



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Oregon State Office
P.O. Box 2965
Portland, Oregon 97208

FILED

Date: 2/9/1999 By: JP

This survey consists of:

Map: _____

Narrative: _____

Corner Rpt: _____

DOUGLAS COUNTY
SURVEYOR

IN REPLY REFER TO:

9631 (OR 957)
Douglas Co., Or.

February 4, 1999

Harvey Christensen
Northwest Timberland Consulting, Inc.
4680 Briars Street
Eugene, Oregon 97404-1113

Dear Mr. Christensen:

This is in reply to your letter, dated January 26, 1999, concerning the 1/4 section corner of sections 2 and 11, T. 26 S., R. 3 W., Willamette Meridian, Oregon.

Upon reviewing the county records you've supplied, it is our opinion that Cole recovered the original 1/4 section corner of sections 2 and 11. This opinion is based on the definition of an existent corner as described in Section 5-5 of the Manual, which states that an existent corner is one whose position can be identified by verifying the evidence of the monument or its accessories, by reference to the description in the field notes. Cole indicates the corner was well marked, by a large pile of rocks and a stake at the corner position, and that he recovered the remains of the bearing tree accessory. We consider this evidence to be substantial and consistent with Flint's original corner description; therefore, meeting the Manual definition of an existent corner.

The county records document at least three official perpetuations, performed between 1955 and 1966, of Cole's recovered corner. In 1966, the county surveyor's office perpetuated Cole's corner with a brass cap monument. Although in 1966 there was no remaining original corner evidence, the records of the previous corner perpetuations clearly established a chain of evidence between the 1966 perpetuation and the original corner evidence reported by Cole. Therefore, in our opinion the 1/4 section corner remonumented by the county, in 1966, is the original corner established by Flint, in 1882.

Since there is federal ownership in section 11, it is very possible that in the future a cadastral survey will be performed by the BLM to delineate this federal land. The position for the center 1/4 section corner would be established by the BLM based on the 1/4 section corner of sections 2 and 11 as remonumented by the county in 1966. The 1975 decision by the Circuit Court of The State of Oregon for Douglas County pertained to the boundary between the private parties involved in that complaint, and did not extend to the federal lands in section 11.

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Regarding the 1/4 section corner of sections 10 and 11, it is our opinion that if Cole's witness corner is extant, then the true point for the corner should be reestablished 10.00 feet south of the witness corner in accordance with Cole's record. In 1923, Cole evaluated the evidence and conditions evident at that time and made the decision to determine the 1/4 section corner based on recovered line blazes and the record call to the river. Original survey line evidence and topography is prescribed in today's Manual as being acceptable collateral evidence when certain criteria are met. We do not feel that the decision made by Cole in 1923 should be second guessed today when ground conditions and survey evidence are not the same as in 1923. Also, records you've provided show that the county was honoring Cole's corner on maps of deed descriptions as long ago as 1934. Considering the longevity and apparent reliance placed on Cole's corner we feel there is sufficient justification to accept it today, and therefore the position for the center 1/4 section corner of section 11 would be established by the BLM using his corner.

Regarding the corner of sections 2, 3, 10, and 11, Cole reestablished this corner by proportionate measurement based on the 1/4 section corners discussed above. Although this corner is not needed to control the BLM ownership in section 11, it is our opinion the corner reestablished by Cole should be accepted, providing the original corner is in fact lost.

We hope this information is helpful. We will forward a copy of this letter to the Douglas County Surveyor for his information.

Sincerely,



Wayne M. Gardner
Chief, Branch of
Geographic Sciences

cc: Douglas County Surveyor

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