

COURT HOLDS U. S. OWNER OF RESERVE

Lake Bed and Connecting Waters
in Malheur Belong to Govern-
ment; Oregon Owns Narrows
and Mud Lakes, Decision Says
4-1-35

Washington, April 1.—(AP)—The supreme court ruled today that the United States has title to the bed of lakes and connecting waters in the Lake Malheur bird reserve, Oregon, except for mud lakes and the narrows. It held Oregon had title to the latter.

Title to the land in the largest bird reserve west of the Rocky mountains and probably the largest in the United States, was claimed by Oregon, the United States and by owners of the upland.

The reservation was created by President Theodore Roosevelt in 1908. The United States asked the high court to decide whether Oregon owned the lake beds. Oregon had said that if its claims were sustained the reservation would be preserved.

NAVIGATION WAS QUESTION

The question of title turned largely on whether the lakes were navigable. If so, it was agreed that title passed to Oregon on its admission into the Union. If not, both the United States and owners of the uplands claimed it.

A report averse to Oregon was made by Garret W. McEnerney of San Francisco, special master appointed by the court to take the testimony and submit recommendations.

The reserve includes Malheur and Harney lakes and a strip connecting them, known as Mud lake, Sand reef and Narrows, embracing 81,786 acres.

McEnerney held the lakes and connecting waters were not navigable and that no part of the acreage involved passed to Oregon on its admission into the Union.

MEANDER LINE DIVIDES

The only title Oregon possesses, he held, is what it obtained from ownership of land on the meander line, or high water mark.

The United States, having disposed of much of the public land bordering on the lakes and connect-

Lake Malheur Bird Reserve Owned by U. S.

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ing waters, had retained no title to the beds fronting such land, the special master found.

It had retained, however, he stated, approximately 20 per cent. of the land on Malheur lake, 85 per cent. on Sand Reed and 88 per cent. on Harvey lake. It had, however, disposed of all its land on Mud lake and the narrows.

Since the special master's report the United States purchased from settlers land they owned on the lakes and connecting waters and claimed the riparian rights attaching to such land.

Oregon insisted that the question made necessary the appointment of a receiver by the abutting lands, whose rights had not been at issue before the special master.

The United States opposed appointment of a receiver. It contended it was not necessary to bring before the court the rights of settlers and proprietors of the abutting lands.

NATURALISTS PLEASSED WITH SUPREME COURT DECISION

Naturalists and wild life conservationists learned with joy today of the action of the United States supreme court in ruling that the government has title to the beds and waters of the vast Malheur bird refuge in Eastern Oregon.

William L. Finley, famous Oregon naturalist, said the way has been cleared for establishment of the largest and finest wild fowl refuge in the United States. Antelope herds and sage grouse also will benefit. The refuge will embrace more than 100,000 acres.

The government already has purchased the Blitzen river watershed comprising 60,000 acres. This river will supply the water for the Malheur lake reserve. About 8000 acres already have been flooded.

Finley said the government will build a dike across the east side of Malheur lake so that the shallow east end may be flooded. Later, if more water is available, the whole lakebed was to be utilized. A CCC camp will be built and the boys will be put to work improving the preserve.

The Malheur refuge, he said, is tremendously important because it is in direct line of flight for the north-to-south migration of many waterfowl, and is ideally situated as a breeding place and a feeding and resting place.

Andrews Meets Finley

Development of the Malheur lakes as a game preserve and experiences in exploration were discussed by Dr. Roy Chapman Andrews and William L. Finley this morning in the Benson hotel. Walter Ricks, manager of the World Celebrities bureau, was with Dr. Chapman.

Dr. Andrews, noted for his work on the desert of Gobi, will lecture at Oregon State college tonight. He will return to Portland Friday morning, leaving almost immediately after arrival for Seattle, where he will join Mrs. Andrews. Journal 4-4-35

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The finest souls in feathers is
the feature article prepared by
William L. Finley, D. Sc., and
Ed F. Averill for the All Out-
doors department of The Sun-
day Journal.

Another interesting article
deals with the need of good
fishways to protect the salmon
industry in the Northwest.

Don't fail to read the Out-
door page of The Sunday Jour-
nal's sport section.