

2) After evaluating the reasoning Mr. Ferguson used to position this corner I could not resolve these questions to my satisfaction. Why set the corner on one side of the creek as opposed to the other side? Which side represents the intention of the original surveyor? No call was given to the creek. How far from the present creek should the corner be set to allow for the bearing trees to have the necessary water to survive? Both original bearing trees were to the north of the corner, N25°W, 5.3 ft. and N10°E, 5.3 ft.. At the position chosen by Mr. Ferguson there is solid, exposed bedrock to the north and east for 6-8 ft. and there are no alders growing within 40-50 feet of the corner now. The existing creek is on the north side of a small ravine about 30 feet wide that was made by the creek which runs year around and drains a great deal of country. Perhaps the creek was as much as 30 feet southerly when the original surveyor was there. The position used by Mr. Ferguson is arbitrary, in that there is more than one position that meets the criteria for the water loving bearing trees. The reasoning used that the bearing trees could only grow near the creek is incorrect, given that the remains of a hardwood tree were found near the proportioned position.

3) The existence of possible surface water in the form of a spring and the discovery of the remains of a hardwood stump indicate that the call for alder bearing trees could be very near the proportion position. Where there are two possible positions that could support the alder bearing trees, to choose one over the other without some other conclusive evidence is not prudent. The original surveyor displayed a practice of calling a distinct topographic feature if one existed at the corner position, such as the creek.

To use the double proportion position for the township corner will yield measurements in all directions that agree much closer with the original GLO record. If Mr. Ferguson had used the double proportion position the original corners in all four directions would fit quite well.

I do not agree with Mr. Ferguson's conclusion to set the township corner on the south edge of the creek, for the reasons stated above. The procedure for the establishment of a lost township corner is given in the 1973 Manual of Surveying Instruction Section 5-26, which in turn is mandated by ORS 209.200(3). This is the procedure I used to re-establish the township corner in Survey No. 1601, which is the corner I use in this survey to single proportion the position for the N1/4 corner of Section 2.

Cornerstone Surveying, Inc.
233 S. Canyon Blvd.
John Day, Oregon 97845

RECEIVED AND
FILED

MAR. 4, 2002

OFFICE OF COUNTY SURVEYOR
Attest: Michael C. Springer

