§ 2612.2 Publication of lists for patents.

(a) Notice of lists. When a list for patents is filed in the State Office, it shall be accompanied by a notice of the filing, in duplicate, prepared for the signature of the State Director, or his delegate, fully incorporating the list. The State shall cause this notice to be published once a week for 5 consecutive weeks, in a newspaper of established character and general circulation in the vicinity of the lands, to be designated by the State Director, as provided in subpart 1824 of this chapter.

(b) Proof of publication. At the expiration of the period of publication, the State shall file in the State Office proof of publication and of payment for the same.

§ 2613.0–3 Authority.

The Act approved February 14, 1920 (41 Stat. 407; 43 U.S.C. 644), provides that upon restoration of Carey Act lands from segregation, the Secretary is authorized, in his discretion, to allow a preference right of entry under other applicable land laws to any Carey Act entryman on any such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant and upon which such person had established actual, bona fide residence or had made substantial and permanent improvements.

§ 2613.1 Allowance of filing of applications.

(a) Status of lands under State laws. Prior to the restoration of lands segregated under the Carey Act, the Bureau of Land Management shall ascertain from the proper State officials whether any entries have been allowed under the State Carey Act laws on any such lands, and if any such entries have been allowed, the status thereof and action taken thereon shall be considered applicable to the restoration of the lands. Lands shall be restored as provided in a notice published in the Federal Register.

(b) No entries under State laws. If it is shown with reasonable certainty, either from the report of the State officers or by other available information, that there are no entries under State law, the Act of February 14, 1920, shall not be considered applicable to the restoration of the lands. Lands shall be restored as provided in a notice published in the Federal Register.

(c) Entries under State laws. If it appears from the report of the State officials or otherwise that there are entries under the State law which may properly be the basis for preference rights under this act, in the order restoring the lands the authorized officer may, in his discretion, allow only the filing of applications to obtain a preference right under the Act of February 14, 1920.