

## SURVEY NARRATIVE

This survey was performed at the request of the Oregon Department of Fish and Wildlife for the purpose of defining the boundaries of the following described lands:

### IN TOWNSHIP 3 SOUTH, RANGE 39 EAST OF THE WILLAMETTE MERIDIAN

Section 31: That portion of the southeast quarter lying north of the Oregon-Washington Railroad and Navigation Company's Railroad right-of-way.

Section 32: Government lots three and four and all that portion of the South half of Section 32 lying within the meander line of Tule Lake; EXCEPTING that portion of said Lot 4 lying on the Southwesterly side of the Oregon-Washington Railroad and Navigation Company's Railroad right-of-way; ALSO EXCEPTING said right-of-way.

This narrative will discuss, in detail, the basis for the acceptance, restoration, and establishment of all the survey monuments depicted on this drawing.

The restoration of the South 1/4 corner of Section 33 is based on the record of survey contained in County Road Petition No. 675 and on evidence existing in the field. Detail C recites a portion of the Petition No. 675 survey record describing ditches and monuments which existed in 1917. On the ground, we find the three drainage structures described in Detail C, the centers of which are in remarkably good alignment. The distance between the two Easterly structures nearly matches the 1917 dimensions and the center location of the most Easterly structure is in good agreement with nearby fences; therefore, we place the South 1/4 corner of Section 33 at the center of this most Easterly drainage structure.

The restoration of the Northeast corner of Section 32 is based on the 1937 survey notes for Hot Lake Road-North (See Reference Material - County Roads - Reference A and Detail B), deeds and legal descriptions prepared for the acquisition of additional right-of-way along Hot Lake Road-North in about 1940, and on the physical presence of the Hot Lake School building. The referenced 1937 survey notes include a diagram which depicts the location of the Hot Lake School building by 1937 survey stationing and offset dimensions. An undated description, prepared by the County Engineer, describes an additional 10 feet of right-of-way to be acquired from Hot Lake School District No. 61. The dimensions in this description can be directly correlated to the stationing shown in the 1937 survey notes. Also, a companion description prepared by the County Engineer for right-of-way immediately North of the school parcel, recorded in Deed Book 104, Page 71, is dimensionally compatible with the 1937 survey and School District description, and we find a long established E-W line of willow trees at the apparent South line of the school parcel. Therefore, the Northeast corner of Section 32 is located by reference to the existing school building structure using the dimensional information given in the described records. Copies of the 1937 survey notes and the description for right-of-way on the Hot Lake School District No. 61 parcel are being submitted with this survey map for recording.

Concerning the Southeast corner of Section 32, we are unable to find any specific records concerning the establishment of Hot Lake Road-North (Peach Road) along the East side of Section 32. The earliest records consulted are the 1937 survey notes previously described. These notes depict the roadway centerline and section line being one and the same, and also shows right-of-way fences and the concrete bridge abutments along the roadway running East from the Southeast corner of Section 32 (see Detail C). We establish the Southeast corner of Section 32 at the intersections of a line running Southerly from the Northeast corner of Section 32 through the centerline of an existing bridge with a line running Westerly from the South 1/4 corner of Section 33 through the centerlines of the three existing drainage structures previously described. The existing bridge utilized for the alignment of the East boundary of Section 32 is located approximately 40 feet North of the Southeast corner of Section 32. This procedure maintains a good relationship with the 1917 survey and 1/4 corner to the East and provides for a reasonable alignment of the South boundaries of Sections 31, 32, and 33. The distance along the East boundary of Section 32 appears to be somewhat longer than might be expected; however, this section line was not surveyed during the GLO Survey due to the presence of Tule Lake. Our distance of 5,450.22 agrees well with the 1937 distance of 5,455.4 if you utilize the mean stationing of the North and South right-of-way fences running East from the Southeast corner of Section 32 as depicted in the 1937 survey notes. These notes show this section corner to be in line with the apparent Northerly right-of-way fence running Easterly from the corner. We believe this to be an error in the 1937 notes since that location would disagree with the described and physical location of the roadway described in Petition No. 675 and would introduce a substantial angle point in the township line.

The East 1/4 corner of Section 32 is established at the midpoint of the East boundary of the section. This corner was not set in the original GLO survey; however, Section 33 was lotted by a protracted subdivision of the section. It is presumed that this protracted subdivision is based on a midpoint location for the 1/4 corner.

The South boundary of Sections 31 and 32 is defined by a line from the Southwest corner of Section 31 as established by Survey 12-62 to the Southeast corner of Section 32, established as described herein. The intervening 1/4 corners and section corner on this line are located at single proportionate measurement along this line, based on the original GLO survey dimensions.

The East 1/4 corner of Section 31 is at the 1" Iron Pipe established by Survey No. 188, dated 1953.

Survey 1-74, by Greg T. Blackman, LS 991, dated January 3, 1974, states "Found 2" I.P. in fence corner identified by J.G. Voelz as 1/4 corner" for the West 1/4 of Section 31. Survey 33-74 by J.G. Voelz, LS 381, dated June 6, 1974, states "Found 2" pipe at E 1/4 corner of Section 36" for the West 1/4 corner of Section 31, T3S, R39E. Our initial search in this vicinity recovered a 2" Iron Pipe with threaded pipe cap plainly marked 'POINT OF DIVERSION NO. 2' located at the North end of a fence running South. Because this monument is so distinctively marked and not described as such in the existing records, we contacted Mr. Blackman and Mr. Voelz and asked them to recall the memory of their visits to the corner. Both surveyors felt they would remember and would have carefully described such an unusually marked point if they had utilized it as the 1/4 corner. Both surveyors reviewed their private files for their surveys and

could not furnish any additional information. At the time of the performance of Survey 1-74, Mr. Blackman was the La Grande City Surveyor. We contacted the current City Surveyor and had him review the City's files. No additional information or description of this 1/4 was found.

Since the only monument found in the vicinity of the East 1/4 corner of Section 31 is plainly marked "Point of Diversion No. 2", which is a term associated with the right to divert water for irrigation and other purposes, and since neither Mr. Blackman and Mr. Voelz recall this specific monument, we proceeded to make a survey tie to the Southeasterly corner of the parcel surveyed in Survey 33-74 and found that the calculated distance back to the found Point of Diversion pipe is in disagreement by approximately 10 feet. We then proceeded to recover and tie the remaining two corners of Survey 33-74 and also recover and tie all four corners of Section 24, T3S, R38E as established by Survey 1-74. The monumentation for both of these surveys is consistent with the records for both description and relative position and the dimensions shown on both survey maps will form mathematically closed figures.

From the record information given on each survey and our survey ties to the actual monuments set, we calculate the position of the East 1/4 corner of Section 31 as it existed at the time of each survey (see Detail 4). The positions calculated from each survey disagree by approximately 45 feet with the position from Survey 1-74 being about 45 feet East of the Point of Diversion pipe and underneath the limbs of a sprawling willow tree. The position from Survey 33-74 is about 10 feet North of the Point of Diversion pipe and on top of the Easterly bank of a N-S ditch. We thoroughly checked the site of the calculated positions, both visually and with a metal detector and are unable to recover any additional survey monuments. We asked Mr. Blackman and Mr. Voelz to visit the site. Mr. Voelz declined and Mr. Blackman did visit the site. He indicated that the site looks different than he remembered in that the roadways, fences, and farmed areas seem to have changed. Mr. Blackman recalled his survey tie to the 1/4 corner, which he stated had been shown to him by Mr. Voelz, as being a relatively long single measurement to the corner from a temporary control point South of the area, and that there were no visibility problems from brush and trees. For that reason, Mr. Blackman tended to reason that the corner position must have been easterly of the Point of Diversion pipe. This recollection of Mr. Blackman's tends to agree with the corner position calculated from Survey 1-74, which lies in an apparently undisturbed area near the base of the large willow tree. We again performed an unsuccessful search of the area.

In our search for any other information with which to determine a position for the 1/4 corner, we contacted the Oregon State Department of Water Resources. Their review of the water right final proof surveys in the area do not disclose any information concerning the East 1/4 corner of Section 31. We also contacted Mr. Dwayne Zollman, Manager of the Ladd Marsh Game Refuge, who could not recall the presence of any other survey monuments in the vicinity of the Point of Diversion pipe. An employee of the Game Refuge, who was passing by during one of our visits to this site, stated that he had personally operated a bulldozer on the ditch bank in the vicinity of the position as calculated from Survey 33-74, but did not recall seeing any survey monuments which may have been disturbed by his work.

We are now faced with the situation in which two apparently blunder-free surveys disagree in their positioning of an identical corner purportedly used by both surveyors and we have been unable to obtain any record or testimonial information with which to decide which, if either, of the two surveys is correct. We are of the opinion that, if possible, it would be beneficial to surveys and property locations in the area to maintain the integrity of either Survey 1-74 or Survey 33-74. For comparative purposes, if we consider the East 1/4 corner of Section 31 to be lost, and if the 2-inch pipe found at the Southwest corner of Section 31 and the position of the Southeast corner of Section 19 as developed by Survey 23-90 are presumed to be the nearest controlling corners for its restoration, then by single proportionate measurement methods, we find that the proportionate position for the East 1/4 corner of Section 31 is located nearly 6 feet North and 9 feet West of the Survey 33-74 position and 16 feet north and 54 west of the Survey 1-74 position.

Therefore, for the following reasons, we accept the position for the East 1/4 corner of Section 31, T3S, R39E as defined by Survey 33-74. First, the point occupied by the Survey 33-74 position has been disturbed as indicated by testimony, whereas the area near the Survey 1-74 corner position is less susceptible to disturbance due to the presence of low overhanging tree branches. Second, the Survey 33-74 position falls relatively close to the trial proportionate position. Third, the use of the Survey 33-74 position provides the best agreement of the East boundaries of Sections 30 and 31 with the existing evidences of occupation and with the record GLO alignment of this range line.

With the East 1/4 corner of Section 31 established, we proceed to complete the survey by installing the monuments shown along the Northeasterly right-of-way line of the Union Pacific Railroad. Also, treated 4"x4" wooden posts, painted white with black lettering "ODFW PROP. CORNER" were set alongside several of the monuments and witness corners established for the parcel surveyed.

August 13, 1990  
Date

Gary L. Langlitz  
Gary L. Langlitz  
Oregon Registered Land Surveyor No. 1099

<b>UNION COUNTY SURVEYOR</b>
Date Received <u>8-13-90</u>
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By <u>[Signature]</u> Narrative Drawn
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