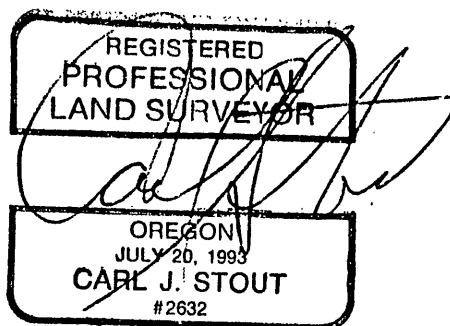


An overview: The corners in question are over 130 years old and are set as single stones with very few or no accessories. The idea that a stone must be perfect to be acceptable simply does not take into account variation in stones, whether the stone was sheltered, did it fall on its face or face up or any of the many other factors that affect corners. Also, the stone itself can tell much. Is the stone cardinal? Does the stone set upright? Does it have a face? If corners had to be perfectly marked with accessories to be acceptable there would be very few corners remonumented from original evidence. As an example I will site the $\frac{1}{4}$ corner of 24 and 19 T.13S., R.30 and 31E., W.M. which was remonumented by Mr. Ferguson in 1981 and is remonumentation of a John B. David corner. The GLO notes state: Set stone 16X9X7 for $\frac{1}{4}$ sec. Cor. Mr. Ferguson's remon states: "Found old mound of stone, 36"x8". No stone of call size or marks visible. Due to harmony with evidence to the south, accepted center of mound as the best available evidence." On one hand Mr. Ferguson is willing to accept a stone mound that is not of record but on the other will not accept a marked stone that Mr. Watson found.

The BLM and Forest Service decided to accept Mr. Ferguson's positions because the survey was done in 1983 and sited California State BLM policy to back their position. What good is it to look for a corner that is proportioned and has been in the ground for a period of time? Are we being turned into a profession of mathematicians? They, the BLM and USFS, also seem to be a proponent of the perfect stone theory of what constitutes a corner and quote Section 5-5 from the Manual, "an existent corner is one whose position can be identified by verifying the evidence of the monument or its accessories". I contend that the stones found are evidence of the monument. Mr. Ferguson's survey, Grant Co. Survey #785, was contracted by the US Forest Service but is not a federal authority survey and as such is subject to Oregon State Statue, not Federal Statue, or California Statue, or California State BLM policy and as such is to use original GLO corners as the basis for property lines, it is my opinion Mr. Watson found original GLO corners. Mr. Ferguson also relied on the fact that the US Forest Service accepted his survey in 1983 as a reason for acceptance now. Granted the US Forest Service paid Mr. Ferguson but he was hired as a professional and as such was paid for his opinion but that opinion did not necessarily reflect the position of the Malheur National Forest. The forest did not direct Mr. Ferguson's actions.

Conclusion: I believe Mr. Watson found original GLO evidence. The stones are all marked with a chisel and are of call size and in a good relationship to each other. None of the stones were lying loose on the ground. Mr. Watson's township corner is proportioned from corners much nearer the township corner and follows 1973 BLM Manual direction. I think Mr. Ferguson's assumption that alder trees only grew in the creek in 1869 is wrong and as such I believe another position is possible.

Carl J. Stout, PLS



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FILED

MAR. 4, 2002

OFFICE OF COUNTY SURVEYOR
Robert D. Baggett
Attest: *Michael C. Spang*