

INSTRUCTIONS TO COUNTY SURVEYORS

A new boundary line between the states of Nebraska and Iowa was determined and established in 1943. This boundary line (with the exception of the Carter Lake District near Omaha) is the centerline of the proposed stabilized channel of the Missouri River as established by the United States Engineer's office of Omaha, Nebraska, and shown on the alluvial plain maps of the Missouri River from Sioux City, Iowa to Rulo, Nebraska, and identified by File Nos. AP-1 to 4 inclusive, dated January 30, 1940, and File Nos. AP-5 to 10 inclusive, dated March 29, 1940, which maps are now on file in the United States Engineer's office at Omaha, Nebraska, and copies of which maps are now on file with the Secretary of State of the state of Iowa and with the Secretary of State of the state of Nebraska (See Special Act E on page 1394, Revised Statutes of Nebraska, 1943).

Many questions have arisen, since the passage and approval of the act determining the said Nebraska-Iowa boundary line, as to the manner in which surveys of the land joined to the State of Nebraska by both accretion and avulsion methods should be executed. After considerable thought and study, I have established the following rules to be used in executing surveys of the land along the Missouri River which has now become a part of Nebraska:

No. 1. The present governmental subdivisional lines as they exist on the land which has not been affected by erosion in the past should be extended in the cardinal directions, thereby establishing new sections closing on the proposed stabilized channel of the Missouri River. The surveyor should file a plat, together with the field notes of each survey, in the office of the County Clerk of the county in which the land is located in order that said land may be placed on the tax rolls of the county. The legal descriptions of the land should be with reference to the Base Line of the State of Nebraska and the Sixth Principal Meridian, which two lines are the basis for all legal descriptions in Nebraska.

No. 2. In all cases where land which was originally a part of the state of Iowa and was acquired by the state of Nebraska by avulsion, the legal descriptions of said land as based on the Iowa survey should be used. In other words, any land which was originally a part of the state of Iowa and which has never been washed or eroded away shall continue to be known by the legal description assigned to it under the original government survey of lands in Iowa.

No. 3. The method to be used in executing surveys as outlined in Rule No. 1 will not necessarily determine the division of ownership of the land involved. Such division of ownership on all land formed by accretion must be determined by the rules governing surveys of accretion lands and the riparian rights of the owners of lands lying adjacent thereto. The land owners may, if they so desire, execute quit-claim deeds or any other instruments necessary to establish their ownership boundaries as being coincidental with the governmental subdivisional lines as established under Rule No. 1. If, however, any or all of the riparian owners desire to retain ownership of the identical accretion land which would be riparian to the land they own, such accretion lands should be surveyed and carefully marked not only on the ground but on the plat of the survey. These fractional portions of the section should be given Tax Lot numbers and their acreage computed in order that they may be properly placed on the tax rolls of the county.

The foregoing rules governing surveys of land along the Missouri River which has become a part of the State of Nebraska are earnestly recommended for use by all County Surveyors and private land surveyors of the State of Nebraska.

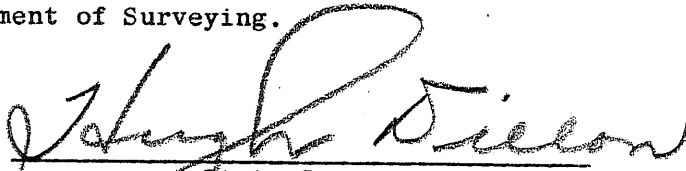
Hugh Dillon, State Surveyor

November 22, 1954

I certify the foregoing rules and regulations are now in full force and effect in the Board of Educational Lands and Funds, Department of Surveying.

(SEAL)

June 14, 1956



State Surveyor