

The land owner also consulted with the Bureau of Land Management (BLM), and received a reply from Mary J.M. Hartel, Chief, Branch of Geographic Sciences, in a letter dated October 17, 2003. This letter from Mary Hartel of the BLM should be reviewed in any evaluation of this corner.

Based on the letters from Mr. Bagett and the BLM, the complaint from the subject land owner was then closed by OSBEELS.

Prior to commencing this survey, this same land owner contacted us and much discussion has taken place regarding the location of the Dalles Military Road and the John Day River as it relates to this corner.

The land owner contends that in order to construct a usable road(Dalles Military Road), it would have had to have been located on the bench to the north, above the river bottom. As stated previously on page 5 of this report, the road indicated by the land owner is 85 ft. north of the Glaze cap at this corner. The land owner also contends that the river and the said road fit with Byars original topo calls.

Again we review the topo calls by Byars.

*North On line bet. Secs. 13 & 14*

*3.50 Enter cultivated field – fence E & W (231 ft.)*

*20.00 Enter brush and balm timber*

*34.00 John Day River, 200 lks. Wide, c. W.*

*36.50 Leave field fence c. E&W*

*37.00 Dalles and Canyon City Road-c. E&W, ascent*

*40.00 Set basalt stone 20x10x6 for the 1/4 sec. cor.*

*80.00 Set volcanic stone 16x14x6 for the cor. to secs. 11,12,13 & 14.*

*Land rolling 2<sup>nd</sup> rate north of road; Level first rate south of same. Timber Cottonwood along river. Brush principally Willow and Thom. No brush or timber north of river.*

It is clear in Byars' notes that there was still river bottom land on the north side of the river in 1873. More notable, in the call to the Dalles-Canyon City Road (37.00 *Dalles and Canyon City Road-c. E&W, ascent*), Byars clearly indicates that edge of the bottom land is on the north side of said Dalles Road. In Byars' statement, "*Land rolling 2<sup>nd</sup> rate north of road; Level first rate south of same*", he again states that the road is in the river bottom.

This corner has been utilized by adjacent land owners, probably since it was re-established by Glaze in 1914, and has also been tied by location survey by the Oregon Department of Transportation ("FLAT CREEK-FIELDS CREEK SECTION, JOHN DAY HIGHWAY" Drg. No. 8B-28-3).

After carefully reviewing all of the evidence relating to the placement of Glaze's brass cap, I accept it as the best available evidence as to the location of the 1/4 cor. secs. 13&14.

#### **Section Corner, S11, S12, S13, & S14**

After reviewing all of the evidence as stated in this report , the Glaze Brass cap at this corner is accepted as the best available evidence as to the location of this corner.