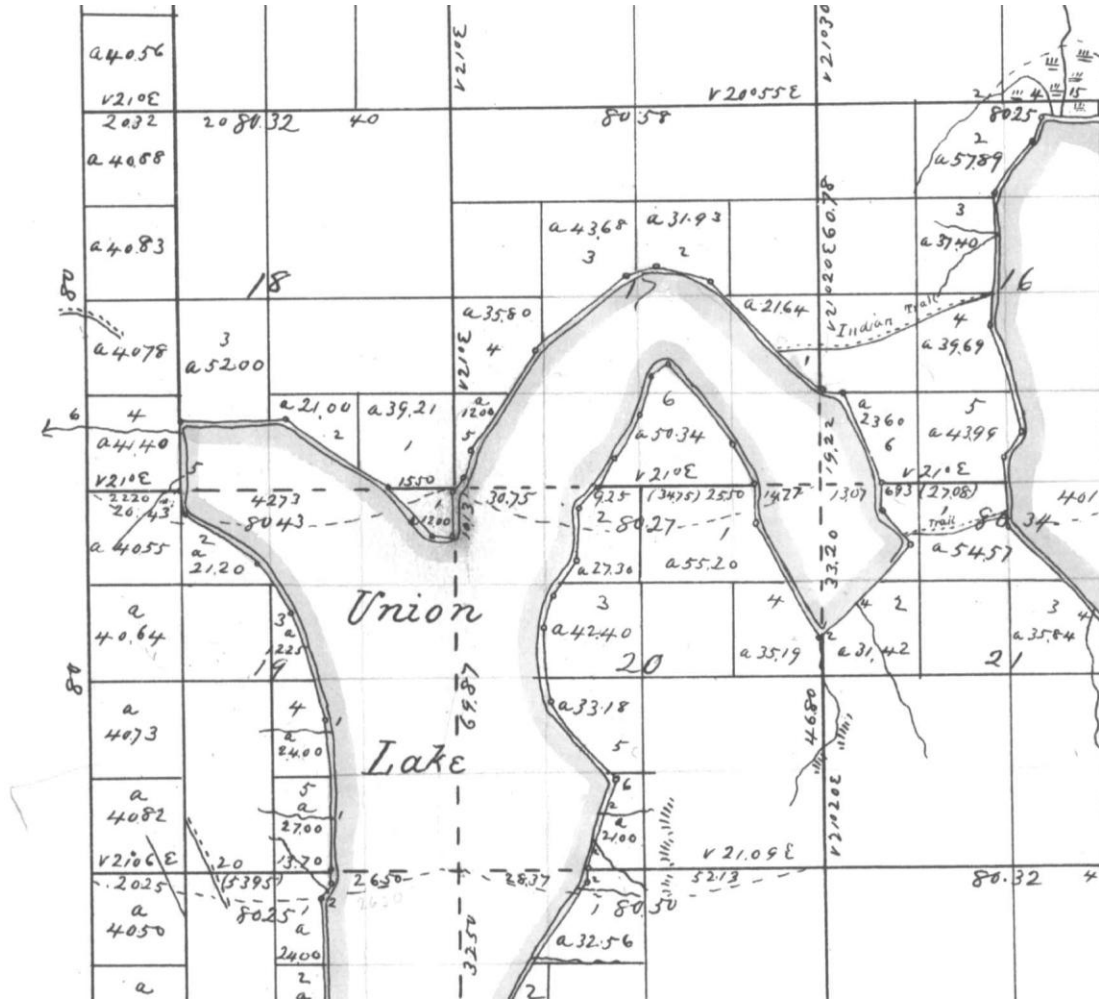


Watson H. Brown

20-LD-315

This case demonstrates the purpose of meander lines and the importance of the field note record in determining the area officially surveyed and returned on the original plat.

PLAT OF T. 25N., R. 4 E.



Township 25 N. R. 4 E. Willamette Mer-
chain

East on a true line between Sections 19 and 30.
Variation $21^{\circ} 06' E.$

40.25 Set a post for 1/4 Sec. cor. from which
A hemlock 8 in dia. bears S. 21 $^{\circ}$ E. 62 fms. dist.
A hemlock 10 in dia. bears N. 5 $^{\circ}$ W. 64 " "

53.95 To the corner to fractional Sections 19 and 30.
Land hilly. 2 nd Rate. Timber, fir,
sucker, Hemlock and alder,
including with Hazel, fern and Briers.

North Between Sections 19 and 20.
Variation $21^{\circ} 15' E.$

To obtain the length of that portion
of the line in the Lake. I send my
flagman across the Lake to the North
Shore, who sets a flag on said shore,
due north of the corner to fractional
Sections 29 and 30 and in the line
between Sections 19 and 30. I now
go to the corner to fractional
Sections 20 and 29, and measure
East 1.63 chains, to which add
28.37 chains (the casting of the
meanders in Sections 29) gives
30.00 chains for base.

From said point the flag in the
line on North Shore bears N. 23 $^{\circ}$ 14' W.
which gives for distance between the
point for corner to Sections, 19, 20,
29 and 30 the flag in line on North
Shore 69.84 chains

69.84 To North Shore

From this point I continue the line
North along the beach, counting the
distance in the Lake.

80.00 Set a post for corner to Sections
17, 18, 19, and 20. From which,
A Bear Berry 3 in dia. bears S. 50 $^{\circ}$ E. 9 fms. dist.
An alder 3 in dia. bears N. 18 $^{\circ}$ E. 40 fms. "
An ash 10 " " " S. 15 $^{\circ}$ W. 46 " "
A willow 10 " " " N. 76 $^{\circ}$ W. 24 " "
Sept. 14 th 1863.

Township 25 N. R. 4 E. Willamette Meridian
Quinn

Courses.	Dist.	Remarks
S. 16 1/2° E.	24.00	
S. 36° W.	8.00	
S. 3 3/4° N.	6.93	To the corner to fractional sections 16 and 21.

Thence in Section 21.

S. 33 1/4° E.	8.07	
S. 43 1/2° E.	28.00	At 50 links Indian trail strikes the Lake courses from West.
S. 77° E.	4.50	At 27 chains mouth of a creek 4 links wide courses from South.

S. 84° E.	11.00	
S. 66° E.	5.75	To the corner to fractional sections 21 and 22. Land along beach in sections 16 and 21 low 2 ^d rate Timber Fir, Cedar, Alder, and Palm Siliad, Sept. 17 th 1855.

Meanders of Lake Union,
Begin at the corner to fractional
sections 16 and 21, on the East
margin of an arm of said Lake,
and run thence along N. E.
margin in Section 16 as follows
Courses, Dist. Remarks

N. 25° W.	2.00	
N. 83 1/2° W.	4.68	To the corner to fractional sections 16 and 17.

Thence in Section 17.

N. 45° W.	34.00	At 10.43 an Indian trail strikes the Lake, courses from East.
N. 76 1/2° W.	12.00	
S. 77 1/2° W.	6.00	
S. 84° W.	25.00	

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703

Tomb's G. R. 4 E. Willamette Mer-

Cedus

Courses. Dist. Remarks,
 S. 34¹/₂ W. 25.00
 S. 13¹/₂ W. 4.00
 S. 54¹/₂ W. 4.00 To the corner to Sections
 17, 18, 19, and 20-

* Thence in Section 18
 South 00.43

S. 57¹/₄ W. 25.00

East 23.00

* Thence in Secty South 13.13
 S. 5¹/₂ E. 14.00 At 186 chains crossed
 the outlet to the Lake

* West 3.93

N. 47¹/₂ W. 15.00 to the corner to
 fract. secs. 18 & 19.

A creek 15 links wide
 To the corner to fractional
 Sections 18 & 19.
 Sept. 18th 1855.

Thence in Section 19
 South 4.90

S. 59¹/₂ E. 18.00

S. 33¹/₂ E. 12.00

S. 19¹/₂ E. 25.00

S. 2¹/₂ E. 33.50 To the corner to
 fractional Sections
 19 and 20.

At 2.00 chains on this
 course, crossed mouth
 Spring Branch 1 link
 wide comes from West.
 At 20.80 chains mouth
 Spring Branch, 1¹/₂ link
 wide comes from the East.

Thence in Section 20
 South 2.71

S. 40 W. 3.00 At 1.00 chains mouth
 Spring Branch, 2¹/₂ link
 wide comes from
 G. 80. W.

South 28.00 To an Indian trail
 comes from G. 40 W.

SURVEY—MEANER LINE OF LAKE.

WATSON H. BROWN.

The land lying between a properly established meander line of a lake and the shore line of the water is not unsurveyed land, but forms an adjunct of the adjacent sub-division.

Secretary Smith to the Commissioner of the General Land Office, April 12, 1895. (G. C. R.)

With your office letter "E" of November 29, 1893, is transmitted the appeal of Watson H. Brown from your office decision, dated September 27, 1893, denying his application for the survey of a tract of land alleged to be situated in the northwest corner of Sec. 20, Tp. 25 N., R. 4 E., W. M., Olympia land district, Washington.

It appears that a similar application was made by the same person in 1891, and, upon consideration thereof, your office on October 3d of that year recommended that the application be disallowed, and upon reference of the matter to this Department, the action of your office was concurred in, on January 29, 1892.

As an explanation for this second application, it is alleged that the facts in the case were not properly alleged or presented in the first application, "and were evidently not before any of the officers who investigated the matter."

The area of the tract is only 2.12 acres, and in the application and affidavit it is alleged that this tract lies upon the shore of Lake Union—a navigable body of water—and is about thirteen feet above highest water mark, not subject to overflow, and is fit for agricultural purposes; that the configuration of the shore of the lake has not materially changed since the original survey of the water front of adjacent lands; that said land was at the time the applicant settled thereon covered with brush and timber, there being trees upon said land seven feet in diameter; that the land is bounded on the west by a tangent line, constituting the east line of section 19, township 25 north, range 4 east, established by the United States surveyors, marked by monuments on the ground, and described in the field notes of said surveys; on the north by a tangent line constituting the southern boundary of section 17, township 25 north, range 4 east, and on the east and south by the shores of Lake Union: that he settled on the land May 21, 1888, has continuously resided thereon since that date without interference or objection from any one.

The questions of the area of the land, what it may have upon its surface, the residence thereon of the applicant, and the non-interference on the part of any one in his alleged rights, are immaterial, except in showing his good faith in the presentation of such other facts as may warrant the favorable consideration of his application. The question is wholly one of jurisdiction. If the land has been surveyed, or if, under the law, it has passed to another, the Department is without power to direct its survey.

In the survey of lands bordering on streams, lakes, etc., it often happens—indeed, it is the rule—that the shore line of the stream, lake, etc., is not identical with the actual or meander line run. The irregularities or sinuosities of the shore lines render an absolute, accurate survey and measurement of the uplands adjacent thereto impracticable, if not impossible. It results, therefore, that there is often a strip of land between the actual line run and the margin of the stream, lake, etc., but it does not follow that the line so run marks the boundary of the lot or tract of land surveyed and measured; on the contrary, such tract extends to the border of the water, and may actually contain a greater (or less) amount of land than the actual survey indicates. If, however, the government survey shows that a line is run without any reference to the shore line, and with no intention of measuring, to the water, the full or approximate amount of the adjacent lands, and a strip is left between such line and the margin of the water, the survey is not complete, and in such case the government may, on discovering the omission or neglect, cause the strip to be surveyed and dispose of it.

Upon the northern border of Union Lake, a body of water of irregular shape and containing an area of two or three square miles, is situated the tract of land survey of which is applied for.

The survey shows a tract of land in the northeastern part of section 19, in said township; this tract has twelve acres, is marked lot 1, and is adjacent to the lot in question, which is alleged to be in section 20.

If the section line between sections 19 and 20, as actually extended, was intended for and actually run as the meander line of the lake, then there is no unsurveyed land left in the northwestern corner of said section 20. True, in running that meander line there may have been small tongues, strips, or projections of land extending eastward into the lake, which would be in section 20; but from the foregoing considerations, such strips or projections are proper adjuncts of lot 1, which, in such case, would have its entire eastern border bounded by the lake, and not by the meander line.

From the field notes of the public survey, your office finds that "both the section and meander lines form the east boundary of lot 1, in section 19."

On a careful re-examination of the field notes, a copy of which is found in the record, also an examination of the field notes of the section line between sections 17 and 20, it is seen that your office is correct.

Without denying the averment that there may be a small strip of land in the northwestern corner of section 20, it must be held that such strip, if any, lies between the meander line of the lake and the lake's margin; that the meander line of the lake coincides with the section line between sections 19 and 20; that the point marking the common section corners of sections 17, 18, 19, and 20 is also the point on or near the lake which is in the line marking its true meander. That being true, lot 1 in section 19 is bounded on the east by Union Lake, and there is no land in the northwestern part of section 20 subject to survey and disposition.

It follows that the decision appealed from is right. The same is, therefore, affirmed.