

B. (continued)

B-9. It is obvious from the above that said 1/16 corner was not set by proper surveying methods because he had no south 1/4 corner from which to set it. It should, therefore, be rejected as a proper 1/16 corner position and in turn as a proper control point for setting the south 1/4 corner. The only argument for using it is that it would probably cause the least disturbance of currently established occupation within the north 3/4 of the section.

2) Occupation: There are several old fences running north or south from the E-W road. These fences do not, however, point to any one location as being the 1/4 corner location. In the vicinity of the 1/4 corner the fence north is 15' east of the fence south. To use the fence north as the control to set the 1/4 corner would leave a shortage of 24' in the east 1/2 mile and an excess of 54' in the west 1/2 mile of the section line. Using the fence south would result in a shortage of 9' in the east 1/2 mile and an excess of 39' in the west 1/2 mile. While these shortages and excesses are not totally out of the range of possibility for the original 1/4 corner position, there are other reasons to question their position. First of all they do not agree with each other. Secondly, measuring west to the 1/16 line? fences we find 1381' fence to fence on the south side of the road and 1396' fence to fence on the north side of the road where we should find 1320±. In other words, the fences do not seem to represent proper section subdivision lines. Thirdly, the same owner owns on both sides of the 1/4 line on the south side of the road. The current owner, E. Chaney, states that his father was the first owner of the property and that he himself was raised there and has lived there for more than 70 years. His father built the original fences and that to his recollection they were not based on the 1/4 corner location. He further states that he believes the true 1/4 corner position is west of the existing fences.

From the foregoing information and having found no record of a 1/4 corner being marked since the original gov't. survey and finding no reliable monuments in place, it appears that the proper procedure is to set this 1/4 corner by proportion to the original recorded measurements and in the $\frac{1}{2}$ of the existing E-W road for its N-S position.

RECEIVED

FEB 13 1989

RECREATION DIVISION
DEPT. OF NATURAL RESOURCES