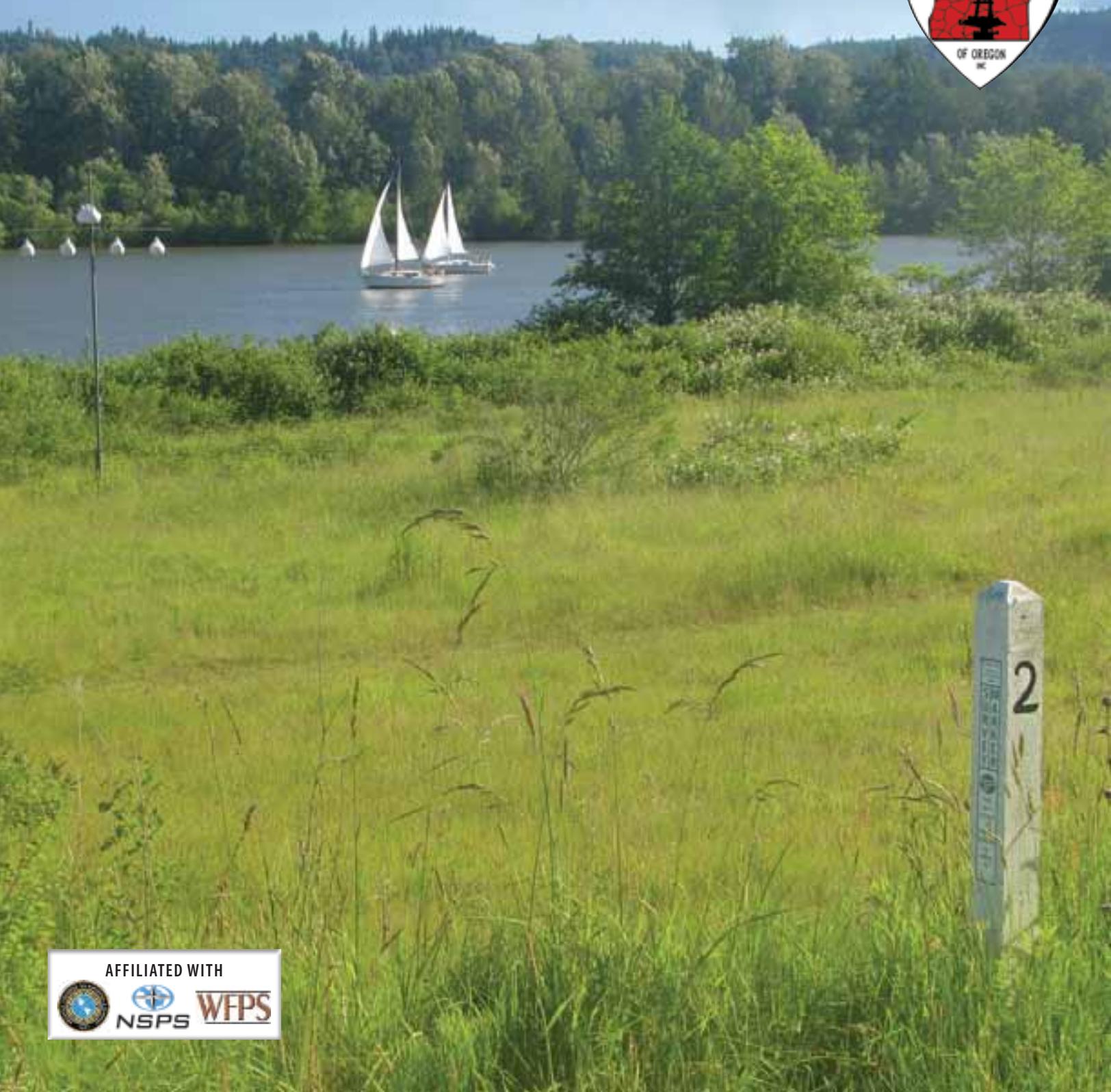


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JUNE/JULY 2010

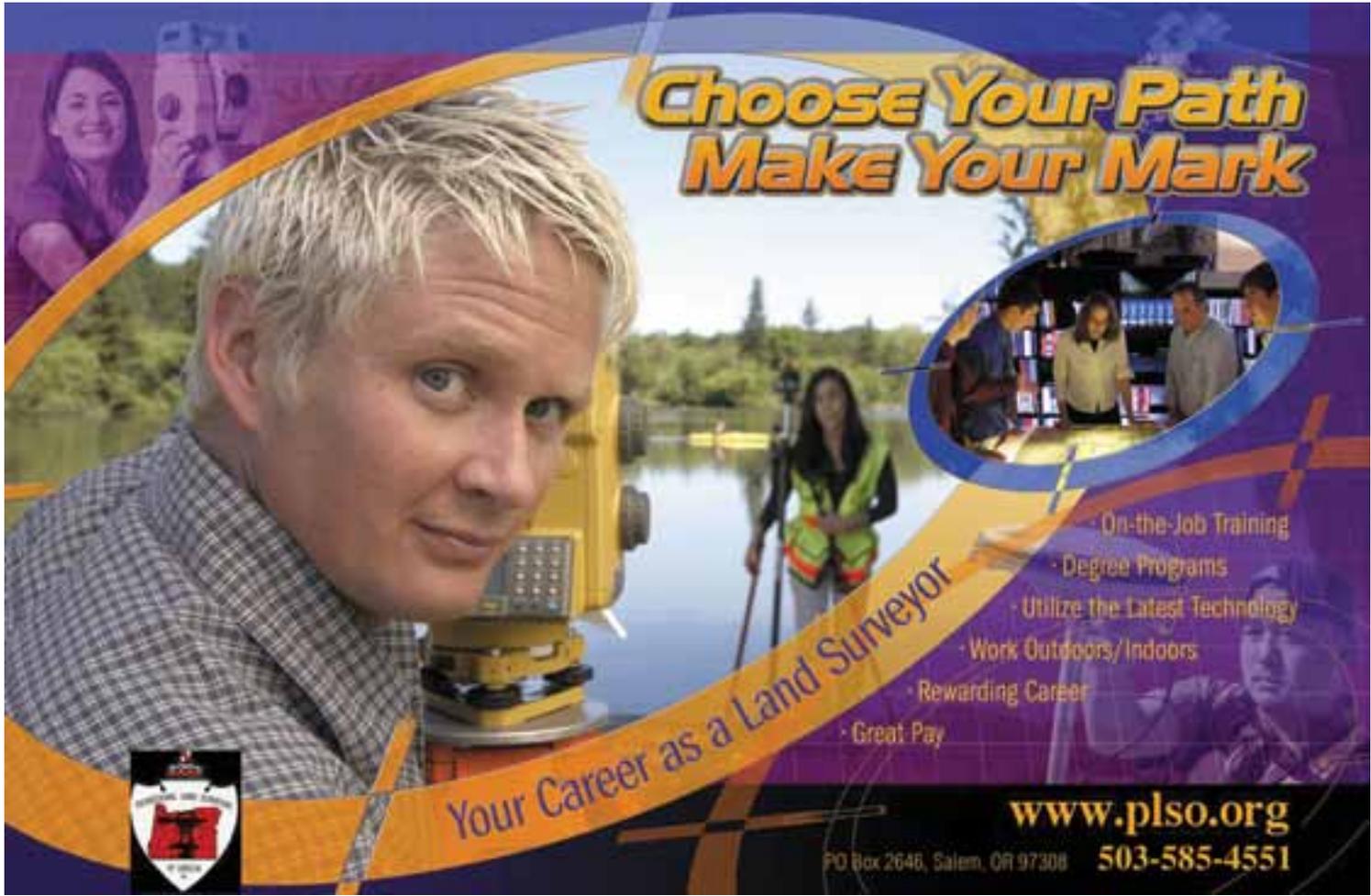
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THE OREGON SURVEYOR

Volume 33, No. 3
June/July 2010

Professional Land Surveyors of Oregon

Executive Director

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The Lost Surveyor

From the back cover

LAT 45° 42' 36" N
LONG 121° 24' 08" W

Answer: This is a high knoll on Coyote Ridge on the north side of the Columbia River near Mosier, Oregon



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THE OREGON SURVEYOR

The *Oregon Surveyor* is a publication of the Professional Land Surveyors of Oregon (PLSO). It is provided as a medium for the expression of individual opinions concerning topics relating to the Land Surveying profession.

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The *Oregon Surveyor* welcomes your articles, comments and photos for publication. PLSO assumes no responsibility for statements expressed in this publication. Send prospective materials to Lisa Switalla, lisa@llm.com.

EDITORIAL DEADLINE

All editorial copy must be submitted by the first of the month preceding publication.

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Editor's Note

■ By Oran Abbott, PLS, oranabbott@gmail.com



The cover photo and the Lost Surveyor photo were both taken looking into Oregon from the north. The photos highlight the advantage of living near the Columbia River, or the Snake River in Northeastern Oregon.

I realize that the economy is down and it is a little hard to make money or keep the budgets going. One recent suggestion that came up to the PLSO Board was to reduce the number of editions of the *Oregon Surveyor*. Bear in mind that this is only a suggestion and may never happen. When I signed up to

become a PLSO member one of my member benefits was to receive six issues of the *Oregon Surveyor* each year. No one said anything about reducing my fee if fewer issues were available, so it does negate any effect on the budget. At that time the only way to find out what was going on in PLSO was to read the *Oregon Surveyor*. Now if you wish, you can read it on the internet. However, not everyone has the internet, whether at work or at home, and even if you do have it, it might not be fast enough for your satisfaction. I realize that we may all have high speed internet on our cell phones in the future. We do not know who reads the *Oregon Surveyor* on the internet or the hard copy journal, but if we offered the magazine it as part of the sign-up for PLSO membership, then we cannot reduce the number of issues without reducing the membership fee.

Now, getting off of my soap box, there is another association matter that I have not yet chosen a particular side—the NSPS proposal to leave ACSM. Read about it in this issue and note that if you want to voice your opinion, you have less than two years to say something or it may become like numerous other areas in our profession where we “let the government run us”.

If you like to hike, you probably have hiked the Eagle Creek Trail in the Columbia Gorge. In the last 25–30 years, if you took the side trail down to look at Punch Bowl Falls from the bottom you may have noticed a long fallen log in the creek right in front of the falls. I have pictures of Punch Bowl Falls before the log, but do not think my sons have ever seen in person it without the log. If you want the falls without the log, now is the time to take the four mile hike, as the log is now gone. When you reach the creek at the bottom of the falls, go out on the rocks in the creek to see the falls. Some time in the future I may print both pictures for you to see the difference—after allowing time for all of you to hike it to see it for yourselves, of course.

Please read the board and chapter minutes to find out what is going on around the state. Also send in some photos, write something for us—short or long. Have a great summer! ◊



View from the PLSO Office

■ By Mary Louise VanNatta, CAE;
PLSO Executive Secretary



Why Your Opinion Matters

PLSO will soon be emailing out a brief member survey. It will be on one of those newfangled internet links and should only take a few minutes to answer. It is designed to find out the opinion of corporate and associate dues paying members. Some brave volunteers have also agreed to call a selected group of members to simply ask, "How is it going?"

Organizations need to ask the question: Are we doing what our members want us to do? This is different than a *push poll* where the pollster is trying to lead you to a conclusion using carefully designed questions. For example:

- Did you know that people who choose a surveying career were generally voted the "Most Intelligent" in their class?
- If you knew PLSO members are 85% more likely than non-members to be involved in charity projects, adopted homeless puppies and returned their shopping carts which would you hire to do your survey?, etc.

Okay, joking aside, it is important for you to know how seriously your volunteer board takes your comments. Your Chapter Presidents take opinions you give at meetings back to every board meeting. Those of you who take the time to attend a local meeting or to contact your Chapter leadership when an issue is brought before the board are influencing the direction of the organization as a whole. If you have *not* shared your opinions, you are allowing those outspoken folks to take the lead in making

decisions for you. Now, they may be speaking for the whole, but it is also possible that a few individuals do not hold the views of the majority.

The upcoming survey and "how's it going" phone calls are important. Take the time to answer the on-line survey, to talk to a PLSO representative when they call or to call or email the PLSO office with your opinions of "how are we doing?" ◊

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PLSO Board of Directors Meeting Minutes

April 24, 2010

ATTENDEES

Officers

Chair Tim Fassbender
Chair-Elect John Mathews
Past Chair Gary Johnston
Executive Secretary Mary Louise VanNatta

Board Members

CENTRAL (1)
Scott Freshwaters, President
MIDWEST (2)
Renee Clough, President
Kent Baker
(alt. for Jeremy Sherer, Pres-Elect)
PIONEER (3)
Joe Ferguson, President
Lee Spurgeon, President-Elect
ROGUE RIVER (4)
Craig Claassen, President
Stephan Barott, President-Elect
SOUTH CENTRAL (5)
Mason Marker, President
Allen Hart, President-Elect
SOUTHWEST (6)
Walter White, President
UMPQUA (7)
Randy Smith, President
Ron Quimby, President-Elect
WILLAMETTE (8)
Lee MacDonald, President-Elect
BLUE MOUNTAIN (9)
Bob Butler, President
Michael Posada, President-Elect

Committee Chairs

EGAC: Gary Anderson
By-Laws/Constitution: Brent Bacon
Professional Practices: Bob Neathamer
Internet/Webpage: Tyler Parsons

Guests

Vic Banks
Denny DeMeyer
Jean Ferguson

CALL TO ORDER

The meeting was called to order at 10:00 am by Chair Tim Fassbender. Welcome and introductions were made.

Review and Approve Agenda

The agenda for the April 24, 2010 meeting was reviewed. Neathamer added a report. The agenda was approved.

Minutes of the March 6, 2010 Meeting

Minutes of the March 6, 2010 Board Meeting were presented:

Motion: Ferguson moved the minutes be accepted with the change of moving Gary Johnston to the Willamette Chapter alternate.

Motion seconded.

MOTION APPROVED.

REPORT FROM THE EXECUTIVE SECRETARY

Financial

VanNatta reported that the PLSO Total Assets stand at \$163,700.34.

PLSO Membership by class	4/10
Corporate*	492
Associate*	57
Special*	55
Student	80
Life	23
*Dues paying members	604
Totals	707

- We mailed invitations to 18 recent new licensees, from a list provided by OSBEELS, to join PLSO.
- Membership renewals seem to be coming in at about 1–2 each week.
- We signed the contract with the Phoenix Grand Hotel for the 2011 Conference. As Chapter minutes come in they are printed and also forwarded to LLM Publications for the *Oregon Surveyor* magazine. Our bookkeeping is being refined and

we are eliminating the possibility of charging the wrong account. We are keeping a listing of all contributions from the Pioneer Chapter as they proceed with their scholarship challenge.

- Johnston provided the report on the BLM Manuals. 232 manuals were sent and we about broke even, losing about \$200.

REPORT FROM THE CHAIR

- Corporate membership tier—Fassbender sent a report to Fidler to see about possible corporate membership and we are waiting to hear his opinions. A corporate membership could include entry into conferences and seminars.
- Tim's Blog—Fassbender encouraged people to read his blog at blogspot
- Future committee reports on Skype—Fassbender said he would welcome future reports on Skype.
- Reminder to put information on the PLSO calendar.

REPORT FROM THE CHAIR-ELECT

Mathews was charged with working with Chemeketa Community College on their surveying program. He got in touch with Joel from Chemeketa CC so they can get their talking points worked out regarding the program. Jack Burrell sent a letter to Chemeketa CC as he is a graduate of the school. Neathamer said the Industrial Advisory Committee for OIT is scheduled for May 7.

OUT OF AGENDA ORDER

EGAC Report: Gary Anderson gave his report and provided a list of comments. He was looking at Statistics in NSPS about industry demand in the next few years. Another comment

Continues on page 8

that was noted was creating programs for Survey Techs. Anderson will be looking for someone to take point on this group.

PRESENTATION

Anderson introduced Vic Banks, who performs outreach in Washington State for LSAW.

CHAPTER ACTIVITIES

Pioneer—

Ferguson said that Blue Star Mothers of Oregon approached the Pioneer Chapter to assist with building a reflection pond at Pioneer National Cemetery in Portland. Pioneer Chapter will take on the survey portion of the project. They had a good time at the event; about 20 members completed the base mapping portion of the project. Raw data was provided for the project.

South Central—

It was mentioned that this chapter would be fine if the PLSO decided to cut back on the *Oregon Surveyor* magazine. Tiered membership wasn't supported; the concern was that it might make it difficult to financially operate.

Denny DeMeyer made a presentation to the board and requested a \$1000 donation from PLSO for the 2011 David Thompson Brigade, a 1,200 mile canoe trip down the Columbia River to commemorate the achievements of David Thompson.

Discussion. Clough asked about budget shortfalls. Johnston said it will not be as high as we expected. Posada asked if we have budgeted for charitable donations such as this. PLSO has \$250 committed to the David Thompson Fund. Ferguson noted that if we already pledged \$250, Ferguson Land Surveying will match it. Butler noted that we are in good shape in our budget and he would like to do this. Neathamer will also donate \$250 and Johnston will donate \$50.

Motion: Ferguson moved \$1000 donation from PLSO to the David Thompson Fund. Butler seconded.

Discussion: Clough wanted to take it back to chapter

MOTION PASSED. OPPOSED: CLOUGH, SMITH, BAKER

NEW BUSINESS

Budget—Johnston said that for the year 2010 we are at \$10,000 below revenues. But in general we are in good shape. He presented the financial reserve policy. The scholarship funds already donated to OCF would be outside of that reserve policy. Fassbender reminded us that the goal for the scholarship fund was to give someone a full ride. He wants to make sure we keep growing it. We need to understand our relationship with the OCF. We need to reach more students.

Motion: Clough moved, that the reserve policy be approved with the language that the scholarship funds invested with OCF not be included. Posada seconded.

MOTION PASSED.

COMMITTEE REPORTS

Strategic Planning—

The group split in half to discuss fostering excellence and inspiring members. The notes from the conversations would be emailed to the board.

Scholarship—

Haddock was not in attendance. A total of \$11,915 will be given to the OCF. Contributions were received from the Bill Guile memorials, member contributions and the scholarship auction.

Ferguson shared information about a request for surveying services from PLSO for a feasibility study for the Actors Conservatory. The Board passed this off to the Pioneer Chapter for consideration.

TwisT—

Information on the 2010 TwisT program was distributed. There are ten slots open for Oregon teachers in the program. Anderson asked that we get that out. VanNatta will send a statewide press release out after it is approved.

Trig-Star—

Ferguson reported that May 8 is the state test in Portland. Ferguson will send out the state test to people who live farther away. Coordinators need send those results back to Ferguson and he will handle the rest.

EGAC—

Anderson added that *Building Futures* magazine was distributed and our ad was included. The ads cost \$3,500 and we will save those costs if we do not run the ad again.

Legislative—

Freshwaters said that the legislative committee met in Eugene on April 23 with T. Fassbender, F. VanNatta, C. Pearson, R. Smith, W. White and S. Freshwaters in attendance.

Right of Entry was one topic. The committee prepared a draft bill regarding sending out Right of Entry notifications via letter. The current statute requires you to provide notice in person or by door hanger. Also, the rule could be moved out of 672, making it more of a civil matter, like a traffic ticket.

The definition of the surveying profession and the machine control issue was discussed.

Boundary by Agreement was also considered. Increasing the corner preservation fund fee from \$10 to \$20 was discussed.

Informing membership of legislative committee activities was considered. Freshwaters will work with Parsons to update the web page and he will work with Fred VanNatta to keep comments flowing about legislation.

Low distortion projections were an issue.

PLSO Liaison to OSBEELS

Anderson reported that Mark Mayer will be helping with the meetings in the future. He said that a member brought up a concern about the test scoring and anonymity. This was discussed and no other concerns were expressed. Quimby said he has heard comments that the fees are high.

Webmaster—We have 742 members on the Surveyor-L list. Some people have multiple email addresses enrolled on the list. There are 51 addresses on the board list. Concern has been expressed about people responding to emails by posting to the entire list. When responding to an email from the Surveyor-L list, don't reply back to the list, respond directly to the person you wish to write. Calendar updates are accessed through Google, not through the website.

Membership—Fidler was not in attendance.

Professional Practice—The Oregon exam was recently given at Chemeketa Community College. 32 applicants took the test; three did not show. Pass rates look fairly good with about 40% passage expected. The OSBEELS Board will have a report on May 11.

NSPS—Tolbert was not in attendance.

WFPS—Crites was not in attendance.

OSBEELS Liaison to PLSO—

Linscheid was not in attendance.

PLSO Liaison to OACES—

LDP (Low Distortion Projection) is a concern. Monumenting cemeteries was discussed.

Tom Hamilton from Lincoln County had triple bypass surgery and won't be back to work until May 5.

Another concern was raised about the Oregon Department of Geology and Mineral Industries proposed statute about monumenting around existing buffer areas, but it is not a boundary survey.

A customer service survey from the Multnomah County Surveyor's Office was distributed; Freshwaters has the results.

County Surveyors are looking at the ORSs that deal with property being conveyed on the face of a Plat. Sometimes the city wants these.

OGUG—

A written report was submitted by John Minor. The OGUG/ODOT workshop on the Oregon Coordinate Reference System, OCRS, was held April 16 with over 100 in attendance. OCRS will not override any existing coordinate systems such as state plane but will instead be another very useful tool. The plan is for OCRS to be incorporated into the OARs. Watch the ODOT website for further information and posting of materials presented at the workshop.

There is a possibility of a work session at the 2011 PLSO Conference.

Constitution and Bylaws—Bacon provided updates on the legislative committee information for the operating policy. The proposal strikes the last sentence of section 4 and adds "During legislative session update the webpage once per week".

Motion: Clough moved that the legislative committee operating policy be changed as presented. Quimby seconded.

MOTION PASSED.

Publication/Oregon Surveyor—

Abbott was not in attendance.

Other—Request for surveying services for Portland Actors Conservatory handled earlier.

Conference Committee—Johnston presented. The first meeting of the conference committee was held April 15. Program ideas are being requested. Regular meetings will be held monthly on the 3rd Thursday in Portland.

In 2011 the committee plans to have the awards presentation on Wednesday night and the scholarship auction on Thursday night to build more interest in auction items. The focus on Friday will be a technician track—especially for associates.

For the 2010 conference, the net income was \$29,150. In 2012 we will have a joint conference with the GIS association. We might have a compromised date. The date will likely be scheduled for February or March.

GOOD OF THE ORDER

Anderson reminded the board that brochures and member applications are here for your use. Please distribute them. ☉

ADJOURN PLSO BOARD MEETING

Chair Fassbender adjourned the meeting at 2:31 pm. ☉

PLSO Conference Committee Meeting

Thursday, August 19, 6–7:30 pm

WHERE: The PPI Group Office, 6015 NE 80th Ave, Portland, OR

OSBEELS Board Meeting

Tuesday, September 7, 2010, 9:00 am

WHERE: 670 Hawthorne Ave SE, Ste 220, Salem, OR

PLSO Board Meeting

Saturday, September 11, 2010, 10:00 am

WHERE: Holiday Inn Eugene/N. Springfield

Legislative Committee Prepares for 2011 Session!

Your legislative committee held a special meeting in Eugene in April to kick off the preparation of the PLSO 2011 legislative agenda and they met a second time in Sunriver in June in connection with the June Board Meeting. Conference calls with members are being planned for wrap up discussions necessary to reach agreement on some unsettled issues.

Committee chair Scott Freshwaters noted we must be ever-mindful of the Kulongoski proposal to move OSBEELS to the Building Codes Agency, but we must not neglect other issues which will improve the professional lives of our members.

The committee has worked on several bills affecting the general PLSO membership. They include:

1. An increase from \$10 to \$20 in the recording fee to provide additional corner preservation funds.
2. A new law that would allow the recording of a “boundary line agreement” between affected parties where there is uncertainty as to the location of the boundary.
3. Add a provision to the “right of entry” statute to permit notice to both the owner and the tenant by direct mail.

Discussions about the role of plats in conveying title are continuing among committee members and could result in an additional bill. Details of the Right of Entry bill are being reviewed by committee members.



As soon as the details are developed, the concepts will be taken to legislative counsel for drafting so they will be ready for introduction early in the 2011 session.

If you have questions or are interested in the details of the measures, contact PLSO legislative staff, or our lobbyist Fred VanNatta at fred@prsalem.com

On another important matter (the possible future of OSBEELS) the picture has changed but a dark cloud remains. The Governor’s RESET Cabinet has released it’s final draft of a plan to deal with Oregon’s budget deficit. Initially Governor Kulongoski was calling for folding OSBEELS into the Building Code Agency.

The RESET Cabinet’s recommendation modifies that suggestion somewhat, suggesting rolling several boards into the same “Agency of Boards”.

Specifically, their recommendation is, “Consider the consolidation of the majority of small boards and commissions into one or two new stand-alone agencies. Grant the Governor the authority to appoint and remove the executive directors and agency heads for all of these programs, whether or not they are consolidated.” ◉

See the next page for the discussion of the reasons for the recommendation.



The Governor's RESET Cabinet Recommendation

Section 3.7: Organization and Efficiency Savings—Boards and Commissions

Since the 1950's the number of state agencies has roughly doubled. A large proportion of those new agencies are small boards and commissions, created to deal with niche regulatory issues. Often funded through fees and assessments on the industries they regulate, and with boards and commissions comprised largely of members of the regulated industries, these agencies have a minimal direct impact on the General Fund.

These agencies do, however, have an impact on the efficiency of state government in other ways. Each agency's small size creates management challenges, as a small number of generalist staff are expected to take on a wide variety of specialized duties, from regulation and enforcement to fiscal and personnel management. Due to the issues that inevitably arise, these agencies receive an amount of attention from executive and legislative leadership that is significantly disproportionate to their size and scope, often distracting from higher Impact General Fund-related issues.

In addition, these small agencies create risk exposure to the state. While formed in more simple times, the legal complexities of the modern era make it difficult for the small staffs of these agencies to be knowledgeable in all areas of employment, procurement, and contracting law, thereby exposing the state to legal challenges. And inefficiencies result from the need to duplicate systems and processes in each individual agency.

The presence of these small agencies also often confuses the public, not understanding the funding structure of state government, as to why cuts are being made to K-12 education when lower-priority single-industry boards still exist.

The regulatory programs administered by these small boards and commissions are generally desired by the industries they regulate, who also pay the fees to support the programs. For this reason, the Cabinet does not recommend eliminating these programs. However, the Cabinet recommends serious consideration of consolidation of the majority of small boards and commissions into one or two new stand-alone agencies that can provide the appropriate level of administrative support for the functions they perform. One agency should focus on health care professions with a second focused on other professions. Where it makes sense, board and commissions could merge into existing agencies where there is a nexus of interest.

To improve accountability and responsibility, the Cabinet also recommends that the Governor be given the authority to appoint and remove the executive directors and agency heads for all of these small regulatory programs, whether or not they are consolidated into larger agencies. Many of these directors and agency heads are currently appointed by the industry boards they administer, who may not be in the best position to evaluate and oversee the skills needed for effective program management.

Recommendation: Consider the consolidation of the majority of small boards and commissions into one or two new stand-alone agencies. Grant the Governor the authority to appoint and remove the executive directors and agency heads for all of these programs, whether or not they are consolidated. ◉

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WFPS Board of Directors Meeting Minutes

June 12, 2010 — Hilton Garden Inn, Portland Airport, Portland

■ By Gregory A. Crites, PLS

Members of the Board

The WFPS BOD meeting was well attended, with only three members absent. Guests from Oregon included Roger Galles, Tim Kent, John Minor and Brian Portwood from the PLSO, Denny DeMeyer, member of LSAW and team canoe captain of the North American Land Surveyors David Thompson Bicentennial Expedition.

In alphabetical order, attendance was:

Alaska: Richard Heieren, Paul Whipple

Arizona: Harold Baldwin

California: Ray Mathe, Aaron Smith

Colorado: John "JB" Guyton, David DiFulvio

Hawaii: Kevin Kea came to Oregon but was unable to attend due to illness

Idaho: David Short (Larry Glahe absent)

Montana: Dick Smith (Linda Smith absent)

Nevada: Nancy Peace-Almanzan, Matt Gingerich

New Mexico: Kery Greiner, Gary Eidson

Utah: Ron Whitehead

Washington: Mike Mickiewicz, John Thomas

Wyoming: Paul Reid

Our executive secretary, Dorothy Calegari from California, and honored guest Curt Sumner, ACSM Executive Director were also in attendance.

Chair Report

Chair Ray Mathe updated us on his busy schedule attending numerous annual conferences for WFPS member states. One highlight was presenting long time WFPS member Bud Campbell a special plaque of recognition on behalf of WFPS for his faithful service.

Chair-Elect Harold Baldwin attended the Montana annual conference and gave a brief report.

ACSM/NSPS Report

Curt Sumner provided a report on ACSM/NSPS. Highlights included:

- ▶ The Phoenix AZPLS/ACSM conference saw a significant drop in attendance. ACSM had budgeted an expected profit for the conference of nearly \$90k. Preliminary results indicate that due to attendance, a loss of \$90k is possible.
- ▶ The 2011 ACSM conference will be held in conjunction with the ESRI conference in San Diego, CA during the month of July.
- ▶ ACSM is looking into providing another opportunity for state professional societies to purchase the new BLM manual at discounted prices.
- ▶ NSPS participation and membership are down due primarily to the state of the economy.
- ▶ NSPS passed a motion proposing they withdraw from ACSM at the Board of Governors meeting held in conjunction with the conference in Phoenix.
 - A committee has been charged to study withdrawing NSPS from ACSM and report back to the Board of Governors by Sept. 15, 2010. The study is to include:
 1. Review of both positive and negative financial impacts to NSPS.
 2. Review of both positive and negative membership impacts to NSPS.
 3. Input from general membership through Area Directors and State Governors.

Curt then provided a brief history of the current organizational structure within ACSM and some commentary about the inefficiencies inherent in the current structure, including:

- ▶ Each member organization maintains their own finances
 - ▶ ACSM serves as an implementation body-providing governmental affairs, conferences, publications and staff
 - ▶ Anything beyond programs implemented by ACSM (e.g. CST), ACSM is paid an hourly rate
- Each MOU contributes to ACSM financially based on membership

WFPS then moved, seconded and approved that WFPS chair Ray Mathe write a letter to NSPS and ACSM that WFPS would like to weigh in on this process. Additionally, WFPS moved, seconded and approved that WFPS chair nominate or appoint someone to participate in the subcommittee for ACSM, if accepted.

The WFPS BOD identified the following areas of concern/interest with respect to the NSPS withdrawal:

- ▶ ABET accreditation—maintain influence
- ▶ ACSM/ALTA Standards
- ▶ NCEES representation
- ▶ A more responsive national organization to issues
- ▶ Governmental Affairs program
- ▶ Influence nationally in the political arena
- ▶ Representation in the new organization (governance)
- ▶ Membership retention
- ▶ Development of a vision and action plan to address the question, "Why Should I Join?"
- ▶ Impact on relationship with agencies (e.g. BLM, NGS, USGS, FEMA, etc.) and universities
- ▶ Cost and structure of administration
- ▶ Public relations

- ▶ Conference identity and attendance
- ▶ Delivery of programs
- ▶ Streamlined operational structure

The WFPS BOD moved, seconded and approved a donation of \$1,000 to help sponsor the David Thompson canoe team expedition.
The WFPS BOD moved, seconded and approved a donation of \$2,500, with an option to add more, to be directed at the proposed monument at the four corners (the intersection of the state boundaries of Colorado, Utah, New Mexico and Arizona).

Professor Robert Burtch, PS, Ferris State University Surveying/Engineering Program, made the following request of the WFPS for the purpose of developing a list of surveying and survey related higher education programs in the U.S.:

1. Name of the college/university/community college
2. Type of program (i.e. bachelors, post-graduate, associate, minor, concentration, etc.)
3. Contact information: name of chair/department head/faculty contact, email address, phone number, mailing address.

Scholarship Committee chair Paul Reid made two recommendations for scholarships from WFPS:

It was moved, seconded and approved by the WFPS BOD to award two scholarships to the following students:

Michelle S. McBride – Junior/OIT Klamath Falls \$2,000

Carl Magagnosc – Senior/CSU Fresno \$2,000

State reports, though previously submitted in writing to Secretary/Treasurer Baldwin, were reviewed.

- ▶ The fall WFPS BOD meeting will likely be held in the Reno/Sparks, Nevada area in September 2010.
- ▶ The winter WFPS BOD meeting is tentatively set for either Phoenix or Tucson, Arizona either January 15 or 22, 2011.
- ▶ Action items were reviewed and updated. ◉

JUST IN CASE—

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Curt Sumner, LS
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2010 Trig-Star Final Report



■ Joe H. Ferguson, Trig-Star Chair

I am pleased to report that the 2010 Trig-Star local and state tests are complete. Even though the number of high schools tested was lower than last year, the number of students tested was 230.

Jacob Chaney of Dallas High School is the State Trig-Star Champion. Gary Johnston, Willamette Chapter sponsor, gave tests at two local high schools. Many thanks Gary for your new-found talent.

Please continue to discuss Trig-Star at your local chapter meetings. Look for ways to get into more high schools. Did you know that there is an NSPS Scholarship available only to those students that have taken the Trig-Star test?

I would like to thank everyone who participated this year. Your time, effort and dedication to the students of our state, is greatly appreciated.

I would also like to thank Harper, Houf, Peterson, Righellis for the use of their facility this year as the location for the State Test.

We tested three students from the Portland area, along with 10 students from the Land Surveyors of Washington, Vancouver area. This allowed for a larger crowd and more energy in the room. ◦



Jacob Chaney, Dallas High School

PLSO Members Featured in Local Publication

The Spring 2010 edition of the *Clackamas County Citizen News* featured a lengthy piece on the Clackamas County Surveyor's Office, titled, "Every Corner of the County." Below is a reprint of the article. If you want to view the accompanying photos, look on the web at www.clackamas.us/citizennews/201005/e.htm

Every Corner of the County

The Clackamas County Surveyor's Office is responsible for surveying public land parcels and providing boundary information to property owners. But what does that mean?

Long-time county surveyors Mike Hoge and Tom Milne are digging in a very specific spot. They know they are about to uncover a surveyor's marker from 1911 that was placed in the northeast corner of the Orlando Bidwell Donation Land Claim. Only today, the Bidwell land claim is part of McIver State Park near Estacada.

This marker— an engraved stone—and really a historical treasure, has an "X" carved into the top and "C52" on the side. It will be replaced with a bronze disk for better access in the future.

Clackamas County Surveyor Chuck Pearson has worked for the county for 12 years and worked for both Multnomah and Washington counties before coming to Clackamas.

Pearson said in Clackamas County, there are approximately 6,400 Public Land Survey System (PLSS) corners, with 2,200 of those in the National Forest. Of the remaining 4,200 corners, Clackamas County staff have remonumented approximately 1,200 of them.

"All boundary surveys, subdivisions, roads, deeds, title insurance, etc. rely on the location of PLSS corners," he said. "These corners have a direct impact on virtually every single parcel of private property in Oregon. When a corner is destroyed or lost, it can have a dramatic effect on property ownership and rights."

So when Hoge and Milne traveled to McIver State Park to replace an old marker (also known as monuments) they used historical data which allowed them to pinpoint the exact location of the old monument and dig it out of the ground. "That's why the markers and the documentation are both so important," said Hoge.

Finding a monument is like stepping back in time, when settlers came west to homestead in what is now Clackamas County.

Just recently, a survey team discovered an old wagon skein set by the County Surveyor in 1892, which was used as a monument northwest of Wilsonville.

"It looks like it could have been part of a buckboard on a small covered wagon," said Pearson. Through a little research, Pearson discovered that the wagon skein was made in Seneca,

Continues on page 15

High School	City	PLSO Member	Number Tested
David Douglas	Portland	Ferguson	28
Benson	Portland	Fischborn	8
Dallas	Dallas	Johnston	3
West Salem	Salem	Johnston	9
Valley Catholic	Beaverton	Hertel	32
Phoenix	Medford	Hibbs	40
Douglas	Roseburg	Herzstein	24
Central	Monmouth	Nemecek	19
Grants Pass	Grants Pass	Allen	41
Pleasant Hill	Pleasant Hill	Christensen	26
TOTAL			230

Retired BLM Cadastral Surveyors



Many of you have surveyed a boundary established by the BLM and usually report that it was surveyed in a particular year by the BLM. Behind the BLM monuments and plats are a number of professional land surveyors who actually did the work. Recently a number of retired BLM cadastral surveyors gathered for lunch to share recollections of their work. This group represents over 500 years of surveying experience, mostly in the Pacific Northwest. ◊

Seated from left to right, with number of years of service indicated in ():
 Tim Kent (37), Larry Holmes (32), Rick Tawney (32),
 Rick McMullen (31), Harold Heimark (35)

Standing from left to right, with number of years of service indicated in ():
 Frank Tuers (35), Rich Johnson (32), Leonard Murphy (33),
 Dean Conklin (30), Jack Bowder (32), James Jelley (36),
 Glenn Goodson (35), Lester Fischer (34), Norm Newton (7),
 Marc Thomas (33), Don Beck (26), Bill Glenn (33),
 Carl Pearson (30)

Every Corner, cont.

NY in the mid-1800s. Today, however, the Surveyor's Office assists the general public with questions about boundaries affecting businesses, privately-owned parcels and new housing developments. The office has been helpful in mediating boundary disputes between property owners.

Pearson says there are some owners who just don't know where exactly their property lines are.

"We've seen property owners make incorrect assumptions about where their line begins and ends," he said. "And it's not unusual for them to end up building a fence on someone else's property, or worse yet, destroying the survey monuments."

The Surveyor's Office does not perform surveys for private property except on the order of the Courts or the Board of County Commissioners.

Assisting with the needs of property owners today while helping to preserve Clackamas County's important place in Oregon's rich history is a huge responsibility that County Surveyor Chuck Pearson and his staff take very seriously. Pearson said exceptional customer service is part of their mission.

"This is important work that impacts everyone." ◊

Reprinted with permission from the Clackamas County Citizen News

What's Being Surveyed?

Henry Borden, PE, PLS, from Edward Stevens & Associates in Olympia, WA performs traffic and accident surveys all around the U.S. He is setting on a point that will get him sprayed by a geyser from the Pacific Ocean (*notice the second picture*).



Associate Members? *Are You Out There?*

■ *By Clell Goodwin, PLS*

In 2006 the Board created the PLSO Associate of the Year award to allow the chapters to recognize the contributions that our Associate Members make and I think the chapters should be making greater use of it to give recognition to deserving associates. To my knowledge there is rarely, if ever, only one nomination for Surveyor of the Year; however I am not aware of any multiple nominations for Associate of the Year since the award was authorized.

I can't help but wonder why the various chapters of PLSO are not using the award to recognize the talents and achievements of their Associate Members. Three, of the four, PLSO Associate of the Year awards have been given to Midwest Chapter members. I doubt that the Midwest Chapter has a monopoly on Associates who volunteer in their communities through organizations

such as: scouting, coaching youth teams, Habitat for Humanity, church youth groups or many other activities through which they can make a contribution. We have noted this same commitment to PLSO and recognize the valuable contributions that they make to our Chapter.

This leads me to wonder if PLSO is taking full advantage of the opportunity to encourage the associates to participate through involvement in the activities and committees which interest them and to actively participate in discussions at the Chapter meetings. The process of mentoring should go beyond the occasional job shadow opportunity and be used to also develop professional and public awareness within our own ranks. The conferring of a license isn't going to automatically give the recipient the awareness of the professional and public responsibilities

that we hope to find in the profession and the Corporate Members are not providing leadership if they don't encourage the pre-professional level members to get the most out of their PLSO involvement. There are a number of ways you can invite your Associate Members to be involved. Contributions at the chapter level might include representation at career fairs, as Secretary/Treasurer, participation in the geocaching program, conference committee participation and in the Trig-Star program among many others.

If we don't encourage members to be involved at the Associate level, they are less likely to be involved at the Corporate level. Today's Associate Members will soon be providing the leadership for PLSO and we need to provide them with the opportunity to develop the skills they need and give them the recognition they deserve. ☉

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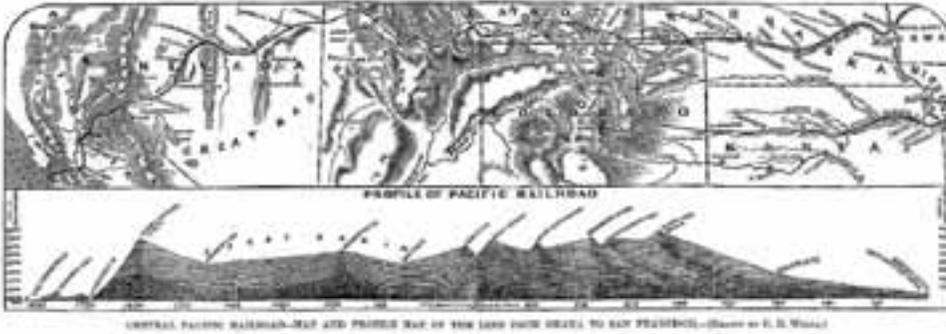
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On Dangerous Surveying

The Union Pacific Railroad, 1865–1869

■ By Richard O. Spencer—Reprinted from the *Old Dominion Surveyor*, July 2007



“The country is one vast green ocean. The soil is very rich, and the mind falters in its attempt to estimate the future of such a valley, or its immense capacities. The grain fields of Europe are mere garden patches beside the green oceans which roll across the Great Plains.”¹

These were the comments of some of the travelers as they moved west across Nebraska in the year 1866. Traveling in a wagon enabled one to see the country down in the green. Other travelers were interested in traversing it as rapidly as possible on their way west. This was the time of the great expansion of railroads. The concept of a transcontinental railroad had been contentiously debated in Congress four years before. The bill, known as the Pacific Railroad Bill, was finally passed and signed by President Lincoln in 1862. The president was a strong advocate for a transcontinental

railroad. The Civil War and his death delayed the beginning of the railroad’s construction until 1865.

The building of the Union Pacific Railroad across Nebraska and beyond required men of great vision, leadership, organizational skills, ambition, and daring. In 1867, no project other than the Civil War had required these attributes in greater quantities. And it was the Civil War veterans that provided many of the leaders that possessed these skills and the thousands of laborers for that enterprise. The building of the railroad also required men with special skills; such as engineers and surveyors. They were the ones that selected the route, out in front—sometimes 200 miles ahead of the graders and track layers. The names of some of these adventurous and skilled professionals are a matter of history.

Arthur Ferguson was a surveyor whose name is found in nearly every detailed history of the building of the Union Pacific Railroad. Ferguson was a graduate of the University of Iowa where he had studied the law. Between 1865 and 1869, he worked spring, summer, fall, and on one occasion through the winter for the Union Pacific Railroad as a rodman and assistant engineer.² What sets him apart is that he kept a detailed journal of his activities and those of the survey party laying out track alignment and doing reconnaissance through much of Nebraska, Wyoming, and Utah. There were times and events that precluded his diary writing, but there is an exciting and rich description of activities and events as the “Road” progressed westward.

There are few surveying activities of the 21st century that require the daring and exposure to danger of those men working on that railroad construction. A great danger was the threat of attack by the “savages”, usually the Sioux, Cheyenne or Arapaho. There was enormous resentment among the tribes toward the railroad construction because it was progressing through land that they perceived as theirs. A survey party often consisted of about 15 men. There was the chief surveyor, assistants, cooks, teamsters for the mules or horses, two or more wagons for provisions, equipment, wooden stakes, and instruments. Members of the party generally carried no substantial amount of ammunition. So a small party was easy prey for a large and determined war party—large being maybe 40 or more.

Image above: Composite digital restoration of the 1867 engraving of the Map and Profile of the line of the Pacific Railroad from Omaha to San Francisco. Drawn by C.H. Wells for *Harper’s Weekly* December 7, 1867

“June 2, 1867. This morning, shortly after sunrise the camp was aroused by the cry of ‘Here they come boys’ and then we saw the Indians charging down upon us from the northern bluffs.”³ The native tribes threatened to put the railroad out of existence. What the construction crews had, the tribes wanted: livestock, rifles, ammunition, hats, jackets, food in cans. One quick dash on the working gangs, one pile of rails or ties set over a completed track, could bring riches such as never before known on the Great Plains. The soldiers seldom, if ever, could detect, prevent, or defeat a raiding party. On May 18, 1867, Ferguson saw a war party sweep by as it “pulled up one mile of railroad stakes in sight of the party.”⁴

Accidents sometimes caused serious injuries. And there were drownings. There was rarely anyone available that had more than the most rudimentary medical training. Crossing rivers was particularly dangerous during rainy periods and, when the survey crews left the Plains to go on to more rugged terrain, there were more injuries caused by falls. Here is a sampling of entries from Ferguson’s diary concerning these dangers:

“May 12, 1868. This has been a fearful day.” (He had begun by running the line west of the North Platte River, but found that he had lost the tape line and started back over the river to search for it. Everyone piled into the wagon, but the driver didn’t know the ford.) “The first thing we knew was that the water was floating in the wagon box, and our mules were out of their depth and being swiftly carried downstream by the terrific violence of the current.” The wagon box capsized and all the men were floundering among the waves. Ferguson retained the leveling instrument in his hand, but he got tangled up in the wagon box, which



was pressing him down. “Immediately I saw that it was for me a struggle for life or death and therefore dropped the instrument.” Eventually he got out, but two of his companions were drowned. He said he would never forget “the look of awful terror and despair that had settled on their countenances.”⁵

Percy Browne, another surveyor with a crew, was looking for the Continental Divide, west of Nebraska, but he found that he was in a great basin five hundred feet lower than the surrounding country. He and his party set off across it in search of water flowing west. The Sioux caught them. A long skirmish followed. Browne was hit by a ball in the abdomen. He staggered a few hundred feet before falling.

He begged his assistant to ‘Shoot me first,’ before riding off. But his men would not abandon him. They let the horses go, hoping the Sioux would follow. They did, and Browne’s men improvised a litter by lashing their carbines together. They trudged down a ridge. Browne never groaned or complained. A half-hour after reaching a stage station, he died.⁶

“July 11, 1868. One of the workmen was killed within five feet of me by the failing of a bent. In falling he was struck on the head and then fell through the work into the water and

was drowned before my eyes. This evening another man was shot and killed, which was occasioned by some personal difficulty.”⁷

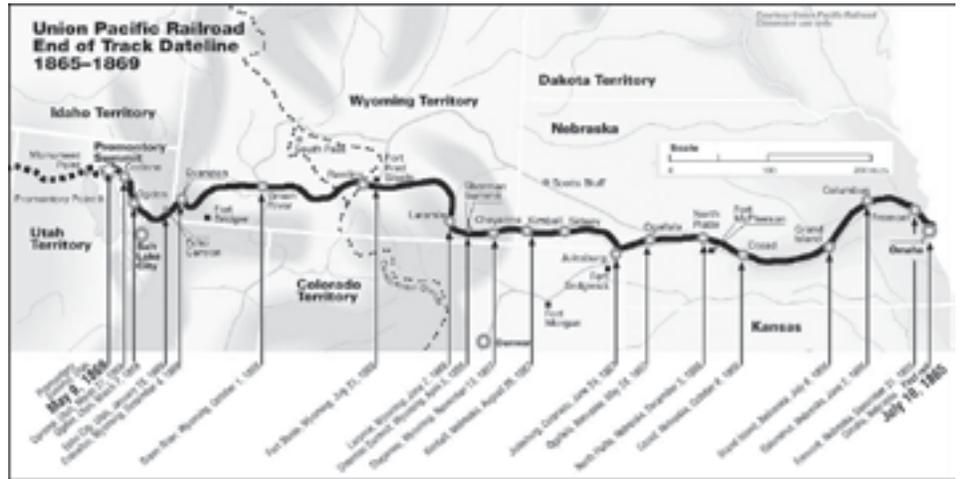
From time to time Ferguson noted comments on the terrain and gave insight as to the loneliness of the work. “This is a terrible country,” he wrote, “the stillness, wildness and desolation of which is awful. Not a tree to be seen ...not a sign of man to be seen, and it seemed as if the solitude had been eternal.”⁸ There were numerous crews working along the line, but usually miles and miles apart.

The sequence of the construction of this railroad went like this. A reconnaissance party of engineers and surveyors would explore to determine the general track of the future railroad. Instructions for the increment through Nebraska might have been:

“From Omaha proceed west about 20 miles to the Elkhorn River, cross it and run west more or less parallel with the Platte River some 300 miles to where it branches into the North Platte and South Platte. Follow the South Platte to Lodgepole Creek. Then continue with Lodgepole Creek on into Wyoming territory. Further instructions will follow.”

Continues on page 20

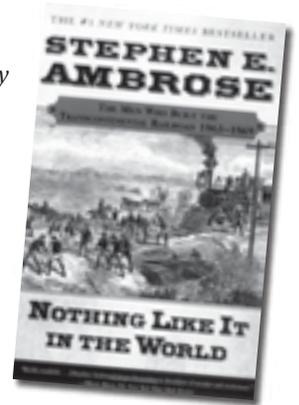
The alignment survey crews would then stake the tangents and curves that would guide the “graders” that followed and who made the cuts and embankments. Following the “graders” would be the crews that set the ballast to grade and installed the ties. Then along came the rail setters. The supply train proceeded along the new track as it was set. As previously noted, the surveyors worked hundreds of miles out in front of the main construction effort. They were, to a man, especially self sufficient. They were small team leaders, enjoyed the independence of small unit leadership and the working in the great outdoors. “In later years most of the surveyors would look back on their time laying out the line of the first transcontinental railroad as the most exciting chapter of their careers. It was also the best work they



ever did. Every citizen of the United States, from that time to the present, owes those surveyors a debt of gratitude that can never be repaid.... anyone can see for himself in the 21st century by driving Interstate 80 from Omaha to Sacramento that, nearly all the way, the automobiles will be paralleling or very near the original grade that the surveyors laid out.”⁹ ◊

This essay is taken primarily from Stephen E. Ambrose’s Nothing Like It In The Whole World: The Men Who Built The Transcontinental Railroad 1863–1869.

Quotations from surveyor Ferguson’s diary are as Ambrose presents them in his book. Some are in combination with Ambrose’s words. All credit is to Ambrose.



References

1. Ambrose, Stephen E. Nothing Like It In The World: The Men Who Built The Transcontinental Railroad 1863-1869, Pg. 169.
2. Ibid. Pg. 134
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Short essay written by VAS member Richard O. Spencer, BS, MA, LS #696-B.

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The Life and Times of Bert Mason, Jr.

Part 38



Elbow Lake, 1948

This article was originally printed in the Oregon Surveyor August/September 1998 issue.

Our project was to put in vertical control for topographic mapping of a large tract of timberlands adjacent to the Mt. Baker Wilderness Area between the South Fork and the North Fork of the Nooksack River and north of the little town of Hamilton in Skagit County, WA. The party consisted of C. E. (Charlie) Reynolds, Party Chief and notekeeper (myself), instrumentman; Steve Ewing and two young rodmen. We were equipped with a 12-inch K & E dumpy level, two 12-foot Philadelphia rods, p-guns for all hands and the usual assortment of machetes, axes and so on.

Charlie Reynolds was a remarkable man; he could outwork, twice over, any of the rest of us who were several years his juniors. A rather rotund fellow with an open, friendly countenance and unbounded enthusiasm for the woods and work therein, he was a graduate of the New York State College of Forestry at Syracuse. He was a talented artist with paints and pencil who loved to dance and sing the nights away with liberal accompaniment of ardent spirits. Awake or asleep, he was never without his curved briar pipe. When excited, he tended to exhale through the stem, sending a volcanic explosion of ashes and burning tobacco over drawings, notes, and people—anything, which stood in the way. He had a unique ability to dance and sing until 3 am, get up and catch breakfast at 6 am, jump on the crummy at 7 am, work like a whirling dervish until noon, wolf a quick lunch and lie down on a convenient log in the sun, pipe in mouth, and drop off to sleep until someone woke him to go back to work. He would then resume his furious

assault on the job until quitting time, catch the crummy back to catch a shower and shave and race to the tavern in Hamilton or Lyman for another night on the town.

During the job, we stayed in a company camp; one of the last of the old railroad Grumps, which itself, was in the last stages of converting to an all-truck operation. Everything except the cookhouse was housed in old boxcars, which had been removed from their wheels to the ground. Each bunkhouse would house about eight men, and was warmed by a huge sheet iron stove with lines radiating to the walls for drying long woolies, socks and hickory shirts. Buckets of shoe oil stood around the stove for soaking caulked shoes overnight. Every day at 5 am the old, gimpy-legged bull cook would stump in and chunk up the fire, making enough noise to assure that everyone (except Charlie) would be awake and ready for breakfast at 6 am.

The cookhouse was typical. A large, low building with a covered porch across the front where hung a triangular gut-hammer, and where cork shoes could be exchanged for slippers before entering on the immaculate floor of the dining area. It had capacity for 60 or 70 men at a sitting, served by four bustling flunkies, rushing huge platters of eggs, bacon, ham, hotcakes, toast and oatmeal to the famished eaters. Talking was absolutely forbidden. Only an occasional 'ham', 'cakes', 'eggs' or 'coffee' could be heard above the snuffling, chomping and coughing of the men. The term, "please pass" was never heard. The observant flunkies never permitted a platter to become empty as long as a single diner remained at the table. The whirlwind meal seemed to me (a notoriously slow eater) to be over in less than five

minutes. After the meal, the men prepared their own lunches from the usual cold cuts, bread, biscuits, cheese, jams, peanut butter, apples, oranges, bananas, coffee, tea and milk, plus pies, cake, steaks, roast beef and anything else left over from the night before.

The corks were then recovered from the front porch and the rush was on for preferred seats on the crummy, which departed promptly at 7 am for the end of construction on the truck road, which was being pioneered several miles above the camp. The road, as pioneered, was a narrow two-lane, left-hand drive grade cut into the east wall of the steep, narrow canyon.

Bench Mark 95 on the NP Railroad at Hamilton was our starting point. The first ten or twelve miles along the abandoned railroad to the camp were the easy part and were accomplished in short order. Following that, we were forced to fight for space on the narrow roadway with charging log trucks, rock trucks, fuel trucks, dynamite trucks and crummys.

The end of grading was reached in a few days and our plan was to run our level line on a contour along the mountainside. After fighting our way through the incredible brush for a full day and finding that we had progressed only a hundred yards, we held a caucus and decided that the only way to go was to drop straight down to the river. Using 12-foot Philadelphia rods and being determined to keep our sights balanced, we had to swath a 12 foot wide path to accommodate the 11 foot minimum focusing distance of the level; but we made it to the river in a day. There, we found the river running bank-full, with the brush on each side as heavy as up on the mountain. Our only recourse was to plunge into the icy, crotch-deep water, fresh off of melting snowfields, and run up the middle. After the initial shock the going was not so bad, since the water filled our heavy socks and long woolies, and, being warmed

a bit by our bodies, formed somewhat of a protecting shield against the intrusion of further ice water.

The work was slowed somewhat by the rodmen having to search for turning points on boulders large enough to resist disturbance by the rushing currents and by Charlie's having to hold the tripod to dampen vibration while I took the readings. Despite these problems, a couple of days brought us nearly to Wanlick Creek, the major tributary to the South Fork of the Nooksack. Charlie had arranged for a packer from the Middle Fork to meet us the next day at the mouth of Wanlick Creek so we each took only a light lunch. Arriving at the meeting place at midday we found no sign of the packer. We ate our lunches and dried ourselves in the warm sun. The two young rodmen stripped and dived into a quiet pool for a swim; they didn't stay long! Charlie lay down on a log

Continues on page 24



.....
After fighting our way through the incredible brush for a full day and finding that we had progressed only a hundred yards, we held a caucus and decided that the only way to go was to drop straight down to the river.
.....

and dropped off to sleep with his pipe hanging from his mouth.

Hour after hour the day dragged on, with no sign of the packer. At 4 pm, Charlie decided to set out up the trail to find out what had gone wrong. The rest of us waited through dusk and into the black of night without food or shelter until, at around 8 pm, the glow of Charlie's pipe came bobbing down the trail. He had found the packer encamped about three miles up the river. The Forest Service had not yet cleared the trail and the train had encountered numerous deep snow drift, which had to be plowed through and innumerable down logs, which had to be jumped.

The outfit consisted of the packer and his helper, two saddle horses and four packhorses. Two of the packhorses carried tents, sleeping bags, cooking gear and food; the others carried baled hay and oats, there being no forage for the horses at that altitude in the early spring. To add to their other difficulties, at numerous places along the river there were large deposits of heavy blue clay which, being undercut by the currents, calved off in huge slabs into the water. At one point a crack developed at the top of one of these slabs, about 20 feet above the water, intruded upon the trail, and one of the pack horses fell into the opening. It had required a couple of hours to extricate the horse and to cut a passage in the brush around the hazard. At last the lead horse had called it quits for the day, refusing to jump another log.

Charlie had related all this to us as we started back up the trail, leaving our equipment behind. There was little danger that anyone would be along to disturb it. This being Charlie's third trip over the rough, obstructed trail he took the lead, while I followed, holding the only flashlight over my head like the Statue of Liberty. The two rodmen stumbled along behind. After what seemed like an eternity we reached the camp at 10 pm, exhausted and famished. The packer had ready a hot meal of what he called "potted dog", a mixture of boiled rice and raisins.

The next morning we retraced our steps to Wanlick Creek and resumed our leveling, not in the water but up the now well-worn trail. It was Charlie's fifth trip in 14 hours. Over the next few days we continued

leveling up the ever steepening valley, gaining 2,000 feet of elevation in approximately seven miles. Nearing the pass to the Middle Fork, we came upon two tiny lakes—Lake Doreen, the smaller, and Elbow Lake, about an eighth of a mile in length. Passing Lake Doreen, we looked down into the crystal-clear water to see several of the largest fresh-water fish that I have ever seen in my life. At Elbow Lake, Charlie immediately unlimbered his fly rod and fished until dark with no result. We knew, however, that similar fish existed there for we saw several heads of four-inch trout, Texas measure (between the eyes, that is), which previous fishermen had left on the bank.

After a welcome night's sleep and a hearty breakfast we climbed another 40 feet to top the pass and then descended a long Hildebrand Creek toward the Middle Fork for about a half-mile to close on an existing USGS bench. We considered our error of closure of about one foot to be rather remarkable, considering the difficulties of the operation, and well within the requirements for 20-foot contours. We had climbed over 3,300 feet in approximately 30 miles and I felt, had effectively affirmed the law of compensating errors. Possibly, checking the level every day, balancing our sights as closely as possible, using two rods checked against each other and having restricted lengths of sights had much to do with it. ◉

Although an Oregon Regionalist painter, Charles E. Reynolds (1909–2001) was born in Binghamton, New York, in 1909. He began painting seriously in the late 1940s, yet was a professional consulting forester and surveyor. His painting career spanned over 50 years in Portland, Oregon, until his death in 2001 at age 91. At the time of his death, he was still painting competently. Reynolds was essentially self-taught, yet was closely associated with the Attic Studio in Portland for many years. His style is described as "post-impressionistic," and his pastel-hued canvasses reflect a love for the Pacific Northwest. At his death, there was a lengthy article in The Oregonian about his life in retirement as a successful painter of landscapes and flowers. In 2002, the state commissioned the Charles H. Reynolds Safety Rest Area in Union County on Interstate 84. Reynolds work is featured in an episode of Oregon Art Beat which can be viewed online at www.opb.org/programs/artbeat/episodes/view/1108.



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Understanding and Applying the “Written Intentions of the Parties” in Boundary Resolutions

■ By Gary R. Kent, PS

Most surveyors would not argue with the assertion that one of the most important tasks faced by the professional surveyor is the proper resolution of boundary lines. At the same time, it is interesting to note that it is not unusual for the surveyor to be faced with a set of facts and evidence that does not lend itself to one obvious, singular “correct” boundary resolution.

There are virtually no statutes that dictate rules for resolving boundaries. Nearly all law in this regard comes from “common” or case law and every state has a history of appellate and supreme court rulings that outline the boundary law principles for that state. On most principles, the courts across the states have been consistent, even citing cases from other states when their own state has not developed a lineage of case law regarding a particular issue. In order to resolve boundaries with confidence and integrity, the surveyor must have a strong knowledge of the boundary case law in his or her state.

Some states have compiled their own documentation of relevant judicial decisions related to boundary law using a variety of means. Some state surveying societies have taken on the project themselves. In some states, there are other sources of this information. For example, the Indiana Land Title Association maintains yearly updates to its *Indiana Land Title Handbook*, which is an excellent resource for surveyors.

INTENTION

Determining the intentions of the parties to a conveyance is the primary objective in construing the meaning of a description. This is the starting point for the resolution of the associated boundary. The “parties” in this sense are the grantor in particular, but may also include the surveyor, if there was one, and perhaps the grantee.

The courts have consistently stated that “intent” means the intention as expressed in and interpreted from the deed—the “written intentions of the parties”—not what the grantor may have “meant” to say. This position is consistent across the country; the true intention of the parties is what was written in the conveyance.

Only when there is an ambiguity in the document may extrinsic evidence be called upon to explain what the words in a deed mean. Such “extrinsic ambiguities” include the need to explain the meaning of words existing within a written conveyance and the need to explain conditions existing as to the date of the document. Following are a variety of statements drawn from court decisions regarding this issue:

“When the boundaries of tract can be determined by reference to the description in a deed...parol evidence is not admissible to enlarge the scope of the description.”

—Canady v. Cliff, 376 S.E.2d 505 (1989)

“[S]tatements and acts of adjoining landowners are not competent evidence of the location of a

boundary when the boundary can be located by the calls in a deed.”

—Canady v. Cliff

“The reputation in a community is inadmissible evidence.” [Parol evidence showing that others in community believed that the eastern boundary of the deed holder’s land was located to the east of an old road was inadmissible in the boundary dispute inasmuch as the boundaries of the tract could be determined by reference to the description in the deed.]—Canady v. Cliff

“There being no ambiguity in this deed, it follows that what the grantor, or grantees understood by its terms, or in what manner they subsequently treated it, has no bearing upon the construction thereof.”—Wilkins, et al v. Young, 144 Ind. 1 (1895)

“Where the description in a deed is not ambiguous, but certain and complete, there is no occasion to resort to extrinsic evidence to ascertain the intent of the parties as to the land intended to be conveyed.”

—Ault v. Clark, 112 N.E. 843 (1916)

“The grantor’s intention controls, and the question for the court is not what the parties meant to say, but what they meant by what they did say.”—Pointer v. Lucas, 169 N.E.2d 196 (1960)

To allow or consider extrinsic evidence in the form of verbal statements of the parties when there are otherwise no ambiguities violates the statute of frauds which calls for conveyances of real property to be in writing.

MUTUAL MISTAKE OF THE PARTIES

On the other hand, if it can be shown that the parties to a conveyance, in fact, collectively made mistake in describing the real estate to be conveyed, the courts will allow the written conveyance to be ‘amended’ based on testimony to that effect.

“If an incorrect description was incorporated in the deed from the defendant to the plaintiff by mutual mistake of the parties, the defendant is entitled to so show and to have the deed reformed so as to conform to the true intent of the parties.”

—Yopp v. Aman, 193 S.E. 822 (1937)

.. though parol proof is not, as a rule, admissible to contradict a plain, written description, it is always competent to show by a witness that the parties by a contemporaneous, but not by a subsequent survey, agreed upon a location of lines and corners different from that ascertained by running course and distance.” —Clark v. Aldridge, 162 N.C. 326, 78 S.E. 216, 217

While the principles with regard to intent are clear, the problem often faced by the surveyor is how to properly interpret the written intentions when the writings contain patent or latent conflicts.

While the courts have, by virtue of hundreds of years of decisions, developed a weight of authority to be given to the various elements of a description—what Curtis Brown called the “Order of Conflicting Title Elements” in Boundary Control and Legal Principles—the exact application of those rules is highly dependent on the individual set of facts and evidence for the given boundary.

The courts have held that, notwithstanding the weight of authority, the elements of the deed will be applied in a manner that best express the intentions of the parties.

Thus, a call for what would normally be a higher ranking element may, in some cases, be overridden by an ostensibly lower ranking element if it can be shown, for example, that the higher ranking element was used in error, or that by holding the higher-rated element, numerous other elements would have to be disregarded. In keeping with this, all of the terms of a description must be considered in light of each other when attempting to resolve what the intent actually was.

Relying on the intent of the parties to resolve boundaries has only one qualification—it cannot adversely affect the pre-existing rights of third parties. The net effect being that intent is subject to unwritten and senior rights. ◉

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Disaster Relief Appeal

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Questions?
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The Future of the NSPS

■ By Wayne Harrison, NSPS President; Curt Sumner, NSPS Exec. Director; John Matonich, NSPS Imm. Past President

The recent NSPS meeting in Phoenix was probably one of the most emotional since NSPS was incorporated in 1981. A motion was introduced at the Board of Governors to request the Board of Directors to initiate the process of separating from the umbrella organization of ACSM. This certainly got everyone's attention and the discussion started. It was emotional at times, rightfully so, bringing many comments and suggestions forth. The end result was a motion passed by the Governors 35 yes, 5 no and 7 abstentions requesting the Board of Directors to initiate the process of separation while charging a committee to study and make a report, by September 15, 2010, on the financial and membership impacts of this action if it were to go full term. This motion was then passed by the NSPS Board of Directors by a vote of 11 yes and 5 no.

A previous agreement with ACSM spells out a two-year term of separation for any of the member organizations (MOs) which can be reversed at any point along the way. The motion that passed holds a lot of wisdom and keeps all options open for NSPS, but it does start the clock and provides a two-year window to work on the future of NSPS and its relationship to ACSM.

Why is this process so important? The answer to that question may be found in the marketing report commissioned by ACSM and all of the MOs to help improve the health of the ACSM and the MOs. An ACSM committee made up of members from all the MOs worked very hard to read through and understand the report. The report gathered information from various sources including association leaders, current and past members, various government agency heads, related association executives and publishing-oriented contacts. There were also online surveys conducted with over 4100 current and former MO members and state affiliate members. The results weren't especially surprising, but were very significant. The primary challenges identified were:

- Lack of awareness
- Lack of perceived value
- Perception of ACSM and MOs as an outdated group that is behind the times
- Negative stereotype of the term surveyor
- High levels of competition amongst the state affiliates, MOs and other associations

The report also recommended "the formation of a single industry-wide membership organization that included all the MOs as well as the state and local pieces of NSPS".

The Ad-Hoc committee reported this to the ACSM Congress where a motion was passed to charge a committee to study a possible structure of a unified member organization. Their report is due on September 1, 2010.

Given the state of membership, the current financial situation and the findings of the commissioned report, NSPS and the other MOs have reached a critical juncture and there is no luxury of extra time to move this in the right direction whatever that direction may be. The work that will be done by both the NSPS and ACSM committees will be extremely valuable in the discussions about the future. The two-year time frame keeps the importance of this issue where it belongs—at the top of the list.

What is needed is everyone's input on the possible scenarios. If you have a doubt about whether there needs to be a national voice for the surveying profession, you need to think again. Just as state issues do, national issues touch all surveyors. Public, private, topographic, boundary, layout and many others all have national tones. ALTA standards, Qualification Based Selection, academic accreditations, real estate settlement survey issues, GPS height modernization, letters of map amendments (LOMAs) and many more issues are all dealt with at the national, not the state or local level.

These issues won't go away and some organization will deal with them nationally for the surveying community. The question is which one? The American Society of Civil Engineers, the American Council of Engineering Companies, the American Society of Photogrammetry and Remote Sensing, the Management Association of Private Photogrammetric Surveyors or a true national voice of the Surveying Profession. This is the question being dealt with today and over the next several months. There will be many opportunities for input and when they present themselves, take the time to share your input and counsel. Together, the result will be the best option possible for the entire surveying profession. ◉

Log on to RPLS.com to find discussion on this issue and share your thoughts.

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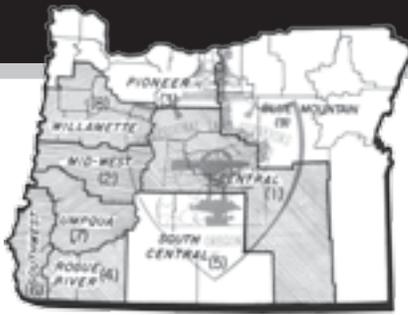
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News from the Chapters

Pioneer #3

■ Ryan Godsey, Secretary/Treasurer

April 14, 2010

Chapter President: Joe Ferguson

Location: Buster's BBQ, Tigard

Called to Order: 6:30 pm | **Adjourn:** 8:00 pm

Attendees: 29 member, 4 guests

Approval of Minutes

Bob Hovden moved to approve minutes as written.

Surveyor Beginnings: John Putnam shared his story about getting started in Land Surveying.

Presentation

Merideth Webber with A.C.E.C. (American Council of Engineering Companies) Oregon discussed the benefits of A.C.E.C. membership for Surveyors.

Announcement

Roger Galles will be retiring from ODOT after 39 years and will be having a retirement party on May 3.

Committee Reports

Board Report: Next meeting is April 24, 2010

Legislation: (Chuck Pearson)

- The question, "Is machine control practicing Land Surveying?" was presented to the legislative committee—no action at this time.
- The question, "Should a Land Survey be required for conveyance of property?" was presented to the legislative committee—no action at this time.
- Legislation to formalize a Boundary Line Agreement mechanism—in process.
- Legislation to increase the Public Land Corner Preservation Fund fee on recorded documents—in process.
- Modification to ORS 672.047 (Right Of Entry by Land Surveyor)—no update.
- Governor's proposal to move OSBEELS from semi-independent status to the building code division—no update.

Education Goals and Action: (Gary Anderson)

- Reminder that this is the time of year to be doing a Trig-Star presentation.
- TwiST (Teaching with Spatial Technology) needs volunteers to take the program to local schools.
- Is there an interest in having a PLSO funded statewide outreach coordinator? Chapter supports the idea.

Old Business

- Pioneer Chapter Picnic August 14, 2010 at Champoeg Park.
- Trig-Star State exam at HHPR on May 8, 2010.
- Discussion regarding seminars to be hosted by Pioneer Chapter—Standards of Practice in Survey Research.
- Blue Star Mothers of Oregon – Gold Star Memorial at Willamette National Cemetery.

New Business

- Pioneer Chapter Picnic, August 14, Champoeg Park.
- PLSO Scholarship Fund—Send donations to PLSO office for Pioneer Chapter.
- 2010 Outreach events Pioneer Chapter members can participate in: NW Youth Career Expo. on May 11, 2010.

For the Good of the Order

- PLSO geocaching project is looking for volunteers.
- Orrin Frederick passed out a cross-reference paper to correlate the 2009 BLM Manual with the 1973 BLM Manual.
- Multnomah County Surveyors office has a questionnaire on their website, please take the time to answer the questions.
- Remember to submit your maps and trucks to the competition at the 2011 conference. First place gets free registration to next year's conference. ☺

Summer Meeting Announcement

The Pioneer Chapter will not have meetings in July or August. We will have a Survey Research Seminar on August 13 from 8am–12noon in the basement of the Pilgrim Lutheran Church at 4244 SE 91st Ave, Portland, OR 97266. Also, we will be hosting our annual Pioneer Chapter Picnic on August 14 at Champoeg Park. All PLSO members are welcome. June minutes will be approved at the September meeting. For more information regarding the Pioneer Chapter activities please see the PLSO calendar at www.plso.org/surveyors/calendar.html

Blue Mountain #9

■ *Stephen K. Haddock, Secretary*

March 25, 2010

Chapter President: Bob Butler

Location: Roosters Restaurant, Pendleton

Called to Order: 6:30 pm | **Adjourn:** 9:00 pm

Attendees: 8 members, 2 guests

Approval of Minutes

The meeting began with the approval of the minutes from the February chapter meeting. Mike Posada commented on the Reservation Platting requirements to include the fact that the platting rules on the Reservation are driven by the BIA, not the Tribal Government. Dave Krumbein made the motion to approve the minutes and Mike Posada seconded. The motion carried unanimously.

Reports

PLSO Board: (Bob Butler)

- The BLM Manuals had been published and the Chapters should be receiving their copies soon.
- The online registration section has been removed from the PLSO Website and prospective members will have to download a PDF application form to apply for membership.
- Umpqua Community College wants to establish a 4 year degree program in surveying.
- A copy of the Secretary's report was passed out for review. Comments were made that PLSO assets were down \$6000 from the previous year and membership was down 109 from the previous year and 255 from the year before that.
- The PLSO Board would like all chapters to put notice of their meetings on the web calendar.

ODOT: (Bob Butler)

Bob Butler reported that ODOT had made a presentation on establishing Low Distortion Projections throughout the state. There would be a mixture of projection types to best cover the various travel corridors throughout the state. A discussion ensued over the potential for errors that this might create and the (cost vs. benefit) aspect for the tax payers for such a system of projections. Dave Haddock made the motion to oppose the new system of projections and keep the current 2 zone system of projections unless it could be proven that the new projection system would be a significant benefit to the taxpayers. Dave Krumbein seconded the motion. The motion carried with seven in favor and one opposed.

Blue Mountain Community College: (Dave Krumbein) BMCC currently has 24 students and that there is a need for volunteer help on Tuesday and Thursday afternoons from 2–5 pm during April, May and June to help teach the basics of instrument setup, use and care.

PLSO Legislative Committee: (Lee Myers)

Lee Myers reported that the PLSO legislative committee had a proposed list of topics for consideration that included Boundary Adjustments, Boundary by Agreement, Correcting the new requirement that the County Surveyor be a resident of the County of which they are the County Surveyor and changing the maximum fee charged with document recordings that is applied to the corner restoration funds.

New Business

- There was a discussion on starting a local convention in the Pendleton area to help combat the rising cost of obtaining CEUs for license renewal. Steve Haddock reported that the PLSO Board has already committed to having the convention stay in the Valley for the next couple of years. The comment was made that most of the Blue Mountain Chapter Members were already attending the LSAW and ISPLS conventions along with doing studies online. Dave Krumbein stated that BMCC would be willing to help host the activities as there would be some benefit to the school from the State for participating in this kind of program. The discussion closed with the suggestion that contacts should be made with the Southeast Washington LSAW chapters to get a feeling for their interest in this idea.
- Dave Haddock presented a listing that he had prepared of the necessary records to keep on hand for the licensing renewal audit process. ☺

May 27, 2010

Chapter President: Bob Butler

Location: Roosters Restaurant, Pendleton

Called to Order: 6:30 pm | **Adjourn:** 9:00 pm

Attendees: 4 members, 5 students

Reports

PLSO Board: (Bob Butler)

- The number of dues paying members for this year is 604 with a total membership of 707.
- The Board was considering a change in membership fees in which a special class of corporate member would be

Continues on page 32

News from the Chapters

Blue Mountain, continued

- created whereby their membership fee would include the fee for the year's convention and other seminars.
- The Board was considering allowing future meetings to allow the committee reports to be given on Skype.
 - The Board received a request for \$1000 to be donated for a group taking a 1200 mile canoe trip down the Columbia in 2011 to commemorate the achievements of David Thompson. This request was approved.

Chapter Meetings

It was also decided that the May meeting would be the last chapter meeting until the September meeting.

Discussion

The remainder of the evening was spent with a discussion of a survey project dealing with a township invaded by an international treaty boundary in which the boundary was a stream which had been meandered three separate times with different channels of the stream chosen as the "main channel" on each pass of the meanders. ◉

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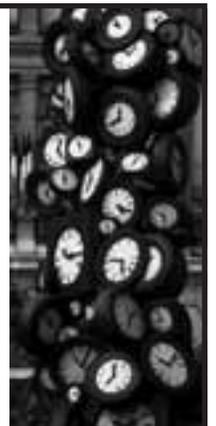
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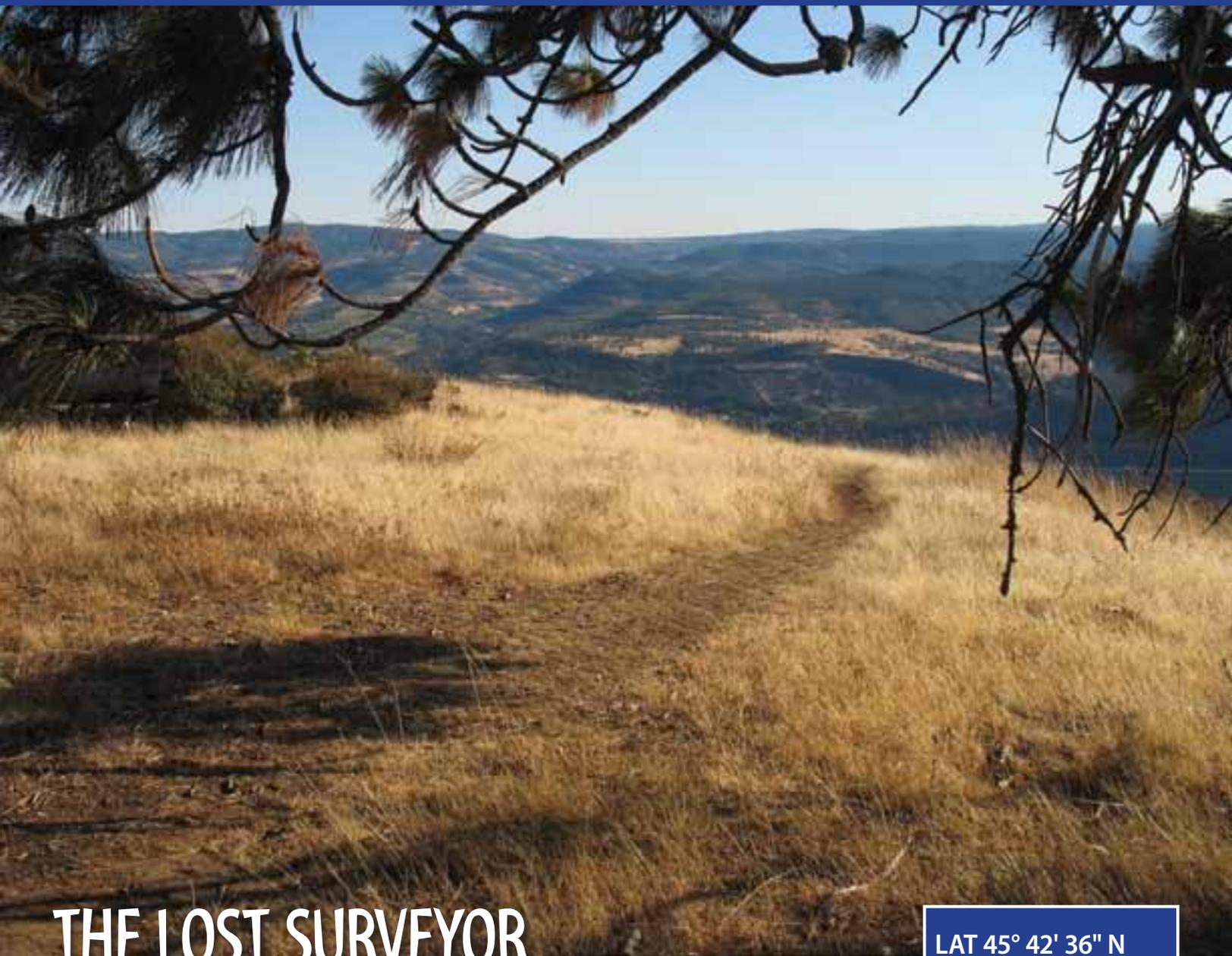


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THE LOST SURVEYOR

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