

Forest Service from 1981-83. Ferguson first calculated the position for the corner by double proportion, then moved it northerly 141 feet so that the reestablished position fell on the edge of the closest creek, where it was monumented. As stated on his filed plat, Ferguson did this because in his opinion the corner had to be near the creek in order for David to have marked the two Alder bearing trees since "Alder will only grow near water." Recently, Jack Watson, RLS, objected to the procedure used by Ferguson as being unjustified. Watson feels that the corner should be moved to the calculated double proportionate position.

Findings: This corner was not visited because evaluation of original evidence was not involved.

Opinion: This corner should remain at the position monumented by Ferguson because: 1) Ferguson's position was accepted by the Forest Service nearly 20 years ago. 2) Ferguson made a professional judgment call and documented his decision. 3) Ferguson's position has been of record and not objected to for nearly 20 years, indicating interested parties have been comfortable with Ferguson's position. 4) The resultant bearings and distances from Ferguson's corner are reasonable.

#### Summary

The Ferguson survey has been of record for nearly 20 years. There was mention that various use has occurred based on Ferguson's corners, including fence building and logging. To overturn the aforementioned Ferguson reestablished corners requires that a corner is existent. As stated in Section 5-5 of the Manual, an existent corner is one whose position can be identified by verifying the evidence of the monument or its accessories. The Interior Board of Land Appeals (IBLA) has said that the applicable standard with respect to an existent corner is that there must be substantial evidence. The policy of this office with respect to a survey that has existed for many years is that to overturn corners of such a survey requires conclusive evidence of the original corner. In our opinion, such a standard of evidence has not been attained at any of the aforementioned corners. Consequently, it is our opinion that Ferguson's survey should stand.

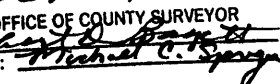
We hope this adequately addresses the investigation. If not, or you have questions, please let me or Dan know.

Sincerely,



Wayne M. Gardner  
Chief, Branch of  
Geographic Sciences

RECEIVED AND  
FILED

SEPT 6, 2001  
OFFICE OF COUNTY SURVEYOR  
Attest: 

MAP OF SURVEY NO. 1609