

NARRATIVE OF SURVEY

This survey was performed at the request of Mr. Henry Lorenzen, Attorney at Law, representing Mr. David Lange. The purpose of the survey is to identify the common boundary between the lands of Lange and Dethloff in the NW1/4 of the SW1/4 as shown herein and to show the location of those marks identified by Mr. Lange as representing a long term location of this line.

**HISTORY:** Relating to Section 34, Township 7 South, Range 38 East, W.M., Baker County, Oregon. The south line of Section 34 was originally established by U.S. Deputy Surveyor Timothy Davenport under his contract No. 102 dated July 20, 1863. Deputy Surveyor Davenport surveyed the easterly three miles of the south line of the Township. The east half of the Township was subdivided by U.S. Deputy Surveyors David P. Thompson and Daniel Chaplin under their contract No. 104 dated April 16th, 1864. U.S. Deputy Surveyor Eugene P. McCormack, under contract No. 398 dated August 15th, 1881, surveyed the westerly three miles of the south line of the Township. The west half of the Township was subdivided by U.S. Deputy Surveyor William Gradon under his contract No. 445 dated June 1st, 1882. Deputy Gradon did not resurvey the west line of section 34. His only tie to section 34 was to its NW corner. A majority of the east half of the Township (including all of section 34) was granted to the State of Oregon as a state selection for internal improvements on February 12th, 1870. The State of Oregon conveyed all of the lands in section 34 to private owners between the dates of September 26th, 1871 and June 19th, 1893. The S1/2 of the NW1/4 was conveyed to P.L. Ford on June 28th, 1878 by deed recorded in state Deed Book I, Page 283. The NW1/4 of the SW1/4 was conveyed to William A. Owen on December 22nd, 1891 by deed recorded in state Deed Book T, Page 334. William Owen owned the NW1/4 of the SW1/4 in its entirety until he sold the northerly portion to Peter Hansen in 1902. The tract sold to Peter Hansen was described by metes and bounds using rods and said to contain 15 acres. (See Deed Book 51, Page 223.) Peter Hansen died in 1921 and his heirs, Mary Wiegert, conveyed the Hansen tract to William Steward in 1923 by the description "The north 15 acres of the NW1/4 of the SW1/4". (See Deed Book 100, Page 517.) This 15 acres remained under the separate ownership of William Steward until 1951 when he inherited additional lands in the area from Frank Steward. In 1903, land in the SE1/4 of Section 33 was purchased for the construction of the Rock Creek Power Plant. Construction of the plant was completed in 1905. On July 20, 1903 the Plat of Rock Creek Townsite was recorded. This subdivision was in the SE1/4 of the NE1/4 of Section 34. On April 20th, 1904 the Plat of Cole's Addition to Rock Creek was recorded. The portion of which was vacated in 1905. This addition was also in the SE1/4 of the NE1/4 of Section 34. In February of 1909, Frank Steward granted an easement to the Grande Ronde Electric Company for an existing power line. The existing line was described as "on or near" the south line of the S1/2 of the NW1/4 but was to be moved to be "above" and "within three feet of" said south line. Frank Steward purchased the S1/2 of the NW1/4 (see Book W, Page 537) from P.L. Ford in November of 1892 and owned it until he passed away in 1951. The map of the water rights adjudication for the Powder River dated June 6th, 1912 shows all of the water use in Section 34 and includes 12 acres in the NW1/4 of the SW1/4 conveyed by the water rights certificate recorded in Volume 4, Page 492 of the state records. Frank Steward was granted a certificate granting Peter Hansen the use of the waters of Rock Creek with a priority date of 1902.

**GLO REMONUMENTATION:** The original monuments for Section 34 were all post and pits. There were also two bearing trees at the south 1/4 corner and three bearing trees at the southwest section corner. In January of 1978, James Hambleton under survey 7-38-9 reported not finding the original monument at the NW corner of the section and held the fence intersection as the true corner point. In May of 1978, BLM surveyor Dale Bedell found an iron pipe and bearing tree at the SW corner of Section 34 and a brass cap in the NW corner. In August of 1980, survey 07-38-017, William Hanley held the fence corners for the NW section corner and N1/4 corner and set brass caps. He also held the spike of unknown origin at the NE corner of the section that was in the center of the N-S road and inline with a westerly running fence. In May of 1980 under survey 08-38-29, William Hanley set a 5/8" rebar with a plastic cap at the S1/4 corner of Section 34 based on landowner testimony and a BT stump. In September of 1983 under survey 07-38-22 (in Section 33), Thomas Hanley, set a brass cap at the proportioned point for the 1/4 corner common to Sections 33 and 34. In December of 1993 under survey 07-38-70, James Hanley held the position of the E1/4 corner as being on the center of the county road at that corner point and by holding the existing right of way fences and the record distance east of Rock Creek Avenue reported in a 1908 road traverse. He set a brass cap at that corner. (See survey 7-38-70 for details.)

**DISCUSSION:** As noted in the GLO remonumentation report above, of the 7 GLO corners affecting this survey, the SW corner and S1/4 corner are based on original evidence; the NW, N1/4, and E1/4 corners were perpetuated by holding long term fence lines and road locations as the best evidence of the original location; and, the spike at the NE corner of the section, though of unknown origin, was accepted as a BLM monument in the 1980 survey. In relation to the long term possessory fence that runs along the north line of section 34, I find these to be the best evidence of the original corners. The west 1/4 corner, however, was reestablished in 1983 by proportionate measure under survey 7-38-22 which was a survey in section 33. Since survey 7-38-22, portions of section 34 have been subdivided by surveys 7-38-70, 7-38-122 and 7-38-128, all using the proportioned point and all with a significant shift to the south from the existing fence and possessory lines in section 34. The east-west center of section line running from the CW1/16th corner to the W1/4 corner of section 34 was the boundary between the Owen lands from June of 1878 through September of 1978. The remains of an old fence run along this line. Also, the existing power line runs along the north side of this fence. This is in agreement with the easement granted by Frank Steward to the Grande Ronde Electric Company in 1909. This fence can also be seen on the 1954 aerial image BBB-3N-65 obtained from the Baker County Assessor indicating the fence was in place prior to when the 1993 survey was performed. I have held this fence as representing the east-west centerline of section 34 for the following reasons: 1 - When projected to the east section line the resulting intersection agrees with the E1/4 corner reestablished in 1993 within 4 feet. 2 - When projected to the west section line to establish the west 1/4 corner, the result is that the fence running east-west through the center of the north half of the section is within 1 foot of being on the true E-W 1/16th line. (It should be noted that this same fence through the center of the north half of the section also runs along the 1904 north line of Cole's Addition.) 3 - When projected to the west the resulting intersection with the west line of section 34 falls within 16 feet of the GLO call to the center of Rock Creek. 4 - The fence remains along the E-W line between Dethloff and Lange / Proebstel are 497' south of the fence remains along the E-W line through the center of section 34. The deed dimension calls for 495 feet south. Given the information above, it is my opinion that the fences along the east-west line through the center of section 34 and the east-west line through the center of the north half of section 34 represent the good faith location by the entryman and thus carry with them the associated bona fide rights. I also determine that the W1/4 corner of Section 34 is obliterated and not lost and that the current position was proportioned in error. That being the case, I hold the seven original GLO corner positions as shown herein and subdivide the section as directed by the current BLM Manual of Instructions.

The line in question in this survey (between Dethloff and Lange) is the south line of that part of the NW1/4 of the SW1/4 conveyed from W.A. Owen to Peter Hansen in 1902. The original description of the Hansen tract was in metes and bounds using the rod as the unit of measure. That description was changed to "the north 15 acres" by the Hansen probate in 1921 and to its present metes and bounds form when combined with other Dethloff lands in 1978. The remainder of the Owen land south of the Hansen tract was further divided into its current four pieces through a series of conveyances, recombinations and reconfigurations which included multiple description changes. However, none of the conveyances (see the deed reference table on this map) were a transfer of property from one side of the "Hansen line" to the other. Therefore, I hold the south line of the Hansen tract as originally described to be the true line. To establish the westerly end of the true line I begin at the west 1/4 corner of Section 34 and measure south 495 feet along the west section line. To establish the east end of that line I begin at the CW1/16th corner and measure south along the N-S centerline of the SW1/4 of section 34 the deed distance of 495 feet. (15 rods.) This survey was performed with a Trimble R6S Base/Rover pair and in the timbered portion of the property with a Trimble 5604 Electronic Total Station.

MAP PRINTED 10-07-22  
MONUMENTS SET 10-6-22

**SURVEY FOR**

Mr. Henry Lorenzen  
Attorney at Law  
Corey, Byler & Rew, L.L.P.  
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Pendleton, OR 97801

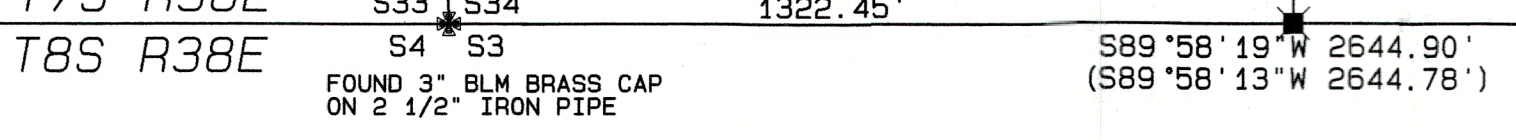
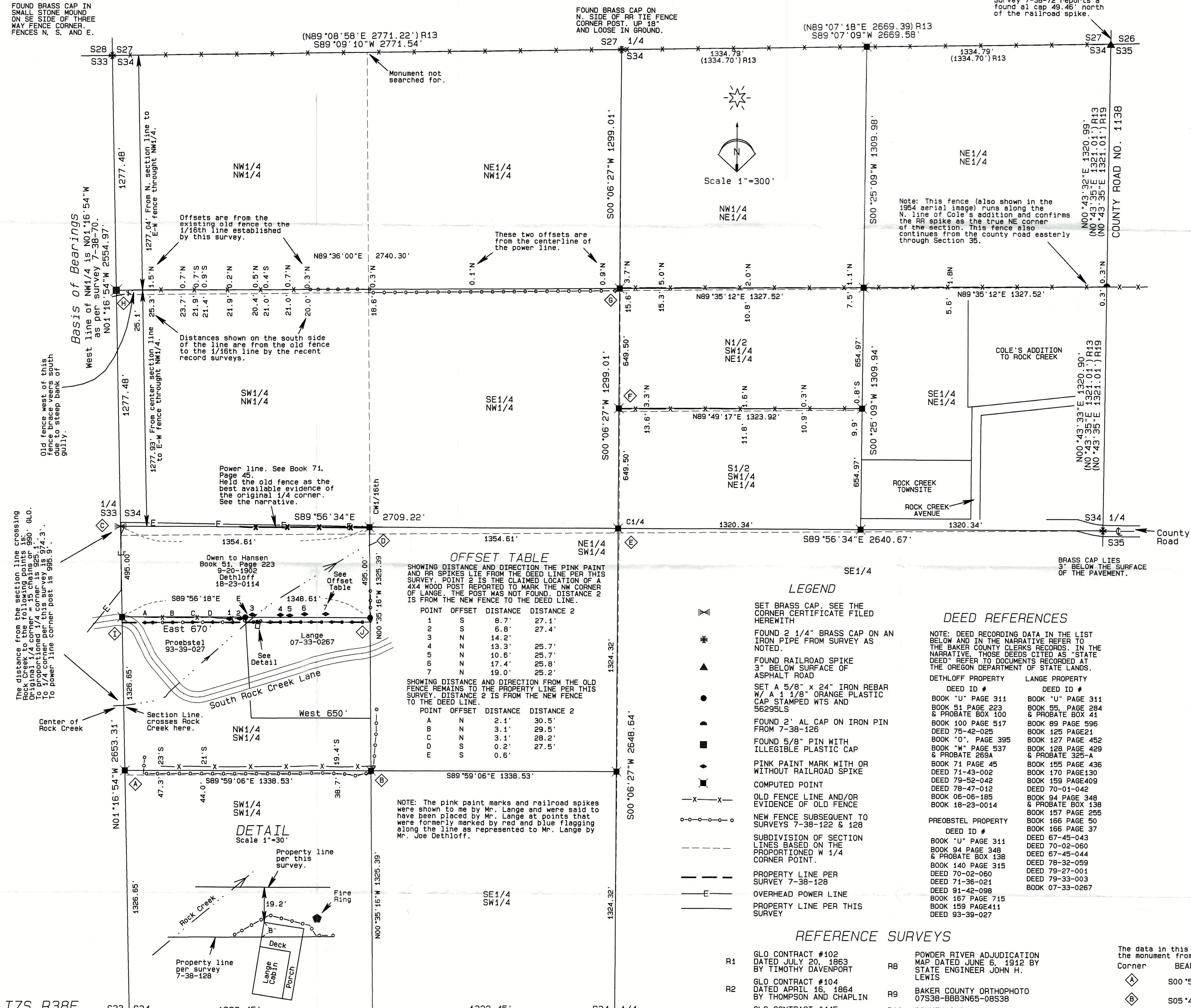
LOCATION: SECTION 34, T7S, R38E, W.M.,  
BAKER COUNTY, OREGON

PROJECT DATE: 10-7 THROUGH 10-07, 2022

Project No. 21-26 SCALE: 1" = 300'

**WITNESS TREE SURVEYING**

Stephen K. Haddock, PLS, CFedS  
P.O. Box G  
Pilot Rock, Oregon 97868  
(541) 443-2922



**T7S R38E**  
**T8S R38E**

FOUND 3/4" BL BRASS CAP ON 2 1/2" IRON PIPE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 15, 2001  
STEPHEN K. HADDOCK  
56295LS

RENEWS 6-30-23

For Review Only 10-7-22

**REFERENCE SURVEYS**

- R1 GLO CONTRACT #102 DATED JULY 20, 1863 BY TIMOTHY DAVENPORT
- R2 GLO CONTRACT #104 DATED APRIL 15, 1864 BY THOMPSON AND CHAPLIN
- R3 GLO CONTRACT #445 DATED JUNE 1, 1882 BY WILLIAM GRADON
- R4 SPECIAL INSTRUCTIONS DATED 3-13-1978 GROUP 952 BY DALE T. BEDELL
- R5 PLAT OF THE ROCK CREEK TOWNSITE DATED 7-20-1903
- R6 PLAT OF COLE'S ADDITION TO ROCK CREEK 4-20-1904
- R7 REPORT OF ROCK CREEK HISTORIC PROJECT, HISTORIC AMERICAN ENGINEERING RECORD HAER NO. OR-121
- R8 POWDER RIVER ADJUDICATION MAP DATED JUNE 6, 1912 BY STATE ENGINEER JOHN H. LEWIS
- R9 BAKER COUNTY ORTHOPHOTO 07538 BBB3N65-06538
- R10 COUNTY SURVEY 7-38-9
- R11 COUNTY SURVEY 7-38-17
- R12 COUNTY SURVEY 7-38-22
- R13 COUNTY SURVEY 7-38-70
- R14 COUNTY SURVEY 7-38-72
- R15 COUNTY SURVEY 7-38-87
- R16 COUNTY SURVEY 7-38-122
- R17 COUNTY SURVEYS 75-38-123, 124, 125, 129 & 130. (CORNER CERTS)
- R19 COUNTY SURVEY 7-38-126
- R20 COUNTY SURVEY 8-38-22
- R21 COUNTY SURVEY 8-38-29

**MONUMENT NOTES**

The data in this table is from the corner point calculated per this survey to the monument and survey notes.

Corner	BEARING	DISTANCE	Remarks
⊠	S00°52'22"E	24.76'	5/8" rebar with weathered plastic cap from survey 7-38-22
⊠	S05°41'48"E	18.58'	5/8" rebar with 2" AL cap from survey 7-38-128
⊠	S01°16'18"E	49.23'	2 1/2" brass cap on an iron pipe from survey 7-38-22
⊠	S05°26'25"E	36.89'	5/8" rebar with 2" AL cap from survey 7-38-122
⊠	S13°27'51"E	24.82'	2 1/2" brass cap on an iron pipe from survey 7-38-70
⊠	S13°42'14"E	18.54'	5/8" rebar with plastic cap from survey 7-38-70
⊠	S14°01'22"E	12.29'	2" AL cap on an iron rebar from survey 7-38-122
⊠	S00°58'53"E	24.55'	5/8" rebar with 2" AL cap from survey 7-38-122
⊠	S01°13'26"E	31.16'	5/8" rebar with Yellow Plastic cap from survey 7-38-128
⊠	S06°39'32"E	24.00'	5/8" rebar with Yellow Plastic cap from survey 7-38-128