protection of persons who have relied upon an administrative decision is not a function of finality. To the contrary, while he points out that it is not the only consideration, he clearly and purposefully states that finality is grounded, at least in part, on "considerations of repose". What Mr. Burski is saying is simply that the doctrine may be enforced in instances where there has been no reliance on the disputed decision -if the decision has stood for many years. In other words, if a BLM corner is alleged to have been erroneously located, and if it has been in the ground for a long period of time, even if no one has relied upon that corner, the doctrine of finality might nevertheless be the operative consideration because, after a considerable lapse of time the facts and evidence which were examined and considered by the surveyor and the reviewing office may well have diminished to the point where it would not be possible to view them in the same light under which they were originally examined. Therefore, as was noted at the beginning of this discussion, where a corner monument has been made a part of the official record, and has stood unchallenged for a long period of time, anything less than conclusive evidence of the original monument itself would be an unavailing demonstration of the alleged erroneous location.

Having thus given recognition to the doctrine of finality, it is now time to look at the origin and authority of the 12 year rule. The rule, as we have generally applied it over the years, comes from the Quiet Title Act, codified at 28 USC 2409a(g). As government surveyors, we all know that the Quiet Title Act was designed to waive the government's sovereign immunity and to permit the United States to be named as a party defendant in suits to establish title to real property in which the government claims an interest. In passing the Act, Congress placed an expiration date on that waiver. With the single exception of an action brought a State, the Act says that any action taken under its authority:

> ...shall be barred unless it is commenced within twelve years of the date upon which it accrued.

Those who question the propriety of using this time bar in survey procedings are quick to point out that the act of quieting title is a process separate and distinct from the process of identifying the land to which title is being quieted. Such an argument is not without merit. Indeed, as I've written many times, title is one thing and location quite another. But where there are no statutes specifically addressing an area of concern, the law does not prohibit the borrowing of a principle from one statute for the purpose of deciding a substantive issue in a similar circumstance. This is true even in those instances where the borrowed principle is taken from state law, and it is applied to a federal issue. See to this effect: Board of Commissioners of Jackson County v. United States, 308 US 343 (1939); Royal Indemnity Co. v. United States, 313 US 289 (1941).

In any event, the question of "borrowing" from the Quiet Title Act would seem to be immaterial in light of a relatively recent Ninth Circuit decision which turned to the 2409a(g) time bar to dispose of a claim that the Bureau of Land Management's dependent resurvey had erroneously located several corners and that the said erroneously located corners constituted an impairment of the claimant's bona fide rights. The case, Fadem v. United States, 791 F.2d 1381 (9th Cir. 1986), then, is particularly on point because it addresses both the time-bar in the Quiet Title Act and its impact on the frequently cited Act of March 3, 1909, as amended at 43 USC 772, more commonly known as the Bona Fide