# A PORTION OF "AUSTIN CADASTRAL" SUBDIVISION AND DETERMINATION OF FOREST BOUNDARY IN SECTION 6, T.11S., R.35E., W.M., GRANT COUNTY, OREGON.


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D. Mitchell Ferguson, Surv. Tech.
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Reviewed by: Douglas M. Ferguson PLS. 848

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For: USDA Forest Service
Malheur National Forest.





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## HISTORY OF SURVEYS

1880 - The south boundary of T.10S., R.35E., W.M. (Second Standard Parallel South) was originally surveyed by Bamford Robb, under G.L.O. Contract No. 366.

1881 - The west boundary and subdivision of T.11S., R.35E., W.M., was originally surveyed by Bamford Robb and Herman D. Gradon, under GLO Contract No. 383.

1895 - W.F. White, County Surveyor, reports he re-established the section corner of Secs 5 and 6 in T.11S., R.35E., W.M. Grant County Survey Records: Survey Book B, Page 7.

1917 - Frank J. Van Winkle, a Surveyor for the USFS retraced the south boundary of Section 31, T.10S., R.35E., and the east boundary of Section 12, T.11S., R.34E., (west boundary of Section 7, T.11S., R.35E.) in which he established the N1/16 S12|S7. Grant County Survey Record No. 665.

## LEGEND

◎ Monumented from original evidence. Set 2-1/2" x 30" aluminum pipe with 3-1/4" aluminum cap, stamped as shown in the 'Monumentation' Section

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( ) Record bearing and distance as returned by Bamford Robb, under GLO Contract No. 366, in 1880.

*( )* Record bearing and distance as returned by Bamford Robb and Herman D. Gradon, under GLO Contract No. 383, in 1881.

( ) Record bearing and distance as returned by Frank J. Van Winkle, in 1917.

——— Exterior Section Lines

— — — Center Section Lines

– – – – – Subdivisional Lines

N.F.S.L. National Forest System Lands

PVT. Private Land

Marked Forest boundary with steel fence posts and Forest boundary signs at Maximum intervals of 250 feet.

Existing road

(A-1) U.S.F.S. Index No.

## NARRATIVE

This survey was performed under contract for the Malheur National Forest for the purpose of marking and posting the Forest boundary around what is now called the 'Patented Part of Old Lot 2' in Section 6, T.11S., R.35E., W.M.

In order to perform this survey, extensive research was conducted concerning the ownership of this section and in particular 'Old Lot 2' of Section 6. The following is a brief history:

May 1, 1906 - Lot 2 was patented to Lulu M. Lundy. Recorded in Oregon Volume 155, Page 106.

April 24, 1907 - Lulu Lundy dies intestate (no will). Only survivor is John W. Lundy, husband.

January 18, 1908 - John Lundy receives all of Lulu's real property and personal property in a Decree Settling Final Account.

June 5, 1908 - John Lundy sells Lot 2, save and except the following:

Commencing at a point on the township line 9 feet west of the northeast corner of Lot No. 2, Sec. 6, Twp. 11S., R.35E., W.M., thence South 1°00'W (Var. 21°00'E.) to the south boundary of said Lot 2; thence west 600 feet along the south boundary of said Lot 2; thence north 1°00'East to the north boundary of said Lot 2; thence 600 feet east along the township line to the place of beginning;

June 30, 1934 - The General Land Office in Washington D.C. approves a supplemental plat showing the amended lotting in Section 6. In essence Lot 2 has been split in half with the W1/2 now called Lot 8 and the E1/2 now referred to as 'Patented Part of Old Lot 2'.

The original intent of this contract was to mark and post the Forest boundary around the privately owned metes and bounds parcel located in the 'Patented Part of Old Lot 2'. The description of this parcel has remained primarily constant through it's many conveyances to different owners. After extensive research in the Grant County Courthouse and review of the master title plats, by correspondence with the Oregon State Office of the Bureau of Land Management, I discovered the private ownership of the 'Patented Part of Old Lot 2' was in fact the whole E1/2 of old Lot 2 and not just the parcel described by the metes and bounds description. I then informed the Malheur National Forest of my findings and posted the Forest boundary as follows:

1. Along the west boundary of Lot 1.
2. Along the south boundary of 'Patented Part of Old Lot 2', which also included the south boundary of the metes and bounds parcel.
3. The east boundary of Lot 8.
4. The north boundary of 'Patented Part of Old Lot 2', which also included the north boundary of the metes and bounds parcel.

In addition to monumenting the proper section subdivisional corners needed to post the Forest boundary, I also monumented the corners of this metes and bounds parcel as they are property corners with the Malheur National Forest along the north and south boundaries of said 'Patented Part of Old Lot 2'. While the east and west boundaries of said parcel are identified on this map of survey, they were not marked on the ground as they are not adjacent to the Malheur National Forest boundary. In addition, I found the magnetic declination to be 20°E, so when establishing the southeast and northwest corners of this said metes and bounds parcel, I used cardinal direction as opposed to that shown in the description with a declination of 21°E. In essence they are the same.

After completing my research concerning the location of the Forest boundary I then analyzed the history of the different surveys that took place around this said Section 6. As noted in the 'History' section on this map of survey besides the original surveys, two additional surveys were performed during the late 1800, early 1900's, both of which require comment.

In 1895, W.F. White, County Surveyor reported he re-established the section corner of Sections 5 and 6 in T.11S., R.35E., W.M., as recorded in Grand County Survey Records: Book B Page 7. Mr. White's record states:

> 'Established corners to Secs 5 and 6 on North boundary of Township 11 South Range 35 East being 2nd Oregon Parallel South
>
> Commenced at NE corner of Township and run West on true course Var. 20°30'E
>
> 40.00 1/4 cor in good condition
>
> 80.00 No Section corner bearing trees remaining as indicated in U.S. Field Notes, I placed stone 10x11x12 in stone mound.
>
> Done in presence of David Cautwell and Clarence Glasgow
>
> Sept 12th 1895
> Recorded Feby 21th 1896'

Mr. White's record presents a dilemma. The section corner for Sections 5 and 6 is a closing corner, that was originally established running north between Sections 5 and 6 closing on the Second Standard Parallel South. In addition the original record for T.11S., R.35E., W.M. has no indication of the establishment the north 1/4 corners for Sections 1-6, nor was any evidence found in the field. Yet Mr. White's record indicates he resurveyed the north boundary of T.11S., R.35E., and recovered a 1/4 corner and then re-established the section corner for Sections 5 and 6 after not recovering any of the original bearing trees. During the course of my survey, I recovered a bearing tree and stone, established by the original Surveyor, Bamford Robb. I find no evidence of Mr. White's survey.

In 1917, Frank J. Van Winkle, a Surveyor for the U.S. Forest Service retraced the south boundary of Section 31, T.10S., R.35E., (Second Standard Parallel South) and the east boundary of Section 12, T.11S., R.34E., (west boundary of Section 7, T.11S., R.35E.). In addition he established the N1/16 between said Sections 12 and 7. During the course of his retracement, Mr. Van Winkle reported discrepancies of bearing and distance at some of the corners he visited. He also reported he found a lot of local magnetic attraction and indicated a significant variation in Magnetic Declination. Mr. Van Winkle's record proved very critical to this survey as I used his record, as opposed to the original surveyor's record, to remonument the southwest section corner of Section 6 based on the recovery of an original bearing tree.

I recovered all of the controlling original corners set by GLO Deputy Surveyors Bamford Robb and Herman Gradon necessary for this survey. In general I found them to be close to their reported record, however, in several instances I found their record to be in conflict with the physical evidence on the ground. These finding are consistent with what Mr. Van Winkle also found in 1917.

In addition I also recovered the 1/4 section corner and line tree established by Robb and Gradon on the range line between Sections 7 and 12. I also recovered the N1/16 section corner between Sections 7 and 12 established by Van Winkle. All of these monuments were tied into my control survey in anticipation of their possible use in re-establishing the southwest section corner of Section 6 by proportionate measure. However prior to this proportion, and based on the above recovered evidence, another search was conducted for the southwest section corner of Section 6 and evidence was recovered (remains of a bearing tree with reversed scribing 'BT') and the corner was remonumented based on said evidence, using Van Winkle's record as stated above. In addition I remonumented the evidence I recovered on the range line between Sections 7 and 12 to perpetuate them.

I found the original evidence for the closing corner established for Sections 1 and 6 to be 1.62 feet northerly of the Second Standard Parallel South. I remonumented the original evidence and stamped AM on my monument. I then placed a monument on the Second Standard Parallel South for the closing corner of Sections 1 and 6. Parenthical distances determined along this line were based on the original evidence.

I found the original evidence for the closing corner established for Sections 5 and 6 to be 3.20 feet southerly of the Second Standard Parallel South. I remonumented the original evidence and stamped AM on my monument. I then placed a monument on the Second Standard Parallel South for the closing corner of Sections 5 and 6. Parenthical distances determined along this line were based on the original evidence.

To establish the north 1/4 section corner of Section 6 and to protect the 'bona fide rights of prior entrymen' I reduced my found bearing and distances on the Second Standard Parallel South to cardinal equivalents and based my proportion on the parenthical distances determined from the 1934 supplemental plat showing the amended lotting in Section 6, approved on June 30, 1934 by the GLO in Washington, D.C. In addition all lotting shown on my map of survey is based on the parenthical distances determined from said 1934 GLO plat.

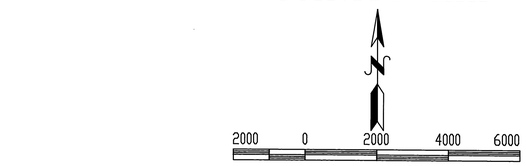
The 'Certified Record of Land Corner Monumentation' forms as referenced to this Map of Survey and the notes shown on the Map should be considered a substantial part of this Narrative as they contain detailed information as to the evaluation of evidence and monumentation work performed.

Positional control for this survey is provided by a closed traverse network. A Lietz SDM3E semi-total station was used to obtain measurements and field set monuments from the survey control. A Zeos Notebook (IBM compatible 386) utilizing Wildsoft software was used to perform the computations and the Map was prepared utilizing AutoCad r.12. The basis of bearing was determined by solar observation to determine a true meridian through the center of the project. Field notes and computations are on file in the office of Ferguson Surveying and Engineering, Mt. Vernon, Oregon 97865.

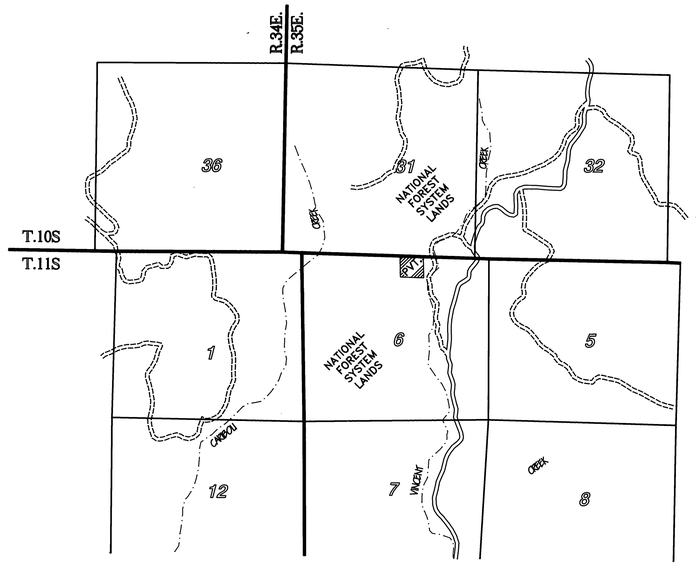
I, Susan E. Newstetter, Registered Professional Land Surveyor, in the State of Oregon, hereby certify that this Map, notes and records hereon or reference, are a correct representation of the survey I performed during the months of May - November 1992 for the U.S. Forest Service in accordance with the Statutes of the State of Oregon and the articles of my Contract Number 53-04KK-2-02803.

Susan E. Newstetter, PLS 2405
SUSAN E. NEWSTETTER, PLS 2405
Staff Surveyor
Ferguson Surveying and Engineering

## VICINITY MAP




Scale: 1"= 2000'




RECEIVED AND FILED
JAN 20,1993
OFFICE OF COUNTY SURVEYOR
Robert D. Leggett
ATTEST: Geneva Russell

REGISTERED PROFESSIONAL LAND SURVEYOR
Susan E. Newstetter
OREGON
JULY 26, 1989
SUSAN E. NEWSTETTER
2405
Exp: 12/31/94

EXAMINED AND ACCEPTED FOR THE U.S. FOREST SERVICE THIS 1st DAY OF December
SIGNATURE C.O.R.

I CERTIFY THAT THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE MALHEUR NATIONAL FOREST
SIGNATURE DATE 12/1/92
FOREST SUPERVISOR

GRANT COUNTY MAP OF SURVEY NO. 1239