

Sec. 5. That this Act shall be subject to the legal rights of any municipality, person or persons in or to the above-described premises, or any part thereof, or the water thereof. Legal rights unimpaired.

Sec. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, February 27, 1913.

CHAP. 85.—An Act To provide for selection by the State of Idaho of phosphate and oil lands. February 27, 1913.
[H. R. 26812.]
[Public, No. 393.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act unreserved public lands of the United States in the State of Idaho which have been withdrawn or classified as phosphate or oil lands, or are valuable for phosphates or oil, shall, if otherwise available under existing law, be subject to selection by the State of Idaho under indemnity and other land grants made to it by Congress whenever such selections shall be made with a view of obtaining or passing title, with a reservation to the United States of the phosphates and oil in such lands, and of the right to prospect for, mine, and remove the same. Public lands. Selections of phosphate or oil lands by Idaho.

Phosphates and oil reserved.

Sec. 2. That the State of Idaho, when applying to select lands classified as phosphate or oil lands, or valuable for phosphates or oil, with a view to securing or passing title to the same in accordance with the provisions of the indemnity and other granting Acts, shall state in the application for selection that same is made in accordance with and subject to the provisions and reservations of this Act. Application.

Sec. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this Act, the State shall, upon approval of the selection by the Secretary of the Interior, be entitled to have the lands certified to it, with a reservation to the United States of all the phosphates and oil in the land so certified, together with the right in the United States, or persons authorized by it, to prospect for, mine, and remove the same; but before any person not acting for the United States shall be entitled to enter upon the lands certified for the purpose of prospecting for phosphates or oil he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for phosphates or oil. Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil or phosphate therefrom and mine and remove the oil or phosphate upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right of the State of Idaho to present and have prompt consideration of applications to select lands, which have been classified as oil or phosphate lands, with a view to disproving such classification and securing a certificate without reservation: *And provided further*, That the reserved phosphate and oil deposits in approved selections under this Act shall not be subject to exploration or entry, other than by the United States, except as hereinafter authorized by Congress. Issue of title to State.

Right to prospect, etc., reserved.

Bond, etc.

Sec. 4. That no person shall be entitled to enter upon the lands certified for the purpose of prospecting for phosphates or oil he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for phosphates or oil. Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil or phosphate therefrom and mine and remove the oil or phosphate upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right of the State of Idaho to present and have prompt consideration of applications to select lands, which have been classified as oil or phosphate lands, with a view to disproving such classification and securing a certificate without reservation: *And provided further*, That the reserved phosphate and oil deposits in approved selections under this Act shall not be subject to exploration or entry, other than by the United States, except as hereinafter authorized by Congress. Occupation for mining, etc.

Sec. 5. That this Act shall be subject to the legal rights of any municipality, person or persons in or to the above-described premises, or any part thereof, or the water thereof. Proviso. Objections to classification.

Sec. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved. Restriction on oil entries, etc.

Approved, February 27, 1913.