

Decree

ARKANSAS v. TENNESSEE

No. 33, Orig. Decided February 25, 1970—

Decree entered February 25, 1970

Opinion reported: *Ante*, p. 88.

DECREE

1. It is ordered, adjudged, and decreed that the boundary line between the States of Arkansas and Tennessee in the area in controversy shall be fixed in the middle of the old abandoned Cow Island Bendway Channel as partially reflected in the 1953 survey of one R. L. Cooper (Defendant's Exhibit 42, attached to the decree in *Brown v. Brakensiek*, in the Chancery Court of Shelby County, Tennessee), said abandoned channel extending from its upper or up-river end to the lower or down-river end of Ike Chute as far as that survey goes, thence downstream in a southerly direction passing down the middle of a water drain or creek now running between the lower end of Ike Chute and the upper end of 96 Chute, thence continuing downstream in a southerly direction down the middle of 96 Chute and coming out of 96 Chute on a continuing straight line to the point where it joins the present navigation channel of the Mississippi River, all as indicated by a broken line marked "State Line" on the annexed reduced copy of the 1965 aerial photograph of the area in controversy, Joint Exhibit A, marked Appendix A-I, and also as reflected by a broken line marked "State Line" on a reduced copy of Defendant's Exhibit 39, the 1937 map of the United States Engineers and hereto annexed as Appendix A-II.

2. It is ordered that the Hon. Gunnar H. Nordbye be, and he is hereby, appointed Commissioner in this case with power to engage and supervise a com-

petent surveyor, or surveyors, to survey the boundary line as provided in this decree. The boundary line determined by such survey shall be submitted to the Court by the Commissioner and, if approved, shall be the boundary line between the two States.

3. The costs of this proceeding shall be divided equally between the parties.

[Appendixes A-I and A-II follow this page.]







