

The last paragraph of this section is from act June 7, 1924.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### § 27a. Chicago River, West Fork of South Branch

That portion of the West Fork of the South Branch of the Chicago River in Cook County, Illinois, lying between the west line (produced north) of the Collateral Channel of the Sanitary District of Chicago, in the northwest quarter of section 36, township 39 north, range 13 east, third principal meridian, and a line one thousand three hundred feet east of and parallel to the west line of section 30 (section line in South Western Avenue), township 39 north, range 13 east, third principal meridian, in the city of Chicago, Illinois, as the same now exists or may hereafter be extended, is declared to be a non-navigable stream within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(Aug. 30, 1935, ch. 831, § 10, 49 Stat. 1048.)

#### § 27b. Chicago River, West arm of South Fork of South Branch

The portion of the west arm of the South Fork of the South Branch of the Chicago River, as established by the ordinance of the city of Chicago on July 17, 1911, in the southwest quarter of section 32, township 39 north, range 14 east of the third principal meridian, in the city of Chicago, county of Cook, State of Illinois, lying westerly of a straight line drawn from a point in south dock line of the said west arm 203.94 feet westerly of the point of intersection of the south dock line of the said west arm with the west dock line of the east arm of the South Fork of the South Branch of the Chicago River as established by said city of Chicago ordinance of July 17, 1911, measured along the south dock line of said west arm, thence to a point in the north dock line of the said west arm said point being 278 feet westerly of the intersection of the north dock line of the said west arm with the west dock line of the South Fork of the South Branch of the Chicago River as established by said city of Chicago ordinance of July 17, 1911, measured along the north dock line of said west arm of the South Fork of the South Branch of the Chicago River, is declared to be and is on and after September 1, 1959 to be regarded as a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States: *Provided*, That plans for a suitable bulkhead to retain any fill to be placed in the waterway shall be submitted to and approved by the Corps of Engineers, United States Army, prior to the placing of such fill.

(Pub. L. 86-218, Sept. 1, 1959, 73 Stat. 448.)

#### § 28. Crum River; old channel at mouth, Delaware Bay

After the channel of the Crum River where the same empties into the Delaware River has been changed, diverted, and straightened under the authority given to Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works by Act July 27, 1916, chapter 260, the said Crum River, as so straightened, shall be a public navigable stream, and the course and channel of the said river, as it existed July 27, 1916, from the right-of-way of the Philadelphia and Reading Railway Company to the low-water line in the Delaware River shall be abandoned and vacated when the above-mentioned new channel shall have been completed to a depth of four feet at mean low water, with a bottom width of sixty-two feet and width of one hundred feet at mean low-water level: *Provided*, That the Government shall have such right, title, and interest in and to the bed of said new channel as will assure the public the right to the perpetual use of said channel for all the purposes of navigation and commerce.

(July 27, 1916, ch. 260, § 1, 39 Stat. 393.)

#### REFERENCES IN TEXT

Act July 27, 1916, chapter 260, referred to in text, is act July 27, 1916, ch. 260, 39 Stat. 393, which is classified to sections 7, 25, 28, 38, 424, and 648 to 650 of this title. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section is from a provision of section 1 of act July 27, 1916, popularly known as the "Rivers and Harbors Appropriation Act of 1916".

The portion of that section authorizing the changing, diverting, and straightening of the channel of the river has been omitted as temporary and executed.

#### § 29. Cuivre River, Missouri

Cuivre River, in the counties of Lincoln and Saint Charles, in the State of Missouri, being the dividing line, is declared not to be a navigable stream, and shall be so treated by the Secretary of the Army and all other authorities.

(Mar. 23, 1900, ch. 88, 31 Stat. 50; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

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#### § 29a. East River, Wisconsin

All of that portion of the East River, in the county of Brown, State of Wisconsin, extending from Baird Street, in the city of Green Bay, east and south is declared to be a nonnavigable stream within the meaning of the Constitution and Laws of the United States of America.

The right of Congress to alter, amend or repeal this section is expressly reserved.

(Aug. 30, 1935, ch. 831, § 9, 49 Stat. 1048.)

**§ 30. Grand River, Missouri, above Brunswick**

Grand River in the State of Missouri above the city of Brunswick, in the county of Chariton in said State, is declared to be not a navigable stream and shall be so treated by the Secretary of the Army and by all other authorities.

(Feb. 15, 1905, ch. 574, 33 Stat. 715; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

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**§ 31. Iowa River, Iowa, above Toolsboro**

So much of the Iowa River within the State of Iowa, as lies north of the town of Wapello, and so much of the said river within the State of Iowa, as lies between the town of Toolsboro and the town of Wapello, in the county of Louisa, shall not be deemed a navigable river or public highway, but dams and bridges may be constructed across it.

(R.S. §5248; Aug. 18, 1894, ch. 299, §1, 28 Stat. 356.)

## CODIFICATION

R.S. §5248 derived from Res. July 13, 1868, No. 55, 15 Stat. 257; act May 6, 1870, ch. 92, 16 Stat. 121.

The portion of this section relating to the Iowa river north of the town of Wapello is from R.S. §5248.

The remainder the section, relating to so much of the river as lies between Toolsboro and Wapello, is from act Aug. 18, 1894.

**§ 32. Lake George, Mississippi**

Lake George, in Yazoo County, in the State of Mississippi, is declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(May 24, 1922, ch. 198, §§1, 2, 42 Stat. 552.)

## CODIFICATION

The two sentences comprising this section are respectively sections 1 and 2 of act May 24, 1922, entitled "An act declaring Lake George, Yazoo County, Mississippi, to be a nonnavigable stream".

**§ 33. Little River, Arkansas, from Big Lake to Marked Tree**

Little River, from Big Lake in Mississippi County to Marked Tree in Poinsett County, Arkansas, is declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the protection of such waterways.

(Mar. 2, 1919, ch. 95, §4, 40 Stat. 1287.)

## CODIFICATION

Section is from section 4 of act Mar. 2, 1919, popularly known as the "Rivers and Harbors Appropriation Act of 1919".

**§ 34. Mill Slough, Oregon**

Mill Slough, a tidal tributary of Coos Bay, lying within the limits of the city of Marshfield, State of Oregon, is declared to be not a navigable waterway of the United States, within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is given to the filling in of said slough by the said city of Marshfield.

(Oct. 23, 1913, ch. 33, 38 Stat. 233.)

**§ 35. Mississippi River, West Channel, opposite La Crosse, Wisconsin**

The branch of the Mississippi River flowing between Grand Island and the mainland opposite the city of La Crosse, State of Wisconsin, and known as the West Channel, is declared unnavigable, and the said city of La Crosse is relieved of the necessity of maintaining a draw or pontoon bridge over said West Channel.

(Feb. 23, 1901, ch. 470, 31 Stat. 804.)

**§ 36. Mosquito Creek, South Carolina**

Mosquito Creek, in Colleton County, South Carolina, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

(Aug. 8, 1917, ch. 49, §15, 40 Stat. 268.)

**§ 37. Nodaway River, Missouri**

Nodaway River, in the counties of Andrew, Holt, and Nodaway, in the State of Missouri, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The right to alter, amend, or repeal this section is expressly reserved.

(Feb. 15, 1910, ch. 32, §§1, 2, 36 Stat. 194.)

**§ 38. Oklawaha River, Florida; Kyle and Young Canal and "Morrison Landing extension" substituted**

Upon the conveyance to the United States, free of cost, title to the land occupied by what is known as the "Kyle and Young Canal" and the "Morrison Landing extension" of the same, on the Oklawaha River, in the State of Florida, together with title to a strip of land on the east side of said canal of such width as in the judgment of the Secretary of the Army may be required for the future widening of said canal and extension by the United States, the said canal and extension shall become a free public waterway of the United States in place of the natural bed of the river.

(July 27, 1916, ch. 260, §1, 39 Stat. 396; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

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