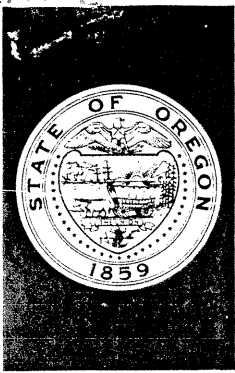


#5003



DEPARTMENT OF COMMERCE

BOARD OF ENGINEERING EXAMINERS

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ROBERT W. STRAUB
GOVERNOR

March 3, 1976

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Mr. Gregory T. Blackman, P.L.S.
502 First Street
La Grande, OR 97850

Dear Mr. Blackman:

A complaint has been received charging irregularities in your survey of property at or near the La Grande Airport. Your title block shows the survey to be of T3S, R38E, W.M., La Grande Municipal Airport, dated January 3, 1974.

The nature of the complaint is explained in the attached statement, which is an exert from the information submitted to the Board. Following a review by the Board's Law Enforcement Committee, I have been instructed to request your comments concerning the charges. May we please hear from you by March 15th?

Sincerely yours,


Paul D. Christerson, P.E.
Executive Secretary

PDC:ep

Attachment

cc: Henry S. Steinbrugge, Chairman
Law Enforcement Committee

The Northeast and Southeast corner of Section 24 have been re-established by single proportion distances between the found East quarter corner of Section 13 and the found East quarter corner of Section 36. This is proper procedure for the restoration of "lost" corners on the range line.

However, the map of survey indicates an existing fence line 20 feet, more or less, West of the Northeast corner and 50 feet, more or less, West of the Southeast corner of Section 24. The east quarter corners of Secs. 13 and 36 are shown as lying in the existing fence line.

I believe these two restored corners should be classified as "obliterated", rather than lost, if this fence line is any evidence of the original section corner location. The surveyor should consider this fence line as possibly marking the original range line. In any event he certainly should exercise every means at his disposal, including testimony of adjoining and former land owners, before using the extreme method of proportionate distances. In effect, here he is saying the fence line is in error because he cannot find the original corner monuments and the early owners did not know corner locations when constructing the fences.

The survey retracement shows an excess of approximately 26 feet on the North section line and approximately 53 feet on the South section line over the original survey notes. Since this is very nearly the difference between this survey and the original, it should certainly "ring a bell" somewhere that the existing fence receive at least ordinary consideration according to normal accepted surveying practice. A found monument (5/8-inch rebar) near the Southeast section corner apparently is also rejected.

As a matter of fact, the surveyor should present substantial evidence this fence line does not represent the original range line before making any contention otherwise.

The other three sides of Section 24 are bounded by county roads, and the right of way is fenced. The surveyor has accepted the center of fenced right of way for the West line of Section 24, but he has reestablished the section corners along this line by some highly unusual and unique logic. The North section line is on line between the Northeast corner of Section 24, and the Northwest corner of Section 23, intersecting the accepted road center line. He ignores the established fenced right of way on the North and South section lines. If these fence lines should not be considered, then a double proportionate measurement is called for in the manual. His map shows no corners found North or South of this West section line for double proportionate calculations.

He has made the South line of the section vary from the North line in the amount of $0^{\circ} 09'$ of bearing to conform to the difference shown on the original survey. His theory here is contrary to the rules for retracement, and is certainly original.

It is my opinion that the surveyor has made some grave errors in judgment and some flagrant violation of the rules defined in the Manual of Surveying Instructions published by the Department of Interior. He accepts some fence lines and rejects others as evidence of original location, without documentation, where in fact, the land as fenced conforms very closely with the original field note distances, according to his own map.