

SURVEY FOR:

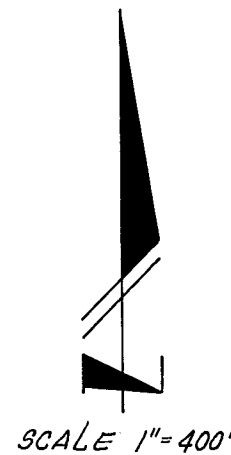
JOHN M. BLACK

LOCATED IN SECTION 5,
T.38S., R.3W., W.M.

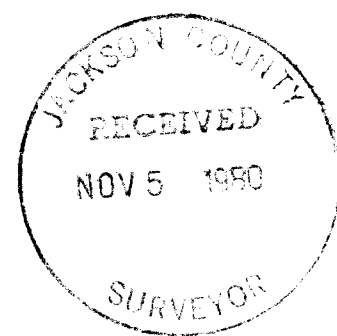
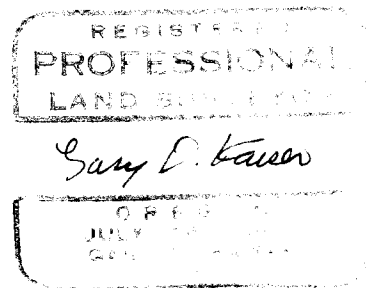
BY:

BOYDEN SURVEYORS

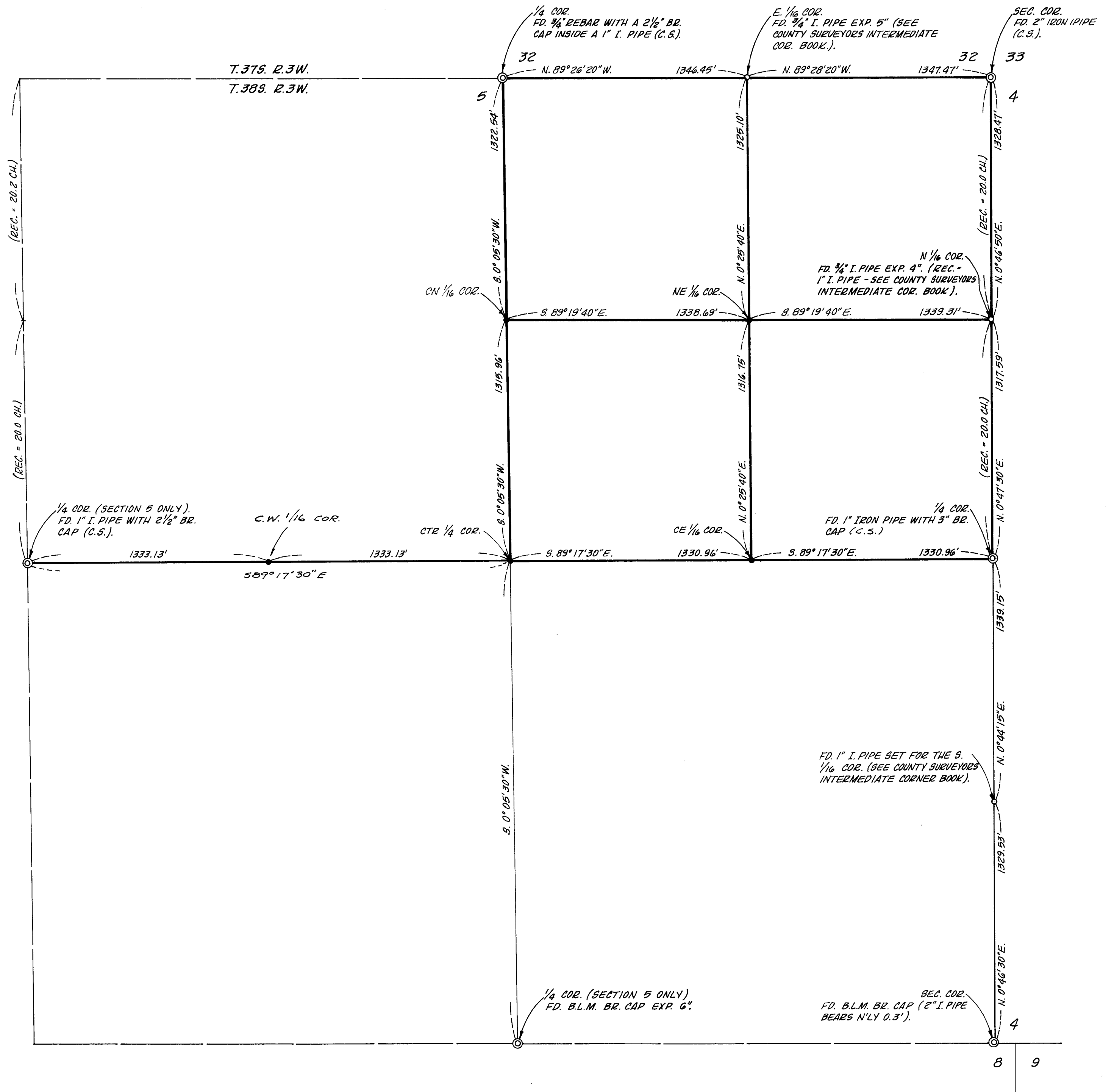
NOVEMBER 4, 1980



BASIS OF BEARINGS:
FILED SURVEY NO. 7772



- SET 3/4" x 36" GALV. IRON PIPE WITH 2" BR. CAP



OFFICE OF THE
SURVEYOR



EDWARD A. MCGINTY
REGISTERED SURVEYOR NO. 301

**JACKSON COUNTY COURT HOUSE
MEDFORD, OREGON**

July 18, 1980

Boyden Surveyors
26-A Laurel Street
Medford, Oregon 97501

Re: John Black property

Attention: Mr. Gary Kaiser, PLS

Dear Gary:

Regarding the Quarter Corner common to Sections 4 and 5, T.38S., R.3W., W.M., this office feels that the legality of the procedure used, the lack of state mandated documentation on file in this office and the apparent inaccurate positioning of the corner location within acceptable limits, are questionable and do not permit our endorsement of this corner.

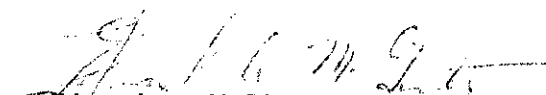
I recommend that you contact the Portland State Office of the Bureau of Land Management, as a major adjoining property owner, to request their advice on their procedure if they were affronted with a similar circumstance.

Our office would be open to the mutual decision you and the B.L.M. would make and at your request, we would remove from the corner, all accessory references to the Jackson County Surveyors Office. We would not remove the monument.

We ask for your advisement of the final decision made on this matter.

Thank you.

Yours truly,


Edward A. McGinty
County Surveyor

EAM/sk

8578

Exhibit B



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
District Office
3040 Biddle Road
Medford, Oregon 97501

IN REPLY REFER TO

9600

Mr. Gary Kaiser
26 Laurel St.
Medford, OR 97501

AUG 28 1980

Dear Mr. Kaiser:

After receiving your letter dated August 12, 1980, I have reviewed the information furnished by you, as follows:

In 1857, David P. Thompson surveyed the lines and established the corner in question. In 1944, C. Z. Boyden, Deputy Jackson County Surveyor, re-established and recorded the $\frac{1}{4}$ sec. cor. of secs. 4 and 5. Boyden's control corners were the original 1857 Thompson corners of secs. 5/6/31/32, 3/4/33/34, and 4/5/8/9 changed to secs. 4 and 5 only, in 1910, by E. P. Rand's completion survey of T. 38 S., R. 3 W. Boyden re-established and recorded this corner at proportionate position after re-establishing and recording the cor. secs. 4/5/32/33 for control to the north. In 1944, Boyden also established and recorded the N 1/16 and the S 1/16 cors. of secs. 4 and 5 during this survey. Recently, the Jackson County Surveyor has rehabilitated and recorded several of the 1944 Boyden corners including the $\frac{1}{4}$ sec. cor. of secs. 4 and 5, on February 21, 1980. I am sure many unrecorded activities, such as the building of fences, road locations and logging activities have used this Boyden corner in the last 34 years.

In conclusion, it is quite possible that the 1944 Boyden corner is not set exactly at midpoint between the controlling section corners based on your retracement, but you must consider the length of time in place, the amount of use by adjoining landowners and other interested parties, the instruments and procedures used by Boyden to establish this corner, before you make a decision to correct the position. The decision in this matter rests with you, the surveyor. It would be impossible for me to advise you of the correct procedure until BLM cadastral surveys have executed a retracement of all the lines controlling this position and again searched for the missing original 1857 Thompson corners that were re-established by Boyden in 1944.

If you wish for an additional review of this corner, please write to the BLM Oregon State Office, 729 N.E. Oregon St., P. O. Box 2965, Portland, Oregon 97208.



Sincerely yours,

Sybil M. Roseberry

Supervisor Land Surveyor

Save Energy and You Serve America!

Found a 1" iron pipe exposed 10" bears North 23° 00' East,
4.95 feet.

Found a 1" thin walled metal tube exposed 10" bears South
16° 18' East, 7.4 feet.

There is no official record of either of the found monuments
near the center-West one-sixteenth corner.

At the center-North one-sixteenth corner set a 3/4" x 36" gal-
vanized iron pipe 36" in the ground with a 2" brass cap marked:

RLS 803
C
N 1/16 | S 5
C
1980

from which:

A 10" White Oak scribed "CN 1/16 S5 - BT" bears South
69 1/2° West, 19.3 feet to the face of the lower blaze.

A 12" White Oak scribed "CN 1/16 S5 - BT" bears South
26 1/2° East, 27.2 feet to the face of the lower blaze.

At the center-East one-sixteenth corner set a 3/4" x 36" gal-
vanized iron pipe 36" in the ground with a 2" brass cap marked:

E 1/16
RLS 803
C ——— C
S 5
1980

from which:

A 17" Fir scribed "CE 1/16 S5 - BT" bears North 70 1/2°
East, 30.4 feet to the face of the lower blaze.

A 12" Fir scribed "CE 1/16 S5 - BT" bears South 10 3/4°
East, 6.3 feet to the face of the lower blaze.

At the Northeast one-sixteenth corner set a 3/4" x 36" gal-

perpetuated by a second re-establishment by the County Surveyor's office.

The South Quarter corner to Section 5 was re-established first by the County Surveyor's office and later re-monumented by the B.L.M.

The East one-sixteenth corner common to Section 32, T37SR3W and Section 5, T38SR3W was also established in 1944 by C. Z. Boyden and recorded in the County Surveyor's intermediate corner book. This corner was also used on Filed Survey No. 7772.

From the aforesaid control corners a subdivision of Section 5 was computed and the following corners were monumented and referenced:

At the center Quarter corner set a 3/4" x 36" galvanized iron pipe 30" in the ground with a 2" brass cap marked:

T38SR3W
C 1/4 . S ⁵~~36~~ GDK RLS 803
2-20-81
RLS 803
1980

from which:

A 16" Fir scribed "C 1/4 S5 - BT" bears South 66° West, 16.1 feet to the face of the lower blaze.

A 9" Fir scribed "C 1/4 S5 - BT" bears North 69 3/4" West, 11.1 feet to the face of the lower blaze.

At the center-West one-sixteenth corner set a 3/4" x 36" galvanized iron pipe 30" in the ground with a 2" brass cap marked:

W 1/16
RLS 803
C ——— C
S 5
1980

from which:

A 9" Cedar scribed "CW 1/16 S5 - BT" bears South 51 3/4° East, 10.9 feet to the face of the lower blaze.

A 10" Fir scribed "CW 1/16 S5 - BT" bears North 29° West, 69.7 feet to the face of the lower blaze.

A meeting was held with the Jackson County Surveyor in regard to the subject Quarter corner discussing its monumented position in relation to a proportionate position and a letter (see enclosed Exhibit 'A') was received from him stemming from the meeting in which it was recommended to us to contact the Portland office of the B.L.M. and request their advice in that the corner is a corner of their property and they are major land owners in the area.

To help expedite this matter, a letter was written to the District office of the B.L.M. and directed to Lynn Roseberry, Supervisor Land Surveyor, who in turn phoned the Portland office and relayed the information to us by letter (see enclosed Exhibit 'B'). Mr. Roseberry stated in his letter and expounded in greater length verbally to myself that the difference between the present monumented position and a proportionate position of the subject Quarter corner is not enough to cause the B.L.M. to move a corner that has been in place this long. He indicated that original evidence recovered that would make it possible to locate the corner position monumented by David P. Thompson in 1857 would be grounds for moving the corner.

Original evidence for the subject Quarter corner has been searched for by Boyden Surveyors personnel, County Surveyor personnel and several others with none being found.

C.Z. Boyden's monumented position for the North one-sixteenth corner was held also due to its acceptance and use since it was set in 1944.

The Northeast corner of Section 5 and the North Quarter corner to Section 5 were also monumented by proportionate methods by C. Z. Boyden in 1944 and recorded in the County Surveyor's re-establishment records. These corners have since been perpetuated by the County Surveyor's office on second re-establishments.

The monumented position for the West Quarter corner to Section 5 was established per Filed Survey No. 1898 and recorded in the County Surveyor's re-establishment records. This corner has also been

Survey No. 8578

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

SURVEY FOR: John M. Black
4513 Forest Creek Road
Jacksonville, Oregon

SURVEY BY: Boyden Surveyors
26 Laurel Street
Medford, Oregon

PURPOSE: To monument and reference sectional subdivision corners within Section 5, T38SR3W, W.M.

PROCEDURE: Controlling corners shown as "found" on the annexed map were tied via closed random traverses utilizing a one-second theodolite, E.D.M. equipment and chain.

The Quarter corner common to Sections 4 and 5 and the North and South sixteenth corners common to Sections 4 and 5 were monumented at proportionate positions in 1944 by Deputy County Surveyor C.Z. Boyden and recorded in the County Surveyor's office. From our ties to the monuments set by C. Z. Boyden we find the Quarter corner North of a proportionate position by approximately 11 feet. C. Z. Boyden's monumented position for the said Quarter corner was held due to its acceptance and use as stated below:

- A. A second re-establishment by the County Surveyor's office in February, 1980.
- B. Filed Survey No. 7430 is tied to the subject Quarter corner.
- C. B.L.M. timber sale in the South-half of Section 5.
- D. Recognized as the Quarter corner by the property owner to the Southeast (Doyle Stockton) and to the Northeast (Art Davies).
- E. Fencing and other unrecorded activities.