

MEANDER LINES

A meander line is a line run by the government the purpose of defining the sinuosities of the shore or bank of a body of water and to ascertain the quantity of land in the adjoining fractional tracts of land subject to sale by the government. Generally the water is the boundary. Where a body of water, lake, bayou, stream, river or ocean is made an abuttal boundary in an instrument that conveys an interest inland, the meander line is not the legal boundary unless expressly stated. A meander line is the device to determine the area of land not to limit the title.

Islands

The government of the United States takes the following position in the public domain states. All islands in meandered bodies of water, whether navigable or non-navigable, that were elevated above the ordinary high water market at the time the states entered the union and were not surveyed at the time the township was originally surveyed remains public lands of the United States and are subject to survey as such.

However, if the island arose after the state was admitted to the union then it belongs to the owner who holds the title of the bed of the body of water. Although instructions to deputies' surveyors call for surveys of all islands in meandered bodies of water, many were not returned in the original survey. This did not extinguish their public land status, nor did it show any intent on the part of the United States to convey them as part of the surveyed mainland. Islands in lakes or rivers, which have been the meandered, should be surveyed. To do this the island has to be connected to the mainland framework of townships and ranges and the connection lines shown on the plat. The connection was formed by triangulation.

Lakes and within a Single Section

The lake or pond must be located with reference to the two nearest corners on different sides of the pond. Two lines are run from such points to the body of water and distance and bearing recorded.

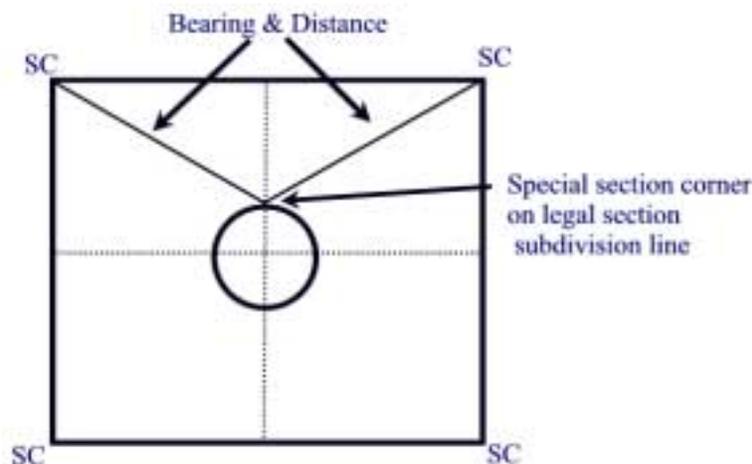


Figure 1 Special Section Corner

The body of water is meandered from this fixed point,

Boundaries, Meandered and Not Meandered

Meandered: large streams, lake, ponds, and any body water.

Not meander: National Parks, Indian Reserves, mineral claims, and any boundary line

Meander Lines on Ordinary High Water

By definition the right bank is on the right hand side as one faces down stream. Meander lines are run at ordinary high water mark on the right and left banks. When the riverbed changes, the high water mark changes but the meander line stays in its original location.

If the change in the river is slow and imperceptible (accretion) the boundary of the riparian owner follows the river. With a heavily meandered river, it was not possible to follow every minute turn in the river so the meander line was set based on the general course of the river.

The 1973 manual authorizes the location of meander lines by photogrammetry after meander corners have been established in a regular manner. When so located, the field notes will state, which lines were located by photogrammetry, and the date and identification of photography used.

Streams that are meandered

- a. All navigable rivers and bayous
- b. All non-navigable rivers of right angle width of 3 chains
- c. Tidewater streams at ordinary mean high water mark when navigable
- d. Tidewater inlets and bayous if more than 3 chains wide

Streams that are NOT Meandered

- a. Shallow and intermittent stream without well-defined banks and streams
- b. Tidewater inlets that are non-navigable that are less than 3 chains

Meander Corners

A meander corner is established at every point where a standard, township or section line intersects the bank of a navigable or meandered body of water. If the monument is vulnerable from erosion, a witness corner should be set. The distance across the body of water is ascertained by triangulation or direct measurement and full particulars are given in the field notes.

All courses of meander lines are required to refer to the true meridian. They are given to the nearest quarter of a degree, which is sufficient for most purposes.

While running meander lines the following items must be recorded:

- a. All streams flowing into the body of water with the width at their mouth
- b. The position, size and depth of springs and whether the water is pure or mineral
- c. The heads and mouths of all bayous
- d. All rapids and bars with intersections to the upper and lower ends
- e. Elevations of banks of lakes and streams,
- f. The height of the falls and cascades
- g. The length and fall of rapids.

Gross Error or Fraud in Meander Lines

Where fraud is involved in meander lines, the issue usually ends in court. Circumstances vary as to whether an owner has riparian rights. If there was gross error or fraud, it will vitiate the meander line. In this case the courts are inclined to regard the so-called meander line as a fixed boundary and not a meander line.