

SURVEYOR'S NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF REBECCA BENNINGTON—GEYER TO IDENTIFY THE BOUNDARIES OF TAX LOTS 700 AND 703, FALLING IN SECTIONS 18 AND 19 OF T6N R34E, W.M., ALONG WITH A SMALL PORTION FALLING IN SECTIONS 13 AND 24 OF T6N R33E. THE PORTION OF TAX LOT 700 LYING IN R33E IS A NARROW STRIP LYING BETWEEN THE RANGE LINE ON THE EAST AND THE CENTERLINE OF A FARM ACCESS ROAD ON THE WEST, WHICH BECAME THE AGREED—UPON PROPERTY BOUNDARY AFTER A SURVEY I PERFORMED FOR LARRY GEYER AND REBECCA BENNINGTON—GEYER IN 1997 (SEE R7). THE REMAINING BOUNDARIES OF BOTH TAX LOTS FOLLOW, OR ARE INTENDED TO FOLLOW, SECTION SUBDIVISION LINES.

THE SECTION LINES IN THIS AREA HAVE BEEN IN DISPUTE SINCE THEIR INITIAL CREATION BY G.L.O. SURVEYORS ODELL & LEWIS, WHO SURVEYED TOWNSHIPS 5 AND 6 NORTH, RANGES 33 AND 34 EAST, IN 1865 (R1). THEIR SURVEY OF T6N R33E WAS REJECTED BY THE SURVEYOR GENERAL DUE TO ERRORS, AND THE INTERIOR SECTION LINES OF THIS TOWNSHIP WERE RESURVEYED BY WALDEN FOR THE G.L.O. IN 1874 (R2). IN HIS NOTES, WALDEN CLAIMED TO FIND, AND HOLD, THE CORNERS SET BY ODELL ALONG THE LINE BETWEEN RANGES 33 AND 34 EAST; HOWEVER, THE CLOSING DISTANCE (65.45 CHAINS, OR 4319.7 FEET) SHOWN ON HIS PLAT ALONG THE EAST LINE OF SECTION 13 IS 13.35 CHAINS (881.1 FEET) LONGER THAN THE DISTANCE (52.10 CHAINS, OR 3438.6 FEET) GIVEN FOR THE WEST LINE OF SECTION 18 ON ODELL'S PLAT OF T6N R34E. WALDEN'S NOTES INDICATE THAT HE DID NOT RE—RUN THE TOWNSHIP LINE, INSTEAD TRAVERSING INTO THE SECTION CORNERS ALONG THE TOWNSHIP LINE FROM THE SECTION CORNERS ONE MILE TO THE WEST. HIS INITIAL POINT FOR THIS TRAVERSE WAS THE SOUTHWEST CORNER OF SECTION 36 IN T7N R33E, WHICH IS PRESUMABED TO BE THE SAME CORNER SET BY ODELL. WALDEN CLOSES HIS TRAVERSE ON THE 16—MILE MARKER OF THE OREGON—WASHINGTON STATE LINE. HIS CLOSING DISTANCE CLOSELY FITS THE DIMENSIONS SHOWN ON THE 1910 PLAT OF THE 3RD ADDITION TO GARDENA CONTOURED TRACTS. WHILE WE DID NOT FIND THE 16—MILE MARKER, WE DID FIND A STONE AT THE NORTHWEST CORNER OF SECTION 13 WHICH IS IN GOOD AGREEMENT WITH THE ADJACENT MONUMENTS ALONG THE STATE LINE.

THE RESULT OF THIS 881 FOOT DIFFERENCE ALONG THE RANGE LINE BETWEEN THE TWO G.L.O. SURVEYS APPEARS TO HAVE SET UP A SERIES OF QUESTIONS IN FOLLOWING YEARS AS TO THE CORRECT LOCATIONS OF THE SECTION CORNERS ALONG THIS LINE, AS WELL AS IN NEIGHBORING SECTIONS. IN 1906, WHILE SURVEYING SECTIONS 5 AND 6 IN T5N R34E (C.S. 245, OLD PRIVATE SURVEYS), COUNTY SURVEYOR J. KIMBRELL REPORTS IN HIS NOTES THAT HIS FINDINGS FOR SEVERAL CORNERS IN THOSE SECTIONS WERE NOT ACCEPTED BY LOCAL LANDOWNERS, APPARENTLY PROMPTING A COURT ORDER COMMISSIONING BRADLEY, LOEHR, AND G. KIMBRELL TO RE-ESTABLISH THE CORNER OF TOWNSHIPS 5 & 6, RANGES 33 & 34 (C.S. 07-37-A, 1906?). THE CORNER MONUMENT THEY ESTABLISHED WAS FOUND AND LATER REJECTED BY S. HADDOCK IN 2003 (R13); HADDOCK FOUND WHAT HE BELIEVED TO BE WALDEN'S STONE AT THE SOUTHWEST CORNER OF SECTION 36, T6N R33E, AND FOUND THAT THE 3-WAY FENCE CORNER 97 FEET NORTH OF BRADLEY, ET AL'S STONE WAS A BETTER FIT TO WALDEN'S MEASUREMENTS, AND HAD BEEN HELD BY ADJACENT LANDOWNERS AS REPRESENTATIVE OF THE TRUE CORNER.

IN 1914, SECTIONS 19 AND 30 IN T6N R34E WERE SURVEYED BY BRADLEY (R3), WHO NOTES FINDING 8 OF THE 13 GOVERNMENT (I.E. ODELL'S) MONUMENTS THAT WOULD HAVE BEEN SET FOR THOSE TWO SECTIONS. HE ALSO SUBDIVIDED THE SOUTHEAST 1/4 OF SECTION 19 AND THE NORTHEAST 1/4 OF SECTION 30. FIVE YEARS LATER, THE SAME TWO SECTIONS WERE RE—SURVEYED BY PERRY (C.S. 428, OLD PRIVATE SURVEYS), WHO FINDS THE SAME MONUMENTS, IN GOOD AGREEMENT WITH BRADLEY. A SURVEY BY S. HADDOCK (R10) FINDS AND RE—MONUMENTS SEVERAL OF BRADLEY'S AND PERRY'S CORNERS IN SECTION 30. HADDOCK ALSO USES THESE CORNERS TO COMPUTE THE POSITIONS OF THE CORNERS IN SECTION 19. I HAVE HELD HADDOCK'S SURVEY HEREIN FOR IT'S BREAKDOWN OF SECTION 30, AND I HAVE COMPUTED THE POSITIONS FOR THE CORNERS SET BY BRADLEY AND/OR PERRY, RELATIVE TO HADDOCK'S MONUMENTS. I BELIEVE THIS IS SUPPORTED BY THE FOLLOWING ADDITIONAL EVIDENCE:

1. THE STONES FOUND MARKING THE NORTHWEST, NORTH 1/4 AND N-E 1/16TH CORNERS OF SECTION 30 FIT THE OCCUPATIONAL EVIDENCE, WHICH IS SHOWN TO HAVE BEEN ALREADY WELL-ESTABLISHED IN 1949 COUNTY AERIAL PHOTOGRAPHY.

2. THE COMPUTED POSITION FOR THE EAST 1/4 CORNER OF SECTION 19 FITS CLOSELY WITH THE OCCUPATIONAL EVIDENCE, SHOWN IN SAID AERIALS AS WELL AS IN A 2001 SURVEY BY TOMKINS (R8, R9), ALTHOUGH TOMKINS FOUND CONTRADICTORY MONUMENTS (TO BE ADDRESSED LATER HEREIN).

3. THE COMPUTED POSITION FOR THE NORTHWEST CORNER OF SECTION 19 FITS WITHIN 20 FEET THE POSITION GIVEN BY WALDEN, WHEN COMPARED TO THE MONUMENTS WE FOUND AT THE NORTHWEST AND SOUTHWEST CORNERS OF SECTION 13, T6N R33E.

IT MUST BE NOTED THAT THERE IS CONTRADICTORY EVIDENCE TO THE POSITIONS HERETOFORE DESCRIBED. IN (R8), TOMKINS FOUND A GRANITE STONE IN A STONE MOUND AT WHAT HE BELIEVED TO BE THE WEST 1/4 CORNER OF SECTION 30. HE ALSO FOUND A BASALT STONE WITH INSCRIBED X THAT HE CALLED THE NORTHEAST CORNER OF SECTION 30. HOWEVER, THE GRANITE STONE IS ON THE WRONG SIDE OF A BROAD GULLY CLEARLY SHOWN RELATIVE TO THAT CORNER ON (R4), AND THE BASALT STONE IS SO FAR OUT OF POSITION RELATIVE TO THE OCCUPATIONAL EVIDENCE NOTED ABOVE, THAT I HAVE REJECTED THEM FROM BEING THE CORRECT MONUMENTS. ADDITIONALLY, IN A 1948 SURVEY OF SECTION 17 BY STORMS, AN IRON PIPE IS NOTED AT THE SOUTHWEST CORNER OF SECTION 17, WHICH FALLS 375 FEET NORTH OF THE CORNER COMPUTED BY HADDOCK FROM PERRY'S SURVEY. IT IS UNCLEAR FROM STORMS'S SURVEY, BUT LIKELY THAT HE ESTABLISHED THAT PIPE; NO EXPLANATION IS GIVEN IN THAT SURVEY ALTHOUGH STORMS' MEASUREMENT OF THE NORTH LINE OF SECTION 17 DOES FIT THE EXTANT MONUMENTS.

REGARDLESS OF THESE CONTRADICTIONS, THE EFFECT OF ANY OF THESE MONUMENTS ON THE LOCATION OF THE NORTH—SOUTH CENTERLINE OF SECTIONS 19, 30, AND ALSO 18 IS NOMINAL. FURTHERMORE, AFTER QUESTIONS AROSE IN 2003 REGARDING THE LOCATION OF THE LINE BETWEEN SECTIONS 19 AND 30, ANY PORTION OF THE NORTHWEST QUARTER OF SECTION 30 LYING NORTH OF THE SOUTH LINE OF SECTION 24, EXTENDED EAST, WAS DEEDED TO GEYER. THIS PORTION WOULD BE SIGNIFICANT IF TOMKINS' GRANITE STONE WAS USED TO COMPUTE THE CORRECT POSITION OF THE NORTHWEST CORNER OF SECTION 30; HOWEVER, THE EVIDENCE FOUND BY HADDOCK PLACES THE 1/4 CORNER BETWEEN SECTIONS 19 AND 30 A MERE 2.4 FEET NORTH OF THAT EASTERLY EXTENDED LINE, FOR AN AREA OF ONLY 3,200 SQUARE FEET.

WHAT REMAINS MORE CONSEQUENTIAL TO THE BOUNDARIES OF THE GEYER LANDS IS THE BREAKDOWN OF SECTION 18. IN 1946, IN A DEED FROM E.C. BURLINGAME, J.L. GEYER ACQUIRED THE SOUTH HALF OF THE SOUTHWEST 1/4 OF THAT SECTION, ALONG WITH A 30-FOOT STRIP FOR ROAD PURPOSES THAT WAS DESCRIBED BY METES AND BOUNDS: THAT DESCRIPTION APPEARS INTENDED TO FOLLOW A ROAD SHOWING UP IN THE 1949 AERIALS. IN 1957, ANOTHER DEED WAS ISSUED FROM BURLINGAME TO GEYER FOR A 30-FOOT STRIP, ALSO DESCRIBED BY METES AND BOUNDS; THAT DESCRIPTION APPEARS TO INTEND TO FOLLOW THE SAME ROAD, AT SOME POINT RE-ALIGNED, WHICH IS HOW IT EXISTS TODAY. BOTH STRIPS ARE DESCRIBED AS BEGINNING AT A POINT 1320 FEET NORTH AND 2240 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 18. THE FINAL CALL OF BOTH STRIPS IS IDENTICAL, "NORTH 66"00" EAST 280 FEET MORE OR LESS TO A POINT IN THE STATE LINE." WHILE THE END OF THE LINE CREATED BY THE 1946 DESCRIPTION FALLS APPROXIMATELY 450 FEET NORTH OF THE SAME POINT DESCRIBED IN THE 1957 DEED, I BELIEVE, GIVEN THE FINAL BEARING CALL, THAT THEY ARE INTENDED TO FOLLOW A SIMILAR COURSE, WITH THE LINE RUNNING "2240 FEET EAST" REPRESENTING THE NORTH LINE OF GEYER'S PROPERTY. IN 1966, A SURVEY BY WALLULIS (R6) OF THE E.C. BURLINGAME LANDS IN SECTIONS 13 (R33) AND 18 (R34). NOTABLY TITLED "PARTIAL SURVEY OF AND PREPARATION OF DESCRIPTIONS FOR ACQUISITION, EXCHANGE AND CORRECTION OF PROPERTIES," WAS PERFORMED. THIS SURVEY PRODUCES YET A THIRD SET OF COURSES FOR WHAT IS CLEARLY THE SAME ROAD; THE COURSES GIVEN IN THAT SURVEY AS WELL AS A LINE RUNNING S89'38'30"W 2258.64 FEET FROM THE SOUTHERLY END OF THE ROAD TO THE "APPROXIMATE" WEST LINE OF SECTION 18 MATCH THE LOCATION OF THE CURRENTLY EXISTING ROAD AND THE NORTH LINE OF THE LANDS OCCUPIED BY GEYER. OTHER PORTIONS OF THAT 1966 SURVEY APPARENTLY ATTEMPT TO RECONCILE EARLIER PARCEL BOUNDARY DESCRIPTIONS OF LANDS IN THOSE SECTIONS WITH WHAT WAS ACTUALLY BEING OCCUPIED. THE WALLULIS SURVEY, ALONG WITH OTHER DOCUMENTS (INCLUDING THE 1949 AERIALS, VARIOUS WATER-WELL ESTABLISHMENT SURVEYS, COUNTY ASSESSOR'S MAPS, AND FARM CREDIT SERVICES MAPS) INDICATE THAT THE SECTION CORNERS ALONG THE EAST LINE OF RANGE 33 ARE NOT COINCIDENT WITH THE CORNERS ALONG THE WEST LINE OF RANGE 34; WE PRESUME FROM THE 1874 G.L.O. SURVEY THAT THEY ARE INDEED COINCIDENT. THE BOUNDARIES OF SECTIONS 13 AND 18 ARE DRAWN, BUT NOT ANNOTATED, ON THE WALLULIS SURVEY BUT ARE NOTED TO HAVE BEEN UN-SURVEYED; WHEN CHECKED WITH A SCALE, THESE LINES APPEAR TO HAVE BEEN DRAWN IN RELATIONSHIP TO THE STATE LINE (WHICH HE DID SURVEY) WITH THE BEARINGS AND DISTANCES GIVEN ON THE G.L.O. PLATS FOR SECTION 13 (1874 PLAT) AND SECTION 18 (1865 PLAT). THIS PLACES THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST 1/4 OF SECTION 18 (THE DEED BOUNDARY BETWEEN BURLINGAME AND GEYER) WELL NORTH OF THE 2240-FOOT-LONG LINE GIVEN IN THE 1946 AND 1957 ROAD DESCRIPTIONS. IN 1978, A DEED FROM GEYER TO BURLINGAME LAND & LIVESTOCK CO. DESCRIBES A PARCEL USING THE DIMENSIONS GIVEN BY WALLULIS FOR THE 30' ROAD AND THE 2240-FOOT EAST-WEST (NOW \$89°38'30"E 2258.64 FOOT) LINE AS THE SOUTH AND EAST BOUNDARIES, AND THE WEST AND NORTH LINES OF THE SOUTH HALF OF THE SOUTHWEST 1/4 OF SECTION 18 FOR THE REMAINDER. NOTABLY, NO SPECIFIC DIMENSION IS GIVEN FOR THESE WEST AND NORTH BOUNDARIES. COUNTY TAX MAPS SHOW THAT PARCEL AS BEING 16.33 ACRES; IF ONE HOLDS THE WALLULIS-SURVEYED LINES AND THE RECORD G.L.O. (1865) DISTANCES FOR THE SECTION SUBDIVISION LINES, THE AREA I CALCULATE FOR THIS PARCEL IS 16.36 ACRES. THIS CLEARLY INDICATES TO ME THAT THE LINE OF OCCUPATION, AS SURVEYED BY WALLULIS AND CURRENTLY EXISTING BETWEEN BURLINGAME AND GEYER, REPRESENTS WHAT HAS ALWAYS BEEN INTENDED BY THOSE PARTIES TO BE THE PROPERTY BOUNDARY, REGARDLESS OF HOW ONE INTERPRETS THE BREAKDOWN OF SECTION 18, ALSO REGARDLESS OF WHETHER ONE HOLDS THE SOUTHEAST CORNER OF SECTION 18 AS BEING THE ONE SHOWN BY BRADLEY & PERRY (AND LATER, HADDOCK) OR THE ONE SHOWN BY STORMS. I HAVE THEREFORE HELD THE EAST-WEST OCCUPATION LINE, AS SURVEYED AND SHOWN BY WALLULIS, AND PROJECTED SAID LINE EAST TO THE NORTH-SOUTH CENTERLINE OF SECTION 18, AS SHOWN HEREON, TO BE THE CORRECT NORTH BOUNDARY OF THE GEYER LANDS.

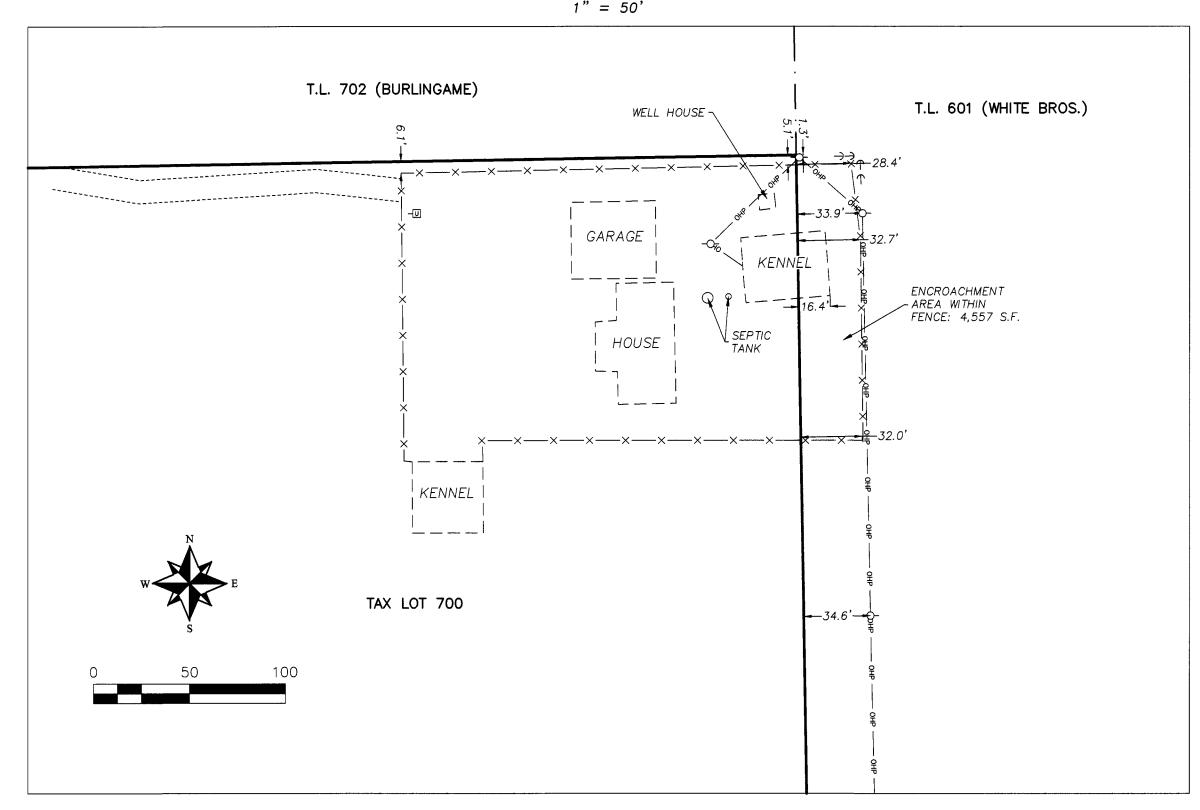
WHAT REMAINS IN QUESTION, THEN, IS THE SMALL TRACT OF LAND LYING BETWEEN THE NORTH & SOUTH—RUNNING PORTION OF THE 30—FOOT ROAD ON THE WEST, THE PROJECTION OF THE 2240—FOOT EAST—WEST LINE ON THE SOUTH, THE NORTH—SOUTH CENTERLINE OF SECTION 18 ON THE EAST, AND THE SO—CALLED EAST—WEST CENTERLINE OF THE SOUTHWEST 1/4 OF SECTION 18 AS SHOWN BY WALLULIS ON THE NORTH. A 1986 DEED CONSOLIDATING LANDS OWNED BY WHITE BROS. DESCRIBES THEIR LANDS AS CONTAINING, IN PART, "THE SOUTHEAST QUARTER, LOT 2 OF THE NORTHEAST QUARTER, AND ALL THAT PORTION OF THE EAST HALF OF LOT 2 OF THE NORTHWEST QUARTER AND OF THE NORTH HALF OF LOT 1 OF THE SOUTHWEST QUARTER LYING EASTERLY OF THAT STRIP OF LAND CONVEYED TO J.L. GEYER...." THESE LOT NUMBERS CORRESPOND TO LOT NUMBERS SHOWN ON THE WALLULIS SURVEY, AND SUGGEST THAT THE SOUTH LINE OF THE "NORTH HALF OF LOT 1" WAS ALSO ALWAYS INTENDED TO BE THE SAME EAST—WEST OCCUPATION LINE THAT CURRENTLY EXISTS. I THEREFORE WOULD PLACE THIS SMALL TRACT IN THE POSSESSION OF THE WHITE BROS, AND NOT WITH MS. GEYER, AS THE WALLULIS SURVEY AND CURRENT TAX MAPS WOULD SUGGEST.

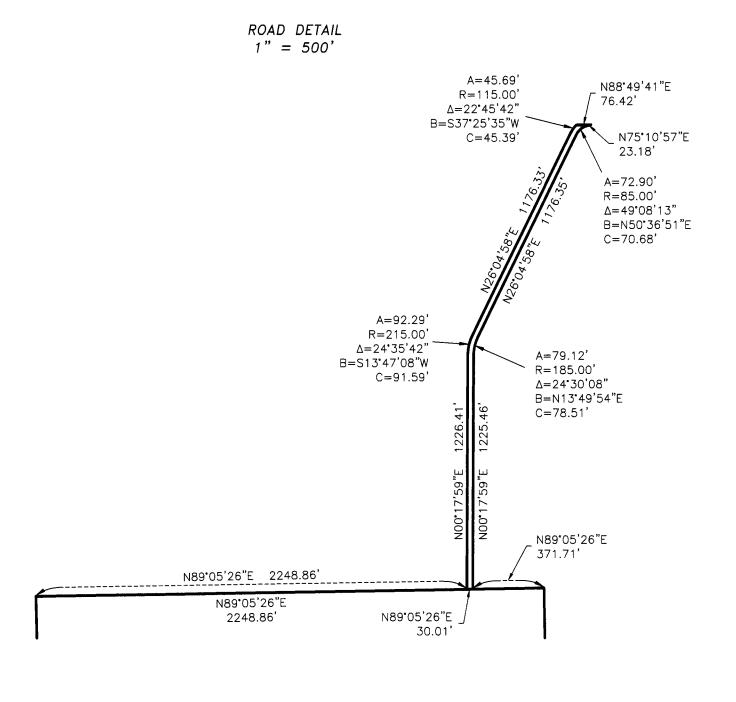
EXTENSIVE RESEARCH AND CALCULATIONS WERE PERFORMED FOR THIS SURVEY, AND FOR AN ALTA/NSPS SURVEY OF THE WILLIAMS DAIRY LANDS IN T6N R34E, RECENTLY COMPLETED BY THIS FIRM. ALL AVAILABLE RECORDS OF LAND SURVEYS, ROAD ESTABLISHMENTS, AND OTHER DOCUMENTS WITHIN THIS TOWNSHIP AND ADJACENT SECTIONS WERE REVIEWED, IN ORDER TO COMPARE ALL KNOWN AND CURRENTLY—HELD SECTION CORNER MONUMENTS WITH THE POSITIONS SUGGESTED BY HISTORICAL RECORDS. THE SURVEY RECORDS LISTED ON SHEET 1 OF THIS SURVEY ARE THOSE THAT PROVIDED THE DATA USED TO CONTROL THE CALCULATIONS HELD FOR SECTIONS CORNERS RELEVANT TO THIS PROJECT. THIS SURVEY WAS PERFORMED WITH RTK GPS METHODS USING SPECTRA—PRECISION SP80 RECEIVERS WITH STANDARD ERRORS OF 8MM + 1 PPM. MONUMENTS SHOWN AS TIED WERE VISITED IN MARCH 2019; MONUMENTS WERE SET IN FEBRUARY

RECORD OF SURVEY

OF TAX LOTS 700 AND 703, LOCATED IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 18, THE WEST HALF OF SECTION 19, T6N R34E, AND A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 13 AND THE EAST 1/2 OF THE EAST 1/2 OF SECTION 24, T6N R33E, W.M., UMATILLA COUNTY, OREGON.

ENCROACHMENT DETAIL







	P	BS	PBS Engineering and Environmental Inc. 5 N Colville St, Ste 200 Walla Walla, WA 99362 509.956.3026
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CLIENT: REBECCA BENNIN	GTON-GUYER	PROJECT NO.: 67384		
SURVEYOR: GREG E. F	LOWERS	DATE: 2/19/2020		
CALC BY: MFW	DRAWN BY	: MFW	SCALE: 1" = 500'	
SECTION: 19 & 30	TOWNSHIP:	6 NORTH	RANGE: 34 EAST	
CITY: N/A	COUNTY:	UMATILLA	SHEET 2 OF 2	