Signal Companies, Inc., A-31020

This decision has some good information about what constitutes a hiatus in the Public Land Survey System. An alleged hiatus lying between the east line of two townships and the west line of two adjoining townships was predicated solely upon distances and acreages shown on the plats of the original surveys of the two eastern townships. However, there is only one official survey of the line and it was clearly surveyed as the common boundary of the townships to the east and west.

Original Field Notes Ralph W. Norris, U. S. Deputy Surveyor June 3, 1854

(This is the only official survey of the north four miles of this Line)

. West Boundary of J. 11. N. R. 19.11. Variation 14º 9 Easts North on West Boundary of Section 31, 32.00 to dry bed of wo creek 38 links mide Commenter. HO:00 Set 14 Section posts of Charred Wood and varied Go: 00 To Corner to Secs, 31.30, 36.25 3.30, 31.5.30 Set post of Charried Wood notitud and Chalked and raised mound with trench and site as instructed. Land, poor, Level and open,

North on West Boundary of Section 30. 7100 pass across Gastern point of hills 25.36, Fra dry bed of Creek, 27 links Wide . Course N.M. 40.00 Set 14 Section post of Charred Wood and . raised mound With trunch and puts as per mstructions 5%. 40. to a dry bed of Creek. 20 links Wide Course W. of N. 80.00 To Corner to Sections. 30.19. 25 and 24 25/30. 2.11.5.19 Set post of Charren win notched and Chalked and raised Mound With trench and pets as per mstructions Land as above

North On Western Boundary of Section 19.

2. 25. to dry bed of a creek 30 links, Nide, Course ch. M.

17. 51. to Road from San Emedio. to the Canada, de las, was

40.00 Set 14 Section past of Charred Wood and made Mound

With trench and pits. as per instructions

5400 to dry bed of Creek I Chain Mide, Course ch. M.

80.00 To Carrier to Sections, 19.18, 24 and 13, 5,15 ft, 19.8.115.18

Set port of Charred word notehed and challed and

Made Inound With trench and pits as instructed

Land Open Serch and poor

North on West Boundary of Section 18.

0.10. To read from Canada de las leras Gaing
Mosthward on W. Side of Kern Lake

40.00 Set 14 Section post of Charred wood and raised

Mound With trench and pits as per instructions

80.00 To Corner to Sections. 18.7.13 and 12.

Sign 18.19.19.2.115.78

Set post of Charred wood Notched and Challed

and raised mound with trench and pits as

per instructions, Land as above

North On Western Boundary of Section 1.
40.00 Set 14 Section posts of Charred Wood and
Made mound With trench and pits as per
instructions

80.00 To Corner to Sections. 7. 6.12 x.1.

Set port of Charred Wood mother
and Chalked and raised mound with
Trench and pits as per instructions
Land open. Level and poor.

North On Western Boundary of Section 6. 40.00 Set 14 Section post of Chared Wood and made mound With trench and pits as per instructions

81.01 Intersect North Boundary at timporary port Corner to Townships, 11 and 12 ck. Hanges 19 and 20 West, Rec. 2.12.5.31 12.03.11.5.1 R.19. 7.11.5.6

Set post of Charres wood notched and Chalked and vaised Large mound with trench and pits as per instructions Land throughout this Sine, is poor open and Sine

Township N° XI North, Range N° XIX West, San Bernardino Meridian 3992 3991 3985 3979 3973 3967 39.61 39.55 39.48 39.40 39.32 39.24 39.10 3890 3870 38.50 38.35 38.25 38.15 38.00 10 Sec 2 8 39.85 40 80 Sec 6 80 Sec 5 80 80 80 80 39.75 Nº1 A.638.56 1637.44 A 635.20 A 632 38 160/14 160 160 160 160 160 160 160 160 Nº2 80 3965 79 86 80 15 V.14.22.8 39.60 160 cate Nº 2 3960 80 Sec 8 Sec Sec 12 Sec 10 Sec 11 39 60 NOI 640 160 Nº2 39 60 80 79.80 V.44.18 E V. 14 . 26. 39.61 NoI 160 Nº2 39.63 80 Sec 18 Sec 16 Sec 15 Sec 14 Sec 13 Level. 39.65 Nº1 16 39.67 80 79.84 14.19.E V. 14 . 37 8 V.144 32 E V. 14 .21 3968 160 Nº2 3969 80 Sec 20 Sec Sec 22 Sec Sec 24 19 Aggregate Area of Public lands (surveyed) 22 529 94 Acres 160 Road 4 638.78 39.70 Nº1 Estimated . Lat Nº 37 (Private Grant) 480.00 aggregate 230,09.94 . 80 V.140358 V.44.358 V. 140 23 E 39.74 160 160 39.79 Sec 29 Sec |28 Sec 30 Sec 27 Sec 26 Sec A 639 26 640 640 640 640 A 480 Nº/ 160 160 40 08 1×140250 V. M. 268 160 80 Sec 3/ 3995 Sec 32 Jec 33 Sec 34 Sec 35 Sec 1639 84 640 640 640 A 320 39.97 Nº1 160 N.7 160 80 39.99 Meridian lines not otherwise noted, run of a Variation of 14.30 East The above Map of Tomochy No 11 North, Range No 19 West. San Bernarden Mendian is Hickly conformable to the field notes of the georego thereof on file in this office, which have been examined and approved Amount of Surveys When Surveyed Surveys Designated By Whom Surveyed Date of Contract Surveyor General's Office 1854 Township lines R.W. Norris June 3rd 1854 23 Miles Tychs, 10/hs San Francisco, California rtalJune 15.1862 6 " 39" 23. 1862 derior bound & R.O. El Tejon G. H. Thompson February 3 n 1863 august 2" 1862 59. 37. 51. October 18# 1862 Section lines 1 10 1. November 3. 1906.

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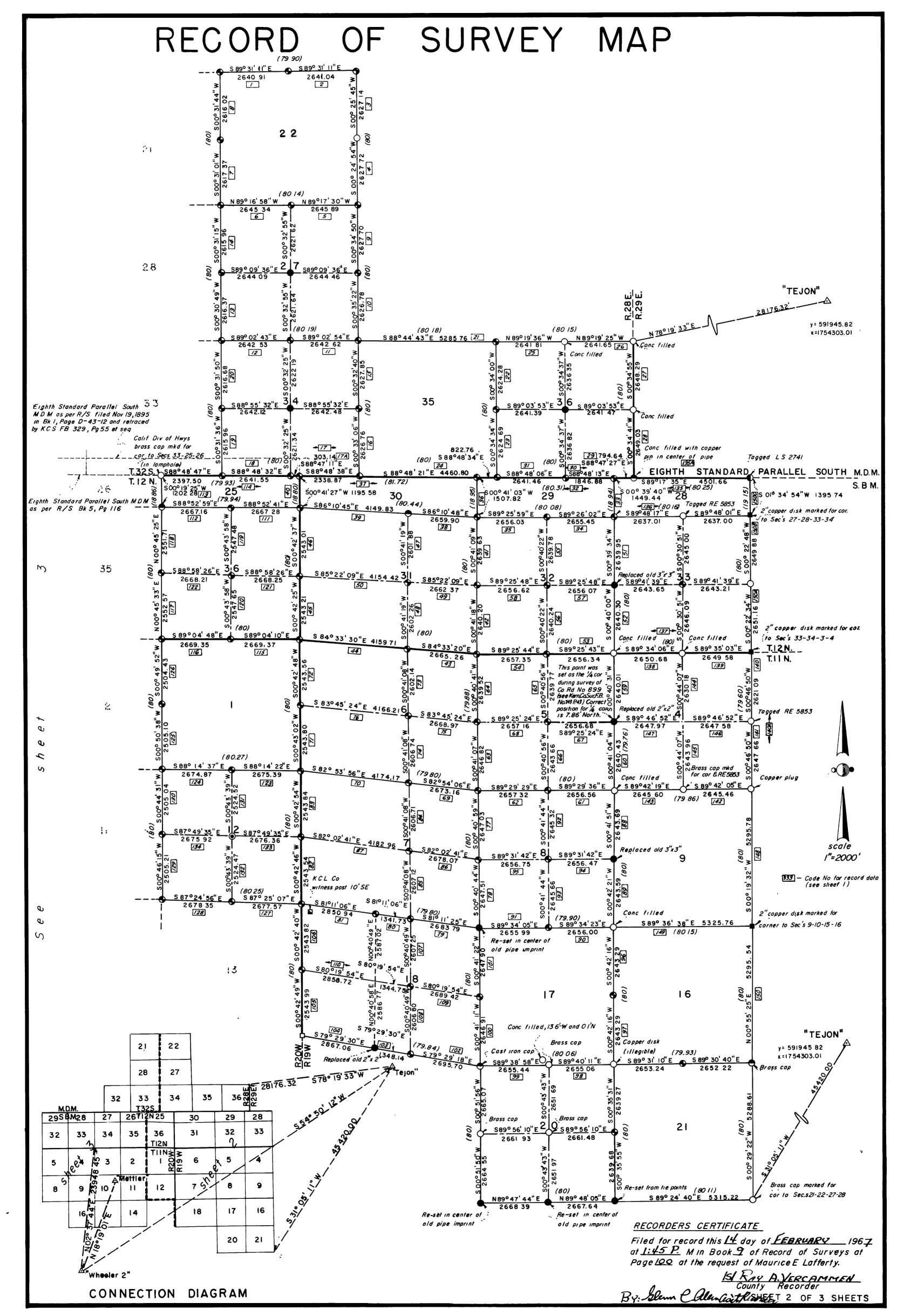
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THE SIGNAL COMPANIES, INC.

A-31020

Decided MAY 2 7 1965

Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Lands Subject to--Surveys of Public Lands: Generally

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 two adjoining townships to the east is properly rejected where the existence of the hiatus is predicated solely upon distances and acreages shown on the plats of survey of the two eastern townships whereas in fact 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.



UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20240

A-31020

: R-890

The Signal Companies, Inc.

: Oil and gas lease

: offer rejected

: Affirmed

APPEAL FROM THE BUREAU OF LAND MANAGEMENT

The Signal Companies, Inc. (formerly Signal Oil and Gas Company), has appealed to the Secretary of the Interior from a decision dated June 11, 1968, by the Office of Appeals and Hearings, Bureau of Land Management, which affirmed a decision dated October 9, 1967, by the Riverside district and land office rejecting Signal's oil and gas lease offer.

Signal's offer was for a 750-acre strip of land described as being unsurveyed and as lying between the east line of Ts. 11 and 12 N., R. 20 W., S.B.M., and the west line of Ts. 11 and 12 N., R. 19 W. 1/ The offer was rejected for the reason that it was made for a purported hiatus of land lying between the two townships in R. 20 W. and the two townships in R. 19 W., that the assertion that this hiatus exists has been made several times before, and that it has been rejected each time by the Department, the last time in Malcolm McDuffie, A-26907 (August 6, 1954).

Signal contends, in effect, that it has factual evidence of an actual hiatus which has been lacking before. Its case rests upon the following: The plat of survey of T. 12 N., R. 19 W., approved
February 3, 1863, shows the south boundary of sec. 31 as being 80 chains in length (5,280 feet) and the section as containing 641.76 acres. The plat of survey of T. 11 N., R. 19 W., approved on the same date, shows the north boundary of sec. 6 as 80 chains in length and the south boundary as 79.80 chains (5,266.8 feet) in length and the section as containing 638.72 acres. The same plat shows sec. 7 as having a south

^{1/} More specifically, the tract was described as lying between the east line of secs. 25 and 36, T. 12 N., R. 20 W., and secs. 1, 12, and 13, T. 11 N., R. 20 W., and the west line of secs. 30 and 31, T. 12 N., R. 19 W., and secs. 6, 7, and 18, T. 11 N., R. 19 W. The strip of land runs north and south.

boundary 79.80 chains (5,266.8 feet) in length and sec. 18 as having a south boundary 79.84 chains (5,269.44 feet) in length. In other words, the two plats show this column of sections in R. 19 W. as being comprised of practically normal sections, the perfect section having boundaries 80 chains in length and containing 640 acres.

Signal then compares the distances shown on the plats with those shown on a survey map prepared in 1966 by Maurice E. Lafferty, a licensed land surveyor, for Bookman-Edmonston and the Arvin-Edison Water Storage District. This map shows the south boundary of sec. 31 as having a length of 6824.97 feet instead of 5280 feet, the north boundary of sec. 6 as having a length of 6,824.97 feet instead of 5,280 feet and the south boundary of that section as having a length of 6,847.33 feet instead of 5,266.8 feet, the south boundary of sec. 7 as having a length of 6,876.46 feet instead of 5,266.8 feet, and the south boundary of sec. 18 as having a length of 6,910.90 feet instead of 5,269.44 feet. The Lafferty map shows the west lines of secs. 30, 31, 6, 7, and 18 in R. 19 W. as being coterminous with the east lines of secs. 25, 36, 1, 12, and 13 in R. 20 W. Finally, the Lafferty map shows the column of sections in R. 19 W. as being comprised not of normally-shaped sections but of sections elongated in an east-west direction.

From this information Signal deduces that there is a gap of from 519 to 630 feet between the townships in R. 20 W. and the townships in R. 19 W., presumably taking the townships as they are depicted on the official plats of survey.

Signal also refers to a Geological Survey topographic map of the Mettler, California, quadrangle as showing a column of eastwest elongated sections in R. 19 W. which abut on the west on the east line of the sections in R. 20 W.

Finally, Signal refers to Assessors Maps of Kern County, California, which, again, depict the column comprising secs. 30, 31, 6, 7, and 18 in R. 19 W. as a column of east-west elongated over-sized sections abutting on the west the east line of secs. 25, 36, 1,12, and 13 in R. 20 W. Signal points out that the acreages shown on these maps for the elongated sections in R. 19 W. are substantially in excess of those shown for the same sections on the official plats of survey.

There can be no doubt that Signal has shown that the plats of survey of Ts. 11 and 12 N., R. 19 W., are in error in showing secs. 31, 6, 7, and 18 as almost normal sections (sec. 30 is a fractional section). They are in fact over-sized sections, as shown on Lafferty's map, the Geological Survey map, and the Assessors Maps. But this does not prove Signal's case; on the contrary it defeats it. The reason is that 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 the survey. United States v. Sidney M. and Esther M. Heyser, 75 I. D. 14 (1968); O. O. Cooper et al., 59 I. D. 254 (1946); J. M. Beard (On Rehearing), 52 L. D. 451 (1928); Texaco, Inc., A-30290 (April 29, 1965).

Thus, if the SW corner of sec. 31, T. 12 N., R. 19 W., was in fact surveyed on the ground as being 6824.97 feet west of the SE corner of that section, that is the location of the SW corner and it is immaterial that the plat of survey shows the SW corner as being 5280 feet west of the SE corner. For Signal to prevail, it would have to show that the SW corner of sec. 31 was surveyed on the ground as being only 5280 feet west of the SE corner and that the SW corner as so surveyed was not coincident with the SE corner of sec. 36, T. 12 N., R. 20 W., as surveyed on the ground but approximately 545 feet east of that corner.

Texaco, Inc., supra, is directly in point. There Texaco applied for unsurveyed land allegedly in a hiatus between two surveyed townships, a T. 8 S. and a T. 7 S. Texaco's claim of a hiatus was based on the fact that the west boundary of sec. 6 in T. 8 S. was shown to be 80 chains in length on the plat of survey of the township whereas in fact, on the ground, the distance was 113.20 chains. Texaco did not show that the NW corner of sec. 6 (the township corner) and the SW corner of sec. 6 were located other than as they existed on the ground, 113.20 chains apart. Texaco's whole argument was that there was a gap between the north line of T. 8 S. as shown on the plat of survey and the south line of T. 7 S. as surveyed on the ground. The argument was rejected.

Signal is pursuing the same argument here. Its claim of a hiatus is based solely on what the plats of survey show and it ignores the conditions on the ground. It has made no attempt to show that the west line of Ts. 11 and 12 N., R. 19 W., was surveyed on the ground as lying east of the east line of Ts. 11 and 12 N., R. 20 W. The facts of the survey were fully considered in the decision of the former General Land Office, dated August 6, 1921 (Los Angeles 033987), pertinent portions of which were quoted in the decision appealed from. They show

that deputy surveyor James R. Glover, in resurveying the range line between R. 19 W. and R. 20 W., established on the west boundary of T. 11 N., R. 19 W., the corner common to secs. 19 and 30 of that township and secs. 24 and 25 of T. 11 N., R. 20 W. He also established on the same line (i.e., the west boundary of T. 11 N., R. 19 W.) the corner common to Ts. 10 and 11 N., Rs. 19 and 20 W. Although these two points are below the purported hiatus, they show no attempt by Glover to re-establish other than a single range line. 2/ In the absence of other evidence this must be taken as disproving the existence of two range lines with a hiatus between.

Therefore, pursuant to the authority delegated to the Solicitor by the Secretary of the Interior (210 DM 2.2A(4)(a); 24 F.R. 1348), the decision appealed from is affirmed.

Ernest F. Hom Assistant Solicitor Land Appeals

^{2/} The opposite was true in 0. 0. Cooper et al., supra. Deputy surveyor Hall had in 1884 surveyed secs. 6 and 7 of T. 21 N., R. 8 E. In 1896 deputy surveyor Reilly, in surveying secs. 1 and 12 of T. 21 N., R. 7 E., found the corner common to Ts. 21 and 22 N., Rs. 7 and 8 E., but for no apparent reason established a second corner to the west and two other corners south of it as marking the east line of T. 21 N., R. 7 E. The Department held that this created a hiatus.