

# Union Calendar No. 418

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4874

[Report No. 107-676]

To direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2002

Mr. OTTER introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 24, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds the following:

1           (1) The meander lines in the original surveys by  
2           John B. David, deputy surveyor, of two lakes in the  
3           State of Idaho, Spirit Lake, formerly known as Lake  
4           Tesemini, located in T. 53 N., R. 4 W., Boise Merid-  
5           ian, and Twin Lakes, formerly known as Fish Lake,  
6           located in T. 52 N. and T. 53 N., R. 4 W., Boise  
7           Meridian, do not reflect the current line of ordinary  
8           high water conditions.

9           (2) All lands adjacent to the original meander  
10          lines have been patented.

11          (b) PURPOSE.—The purpose of this Act is to direct  
12          the Secretary of the Interior to issue a recordable dis-  
13          claimer of interest by the United States to any omitted  
14          lands or lands lying outside the record meander lines in  
15          the vicinity of the lakes referred to in subsection (a).

16          **SEC. 2. DEFINITIONS.**

17          In this Act:

18                 (1) RECORDABLE DISCLAIMER OF INTEREST.—  
19                 The term “recordable disclaimer of interest” means  
20                 a document recorded in the county clerk’s office or  
21                 other such local office where real property docu-  
22                 ments are recorded, in which the United States dis-  
23                 claims any right, title, or interest to those lands  
24                 found lying outside the recorded meander lines of

1 the lakes referred to in section 1(a)(1), including  
2 omitted lands, if any.

3 (2) OMITTED LANDS.—The term “omitted  
4 lands” means those lands that were in place on the  
5 date of the original surveys referred to in section  
6 1(a)(1) but were not included in the survey of the  
7 township and the meander lines of the water body  
8 due to gross error or fraud by the original surveyor.

9 (3) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 **SEC. 3. SURVEYS.**

12 The Secretary shall—

13 (1) conduct a survey investigation of the condi-  
14 tions along the lakeshores of Spirit Lake and Twin  
15 Lakes in the townships referenced in section 1(a);  
16 and

17 (2) after the completion of the survey investiga-  
18 tion, resurvey the original meander lines along the  
19 lakeshores, using the results of the survey investiga-  
20 tion.

21 **SEC. 4. DISCLAIMER OF INTEREST IN LANDS ADJACENT TO**  
22 **SPIRIT LAKE AND TWIN LAKES, IDAHO.**

23 Upon acceptance and approval of the surveys under  
24 section 3 by the Secretary, the Secretary shall—

1           (1) prepare a recordable disclaimer of interest  
2           with land descriptions, using the lot or tract num-  
3           bers of the omitted lands, if any, and lands lying  
4           outside the record meander lines, as shown on the  
5           survey plats; and

6           (2) record such recordable disclaimer of interest  
7           simultaneously with the filing of the surveys.

8 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

9           There is authorized to be appropriated to the Sec-  
10          retary \$400,000 to carry out this Act. Funds appropriated  
11          to carry out the purposes of this Act may be available  
12          without fiscal year limitation.



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