

Editorial Notes

CODIFICATION

Section is based on provisions contained in acts Oct. 2, 1888, and Aug. 30, 1890, affected by act Oct. 21, 1976.

AMENDMENTS

1976—Pub. L. 94-579 struck out provision authorizing the President, in his discretion, to open by proclamation any portion or all of the lands reserved by this section to settlement under the homestead laws.

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.

§ 663. Restriction of sites to inclusion of necessary lands

Reservoir sites located or selected and to be located and selected shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs.

(Mar. 3, 1891, ch. 561, §17, 26 Stat. 1101.)

§ 664. Rights of way over reservoir sites generally

All reservoir sites reserved or to be reserved shall be open to use and occupation under sections 946 to 949¹ of this title, and any State is authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the charges for water coming in whole or part from reservoir sites used or occupied under the provisions of this section shall always be subject to the control and regulation of the respective States and Territories in which such reservoirs are in whole or part situate.

(Feb. 26, 1897, ch. 335, 29 Stat. 599.)

Editorial Notes

REFERENCES IN TEXT

Sections 946 to 949 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

Statutory Notes and Related Subsidiaries

REPEAL; SAVINGS PROVISION

Section repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands

¹ See References in Text note below.

and lands in the National Forest System. Such repeal 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.

§ 665. Rights of way over reservoir sites for wagon road, railroad, or other highway

In the form provided by existing law, the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, §1, 30 Stat. 1233.)

Statutory Notes and Related Subsidiaries

REPEAL; SAVINGS PROVISION

Section repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, under, and through the public lands and lands in the National Forest Systems. Such repeal 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.

§ 666. Suits for adjudication of water rights**(a) Joinder of United States as defendant; costs**

Consent is given to join the United States as a defendant in any suit (1) for the adjudication of rights to the use of water of a river system or other source, or (2) for the administration of such rights, where it appears that the United States is the owner of or is in the process of acquiring water rights by appropriation under State law, by purchase, by exchange, or otherwise, and the United States is a necessary party to such suit. The United States, when a party to any such suit, shall (1) be deemed to have waived any right to plead that the State laws are inapplicable or that the United States is not amenable thereto by reason of its sovereignty, and (2) shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances: *Provided*, That no judgment for costs shall be entered against the United States in any such suit.

(b) Service of summons

Summons or other process in any such suit shall be served upon the Attorney General or his designated representative.

(c) Joinder in suits involving use of interstate streams by State

Nothing in this section shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream.

(July 10, 1952, ch. 651, title II, §208(a)-(c), 66 Stat. 560.)

Editorial Notes

CODIFICATION

Section is comprised of subsections (a) to (c) of section 208 of act July 10, 1952. Subsection (d) of section 208

is omitted as it referred to the limitation on the use of any appropriation in act July 10, 1952 to prepare or prosecute the suit in the U.S. District Court for the Southern Division of California, by the *United States v. Fallbrook Public Utility Corporation*.

CHAPTER 16—SALE AND DISPOSAL OF PUBLIC LANDS

Sec.

671 to 687b-5. Repealed.

687c. Alaskan land leases for fur farming; citizenship; acreage limitation; period; terms and conditions; laws applicable to mineral resources; reservations.

687c-1. Execution of provisions of section 687c; authority of Secretary of the Interior.

688 to 700. Repealed.

§ 671. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act Mar. 3, 1891, ch. 561, §9, 26 Stat. 1099, prohibited sale of public lands except under certain conditions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(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.

§ 672. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. §2353, required public lands, offered at public sale, to be offered in half quarter sections.

§§ 673 to 676. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 673, R.S. §2354, authorized private sales of all public lands in entire, half, etc., sections.

Section 674, R.S. §2355; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, required a memorandum in connection with application for purchase of public land at private sale.

Section 675, act May 18, 1898, ch. 344, §2, 30 Stat. 418, set forth requirements for private sale of public lands in Missouri.

Section 676, R.S. §2365; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized sale of public land to highest bidder at the private sale of land.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(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.

§ 677. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. §2356, related to credit on sales and payment of price.

§§ 678 to 682. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 678, R.S. §2357, related to acreage price for public lands offered for sale.

Section 679, act June 15, 1880, ch. 227, §3, 21 Stat. 238, related to acreage price for alternate sections of railroad lands offered for sale.

Section 680, act June 15, 1880, ch. 227, §4, 21 Stat. 238, excepted former section 679 of this title from applicability to mineral lands of the United States.

Section 681, act Mar. 2, 1889, ch. 381, §4, 25 Stat. 854, related to price of forfeited railroad lands and adjacent lands.

Section 682, act Mar. 1, 1907, ch. 2286, 34 Stat. 1052, authorized sale of public lands for cemetery purposes and set forth the price for such acreage.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(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.

§§ 682a to 682e. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 682a, acts June 1, 1938, ch. 317, §1, 52 Stat. 609; July 14, 1945, ch. 298, 59 Stat. 467; June 8, 1954, ch. 270, 68 Stat. 239, related to sale or lease of small tracts for residence, recreation, business, or community site purposes.

Section 682b, act June 1, 1938, ch. 317, §2, as added June 8, 1954, ch. 270, 68 Stat. 239, related to minimum selling price and reservation of mineral rights.

Section 682c, act June 1, 1938, ch. 317, §3, as added June 8, 1954, ch. 270, 68 Stat. 239, related to qualifications of lessees and purchasers.

Section 682d, act June 1, 1938, ch. 317, §4, as added June 8, 1954, ch. 270, 68 Stat. 240, related to sales or leases to employees of Department of the Interior stationed in Alaska.

Section 682e, act June 1, 1938, ch. 317, §5, as added June 8, 1954, ch. 270, 68 Stat. 240, related to application of sections 682a to 682e of this title to certain revested grant lands in Oregon and conditions on lease of such lands.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

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.

§§ 683 to 687. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 683, R.S. §2364, related to minimum price for sale of public lands.

Section 684, R.S. §2358, related to authorization of President to cause public lands to be offered for sale.

Section 685, R.S. §2359, related to advertising of sale of public lands.