

Volume 25: Issue 4
October, 2014



LINES & POINTS

www.plsw.org

TRI-TERRITORY HISTORIC SITE

MARKING THE COMMON BOUNDARY OF THE
LOUISIANA PURCHASE (1803) THE NORTHWEST
TERRITORY (1846) AND MEXICO (1848). THE SITE
IS LOCATED WHERE THE CONTINENTAL DIVIDE
CROSSES THE 42° PARALLEL NORTH LATITUDE.

DEDICATED SEPTEMBER 24, 1967

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PLSW (Professional Land Surveyors of Wyoming) is a statewide organization of Land Surveyors registered to practice in the Equality State of Wyoming. PLSW is dedicated to improving the technical, legal, and business aspects of surveying in the State of Wyoming. PLSW is affiliated with the National Society of Professional Surveyors (NSPS) and the Western Federation of Professional Land Surveyors (WestFed).

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On The Cover

TRI-TERRITORY HISTORIC SITE
PHOTO BY
HARRY KESSNER

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2014 PLSW SUSTAINING MEMBERS

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- Chris Farnsworth - RDO Integrated Controls
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Special Rates apply for PLSW Chapters and cover placements.

For more information please contact Pete Hutchison or Jack Studley.

PRESIDENT'S MESSAGE



Hello fellow PLSW members and assorted affiliates,

As I sit here this morning, September 11, 2014, watching the snow pile up outside, I am left wondering what happened to summer. If you are like me, summertime shot right on by, and boy, do I already miss it. I do hope everyone had a productive and lucrative season, and that there are not too many loose ends to work out. I also hope everyone found time for some fun as well. For those of us who work in the high country of Wyoming at times, maybe the snow will melt off quickly and we can finish what we started. We'll see.

At the last meeting of the Board of Directors, it came to our attention that not everyone was getting the full benefit of NSPS membership, evidenced by receiving regular communications from NSPS. It is probably that NSPS is overwhelmed by the sudden influx of so many state organizations, but we will be checking on that to assure that all members do receive the information our dues allow us. Cotton will spearhead that effort.

The latest, greatest version of the website is up and running and I hope you all find it helpful and informative. Thanks to all who had a hand in that. It's that time again when chapter meetings start up, and please make every effort to participate in and be a part of your local PLSW organization, they can't function without your help.

I am looking forward to the Fall Technical session November 6 and 7, and it looks to be another great event. It will be good to see all my colleagues again, and I am excited to have Dennis Mouland as our keynote speaker, he is just great. I first met Dennis in the mid 1980's, when he was the Forest Service PLS in Glenwood Springs, Colorado, and I was in business in Carbondale. We have sort of stayed in touch over the years, and it will be good to see him again in person. Some of you, like me, may have taken a class or two through the University of Wyoming's outreach program that Dennis taught. There's always something for everyone, and for sure there's something to look forward to at the session.

PLSW has had a couple of "hot button" issues this year, the Proposed New Rule Regarding the Authorized and Unauthorized Practice of Law, proposed by the State Bar Association, and the Proposed Trespassing To Collect Data Law, proposed by a legislative committee as Senate File Number SF0085. It was my honor to speak to these issues as your President, and it is my great pleasure to announce that our collective voices were heard, and that exceptions for Surveyors practicing their profession were written into these proposals, allowing us to continue doing what we do as professionals.

On a much sadder note, PLSW lost two members this summer, Stephen Strang, longtime Casper City Surveyor and PLSW committee member, and Jim Claflin, a past President. Our thoughts and prayers go with the families, and our thoughts and prayers also go with Paul Reid, our longtime delegate to WFPS, as he struggles with medical issues. These things are sobering reminders that life is fickle, so enjoy it to the fullest, and be grateful for every day you have!

That's it for now, see you in November! Thanks again to everyone who keeps PLSW running, BOD members, officers and representatives to various national organizations, and of course all you PLSW members!

Sincerely,

Carl R. Carmichael, President

Professional Land Surveyors of Wyoming

ANNOUNCEMENTS

**WWW.PLSW.ORG HAS A NEW LOOK
AND UPDATED CONTENT
TAKE A LOOK! THERE'S MORE TO COME!**

•The Wyoming Engineering Society is soliciting applications for the 2014 President's Project of the Year Award. The award increases the public's recognition of engineering and surveying projects in Wyoming. The guidelines for submission of a project may be found at www.eng.uwyo.edu/societies/wes. Entries must be received in Laramie on or before Thursday, January 6, 2015. It is encouraged that the guidelines and application form be reviewed to determine a project worthwhile for statewide recognition.

CONGRATULATIONS!

•The members of the Professional Land Surveyors of Wyoming would like to recognize the achievement of the following new Wyoming registrants.

Andy Hubbard,	Ogden, UT	LS 14494
Arthur Schubert,	Glenrock, WY	LS 14536
Kurt Luebke,	Missoula, MT	LS 14546
Aaron Money,	Casper, WY	LS 14558
Jeremy Harris,	Gillette, WY	LS 14602
Joanne Swanson,	Gillette, WY	LS 14614
Edward C. Reed,	Cody, WY	LS 14635
Dean Raynes,	Lander, WY	LS 14640
Ryan L. Kearney,	Rapid City, SD	LS 14644



•The 2009 Manual of Survey Instruction is now available online through the BLM website at http://www.blm.gov/pgdata/content/wo/en/prog/more/cadastralsurvey/2009_edition.html. It can also be accessed directly at plsw.org on the "References" page.

LINES AND POINTS ARTICLE ROTATION SUBMISSION SCHEDULE BY CHAPTER

Responsible Chapter	First Call Date	Last Call Date	Publication Date
Southwest Chapter	THANK YOU!! (SEE "TRI-TERRITORY SITE" IN THIS ISSUE)		
Northeast Chapter	December 1	December 15, 2014	January 1, 2015
Northwest Chapter	March 1	March 15	April 1, 2015
West Chapter	June 1	June 15	July 1, 2015
Central Chapter	September 1	September 15	October 1, 2015
South Central Chapter	December 1	December 15, 2015	January 1, 2016
Southeast Chapter	March 1	March 15	April 1, 2016
Laramie Valley Chapter	June 1	June 15	July 1, 2016

Letter of Appreciation 2014 TwiST Workshop

Dear PLSW Board,

I would like to personally thank you for providing my scholarship to attend the 2014 Teaching with Spatial Technology workshop in Vancouver, WA this past June. It was one of the most useful and worthwhile workshops I have attended in my 20 years of teaching. In fact, I am excited for the new school year to share what I learned with the students on the application of GPS and GIS technologies.

The workshop was packed with activities and training. I learned pacing and reading a field compass on the first day and transitioned into using GPS technology and the ArcGIS mapping software the remainder of the week. Even though it was a lot of information to pack into such a short period of time; the condensed material our instructors provided was a perfect balance of what I needed to begin exploring the technology and examples of activities I can incorporate in the classroom.

The workshop also provided some tools for immediate use in my classroom. I received a professional field compass, Garmin eTrex 10 GPS, and will receive the full version of ArcGIS from ESRI shortly. I am not sure of the total value of these tools are, but I am sure it is substantial. Thank you!

I plan to begin using spatial technology in two of my courses, Forestry and Pre-Engineering. These classes will directly benefit from the knowledge I gained during the workshop. Of course, as a Career and Technical Education instructor, I will also be able to spark some interest in the surveying, GPS and GIS professions.

Without your support, I would not have been able to afford to attend the workshop. Your scholarship funding is paramount in providing the opportunity for other teachers to benefit from this program in the future. In the workshop advertisement, it states that the workshop and travel expenses average around \$2000. My total cost for airfare, car rental, hotel and tuition is \$2248.79, not including meals. As you can see, your scholarship funding is definitely needed to offset the cost to the educator insuring future teachers will be able to benefit from the TwiST workshop.

I once again would like to extend my sincerest gratitude to the PLSW Board for providing this opportunity to attend the 2014 TwiST workshop. The program is top notch and I will encourage more Wyoming educators participate in this opportunity.

Sincerely,



Todd Hickman
Sundance High School
Sundance, WY

PLSW BOARD OF DIRECTORS MEETING SUMMARY

The PLSW Board of Directors met via conference call on 6 September 2014.

The 3 May 2014 meeting minutes were approved.

PRESIDENT'S REPORT:

Carl Carmichael reported that we need to continue to track the "Trespass Bill" which could possibly have an adverse effect on the surveying profession, although the last draft he saw included an exception for professional land surveyors. He also acknowledged the deaths of Steve Strang and Jim Claflin and noted that cards had been sent to the families.

PRESIDENT ELECT'S REPORT:

Suzie Sparks mentioned that because of the spate of recent deaths and retirements within our group that we need to make an effort to recruit new members and encourage more people to become actively involved in the organization. Suzie was asked about the e-mail she had forwarded from Denyse Wyskup regarding adding a requirement to report coordinates on the Wyoming Corner Record Form. Suzie gave the group a general briefing on what was being proposed and why. A discussion ensued. The consensus was that it would be better to keep the reporting of coordinates as voluntary. The board will not support a proposal to make it a requirement.

SECRETARY'S REPORT:

Marlowe Scherbel inquired as to whether PLSW members were getting their membership packets and e-mails from NSPS. The group reported that some were and some weren't. Cotton Jones stated that he would contact NSPS headquarters and inquire as to why some members had not received them yet.

TREASURER'S REPORT:

Marlowe reported he had sent a check for \$6,540 to NSPS in May to pay the PLSW membership dues.

Bank Account Balances as of 31 July 2014:

Checking Account:	\$ 10,613.32
Money Market account:	\$ 6,896.06
Investments:	\$ 140,195.78
A/R & Notes Payable	\$ (50.00)
Total Cash	\$ 157,655.16

COMMITTEE REPORTS:

Education Committee: Submitted a written report.

Membership Committee: Randy Stelzner reported there were three new registrants.

Publications Committee: Larry Perry reported the Southwest Chapter is responsible for the submission of an article for the next issue of Lines & Points. He also reported the new PLSW website is about to be

launched, a few more tweaks and it will be ready. An announcement will be forthcoming.

DELEGATE REPORTS:

WFPS: Paul Reid submitted a written report. Cevin Imus volunteered to stand in for Paul at the WFPS BOD meeting to be held in Reno, NV next week.

OLD BUSINESS:

a) Compilation of acceptable map sizes – Carl will check with Mark Corbridge to find out if this item needs to remain on the agenda.

b) Publication of Dr. Herb Stoughton writings – Karl Scherbel reported that Herb is compiling a list of items to be included.

c) TWIST – A letter of appreciation was received from Todd Hickman, the teacher that was awarded \$1000 to attend TWIST. The letter may be published in the next issue of Lines & Points.

NEW BUSINESS:

a) Scholarship Fund Memorial Plaque Resolution – A resolution was submitted by the SE Chapter proposing a memorial plaque be produced to recognize donations made to the scholarship fund given in honor of deceased surveyors. A lengthy discussion followed. The general consensus was that it is a good idea but most felt a virtual plaque on the website would be better. Joel Ebner, SE Chapter Director, will pass along the thoughts of the board to the SE Chapter membership for further discussion.

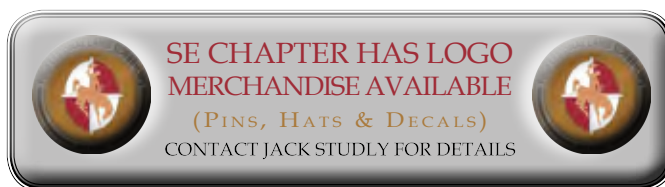
b) Wyoming Corner Record Form – Discussed during the President Elects Report.

c) Pending Retirement of Christine Turk – The SE Chapter proposed a letter be sent from PLSW to Christine recognizing her many years of service as Executive Director of the Wyoming Board of PE & PLS and that a donation be made to the PLSW Scholarship Fund in her honor. It was decided that a letter will be written and \$500 from the next scholarship raffle would be donated in her honor.

ANNOUNCEMENT:

a) SE Chapter announced they may be sponsoring a training session in Cheyenne the week of the WES Convention in February. It will be taught by NGS and the subject will be OPUS Projects. An announcement with more details will be made at the Fall Tech. Session.

b) Next BOD meeting will be at the Fall Technical Session.



Steven John Stang

February 5, 1956 - August 17, 2014



Casper Star Tribune, August 21, 2014

Steven John Stang, 58, of Casper, passed away Sunday, August 17, 2014.

He was born to the late Marvin and Virginia "Didge" Stang on February 5, 1956, in Cedar Rapids, Iowa. He graduated from Assumption High School in Davenport, Iowa in 1974 and received an AS degree in Civil Engineering Technology from Idaho State University in 1978. During his time at Idaho State University, he was a member of the Sigma Nu fraternity. He married the love of his life, Cherie McCarty, on August 25, 1979 in Idaho Falls, Idaho. They enjoyed nearly 35 years living happily together in Casper where they had their three beautiful daughters Jessica, Laurel and Stefanie.

Steve worked as a Professional Land Surveyor for the City of Casper for 25 years before retiring in 2010. He was a long-time member of the Professional Land Surveyors of Wyoming and was on the newsletter committee for 18 years.

Steve was an active member of Our Lady of Fatima Catholic Church. He was an avid outdoors man who was passionate about skiing and also enjoyed biking, hiking, camping, fishing, hunting and golf. He instilled, in his family, a true love and appreciation for mother-nature. He loved music and playing his guitar. His family and friends will fondly remember him strumming his favorite tunes around the campfire or in his man cave.

Steve is survived by his wife, Cherie Stang and their three daughters, Jessica Reese and her husband, Brad Reese, Laurel Stang and Stefanie Stang, all of Casper. He is also survived by his granddaughter, Charlotte Reese, of Casper; sister, Stacie Stang, of Arvada, CO and niece, Rebecca Stang of Denville, NJ; and his beloved canine companion, Bode. He was preceded in death by his parents, Marvin Stang and Virginia "Didge" Neuhaus (Stang).

Donations can be made, in remembrance of Steve, to the Harmony Foundation at www.harmonyfoundationinc.com or to the Arthritis Foundation at www.arthritis.org.

A viewing was held at Newcomer Funeral Home on Thursday, Aug. 21st from 6pm-8pm with a rosary service at 7 pm. Funeral Mass was held at Our Lady of Fatima Catholic Church on Friday, Aug. 22nd at 11:00am with a reception following in the church basement.

To send condolences or leave a special message for the family, please visit NewcomerCasper.com

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James Dean Claflin

December 24, 1955 - September 1, 2014



Wyoming Tribune-Eagle, September 2, 2014

James Dean Claflin, 58, of Cheyenne passed away Sept. 1 at his home, surrounded by family, after battling pancreatic cancer.

James was born Dec. 24, 1955, in Beloit, Wis., to Arthur and Janet Claflin. He graduated from Rhinelander High School in 1974, married his high school sweetheart, Marlene Tetzlaff, and had three children.

In 1984, his profession took him and his family to Cheyenne, where he began a long, fulfilling career as a cadastral surveyor for the Bureau of Land Management.

For the next 30 years, he worked in cadastral surveying in Wyoming, New Mexico and Montana, and as director of surveying for Jorgensen Associates in Jackson. He retired in December 2013 as chief cadastral surveyor for Montana and the Dakotas.

James led an adventurous life exploring the wilderness areas of the Rocky Mountains. He enjoyed skiing, camping, fishing, horses and, especially, hunting with his sons, brothers and closest friends.

His passion was sailing in the British Virgin Islands, where he chartered many sailing trips for friends and family. He also served as a captain for the Jackson Volunteer Fire Department and was a member of the Campbell County Volunteer Fire Department.

James is survived by his loving wife of 39 years, Marlene; his children, Joshua Claflin (Danielle), Paul Claflin (Reggie) and Jaime Grundner (George); grandchildren, Brett, Kayli, Bronson, Jevity and George; and siblings, Ken Claflin, Al Claflin and Gail Michael.

He was preceded in death by his parents and brother, Jeff.

He was a member of Good Shepherd Lutheran Church and a firm believer in his savior, Jesus Christ.

A memorial service will be at 4 p.m. Saturday at Good Shepherd Lutheran Church, 4776 Mountain Road, Cheyenne. In lieu of flowers, please donate to St. Jude's Children's Research Hospital

JIM CLAFLIN'S BLM WORK HISTORY

by John Lee

Jim started his BLM career in 1984 when he was hired from private industry by Jerry Messick as a party chief for a travel crew working out of Cheyenne.

In 1986 Jim was transfer to the Gillette Project Office as a party chief and worked under Dale Wilson

In 1992 Jim was promoted to the position of Gillette Project Office Manager.

Mid -'90s he took on duties of Field Section Chief for the WY State Office.

BLM established the Gillette Project Office in Gillette, WY on April 1, 1986. This was to become the largest Cadastral Survey Project Office ever established by the BLM, employing 122 people over 20 years. From 1986 to 2006, the Gillette Project Office dependently resurveyed 111 townships comprised of approximately 7,900 miles of surveyed line, monumenting approximately 16,000 PLSS corners. Jim was a big part of those accomplishments.

In 1999 Jim was promoted to the Field Chief of the New Mexico SO where he worked for about 3 years.

In 2001 Pete Jorgensen, of Jorgensen Engineering, persuaded him to go to work in Jackson, WY. He worked in the private sector for about 5 years.

From 2006 until last year he worked for the Montana State Office. He was one of the first group hired as a BLM Indian Lands Surveyor and retired as the Cadastral Chief of Montana and the Dakotas.

THE ELUSIVE NW CORNER OF SECTION 21

-OR-

THE SE CORNER OF SECTION 17- NOT LOST BUT NOT FOUND

By: Michael Zancanella

This is a tale not completely about survey work, but more about that constant thought process which is deep inside us once we become land surveyors.

The forest was dense and the terrain, with just a few chances to catch your breath, was rapidly gaining altitude towards the crest of the mountains. I was carrying my equipment with me, which in this instance was a 65lb. Bingham Archery recurve bow, a supply of Bear razor tipped cedar arrows and some sustenance. Oh Yeah, I did have my resident elk license with me also.

This was late September, 1978, a typical Rocky Mountain September day – color all around and a cooling breeze to ease the mid-day heat.

My two brothers were also on the mountain with the intent of stalking elk through the woods; each following his own “sure to run onto them” well-thought-out strategies. We did not hunt together, as there would be no bragging rights that way. We believed in rugged individualism.

I had started my land surveying career a few years earlier and had brought along on the hunt, the best tool in my arsenal- the USGS Topo map. And as the intrigues of surveying had by that time permeated my being, I had taken the time the night before to pick out some rectangular survey corners that I would casually look for while on the hunt. Part way up the slope of the mountain which we were now hunting, I pulled a map from my small hiking pack and sat down on a fallen log to see where I was. After looking down at the map and up at the terrain a number of times I could see that I was relatively near a corner that would be interesting to locate. The GLO described stone itself was unique and the bearing trees were 6” and 8” diameter at the time of scribing, and therefore should still be growing. I continued the elk hunt, of course, and I also began hunting for the set stone and scribed trees. As laymen, the brothers would not really appreciate that later stated endeavor, but I had to do it.

Not having a photographic memory, I had to stop several times and consult the map and pick out contours or small streams to guide me to the vicinity of this section corner. The breeze had abated somewhat and the sun, even in the pines, was brutal. As I topped a small ridge and started

slowly down the other side - the sought after section corner should be real close now - I saw something that I did not expect to see at elevation 10,000+ feet and deep into the woods and aspens. I saw what I see on the job day after day; the bright fluttering of orange flagging.

I stopped dead in my tracks. My mind could not quite grasp what was happening here. This was a corner well within the National Forest boundary that would not be necessary for many, if any survey projects. How was it that someone had beaten me by a few days-maybe even a day-to the joy of finding a set stone that had not been seen since it was set over a hundred years before? Well, I accepted defeat and approached the flagging and the large, probably scribed, old trees to which it was tied.

It staggered the mind what I saw next. As I got within 20 feet of the corner location, there it was. Just under a scrubby piece of brush, a spike elk; dressed and propped open to air. I sat down with wide eyes. This was a recent kill-very recent.

Sometimes I am slow to put two and two together, but finally it dawned on me. This was just like my own Flo flagging. I had given my brothers each a roll and here it was, hanging all over the place, very near the NE corner of Section 20 which I was hoping to find. This incongruous display of florescent color in these pristine woods was meant to guide my brother, the successful hunter, and whichever brother he could locate, back to the spike to transport it back to camp. Ahha!—a sinister plan began to develop in my inadequately-oxygenated-at-10,000+ feet, brain.

I did have my pulley system with me and a plot was hatched. I worked harder than was necessary for a practical joke. I dragged the spike over a small rise and behind a very large pine and hoisted the elk into the cooling air. Then I sat down to wait. It took a while. I even dozed off for a time. Soon I heard them coming up a trail, laughing and one of them somewhat bragging, and then all-out bragging—I hid. As they arrived at the still-hanging flagging, they could not believe their eyes. The spike was gone. “Sure!” the recruited pack- animal brother said, “I don’t see any elk”. No response to that from the successful hunter

brother. Then they moved the scrubby piece of brush aside and found the entrails and were really stymied and irked. "Had to be a bear"-- then a few cuss words. "Dragged him off somewhere"-- more cuss words. "That SOB, we're going to get my spike back!" After a time, they finally found the drag trail and located the elk neatly hanging and cooling in the tree.

Sometimes they are slow to put two and two together, but finally it dawned on both of them at once. "MIKE"-- My name reverberated loudly through the still mountains. I had to reveal myself then, but was laughing so hard I could not speak. The three of us, after some lively bantering,

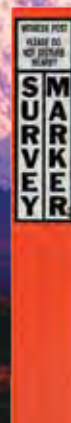
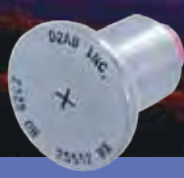
gathered up the liver, heart and the spike and got him back to camp just after the sun set. There were shots and beers and a campfire late into the night that night. There were also, revealed tales of bravado of how each brother was going to retrieve that elk from the thieving bear, conjured up as they were perplexedly searching. There was also lots of laughter rising into the starry night skies.

In all that densely wooded and rugged terrain, it is hard to believe that my brother would shoot an elk at the SW corner of State Section 16 and that I would just happen to stumble upon it there. We were in very close proximity to it, but that corner is still waiting to be found. Maybe next hunt.

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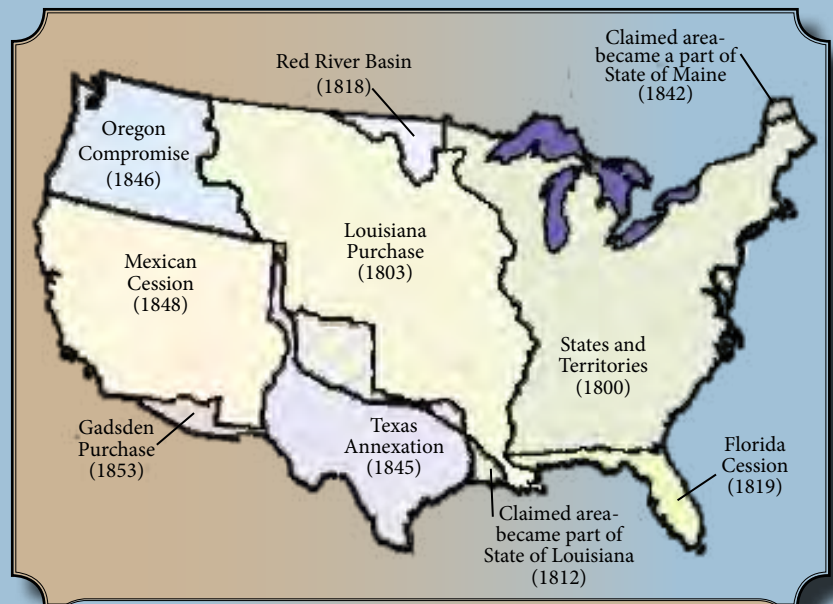
by Harry Kessner, PELS

Atop Steamboat Mountain in Sweetwater County, Wyoming where the 42nd Parallel crosses the Continental Divide you will find a pyramidal stone monument. The monument documents the "Tri-Territory Site" with a bronze plaque testifying to the geographic location of the coincidence of three very important occurrences in the history of the expansion of "The West" United States of America.

The first half of the Nineteenth Century was a time of great excitement about what was west of the Mississippi River, that great, mostly unexplored land that was yet to become part of the United States. This vast wilderness was, in fact, claimed in part by Spain, France, England, Mexico and Texas Republic and was inhabited by many Native American tribes and numerous, thus far unfamiliar, wild animals.

No one was more curious or excited about what great adventure and discoveries laid in that mysterious "West" than President Thomas Jefferson. He rued the fact that his political duties

forbade his own expeditions into that uncharted land. He, having been a surveyor in his youth, would have loved nothing more than to survey and map the new territory and record its geology, flora and fauna. But, alas, this was not to be so. The next best way to satisfy his yearning for this



MAJOR UNITED STATES LAND ACQUISITIONS BETWEEN 1800 AND 1860.

(SOURCES: U.S.GEOLOGICAL SURVEY, 1970)





great adventure was to groom a prodigy to carry out his quest for knowledge and imperialist ambitions. That chosen person was Captain Meriwether Lewis. Jefferson personally tutored Lewis in mathematics and in the use of surveying instruments of the day and sent him to scientists in Philadelphia for studies of botany, celestial navigation, zoology and medicine; all in preparing him to lead an expedition into the “West”. Captain Lewis chose William Clark to be co-commander of the Corps assigned to make this expedition and insisted that Clark be assigned the rank of Captain to make sure they were equally in charge.

President Jefferson issued orders to the two Captains to “explore the whole line [of the Missouri] even to the Western ocean” and on May 14, 1804, the Corps of Discovery, in a keelboat and two pirogues, embarked on an unbelievable expedition up the Missouri River. Thus, barely six months after congress ratified the sale of the Louisiana Territory (October 1803) from France to the United States, did the co-commanders of the Corps of Discovery unveil President Jefferson’s dream of making America a world power by expanding the Empire from “sea to shining sea”.

The Discovery mission took the Corps beyond the extents of the Louisiana Territory to the northwest

where laid a vaguely defined region known as Oregon Country. This was a wild, uninhabited (by white men), Indian controlled region traversed by the Columbia River, claimed in shadowy documentation by France, Spain, Great Britain, Russia and the United States. George Vancouver explored Puget Sound in 1792 and claimed it in the name of Great Britain. In 1807-08 David Thompson and Simon Frazier explored much of the lands and rivers contributing to the Columbia River and in the summer of 1811 Thompson became the first known white man to traverse the length of the Columbia. On July 11, 1811, Thompson’s group camped at the confluence of the Snake River and the Columbia and it was there that Thompson claimed the country for Great Britain by erecting a pole monument with such notice and a declaration that a trading post would be erected at the site. Thompson continued his survey of the Columbia in that same year culminating at the still under construction Fort Astoria at the Columbia River Bar on the Pacific Ocean. Besides the Lewis and Clark expedition the United States based its claim to the region partly on Robert Gray’s exploration into the mouth of the Columbia in 1792. Spain’s claim was based on old treaties such as the Treaty of Tordesillas and Inter caetera of 1493-94 plus their explorations of the coast

during the late 1700s. Spain later, through treaty, granted Great Britain rights to the northwest without relinquishing its claim to the territory or establishing a northern border for Spanish California. Then, as part of the Adams-Onís Treaty of 1819, Spain relinquished any rights remaining to the United States for territory above the 42nd parallel. Russia followed in the 1820s, in separate treaties with Great Britain and the United States, giving up its claims to any territory east of the 141st Meridian and south of 54°40' parallel. Thus, that left only the United States and Great Britain contesting the rights to the territory and as a result of the Anglo-American Convention of 1818 the two countries agreed to "joint occupancy" of that territory between the Pacific Ocean and the Rocky Mountains. Settlement of the Oregon Country grew dramatically with trappers exploiting the rich populations of beavers and other fur bearing animals. This growth was soon expanded on by settlers from the east via the Oregon Trail in the late 1830s. Competition between Great Britain and the United States grew as a result of settlement of Americans from the east and British Canadians from the Red River country settling on farms near Fort Vancouver. This grew into what was known as the Oregon Boundary Dispute. Despite much haggling over where to divide the territory into United States and British Columbia and with no desire by either country to go to war again, an agreement was reached with the Oregon Treaty of 1846. This treaty divided the territory west of the Continental Divide along the 49th parallel to George Strait, leaving all of Vancouver Island under British control. That border remains today.

Meanwhile, as this destiny of Oregon Country was proceeding, many American settlers and Tejanos (Mexicans living in Texas) in Texas, which was a part of Mexico at the time, were unhappy with rule by Santa Ana, Mexico's President, and decided to fight for Texas independence. After Santa Ana beat down the Texans at the Alamo, Sam Houston led a Texan army that captured Santa Ana in a battle at San Jacinto. As the result of Santa Ana's release, Santa Ana gave Texas its independence. President Van Buren, for various reasons, was against annexation of Texas but in 1845 when James Polk became president that all changed and Congress voted to annex Texas.

Annexation caused a dispute over the border between Texas and Mexico and Congress declared war with Mexico in 1846. The war continued until September 1847 when America captured Mexico City. Then in February 1848 the two countries came to an agreement and signed the Treaty of Guadalupe-Hidalgo in which Mexico recognized Texas as a state of United States and ceded a large part of Mexico to the United States for about fifteen million dollars. This deal known as the Mexican Cession deeded lands to the United States that would later become Utah, Nevada, California, and parts of Arizona, New Mexico, Colorado and Wyoming.

Thus, through war, treaty, extraordinary bravery and tenacious pioneering these three pieces of the United States mosaic were added and President Jefferson's dream of a United States "from sea to shining sea" was realized.

Believing that these three significant events in U.S. history and their coincidence lying in southwestern Wyoming merited some form of recognition, the Kiwanis Clubs of Rock Springs, Lander, Riverton and Rawlins, acting in cooperation with BLM officials, conceived a plan to erect a monument at the site where the three acquisitions meet.

A 24"x18" bronze plaque is mounted on a native stone masonry monument at the determined location. The site is enclosed in a fenced area also containing four flag poles, for the four nations involved, and a BLM interpretive sign. Elevation of the site is 7,775 feet.

The position of the coincidence of the three historical acquisitions was established by B.L.M. cadastral survey in July 1967, determined from G.L.O. Station No. 25 (Sweetwater County, C.I. Asinkson, 1931) by traverse through section lines adjusted to sea level distances. The position is 42 feet east along the 42nd. Parallel from the section line between Sec. 1 and Sec. 2, T23N, R102W. The 42nd Parallel lies 1315.6 feet southerly (S0°05'E) from the NW Section Corner of Section 1, T23N, R102W.

There was an attempt by the Kiwanis Clubs and the BLM to include the Tri-Territory Site in the National Register of Historic Places. BLM officers vigorously pursued the proposal through the Wyoming Recreation Commission. The



TRI - TERRITORY HISTORIC SITE

Commission cited two weaknesses in the BLM proposal one of which could be corrected and another “which can be in no way avoided”. The first weakness to the proposal, that which could be corrected, was the wording on the plaque which read, in part “...Louisiana Purchase (1803) The Northwest Territory (1846) and Mexico (1848)”. The reviewing historian, Ned Frost, correctly pointed out that “The Northwest Territory” is an incorrect reference to that region of the Tri-Territory acquisitions. In all histories of the United States, “The Northwest Territory” was the area that was to become the States of Ohio, Indiana, Illinois, Michigan, Wisconsin and a part of Minnesota. The correct designation should be, “Oregon Country”. The second weakness to the proposal was that the

site “is not in itself a place at which any historic event occurred”. Because of these “weaknesses” and other bureaucratic obstacles the nomination was vetoed. No attempt to change the wording on the plaque or to militate the other deficiencies in the nomination has to date been attempted.

Because of the importance of these acquisitions to the United States and the proximity of their common enjoiner it seems only logical that the site be recognized in some national historic archive as a place of distinction.

The BLM has recognized the historic relevance of the site and the importance to provide the public access to it by posting direction and distance signs from both highways 191 and 28 to the site.

Book Review:

EASEMENTS RELATING TO LAND SURVEYING AND TITLE EXAMINATION

by Donald A. Wilson

(Hoboken, N.J.: John Wiley & Sons, Inc.; 2013), ISBN: 978-1-34998-4 (cloth). pages: 285 + vii.

REVIEWER: Herbert W. Stoughton, Ph.D., P.E., P.L.S., C.P.

Since the 1970's, this reviewer has read numerous publications, papers, and columns authored by Donald A. Wilson. Wilson first came to this writer's attention while serving as the book review editor for the publication *Surveying and Mapping* (American Congress on Surveying and Mapping), and reviewed Wilson's compilations of statutes applicable to the profession of land surveying (for some New England States).

His land surveying knowledge is based upon his schooling, surveying experience, expert consultant and witness, and post secondary teaching at academic institutions and technical seminars, which have honed his skills to qualify him to author this work. He coauthored, with Walter G. Robillard and the late Curtis M. Brown, *Brown's Boundary Control and Legal Principles and Evidence and Procedures*. Wilson is the sole author of *Easements and Reversions* (Landmark Enterprises; 1991); *Interpreting Land Records* (John Wiley & Sons, Inc.; 2006); and *Deed Descriptions I Have Known But Could Have Done Without* (Landmark Enterprises; 1982). This last work sounds like a script for a bad comedic opera, but rest assured, readers have laughed, gasped in amazement; and cried at the antics of scribes collected by Wilson. Mr. Wilson has authored and personally published several seminar notes including: *Locating Historical Rights of Way* (1992); *Locating Undescribed Easements* (2007); *Dedication of Public and Private Rights: What It Means to be a Surveyor* (2001); and *Finding and Locating Colonial Grants* (2001). Along with his consulting and expert witness work, Wilson is eminently qualified to address the topics presented in *Easements Relating to Land Surveying and Title Examination*.

In my professional career, I have authored over eighty book reviews and performed technical and editorial reviews for over two hundred papers. In these endeavors I hope that I have developed an unbiased procedure to evaluate the topical, English grammar, and professional "style" for the manuscript or work. My initial approach is to attempt to grasp the magnitude and 'boundaries' of the work. In my opinion, reading the author's Preface and the list of references (either compiled at the end of each chapter or the end of the

work), provide me an insight into the work's depth. Following his usual writing style, Wilson has set forth in *two* pages, a concise philosophy for authoring this work. As a matter of fact, Wilson scares the hell out of me when he logically states that there exist (potentially) 4,160 (yes - four thousand one hundred sixty) possibilities of selecting the correct category (of easement situations), and then extrapolating the problem to fifty separate (states) jurisdictions (plus territories and commonwealths). The second (and last) page of the Preface contains personal experiences and professional insights. The last paragraph is a summation of Wilson's personal and professional frustration concerning the subject area's quality reference literature. The author identified two works: John Cassan Wait and Blackman and Thomas, as well as one of his previously identified works as the primary origins (in literature) for his work. He concludes the Preface with a justification for writing this volume. Wilson closes the Preface: "this treatment with its examples, is directed toward land surveyors and title persons." In this reviewer's opinion, Wilson was minimizing the limits of his audience. This work extends well beyond the envisaged audience, and should be broadcasted/heralded thereto.

The bibliography/references is brief (one and one-half pages for a work of this magnitude), but is impressive. There are numerous other published works cited in the footnotes, which have been repeated. However, the reader has been made aware of additional (not secondary) works which may assist. In an additional three pages, Wilson provides invaluable references. He recommended three basic sources - *American Law Review* (A.L.R.) (since 1919); *American Jurisprudence* (Am.Jur.); and *Corpus Juris Secundum* (C.J.S.). In this bibliography are listed fifty-three (53) specific American Law Reports relating to easements and titles containing the report's title deemed significant to the book's theme. Several ALR's are footnoted in the text. Numerous references to C.J.S. and Am.Jur. are found in the footnotes.

The third invaluable section of *Easements...* is the Glossary (over fifteen (15) pages). This Glossary is not a staid "add-on" to compliment

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the volume's subject matter. Apparently, Wilson researched each term contained therein. There are eighty-five (85) terms presented. In almost every instance there is a minimum of one legal citation. In very few instances *Webster's New Third International Dictionary* and *Black's Law Dictionary* are referenced. Someone may ask: "Is the Glossary adequate and/or complete?" This reviewer's response is that it appears to address all the topics therein presented. Wilson presented two terms which may have been colloquial, but have significant semi-legal impact in much of the Eastern United States (east of the Mississippi River). These are "Corduroy Road" and "Plank Road". In the former, Wilson did not provide a legal reference, and in the latter there is significant legal precedence.

While Wilson's Glossary is "complete", if one can define 'complete', there exist a few omissions. These omissions are based upon the readership audience. In a few instances, Wilson employed Latin-legal phrases, which are found in *Black's Law Dictionary*, but should be added here as a matter of convenience. These phrases are: "mense conveyances" (p. 192), "nul disseizin" (p. 195), "ore tenus" (p. 232), "in limine" (p. 233), and "Sui generis" (p. 252).

Wilson has divided the work into fourteen chapters: These are titled:

1. Introduction (7 pages).
2. Easements in General (21 pages).
3. Types of Easements (16 pages).
4. Creation of Easements (40 pages).
5. Termination of Easements (11 pages).
6. Easements and Descriptions (12 pages).
7. Problem Easements (9 pages).
8. The Process of Reversion (5 pages).
9. Reversion of Easements (5 pages).
10. Reversion Relating to Highways (and Other Types of Rights of Way) (13 pages).
11. Rules of Locating and Defining Reversions (13 pages).
12. Easements and the Land Surveyors (4 pages).
13. Easements and the Title Examiner (7 pages).
14. Case Studies (18 examples) (95 pages).

Chapter 1 - *Introduction* lays down the basic components of real property legal issues. In the seven pages there are 33 footnotes (16 citing *Black's Law Dictionary*). The author's purpose is very apparent, in that he wants the reader to be on equal footing in the fundamental legal principles.



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His writing is concise and even terse in setting forth the underlying tenets of real property law. In this chapter are found a number of underlying principles and definitions not reproduced in the Glossary. It is here in this chapter that the author has established his philosophy and approach for the book. He did it well in seven pages!

Easements in General (Chapter 2) defines the easement and differentiates the term from a "license", a "profit a pendre", and "fee". Private ways, public ways, railroads, canals, etc., are addressed. On page 11, Wilson presents a discussion "Differing from Fee". He concluded the section stating: "Three key elements in the granting document are: " However, subsequently listed are six 'bullets'. The reader is carefully groomed in easement terminology, and Wilson adds fifty-seven footnotes to expand the subject for curious readers. Overall, this chapter addresses the chapter's title well, and provides readers with a rudimentary working knowledge about easements.

In Chapter 3, *Types of Easements* is relatively short, but Wilson "removes the gloves", and carefully defines the domain of the subject. In the section "Easements Associated with Highways" (p. 32), two important easements - and possibly a third (or potential easement) have been omitted. These omissions are *not* intentional, but predicated on *regional* and *local* use. The easements are:

Snow Fences. In the western United States construction of snow fences within the normal highway or railroad right of way boundaries does not address the drifting snow and ground blizzards. For example, in Wyoming (this reviewer's state of residence), snow fences eight feet and higher are constructed as much as one-eighth of a mile 'up-wind' from the right of way. These easements are for a fixed period of time and are renegotiated.

Livestock Crossings and Trails. This form of easement is relatively straight forward. In many instances these easements are implied, but address the crossing of a highway or road by livestock (usually cattle, but occasionally horses, geese, ducks, etc.). Most of these easements have no written records. The usual indication along a traveled way is signage, usually the yellow diamond with a silhouette of the respective animal. Also there are cattle drive easements, usually along minor or secondary highways, or across other private lands to move livestock between winter and summer ranges.

Wild Game Migration Routes. In some

regional areas it has come to the attention of naturalists and conservation personnel that wild game has significant migration routes between their winter and summer ranges. In western Wyoming (the Upper Green River Basin), the mule deer and antelope migrate between the Red Desert and the southern edge of the Yellowstone and Teton Parks eco-systems. State and national conservation organizations treat these migration routes as "easements" and are developing systems and procedures to make the routes animal friendly and safe. Whether these routes truly satisfy the term easement, is subject to debate, but the terminology is being used and applied.

In Chapter 4, *Creation of Easements* the author identifies ten methods in which an easement may be created. The reader should carefully review this chapter, because it indicates the type of evidence needed to be collected by the land surveyors and title researchers in order to identify the origin, the "dominant tenement", and "servient tenement", etc. In the section on implied easements (pp. 51 - 56), there is some confusion on pages 52 and 53. On page 52 it is stated that there are *five* elements to establish an easement by prior use. However, the subsequent list has only four identified. But on page 53, the subsequent narrative contain five identified elements. Later on page 53, Wilson identifies that the Supreme Court of Ohio has established four elements. These six pages are very complex, and the reader may need to reread the section several times and research the 18 footnotes contained therein. Later in the chapter the three procedures to create easements by estoppel and six rules to create prescriptive easements are presented. The topic about easements by dedication is relatively short but addresses the procedure from "ancient" to modern times. The informal approach employed through the mid-twentieth century (generally) when compared to the more rigorous procedures in place today, have caused controversy. However, Wilson has addressed the issues well. The seven rules for creating an easement by custom are presented (from Blackstone's *Commentaries*). The discussion covers nearly seven pages. Wilson incorporated 136 footnotes in this chapter.

Although Chapter 5 has eleven pages, the author has addressed a very significant element. There are thirteen methods to terminate or extinguish an easement. The author addresses each in simple, concise wording. He also includes 41 footnotes. From personal experiences, this chapter is a good review to identify the status of an identified

easement and the information required to ascertain potential termination.

Easements and Descriptions, Chapter 6, is very good guidance in writing the legal description. The discussion under the general topics "Interpretation" and "Compilation" are concise and should be incorporated in any textbook pertaining to legal description writing. Footnotes 338 through 351 strongly support the discussion.

Problem Easements, Chapter 7, is short, but very insightful. Wilson identified the major problems as: (1) undescribed easements; (2) blanket easements; (3) hidden easements; and (4) rolling easements. He also presents some information about easements in Canada and New Zealand.

Chapter 8, *The Process of Reversion*, addresses the legal issue of reversion - coming back to the grantor or lessor. In a little over four pages the legal procedures and processes are addressed.

Reversion of Easements, Chapter 9 is a general approach to the subject. Reversions for highways are discussed in Chapter 10. However, the reversions pertaining to flowage and railroads is generally discussed. If there is one shortfall in the work, it is the discussion of reversions for railroads. The problem is caused by the diverse right of way acquisition procedures employed in the United States. Easement parcels could have been acquired through various legal means discussed earlier. Also, easements were acquired from the Federal government, state government, counties and parishes, local government and private individuals. Acquiring easements from political entities (other than the Federal government) are rather straight forward, because much of the time the instruments have reversion clauses. For rights of way acquired from the Federal government, the issue of reversion becomes more complex. Prior to 3 March 1875, each right of way parcel crossing federally owned lands (lands under the direct control of the Public Domain/General Land Office) required a Congressional act/statute for authority to acquire. If there were patented lands along the route, the railroad had to negotiate separately with the owners of record. During the American Civil War, Lincoln submitted to Congress legislation to provide a right of way and additional lands to financially support construction for the first transcontinental railroad (the *Union Pacific* and the *Central Pacific*). After the American Civil War, there were numerous applications to Congress for railroad rights of way. In 1875, Congress enacted a law (3 March) which set forth the procedures for the General Land Office to grant rights of way

across unpatented lands under the authority of the General Land Office, without Congressional action. The 100-foot wide right of way, centered on the as-constructed track, was only conveyed after suitable documentation was submitted to the GLO that the rail road had been constructed. The statute was very specific as to how the General Land Office would manage the program and handle the reversion rights when the railroad was abandoned. The documentation was published in several editions of the *Annual Report to Congress by the Commissioner of the General Land Office*. The original statute required that the reversion of the right of way across unpatented lands would revert to the Federal government, and the reversion of rights of way across lands which had been patented since construction would revert to the adjacent owners to the centerline of the track. Through the years Congress has revised the abandonment procedures utilizing the Interstate Commerce Commission, etc. and the "rails to trails" legislation, etc. At this point in time, the reversions of railroad rights of way require extensive research into the procedure (if any) for reversion to apply at the time of creation and the subsequent Federal statutory procedure mandated at the time of abandonment. Also there is a serious misunderstanding in terminology. There are "two" instances of railroad abandonment. These are: (1) the point when the railroad terminates providing any form of transportation of people or goods, and physically removes the railroad track and accessories; and (2) when the appropriate Federal government agency (or agencies) has completed all administrative activities and published in the *Federal Register* the official act of abandonment. It is only at the completion of the second procedure that the reversions are authorized.

Chapter 10 addresses *Reversion Relating to Highways (and to Other Types of Rights of Way)*. Similar information is also presented in good books on land surveying. 43 footnotes provide a good overview of legal precedence. Wilson, however, presents a different approach in addressing the subject. He indicates that while Maine recognizes *three* ways in which a public highway may be created, and that New Hampshire (and several other states) recognize *four* ways, there are actually *eight* legal ways public highways are created. Wilson's presentation proceeds beyond the mechanics and geometry, and provide an in-depth legal understanding.

Rules of Locating and Defining Reversions, Chapter 11, provides a systematic step by step procedure for "laying off" on the ground and in graphic documentation (maps and plats) the

reversions. The order of presentation is the next logical approach after the previous approach fails to qualify. The figures (sketches) provided to illustrate a procedure are clear and uncluttered with extraneous details. Wilson also presents two cases which were published in the writings of William C. Wattles which have no "absolute solutions". However, guidance is provided to develop a reasonable solution.

Chapter 12, *Easements and the Land Surveyor*, and Chapter 13, *Easements and the Title Examiner (or Records Researcher)*, specifically address matters pertaining to these two professions. Wilson strongly argues that the land surveyor's responsibilities are identical to the duties and responsibilities required for land boundary surveying. The two important matters which he presents are the sections titled: "Easement Plans Are Surveys" and "Easements Are Similar to Other Land". In the opinion of this reviewer, these two sections strongly state that preparation and retracement of easements are an integral aspect of the profession and practice of land surveying, which is regulated by state boards of registration. Historically, a significant number of easements have been mapped and described by "land agents" having no education and training in the practice of the profession of land surveying.

Wilson turns to the title examiner in Chapter 13, to address the short fall when the work is submitted for the "period of search". He addresses the practice of "outside the period of search"; "not in the public record at the court house"; "implied dedication and/or acceptance"; "items to be shown by and actual survey"; and "what insurance does not cover".

Chapter 14, *Case Studies*, culminates this work. Eighteen case studies are presented. Wilson has selected problems with different levels of difficulty and complexity. Furthermore, these cases are from different locations in the United States. Case Study No. 18 is an "easement by custom". In Chapter 4, the creation of easements by "custom" was presented (pp. 74 - 80). Wilson stated there that "Custom may said to be a poorly understood concept seldom understood in treatises devoted to property rights, especially concerning easements." In this section, Wilson stated the seven legal elements. He inferred that there are subtle nuances required to create an easement by custom. This case study demonstrates the factors and activities which support the legal tenets creating a custom easement.

Two aspects of the subject which Wilson did not address, and may not have been within his

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objectives and goals, was to address multiple easements contained within or traversing the primary (or first) easement. In the last four decades, this reviewer has addressed several assignments of this type. While railroads and state highway departments generally have a good procedure to address this matter, the remaining players, including attorneys, do not always understand the details involved. The second matter is addressing a "blanket easement" and transforming it to a less encumbering easement which still provides the easement holder all the benefits of usage needed but being less burdensome to the land owner.

Wilson has studied, researched, and written a highly professional, technical, and legal treatise. The volume is not an easy book to read, because of the style of "legal Englishese". This work satisfies a *strategic void* in the land surveying literature, the title insurance industry literature, and the legal profession (attorneys, legal assistants, and judicial officials) desk reference. Actually, this reviewer believes that Wilson has provided the outline for authoring a detailed/in depth set of "lecture

notes", "workbooks", and/or "professional self study guides" .

While the contents of this work are professional, well written, and organized, the publication style is seriously flawed. The production printing, editing, and proof reading are seriously wanting. It appears that the editing and proofreading was done by Orwell's proverbial committee assigned to design a horse who produced a camel. For any reader who carefully pays attention to the technical aspects of textual details these flaws will be annoying. This reviewer has the distinct impression that each chapter was edited by a different individual. There is a lack of consistency in redaction. Formatting of the text is inconsistent in style. The other works authored (or coauthored) by Wilson and published by Wiley & Sons have not exhibited these characteristics. Hopefully, these matters can be corrected in future editions.

Although the short comings just cited can be disconcerting, fortunately the volume is an invaluable asset in the professional library.

P.L.S.W. TECHNICAL SESSION

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AGENDA:

Nov. 6 TH	7:00 a.m. - 8:00 a.m.	Registration
	8:00 a.m. - 12:00 p.m.	Seminar
	12:00 p.m. - 1:00 p.m.	Luncheon
	1:00 p.m. - 5:00 p.m.	Seminar
	5:00 p.m. - 9:00 p.m.	Social Hour
Nov. 7 TH	7:00 a.m. - 7:45 a.m.	Breakfast Buffet

When the Manual is Silent

A number of topics never addressed by GLO or BLM in retracement issues in the PLSS. This course goes into the details of what we need to consider to still be within the scope of the law, as well as what we need to document to show our peers why we did what we did. Examples: Lost corners in section subs, multiple WC's at a section corner, and why the Grant Boundary Method will not work for many non-rectangular entities.

Communication Skills for Surveyors

A half day look at speaking, writing, and listening skills needed to be a really professional surveyor.

Dennis J. Mouland

Dennis is a registered professional surveyor in Arizona, New Mexico, and Colorado. He has a Bachelor of Arts degree in Organizational Management, and has been in the surveying

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Bill Fehringer 307-995-2620


NSPS MAP/PLAT COMPETITION

The Wyoming Land Surveyors NSPS Map/Plat Design Competition will be held in conjunction with the seminar. Send your entries to Bill Fehringer or bring them to the seminar.

profession since 1972. Dennis has been an instructor and course manager for the BLM/Forest Service "Advanced Cadastral School" and most recently served as the National Cadastral Training Coordinator for BLM in Phoenix, AZ. In that position he developed the Certified Federal Surveyors Program for the Department of the Interior. In addition to having over 250 technical articles published in the U.S. and Canada, Dennis is a contributing author to the textbook "The Surveying Handbook", and authored "Ethics for the Professional Surveyor" in 1996, now in it's third printing. He has conducted seminars for the surveying and real estate professions since 1984. To date, Dennis has instructed over 75,000 students on boundary survey subjects. Dennis has taught boundary law subjects in higher education institutions since 1995, and is currently a Surveying Instructor at the University of Wyoming and Oklahoma State University. He lives near Prescott, Arizona, about 100 miles north of Phoenix.

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