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SUPREME COURT UPHOLDS U. S. RIGHTS  
TO LAKE MALHEUR BIRD REFUGE

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Federal administration of the Lake Malheur Bird Refuge in Harney County, Oreg., will no longer be complicated by claims that lands within the refuge are owned by the State. A recent decision by the Supreme Court of the United States, says the U. S. Biological Survey, quiets title and rejects claims asserted by the State of Oregon.

Established in 1908 by Executive order of Theodore Roosevelt, the Malheur refuge has been continuously administered by the Biological Survey for the benefit of ducks, geese, swans, and other water-loving birds. By laws passed in 1917 and in subsequent years, however, the State asserted title to the beds of navigable lakes, and declared all meandered lakes to be navigable. This included Lake Malheur although this lake has never been regarded as useful for navigation.

These statutes and claims based upon them so embarrassed the Biological Survey in its relations with the many settlers permissively cutting hay and grazing stock within the refuge that the Government brought suit in the U. S. Supreme Court against the State to quiet title to the lands.

A special master to whom the controversy was referred found that title to the area did not vest in the State under its navigability claim, and also that the

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United States had not abandoned any lands to the State because of the running of survey lines and the issuance of patents to adjacent lands. The Supreme Court, in an opinion delivered April 1 by Justice Stone, accepted these findings.

This decision, says the Biological Survey, will simplify administration of the refuge and will also clear the way for Federal developments in connection with the Bureau's program of wildlife restoration. With the recently acquired P-ranch holdings on the Donner und Blitzen River, a tributary of Lake Malheur, and with other lands being acquired there, the refuge will be part of a large area that will once again furnish an important annual contribution to the Nation's supply of waterfowl and other wildlife.