

To whom it may concern:

Re: Evaluation and discussion of corner evidence for the following corners. The opinions expressed herein are mine and mine alone and not a reflection of the Malheur National Forest or its employees.

- 1- Township corner T.12S. and T.13S., R.30E. and R.31E., W.M.
- 2- Section corner common to sections 34 and 35 T.12S., R.30E. and sections 2 and 3 T.13S., R.30E., W.M.
- 3- $\frac{1}{4}$ corner common to section 32, T.12S., R.30E. and section 5, T.13S., R.30E., W.M.
- 4- Section corner common to sections 2, 3, 10, and 11, T.13S., R.30E., W.M.

Corner #1 history: Township corner T.12S. and T.13S., R.30E. and R.31E., W.M. was set by John B. David under his contract #131 in 1869. David's notes state: Set stone 20x10x7 inches for corner. From which an alder 4" diameter bears N25dW 8 lks.; an alder 4' diameter bears N10dE, 8 lks. David made no call to a creek.

Doug Ferguson, LS 848, re-established this corner in 1983 as Grant County Survey #785 under Hencock Cadastral Contract with the U.S. Forest Service. Mr. Ferguson determined this corner lost and re-established by a combination of proportioning and a move to an uncalled creek.

Discussion: When Ferguson re-established this corner in 1983 he worked out a double proportion position, he then moved in excess of 140' north to a creek bank. Ferguson reasoned that alder trees, the bearing trees of record, could only grow near the creek. Thus the corner could only be near the creek. Mr. Ferguson's subsequent corner re-establishment reflects that thinking.

On May 8, 2001 Bill Ham LS 2396, Jack Watson LS 2734, and I visited the site. While looking about for evidence of the original corner we noticed several hardwood stumps in the immediate vicinity of the double proportion position. Further observations of the area pointed to the presence of water near the ground's surface. I have always been taught that a surveyor can put a corner where he wishes as long as he can support the position. However, if he does something out of the norm he needs to have an airtight argument. When Mr. Ferguson moved his corner position north to the creek from the double proportion position he did something out of the norm. When we determined hardwood trees grew in the area of the double proportion and noted signs of the presence of water near the surface serious doubts were cast on Mr. Ferguson's argument and position. Mr. Ferguson's position was not supported by BT's but by an area where alders grew. We also found an area where hardwoods grew and it is near the double proportion position. I find Mr. Ferguson's argument flawed because other places meet Mr. Ferguson's criteria for corner placement. I reviewed the Hencock Contract File and find no mention of this corner in the inspector's notes.

Corner #2 history: Section corner common to sections 34 and 35 T.12S., R.30E. and sections 2 and 3 T.13S., R.30E., W.M. was set by John B. David under his contract #131 in 1869. David's notes state: Set stone 15x7x6 inches for corner to secs. 34 and 35.

Doug Ferguson, LS 848, re-established this corner in 1983 as Grant County Survey #785 under Hencock Cadastral Contract with the U.S. Forest Service. Ferguson determined this corner lost and re-established by proportion.

Discussion: On July 2, 2001 this site was visited by the following people: Jack Watson LS of Cornerstone Surveying, Bill Ham LS, Timothy Kent LS, and Carl Stout LS of the US Forest Service, Dan Berry of the BLM, Bob Bagett LS Grant Co. Surveyor, Doug Ferguson LS, Kenny Delano LS, and Mitch Ferguson of Ferguson Surveying and Engineering. Jack Watson found a stone of call size, set firmly, with marks. I observed the stone after it was taken from the mound of stone with an aluminum cap set by Jack Watson. The original stone should have been marked 4 marks west and 2 marks east. The stone in question is of call size and marked with 2 notches on one edge and on the