

United States Vs. Oregon

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SooperKanoon Citation : sooperkanoon.com/96172

Court : US Supreme Court

Decided On : Apr-01-1935

Appeal No. : 295 U.S. 701

Appellant : United States

Respondent : Oregon

Judgement :

United States v. Oregon - 295 U.S. 701 (1935)

U.S. Supreme Court United States v. Oregon, 295 U.S. 701 (1935)

United States v. Oregon

No. 13, original

Decided April 1, 1935 (@ante,@ p. 1)

Decree entered June 3, 1935

295 U.S. 701

DECREE

This cause came on to be heard by this Court upon the exceptions of the parties to the report of the special master.

For the purpose of carrying into effect the conclusions of the Court as stated in its opinion, dated April 1, 1935, *ante*, p. [295 U. S. 1](#) , it is ORDERED, ADJUDGED, AND DECREED as follows:

1. At the time of the admission of the State of Oregon into the Union, February 14, 1859, the United States of America was the owner in fee and entitled to the possession of 81,786 acres, more or less of unsurveyed land lying within the meander line boundary as more specifically described in paragraph 13 of this decree, and divided for the purposes of this case into five divisions: (1) Lake Malheur; (2) Narrows; (3) Mud Lake; (4) Sand Reef, and (5) Harney Lake, and of all the surrounding region for many miles.

2. No part of the 81,786 acres within the meander line boundary constituted navigable waters on February 14, 1859, and the title and interest in no part passed from the United States of America to the State of Oregon upon her admission into the Union.

3. The United States of America has never in terms conveyed or otherwise disposed of any part of the area lying within the meander line boundary, except such disposition, as may have resulted (as matter of law) from its patents, grants, and listings of land bordering on the meander line boundary but not lying within it.

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4. The State of Oregon is the owner of upland having a frontage of 159.67 chains along the meander line in subdivision B of the Narrows Division (between the bridge and Mud Lake Division). 70.52 chains of this frontage are on the north boundary, and 89.15 chains on the south boundary. The frontage of the State of Oregon on subdivision B of the Narrows Division constitutes 86.85 percent of the total frontage of 183.85 chains in that subdivision. The State of Oregon is the owner in fee simple absolute of the bed of subdivision B of the Narrows Division extending to the center line thereof and lying opposite and adjacent to her upland frontage (including stable lands, if any, lying within this area), subject to any rights with respect to ditches and canals retained by the United States by its patents of

the upland, and subject to any easement for the flowage of water through the Narrows from the Malheur Division to the Mud Lake Division.

5. The United States of America has no right, title, or interest in the area known as the "Narrows Division" (R.S. 2476), except the rights with respect to ditches and canals, if any, retained by its patents of adjacent uplands, and any easement for the flowage of water from the Malheur Division to the Mud Lake Division through the Narrows Division.

6. The United States of America is forever enjoined from asserting any estate, right, title, or interest in or against the estates, rights, titles, and interests owned and held by the State of Oregon in the Narrows Division, as determined in paragraph 4 of this decree.

7. The State of Oregon is the owner of upland having a frontage of 72.31 chains along the meander line in Mud Lake Division, which constitutes 8.96 percent of the total frontage of 806.94 chains on that division. In accordance with the findings of the special master, to which no exception is taken, it is decreed that the State of Oregon is the owner of a ratable portion of the bed of Mud Lake Division to

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the extent of 8.96 percent of said bed (as 72.31 chains bears to 806.94 chains), allowing for equitable considerations which may affect this ratio, subject to any rights with respect to ditches and canals retained by the United States by its patents of the uplands on Mud Lake Division, and subject to any easement for the flowage of water from the Narrows Division to the Sand Reef Division.

8. The United States of America is forever enjoined from asserting any estate, right, title, or interest in or against the estates, rights, titles, and interests owned and held by the State of Oregon in the Mud Lake Division, as determined in paragraph 7 of this decree.

9. The surveys, as school lands, of lots 1, 2, 3, Sec. 36, T. 26 S., R. 30 E. (north of Lake Malheur), in the Sand Reef Division; lot 4 of this Sec. 36, and lots 1, 2, 3, and

4 of Sec. 36, T. 27 S., R. 29 1/2 E. in the Harney Lake Division, were approved subsequent to the establishment of the Lake Malheur Reservation by Executive Order No. 929, dated August 18, 1908, which appropriated these lots as a part of the Reservation, and no title or interest in them passed to the State of Oregon. Section 36, T. 26 S., R. 29 E., lying on the meander line boundary of Harney Lake, was surveyed as school lands, and the survey approved, prior to the establishment of the Lake Malheur Reservation. The State of Oregon claimed and received lieu lands elsewhere for a deficiency in this section, equivalent to the part thereof which lay within the meander line boundary, and it has no interest in the area within the meander line as an incident to its ownership of these uplands.

10. The State of Oregon has no right, title, or interest in or to any part of the area within the meander line boundary, including all stable lands above the water surface elevation of 4,093 feet above sea level, except as determined in paragraphs 4 and 7 of this decree.

11. Except as determined in paragraphs 4 and 7 of this decree, the United States of America is the owner in fee

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simple absolute, and entitled to the possession, of all the area within the meander line boundary, but not including such parts, if any, as may have been, as matter of law, transferred by the United States of America by reason of and as an incident to patents of uplands bordering on the meander line boundary. As neither the patentees nor their successors in interest (except insofar as the State of Oregon is a successor in interest of some of the patentees) are parties to this suit, no determination is now made in respect of the rights, titles, and interests, if any, acquired by the patentees in the areas within the meander line boundary.

12. The State of Oregon is forever enjoined from asserting any estate, right, title, or interest in or to any of the area within the meander line boundary, except the estates, rights, titles and interests determined in paragraphs 5 and 8 of this decree not to be owned by the United States.

13. The area within the meander line boundary comprises 81,786 acres, more or less, of unsurveyed lands in Harney County, Oregon, divided into five divisions, shown in Appendix 2 of the special master's report, volume 2, pages 7 to 25, inclusive, and here described by metes and bounds as follows:

Lake Malheur Division (47,670.40 acres, more or less) :

Begin at a point on the Neal survey line of October, 1895, N. 88 W. 54.00 chs. from the N.E. corner of lot 9, Sec. 25, T. 26 S., R. 30 E., W.M. (South of Malheur Lake); thence approximately N. 42 W. 32.50 chs. across unsurveyed lands to the most easterly corner of lot 1, Sec. 25, T. 26 S., R. 31 E., North of Malheur Lake; thence, in T. 26 S., R. 31 E. (North of Malheur Lake), N. 8015' W. 16.32 chs.; N. 6530' W. 7.00 chs.; N. 8315' W. 9.17 chs.; N. 5 W. 15.00 chs.; N. 00 20.00 chs.; N. 9 E. 12.00 chs.; N. 73 E. 15.50 chs.; N. 4730' E. 7.00 chs.; N. 1430' E. 11.00 chs.; N. 1130' E. 7.00 chs.; N. 6530' W. 4.00 chs.; S. 4930' W. 7.54 chs.; N. 63 W. 4.00 chs.; N. 5530' W.

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5.00 chs.; N. 33 E. 6.65 chs.; N. 23 W. 3.00 chs.; N. 39 E.00 chs.; N. 76 W. 3.00 chs.; N. 00 4.00 chs.; N. 4845' E. 2.76 chs.; N. 41 E. 7.50 chs.; N. 6230' E. 6.00 chs.; N. 80 E. 6.00 chs.; S. 14 E. 11.00 chs.; S. 8230' W. 9.00 chs.; S. 72 E. 50 chs.; N. 55 E. 3.50 chs.; E. 00 4.50 chs.; S. 25 E. 3.50 chs.; S. 3230' W. 11.95 chs.; S. 28 W. 5.00 chs.; S. 8230' E. 6.00 chs.; N. 5330' E. 8.73 chs.; N. 37 E. 6.50 chs.; E. 00 5.00 chs.; N. 28 E. 7.00 chs.; N. 9 W. 5.50 chs.; N. 6330' W. 5.50 chs.; N. 29 E. 3.00 chs.; N. 6130' E. 4.00 chs.; N. 71 E. 4.50 chs.; S. 67 E. 4.50 chs.; N. 24 E. 3.50 chs.; S. 42 E. 1.70 chs.; N. 73 E. 4.00 chs.; S. 48 E. 5.00 chs.; S. 9 E. 4.00 chs.; N. 8230' E. 4.00 chs.; S. 3 E. 13.00 chs.; N. 44 E. 5.50 chs.; N. 22 E. 7.00 chs.; N. 4730' W. 9.00 chs.; N. 00 5.00 chs.; N. 8230' E. 7.00 chs.; S. 78 E. 4.00 chs.; N. 84 E. 2.21 chs.;

Thence, in T. 26 S.R. 32 E. (North of Malheur Lake) N. 41 E. 5.50 chs.; S. 61 E. 8.00 chs.; S. 27 E. 8.00 chs.; N. 6530' E. 3.50 chs.; S. 6330' E. 4.00 chs.; N. 00 7.00 chs.; N. 50 W. 5.00 chs.; N. 00 3.00 chs.; S. 65 E. 6.00 chs.; N. 54 E. 3.50

chs.; S. 7530' E. 5.00 chs.; N. 85 E. 4.00 chs.; N. 60 E. 5.00 chs.; N. 230' W. 8.00 chs.; N. 87 E. 3.00 chs.; S. 59 E. 5.50 chs.; N. 52 E. 4.00 chs.; S. 32 E. 5.00 chs.; N. 69 E. 5.00 chs.; N. 32 E. 4.50 chs.; S. 50 E. 6.00 chs.; N. 51 E. 3.50 chs.; N. 58 E. 5.50 chs.; N. 80 E. 6.00 chs.; S. 6015' E. 3.20 chs.; N. 830' E. 2.00 chs.; N. 4530' E. 3.00 chs.; S. 6430' E. 2.50 chs.; N. 44 E. 5.00 chs.; S. 81 E. 2.50 chs.; S. 2730' E. 3.50 chs.; S. 67 E. 3.00 chs.; N. 3030' E. 5.00 chs.; N. 1830' E. 3.00 chs.; N. 77 W. 6.00 chs.; N. 4830' E. 7.00 chs.; S. 88 E. 8.50 chs.; S. 46 E. 8.00 chs.; N. 13 W. 4.50 chs.; N. 3430' W. 4.00 chs.; N. 46 E. 23.00 chs.; N. 1330' W. 1.89 chs.; N. 2430' E. 2.00 chs.; S. 88 E. 7.00 chs.; N. 35 W. 14.00 chs.; N. 730' W. 3.00 chs.; N. 62 E. 7.00 chs.; S. 60 E. 8.50 chs.; N. 7030' E. 10.00 chs.; N. 8430' E. 6.00 chs.; N. 3330' E. 9.00 chs.; N. 23 W.

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8.00 chs.; N. 23 E. 8.00 chs.; N. 3530' W. 8.00 chs.; N. 23 E. 6.00 chs.; S. 6945' E. 4.92 chs.; N. 33 E. 10.00 chs.; N. 83 E. 12.00 chs.; S. 53 E. 8.00 chs.; N. 2830' E. 7.00 chs.; N. 4330' W. 6.00 chs.; N. 3330' E. 2.00 chs.; S. 8230' E. 4.00 chs.; N. 69 E. 11.00 chs.; N. 2630' W. 4.50 chs.; N. 5630' W. 6.04 chs.; N. 3130' W. 7.50 chs.; N. 530' E. 12.00 chs.; N. 3230' E. 16.00 chs.; S. 5330' E. 12.00 chs.; S. 16 W. 9.00 chs.; S. 530' E. 9.00 chs.; S. 26 15 E. 7.90 chs.; S. 00 9.00 chs.; S. 930' W. 7.00 chs.; S. 8130' E. 13.00 chs.; N. 22 E. 7.00 chs.; N. 5 E. 4.00 chs.; N. 18 E. 7.82 chs.; N. 430' E. 4.80 chs.; N. 89 E. 14.07 chs.; N. 4830' E. 11.00 chs.; S. 36 E. 9.00 chs.; S. 2130' W. 5.35 chs.; S. 17 W. 31.00 chs.; N. 4330' E. 9.00 chs.; N. 5130' E. 6.50 chs.; S. 37 E. 6.00 chs.; N. 3730' E. 6.00 chs.; N. 52 E. 14.00 chs.; N. 5530' W. 18.90 chs.; N. 33 E. 3.00 chs.; N. 6130' E. 6.00 chs.; S. 37 E. 3.00 chs.; N. 3930' E. 10.00 chs.; S. 2330' E. 11.00 chs.; N. 47 E. 7.00 chs.; S. 5230' E. 8.00 chs.; N. 80 E. 4.16 chs.; N. 35 E. 21.00 chs.; N. 4730' W. 27.00 chs.; N. 26 W. 16.00 chs.; N. 45 E. 15.00 chs.; S. 2030' E. 9.00 chs.; S. 69 E. 6.00 chs.; S. 9 E. 14.00 chs.; N. 88 E. 14.00 chs.; N. 62 E. 4.00 chs.; N. 4230' W. 10.00 chs.; N. 3130' E. 6.00 chs.; S. 56 E. 30 chs.; N. 43 E. 9.00 chs.; S. 37 E. 10.00 chs.; S. 8130' E. 23.00 chs.; N. 8430' E. 5.00 chs.; N. 7 E. 11.00 chs.; N. 55 E. 13.00 chs.; N. 6730' E. 10.00 chs.; S. 2430' E. 3.50 chs.; S. 6730' E. 10.50 chs.; S. 4330' E. 8.00 chs.; S. 230' W. 10.00 chs.; S. 45 W. 6.50 chs.; N. 4230' W. 9.00 chs.; S.

7530' W. 3.50 chs.; S. 00 3.00 chs.; S. 39 E. 12.00 chs.; S. 1730' W. 8.00 chs.; S. 7330' E. 11.66 chs.; N. 2630' E. 13.00 chs.; N. 32 W. 8.00 chs.; N.19 E. 16.00 chs.; N. 5530' W. 8.00 chs.; N. 2230' E. 23.00 chs.; N. 7630' E. 6.43 chs.;

Thence, in T. 25 S., R. 32 E. (North of Malheur Lake) N. 70 E. 6.00 chs.; N. 25 E. 13.00 chs.; N. 56 E. 15.00 chs.; N. 36 E. 17.00 chs.; N. 53 E. 27.70 chs.;

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Thence, in T. 25 S., R. 32 1/2 E., N. 80 E. 39.00 chs.; N. 45 E. 15.00 chs.; N. 44 W. 4.00 chs.; N. 48 W. 8.50 chs.; N. 3830' E. 12.00 chs.; N. 20 W. 5.00 chs.; N. 14 E. 5.00 chs.; N. 53 E. 8.00 chs.; N. 80 E. 5.00 chs.; N. 19 W. 10.00 chs.; N. 18 15 E. 19.70 chs.; N. 50 E. 20.00 chs.; N. 68 E. 37.50 chs.; N. 5015' E. 39.10 chs.; S. 4930' E. 15.00 chs.; East 30.00 chs.; S. 48 E. 21.80 chs.; S. 60 E. 21.00 chs.; N. 2330' E. 11.50 chs.; S. 6245' E. 12.82 chs.; S. 1230' E. 31.00 chs.; S. 8630' E. 23.00 chs.; S. 63 E. 8.00 chs.; N. 2030' W. 24.00 chs.; N. 20 W. 4.00 chs.; N. 88 E. 9.00 chs.; N. 28 E. 12.00 chs.; N. 6230' E. 9.00 chs.; North 8.00 chs.; N. 65 W. 14.00 chs.; N. 40 E. 13.00 chs.; N. 45 E. 9.00 chs.; N. 7130' E. 18.00 chs.; N. 40 E. 12.00 chs.; S. 80 E. 20.00 chs.; S. 43 E. 20.00 chs.; S. 4545' E. 20.00 chs.; S. 2945' E. 15.00 chs.; S.30' W. 36.00 chs.; N. 70 E. 12.00 chs.; N.30' E. 20.00 chs.; N. 56 E. 17.20 chs.; S. 80 E. 30.00 chs.; S. 60 E. 20.00 chs.; S.30' E. 34.00 chs.; N. 21 E. 9.00 chs.; S. 84 E. 12.70 chs.;

Thence, in T. 25 S., R. 33 E., N. 3545' E.19.66 chs.; N. 56 E. 56.00 chs.; N. 2430' E. 12.00 chs.; N. 83 E. 8.00 chs.; East 9.00 chs.; S. 42 E. 11.00 chs.; S. 56 E. 20.00 chs.; S. 24 E. 27.00 chs.; S. 25 E. 21.00 chs.; S. 15 E. 18.00 chs.; S. 8030' E. 14.00 chs.; N. 12 E. 15.00 chs.; N. 9 W.19.00 chs.; N. 7315' E. 18.32 chs.; S. 55 E. 23.00 chs.; S. 23 E. 11.00 chs.; S. 930' E. 34.00 chs.; S. 130' E. 14.00 chs.; S. 14 E. 57 chs.; S. 41 E. 6.00 chs.; S. 7230' E. 6.00 chs.; N. 8030' E. 39.39 chs.; S. 36 E. 55.00 chs.; S. 12 E. 36.20 chs.;

Thence, in T. 26 S., R. 33 E., S. 15 E. 50.00 chs.; S. 3 E. 29.90 chs.; S. 915' E. 80.90 chs.; S. 10 W. 15.00 chs.; S. 50 W. 12.00 chs.; N. 50 W. 10.00 chs.; N. 7330' W. 21.80 chs.; N. 75 W. 25.00 chs.; S. 50 W. 26.00 chs.; West 15.00 chs.;

N. 78 15 W. 21.30 chs.; N. 75 W. 12.00 chs.; S. 5 W. 14.00 chs.; N. 70 W. 25.00 chs.; S. 50 W.

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20.00 chs.; S. 72 W. 30.00 chs.; N. 55 W. 30.00 chs.; N. 67 W. 58.00 chs.;

Thence, in T. 26 S., R. 32 E. (South of Malheur Lake), S. 65 W. 17.00 chs.; S. 20 W. 10.00 chs.; S. 75 W. 40.00 chs.; S. 60 W. 26.00 chs.; S. 5015' W. 62.40 chs.; S. 50 W. 10.00 chs.; S. 77 W. 25.00 chs.; S. 60 W. 20.00 chs.; S. 2115' W. 62.20 chs.; S. 12 W. 40.00 chs.; S. 35 W. 20.00 chs.; N. 8230' W. 20.50 chs.; N. 80 W. 12.00 chs.; S. 50 W. 20.00 chs.; S. 74 W. 31.00 chs.; S. 3830' W. 9.85 chs.; S. 4730' W. 5.00 chs.; S. 2130' W. 11.00 chs.; South 12.00 chs.; S. 26 E. 11.00 chs.; S.1930' E 14.00 chs.; S. 1830' W. 14.00 chs.; S. 18 E. 6.00 chs.; S. 4530' W. 17.85 chs.;

Thence, in T. 27 S., R. 32 E., S. 6 W. 8.00 chs.; S. 51 W. 3.50 chs.; West 10.00 chs.; S. 75 W. 20.00 chs.; N. 47 W. 22.80 chs.;

Thence, in T. 26 S., R. 32 E. (South of Malheur Lake), N.30' W. 40.00 chs.; N. 6830' W. 15.00 chs.; N. 75 W. 40.00 chs.; S. 8530' W. 36.25 chs.;

Thence, in T. 26 S., R. 31 E. (South of Malheur Lake), S. 86 W. 30.00 chs.; N. 2930' W. 39.90 chs.; N. 8 E. 13.00 chs.; N. 22 E. 23.00 chs.; N. 4845' W. 7.80 chs.; N. 3130' W. 10.00 chs.; S. 6130' W. 7.00 chs.; N. 69 W. 12.00 chs.; S. 16 W. 27.00 chs.; S. 66 W. 5.90 chs.; West 30.00 chs.; N. 74 W. 52.20 chs.; S. 75 W. 11.00 chs.; S. 40 W. 22.00 chs.; West 12.00 chs.; S. 71 W. 45.80 chs.; N. 45 W. 70.00 chs.; N. 89 W. 30.20 chs.; N. 66 W. 34.00 chs.; West 23.00 chs.; N. 42 W. 5.00 chs.; N. 7130' W. 23.00 chs.; S. 87 W. 9.00 chs.; S. 5530' W. 16.00 chs.; N. 77 W. 18.00 chs.; S. 8330' W. 31.00 chs.; N. 7930' W. 7.88 chs.;

Thence, in T. 26 S., R. 30 E. (South of Malheur Lake), N. 88 W. 54.00 chs.; to the place of beginning.

Narrows Division (295.60 acres, more or less):

Begin at a point on the Neal survey line of 1895 on the most northwesterly corner of lot 11, Sec. 25, T. 26 S., R. 30 E. Willamette Meridian; South of Malheur Lake;

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Thence, in T. 26 S., R. 30 E. (South of Malheur Lake) S. 4930' W. 13.00 chs.; S. 6515' W. 18.05 chs.; S. 57 W. 13.00 chs.; S. 45 W. 19.00 chs.; S. 56 W. 7.00 chs.; S. 6030' W. 10.00 chs.; S. 30 W. 5.38 chs.; S. 27 W. 11.00 chs.; S. 6430' W. 8.50 chs.; N. 88 W. 13.00 chs.; S. 76 W. 5.00 chs.; N. 84 W. 8.45 chs.; S. 21 W. 4.70 chs.; S. 8430' W. 10.00 chs.; N. 8430' W. 14.00 chs.; N. 49 W. 8.00 chs.; West 4.00 chs., to the most northwesterly corner of lot 2, Sec. 27; T. 26 S., R. 30 E. (South of Malheur Lake);

Thence, N. 27 W. 31.40 chs. across unsurveyed land to the meander corner at the most southwesterly corner on the west boundary of lot 2, Sec. 27, T. 26 S., R. 31 E. (North of Malheur Lake);

Thence, in T. 26 S., R. 31 E. (North of Malheur Lake) S. 7230' E. 8.00 chs.; S. 41 E. 11.00 chs.; S. 77 E. 5.00 chs.; North 5.00 chs.; S. 5530' E. 11.00 chs.; S. 76 E. 11.00 chs.; East 4.00 chs.; S. 57 E. 5.00 chs.; S. 81 E. 18.00 chs.; S. 82 E. 9.00 chs.; N. 65 E. 4.00 chs.; N. 40 E. 6.80 chs.; N. 22 E. 6.00 chs.; N. 3630' E. 6.00 chs.; N. 6330' E. 6.50 chs.; N. 39 E. 5.00 chs.; N. 63 W. 4.00 chs.; N. 72 W. 4.00 chs.; North 3.00 chs.; N. 3730' E. 8.00 chs.; North 4.00 chs.; N. 51 E. 5.00 chs.; N. 26 E. 7.00 chs.; N. 63 E. 13.00 chs.; N. 4230' E. 07 chs.; N. 62 E. 14.00 chs.; N. 2730' E. 8.00 chs.; North 4.00 chs.; to the most easterly corner of lot 1, Sec. 25, T. 26 S., R. 31 E. (North of Malheur Lake);

Thence, S. 42 E. 32.50 chs. across unsurveyed land to the meander corner at the most northwesterly corner of lot 11, Sec. 25, T. 26 S., R. 30 E. (South of Malheur Lake); the place of beginning.

Mud Lake Division (1,466.00 acres, more or less):

Begin at the meander corner at the most northwesterly corner of lot 2, Sec. 27, T. 26 S., R. 30 E. (South of Malheur Lake);

Thence in T. 26 S., R. 30 E. (South of Malheur Lake) S. 9 E. 8.00 chs.; S. 2630' W. 8.18 chs.; S. 6130' W.

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8.25 chs.; N. 45 W. 10.00 chs.; S. 28 W. 5.00 chs.; S. 730' W. 20.00 chs.; S. 26 W. 15.00 chs.; S. 32 W. 12.00 chs.; S. 56 W. 11.00 chs.; S. 65 W. 16.80 chs.; S. 59 W. 20.00 chs.; N. 6530' W. 3.00 chs.; N. 88 W. 22.00 chs.; N. 6430' W. 12.00 chs.; N. 4130' E. 24.00 chs.; N. 5030' W. 6.00 chs.; N. 89 W. 19.00 chs.; N. 45 W. 6.00 chs.; N. 1915' W. 13.78 chs.; N. 3530' E. 8.00 chs.; N. 67 E. 10.00 chs.; N. 26 E. 6.00 chs.; N. 48 E. 8.00 chs.; N. 10 W. 8.00 chs.; N. 6430' W. 6.75 chs.; S. 5430' W. 5.00 chs.; S. 1815' W. 8.29 chs.; S. 5730' W. 4.00 chs.; S. 55 W. 16.00 chs.; S. 75 W. 10.00 chs.; S. 11 W. 8.00 chs.; S. 15 E. 17.00 chs.; S. 3 W. 26.00 chs.; West 18.00 chs.; N. 13 W. 40.00 chs.; N. 4530' W. 5.00 chs.; S. 46 W. 10.00 chs.; S. 1730' E. 22.00 chs.; S. 46 W. 13.00 chs.; S. 1430' W. 14.00 chs.; to the meander corner at the southwest corner of lot 5, Sec. 32, T. 26 S., R. 30 E. (South of Malheur Lake);

Thence, N. 3230' W. 58.70 chs. across unsurveyed land to the meander corner at the most southwesterly corner of lot 4, Sec. 32, T. 26 S., R. 31 E. (North of Malheur Lake);

Thence, S. 65 E. 13.00 chs.; East 6.50 chs.; N. 6830' E. 3.00 chs.; N. 9 E. 7.50 chs.; N. 69 E. 26.00 chs.; N. 4530' E. 8.00 chs.; N. 6130' E. 9.00 chs.; S. 42 E. 9.00 chs.; N. 81 E. 4.00 chs.; N. 2430' E. 11.00 chs.; S. 87 E. 3.00 chs.; S. 6330' E. 4.14 chs.; S. 66 E. 5.00 chs.; N. 55 E. 7.00 chs.; S. 8230' E. 3.60 chs.; N. 2130' E. 5.00 chs.; N. 37 W. 12.00 chs.; S. 8615' W. 8.53 chs.; North 12.00 chs.; N. 5430' E. 10.00 chs.; N. 83 E. 10.00 chs.; N. 53 E. 10.00 chs.; N. 26 E. 10.00 chs.; N. 57 E. 14.00 chs.; N. 61 E. 10.00 chs.; N. 36 E. 12.00 chs.; S. 7530' E. 14.00 chs.; S. 62 E. 9.00 chs.; S. 38 E. 3.62 chs.; S. 6230' E. 11.00 chs.; S. 7230' E. 9.00 chs.; S. 69 E. 20.00 chs.; S. 4230' E. 4.00 chs.; to the meander corner at the most southwesterly point on the west boundary of lot 2, Sec. 27, T. 26 S., R. 31 E. (North of Malheur Lake);

Thence, S. 27 E. 31.40 chs. to the meander corner at the most northwesterly corner of lot 2, Sec. 27, T. 26 S., R. 30 E. (South of Malheur Lake); the place of beginning.

Sand Reef Division (2,792.00 acres, more or less):

Begin at the meander corner at the southwesterly corner of lot 5, Sec. 32, T. 26 S., R. 30 E. (South of Malheur Lake);

Thence, in T. 27 S., R. 30 E. (South of Malheur Lake), S. 68 E. 16.95 chs.; S. 20 E. 11.00 chs.; S. 36 E. 13.00 chs.; S. 41 E. 17.00 chs.; N. 66 E. 30.00 chs.; S. 51 E. 21.29 chs.; S. 1530' E. 17.00 chs.; S. 28 W. 26.00 chs.; S. 4915' W. 12.13 chs.; S. 4915' W. 36.65 chs.; S. 26 W. 21.00 chs.; S. 3030' E. 19.00 chs.; S. 8 E. 13.00 chs.; S. 9 15 E. 45.20 chs.; S. 10 W. 18.00 chs.; S. 21 W. 13.00 chs.; N. 80 W. 21.00 chs.; N. 53 W. 21.00 chs.; N. 43 W. 25.00 chs.; N. 8845' W. 27.35 chs.; to the meander corner at the northwesterly corner of lot 2, Sec. 18, T. 27, S., R. 30 E. (South of Malheur Lake);

Thence, in a northwesterly direction across unsurveyed land along the west base of the Sand Reef, on the 4,095-foot contour line, a distance of approximately 303.75 chs. to the southwest corner of lot 3, Sec. 36, T. 26 S., R. 30 E. (North of Harney Lake);

Thence, in T. 26 S., R. 30 E. (North of Malheur Lake) S. 89 E. 61.18 chs.; thence, in T. 26 S., R. 31 E. (North of Malheur Lake), north 5230' E. 8.00 chs.; south 78 E. 4.00 chs.; N. 68 E. 16.00 chs.; S. 4430' E. 6.50 chs.; S. 26 E. 6.00 chs.; S. 3 E. 10.00 chs.; S. 3430' E. 12.00 chs.; S. 4830' E. 8.50 chs.; East 4.00 chs.; N. 50 E. 17.00 chs.; N.30' E. 14.00 chs.; N. 82 E. 21 chs.; to the southwest corner of lot 4, Sec. 32, T. 26 S., R. 31 E. (North of Malheur Lake);

Thence across unsurveyed land S. 3230' E. 58.70 chs.; to the meander corner at the southwest corner of lot 5, Sec. 32, T. 26 S., R. 30 E. (South of Malheur Lake); the place of beginning.

Harney Lake Division (29,562.00 acres, more or less):

Begin at the northwesterly corner of lot 2, Sec. 18, T. 27 S., R. 30 E. (South of Malheur Lake);

Thence, in T. 27 S., R. 30 E. (South of Malheur Lake), S. 11 W. 41.40 chs.; S. 12 W. 20.22 chs.; West 3.00 chs.; S. 2315' W. 67.00 chs.; S. 2230' W. 26.00 chs.; thence, in T. 27 S., R. 29 1/2 E., S. 2530' W. 21.00 chs.; S. 28 W. 9.00 chs.; S. 6330' W. 3.40 chs.; S. 230' E. 12.00 chs.; S. 1030' W. 10.90 chs.; S. 23 W. 12.30 chs.; S. 3030' W. 22.00 chs.; S. 3430' W. 25.00 chs.; S. 37 W. 12.00 chs.; S. 22 E. 21.00 chs.; thence in T. 28 S., R. 29 3/4 E., S. 930' E. 11.00 chs.; S. 1230' W. 9.00 chs.; S. 45 W. 11.00 chs.; S. 8230' W. 10.00 chs.; N. 74 W. 10.00 chs.; S. 79 W. 6.20 chs.; S. 79 W. 1.80 chs.; N. 3630' W. 8.60 chs.; N. 2530' W. 9.00 chs.; S. 84 E. 6.00 chs.; N. 4530' W. 6.00 chs.; N. 730' W. 9.30 chs.; thence, in T. 27 S., R. 29 1/2 E., N. 3530' W. 6.80 chs.; N. 46 W. 16.00 chs.; N. 56 W. 15.00 chs.; N. 65 W. 4.00 chs.; N. 7730' W. 10.50 chs.; S. 79 W. 17.00 chs.; S. 8230' W. 11.00 chs.; S. 85 W. 10.80 chs.; N. 86 W. 10.00 chs.; S. 79 W. 19.00 chs.; S. 73 W. 15.00 chs.; N. 80 W. 7.00 chs.; N. 5330' W. 4.00 chs.; N. 87 W. 4.80 chs.; S. 75 W. 12.00 chs.; S. 85 W. 19.50 chs.; N. 76 W. 8.00 chs.; N. 33 W. 44.00 chs.; N. 42 W. 26.00 chs.; N. 26 W. 8.00 chs.; N. 1715' W. 26.50 chs.; N. 1730' W. 9.70 chs.; S. 5530' E. 3.50 chs.; S. 5530' E. 9.00 chs.; N. 4330' W. 9.50 chs.; N. 64 W. 1.00 chs.; N. 64 W. 9.00 chs.; N. 7630' W. 15.00 chs.; N. 6730' W. 15.00 chs.; N. 82 W. 19.70 chs.; S. 1530' E. 3.40 chs.; S. 45 W. 14.00 chs.; S. 50 W. 20.00 chs.; S. 6230' W. 15.00 chs.; N. 7630' W. 14.70 chs.; N. 78 W. 4.00 chs.; N. 77 W. 23.40 chs.; N. 88 W. 9.90 chs.; N. 68 W. 16.80 chs.; N. 8430' W. 7.50 chs.; N. 8830' W. 2.40 chs.;

Thence, in T. 27 S., R. 29 E., N. 45 W. 42.00 chs.; N. 42 W. 8.50 chs.; N. 6303' W. 7.10 chs.; N. 70 W. 5.00 chs.; N. 4230' W. 31.00 chs.; N. 51 W. 16.49 chs.; N.

4630 W. 27.00 chs.; N. 3945' W. 20.00 chs.; N. 4215' W. 14.90 chs.; N. 1515' W. 38.00 chs.; N. 3115' W. 17.00 chs.; N. 443' W. 29.52 chs.; N. 14 W. 14.00 chs.; N. 4730' E. 16.50 chs.; N. 8 E. 30.00 chs.; N. 3130' E. 30.09 chs.; N. 24 E. 33.00 chs.; N. 11 E. 30.00 chs.; N. 72 E. 11.00 chs.; N. 82 E. 6.10 chs.; N. 45 E. 18.36 chs.; S. 8939' E. 22.00 chs.;

Thence, in T. 26 S., R. 29 E., N. 57 E. 30.50 chs.; N. 52 E. 25.50 chs.; North 20.35 chs.;

Thence, in T. 26 S., R. 30 E. (North of Malheur Lake), N. 5315' E. 46.22 chs.; N. 66 E. 47.26 chs.; N. 5515' E. 14.08 chs.; N. 6830' E. 20.00 chs.; N. 7915' E. 10.00 chs.; N. 8815' E. 30.00 chs.; S. 81 E. 10.00 chs.; S. 7615' E. 21.12 chs.; S. 81 E. 20.00 chs.; S. 8230' E. 20.00 chs.; S. 80 E. 20.00 chs.; S. 7530' E. 27.09 chs.; S. 70 E. 38.00 chs.; S. 69 E. 19.85 chs.; S. 64 E. 40.00 chs.; S. 60 E. 51.40 chs.; S. 89 E. 20.39 chs.;

Thence, in a southeasterly direction across unsurveyed land, along the west base of the Sand Reef on the 4,095-foot contour line, a distance of approximately 303.75 chains to the place of beginning.

14. The rights of persons not parties to this suit are not determined. It is not determined whether any part of the meander line boundary is or was in fact a true and correct meander line upon which the lands of such upland owners border, and no reference, here or in the special master's report, to parts of such line shall be taken as an adjudication that the meander line in this respect is the true or correct boundary.

15. The counterclaim of the State of Oregon is hereby dismissed except as to matters determined in paragraphs 4 and 7 of this decree.

16. It is further decreed that each party pay its own costs, and that each party pay one-half of the expenses incurred by the special master, and also one-half of the amount to be fixed by the Court as the compensation of the special master.

