

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 T. 11. N. R. 19. W.

Variation $14^{\circ} 9'$ East

North on West Boundary of Section 31,

32.00 To dry bed of creek 38 links wide corner.

40.00 Set $\frac{1}{4}$ Section post of Charred wood and raised mound with trench and pits, as per instructions

80.00 To Corner to Secs. 31, 30, 36. 25⁺ ^{R. 22. W. S. 30} ^{R. 19. T. 11. S. 30} Set post
_{S. 36} _{S. 31,} of Charred wood notched and Chalked and raised mound with trench and pits, as instructed. Land, poor. Level and open.

North On West Boundary of Section 30,
700. pass across Eastern point of hills
25-56. To a dry bed of Creek, 27 links wide. Course N.W.

40.00 Set $\frac{1}{4}$ Section post of Charred Wood and
raised mound with trench and pits as per
instructions

57.40. to a dry bed of Creek, 20 links wide
Course W. of N.

80.00 To Corner to Sections 30-19, 25 and 24
 $\begin{array}{r} R. 20. S. 11. S. 24 \\ R. 19. S. 11. S. 19 \\ \hline 25/30. \end{array}$ Set post of Charred Wood
Notched and Chalked and raised
mound with trench and pits as per instructions
Land as above

North On Western Boundary of Section 19.

2.35. to dry bed of a creek 30 links wide, Course N. W.

17.51. to Road from San Emedio. to the Cañada, de las, was

40.00 Set 1/4 Section post of Charred Wood and made Mound
with trench and pits, as per instructions

54.00 to dry bed of Creek 1 chain wide, Course N. W.

80.00 To Corner to Sections, 19, 18, 24 and 13, ^{R. 20, 2, 11, 5, 12} ^{R. 19, 2, 11, 5, 18}
_{S. 24} _{S. 19}

Set post of Charred wood notched and Chalked and
made mound with trench and pits as instructed

Land open Level and poor

North on West Boundary of Section 18.

0.10. To road from Cañada, de las was going
Northward on W. Side of Kern Lake

40.00 Set 1/4 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, ^{R. 20, 2, 11, 5, 12} ^{R. 19, 2, 11, 5, 7}
_{S. 13} _{S. 18}

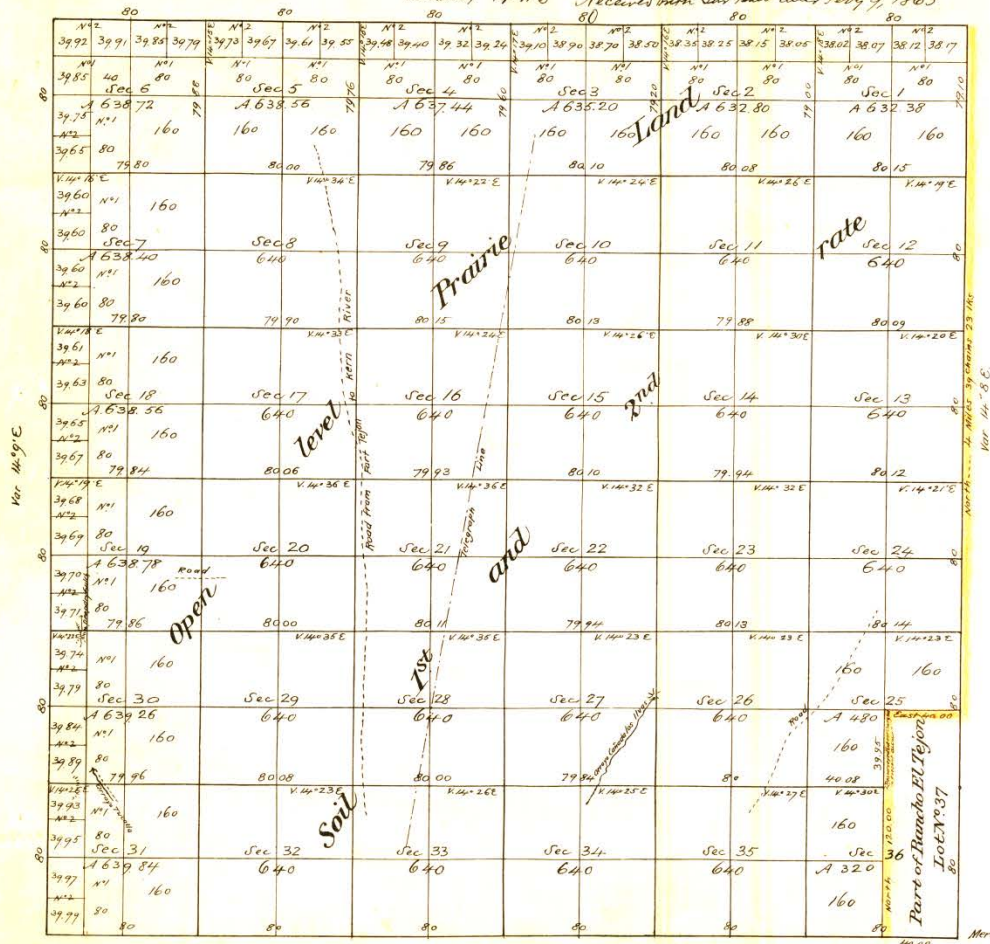
Set post of Charred wood notched and Chalked
and raised mound with trench and pits as
per instructions, Land as above

North On Western Boundary of Section 7.
40.00 Set 1/4 Section post of Charred Wood and
made mound with trench and pits as per
instructions
80.00 To corner to Sections, 7, 6, 12 & 11. ^{R. 20. 7. 11. 5. 1 / R. 19. 5. 11. 5. 4}
Set post of Charred Wood ^{5. 12 / 5. 7} notched
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 1/4 Section post of Charred Wood and
made mound with trench and pits as per
instructions
81.00 Intersect North Boundary at temporary post
Corner to Townships, 11 and 12 & Ranges
19 and 20 west. ^{R. 20. 5. 12. 5. 1 / R. 19. 5. 12. 5. 31}
^{R. 20. 5. 11. 5. 1 / R. 19. 5. 11. 5. 6}
Set post of Charred Wood notched and
Chalked and raised Large mound with
trench and pits as per instructions
Land throughout this line is poor open and level

Township N° XI North, Range N° XIX West, San Bernardino Meridian

Variation 14° 11' E Accrued south San Jacinto letter, Feb'y 9, 1863



Aggregate Area of Public lands (surveyed) 22,529.94 Acres
 Estimated - Lat. N° 37 (Private Grant) 480.00 -
 Aggregate 23,009.94

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township lines	R. W. Norris	June 3 ^d 1854	23 Miles 79 chs. 10 lks	1854
Exterior bound'g of El Tejon	G. H. Thompson	June 1 st 1862	6 - 39 - 23	1862
Section lines	" "	August 2 ^d 1862	59 - 37 - 51	October 18 th 1862

The above Map of Township No 11 North, Range No 19 West, San Bernardino Meridian, is truly conformable to the field notes & the survey map on file in the office, which have been examined and approved

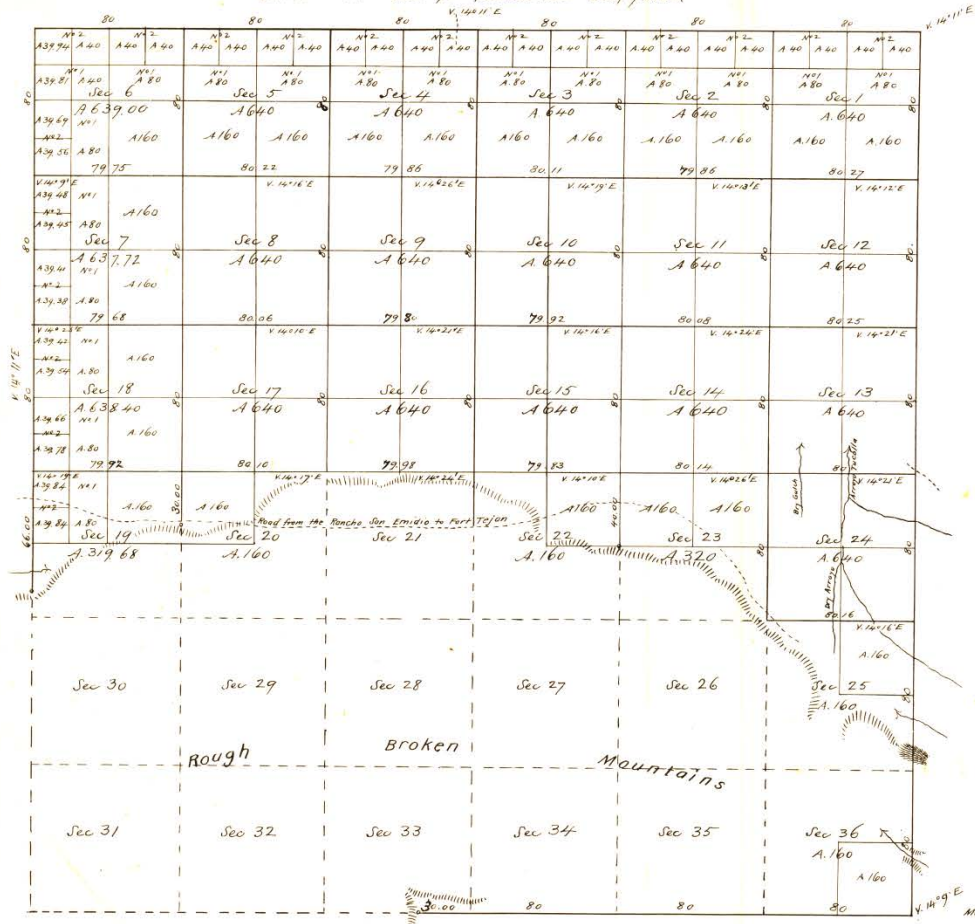
Surveyor General's Office
 San Francisco, California
 February 3rd 1863

DEPARTMENT OF THE INTERIOR
 GEOLOGICAL SURVEY
 Washington, D. C. November 2, 1906.
 I hereby certify that the above map is a true and correct copy of the original survey map on file in the office, now on file in the office.

W. A. Richards
 Commissioner.

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

Received with Surveyor General's Office Feb 9 1863.



Aggregate Area of Public Land 13434.80 Acres
 Estimated - Mountain Land 9598.40
 Aggregate 23033.20

Surveys Designated	By whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township Lines	R. W. Norris	June 3 ^d 1854	19 miles 1600 1/200	1854
Subdiv	G. H. Thompson	August 27 th 1862	35 - 69. 99 -	October 8 th 1862

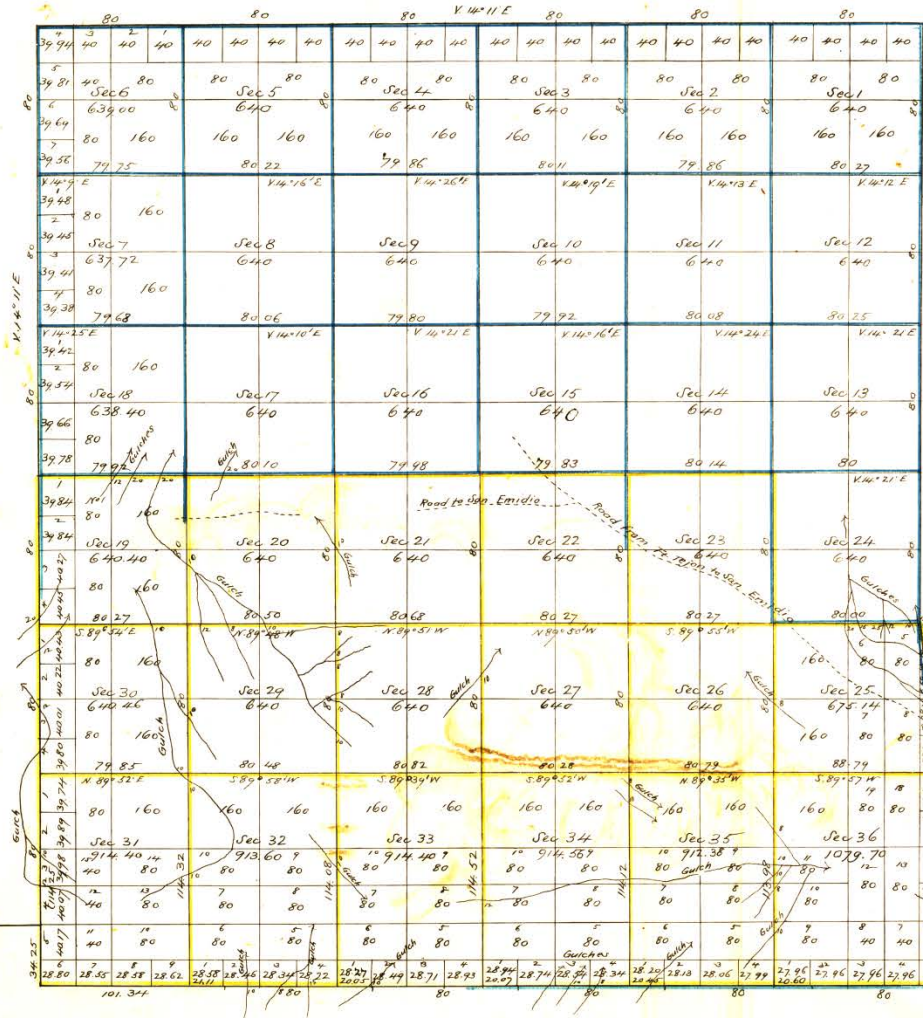
The above Map of Township N° XI North, Range N° XX West, San Bernardino Meridian, is strictly conformable to the field notes of the Survey thereof on file in this Office, which have been examined and approved. Surveyor General's Office San Francisco California February 3rd 1863

E. H. Peck
 Surveyor General

W. A. Deane
 Commissioner

Township No 11 North Range No 20 West San Bernardino Meridian

Recd with Sur Gen letter of June 3-1875



Public Land surveyed by G. H. Thompson 13,434.80 Acs
 " " " Benson & Glaver 11,445.36 "
 Aggregate 24,880.16 "

Truplicate transmitted for filing in Register's Office at Los Angeles June 3, 1875

Variation on lines col yellow = 1 1/2° 10' E

November 3, 1866

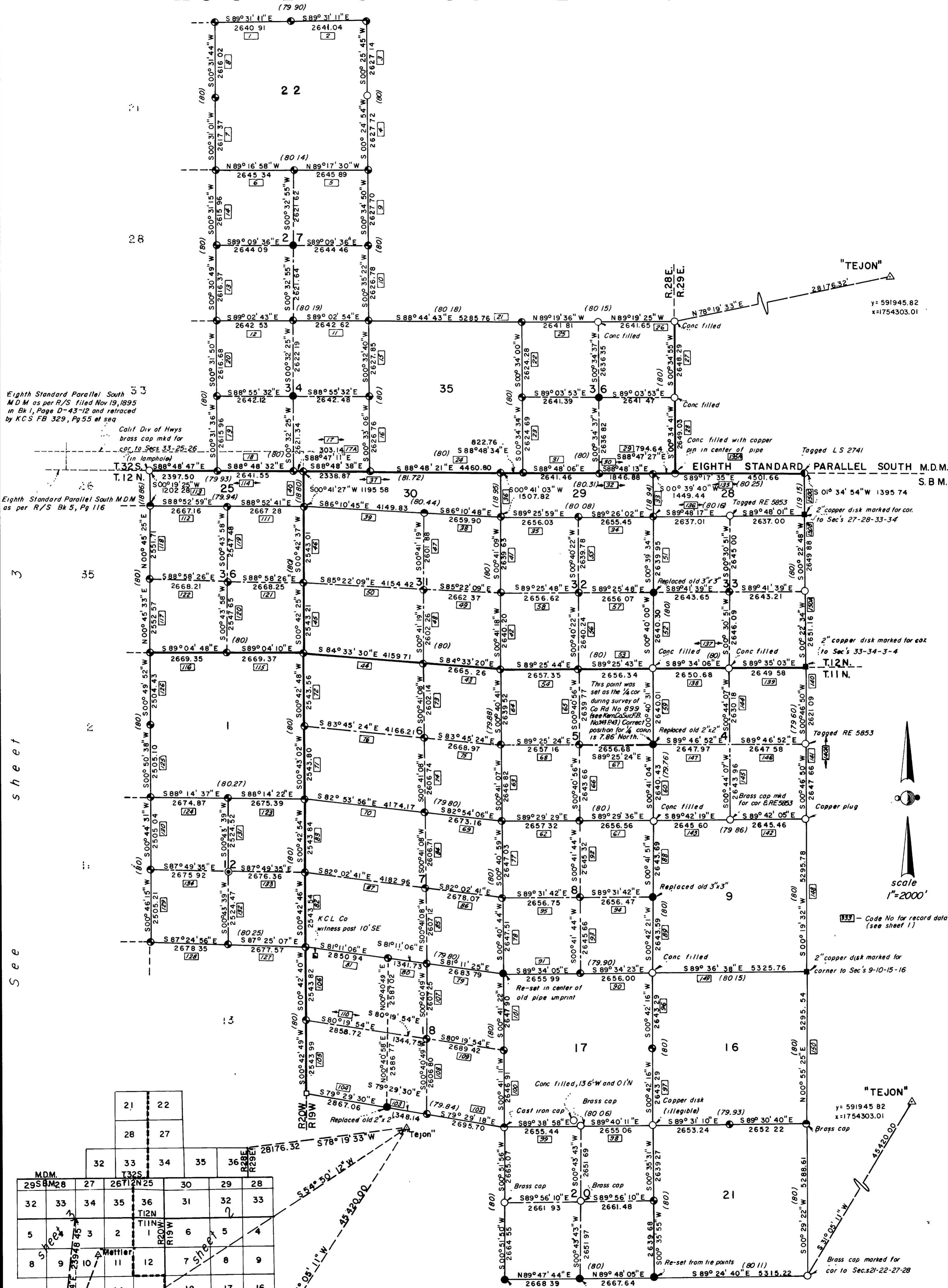
W. A. Richards
 Commissioner

The above Map of Township No 11 North Range No 20 West of San Bernardino Meridian, is exactly 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

Joe Stanton
 Sur Gen Cal.

Surveys Designated	By whom surveyed	Date of Contract	Amount of Survey	When Surveyed
Township lines covered here	A. W. Morris	June 3 rd 1859		1857
Sections "	G. H. Thompson	August 2 nd 1862		1862
Township covered yellow (Public Lands)	G. H. Thompson & A. Benson	January 21 st 1875	12 Miles 31 1/2 to 10 1/2	1875
Sections "			34 1/2 23 1/2 99	March 7 th 1875

RECORD OF SURVEY MAP



Eighth Standard Parallel South M.D.M. as per R/S Bk 5, Pg 116

Calif Div of Hwys brass cap mkd for cor. to Secs 33-25-26 (in lamphole)

Tagged LS 2741

Tagged RE 5853

Tagged RE 5853

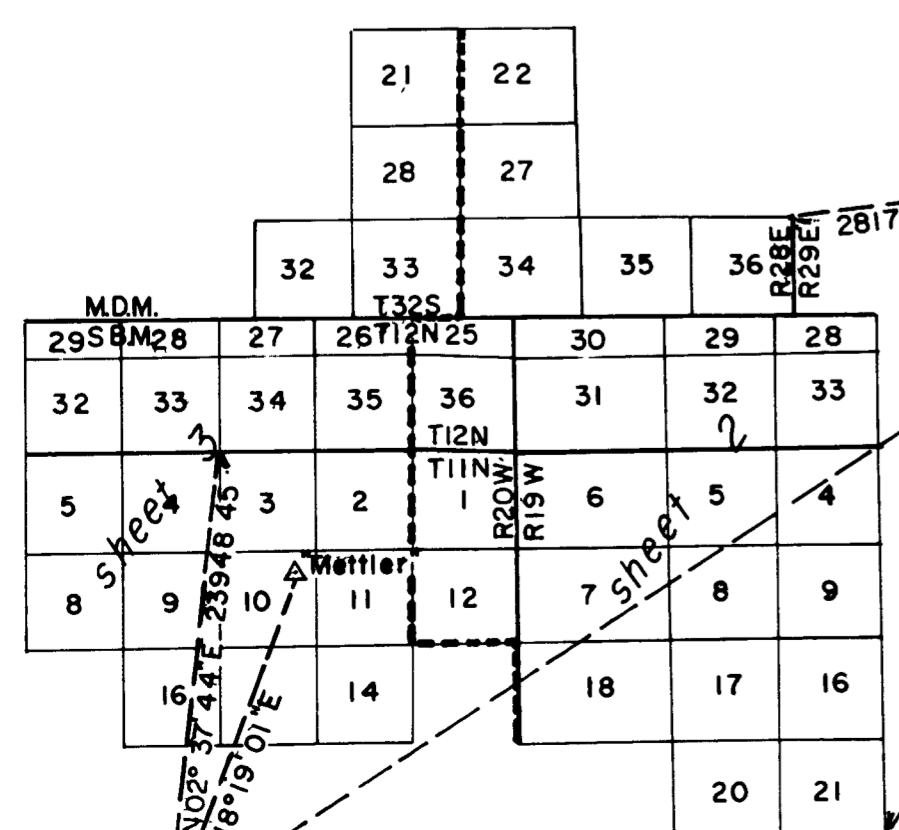
Tagged RE 5853

Tagged RE 5853

sheet



Code No for record data (see sheet 1)



CONNECTION DIAGRAM

RECORDERS CERTIFICATE
 Filed for record this 14 day of FEBRUARY 1967
 at 1:45 P. M in Book 9 of Record of Surveys at
 Page 100 at the request of Maurice E Lafferty.
ISI Roy A. VERCAMMEN
 County Recorder
 By: Blann C. Allen

665-D

THE SIGNAL COMPANIES, INC.

A-31020

Decided MAY 27 1968

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 east-west 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. Horn

Ernest F. Horn
Assistant Solicitor
Land Appeals

^{2/} The opposite was true in O. O. 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.