142. Rights of occupants or claimants of oil- or gas-bearing lands; exceptions to withdrawals

This section and section 141<sup>1</sup> of this title shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil- or gas-bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this section and section 141<sup>1</sup> of this title all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made.

(June 25, 1910, ch. 421, § 2, 36 Stat. 847; Aug. 24, 1912, ch. 369, 37 Stat. 497; Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

##### REFERENCES IN TEXT

Section 141 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

##### CODIFICATION

Act Aug. 24, 1912, substituted "metalliferous minerals" for "minerals other than coal, oil, gas, and phosphates" in the first clause of this section, and "June 25, 1910" for "the passage of this Act" in the second proviso of this section.

In the last proviso of this section, "national forest" substituted for "forest reserve", in view of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, providing that forest reserves should be known as national forests.

The provisions of the last proviso of this section were also classified to section 471 of Title 16, Conservation.

##### AMENDMENTS

1976—Pub. L. 94-579 struck out provisions that all lands withdrawn under the act of June 25, 1910, be open to exploration, occupation, and purchase under the mineral laws of the United States in respect to min-

erals other than coal, oil, gas, and phosphates and that no national forest be created or additions thereto made to those created before Aug. 24, 1912, in Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

##### 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.

##### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 145 of this title.

#### § 143. Repealed. Pub. L. 86-533, § 1(14), June 29, 1960, 74 Stat. 248

Section, act June 25, 1910, ch. 421, § 3, 36 Stat. 848, required Secretary of the Interior to report withdrawals to Congress.

#### § 144. Entries on land withdrawn as valuable for oil or gas validated

Entries existing on February 7, 1925, and allowed prior to April 1, 1924, under the Stock Raising Homestead Act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862) [43 U.S.C. 291 et seq.], for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

(Feb. 7, 1925, ch. 147, § 12, 43 Stat. 812.)

##### REFERENCES IN TEXT

The Stock Raising Homestead Act of December 29, 1916, referred to in text, is act Dec. 29, 1916, ch. 9, 39 Stat. 862, as amended, which was classified generally to subchapter X (§ 291 et seq.) of chapter 7 of this title and was repealed by Pub. L. 94-579, title VII, §§ 702, 704(a), Oct. 21, 1976, 90 Stat. 2787, 2792, except for sections 9 and 11 which are classified to sections 299 and 301, respectively, of this title. For complete classification of this Act to the Code, see Short Title note set out under section 291 of this title and Tables.

#### § 145. Sale of lands withdrawn

Whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of sections 141<sup>1</sup> and 142 of this title for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States are no longer needed for the purpose for which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same to a citizen of the United States for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and publication for not less than

<sup>1</sup> See References in Text note below.

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