

ant 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.)

**Editorial Notes**

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Section 141 of this title, referred to in text, was repealed by Pub.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 L. 94-579 struck out provisions that all lands withdrawn under the act of June 25, 1910, be open to exploration, occupation, and purchase under the mineral laws of the United States in respect to minerals other than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.

**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., exist-

ing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 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.)

**Editorial Notes**

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 thirty days in a newspaper of general circulation in the vicinity of the land.

(Jan. 26, 1921, ch. 27, §1, 41 Stat. 1089.)

**Editorial Notes**

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.

**§ 146. Patents to purchasers of lands withdrawn**

Upon payment of the purchase price the Secretary of the Interior is authorized by appro-

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

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

priate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person: *Provided further*, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral.

(Jan. 26, 1921, ch. 27, § 2, 41 Stat. 1089.)

**§ 147. Disposition of proceeds of sale of withdrawn lands**

The moneys derived from the sale of such lands and improvements shall be disposed of as are other receipts from the sale and disposal of public lands.

(Jan. 26, 1921, ch. 27, § 3, 41 Stat. 1090.)

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 Repealed.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

Section, acts June 25, 1910, ch. 431, § 13, 36 Stat. 858; June 29, 1960, Pub. L. 86-533, § 1(13), 74 Stat. 248, authorized withdrawal of lands in Indian reservations for power or reservation sites.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

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

**§ 149. Exchange of private lands included in Indian reservation for other lands**

Any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory.

(Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 211.)

**§ 150. Withdrawals of land for Indian reservations prohibited**

No public lands of the United States shall be withdrawn by Executive Order, proclamation, or otherwise, for or as an Indian reservation except by act of Congress.

(June 30, 1919, ch. 4, § 27, 41 Stat. 34.)

**§ 151. Opening of lands restored to entry after withdrawals**

When public lands are excluded from national forests or released from withdrawals the President may, whenever in his judgment it is proper or necessary, provide for the opening of the lands by settlement in advance of entry, by

drawing, or by such other method as he may deem advisable in the interest of equal opportunity and good administration, and in doing so may provide that lands so opened shall be subject only to homestead entry by actual settlers only or to entry under the desert-land laws for a period not exceeding ninety days, the unentered lands to be thereafter subject to disposition under the public-land laws applicable thereto.

(Sept. 30, 1913, ch. 15, § 1, 38 Stat. 113.)

**§ 152. Restoration of lands previously withdrawn**

Where under the law the Secretary of the Interior is authorized or directed to make restoration of lands previously withdrawn he may also restrict the restoration as prescribed in section 151 of this title.

(Sept. 30, 1913, ch. 15, § 2, 38 Stat. 114.)

**§ 153. Reservation of lands in North Dakota**

Upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota.

(July 3, 1916, ch. 219, 39 Stat. 344.)

**§ 154. Vacation of withdrawals under reclamation law; lands valuable for minerals; reservation of rights, ways, and easements; rules and regulations**

Where public lands of the United States have been withdrawn for possible use for construction purposes under the Federal reclamation laws, and are known or believed to be valuable for minerals and would, if not so withdrawn, be subject to location and patent under the general mining laws, the Secretary of the Interior, when in his opinion the rights of the United States will not be prejudiced thereby, may, in his discretion, open the land to location, entry, and patent under the general mining laws, reserving such ways, rights, and easements over or to such lands as may be prescribed by him and as may be deemed necessary or appropriate, including the right to take and remove from such lands construction materials for use in the construction of irrigation works, and/or the said Secretary may require the execution of a contract by the intending locator or entryman as a condition precedent to the vesting of any rights in him, when in the opinion of the Secretary same may be necessary for the protection of the irrigation interests. Such reservations or contract