

13139

**SURVEY SITUATE IN THE S 1/2 OF SECTION 26
T. 38 S., R. 3 W., W.M., JACKSON COUNTY, ORE.**

FOR

RICHARD W. & DIANE W. SMANDRA
9300 SONOMA HWY., KENWOOD, CA 95452

**** RECEIVED ****

Date 9-3-92 By CH

This survey consists of:

1 sheet(s) Map
1 page(s) Narrative

JACKSON COUNTY
SURVEYOR

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

Charles H. Hurst

OREGON
OCTOBER 30, 1959
CHARLES H. HURST
483

SCALE: 1" = 400'

SURVEY BY

CHARLES H. HURST
765 SUNRISE AVE.
MEDFORD, OR 97504
JULY 9, 1992

LEGEND

● SET 3/4" X 30" IRON PINS WITH PLASTIC
CAPS MKD. "HURST LS 483"
ITALICS RECORD DIMENSIONS TAKEN OR COMPUTED
FROM THE 1917 SUPPLEMENTAL PLAT

FD. 1/4 COR.
1979 C.S. BR. CAP MON.

FD. NE COR. SEC. 26
1979 C.S. BR. CAP
MON.

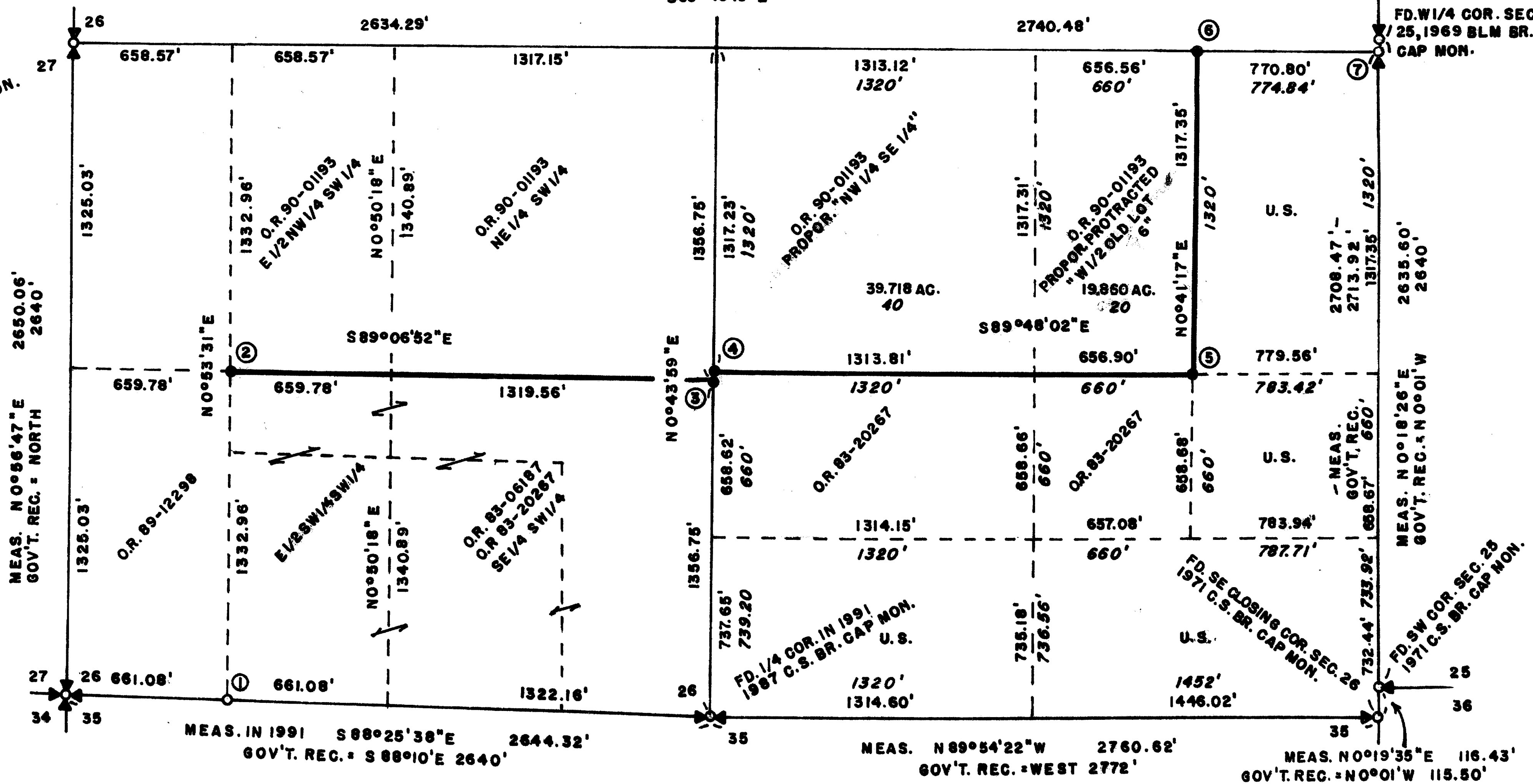
- ① FD. W-W 1/64 COR. PER SURVEY NO. 12715
PLASTIC CAPPED 3/4" IRON PIN
 - ② SET CW-SW 1/64 COR.
5/8" IRON PIN BRS. N 80° 56' 33" E 27.26'
10.3" W. OAK BRS. N 86° E 46.5' MKD. CW SW S 26 BT
13.4" FKD. W. OAK BRS. S 2° E 56.1' MKD. CW SW S 26 BT
 - ③ SET CS 1/16 COR.
9" W. OAK BRS. N 89° W 23.7' MKD. CS 1/16 S 26 BT
8.3" W. OAK BRS. S 70° W 30.4' MKD. CS 1/16 S 26 BT
 - ④ SET NW COR. OLD LOT 8
16.4" W. OAK BRS. S 88° W 31.2' MKD. 483 BT
11.5" W. OAK BRS. S 56° W 22.6' MKD. 483 BT
 - ⑤ SET PROPORTIONATE LOT COR.
16.8" D. FIR BRS. N 48° W 5.1' MKD. 483 BT / BLM LOC. TAG
13.2" D. FIR BRS. N 16° E 19.6' MKD. 483 BT
BLM POST ON GROUND, TAG ILLEGIBLE ADJ. TO COR.
 - ⑥ SET PROPORTIONATE LOT COR.
17.3" D. FIR BRS. N 84° W 18.6' MKD. 483 BT
10.2" D. FIR BRS. N 2° E 10.6' MKD. 483 BT
BLM COR. BRS. N 80° E 2.7' PER BLM LOC. TAG ON 12" D. FIR SNAG
 - ⑦ SET PROPORTIONATE E 1/4 COR. SEC. 26 (IN BANK OF RD. CUT)
25.4" D. FIR BRS. N 76° W 88.2' MKD. 1/4 S 26 BT
26.5" D. FIR BRS. S 67° W 85.5' MKD. 1/4 S 26 BT
W 1/4 SEC. 25 BRS. N 0° 18' 26" E 43.56'
- PP. COR. MON. IS A 3/4" X 30" IRON PIN WITH BR. CAP
MKD. T 389 R3W WM
S 26 |
RS 483 1992
JACKSON COUNTY

MEAS. N 0° 14' 18" W
GOV'T. REC. = N 0° 01' W
2591.14'
2598.42'

FD. 1/4 COR.
1979 C.S. BR. CAP MON.

SOLAR OBSERVATION
(SURVEY NO. 12715)

FD. SEC. COR. IN 1991
1987 C.S. BR. CAP MON.



FD. W 1/4 COR. SEC.
25, 1969 BLM BR.
CAP MON.

MEAS. N 0° 18' 26" E
GOV'T. REC. = N 0° 01' W
2635.60'
2640'

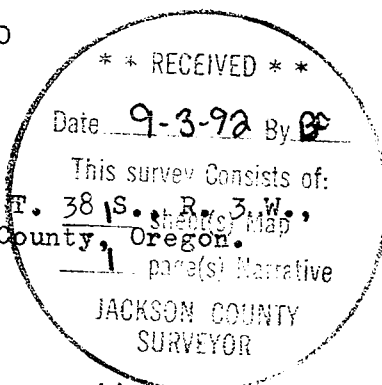
FD. SE CLOSING COR. SEC. 26
1971 C.S. BR. CAP MON.

MEAS. N 0° 19' 35" E 116.43'
GOV'T. REC. = N 0° 01' W 115.50'

13139

13139

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES



Survey for: Richard W. & Diane W. Smandra
9300 Sonoma Highway
Kenwood, CA 95452

In: S 1/2 Section 26, T. 38 S., R. 3 W.,
W.M., Jackson County, Oregon.

Survey by: Charles H. Hurst
765 Sunrise Avenue
Medford, OR 97504

Bearings: Taken from previous random lines, based on a solar observation,
between control points established during the course of Survey No.
12715 for Dollie A. Kitchen.

Purpose: To set the corners and designate the lines as shown on the plat
accompanying this narrative.

PROCEDURE

Existant quarter and section corners were radially tied and the lines between
subsequently computed by inversing.

The east quarter of Section 26, having never been set originally, was monumented
on the basis of proportion against record. Proportionate subdivisional dimensions
in the southeast quarter were also likewise determined.

The southwest quarter was subdivided according to standard procedure. Accordingly,
said subdivisional lines do not nor can be expected to coincide with those in the
southeast quarter at the points of terminus on the north-south centerline of
Section 26.

Township 38 South, Range 3 West was partially completed by David P. Thompson in
1857 and the survey of Section 26 was executed by E. P. Rands in 1910 and duly
lotted according to the official plat thereof. In 1917 the southeast quarter of
said Section 26 was supplementally replatted "showing the areas and legal sub-
divisions of old Lot 6, 7 and 8 ... for the purpose of accommodating Homestead
Entry Roseburg 06273 of John Bartlett Rice embracing the W 1/2 of old Lot 6; NW 1/4
of old Lot 7; NW 1/4 SE 1/4 & N 1/2 of old Lot 8".

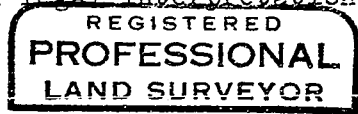
In 1970 Section 26 was improperly partially subdivided by an unrecorded survey
performed by Hugh Ingle for Bert Haar. In 1971 an administrative survey was
made by the Bureau of Land Management during which the proportionate subdivisional
corners in the southeast quarter were established and the lines between more or
less designated. This survey utilized a proportionate south 1/4 corner location
having failed to locate the original corner bearing N60°E 13.5 feet distant
which was perpetuated by the Jackson County Surveyor in 1987.

According to the B.L.M. Manual of Surveying Instructions "Even if the original
survey (was) poorly executed, it will still control the boundaries of land
patented under it". The manual also states "that no such resurvey or retracement
shall be executed as to impair the bona fide rights or claims of any
claimant, entryman or owner of lands affected by such resurvey or retracement".

Accordingly, the NW 1/4 SE 1/4 as originally platted remains unsubdivided by the 1917
replat and the boundaries thereof are subject only to proportionate adjustment
to reflect any excess or deficiency, regardless of acreage, found to exist in
the original survey.

In consideration that subdivisional acreages of old Lots 6, 7 and 8 are found
to be less than record, it would appear that the original homestead entry existing
prior to 1917, although subsequently patented in 1920, was intended to be pro-
tected by the 1917 protraction in accordance with instructions from the General
Land Office. That being the case, appropriate proportionate homestead entry
boundary lines in said quarter section probably must yield to record dimensions
to protect the original acreage. This is a decision based on legal interpretations
and cannot arbitrarily be made by the surveyor.

July 7, 1992



Charles H. Hurst
OREGON
OCTOBER 30, 1959
CHARLES H. HURST
483