

NARRATIVE OF SURVEY

Purpose of Survey

The purpose of the survey was to set the property corners to two parcels of land, owned by Richard Betz of Bud Rich Potatoes and John Betz of Columbia Sun, located in the W1/2, NE1/4 of Section 28, T4N, R28E, W, Umatilla County, Oregon.

Survey History

The original subdivision of T4N, R28E, W, was done by Ebenezer E. Taft by Contract No. 93 dated September 11, 1860. Nearly every corner in this survey was a post "in mound with trench and pits and deposited 1 pint charcoal as per instructions." Very few of these original corners have been recovered in subsequent surveys.

The earliest subsequent surveys of record in the area of this current survey were made by County Surveyor Kimball during 1903 to 1908. Kimball's notes are 2 books of official county surveys in the Umatilla County Surveyor's office. His notes are sketchy and not clearly understood. Notes relevant to Section 28 can be found on Pages 81 and 518-521 of Book 1, and Pages 76-77 of Book 2. Mr. Kimball would survey to "the corner", but did not describe what was found at or set to perpetuate any corner.

During the above period of time the US Bureau of Reclamation did surveys for a large irrigation project; but the survey notes have seemingly been destroyed by the agency, allegedly because of errors those notes contained. The current Umatilla Branch of the Union Pacific Railroad is apparently the original mainline and predates a 1903 Kimball survey. I did not find any section line ties for the branch line. Kimball made an easterly tie to this branch line at 49.00 chains (3234') from the NW corner of Section 28 and had a total distance to the NE section corner of 80.21 chains (5293.9'). The original distance between corners in 1860 was 80.60 chains or 5319.6 feet. The mainline was built about 1915, and a fairly recent map which shows old section line ties was acquired from Union Pacific. There is useful information on the map with a lot of development detail along the railroad right-of-way.

There is a void of survey record in the Hermiston area from around 1910 to about 1960, when most of the growth and development took place. Numerous monuments seemingly originate from this time period, but there is no apparent record to support them. The earliest recent recorded survey found for this area was made in 1958 by Stan Wallulis, PLS 1378, of Section 27. His Map of Survey No. Q-671-C shows that he "found stones and witness post" at the NW corner and north quarter corner of Section 27. These corner positions presently fall in the Feedville County Road; and upon visiting with Stan, he said the road was not there at the time of his survey. The distances between these points do not favorably agree with the original GLO record of 1860. The origin of the posts and rocks is unknown, and Stan's map does not show the set anything to perpetuate the corner locations. Stan mentions an "Accepted Railroad Survey" on his map, but I did not find any such survey in the county records. The east quarter corner of Section 28 is a part of this said survey.

In 1971, Ralph Thompson, PLS 506, subdivided the north-half of Section 28. He stated on Map of Survey No. H-26-Ax that he found charcoal at the west quarter corner, but there is no indication on the map that he set a monument. Union Pacific built a ballast spur line in 1978 that goes through the area of the corner. All the top layer of the ground for about 30 feet out each side of the spur was dozed up to build the subgrade. Any evidence Ralph may have found has been lost due to the construction. He found the south quarter corner to be an axle which has been accepted by several surveyors as the corner, but there is not any record of who placed it and when. Ralph found an iron pin at the east quarter corner, which may have originated with the railroad survey mentioned by Stan Wallulis.

Ralph "Found Evidence of old Rusted I.P." in the Feedville Road at the NE section corner; however, there was no road or monument in 1958. Several surveys have been done in this area using this NE corner of Section 28 as set by Ralph. In 1977, Stan, by Map of Survey No. S-86-B for Umatilla County, indicates that the NE corner should have been 2.59 feet south and 1.82 feet east of the 2" pipe set by Ralph; but he did not set a new monument. It appears that this conclusion was based on the 1958 survey, but there is no direct reference to survey no. Q-671-C. I did not find any other survey that has used this corner position as determined by Stan.

From his map of survey H-26-Ax, it is not clear as to whether or not Ralph proportioned the NW corner of Section 28. There is no evidence of double proportioning as normally required for a section corner. He does not indicate that anything was found and he apparently only set reference monuments for the corner. Ralph's distance between section corners is about 74 feet short of the original 1860 GLO record. This corner location was used by other surveyors until 1979 when Walt Cramer, PLS 1423, set the NW corner about 24 feet west based on "collateral evidence." However, a pin which appears to be a bridge spike is about 6.5 feet north of the 1 1/2" pipe that Walt set for the corner. This pin is at the proper distance from station number 320+13.3 on the UP tracks, as shown on the railroad map, but is of unknown origin. Walt did not use the pin as the section corner even though he stated that he believed the pin "marks point as found 1908 survey." I did not find a recorded map of survey by Walt Cramer which shows the setting of his corner monument.

Walt plans to set a new NE corner of Section 28 based on Kimball's 1903 tie to the UPRR Umatilla Branch Line. The corner would be placed about 49 feet east of Ralph's corner and would cause substantial disruption of surveys in

Sections 21 and 22. If this were done, then it would be logical that the NW section corner should also be set at the 1903 record call which is nearly identical to Ralph Thompson's corner position. However, numerous scenarios can be made based on the various records available; but none can be substantiated conclusively because of the conflicting information in the record.

There has been no evidence found for the north quarter corner of Section 28, according to all found records. Ralph proportioned the quarter corner in 1971 between the section corners as he found them. Denny Edwards, PLS 951, had set a spike and will soon set a monument at the proportionate quarter corner position between Ralph Thompson's 1971 NE section corner and Walt Cramer's 1979 NW section corner. The Cramer and Edwards corners do fit the roads in Section 21 as shown on Denny's Map of Survey No. 87-2-B even though they don't match the original record distance.

No reference monuments or right-of-way monuments for State Highway No. 207 could be found from which accurate highway stationing could be determined. There is a center line reference to the north quarter corner of Section 28 in Deed Book 274, Page 558. The highway survey dates from around 1960, predates the corners set by Ralph and probably the construction of Feedville Road which was not built before 1956. If the highway centerline as constructed is the right-of-way centerline, then the NE corner of Section 28 should be about 9 feet east of the Thompson corner, according to the highway tie. With a pin finder I did detect a metal object a few feet west of Ralph's 1971 north quarter corner. I dug down about 16 inches without success; but, not knowing of the deed reference at the time, I did not continue the search. The position of this object is very near to the deed reference, based on the highway centerline as found on the ground.

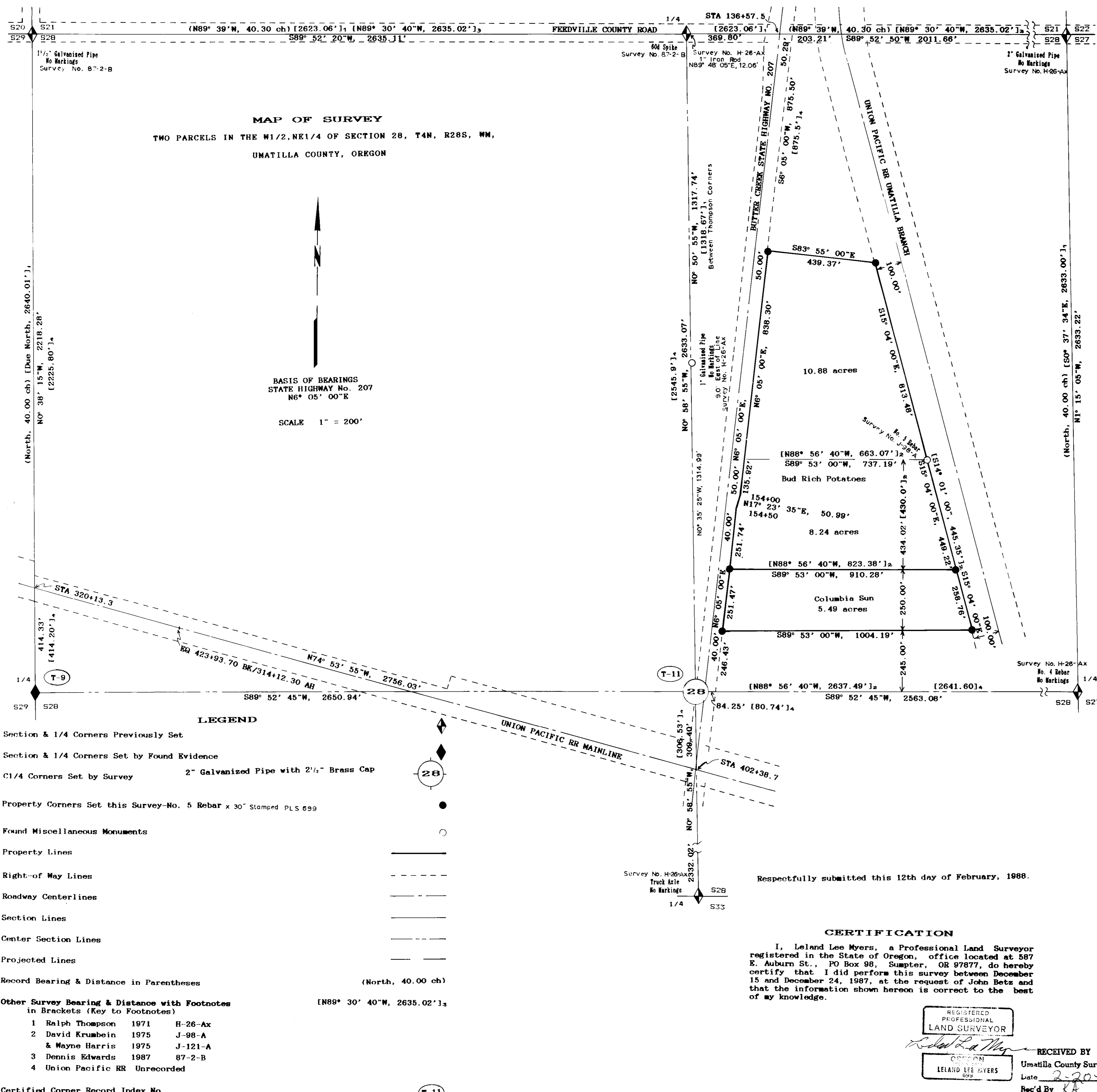
Dave Krumbeln, PLS 933, and Wayne Harris, PLS 346, surveyed a portion of the Bud Rich property in 1975, as shown on Maps of Survey Nos. J-98-A and J-121-A. They state on their maps that a stone was found at the center quarter corner of Section 28. However, Ralph had not found or set the center quarter in 1971, but he did set the center-north one-sixteenth corner according to his map. I found the sixteenth corner to be 9.0 feet east of the center of section line. I was not able to find a marked stone in the near vicinity of the computed corner location. Due to development of the Betz property, only one of six property pins set by Dave and Wayne was found.

I visited with some local Union Pacific officials to determine if any permanent control points had been set by the railroad as an aid to aligning their tracks. None of the people I talked to were aware of any, and I did not find any reference points along the grade. I was able to get good control for railroad stationing from the overpass bridge across Highway 207. Railroad tracks have a tendency to creep sideways, so over a period of time the centerline of the rails can change. Using the rails to determine right-of-way centerline is not precise, particularly on curves. Permanent survey control points are needed along railroad grades and roadways so that surveyors don't come up with slightly different results with each survey.

In the 1860 GLO notes the line between the SW section corner and the west quarter corner of Section 28 had a topographic call to the Umatilla River of 1.50 chains wide at 19.50 chains. A later survey made by Kimball in 1903 said the river was 18.50 chains from the section corner. It is not clear whether these calls were to the center of the river or one bank. The river runs on a course of about N60°W in the vicinity of the section line. I did not use the topographic call for the following reasons. The early records do not agree on the call distance. Because of the angle, even a well defined river channel would not be useful for determining a corner location without very close section line alignment control. And the river channel is too wide to be well defined. In my judgement the river topographic call is only useful as a secondary control and cannot be used as the primary control to reestablish any corner location.

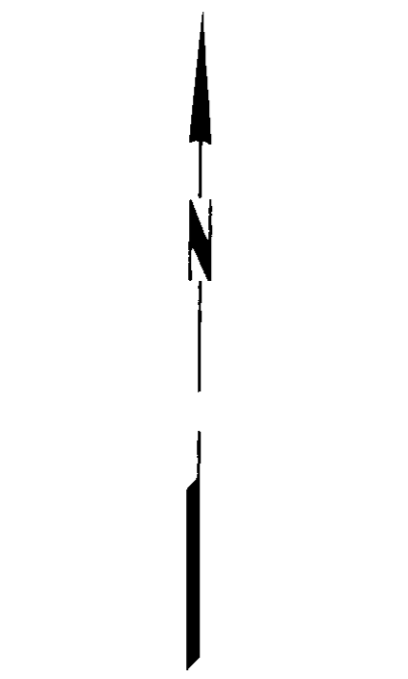
I used the Union Pacific RR section line tie of 414.20 feet from the railroad station number 320+13.3 as the best available evidence to set the west quarter corner of Section 28. My point was nearly identical with a point set by Walt Cramer about 1979, and the distances and bearings compared favorably with those shown on Ralph Thompson's 1971 map of survey. According to measurements made by Walt, this location also compares favorably with the topographic tie to the Umatilla River by being within 0.25 chain of the original call.

For this survey I used Ralph Thompson's 1971 NE section corner, Walt Cramer's 1979 NW section corner and Denny Edwards' 1987 proportioned north quarter corner all of Section 28 as being established corners of record and being the least disruptive of established property rights. The records indicate improper survey procedures used in reestablishing many corners in this area, including proportioning section corners across township and range lines, neglecting to employ the original 1860 GLO distances to proportion corners, very little or no double proportioning of section corners, accepting quasi corner evidence without any supportive documentation, and apparent acts of selecting corners of convenience. However, as early as 1903, property right establishment was begun from use of corners set with apparent disregard to the "Manual of Instructions for the Survey of Public Lands." Those property rights should take precedent, especially in the light that there is nearly total absence of original 1860 GLO corner evidence and that many conflicts exist in the early retracement survey records of the area.



MAP OF SURVEY

TWO PARCELS IN THE W1/2, NE1/4 OF SECTION 28, T4N, R28E, W,  
UMATILLA COUNTY, OREGON



BASIS OF BEARINGS  
STATE HIGHWAY NO. 207  
N6° 05' 00"E  
SCALE 1" = 200'

LEGEND

- Section & 1/4 Corners Previously Set
- Section & 1/4 Corners Set by Found Evidence
- C1/4 Corners Set by Survey
- Property Corners Set this Survey-No. 5 Rebar x 30" Stamped PLS 699
- Found Miscellaneous Monuments
- Property Lines
- Right-of Way Lines
- Roadway Centerlines
- Section Lines
- Center Section Lines
- Projected Lines
- Record Bearing & Distance in Parentheses (North, 40.00 ch)
- Other Survey Bearing & Distance with Footnotes in Brackets (Key to Footnotes)
  - 1 Ralph Thompson 1971 H-26-Ax
  - 2 David Krumbeln 1975 J-98-A & Wayne Harris 1975 J-121-A
  - 3 Dennis Edwards 1987 87-2-B
  - 4 Union Pacific RR Unrecorded
- Certified Corner Record Index No. See Corner Restoration Records

Respectfully submitted this 12th day of February, 1988.

CERTIFICATION

I, Leland Lee Myers, a Professional Land Surveyor registered in the State of Oregon, office located at 587 E. Auburn St., PO Box 98, Sumpter, OR 97877, do hereby certify that I did perform this survey between December 15 and December 24, 1987, at the request of John Betz and that the information shown hereon is correct to the best of my knowledge.

REGISTERED PROFESSIONAL LAND SURVEYOR

LELAND LEE MYERS

RECEIVED BY  
Umatilla County Surveyor  
Date 2-20-88  
Rec'd By  
No. 88-15-C