

## **ACCEPTANCE OF FOUND EVIDENCE**

### **Section Corner, S13, S14, S23, S24**

As stated earlier in this report, this corner was re-established by Vernon Glaze in 1913 by intersecting the line between the south 1/4 corners of sections 13 & 14 with the North-South line from the SW corner of Section 36 to the NW corner of Section 1.

Referring to the Bureau of Land Managements "Manual of SURVEYING INSTRUCTIONS 1973". Quoting from Sec. 6-28: *Once it is accepted, a local point of control has all the authority and significance of an identified original corner.*

*When a local reestablishment of a lost corner has been made by proper methods without gross error and has been officially recorded, it will ordinarily be acceptable.*

*The age and the degree to which a local corner has been relied on by all affected landowners may lead to its adoption as the best remaining evidence of the position of the original corner.*

Although Glaze did not re-establish this corner by double proportion as described in above said "Manual", there is no evidence that it was located with gross error. On the contrary, it appears that much care was taken to re-establish this corner at the location that best conforms to Byars original GLO survey. This is indicated by its relationship to the S1/4 corners of Sections 13 & 14, as stated earlier, and it's near record location with regard to the base of the hill-cultivated field to the north as called by Byars. This corner has been relied upon by adjacent land owners for a long time, probably since its re-establishment by Glaze in 1913. This is indicated by the old fences running North, South, East and West from its location.

This corner was also tied to a location survey by the Oregon State Highway Department, performed in 1953(E-Unit, Dayville-Mt. Vernon Section, Drg. 7B-20-5) and again in 1963 by the Oregon Department of Transportation during a location survey ("FLAT CREEK-FIELDS CREEK SECTION, JOHN DAY HIGHWAY" Drg. No. 8B-28-3).

I therefore accept Glaze's marked rim rock as the best available evidence as to the location of the corner to Sections 13,14,23 and 24.

### **1/4 S14/S23**

As discussed earlier in this report(page 2), Glaze apparently recovered the original GLO corner and utilized it in re-establishing the SW cor. Section 13(see above). During this survey, we found no evidence of the original GLO monument at this corner. We do, however, find a longstanding E-W & S fence corner that conforms very well with the procedure used by Glaze in his 1913 survey and the record distance returned by Byars to the S1/4 of Section 13. I accept the position(1.6 ft. north) of the existing E-W & S fence corner as the best available evidence as to the location of the 1/4 corner to Sections 14 & 23

### **1/4 S13|S14**

This corner has been under scrutiny and contention for several years, since Robert D. Bagett used it to mark the E-W Centerline of this Section 14.

An adjacent Land Owner protested the location of this corner, contending that it did not conform to calls to the John Day River or the Dalles Military Road made by Byars' original GLO Survey. The position of this corner affects the north boundary of their property and the possible encroachment of a well, drilled by said owners in 1995(shown on the attached Partition Plat).

Subsequently that land owner filed a formal complaint against Mr. Bagett with the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

Mr. Bagett responded to the complaint in a letter to OSBEELS, dated August 16, 2002, with an evaluation and defense of his use of this corner. This letter is referenced here and should be used in examining evidence as to the authenticity of this corner.