



1           A-107  
2           Section 24, Block 47, H&TC RR Co. Survey,  
3           Hutchinson County, Texas, Abstract Number  
4           A-833  
5           Section 23, Block 47, H&TC RR Co. Survey,  
6           Hutchinson County, Texas, Abstract Number  
7           A-106  
8           Section 22, Block 47, H&TC RR Co. Survey,  
9           Hutchinson County, Texas, Abstract Number  
10          A-637  
11          Sections, 40, 39, 38, 37, 36, 35, 34, 33,  
12          32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22,  
13          21, 20, 19, 18, 17, 16, and into Section 15  
14          to the point of beginning of the survey  
15          performed by W.C. Wilson, Jr, in Block 47,  
16          H. & T.C.R.R. Co. Survey, Hutchinson  
17          County, Texas  
18          Sections, 83, 82, 81, 80, 79, 78, 77, 76,  
19          75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65,  
20          64, 63, 62, 61, 60, 59, and into Section 58  
21          to the point of beginning of the survey  
22          performed by W.C. Wilson, Jr., in Block 46,  
23          H. & T.C.R.R. Co. Survey, Hutchinson  
24          County, Texas;

25           (2) in *Brainard v. Texas*, 12 S.W.3d 6 (Tex. 1999), the Texas  
26   Supreme Court held that the surveying method employed by the  
27   General Land Office in that case was flawed and inconsistent with

1 the gradient boundary method which has been the law of the land  
2 since *Oklahoma v. Texas*, 260 U.S. 606, 43 S.Ct. 221, 67 L.Ed. 428  
3 (1923);

4 (3) the General Land Office in concert with other state  
5 agencies continued to employ the methodology condemned in the  
6 *Brainard* case, creating confusion and uncertainty as to the  
7 location of the boundary line between those surveys and the  
8 Canadian River; and

9 (4) a dispute exists as to the ownership of surface and  
10 minerals between the state and the riparian owners that requires  
11 judicial action to determine and establish the boundary between the  
12 Canadian River and the riparian surveys under present conditions;  
13 now, therefore, be it

14 RESOLVED by the Legislature of the State of Texas, That the  
15 following are granted permission to sue the State of Texas and the  
16 General Land Office subject to Chapter 107, Civil Practice and  
17 Remedies Code, to determine and establish the boundary line between  
18 the above described surveys and the Canadian River:

- 19 Jimmy Glen Riemer;  
20 Richard Coon, Jr.;  
21 June Meetze Coon Trust;  
22 Johnson Borger Ranch Partnership;  
23 W.R. Edwards, Jr., d/b/a W.R. Edwards, Jr. Oil and Gas; and,  
24 be it further

25 RESOLVED, That the commissioner of the General Land Office be  
26 served process as provided by Subdivision (3), Subsection (a),  
27 Section 107.002, Civil Practice and Remedies Code; and, be it

1 further

2           RESOLVED, That a survey of the boundary line between the  
3 above described surveys and the Canadian River shall be performed  
4 by plaintiffs, using the gradient boundary survey methodology  
5 approved by the United States Supreme Court in *Oklahoma v. Texas*;  
6 and, be it further

7           RESOLVED, That any final judgment adjudicating the title  
8 dispute in a suit brought concerning title to boundaries of the  
9 Canadian River under this resolution is limited to settling the  
10 title dispute and may not award monetary damages; and, be it further

11           RESOLVED, That the lawsuit authorized by this resolution must  
12 be filed on or before the first anniversary of the final adoption of  
13 this resolution; and, be it further

14           RESOLVED, That any final judgment adjudicating the location  
15 of the boundaries of the Canadian River in a suit brought under this  
16 resolution shall be res judicata as to those boundaries for all  
17 purposes, subject to the rules of law applicable to future erosion  
18 or accretion.

S.C.R. No. 43

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