

DISCREPANCIES IN THE OFFICIAL RECORD

BEATY v. ROBERTSON

Plat Controls

WHITING v. GARDNER

Notes Control

ERICKSON V. WICK

Plat Controls

HARRINGTON V. BOEHMER

Notes Control

Hudson Investment Co.

Calls for distance prevail over acreage

The Signal Companies

Monuments control both field notes and plats

United States v. Redondo Development

Area controls over original monuments.

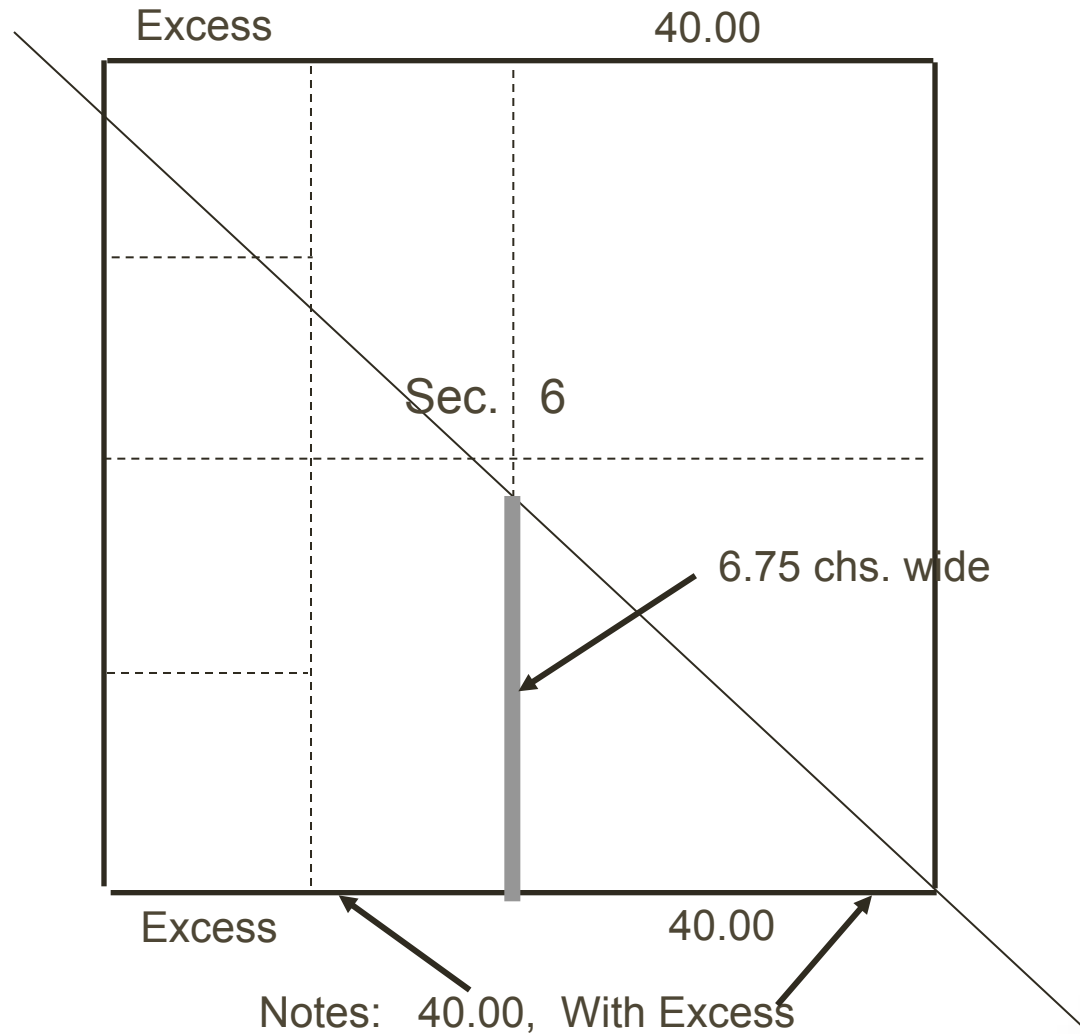
Facts Control

BEATY v. ROBERTSON

“Where there is a variance between the plat and the field notes of the original survey of public lands, the former must control since it represents the lines and corners as fixed by the Surveyor General and by which the land was sold.”

(Supreme Court of Indiana)

BEATY v. ROBERTSON



WHITING v. GARDNER

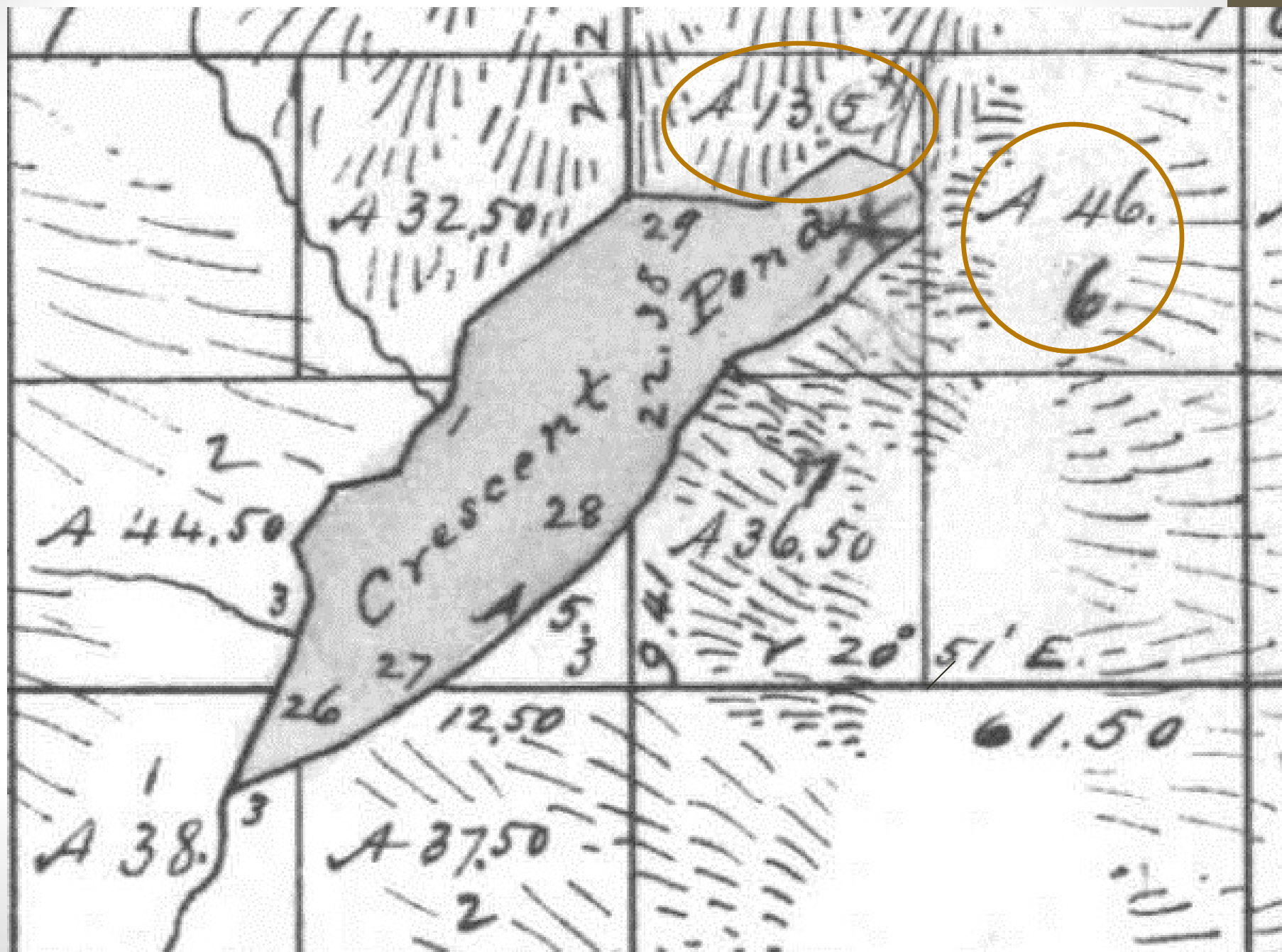
Where the descriptions in a deed refer to a survey and a map base thereon, making both a part of the deed, and there is a discrepancy between the map and the survey, the later will prevail.

(Supreme Court of California)

ERICKSON V. WICK

Where there is variance between plat and field notes and land has been conveyed out of government's title by reference to plat, plat controls.

(Wash. Court of Appeals)





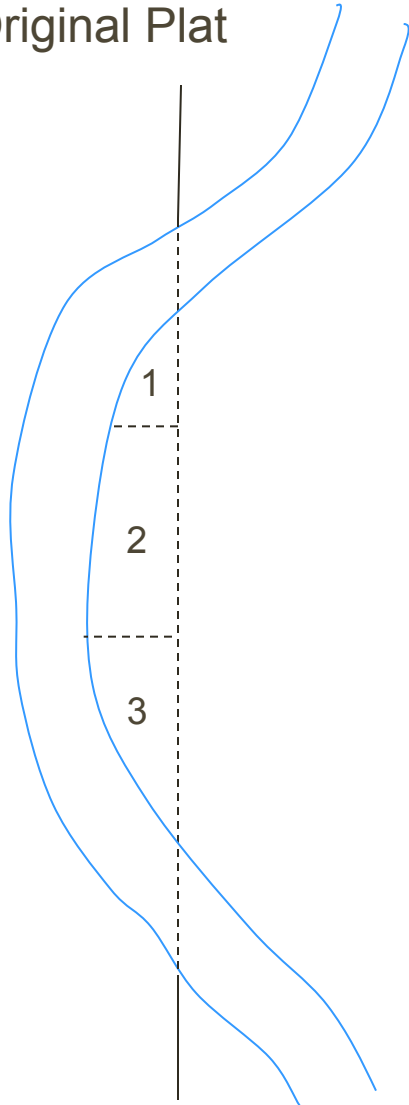
HARRINGTON V. BOEHMER

“Where there is a discrepancy between field notes and a plat the latter must give way to the former.”

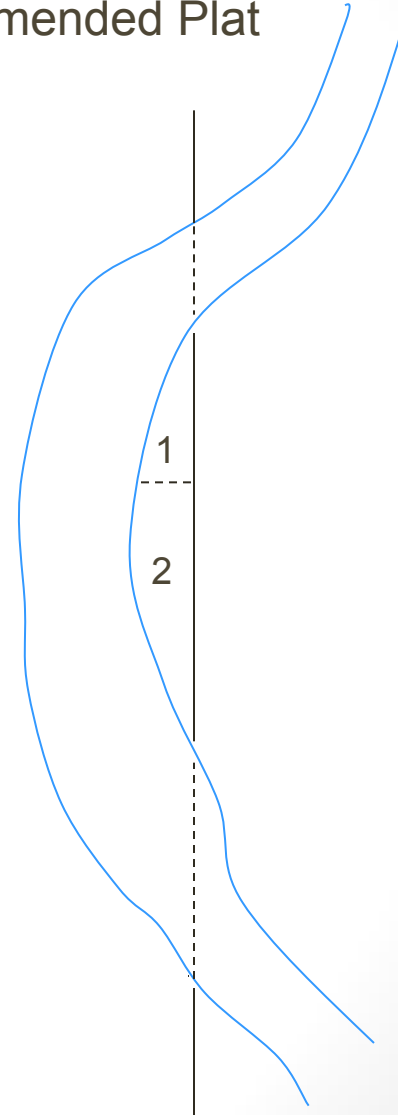
(Supreme Court of California)

HARRINGTON V. BOEHMER

Original Plat



Amended Plat



- 1. Inconsistencies on the face of the Plat;**
- 2. Official Field Notes vs. Official Plat**
- 3. Original Lotting vs. Resurvey Lotting**
- 4. Field Tablets vs. Official Field Notes**
- 5. Official Plat vs. Official Procedures**
- 6. Official Independent Resurvey Plat vs. Original Patent**
- 7. Official Plat and Field Notes vs. Evidence Suggesting A Hiatus Between Townships**
- 8. Original Grant vs. Original Survey**
- 9. Protracted Sub. of Sec. Lines vs. the Actual Location**

- 1. Gather all the evidence.**
- 2. The plat and notes are part of the deed/patent.**
- 3. Where were the lines actually run?**
- 4. What was the intent?**
- 5. Identify the source of errors.**
- 6. Is it a common corner or is it a corner of minimum control?**
- 7. Does the original corner control?**
- 8. What is the best evidence of the position of the original corner?**
- 9. Does the plat establish double corners?**

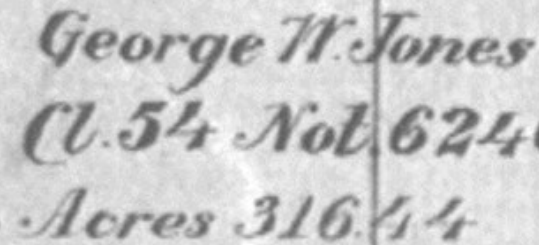
INCONSISTENCIES ON **THE FACE OF THE PLAT**

Areas are not based on
distances shown on the plat

**Hudson
Investment
Company et al.**

5 -
- 73.

00.00 33.50



Lemuel A. Sparks
 Claim 59 Not. 2768
 Acres 313.10

James 32 Scott (1.58

Not. 6243
Acs 20913

9.60

2
a
40.00

1
a
39.60

2
a
3910

33

- **“The rule of priority In resolving an internal inconsistency on the face of the official plat of survey is that the more reliable calls for distance prevail over the computation of acreage.”**
- **Appellants argue that the Gov. is bound by its survey to treat Lot 1 as containing 9.60 acres**

[illegible]

The issue is not whether the Register could recompute the acreage, but whether he correctly resolved an inconsistency on the face of the plat.

“Thus, when the register considered the plat in conjunction with the field notes, he was constrained to use the distance calls”

- 1. Attempt to Identify the source of the discrepancy.**
- 2. Does the discrepancy affect the subdivision of the section?**
- 3. Determine how the section should have been subdivided or what the parenthetical distances and areas should have been.**
- 4. The solution should protect the plat in its entirety, including the regular aliquot parts**

INCONSISTENCIES ON **THE FACE OF THE PLAT**

Area calculations contain multiple errors.

Seventh Standard

S.C. 1405 CC

SC 2320

20.85

areas decreasing



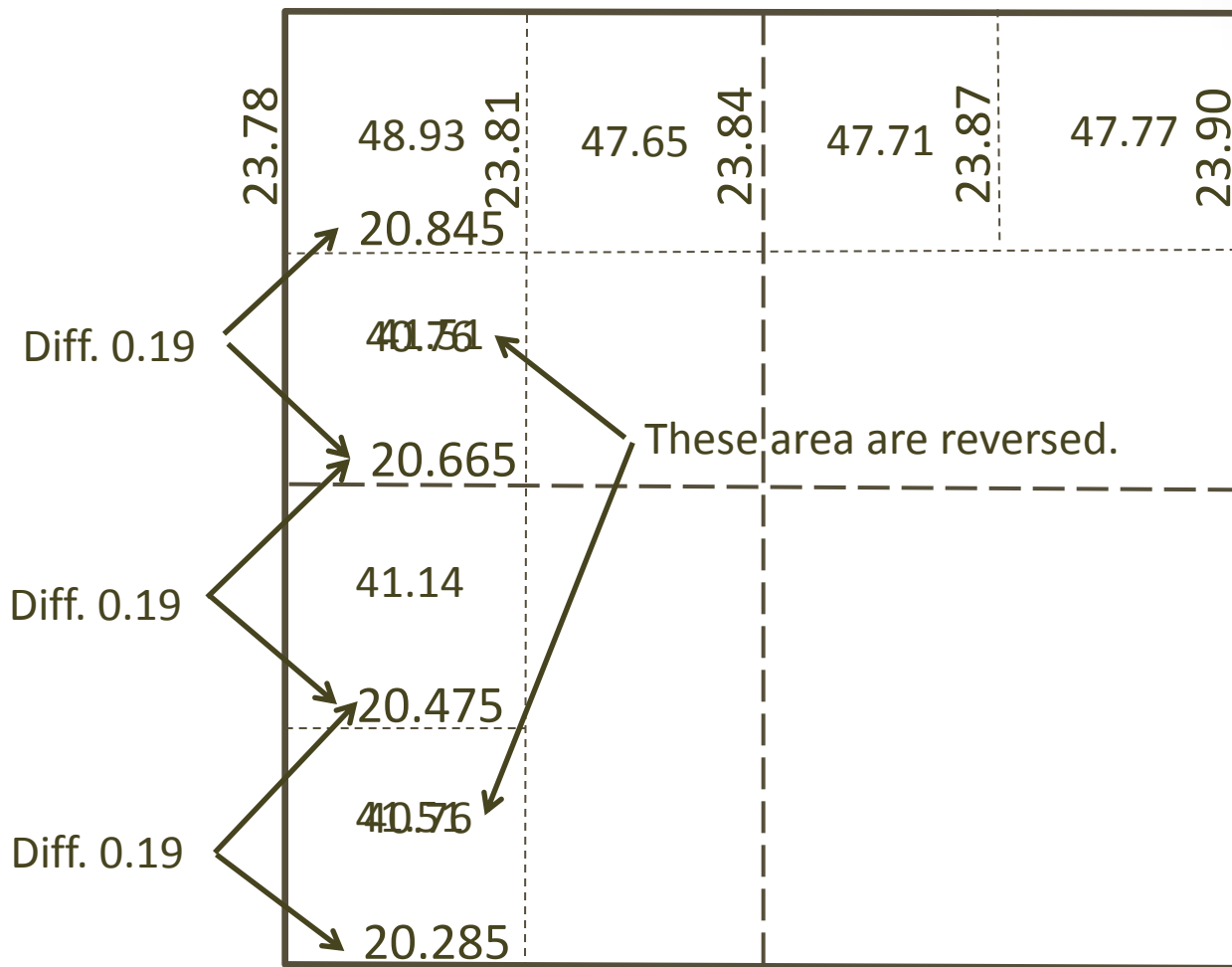
40.76

41.14

41.51

20.10





23.78	20.285			
	20.845			
	41.51	47.65	47.71	47.77
	20.665	23.84	23.87	23.90
	41.14			
	20.475			
	40.76			
	20.285			
	40.38			
	20.095			

We have identified the error and we are “constrained” to use the correct areas and parenthetical distances.

INCONSISTENCIES ON **THE FACE OF THE PLAT**

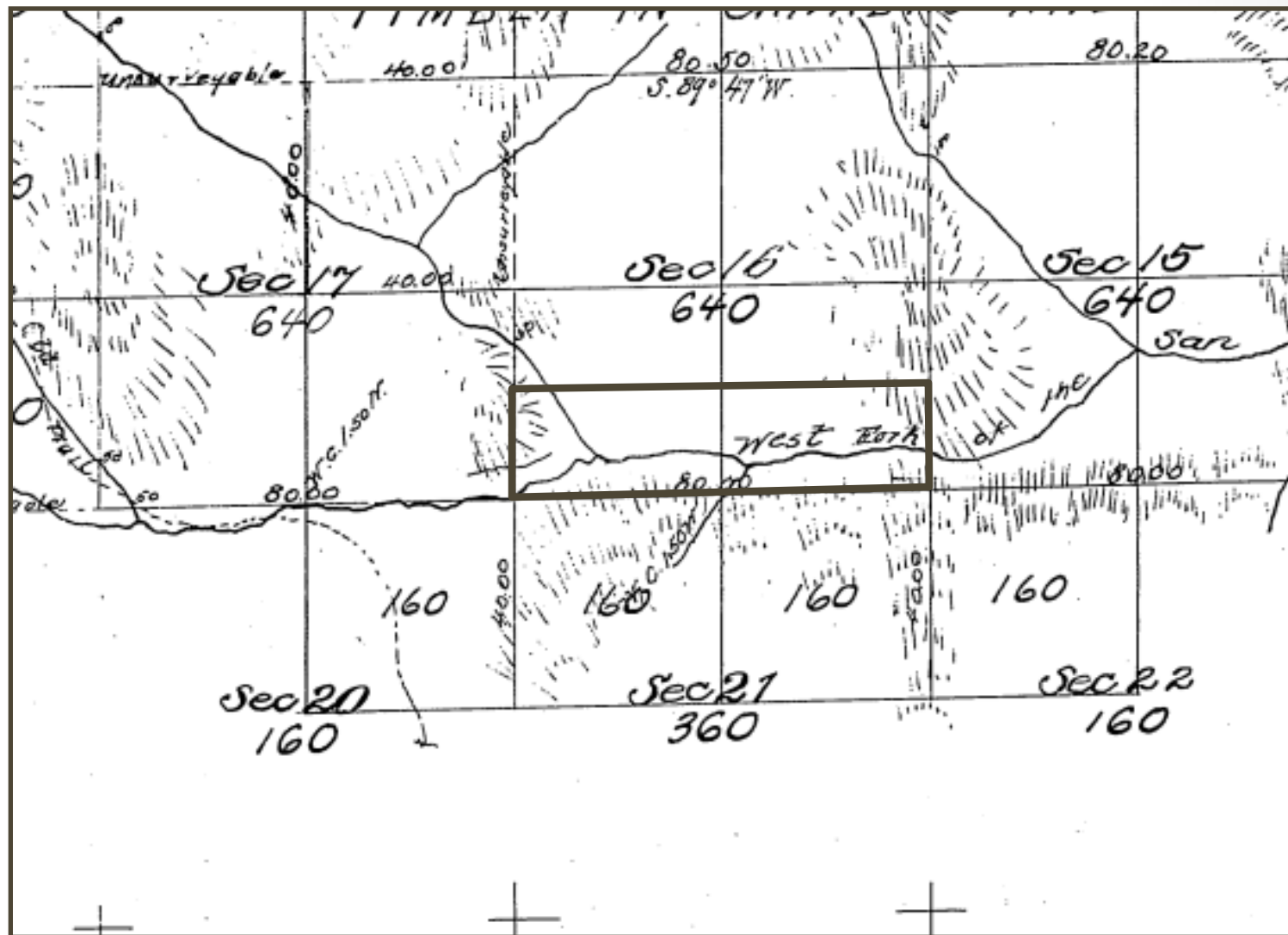
Topographic features are not properly located on the original plat.

J. M. BEARD (ON REHEARING)

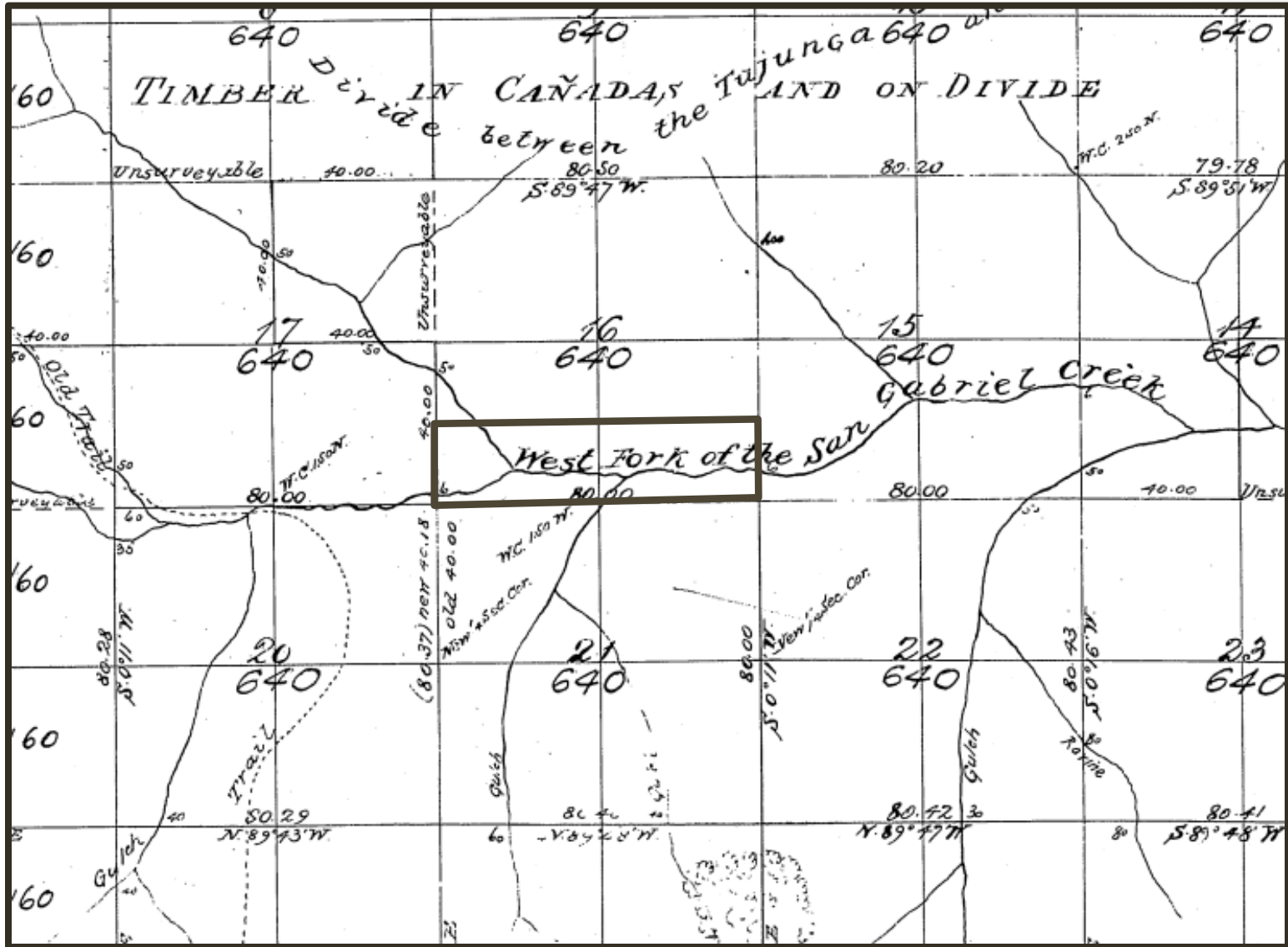
52 L.D. 451

- In 1905 A.G. Strain purchased the S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16 from the State of California and later transferred the tract to J.M. Beard.
- Beard instituted a suit to recover land occupied by the West Fork Ranger Station of the U.S. Forest Service.
- Beard relied on a survey by Friel which located the S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16 approximately $\frac{1}{2}$ mile south and $\frac{1}{4}$ mile west of the true position as determined by reference to corners of the original survey.

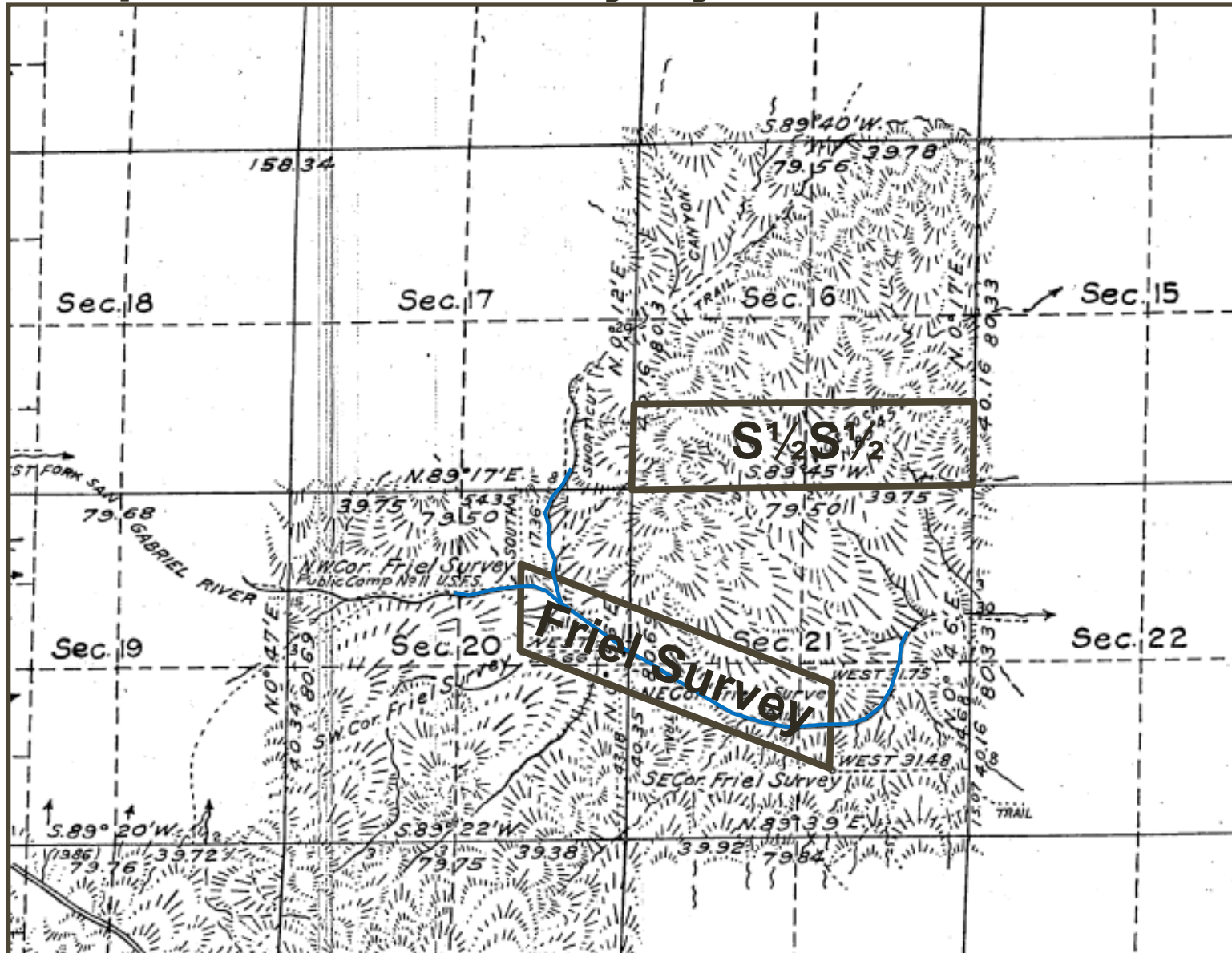
Original 1875 Survey By Norway



1884 Completion Survey By Pearson



1926 Dependent Resurvey by Averill and Wilson



J. M. BEARD (ON REHEARING)

52 L.D. 451

Under the circumstances there appears little justification for counsel's contention that items of topography, the positions of which in the interior of section were based solely upon an estimate or guess on the part of the surveyor, and the record distances to which on the section lines were dependent upon the "recollections of the chainmen," and which were noted as "matters of useful information or likely to gratify public curiosity," should thereafter be accorded the dignity of natural monuments to which both courses and distances must give way.

No such importance has been attached to items of topography by the General Land Office, the Department, or the Federal courts.

Official Field Notes vs. Official Plat

**Corner points reported in the field notes were
not used on the plat.**

In 1872 M.J. Alexander, wrote the Commissioner of the General Land Office concerning a township in which the length of the south boundaries of secs. 1, 12, 13, 24, and 25 was 84.00 chains. The surveyor placed the $\frac{1}{4}$ sec. cors. at midpoint but the plat placed the entire excess against the east boundary.



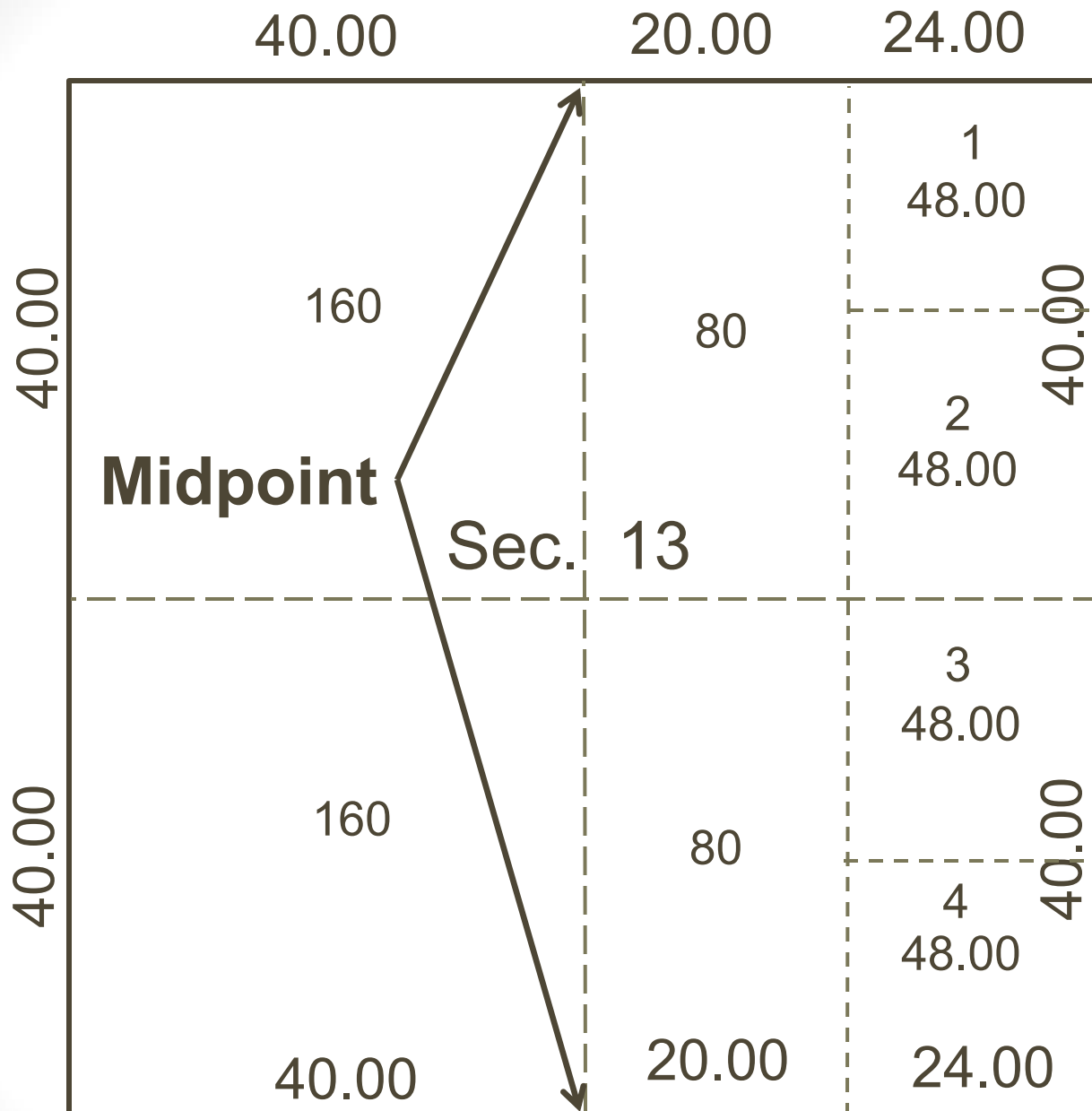
**Midpoint in
field notes**

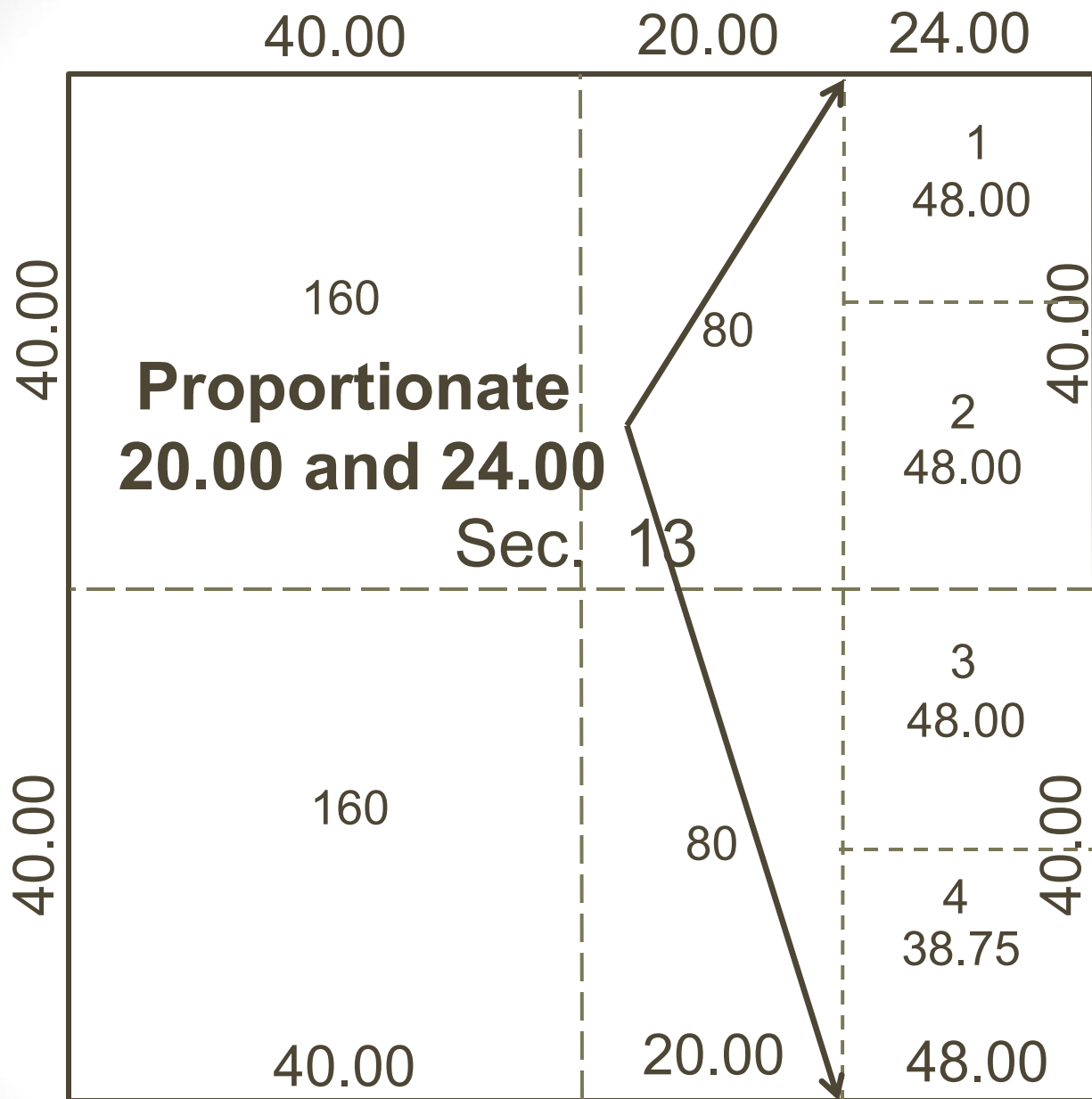


The Commissioner advised him that the field notes controlled; the corners would have to be at equidistant points and the sections subdivided accordingly.

If confronted with that problem today, and if the east halves of the sections had been protracted into lots against the east boundary, the BLM would also restore the quarter corners at midpoint if lost, but would then establish the east one-sixteenth section corners in a position proportionate to the distances used to calculate the areas on the plat.

(A History of the Rectangular Survey System, page 152)

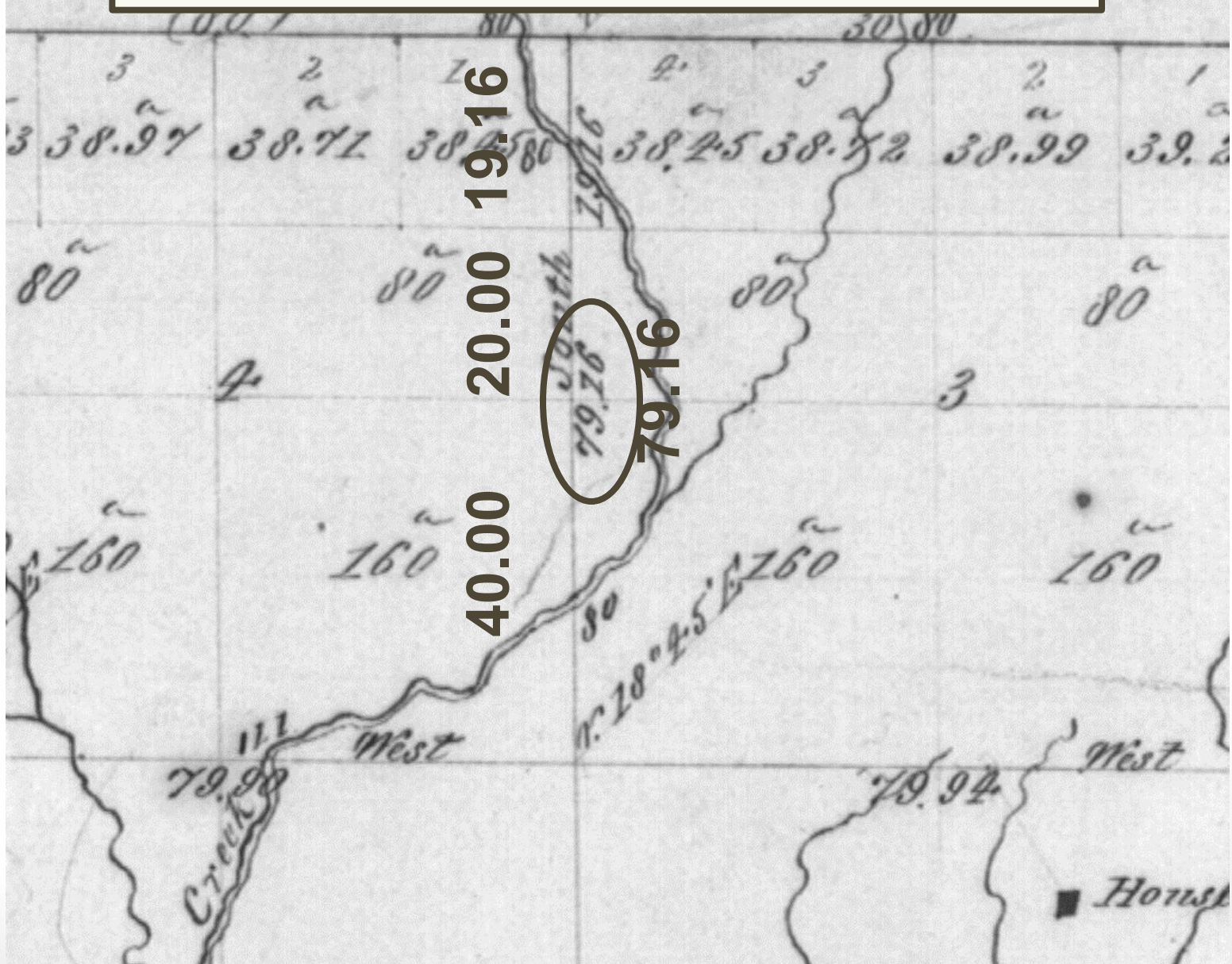




Official Field Notes vs. Official Plat

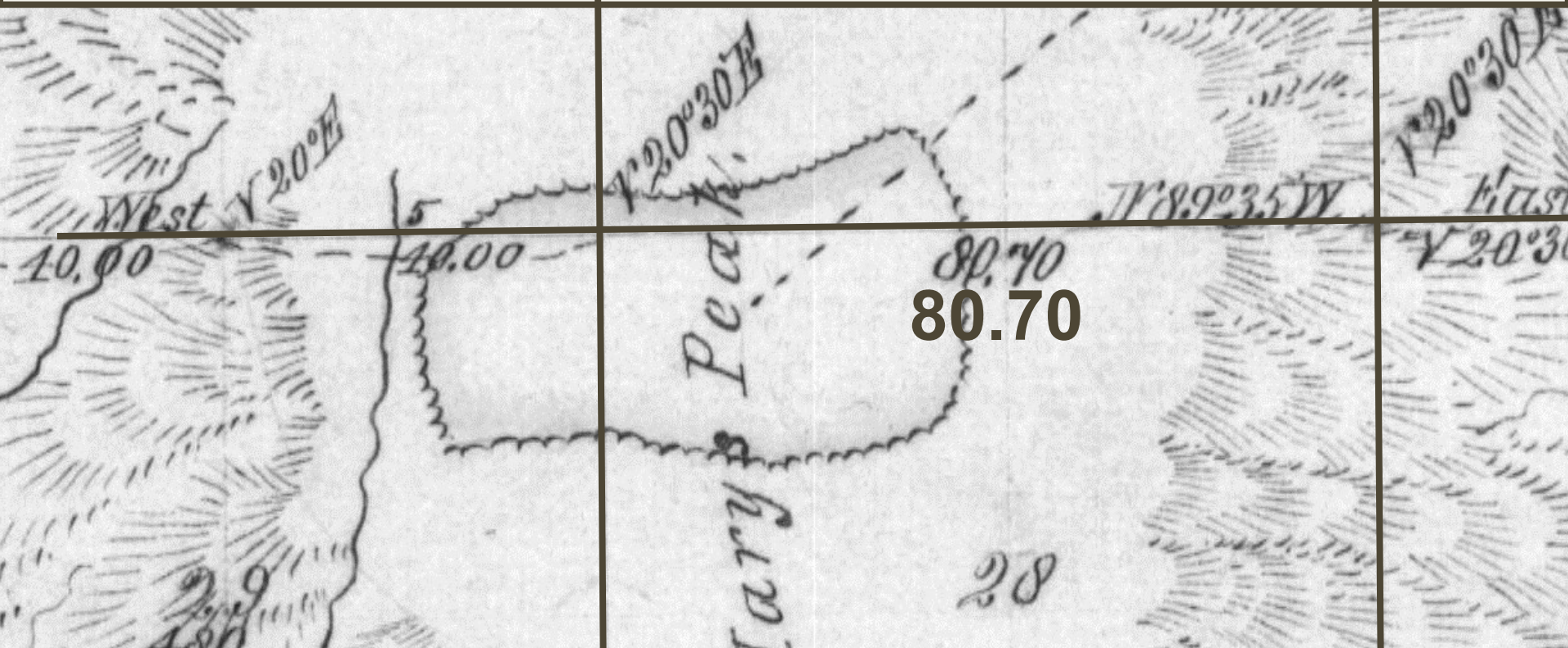
Error in the field notes or error in the field

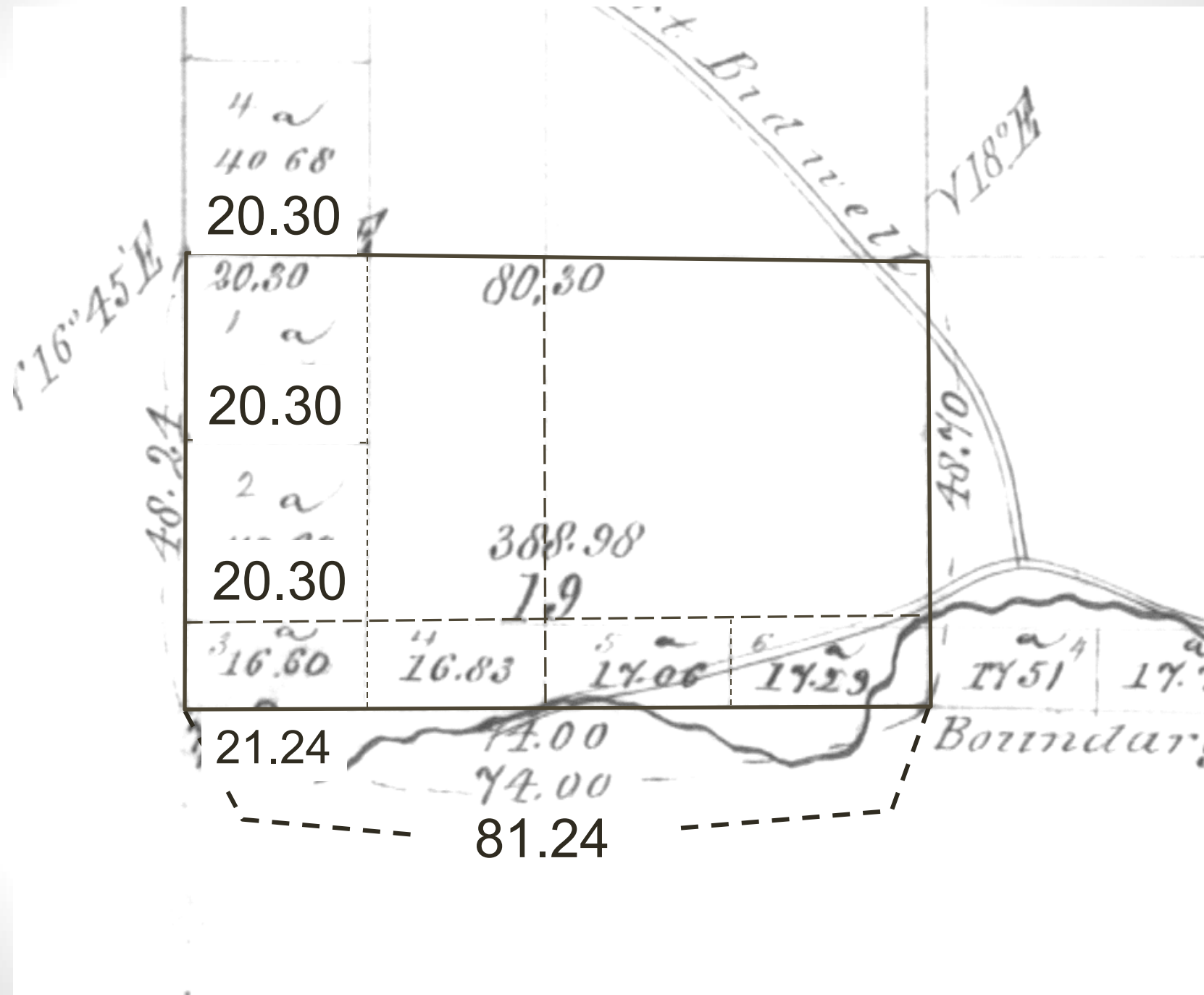
Field notes report 79.76 with the
 $\frac{1}{4}$ sec. cor. at midpoint



If the original corner is recover it will control so we want to reestablish the corner in it's original position. I believe that is at 40.38 and 40.37, midpoint.

the $\frac{1}{4}$ section corner at 40.38 chains. The plat	reports 80.70 chains, with no distance given to the $\frac{1}{4}$	section corner.
--	---	-----------------





48.2

2 a

40 60

20.30

8.24

20.00

16.60

20.00

21.24

8.36

16.80

4 a
40 68

20.30

30.30

1 a
40.60

20.69

2 a
40 60

21.08

3 a
17.56

8.24

21.24

8.36

16.83

80.30

388.98

1.9

5 a
17.06

6 a
17.29

7 a
17.51

8 a
17.74

74.00

74.00

81.24

16°45'E

48.24

St. Bridwell

18°E

48.40

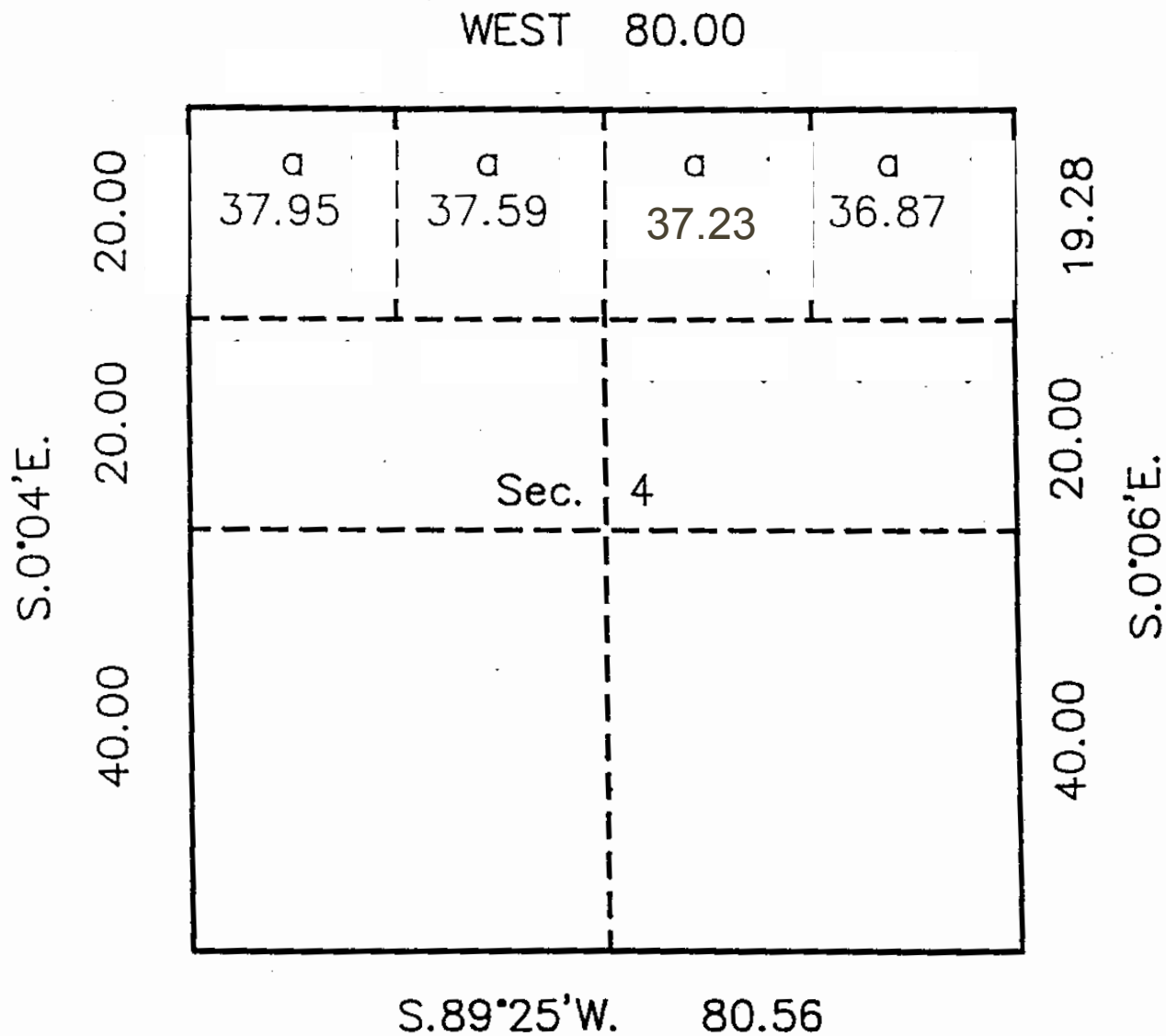
Boundary

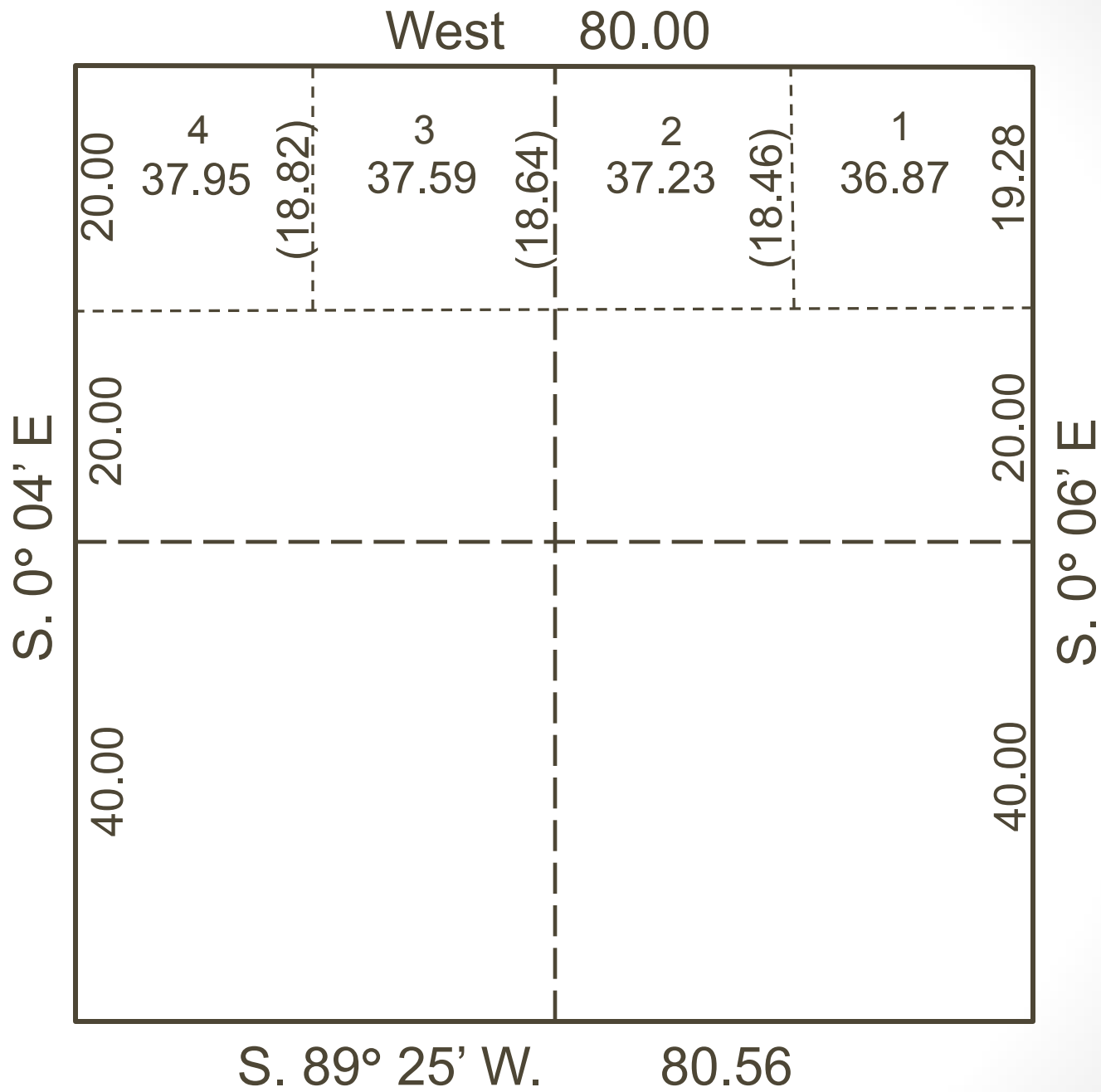
A subdivision based on the correct areas, not those shown on the plat, will protect the aliquot parts and will equitably place the excess or deficiency in the lots against the south and west boundaries

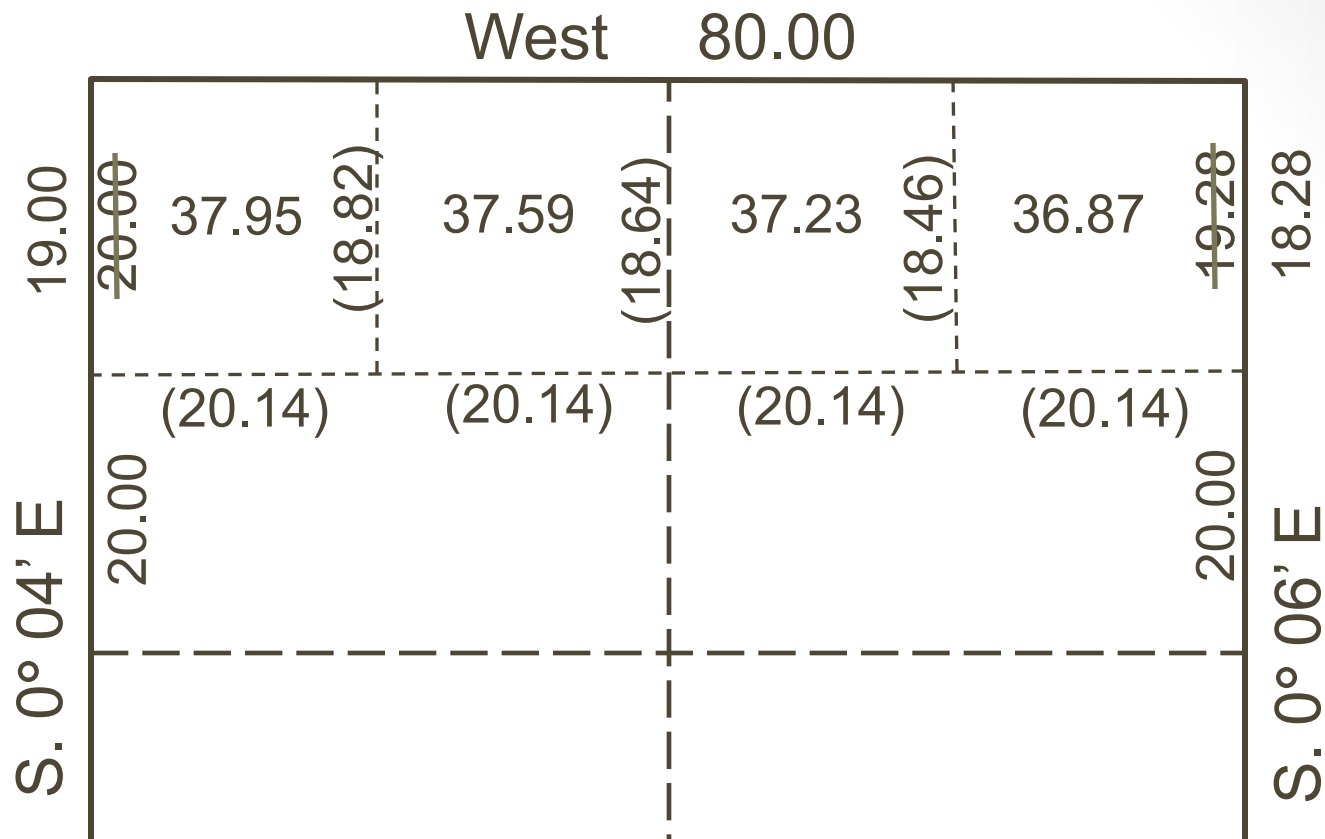
The field notes report running East on a random line setting a “temporary $\frac{1}{4}$ sec. cor.” at 40 chains and returning S. $89^{\circ} 39'$ W. on true line and setting the $\frac{1}{4}$ sec. cor. at 40 chains.



Determine the Source of the Error







We have identified the error. I believe the N 1/16 sec. cors. should be established where the draftsman should have placed them. (20.00 and remainder)

Original Lotting vs. Resurvey Lotting

Are the new areas shown on the resurvey plat in conflict with the areas shown on the original plat?

Sec 9
640

Sec 10

Sec 11

79.95²⁵

S89°43'W

4 3 2 1
40.29 40.26 40.24 40.21

4 3 2 1
40.15 40.05 39.95 39.85 39.6

40.00 40.00 40.00 40.00

Sec 16
640

Sec 15
640.00

Sec 14
640.00

40.00 40.00 40.00 40.00

40.00 40.00 40.00 40.00

80.30

S89°47'W

79.67

S89°43'W

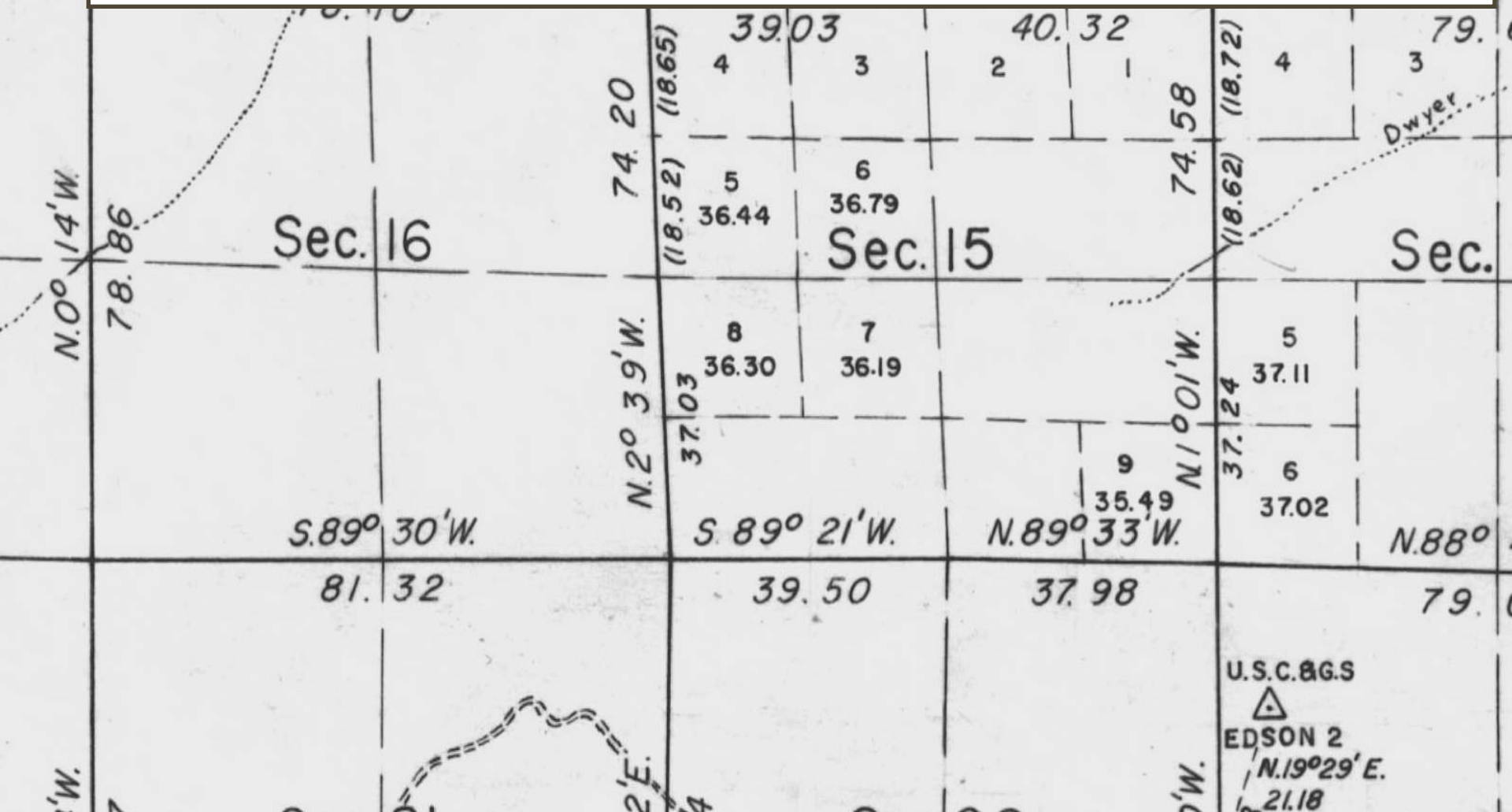
80.10

S89°56'W

FOREST

REG

The new area are from a proper subdivision based on the original plat and the resurvey measurements. There is no conflict between the two plats.



**Field Tablets
vs.
Official Field Notes**

1. Field Tablets are notebooks in which the initial information is recorded in the field and from which the Field Notes are transcribed.
2. Field tablets were/are generally destroyed.
3. The original copy of the field notes was filed in the Office of the Surveyor General.
4. The duplicate copy was sent to Washington D.C. as a security copy.
5. The Descriptive Notes (triplicate) were sent to the Land Office.

Township No. 19 S Range No. 6 E of the ~~1st~~ Principal Meridian.

Description of Exterior section and quarter section corners.					Description of Exterior section and quarter section corners continued.					Description of Interior section corners continued.					Description of Interior quarter section corners on Meridian lines continued.				
Corners.	Witness trees.	Inches diam.	Courses they bear.	Links dist.	Corners.	Witness trees.	Inches diam.	Courses they bear.	Links dist.	Corners.	Witness trees.	Inches diam.	Courses they bear.	Links dist.	Corners between sections.	Witness trees.	Inches diam.	Courses they bear.	Links dist.
A	A pine	10	N 31° W 12		R	A hauled	18	N 70° E 9		14.15.22.23.	A fir	12	N 62° E 18		22 & 23	A fir	6	S 55° E 17	
Sand	A pine	7	S 20° W 14		Basalt	A hauled	16	S 18° E 11		Stand	A fir	10	S 45° E 45		B. Flow	A pine	4	N 61° W 19	
Stone	A pine	16	S 29° E 52		Stone	A fir	5	S 45° W 7		20 x 02 x 10	A fir	20	S 15° W 19		23 " 24	A B pine	7	N 55° E 81	
	A fir	10	N 68° E 19			A fir	14	N 55° W 13			A fir	7	N 48° W 18		B. Flow	A B pine	6	N 33° W 66	
B. Flow	A fir	8	S 19° E 26		r					15.16.21.22.	A hauled	14	N 67° E 44		25 " 26	A fir	6	S 78° E 9	
12 x 10	A fir	16	N 75° E 10		S					Basalt	A hauled	16	S 50° E 41		B. Flow	A hauled	9	N 35° W 6	
B	A spruce	12	N 35° E 43							Stone	A hauled	12	S 45° W 24		26 " 27	A hauled	7	S 50° E 10	
Basalt	A cedar	14	S 25° E 9							18 x 10 x 7	A pine	8	N 52° W 15		B. Flow	A pine	4	N 55° W 11	
Stone	A hauled	5	S 23° W 11							16.17.20.21.	A fir	12	N 18° E 61		27 " 28	A hauled	14	N 60° E 20	
12 x 02	A spruce	12	N 32° W 35		s					Basalt	A fir	16	S 8° E 21		B. Flow	A pine	18	S 30° W 9	
	A fir	14	N 20° W 31							Stone	A fir	18	S 81° W 32		28 " 29	A pine	8	S 75° E 28	
B. Flow	A hauled	20	S 53° W 24		T					14 x 10 x 15	A fir	19	N 20° W 47		B. Flow	A pine	24	N 88° W 32	
12 x 8										17.18.19.20.	A hauled	8	N 45° E 12		29 " 30	A pine	16	N 55° E 13	
C	A fir	34	N 76° E 79							Basalt	A fir	9	S 50° E 21		B. Flow	A pine	12	N 35° W 10	
Basalt	A fir	16	S 50° E 78		t					Stone	A pine	11	S 40° W 25		31 " 32	A pine	7	S 49° E 16	
Stone	A fir	18	S 40° W 35							10 x 00	A hauled	6	N 70° W 22		B. Flow	A hauled	16	S 35° W 5	
24 x 06	A fir	4	N 72° W 16		U	A fir	14	S 11° E 10		19.20.29.30.	A hauled	13	N 30° E 11		32 " 33	A pine	15	N 35° E 10	
B. Flow	A fir	30	N 70° E 35							Basalt	A pine	4	S 45° E 11		B. Flow	A hauled	12	N 20° W 13	
14 x 10	A fir	30	S 45° W 40							Stone	A pine	16	S 22° W 22		33 " 34	A hauled	12	S 78° E 46	
D	Analdy	6	N 72° E 31							10 x 00	A hauled	30	N 45° W 55		B. Flow	A pine	15	S 67° W 42	
Basalt	Analdy	5	S 68° E 13		Sand	A fir	12	S 27° W 7		20.21.28.29.	A hauled	14	N 25° E 32		12 x 10 x 7	A pine	18	S 60° E 7	
Stone	A fir	36	S 65° W 25		Stone	A fir	12	N 62° W 18		Basalt	A fir	10	S 84° E 44		B. Flow	A spruce	10	S 70° W 29	
12 x 00	A fir	40	N 68° W 24			A fir	6	N 57° E 21		Stone	A fir	8	S 19° W 21		35 " 36	A slash	15	S 80° E 62	
B. Flow	A fir	6	N 5° E 12		u					16 x 10 x 6	A pine	6	N 15° W 23		B. Flow	A slash	18	N 72° W 47	
12 x 00	A Rock	6 x 5 x 3	S 65° W 35		V	A b. pine	10	N 38° E 10		21.22.27.28.	A pine	14	N 42° E 18		Corners between sections	on East and West lines			
E	Aching	6	N 42° E 49							Basalt	A pine	16	S 10° E 21		1 & 12	A hauled	16	S 47° E 22	
Basalt	A willow	4	S 70° E 20							Stone	A pine	12	S 30° W 17		B. Flow	A hauled	10	N 28° W 03	
Stone	Aching	7	S 8° W 71		Basalt	A pine	6	N 89° W 6		16 x 10 x 6	A pine	20	N 42° W 40		2 " 11	A pine	5	S 5° E 21	
12 x 00	An Oldy	4	N 50° W 27		Stone	A W. fir	12	S 3° E 20		22.23.26.27.	A hauled	4	N 64° E 22		B. Flow	A pine	4	S 2° W 20	
B. Flow	A fir	20	N 0° W 77							Basalt	A hauled	10	S 30° E 35		3 " 10	A pine	8	N 10° E 11	
24 x 02	A fir	24	S 66° E 9		W	A b. pine	10	S 64° W 36		Stone	A hauled	6	S 40° W 30		B. Flow	A pine	14	South 20	
F	Analdy	4	S 40° E 59							12 x 9	A fir	9	N 26° W 20		4 " 9	A pine	6	N 70° W 10	
Stone	A maple	8	S 80° W 50		Sand	A W. fir	8	N 74° W 24		23.24.25.26.	A hauled	15	N 40° E 9		B. Flow	A pine	14	S 5° E 21	
10	A willow	4	N 75° W 29		Stone	A W. fir	6	N 19° E 18		Basalt	A slash	10	S 35° E 23		5 " 8	A fir	5	N 8° E 12	
B. Flow	A fir	18	S 12° W 43		W					Stone	A hauled	6	S 16° W 14		B. Flow	A pine	8	S 5° W 11	
23 x 03	A fir	20	N 55° W 83							10 x 10 x 6	A pine	8	N 38° W 22						

1873 Field Tablet

(27)

Sept 18th 1873
 Re-commence at cor
 to sections 22-23-26-27
 An 26.85 var 20th 50'
 Thence north

1-0-0	var	20 th 15'
1-8-0	"	22 th 35'
2-3-0	"	20 th 20'
2-7-0	"	20 th 00'
3-3-0	"	19 th 05'
4-2-0	"	19 th 55'
4-3-0	--	23 th 15'
4-8-0		23 th 55'
5-8-0	var.	21 st 35'
40-00		19-30
9-4		19-05
11-0-0	var	20 th 00' Brow Hill Slope S+W
12-0-0	"	19 th 05'
12-6	"	15-20
13-6	"	12 th 10'
14-6	"	21-15

(28)

80.00 comes out 277 links
 East of first corner
 set post 4' x 3" x 2' for cor
 to sections 14-15-22-23
 from which
 Hunklock 40" x 55th W 50 links
 " 44" S 69th W 55 "
 " 36" S 49th E 56 "
 " 24" N 30 E 26 "

82.65
 277
 79.88

Walking Trail

(27)

Sept 18th 1873
 Re-commence at cor
 to section 22-23-26-27
 An 26.85 var 20-50'
 Thence north

1-0-0	var	20-15'
1-8-0	"	22-35'
2-3-0	"	20-20'
2-7-0	"	20-00'
3-3-0	"	19-05'
4-2-0	"	19-55'
4-3-0	--	23-15'
4-8-0		23-55'
5-8-0		21-35' Walker trail

40-00- 19-30
 9-4 19-05
 11-0-0 var 20-00' Brow Hill slope St W
 12-0-0 " 19-05
 12-6 " 15-20
 13-6 " 12-10
 14-6 " 21-15

(28)

5.27
 2.78
 182.82
 2.77
 2.65

80.00 comes out 277 links
 East of first corner
 set post 4' x 5' x 2' for cor
 to sections 14-15-22-23
 from which
 Hunkler 40" x 55" W 50 links
 " 44" S 69" W 55 "
 " 36" S 49" E 56 "
 " 24" N 30 E 26 "

82.65
 2.77
 79.88

- 5 x 10 x 1/2 chains, plus 8 sticks, plus 0 links
- 25 chains plus 4 chains = 29 chains.
- Aneroid Barometer

Begin at corner to Sec 22-23.
26 and 27. Thence East on ran-
dom between Sec 23 and 26.

40.00 Set temporary $\frac{1}{4}$ sec post

80.22 intersect line 43 lks South of cor
S $89^{\circ}42'$ W on true line

21.00 Stream 4 lks wide. runs S W (+30)

40.11 Set hemlock post-4 ft-long 3 in thick (-00)
2 ft in ground. for $\frac{1}{4}$ sec cor

Hemlock 24 in dia N 27° W 8 lks

R. Hemlock 10 in dia S 27° E 40 lks
W $21^{\circ}45'$ East

80.22 to corner. (-100)

Find fir and hemlock. land
nearly level. Soil 2nd rate.

Begin at corner to Sec 22-23
26 and 27. thence North on
line between Sec 22 and 23.

Var $21^{\circ}00'$ East.

20.50 Stream 2 lks wide. runs S W (+70)

29.00 cross Walkers trail. course. East & West

40.00 Set fir post-4 ft-long 3 in thick (+160)
2 ft in ground for $\frac{1}{4}$ sec cor.

Fir 24 in dia S 68° E 24 lks

Fir 24 in dia S 68° W 12 lks

Var $19^{\circ}00'$ East

68.00 Var $11^{\circ}40'$ East (+90)

80.00 Set hemlock post-4 ft-long 3 in square (-140)
2 ft in ground for corner to sections

14-15-22- and 23.

Hemlock 40 in dia N 55° W 50 lks

Hemlock 44 in dia S 69° W 55 lks

Hemlock 36 in dia S 49° E 56 lks

Hemlock 24 in dia N 30° E 26 lks

From 0 to 55 chs. open fir timber. from

55 to 80 chs. fir and hemlock timber.

Rocky point East of line at 68 chs

Land nearly level. soil 2nd rate.

Sept 20th 1873.

ROADS v. STANGAIR, Washington Supreme Court

- Where a deputy United States surveyor who made an original survey could not explain the discrepancy between his field notes and those returned by him to the surveyor general, the surveyor's actual field tablets do not control the transcribed field notes on file in the surveyor general's office.
- This survey was made some 50 years ago, and, inasmuch as the witness, Deputy Surveyor Van Vleet, who made the original survey under dispute, cannot explain the discrepancies between his own field notes and those returned by him to his superior officer, this court will not undertake to do so.

- It might be suggested, however, that the witness (Deputy Van Vleet) may have found it necessary to make some changes in the survey before reporting to the surveyor general, and that such changes were not indicated on the field notes retained by him.
- In any event such testimony as this cannot be permitted to overturn the official record of the survey on file in the proper office.

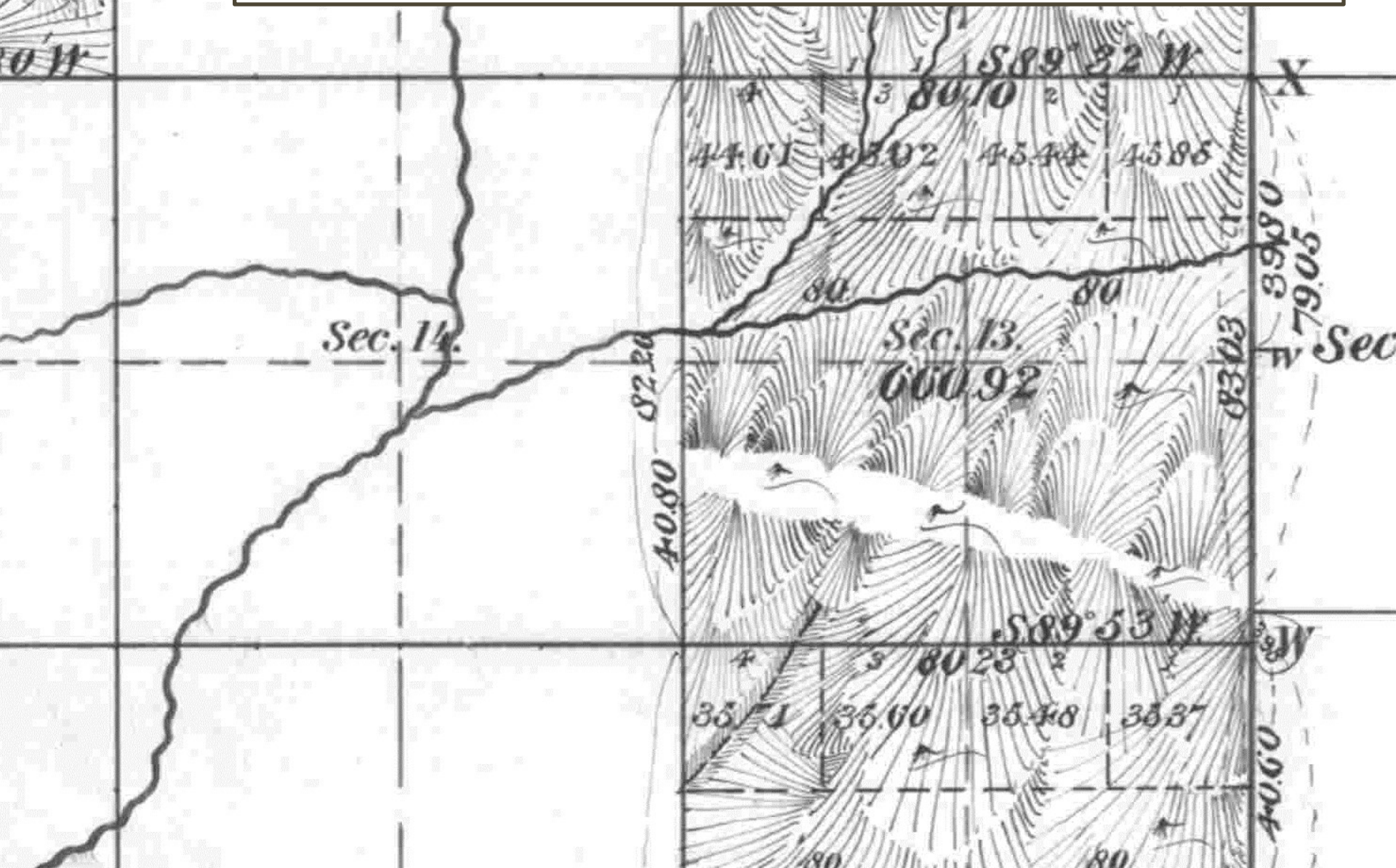
Frank Lujan
40 IBLA 184 (1979)

- The Bureau of Land Management prepares and approves the final typed field notes and accepts the plat as the only official and legally binding document of any survey or resurvey executed by them. Only the final typed field notes are signed and certified by the surveyor as the field notes representing field work executed by them. Observations noted in the field tablets may be those of subordinates less experienced and skilled than the surveyor in charge. It is the responsibility of the surveyor to see that no errors or misjudgments noted in the field tablets get transferred to the legally binding, final typed field notes.

Official Plat vs. Official Procedures

Completion survey is not
consistent with the original
plat???

Areas returned for the lots place the corners at some position different from the bearings and distances on the plat.



Copy
in page
here

From the corner to Sections 13.14.
23+24 which is a post 4 in. sq. 12 in.
above ground, marked and witnessed
as described by the Surveyor General,
Iron North between Sec. 13+14

40.80 Intersected the $\frac{1}{4}$ Sec. cor. between
Sections 13+14

82.20 Intersected the cor. to Sections 11.12.13+14
which is a post 4 in. sq. 12 in. above
ground

**Are there two
1/4 sec. cors.?**

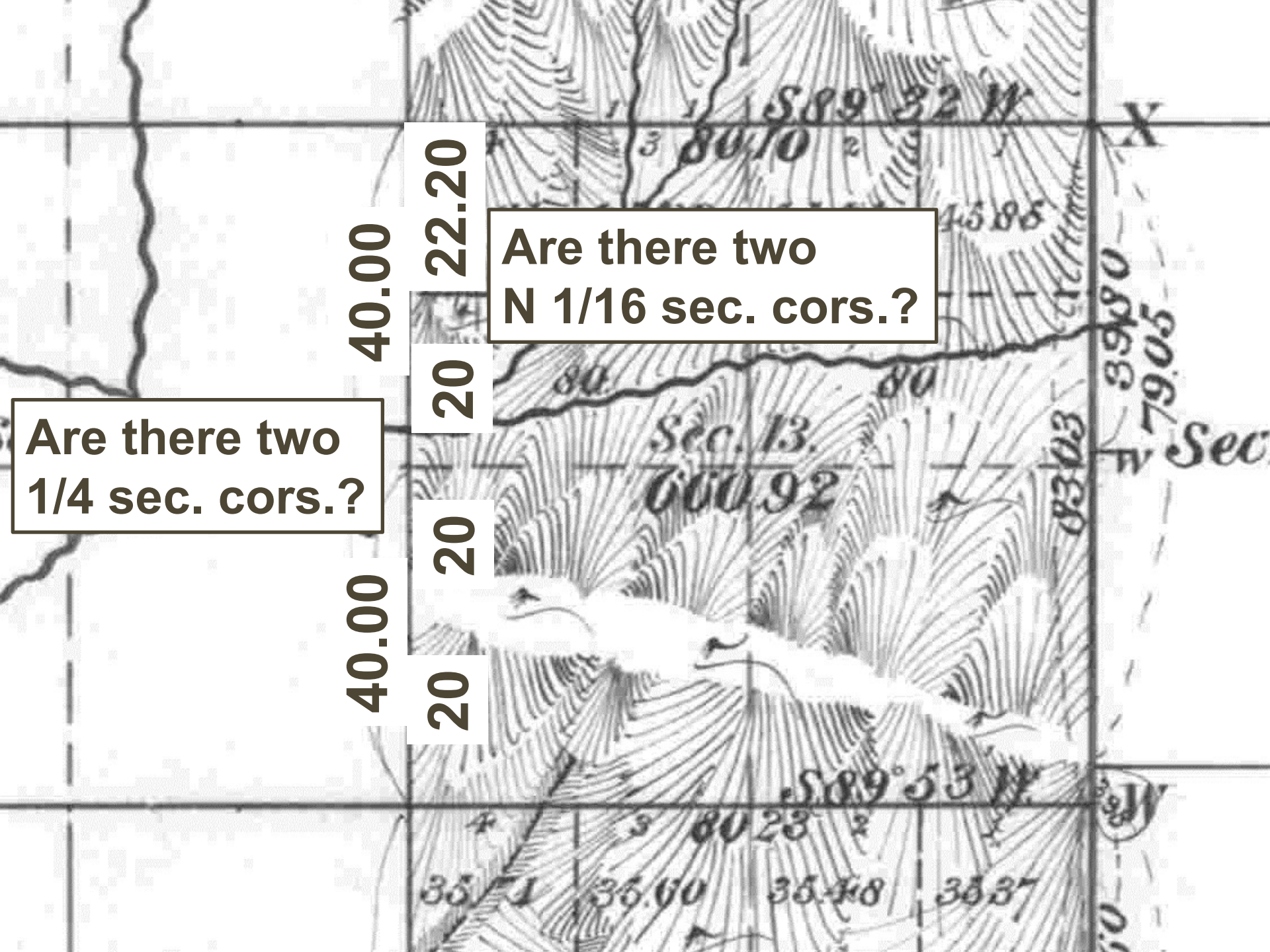
40.00

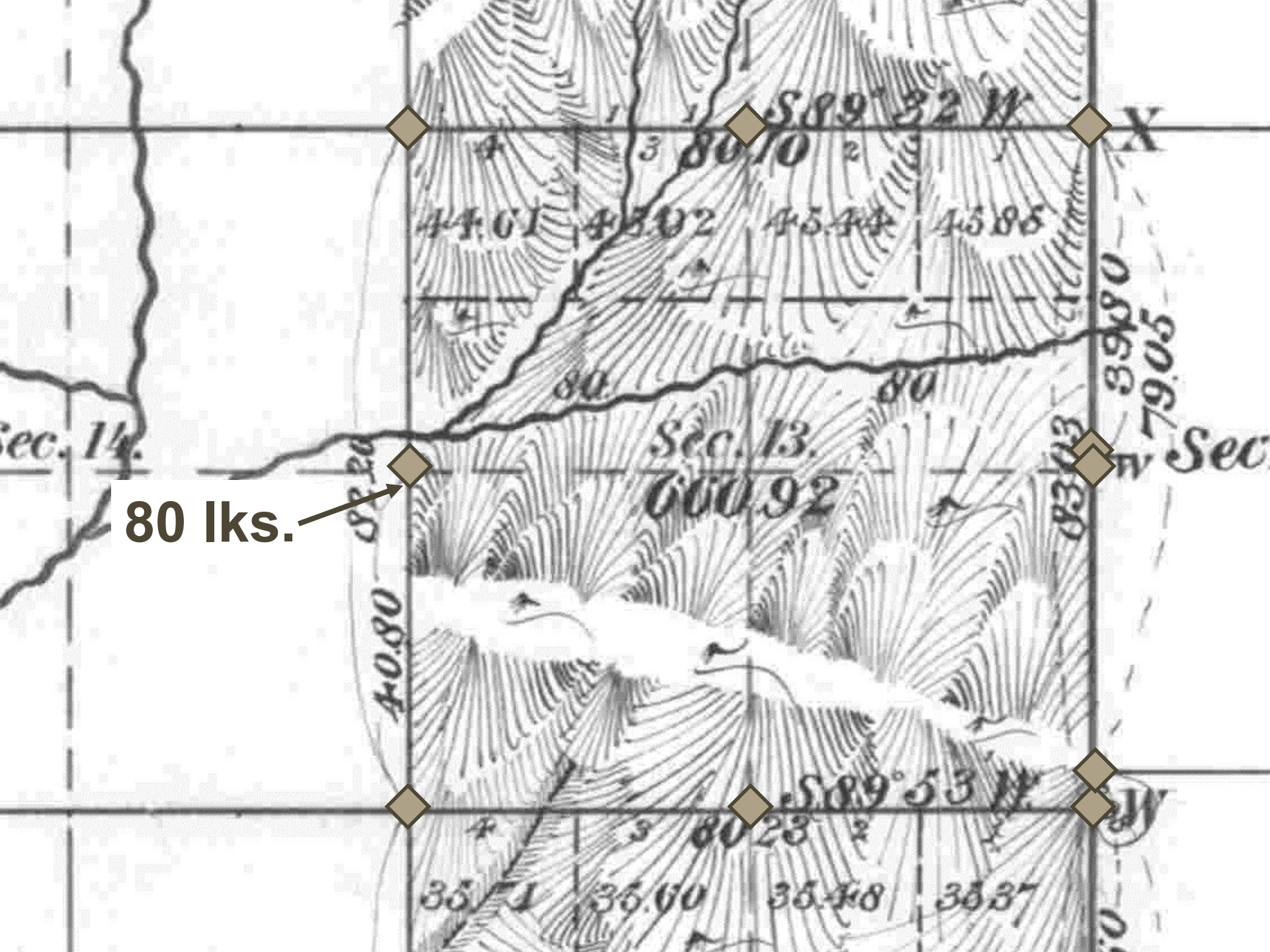
20 20

40.00

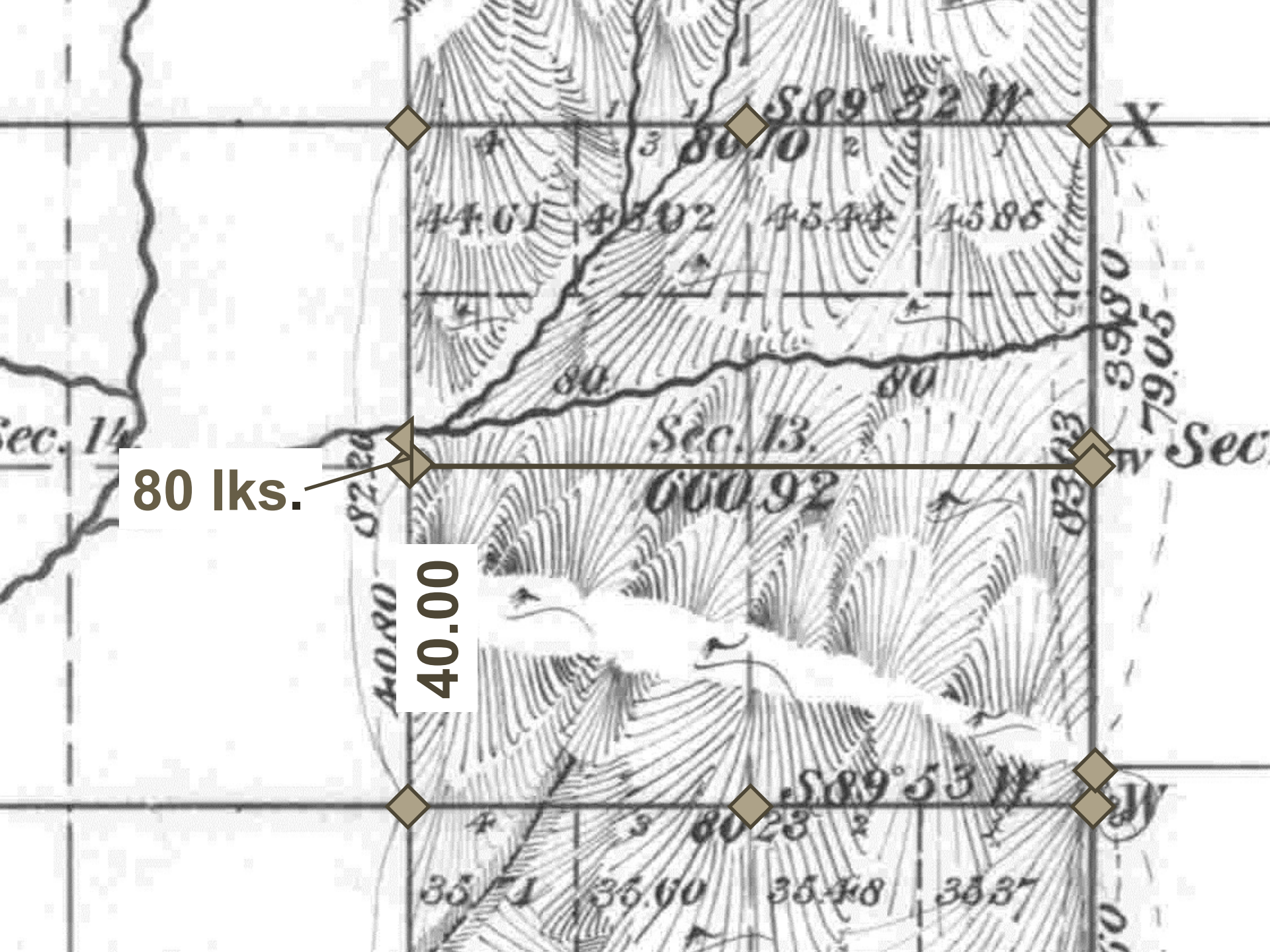
20 22.20

Are there two N 1/16 sec. cors.?





80 lks.



80 lks.

40.00

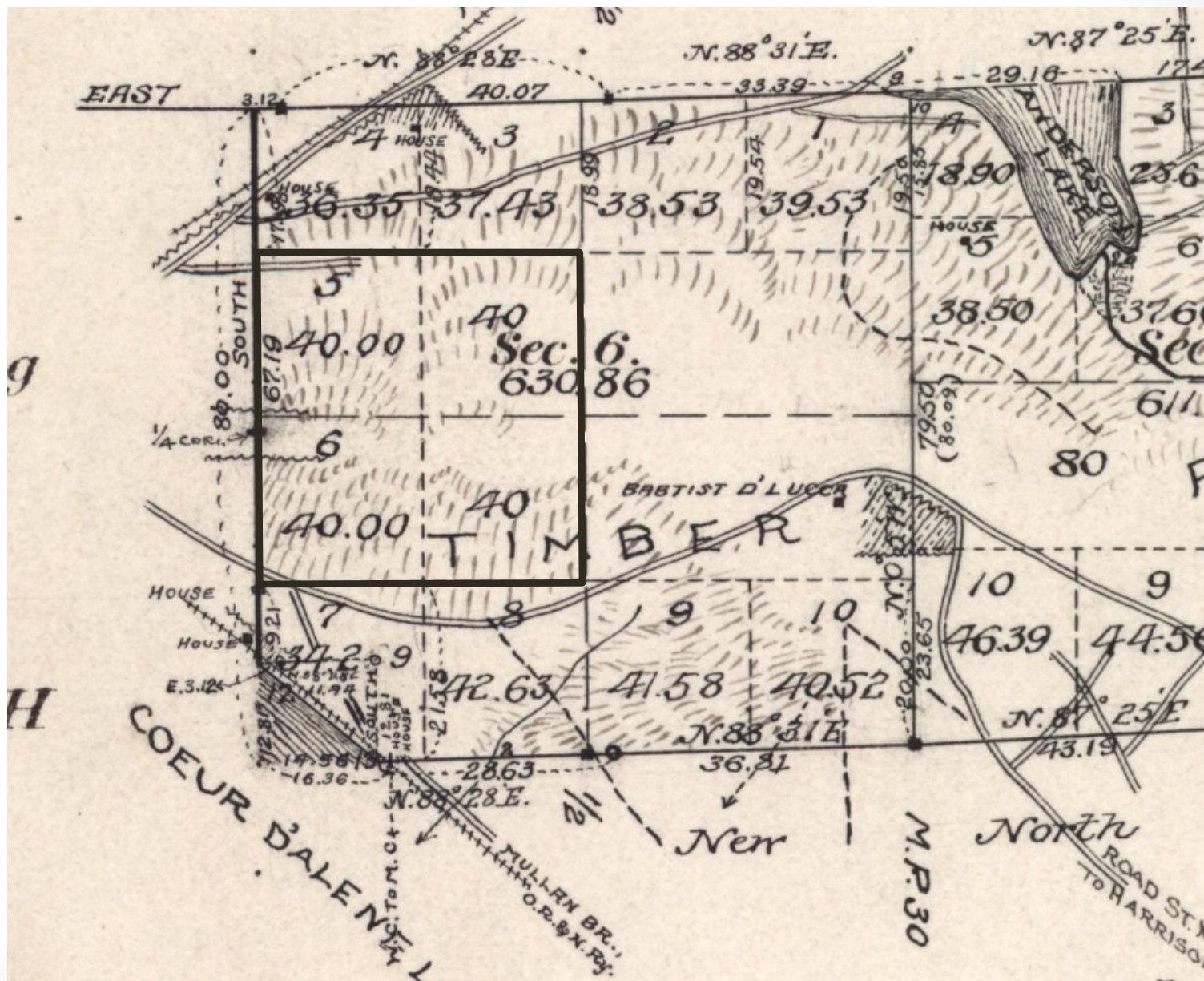
1) Ownership

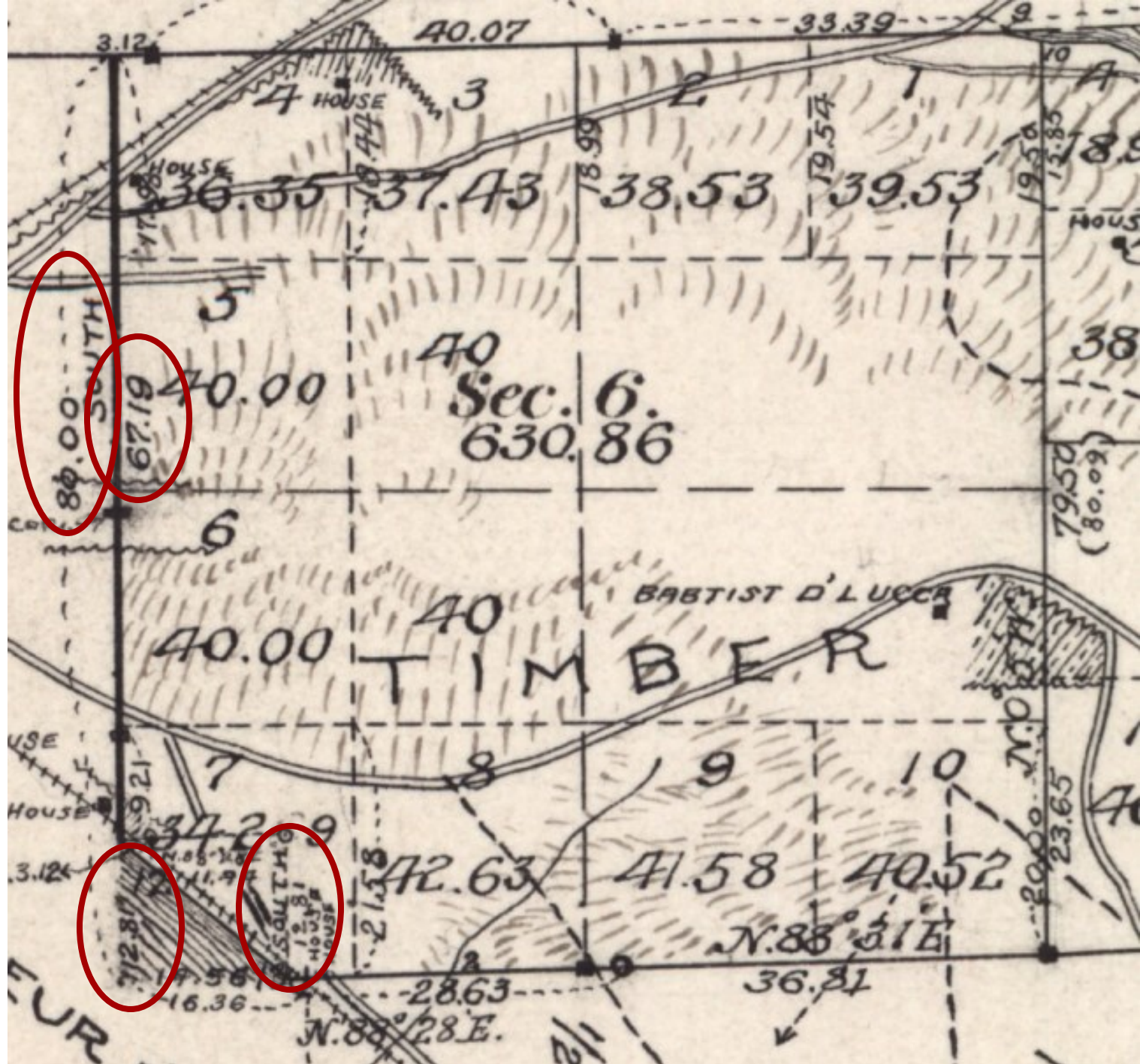
2) Improvements

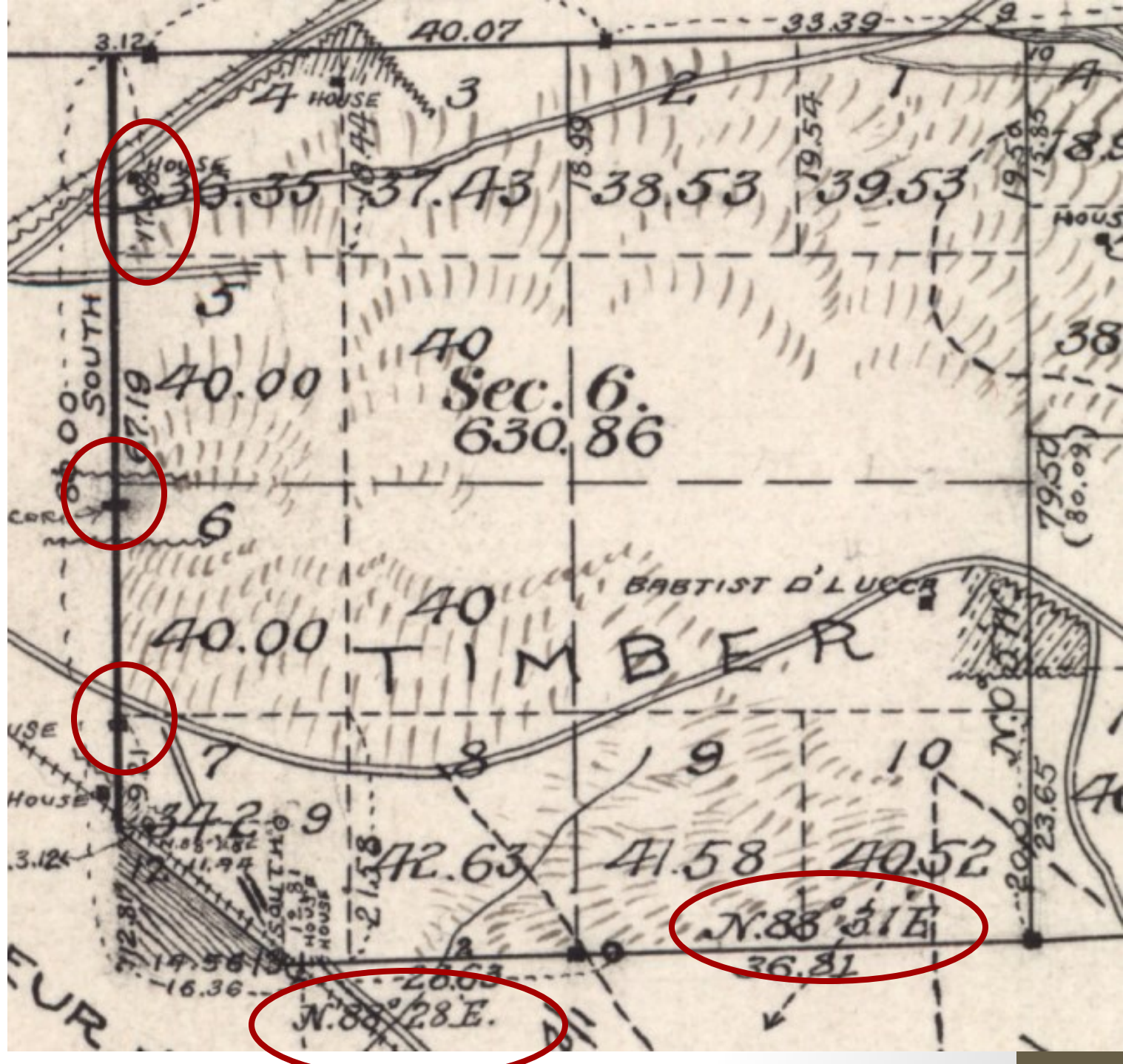
3) Existing surveys

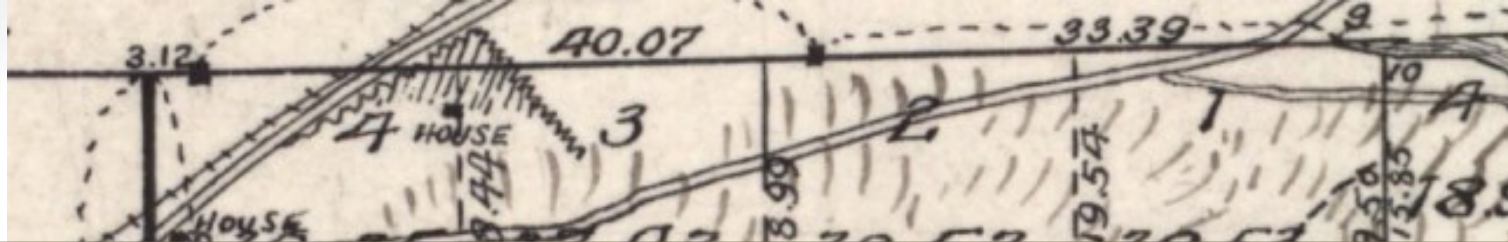
4) Excess or deficiency of area

SALA v. CRANE
[170 Pac. 92.]









5.10 Pole Fence, bears E. and S. V. 1/2
 40.00 at point on top of ascent, 300 ft.

above T. P. Cor.,
 Set a Basalt Stone, 18 x 10 x 5 ins.,
 12 ins. in the ground, for "4 Cor.,
 marked "4 on N. face;
 From which

a Pine, 20 ins. diam., bears S. 89 1/2° E.,
 161 lks. dist., marked "4 S. 6 B. S.

a Pine, 18 ins. diam., bears N. 88 1/2° W.,
 187 lks. dist., marked "4 S. 1 B. S.

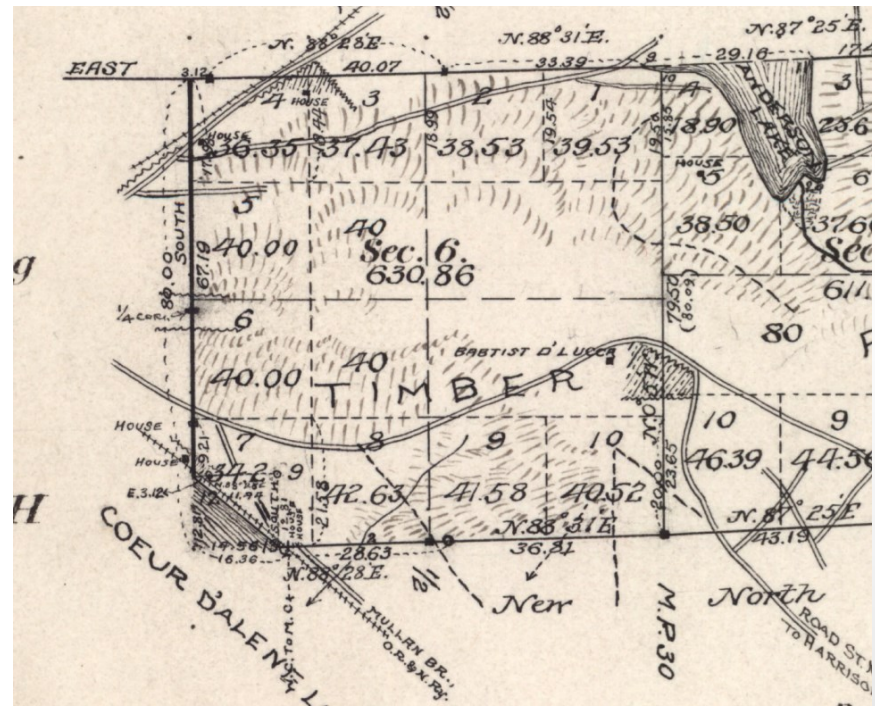
43.10 Pole Fence, bears E. and S. V. 1/2, and



SALA v. CRANE

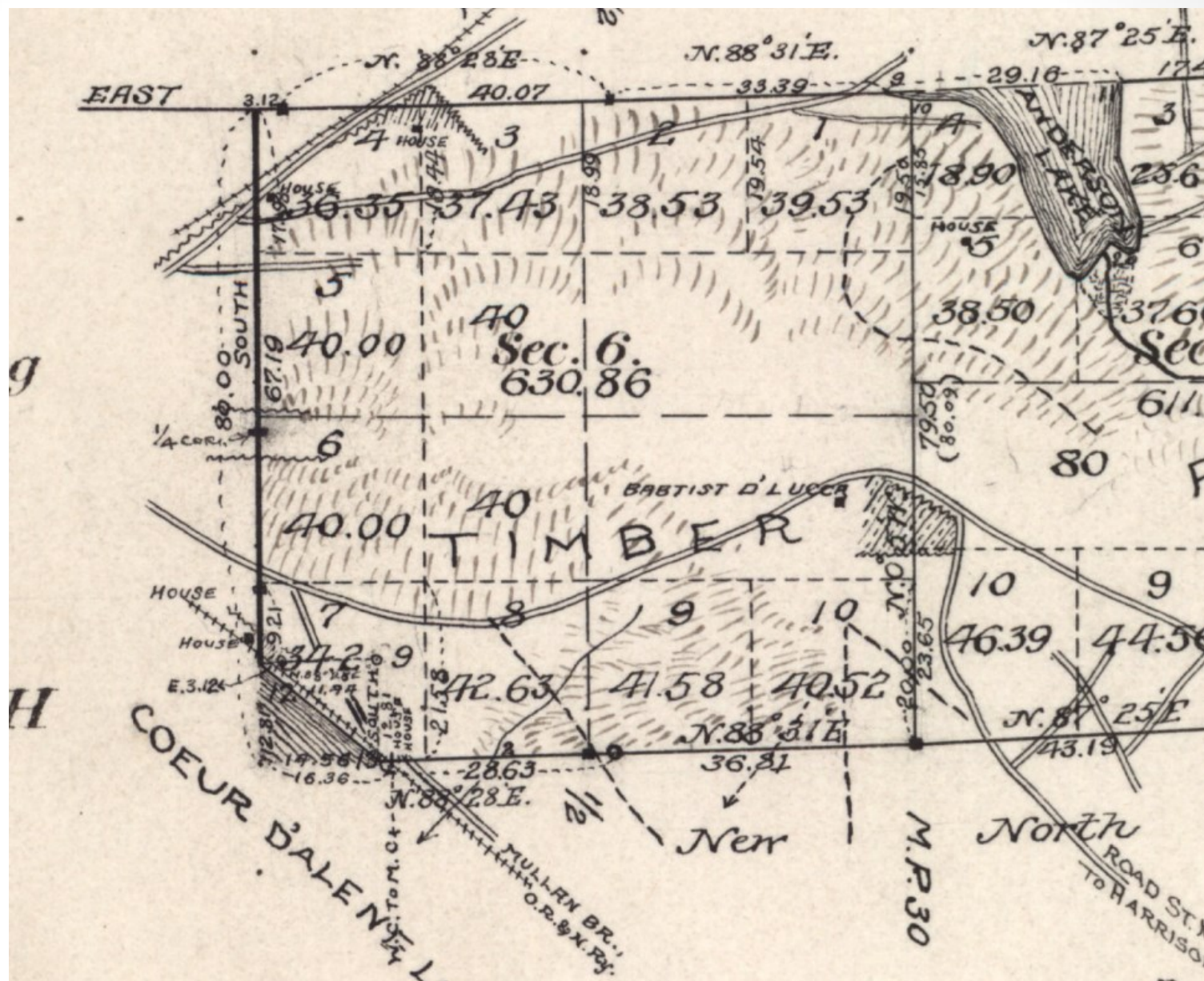
Idaho Supreme Court

- The only question involved in this case is as to the identity of the land conveyed to appellant by her patent.
- The original corners of the section, as established by the deputy surveyor, are all in place.

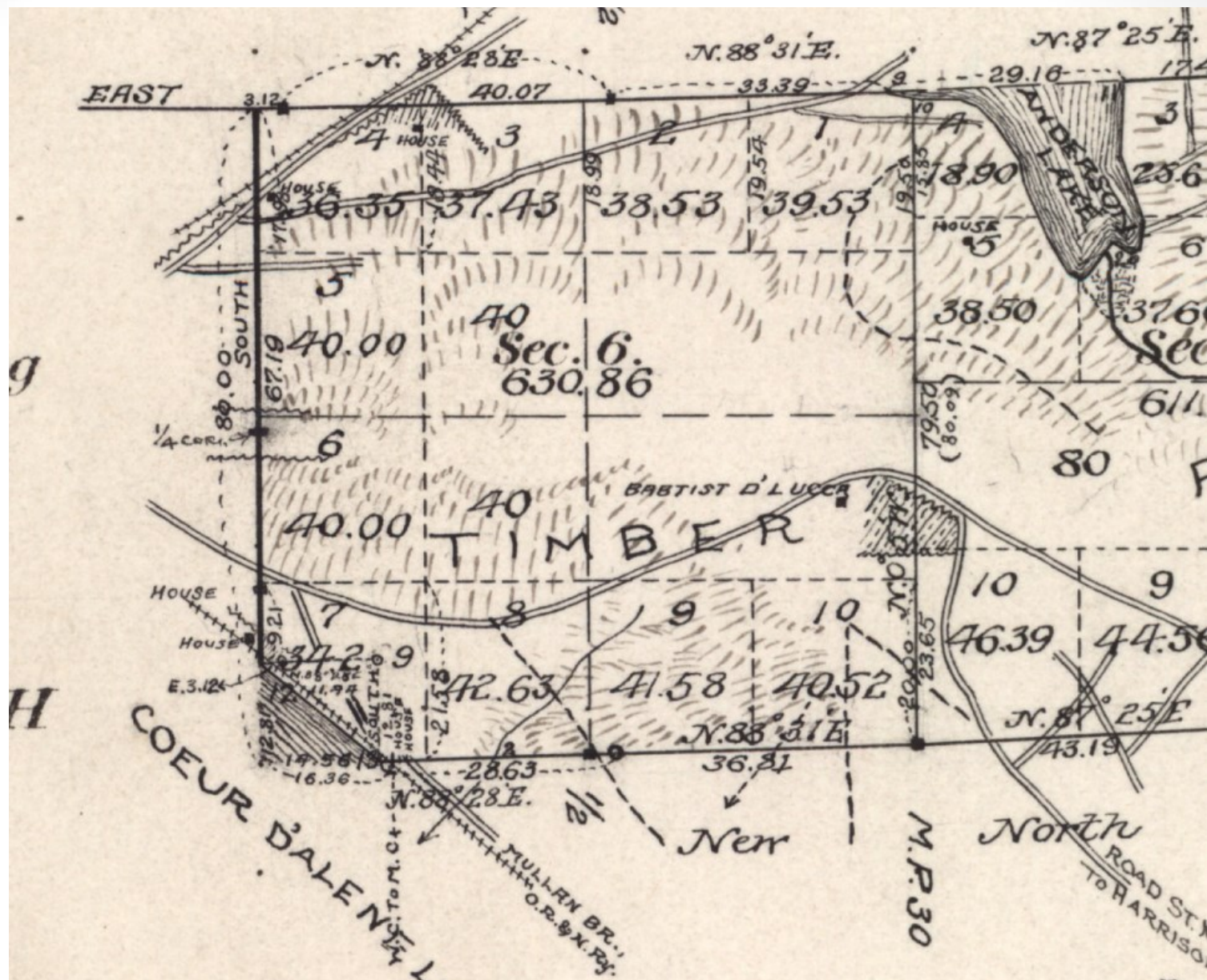


- A description and plat made by the surveyor-general from the field-notes are conclusive, and the section lines and corners as laid down in the description and plat are binding upon the general government, and upon all parties concerned.
- This court cannot inquire into the propriety of the surveyor general's action in preparing the plat from the data furnished him by the deputy surveyor in the field. That is a matter committed by the federal statutes to the surveyor general, subject to the supervision of the general land office.

- It is therefore unnecessary to determine whether the section involved in this case, being a fractional section, was properly subdivided by the plat or not, for even though the plat was made contrary to law, it still identifies and designates the land actually conveyed by the patent.
- It is evident that the line on the plat demarking the north and south halves of the section meets the west boundary line of the section 2.02 chains north of the quarter corner as shown on the plat.



- This is not a case of a contradiction between the official plat and the field-notes of the original survey, as respondents seem to suggest, for the plat shows on its face that it corresponds with and was prepared with reference to the actual survey.
- If there were discrepancies between the survey and the plat, and the description in the patent is according to its terms to be determined according to the official plat, the official plat must control.



Official Plat vs. Official Procedures

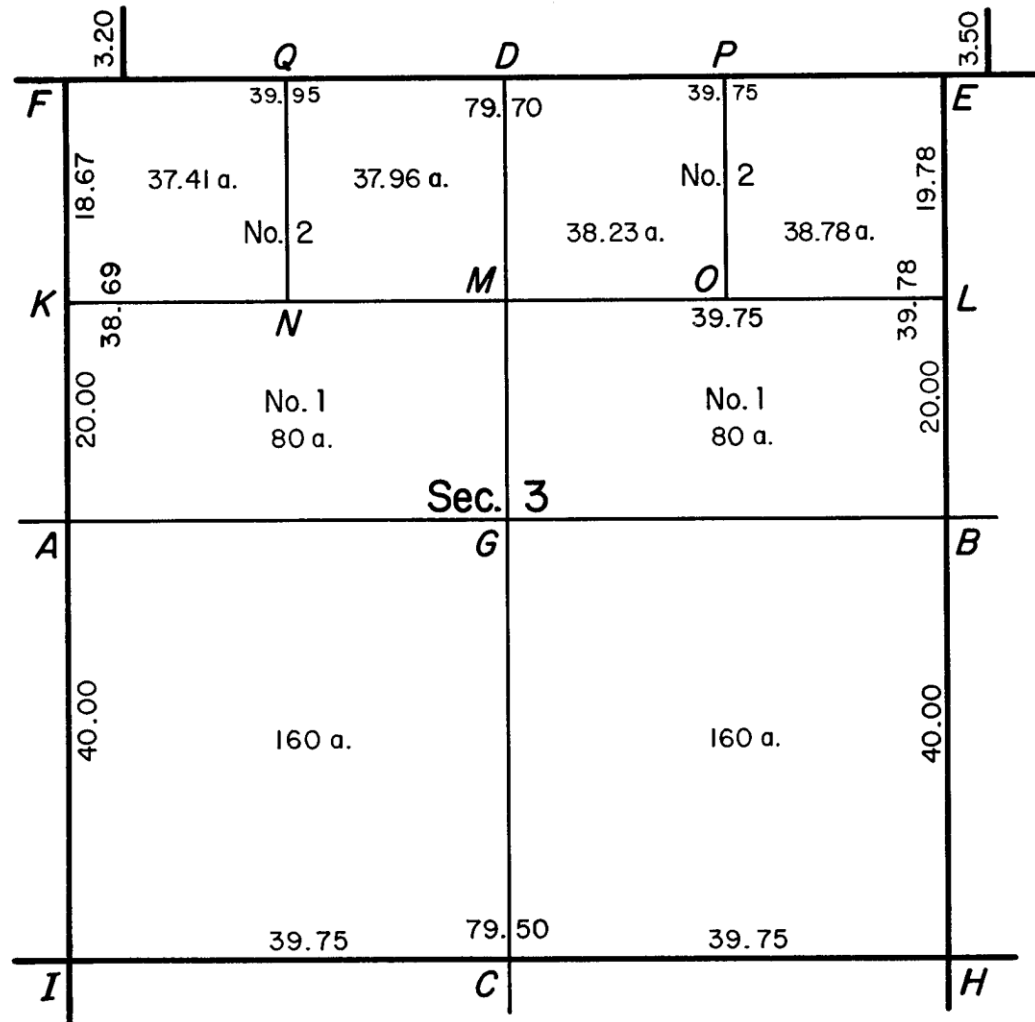
Area calculation procedures
do not conform to established
procedures.

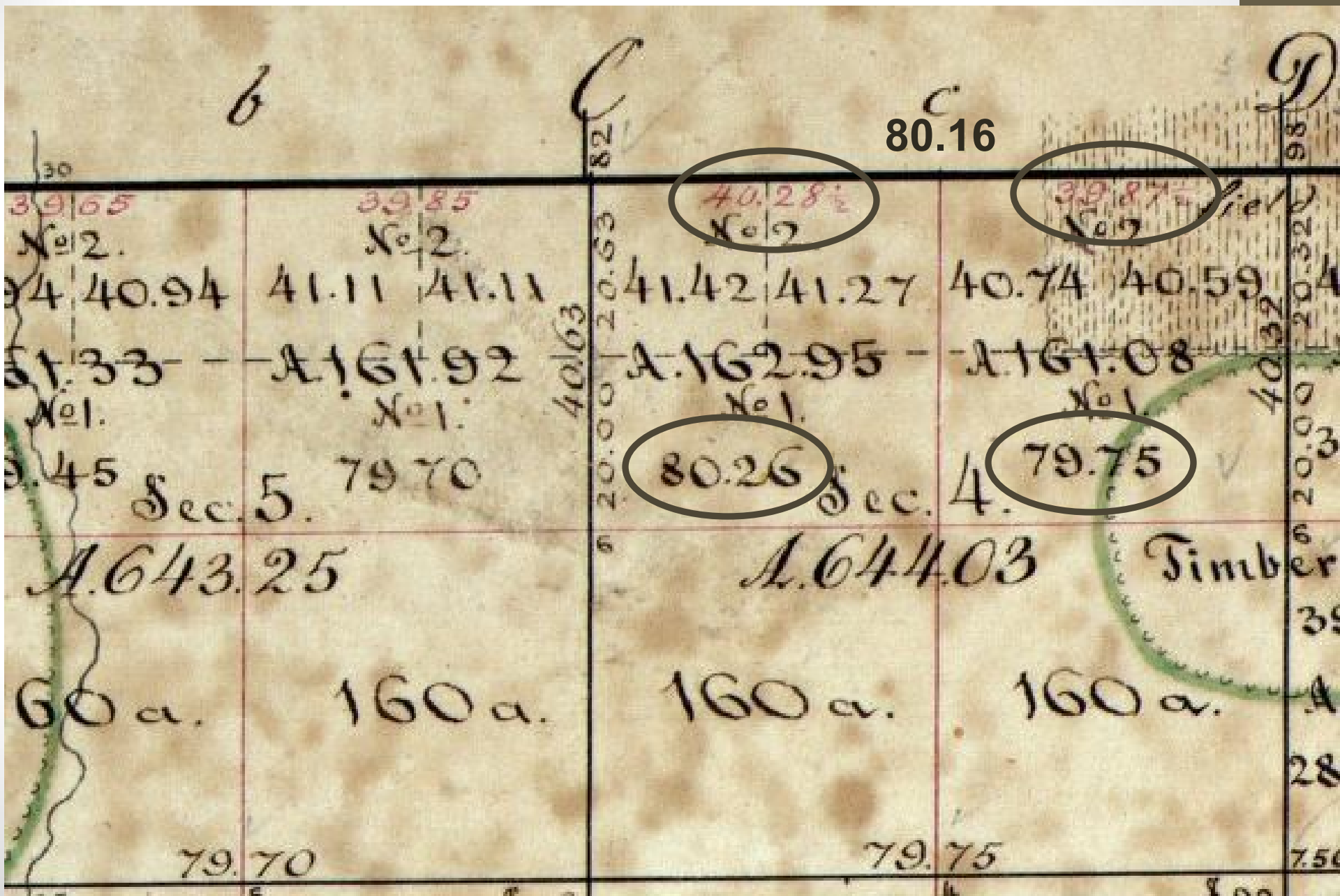
[27.]

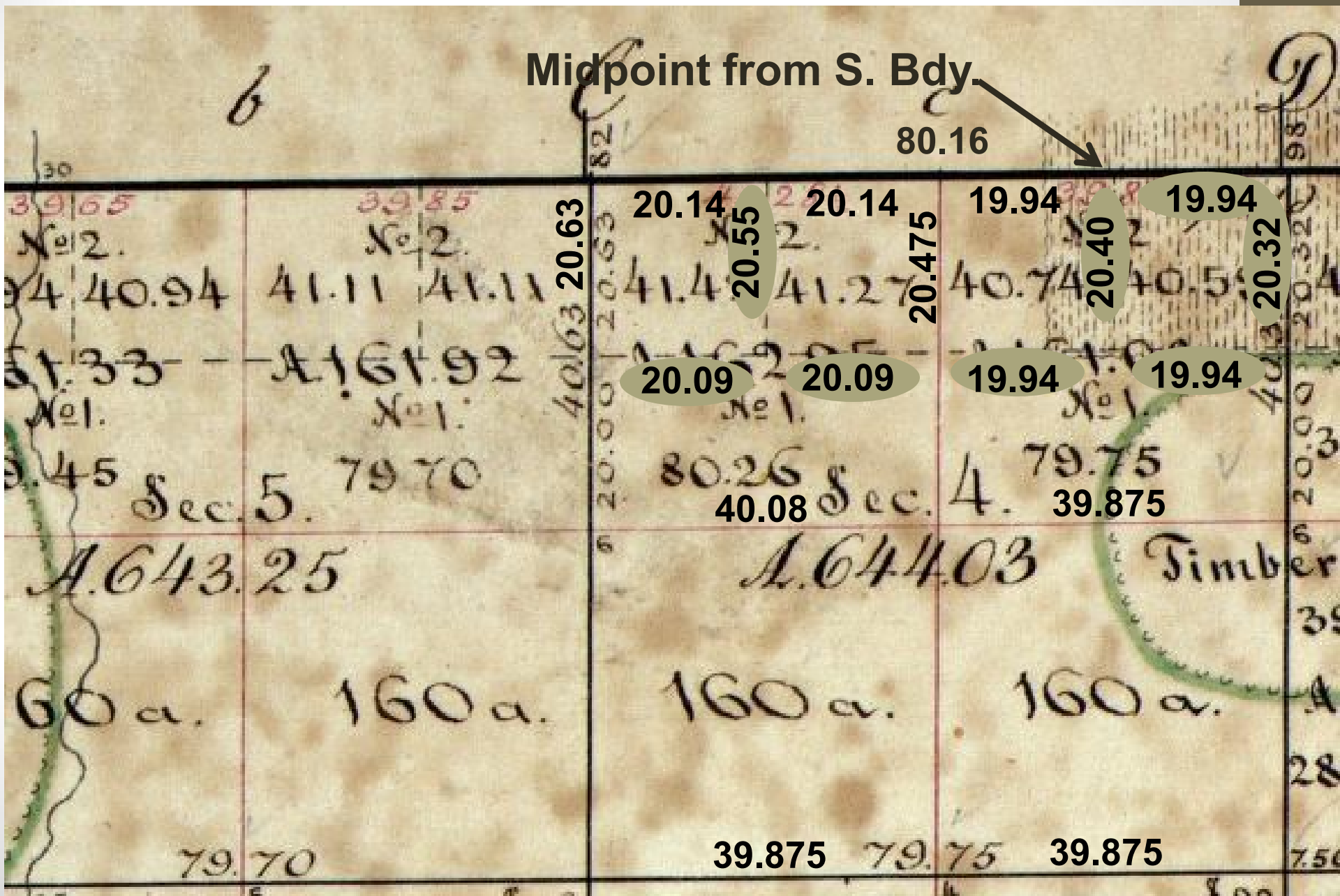
Subdivision of Sections adjoining the North boundary of a Township.

DIAGRAM No. 4.

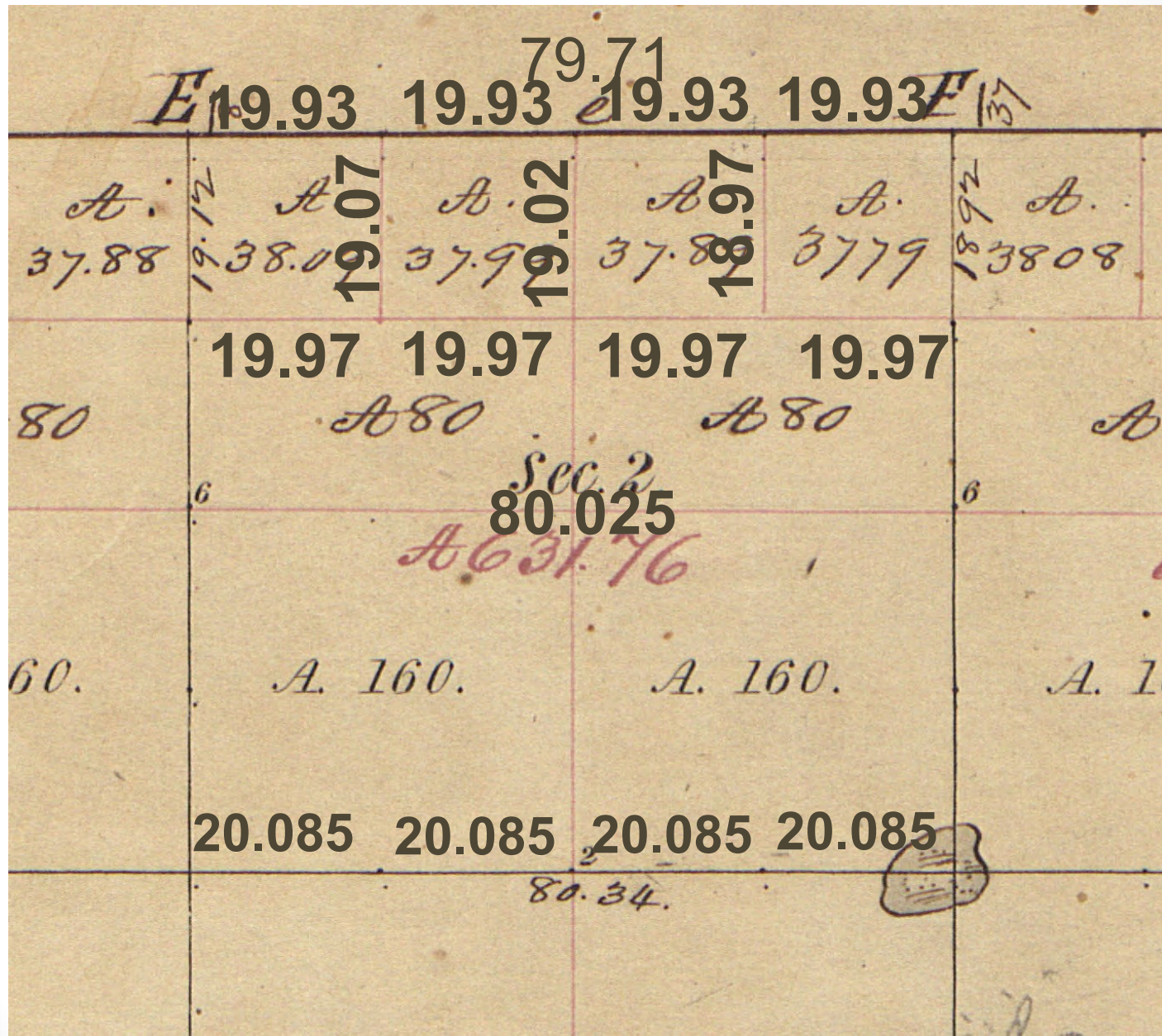
FRACTIONAL SECTIONS.

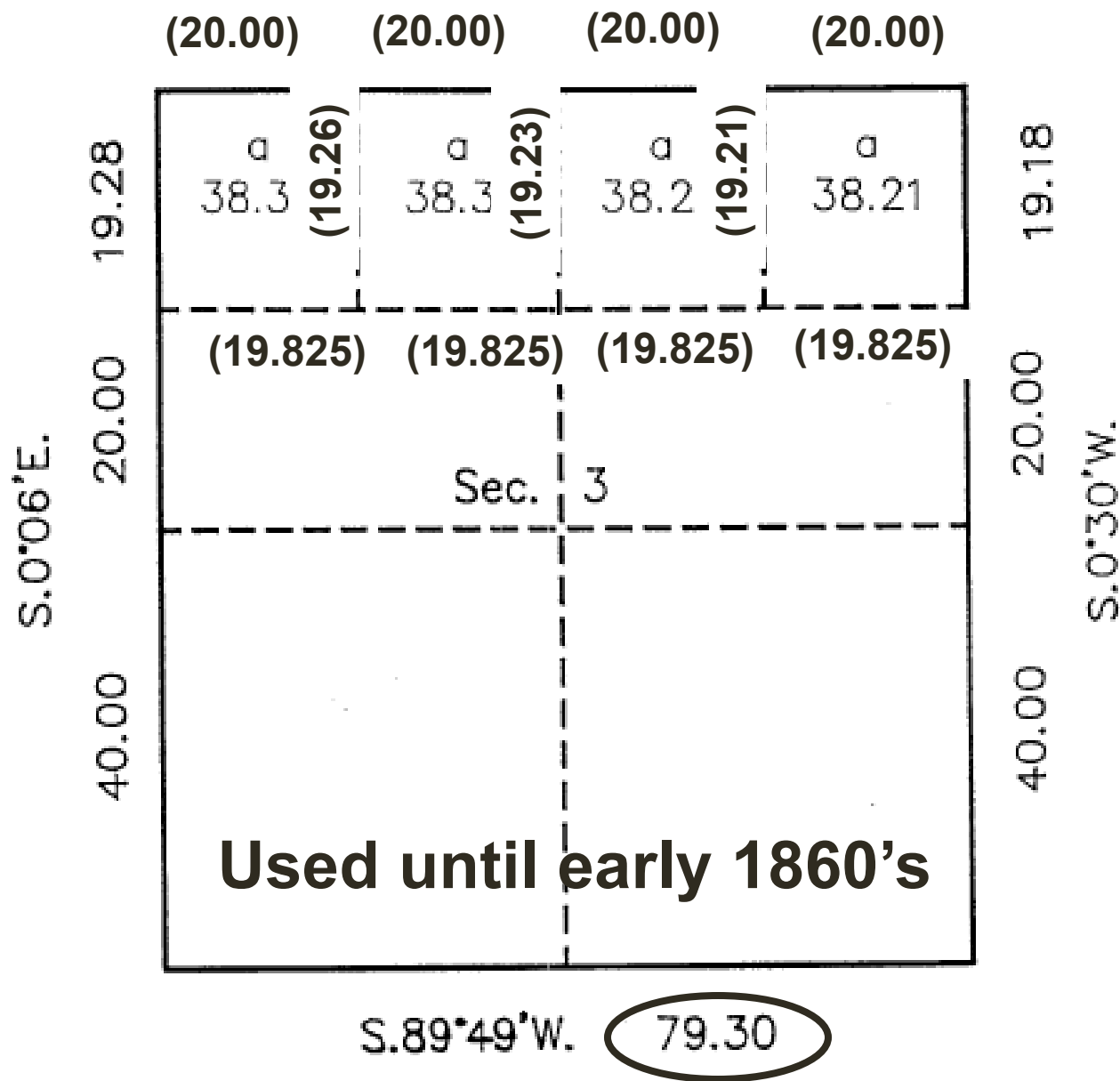




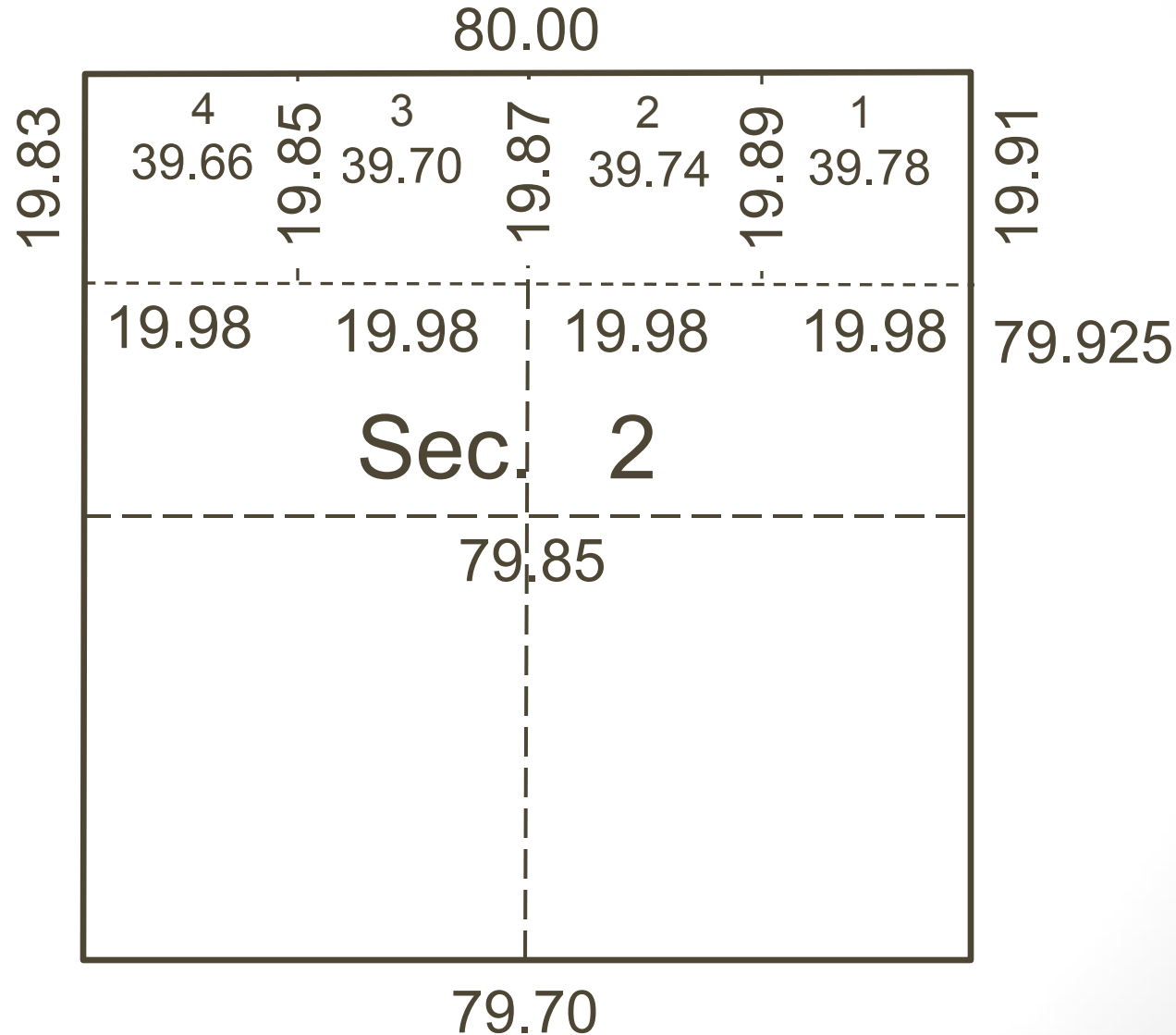


Michigan Plat 1839





1883 Survey T. 35 N., R. 80 W. Wyoming



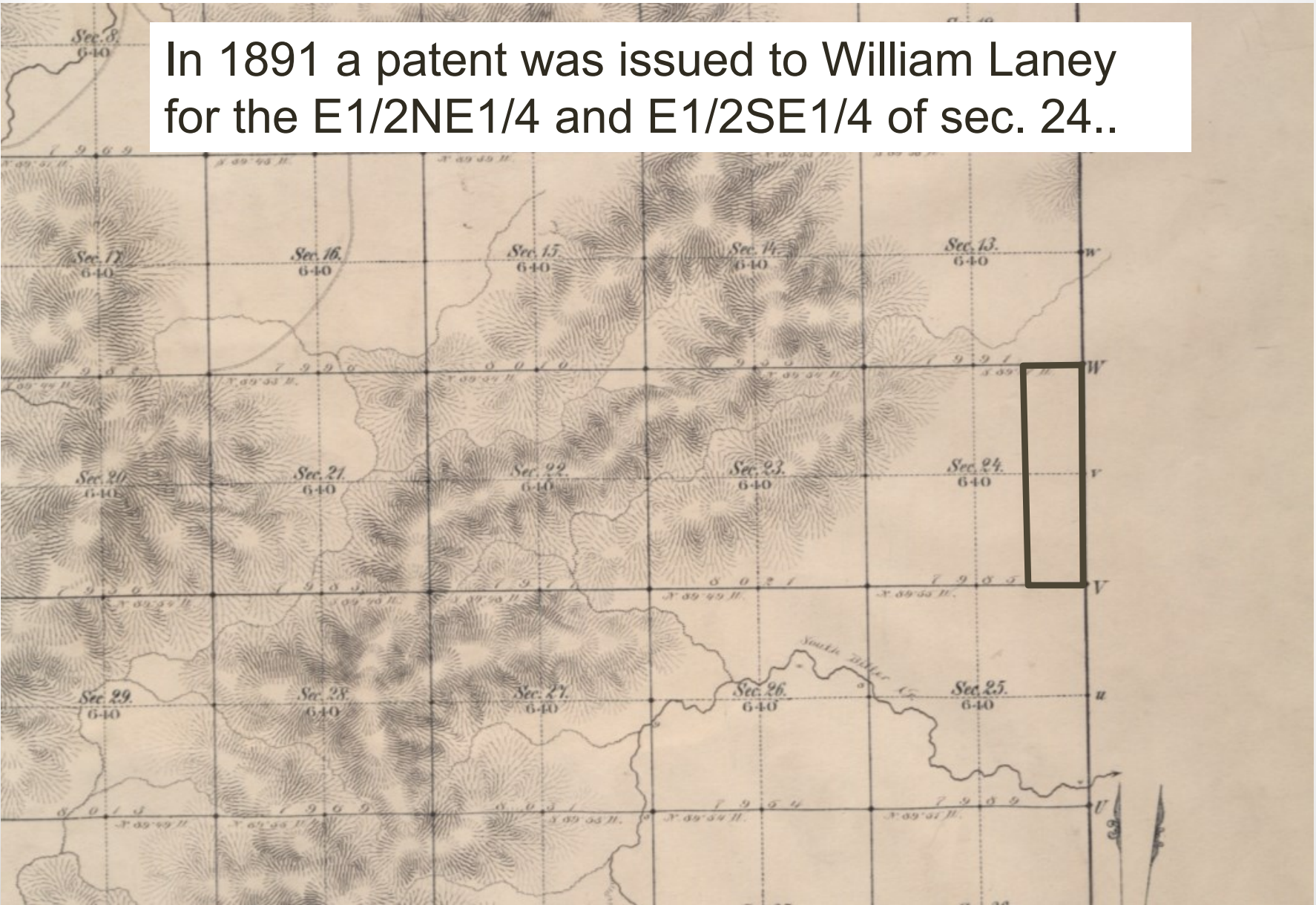
C		b		B		a
PARALLEL						
N. Bdy. = 80.42						
7.12.05 E	20.21	20.21	20.00	20.00	12.35	
66	43.59	21.92	21.92	22.07	22.145	22.22
80.31	4.29	4.45	4.21	4.36	3.99	44.54
	20.15	20.15	20.00	20.00		
	80.205				Sec. 36	
	657.31				660.9	
	7.11.55 E				7.11. E	
		79.99				80.4
7.12.04 E			7.11.40 E			

Official Independent Resurvey Plat vs. Original Patent

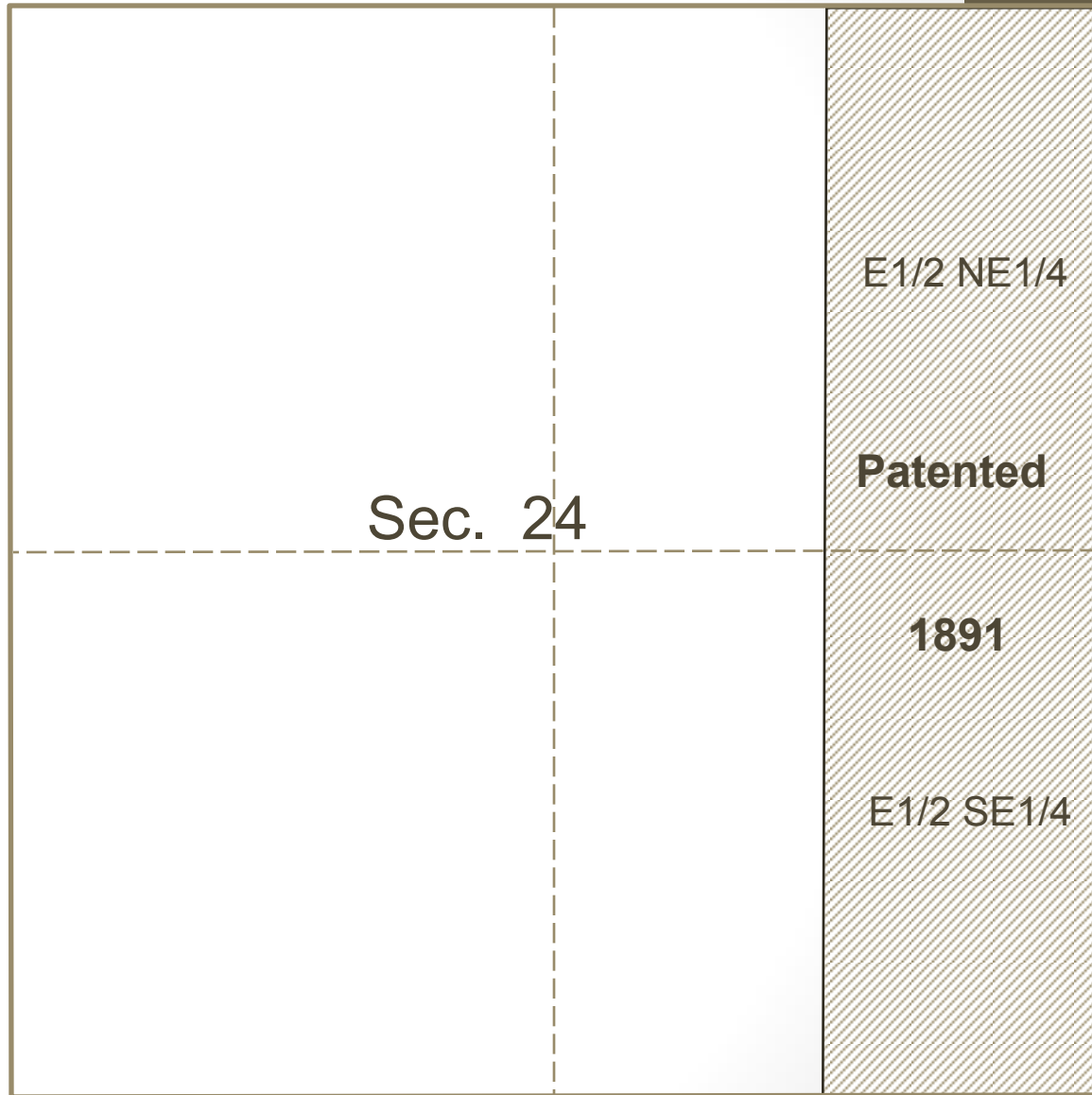
The Independent Resurvey does
not follow established procedures.

Salt Wells Livestock Co. A-26367

In 1891 a patent was issued to William Laney for the E1/2NE1/4 and E1/2SE1/4 of sec. 24..



- In 1908 Congress ordered a resurvey.
- In 1910 Special Instructions were issued for the resurvey of the township.
- The township was resurveyed in 1911.



- It was determined that the original survey was “erroneous or fraudulent” and the land patented to William Laney was identified as Tract 37.
- “Boundary was surveyed according to it’s location upon the ground.”
- “the location was identified “by Mr. W.H. Gottache, the present claimant.”

[illegible]



Coal Indications in Sections.
19, 27, 29, 30, 31, 32, 33, 34, 35, 36.

INDEX TO SEGREGATED TRACTS.

Re-Survey Tract No	Original Survey						
	T	R	Sec.	Subdivision	Entry Kind No	Status in Land Office	Entryman.
37	14	103	24	E ² E ²	FH 106	Patented	William Loney
38	15	103	36	All	SS	Valid	Wyoming
39	14	103	8	W ² NE ⁴	SL	Patented	Wyoming
40	"	"	5	W ² SE ⁴	SL	Patented	Wyoming
41	"	"	4	Lots 3 & 4 S ² NW ⁴	SL	Patented	Wyoming
42	"	"	16	All	SS	Valid	Wyoming
46	15	103	33	E ²	SL	Patented	Wyoming
56	14	103	32	NW ⁴	SL	Patented	Wyoming

SEGREGATED TRACTS

Section	Total	In Township
37	160.00 Acres	160.00 Acres
38	640.00 "	448.24 "
39	80.00 "	80.00 "
40	80.00 "	80.00 "
41	160.00 "	160.00 "
42	640.00 "	640.00 "
46	320.00 "	202.82 "
56	160.00 "	90.21 "

- “That nothing herein contained * * * shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which under the law he is entitled:”
- The Salt Wells Livestock Company granted an oil lease to land described as the “E1/2NE1/4, E1/2SE1/4, Sec. 24, Twp. 14 North, Range 103 West, Original Survey, being Tract 37 Resurvey, Twp. 14 North, Range 103 West, 6th P.M.

- “It appears also to have been the policy of the General Land Office at that time to segregate under the 1908 act an area claimed by a patentee or an entryman, regardless of location or configuration.”
- “That nothing herein contained . . . shall be so construed as to impair the present bona fide rights or claims of any actual occupant”
- “Here, the successor in interest to the patentee acquiesced in the boundary of his claim as shown on the plat of resurvey, and those claiming under him should not now be penalized because of such acquiescence.”

This is a detailed plat map of Section 3, Township 102 North, Range 101 West. The map shows the following sections and tracts:

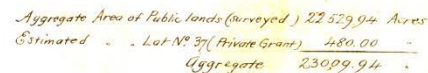
- Section 3 (highlighted):** 526.42 acres. It is divided into several tracts:
 - Tract 37:** 160.00 acres, located in the center of Section 3.
 - Tract 38:** 640.00 acres (448.24 acres), located to the north of Section 3.
 - Tract 39:** 203.42 acres, located to the east of Section 3.
 - Tract 40:** 615.84 acres, located to the south of Section 3.
- Section 1:** 615.84 acres, located to the east of Section 3.
- Section 2:** 203.42 acres, located to the east of Section 3.
- Section 10:** 539.92 acres, located to the south of Section 3.
- Section 11:** 640 acres, located to the south of Section 3.
- Section 12:** 640 acres, located to the south of Section 3.

The map includes bearings and distances for all boundaries. A yellow highlight is present at the top of the page.

Official Plat and Field Notes vs. Evidence Suggesting A Hiatus Between Townships

Resurvey measurements indicate a hiatus exists along the west boundary of the township.

Variation $14^{\circ} 11' E$ Received with San Juan's letter, Feby 9, 1863



The above Map of Township No 11 North, Range No 19 West, San Bernardino Meridian, is truly conformable to the field notes of the Survey thereon file in the Office, which have been examined and approved
Surveyor General's Office
San Francisco, California
February 3rd 1863

SPARTAN, IN THE STATE OF ALABAMA,
COUNTY OF LAMAR.

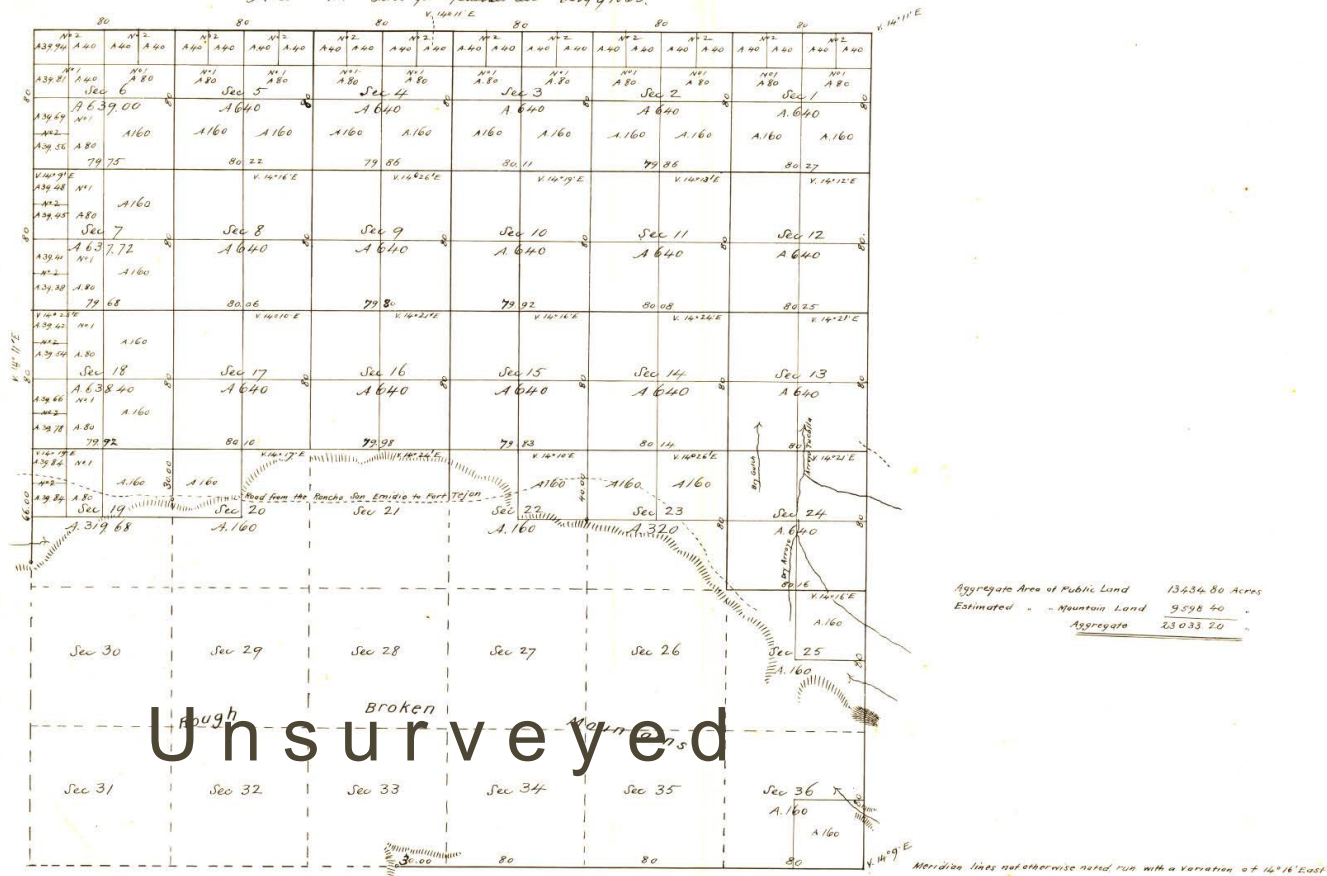
I hereby certify that _____
born and lived in _____ Alabama
affirmed his true birthplace as _____ now
of _____

M. D. Richards

T. 11 N., R. 20 W., 1863

Township N° XI North Range N° XX West San Bernardino Meridian

Received with Surveyor General's Office July 9 1863.



Survey Designated	By whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township Lines	R. W. Harris	June 3 rd 1854	19 miles 1600 00/100	1854
Section "	G. H. Thompson	August 2 nd 1862	35 - 69.39 "	October 8 th 1862

The above Map of Township N° XI North, Range N° XX West San Bernardino Meridian, is hereby confirmed to the field notes of the Survey Master on file in this Office, which have been examined and approved. Surveyor General's Office, San Francisco California, February 3rd 1863.

E. H. Peale
November 2, 1862
Surveyor General Cal.

W. A. Deane
Commissioner.

T. 11 N., R. 20 W., 1875,

Township No 11 North

Range No 20 West

San Bernardino Meridian

Recd with Sur Gen. letter of June 3-1875

Benson & Glover

Public Land Surveyed by G. H. Thompson
Benson & Glover
Aggregate

13,434.80 Ac's
11,445.36 "
24,880.16 "

Triplicate Transmitted for filing in Registers Office at
Los Angeles June 3, 1875

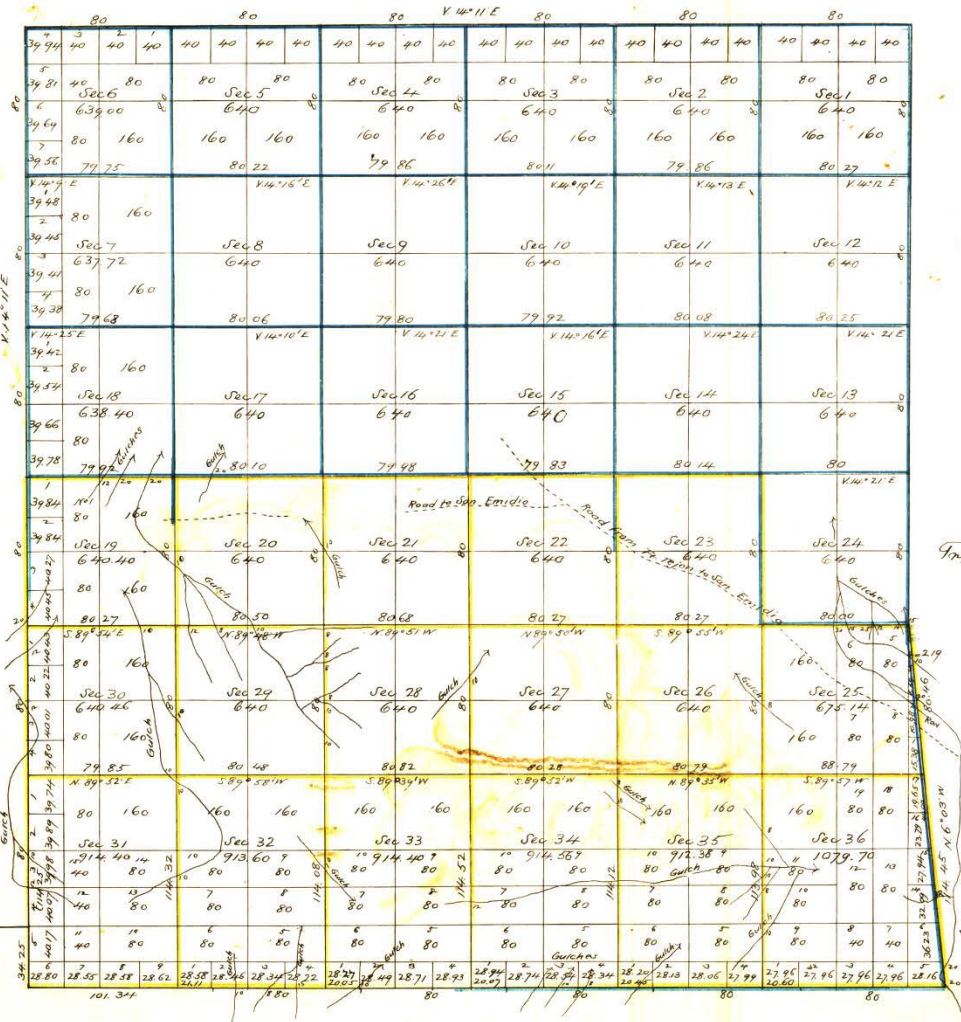
Variation on lines Col yellow = $14^{\circ}10' E$

November 3, 1866.

W. H. Richards
(Commissioner)

The above Map of Township No 11 North Range No 20 West of San Bernardino Meridian, is hereby conformable to the field notes of the Survey thereof, on file in this Office, which have been examined and approved.
Surveyor General's Office
San Francisco California
June 3rd 1875

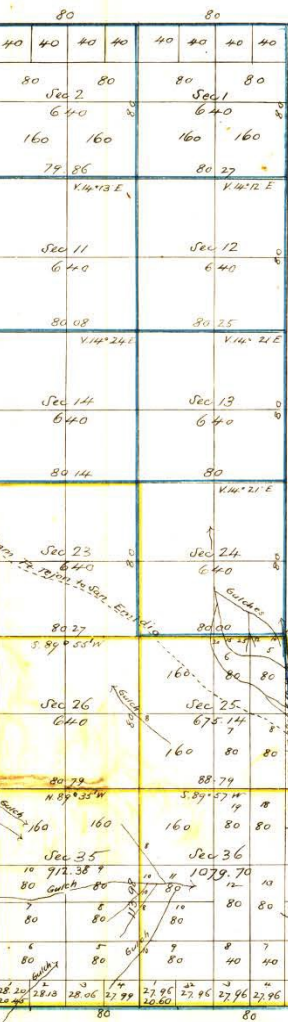
John Stanton
Sur Gen. Cal.



Survey Designated	By whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township lines colored blue	A. W. Morris	June 3 rd 1854		1854
Section "	G. H. Thompson	August 2 nd 1862		1862
Section colored yellow (Benson & Glover)	Benson & Glover	January 21 st 1875	12 Miles 31.46 10.44	1875
Section "	"	"	34.23.99	March 7 th 1875

San Bernardino Meridian

Recd with Sec Gen. letter of June 3-1875



Public Land Surveyed by G. H. Thompson
Benson & Glover
Aggregate

*Triplicate transmitted for filing on
Los Angeles*

Departure
1352.62

Variation on lines Col. yellow = 14°10'

Long
2232.41

*The above Map of Township No. 11, North Range No. 20
Meridian, is strictly conformable to the field notes
file in this Office, which have been examined.
Surveyor General's Office
San Francisco California.
June 3rd 1875*

Surveys	When Surveyed
	1854
	1862
10 Apr	1875
99 =	March 7 th 1875

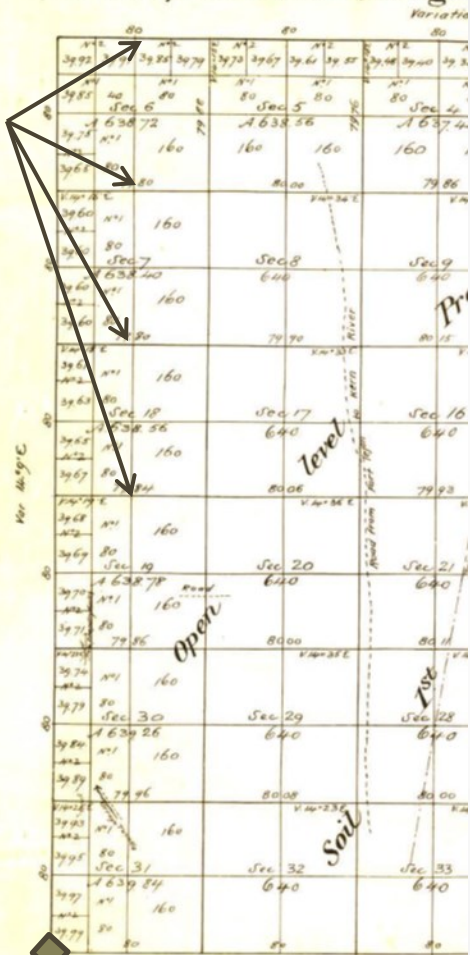
52 771

T11N

160

R. 19 W.

Township N.° XI North, Range.



Survey Designated	By whom Surveyed	Date of Contract
Township lines	R. W. Morris	June 3 rd 1854
Barren Run & Elroy	G. H. Thompson	Interim, started Nov. 5, 1854
Section lines	" " "	August 2 nd 1862

Same Corner?

The Signal Companies A-31020

- **An oil and gas offer for unsurveyed land in an alleged hiatus lying between the east line of two townships and the west line of the adjoining townships to the east is properly rejected where the existence of the hiatus is predicated solely upon distances and acreages.**
- **The survey records show that the west line of those townships was surveyed on the ground as coincident with the east line of the two western townships.**

- **“ . . . it is a cardinal rule that the corners of a public land survey as marked on the ground control over any courses or distances or acreages as shown on the plats of survey.”**

Official Plat and Field Notes vs. Evidence Suggesting A Hiatus within a section

Areas returned on a plat
completing a partially surveyed
section suggests there may be a
hiatus.

[illegible]

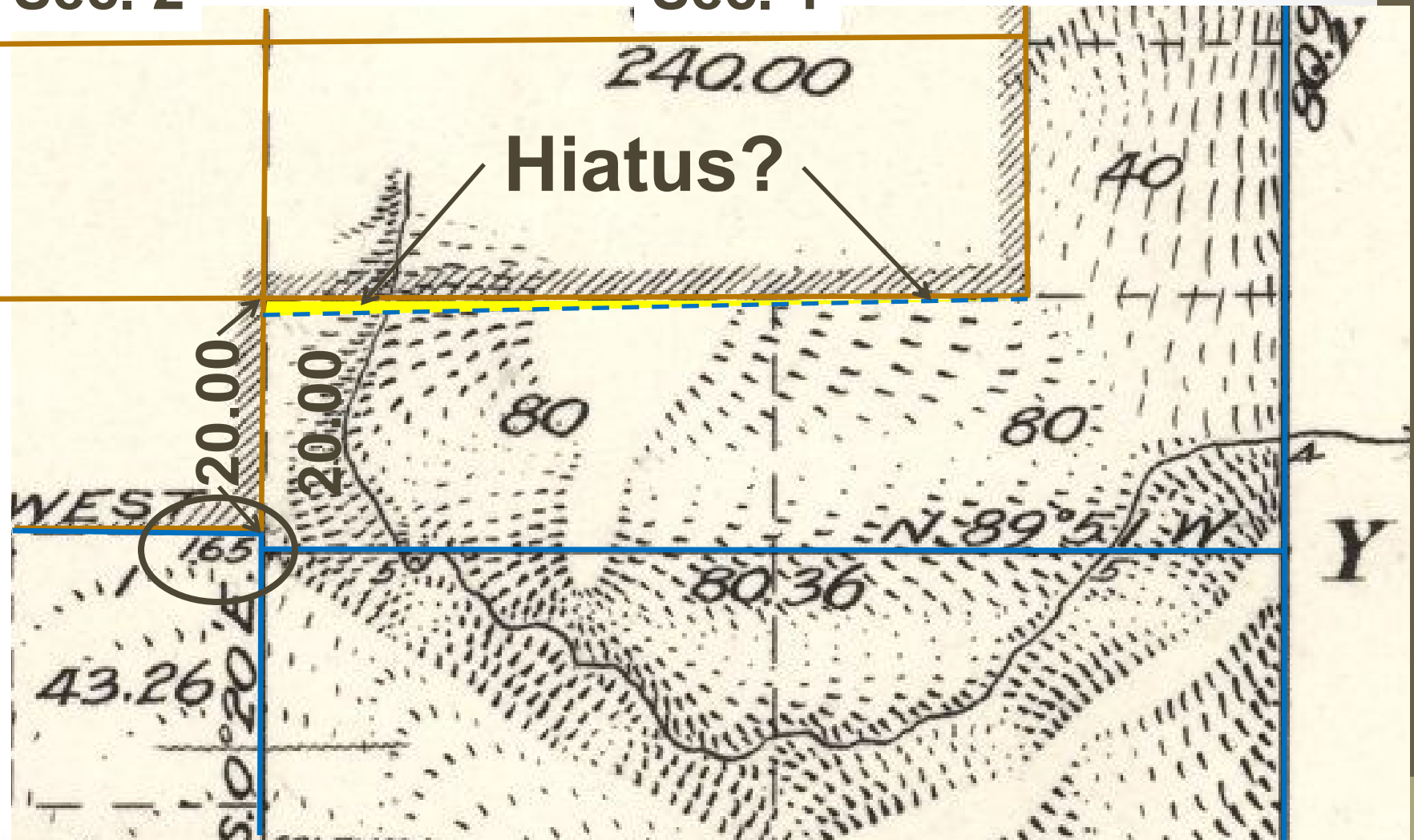
Unsurveyed

[illegible]

Sec. 2

Sec. 1

Hiatus?



Did this plat create a hiatus between the original survey and this completion survey?

- 1. Remember the S1/16 line is a surveyed line.**
- 2. A hiatus only exists where there are two monumented lines.**
- 3. The S1/16 line was only surveyed once so by definition a hiatus does not exist.**

Original Grant vs. Original Survey

Do the original monuments control
or the description in the grant?

Act of June 21, 1860, 12 Stat. 71

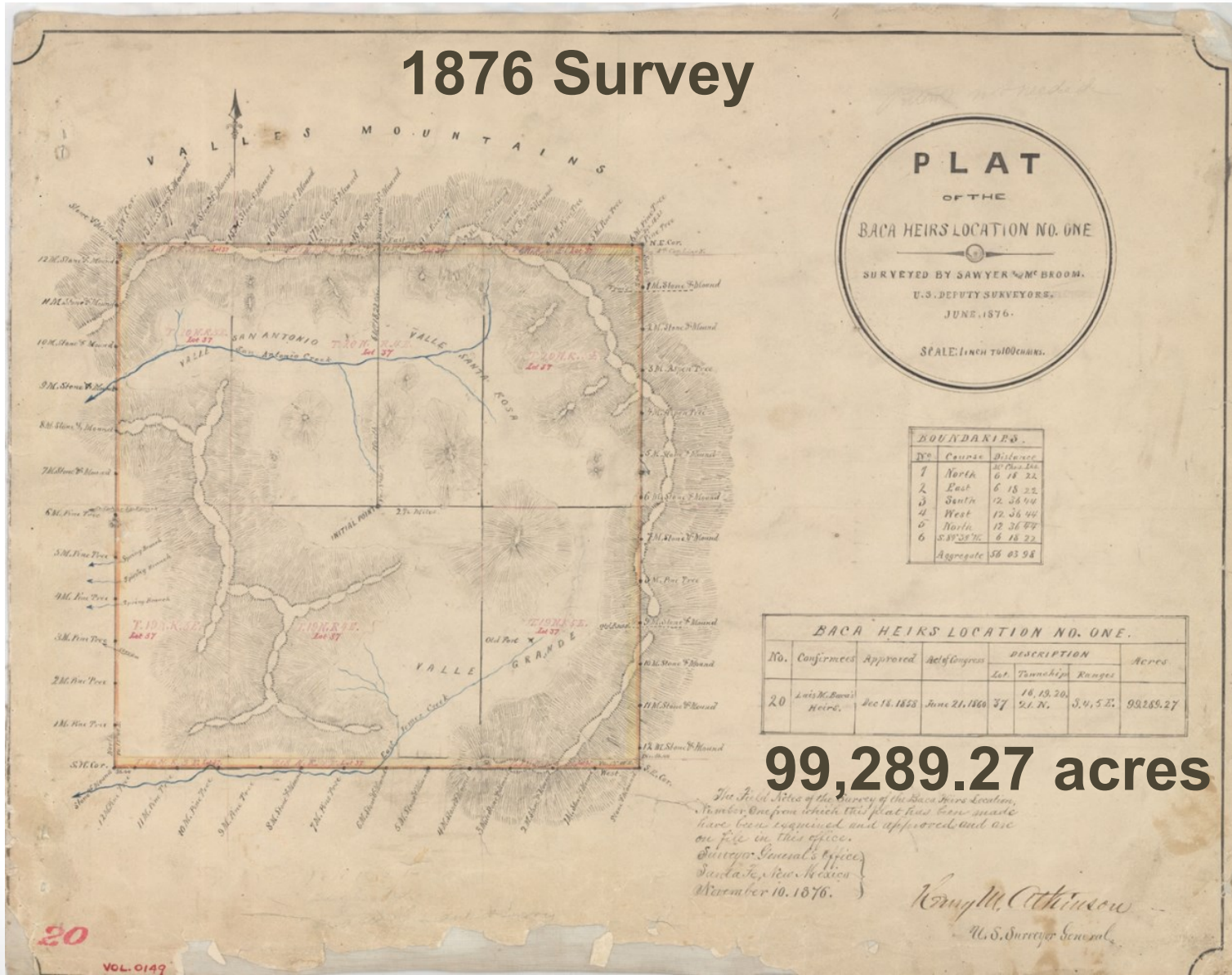
- **The Heirs of Luis Maria Baca were entitled to select from the vacant, nonmineral, public lands in the then territory of New Mexico an aggregate of 496,446.90 acres in not more than five square tract.**
- **The grant was a quitclaims on the part of the United States, and would not affect the adverse rights of any other person.**

- In December, 1860, they made selection No. 1:**
- **containing 99,289.39 acres;**
 - **The initial point was tied to a township corner 2 ½ miles east;**
 - **extending north, south, east, and west a sufficient distance to embrace the area**
 - **boundaries conform to the “cardinal points of the compass.”**

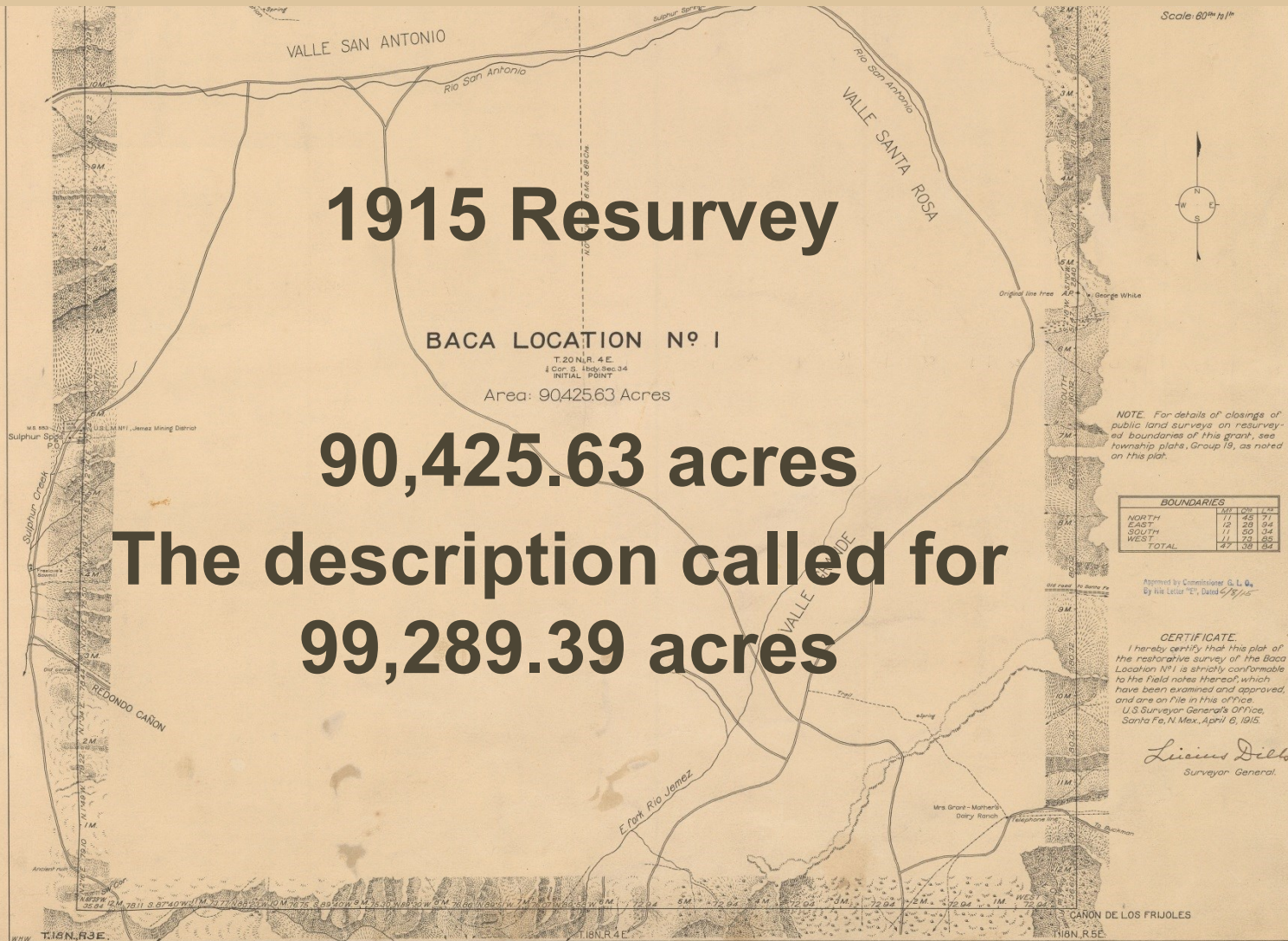
A few days later the surveyor general of New Mexico, being duly authorized, certified that he approved and had located the selection.

A survey was necessary to segregate the lands from the public domain.

1876 Survey



The Act of Feb. 11, 1805 was significant because it said that the corners are the true corners, regardless of correctness.



In UNITED STATES v. REDONDO DEVELOPMENT CO. the court determined that:

- **A definite and very important feature of Baca location No. 1 was the area.**
- **It was to contain 99,289.39 acres of land.**
- **Quantity was a primary, not a secondary, consideration.**
- **No officer or employee of the government can deny or impair a right which is founded on treaty obligations recognized by Congress.**

The key here is: When was the federal interest actually conveyed?



Graphic Representation of Sub. of Sec. Lines vs. Actual Location on the Ground

Can a lot/aliquot part gain or loose riparian rights where there has been no change in the location of the ordinary high water line?

Sec.11

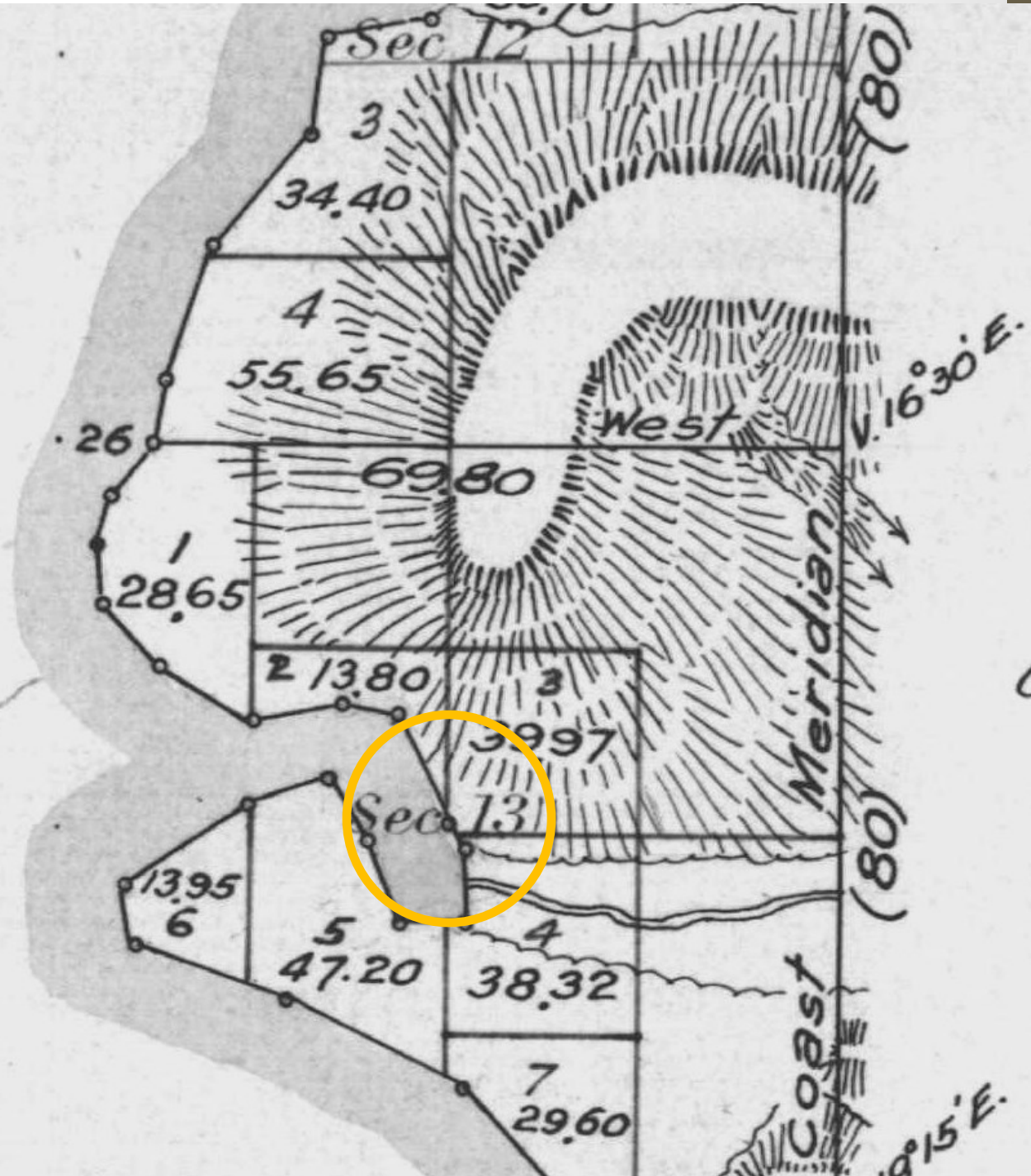
 x

X

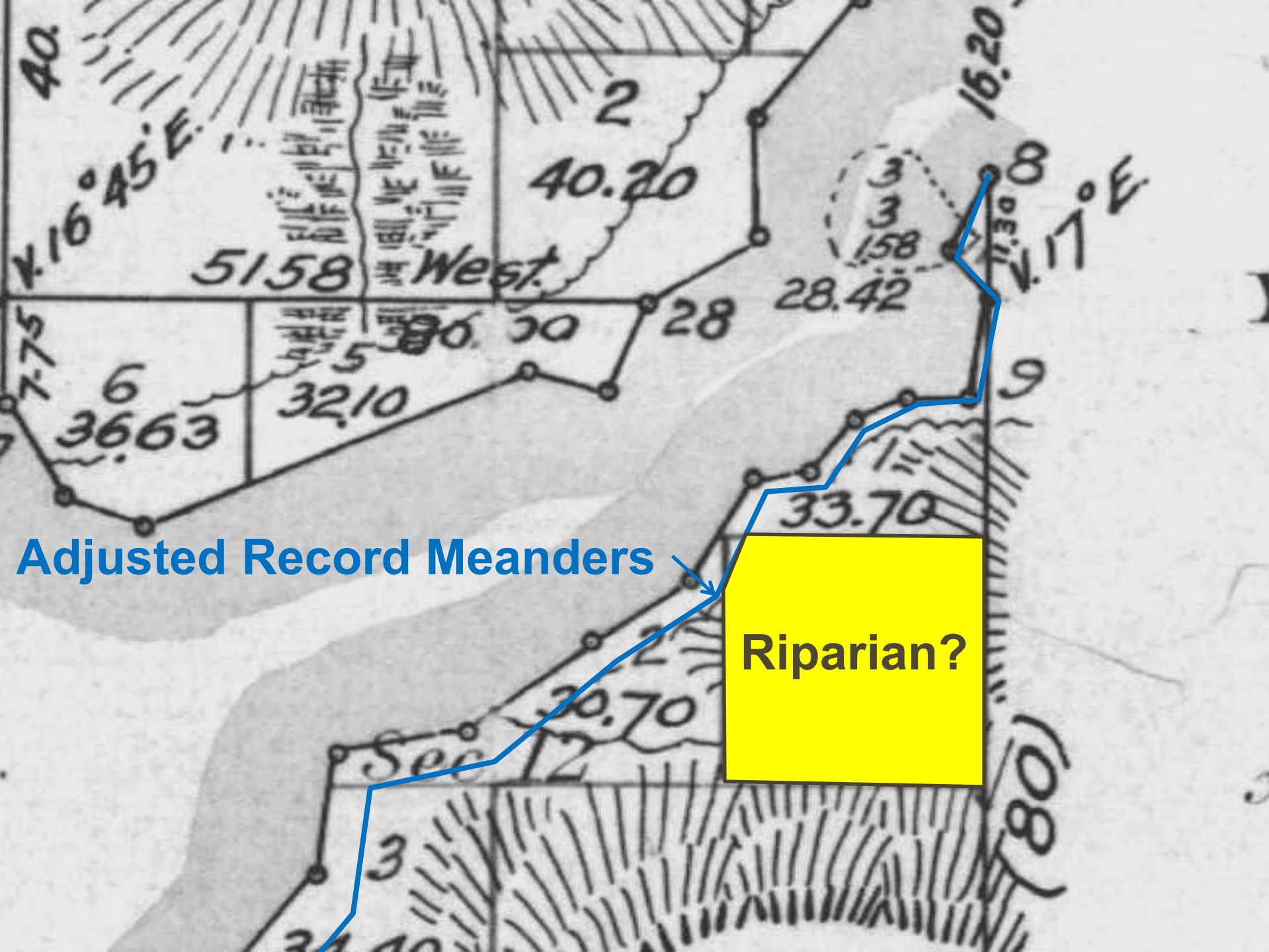
U.S.

W

Sec.14







Adjusted Record Meanders

Riparian?

A topographic map showing contour lines and elevation values. A blue polygon is overlaid on the left side of the map. A yellow box with a dashed border is positioned in the center-right. A dashed orange line runs vertically through the map, passing through the yellow box. The map includes labels such as '4', '55.65', 'West', '1', '28.65', '2', '13.80', 'Meridian', '13.95', '6', '5', '47.20', '4', '38.32', and '(80)'.

Is it Riparian in Fact?

Riparian?

- 1) Gather all the evidence**
- 2) Plat and notes are part of the patent**
- 3) What was the intent (protracted lines)**
- 4) Where were the lines actually run?**

- 5) Generally, the more reliable calls for distance prevail over the computation of acreage.**
- 6) Attempt to identify the source of the discrepancy.**
- 7) The solution should protect the plat in its entirety, including the regular aliquot parts.**
- 8) Documentation.**