

eight hundred and eighty-eight<sup>1</sup> of the Revised Statutes.

(Aug. 9, 1912, ch. 278, § 4, 37 Stat. 267.)

#### Editorial Notes

##### REFERENCES IN TEXT

The reclamation Act, referred to in text, is identified in section 541 of this section as act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Section eight hundred and eighty-eight of the Revised Statutes, referred to in text, was repealed by section 21 of act June 25, 1948, ch. 645, 62 Stat. 862, the first section of which enacted Title 18, Crimes and Criminal Procedure. Prior to repeal, R.S. §888 was classified to section 669 of former Title 28, Judicial Code and Judiciary. For provisions relating to admissibility in evidence of authenticated copies, see section 1733 of Title 28, Judiciary and Judicial Procedure.

#### Executive Documents

##### CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§ 1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§ 3, 5 (May 18, 1981).

##### 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.

#### § 546. Jurisdiction of district court for enforcement of this subchapter

Jurisdiction of suits by the United States for the enforcement of the provisions of this subchapter is conferred on the United States district courts of the districts in which the lands are situated.

(Aug. 9, 1912, ch. 278, § 5, 37 Stat. 267.)

#### § 547. Patent to desert-land entryman

Any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, known as the reclamation Act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation Act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the

entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the Act entitled "An Act providing for patents on reclamation entries, and for other purposes, approved August ninth, nineteen hundred and twelve [43 U.S.C. 541 et seq.]"<sup>1</sup>

(Aug. 26, 1912, ch. 408, § 1, 37 Stat. 610.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Act entitled "An Act providing for patents on reclamation entries, and for other purposes", referred to in text, is act Aug. 9, 1912, ch. 278, 37 Stat. 265, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

This section was not enacted as part of act Aug. 9, 1912, ch. 278, 37 Stat. 265, which comprises this subchapter.

#### SUBCHAPTER XV—TOWN SITES, PARKS, PLAYGROUNDS, AND SCHOOL SITES

#### § 561. Survey and subdivision of land for town sites; reservation for public purposes

The Secretary of the Interior may in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, not exceeding one hundred and sixty acres in each case, survey and subdivide the same into town lots, with appropriate reservations for public purposes: *Provided*, That, whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may dispose of town sites in excess of one hundred and sixty acres.

(Apr. 16, 1906, ch. 1631, § 1, 34 Stat. 116; June 27, 1906, ch. 3559, § 4, 34 Stat. 520; Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

#### Editorial Notes

##### 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 this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

##### CODIFICATION

Introductory provisions are from the first section of act Apr. 16, 1906. The proviso is from part of the proviso of section 4 of act June 27, 1906. Another part of the proviso of section 4 of act June 27, 1906, is classified to section 568 of this title. The remainder of section 4 of act June 27, 1906, was classified to former section 594 of this title.

##### AMENDMENTS

1976—Pub. L. 94-579 struck out provisions authorizing withdrawal from public entry any lands needed for town-site purposes.

<sup>1</sup> So in original. The closing quotation marks probably should follow "purposes".

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

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1976 AMENDMENT**

Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792, provided that the amendment made by section 704(a) 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.

**§ 562. Appraisal and sale of town lots**

The lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisal and sale, and the proceeds of such sales shall be covered into the reclamation fund. (Apr. 16, 1906, ch. 1631, §2, 34 Stat. 116.)

**§ 563. Disposal of town sites set apart prior to June 27, 1906**

Any town site set apart or established prior to June 27, 1906, by proclamation of the President, under the provisions of sections 711 and 712<sup>1</sup> of this title, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of section 562 of this title and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

(June 27, 1906, ch. 3559, §3, 34 Stat. 519.)

**Editorial Notes****REFERENCES IN TEXT**

Sections 711 and 712 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

**§ 564. Reappraisal of town lots for sale**

The Secretary of the Interior is authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation Act heretofore or hereafter appraised under the provisions of sections 562 and 563 of this title; and thereafter to proceed with the sale of such town lots in accordance with said sections.

(June 11, 1910, ch. 284, §1, 36 Stat. 465.)

**Editorial Notes****REFERENCES IN TEXT**

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is

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

classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

**§ 565. Terms of sale of town lots; installments of price**

In the sale of town lots under the provisions of sections 562 and 563 of this title the Secretary of the Interior may, in his discretion, require payments for such town lots in full at time of sale or in annual installments, not exceeding five, with interest at the rate of 6 per centum per annum on deferred payments.

(June 11, 1910, ch. 284, §2, 36 Stat. 466.)

**Editorial Notes****REFERENCES IN TEXT**

Section 594 of this title, referred to in text, was omitted from the Code.

**§ 566. Maintenance of public reservations and conveyance to municipality**

The public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes.

(Apr. 16, 1906, ch. 1631, §3, 34 Stat. 116.)

**§ 567. Water rights for towns and cities; charges**

The Secretary of the Interior shall, in accordance with the provisions of the reclamation Act, provide for water rights in amount he may deem necessary for the towns established as provided, in sections 561, 562 and 566 of this title, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken.

(Apr. 16, 1906, ch. 1631, §4, 34 Stat. 116.)

**Editorial Notes****REFERENCES IN TEXT**

The reclamation Act, referred to in text, is identified in section 561 of this title as act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

**§ 568. Use of reclamation fund for expenses of and disposal of proceeds of sale of town sites**

Reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of sections 561 to 563 and 566 of this title relating to town sites, and the pro-