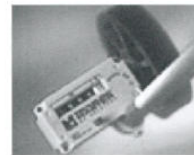
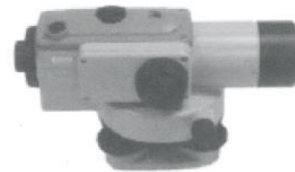


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VOLUME 15, NO. 2

JULY 2003



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☐ APPROVED BY BOD ☐ REJECTED BY BOD SEC./TREAS. _____ DATE _____

2003 PLSW MEMBERSHIP APPLICATION PROFESSIONAL LAND SURVEYORS OF WYOMING

AFFILIATE — AMERICAN CONGRESS ON SURVEYING AND MAPPING
MEMBER — WESTERN FEDERATION OF PROFESSIONAL SURVEYORS



NAME _____ DATE _____

(Please indicate preferred mailing address)

WYOMING REG. NO. ☐ PLS _____

HOME ADDRESS: ☐

☐ PE/LS _____

STREET OR BOX: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____

BUSINESS ADDRESS: ☐

STREET OR BOX: _____

CITY/STATE/ZIP: _____

TELEPHONE _____ FAX _____ E-MAIL _____

EMPLOYER: _____ YOUR TITLE: _____

States other than Wyoming in which you are registered: _____

Additional information or comments (optional): _____

CLASS OF MEMBERSHIP APPLIED FOR: (check one only and please submit dues with application, prorated for the remainder of the calendar year)

☐ **MEMBER**, ANNUAL DUES \$75 (Persons duly registered, PLS or PE&PLS in Wyoming.)

AFFILIATE MEMBERSHIPS

☐ **Associate Member**, annual dues \$50. (Persons employed under the direction of a PLS and working toward PLS registration in Wyoming.)

☐ **Special Member**, annual dues \$50. (Not meeting above qualifications but with a particular interest in, or association with, the profession of land surveying.)

☐ **Special Member**, Student, annual dues \$15. (Pursuing a post secondary academic course of study, and currently enrolled.)

☐ **Sustaining Member**, annual dues \$100. (Persons, institutions or corporations desiring to assist PLSW financially.)

I AGREE TO OBSERVE THE CONSTITUTION AND BY-LAWS OF THE PROFESSIONAL LAND SURVEYORS OF WYOMING AND THE CHAPTER THEREOF TO WHICH I WILL BELONG AND TO SUPPORT SAID ORGANIZATIONS IN THEIR ENDEAVORS.

APPLICANT'S SIGNATURE

SPONSOR'S SIGNATURE
(For Affiliate Member applicants only.)

NOTE: All portions of the state have chapters. Chapter dues or assessments may vary in amount. Applications are considered by the board of Directors at quarterly meetings. Send completed application to PLSW, c/o Herbert W. Stoughton, Sec./Treas., 2821 Carey Ave., Cheyenne, Wyoming 82001

PROFESSIONAL LAND SURVEYORS OF WYOMING

Scholarship Application

Name _____ Date _____

Address _____ DOB _____

City _____ State _____ Zip _____

Current Educational Level _____

Career Plans _____

College or university you are planning on or are currently attending _____

Current GPA if attending school _____

If you are supporting yourself, the following four questions may be omitted.

Father's Employer _____

Yearly Salary _____

Mother's Employer _____

Yearly Salary _____

Other family members currently in college or university. _____

Other Scholarships you are receiving or applying for: _____

On a separate sheet of paper, please document your financial need, if any. Please send a recommendation from an Engineer or Surveyor, also addressing that they are familiar with your career plans to become a Land Surveyor or Surveyor/Engineer.

The above information is true to the best of my knowledge.

Applicant's Signature _____ Date _____

Father's Signature _____ Mother's Signature _____

EDITORIAL POTPOURRI

O NEW MEMBERS OR PLSW - The board of Directors announced the approval of the following new members:

William Mentock	Member
Todd Cozzens	Associate Member
Ryan Lorenzen	Associate Member
Robert Jackson	Special member

CONGRATULATIONS AND WELCOME

O BOARD OF DIRECTORS MEETING - The Board of Directors meetings for 2003 will be as follows: Contact your director for additional information.

August 23, 2003	Teleconference
November 14, 2003	Casper, Fall Technical Session

O LINES AND POINTS FAX - Our fax numbers are 307-235-5604 or 307-235-8184.

O LINES AND POINTS E-MAIL - Contact dond@wlcwyo.com or johnhh@trib.com.

O PLSW KEY RINGS - The South Central Chapter has key rings and pins for sale. Contact *Lines and points*.

Lines and Points is published by the Professional Land Surveyors of Wyoming. *Lines and Points* is not copyrighted and permission is hereby granted to reprint articles with appropriate credit. The Professional Land Surveyors of Wyoming assumes no responsibility for statements made or opinions expressed in this publication.

PLSW (Professional Land Surveyors of Wyoming) is a statewide organization of Registered Land Surveyors licensed 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 American Congress on Surveying and Mapping and the Western Federation of Professional Land Surveyors.

Editorial Staff: John Hibsman, Steve Strang, Don Davis.

Lines and Points subscription \$50/year

Advertising Information

Camera ready advertisements with payment should be mailed to *Lines & Points*, PLSW, Box 904, Casper, WY 82602

Advertising rates are as follows:

	Year	Issue
Full page	\$300	\$80
Half page	\$175	\$50
Quarter page	\$100	\$30
Business card	\$ 30	\$10
Classified	40¢ per word/issue	
Employment	Free	

Special Rates for PLSW Chapters

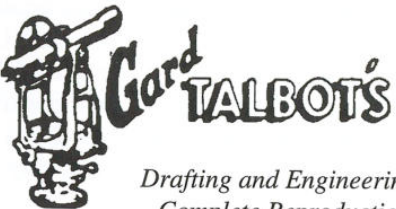
Deadline for next issue — 15 SEPTEMBER 03

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by
Dick Sorensen

For more information on artwork
call Dick at 307-234-7501 or
write him at 1901 Mariposa
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President's Message

Here it is June and nearly all I've done is work. From what I hear, we are all busy, growing and I hope prospering. Our opportunities seem to be as long and green as the prairie grass. It is great to see the country so green and my peers so busy.

In reviewing the corporate officers descriptions, I was reminded of the awesome task of secretary/treasurer. Thank you Herb for the outline of tasks and also for the NSPS Survey Excellence Award. It is exciting to have the award land with you and reside in Wyoming. As Herb will attest, the role of sec/treas is not an easy one for any of us who strive to make a living at surveying and mapping. There are dues notices, election ballots, rosters, annual reports, financial statements, requests for annual committee reports, annual meeting documents, agendas and supporting documents, draft meeting minutes, second dues notice, annual membership mailing, updated directory, updated bylaws, Fall Tech Session (FTS) enrollment, seed money, invoices, and financial statements, as well as next years budget, scheduled payments to L&P, ACSM/NSPS, WestFED, third dues notice, and the corporate license from the Secretary of State. If this isn't enough the sec/treas is a must at the board of director meetings. I applaud all those who have done such a masterful job of sec/treas and keeping PLSW alive and well. It seems that in the last fifteen years we have had only four, I may be wrong. Becky Braman, Rick Hudson, Herb Stoughton and presently, Jim Greer. PLSW can do several things to lessen the burden on one person. I have offered to assist in dealing with the Fall Tech Session, and BOD agendas. I would propose two teleconferencing meetings, Spring and Summer each year, with the other two meetings coinciding with FTS and WES. It may also be time to pay more for the position and maybe even call it executive director. An executive director could take a lot of the weight off the office. I will contact Alan Cormier about the possible change in the by-laws.

In addition to the sec/treas, there are two other chairmanships I would like to include in our quarterly meetings. As I reported in the last issue, we have a few bucks in the bank. I am requesting Herb Stoughton and Kevin Jones chair the Investment committee and inform the officers and directors quarterly of the status of PLSW investments. "Lines and Points" will strive to do a better job of reporting our economic status to you. I would also invite Scott Scherbel to these meetings as chair of the scholarship committee. There may be little to report, but we need to change that. I would greatly appreciate any thoughts on how to better award scholarship dollars earmarked for the survey curriculum. Please find an application for scholarship in this edition. It does us no good to continue to collect dues and raffle items for the scholarship if we only award a pittance each year.

I have no update on the fundraiser "Surveying the Gangplank. If you haven't ordered yours, contact Dennis Dawson or Herb Stoughton.

Until the next issue,

Don A. Davis, PLS, President PLSW

Report from the Board of Registration

The State Board of Registration for Professional Engineers and Professional Land Surveyors met in Cheyenne, Wy, June 27th for a regularly scheduled meeting. New Board member Richard Moore of Laramie was welcomed to the Board. An appreciation dinner for outgoing member Deb Schultz was held the evening of June 26 at Little America.

A discussion was held concerning the upcoming change in Exams and calculator use in exams. Beginning with the October 2003 administration, NCEES's ELSSES (Engineers and Land Surveyors Examination Services) will be administering the examinations. The Casper site will be the only site at which the PE, LSIT, or PLS exams will be offered. Because of examination security, calculators which can function as data collectors, have communication capability, or have any type of Qwerty keyboards have not been allowed in the exam room. This has been a problem, so beginning with the April Exam, only a specified list of calculators will be allowed. Those such as the HP48, which have communication capability and can serve as a data collector, will not be on the list. HP has indicated that it is coming out with a 33S series that will have a switch to go from scientific entry to RPN or vice versa.

New Board Attorney Ken Nelson was introduced to the Board. Ken has been a practicing attorney in Laramie for many years and has just joined the Wyoming AG's office.

Next scheduled Board meeting is Sept. 15, 2003 in Thermopolis, Wy.

Investment Committee

*Don A. Davis, President/co-editor
Herbert W. Stoughton, Kevin D. Jones,
Co-chairmen*

I have asked Herb and Kevin to act as co-chairs and monitor our investment portfolio. They have graciously agreed. I am calling it a committee because I believe the monies will only grow as we prosper and we need to have continuity in our dealings with the scholarship fund. Like any committee the chairmanship will pass onto others, but for now, these two gentlemen have shown their understanding of the financial issues involved and brimming with integrity. As Kevin has said, "we do not want to micromanage the investments; get the fund manager to give recommendations and fire them if they won't or they are bad." I am in total agreement that we should resist board members attempts to shift funds around quickly.

PLSW investments are presently distributed between taxable fixed income (50%), cash and money market (42%), and US equities (8%). As of January 1, 2003 our total investment portfolio stood at \$36,236.20. Through May 31, 2003 we had positive taxable income of \$165.51, change in value of priced securities of \$333.35 and estimated accrued interest of \$212.64. As of May 31 our investment portfolio was at \$36,947.70.

In addition to these dollars, PLSW has four Certificates of Deposits, which are now maturing annually on a quarterly basis. The CD's are presently being rolled over at maturity.

A more thorough review of the finances will follow in the next edition.

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REPRINTED MAP SOURCES OF SNAKE RIVER

**SNAKE RIVER EXPEDITION –
JAMES STEVENSON, DIRECTOR**

The Northwest Chapter has reprinted, from an old (perhaps first printing) lithograph found in a cabin west of Cody, the map of the Hayden - Stevenson expedition and survey of Jackson Hole, Yellowstone National Park and surrounding vicinity. The map shows the campsites of the expedition, from July 12th, 1872, at Fort Hall, Idaho Territory, up the Snake River, into Yellowstone, and returning to Fort Hall on October 11th.

The reprint measures approximately 28 inches by 29 inches overall, black printing on white background, and is printed on heavy photographic paper.

The map is representative of the cartographic style of the time and uses shading to depict mountain ranges, water lining on lakes and artistic profiles of various ranges including the Tetons.

A 39-page excerpt from "Great Surveys of the American West", by Richard A. Bartlett, published by University of Oklahoma Press, is to be included with the map (reprint permission pending) and details the progress of the expedition.

**THE CHAPTER IS OFFERING PRINTS TO PLSW
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A local sponsor is needed for each participating High School. Only one TRIG-STAR will be allowed per high school per year. The local sponsor must apply to NSPS on this application form and list the name of the High School where the contest will be held. A contest packet containing contest instructions, a test packet, an award plaque (if ordered), and a sample news release will be forwarded by NSPS to the local sponsor. The local sponsor will be responsible for making all the local arrangements. The winner will be eligible to compete in the NSPS National Trig-Star Contest and contest information will be supplied with the contest packet.

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A (Very) Short History of RTK GPS

by
Dr. Lon G. Toody, Geodesist

October 1995 -

We were toting around an RTK rover backpack that weighed 36 pounds - not including the rover GPS antenna which weighed another three pounds.

The receiver consumed about 12 watts of power, and the lead-acid batteries weighed 6.5 pounds each.

There were enough cables in that rover backpack to wire a Las Vegas casino!



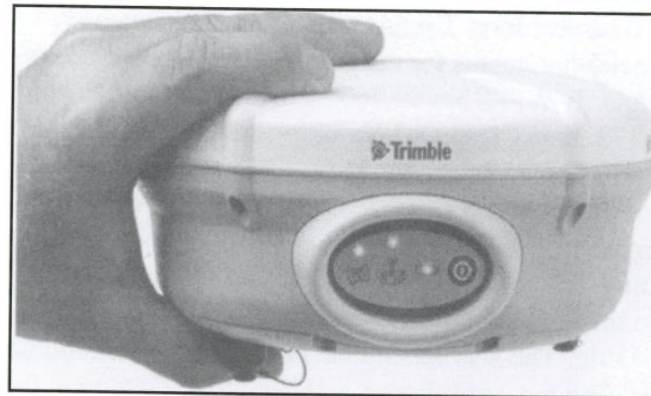
Remember when backpack meant backache?

October 2002 -

Introducing the Trimble 5800 rover receiver - the first GPS receiver with Bluetooth cable-free wireless communication! No cables at the rover!

The Trimble 5800 combines the GPS receiver, Zephyr GPS antenna, internal radio modem, and battery into one compact, 2.7-pound unit. One internal battery powers the 5800 for over five hours.

You can use the Trimble 5800 rover with your existing Trimble 4000 / 4700 / 4800 / 5700 base receivers. Call Inland GPS for more information.



You asked for it - a cable-free, no-backpack GPS rover!

Please call (or check our Web site) for more information on the Trimble 5800 RTK rover and the Trimble ACU Survey Controller with color graphical display

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Not the worst site on the Web: www.inlandgps.com

Board of Directors' Meeting Minutes, May 10, 2003

1. The Board of Directors' Meeting of the Professional Land Surveyors of Wyoming.

a. Location: Casper, Wyoming; at the Parkway Plaza (changed from Elkhorn Canyon Lodge due to snow)

b. Date & Time: Saturday, May 10, 2003 at meeting convened at 11:02 A.M.

c. Presiding Officer: President Don A. Davis.

2. Agenda: The final agenda is appended [Enclosure No. 1].

3. Board of Directors Minutes: Motion by Bill Fehringer/Paul Blough to approve the minutes of the last Board of Directors meeting held at the Cheyenne Holiday Inn, on November 15, 2002. Approved.

4. Secretary's Report: No report.

5. Treasurer's Report: Financial reports were incomplete. No action. Completed reports to be mailed out prior to next meeting (August 23 teleconference).

6. President's Report: Executive decision to make next spring and summer meetings teleconferences to avoid weather problems. No action items.

7. Committee Reports:

a. Audit-Finance Committee: No report.

b. Bylaws Committee - No report.

c. Convention Committee - No report.

d. Education Committee - No report.

e. History Committee - No report.

f. Legislative Committee - No report.

g. Lines & Points - No report.

h. Manual of Professional Practice - No report.

1. Membership Committee: Motion by Bill Fehringer/Paul Scherbel to approve admission to membership (various grades) the following applicants:

1. William A. Mentock, PE/PLS 3864; Member.

2. Todd G. Cozzens; Associate Member.

3. Robert A. Jackson, Professional Geologist 2626; Special Member.

4. Ryan R. Lorenzen, Bureau of Land Management; Associate Member.

j. Nominations & Elections Committee - No report.

k. Professional Awards Committee - No report.

1. Public Relations Committee - No report.

m. S.O.S. Committee - No report.

n. Scholarship Committee - No report. General discussion, no action.

o. Standards, Ethics & Professional Practice Committee - No report.

p. Trig Star Competition - No report.

9. Delegate Reports.

a. ACSM-NSPS Board of Governors - No report.

b. WFPS - presented in Lines and Points, by Paul A. Reid, PLS.

10. State Board of Registration for Professional Engineers and Professional Land Surveyors. Presented in Lines and Points, by Martin Pedersen, PLS.

11. Old Business:

a. Brief discussion of Grenville Dodge and Party at the Congress

12. New Business:

a. Discussion of next Teleconference, Saturday August 23, 2003.

11. Miscellaneous:

a. There were no action items.

12. Announcements: Next meeting, see Item 12.

13. Adjournment. Motion by Paul Scherbel/Paul Blough to adjourn. Meeting adjourned at 1:05 P.M.

Respectfully submitted,

James E. Greer, Secretary/Treasurer

Attendees:

1. Don A. Davis, President

2. Paul A. Blough, Vice President

3. James E. Greer, Secretary/Treasurer

4. William R. Fehringer, South Central Chapter Director

5. Paul N. Scherbel, West Chapter Director

6. Marlowe A. Scherbel, Guest Member

ACSM Announces Results Of Reorganization Vote

On June 18, 2003, the Tellers Committee for the American Congress on Surveying and Mapping (ACSM) counted ballots which asked ACSM members the question, "Shall ACSM replace its existing Constitution and Bylaws with the proposed Bylaws of Operation and Procedure as approved unanimously by the ACSM Board of Direction?" The Board of Direction had voted its unanimous approval of the proposal during its annual meeting in April 2003.

Article IX of the existing Constitution and Bylaws requires that amendments or additions to it must be approved by 75% of the Board of Direction, and ratified by approval of two-thirds of those members voting on a letter ballot.

The result of the Tellers Committee count was presented in a letter from Committee Chair Robert S. Schwenger to the Board of Direction. The letter was received at ACSM headquarters June 20, 2003.

The vote count was: Yes - 1390 No - 196 Abstain - 1

In addition to establishing the current Member Organizations (MO'S) as autonomous entities, the now approved reorganization plan also opens the door for other autonomous organizations to become part of the ACSM "Congress" family.

The leaders of the four current Member Organizations of ACSM, along with ACSM headquarters staff, will now begin the task of finalizing plans for implementation of the reorganization, set to take effect January 1, 2004.

FALL TECHNICAL SESSION

NOVEMBER 13 & 14, 2003

Casper, WY

Make Plans to Attend

Dr. Herbert W. Stoughton recognized by TELECOOP for his efforts in the distance education

Denver, CO (May 1, 2003) — Dr. Herbert W. Stoughton, P.E., P.L.S., C.P., the head of the Surveying and Mapping program at Metropolitan State College of Denver (MSCD), has been recognized by TELECOOP (Telecommunications Cooperative of Colorado) for his exceptional efforts in the field of distance education in Colorado. Dr. Stoughton was selected for his continuing efforts to prepare and deliver courses, in several different mediums, to students at a distance and for his influence on distance education, not only in Colorado, but across the country.

Dr. Stoughton helped to establish the Distance Delivery surveying and mapping courses at MSCD. He personally videotaped lecture courses and DVD/online course delivery, enabling practicing land surveyors and students to work full time while continuing their education.

Dr. Stoughton has been a dedicated surveyor and mapper for nearly 45 years and today is a key reason for the successful comeback of the Surveying and Mapping Program at Metropolitan State College of Denver (MSCD). He has expanded the curriculum to include 31 courses, offer classes to off-campus sites, develop transfer credit programs for over seventy post-secondary institutions and prepare the program for ABET accreditation. His efforts have helped the program increase its enrollment by more

than 150 percent and make it one of the most respected and sought-after Surveying and Mapping Programs in the United States.

Prior to his work at MSCD, Stoughton has had a highly successful career by any standard. He has been employed in all practices of the surveying profession, including a surveyor, mapper, geodetic engineer, physical scientist and geodesist for various private, municipal, state and Federal agencies. He is or has been a member of the American Congress on Surveying and Mapping, the American Society of Photogrammetry, the American Geophysical Union, the Professional Land Surveyors of Colorado and Wyoming and the Canadian Institute of Surveying. In the 1970s, he was a land surveying member of the New York State board for engineering and land surveying. He has served on numerous committees and boards and has authored many articles and books on surveying.

TELECOOP is a non-profit organization based in Colorado. Established in 1986, the coalition of public and private colleges, universities, K-12 education, private sector businesses and public television stations is dedicated to the enhancement of educational opportunities through distance education curriculum and technologies.

Survey Video Tapes Available

TAPE ONE

1. *Professional Land Surveyors & GIS; Mapping the Future*; New Jersey Society of Professional Land Surveyors.
2. *Professional Land Surveying: A Career Without Boundaries*; New Jersey Society of Professional Land Surveyors.
3. *A Matter of Degrees*; American Congress on Surveying and Mapping, National Society of Professional Surveyors (1986).
4. *Surveyors of the Sixth Principal Meridian*; Bureau of Land Management

TAPE TWO

1. Wyoming T2 Center: *Surveying Crew Orientation: Surveying Options, Part I*.
1. Wyoming T2 Center: *Surveying Crew Orientation: Surveying Options, Part II*.

TAPE THREE

1. *Introduction to Legal Research*; by West Publishing (nine chapters).

All PLSW chapters should have copies available.


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WESTFED BOD Report

WFPS Board of Directors Meeting held Saturday, June 21, 2003 at John Ascuaga's Nugget, Sparks, Nevada.

Chairman Chuck Paddock called the meeting to order at approximately 8:00 a.m. Roll Call was taken and Secretary Steve Parrish declared a quorum present with 19 delegates being present and representing all states except Hawaii. Guests in attendance were Curt Sumner Executive Director, ACSM; and three new state delegates being Mark Van Zuuk, California Delegate, John Guyton, Colorado Delegate and PLSC President and Lenard Barney, Utah Delegate.

Correction and approval of February 22, 2003 Minutes was done.

President Chuck Paddock verbally reported on his activities since the last BOD meeting.

Secretary Steve Parrish gave a verbal report of his activities since the last BOD meeting. There was discussion concerning financial problems with the Hawaii Association of Land Surveyors.

Treasurer Jerry Tippin prepared and presented WFPS financial statements for the period ending June 20, 2003. Summarily WFPS has \$9,760.52 in the checking account; \$36,173.38 in CD#1 (Scholarship), \$44,952.80 in CD#2, and \$78,066.25 in a new Money Market Account. The Money Market account is temporary until the CD market improves. The Money Market Account is currently earning .5% more than the CD's. \$14,668 was received from the Scholarship Auction held at the last conference in Seattle. The scholarship auction got really heated up when Topcon contributed a Hiper RTK GPS unit for auction. Trimble, not wanting to be outdone, contributed a complete 5800 RTK unit. It was mentioned and noted that the second signature on the WFPS bank account was completed.

Agenda revisions were made.

ACSM Executive Director Curt Sumner reported on activities of ACSM/NSPS.

State reports were reviewed with each member delegate giving verbal updates concerning issues and items important their respective state. Alaska reported that the time element on adverse possession has been eliminated by statute. California reports they have a website and discussion board that one may want to visit ~californiasurveyors.org. Idaho reports that the State 015 coordinator for Idaho indicated the GIS community and all state agencies had agreed to go to a Single Zone Projection for the State of Idaho. It will be called the Idaho Transverse Mercator IDTM83 based on the IDTM projection defined by Wayne Valentine, LS, PE in 1994.

Idaho's present membership sits at 313 paid members. New Mexico delegate Alan Grace handed out a CD to delegates which contained New Mexico statutes pertaining to land surveying. Oregon paid for some public service announcements via radio concerning land surveying. The cost was \$2,500 for 13 spots. Utah now has a mandatory 2 year requirement for licensure while working on extending it to a 4 year degree requirement. Utah is also working on a uniform Platting Act and has set its center of population monument

The Action List was reviewed and updated. After discussion the Action list was divided to a Tracking list in which tracks activities that are ongoing and the Action list which requires action before the next meeting.

The Nominating Committee reopened nominations and the Board voted on the Secretary for the 2003-2005 terms, Harry Baldwin (Arizona Delegate) Conference 2005 Committee reported that the agreement has been signed between ACSM/CLSA/NALS/WFPS for the 2005 Conference to be held at the Riviera Hotel/Casino in Las Vegas, Nevada. Dates are March 18-23, 2005. A. Program Curriculum Committee is being set up.

I prepared the Scholarship Committee report and the following were the recipients for \$1,200 scholarship awards for the 2003-2004 academic year: Anthony Squellati of CSU Fresno, Rual Renteria Rubio of CSU Fresno, Janet Marie Scott of OIT Klamath Falls and Nicholas Vanlandingham of CSU Fresno. Recipients of \$600 scholarship awards for the 2003-2004 academic year were: Leithan Heitzig of CSU Fresno, Karl Scherbel (from Wyoming) of Idaho State University, Kenneth DeMuerichy of CSU Fresno and Brian Gammel of CSU Fresno. It was noted that some of the California State University of Fresno students are students from outside the state of California who have chosen to attend CSU to pursue their career choice.

Long discussion was held on the proposed NCEE model law. A vote was taken from those delegates whose states do not endorse the model law and individual delegates on endorsement of the NCEE model law. All individuals and state delegates voted that they do not support the NCEE model law as being propose. All delegates are to review the NCEES model law and report back to Pat Taini, California delegate on the objections.

The next board meeting will be October 25, 2003 in Albuquerque, New Mexico. Meeting adjourned at 3:45 P.M. Respectfully Submitted,

Paul A. Reid

WFPS Wyoming Delegate

Professional Land Surveyors of Wyoming

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When an Easement is Not an Easement

By Richard F Bales
Chicago Title Insurance Company, Wheaton, Illinois

All surveyors are familiar with the ALTA/ACSM land title survey, commonly known as the "ALTA" survey. As you know, Table A of the 1999 land title survey standards is a listing of "optional survey responsibilities and specifications." This listing includes such things as a flood zone designation, land area, and location of utilities.

I was recently asked to review a land title survey of some vacant commercial property in Northern Illinois. The surveyor performed a land title survey pursuant to a contract with the owner of the land, a major real estate developer. The owner specified in his contract that the surveyor need not disclose the location of utilities as set forth in item 11 of Table A of the survey standards. Accordingly, the surveyor's field crew failed to locate and disclose a storm sewer line that cut through the land. After the buyer reviewed the survey and signed the contract to purchase the property, he discovered the storm sewer line and realized that he would be unable to build his proposed building on the property because of this sewer. The buyer now wishes to back out of the contract. The surveyor contacted me and asked me if I thought that he had a duty to show the storm sewer line and if his survey was defective. Although it appears that the survey is not in error, this situation and my resultant analysis is perhaps worthy of consideration by surveyors. To understand my conclusion that the surveyor had no duty to show the storm sewer line, one must first understand the correlation between paragraph 5(h) of the body of the survey standards and item 11 of Table A of these standards.

Paragraph five of the standards includes this preamble: "The

[plat of survey] shall contain, in addition to the required items already specified above, the following information:" A series of lettered subparagraphs follows this introduction; paragraph 5(h) reads in part as follows: "Observable evidence of easements and/or servitudes of all kinds, such as those created by roads; rights-of-way; water courses; drains; telephone, telegraph, or electric lines; water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties if they appear to affect the surveyed property, shall be located and noted.... Surface indications, if any, of underground easements and/or servitudes shall also be shown."

Table A includes these instructions: [If an item is checked], the following optional items are to be included in the ALTA/ACSM LAND TITLE SURVEY: [emphasis in original.] Item 11 reads in part as follows: "Location of utilities... existing on or serving the surveyed property as determined by: (a) Observed evidence..., manholes, catch basins, valve vaults or other surface indications of subterranean uses; wires and cables (including their function) crossing the surveyed premises...."

At first glance it appears that these two portions of the survey standards conflict in that they seem to address essentially the same thing — utility easements. But inconsistent provisions in a document should be construed together and reconciled, if possible. See, e.g., Law v. Kent, 384 Ill. 591, 52 N.E.2d 212 (1943). Therefore, further study is necessary in order to determine what the representatives of the American Land Title Association and the American Congress on Surveying and Mapping intended when they drafted these survey standards.

Paragraph 5(h) refers to "easements and/or servitudes." By definition an easement is the right of one party to use the land of another party. For example, a storm sewer might be termed an easement in gross. Black's Law Dictionary defines an easement in gross as "not appurtenant to any estate in land or does not belong to any person by virtue of ownership of estate in other land but is mere personal interest in or right to use land of another

The Merriam-Webster dictionary defines "servitude" as "a right by which something (as a piece of land) owned by one person is subject to a specified use or enjoyment by another." Thus, the concept of a servitude also involves the right of one person to use someone else's land. Black's Law Dictionary contains a similar (but lengthier) definition.

It seems, then, that this characteristics — the right to use the land of another — is the distinguishing and defining difference

(Continued on Page 8)

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-EASEMENT

(Continued from Page 7)

between paragraph 5(h) of the body of the standards and item 11 of Table A. That is, whenever a surveyor performs a survey, he or she is obligated pursuant to paragraph 5(h) to disclose all “easements and/or servitudes” — that is, any and all observable evidence on the land of someone else’s use or interest in the land. Examples of this would be a neighbor’s driveway that burdens a portion of the land; utility wires that cross the rear of the land as they travel across adjoining property, bringing electricity to neighboring buildings; and a storm sewer, but only if that storm sewer benefits land owned by someone other than the landowner of the property in question, because only then would the storm sewer be an easement or servitude.

Another example might present an even clearer distinction. Consider a residential lot. Utility poles and wires run across the rear of the lot and other lots in the subdivision. A “drop line” runs from the utility wires to the house on this lot, thus providing utilities to the home. Similar drop lines provide electrical service to the neighboring homes. If a surveyor is asked to perform a land title survey of this house, and if this surveyor is not instructed to include any optional Table A information on his plat of survey, the surveyor would still have an obligation to show the utility poles and wires on his survey. The reason for this is because the surveyor is still bound by paragraph 5(h); these utility poles and wires are clearly in the nature of an easement. The surveyor would not, however, have to show the drop line running from the utility wires to the house, as that drop line does not represent an interest that is being used by another party. It exists solely for the benefit of the landowner.

On the other hand, if item 11 of Table A has been checked off, the surveyor will have to show this drop line, as this line clearly is a “wire and cable crossing the surveyed premises,” as set forth in item 1A.

In the present example, the issue is: does the storm sewer exist solely for the benefit of the landowner? If so, it is not by definition an “easement and/or servitude/” and thus need not be disclosed on a land title survey in which item 11 of Table A is not checked off. In my situation, the land in question is still owned by a developer, who put the storm sewer in to service the lots in the industrial park. To date, though, he has not yet sold off any of the lots. Therefore, the storm sewer is not an easement or servitude; the surveyor wins, albeit barely.

Interestingly enough, a similar situation was addressed in the December 2002 issue of the *Wisconsin Professional Surveyor*; the magazine of the Wisconsin Society of Land Surveyors. Gary

Kent, President of the American Congress on Surveying and Mapping, writes about a surveyor who failed to show a manhole on his land title survey. In subsequent litigation the plaintiff argued that the surveyor should have shown the manhole because of paragraph 5(h). The surveyor countered by arguing that pursuant to his contract, he was not required to disclose item 11 information on his plat of survey. Mr. Kent comes to the same conclusion that I independently arrived at. He writes that paragraph 5(h) and item 11 address two different issues. He states that “under 5(h), a manhole is clearly ‘observable evidence of an easement and/or servitude’ unless further investigations were to reveal that it was not. For example, a manhole for a storm sewer that drains a parking lot to on-site detention might very well not be evidence of an easement.”

Finally, he concludes with a very appropriate distinction: “It is an aside that as evidence of a sewer, the manhole did not have to be shown on the survey because Table A item 11 was not included. But as observable evidence of an easements under paragraph 5(h), it did have to be shown.” [emphasis in original.]

Gary Kent’s example, of course, while illuminating, is distinguishable from the present situation.. Mr. Kent writes about a manhole that was observable evidence of an easement — that is, someone else’s interest or use in the property in question. But in my example, there is no such evidence of an easement — rather, the storm sewer is used solely by the owner of the land. Because this storm sewer is not an easement or servitude, it did not have to be shown on the land title survey as it did not fall within the four corners of paragraph 5(h).

On the other hand, if this storm sewer serviced other land not owned by the landowner, then my case would be directly analogous to the example set forth in this surveying magazine. The storm sewer then would be in the nature of an easement. As such, it would have to be shown on the survey.

So what can surveyors learn from this episode? As there may be times when what appears to be an easement may not be an easement, it seems to me that surveyors of commercial or industrial properties or large tracts or residential land should make sure that their field crews understand the fine distinction between paragraph 5(h) and item 11. If in doubt, it would probably be best for the surveyor to show any and all possible evidence of utilities on his or her plat of survey.

In the alternative, should the surveyor show a note on the plat of survey explaining that pursuant to contract, some or all evidence of utilities is not disclosed on the plat? Probably not. Mr. Kent (who was called as an expert witness), indicates that the case was settled out of court. It appears that the surveyor paid damages, even though the surveyor’s plat included this caveat: “No certification is made as to the locations of underground utilities such as, but not limited to, electric, telephone, cable TV, gas, water, sanitary and storm sewers. Only above-ground visible features are shown. Other utilities may exist of which [surveyor] has no knowledge.

What’s In A Name?

By Bill Guile

I was introduced and initiated into the profession of land surveying 5.7 decades ago while still in high school under the supervision of a registered land Surveyor. I worked summers in the surveying profession until graduation from college and then after graduation.

I became a registered land Surveyor in 1959 and went into private practice in 1963. The definition of survey, surveying and surveyor in my old “Webster’s College Dictionary, Fifth Edition, 1946,” that we were required to have as freshmen at Oregon State College, is as follows (with some omissions):

Survey: To determine and delineate the form, extent, position, etc., of: as a tract of land, by taking linear and angular measurements; The operation of finding and delineating the contour, dimensions, position, etc., as of any part of the earth’s surface, also a measured plan and descriptions of any region.

Surveying: Act or occupation of one who makes surveys. Specif., that branch of applied mathematics which teaches the art of making surveys.

Surveyor: One who surveys, as, a surveyor of highways, etc.; one who practices the art of surveying.

In my old faithful dictionary, the word Geomatics does not appear. The word *Geo* says, “combining form signifying earths, ground, as in geocentric.” Following we find the word *geodetic* with one description being “geodetic surveying.”

In the book of Definitions of Surveying and Associated Terms by ACSM and ASCE, 1972, I find the nearest word to Geomatics as being *Geometronics* which is described as “A term suggested in the 1950s by Walter S. Dix in an attempt to find a more appropriate umbrella designation of the entire field of surveying and mapping or cartography.”

We asked for the definition of “Geomatic” in the dictionary and my wife’s Internet and were informed there was no such word.

Again in my wife’s Internet at www.geomaticien.com, we find Geomatic described twice as “Geomatic is geography by computerized means” and Geomatics (computer assisted geographic sciences and technologies).

Now we are reminded from the education community of Geomatics, namely “Geomatics Program (Surveying and Mapping),” “Geomatics Engineering Program Department, “Geomatics Surveying and Mapping,” “Geomatics Engineering School of Engineering,” “Surveying -Geomatics Technology.” I am sure that there are other combinations along with the word Geomatics. Evidently the education community is using the word *Geomatics* in place of Mr. Dix’s word of *Geometronics* to be the umbrella for the field of land surveying, engineering, etc.

I used to think I was a young Land Surveyor. Am I now just an old Geomatic?

SO, WHAT’S IN A NAME?



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OBITUARIES

PAUL PHILIP PERCIVAL

LUSK — Funeral services for Lusk resident Paul Philip Percival, 91, were conducted at 2 p.m. Monday, March 3, at St. George's Episcopal Church in Lusk.

Interment followed in Lusk Cemetery.

He died Feb. 22, 2003, in Palm Springs, Calif.

Born Dec. 20, 1911, on the Percival Ranch, 23 miles northeast of Lusk, he was the third of five children of Garth Damon and Edna (Vernona) Percival; attended grade school and two years of high school in the country; and graduated from Lusk High School in 1929. He then completed two years of engineering studies at the University of Wyoming.

In 1932, he went to work for the Wyoming Highway Department for 10 years, serving in many Wyoming communities. While in Sundance, he received his Wyoming surveyor's license and met Elizabeth "Betty" Thompson.

The couple was married Oct. 15, 1938, in Deadwood, S.D.

While he was working in Denver for the U.S. Army Corps of Engineers in 1944, his father died and his mother asked him to return to Wyoming to run the family ranch. They moved back in November 1944.

He was an active member of St. George's Episcopal Church; a 32nd degree Mason and past master of Harmony Lodge No. 24; a charter member of Lusk Elks; a Niobrara County School Board member for nine years; a former county commissioner; and a member and chairman of the water committee of Wyoming Stock Growers. He also served the state as a governor's appointment to DEPAD; and was instrumental in placing many underground water wells, surveying irrigation circles and getting permits for most circles in Niobrara County.

The couple sold the ranch in 1979 and moved into town. They traveled and spent 23 winters in Palm Springs, where he enjoyed golfing. He continued surveying until age 90.

Survivors include his wife of 64 years of Lusk; daughter, Dorothy Rae Whiteaker, and her husband of Lusk; son, Bill Percival, and his wife of Palm Springs; five grandchildren; three great-grandchildren; sister, Flora Dietzman of Gallup, N.M.; and several nieces and nephews.

He was preceded in death by his parents, two brothers and a sister.

Memorials may be made to St. George's Episcopal Church or Niobrara Senior Center in Lusk.

Cicmanec-Pier Funeral Home of Lusk was in charge of arrangements.

ORREN JOSEPH BOWER

LANDER — Services for Lander resident Orren Joseph Bower, 89, were conducted April 11, at St. John's Anglican Church in Lander by Fr. Luxon and Art Werner.

Burial followed in Mount Hope Cemetery in Lander.

He died April 5, 2003, at Westward Heights Nursing Home in Lander.

Born Aug. 9, 1913, in Lander, he was the son of Esther G. and Laurence J. Bower. He graduated as valedictorian from Lander High School in 1931, where he played football and basketball; was class president for three years; and student body president senior year.

was on the swimming team, and received a silver medal at the Los Angeles Pre-Olympic Water Carnival. Then, he attended the University of Wyoming for a year and was a member of Sigma Nu Fraternity.

On April 12, 1941, he married Georgia Bower Swanson.

During World War II, he worked for Inland Construction Co. as a teacher for the Corps of Engineers at Sioux Ordnance Depot in Sidney, Neb., and was an instructor for the corps Construction Foreman School at Fort Leonard Wood, Mo. He was discharged in 1945.

He worked for the Wyoming State Highway Department for 12 years; and the U.S. Bureau of Reclamation for five years, as structural design and project engineer of the Kendrick Irrigation Project. His work continued with four years with the corps as project engineer at Connolly Air Force Base; and acting engineer for Dyess AFB in Abilene, Texas, and Goodfellow AFB in San Angelo, Texas.

He was a civil engineer with a concrete company for 11 years; Lander city engineer for 11 years; a private consulting engineer and land surveyor in Lander for 10 years; and a professional engineer in Wyoming and Texas.

Survivors include his sister, Ruth Trbovich of Lander; two daughters, Charelene Klein of Casper and Dolores Mitchell of Irving, Texas; six grandchildren; and 14 great-grandchildren.

He was preceded in death by his wife and a son, Roger Clark Swanson.

Flowers may be sent to Hudson's Funeral Home; memorials may be made to St. John's Church.

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Letter to the Editor:

Regarding the milepost I inquired about, BLM Cody indicated the post was remonumented by the Gillette field crews. What some of us would have liked to see was more commentary on the protection and perpetuation of the corner itself. The article gave us the impression of "preserving the monument, not the corner".

Since it was published in a historical publication, too bad that it gives the impression to save the monument. The general public would have no clue to the importance of rehabilitation, restoration or perpetuation.

Kevin D. Jones, P.E., P.L.S.

How to Stay Young

- Throw out nonessential numbers. This includes age, weight and height. Let the doctor worry, that is why you pay them.
- Keep only cheerful friends. The grouches pull you down. If you really need a grouch, there are probably a few dozen of your relatives to do the job.
- Keep learning. Learn more about the computer, crafts, gardening, whatever. Just never let the brain become idle.
- Laugh often, long and loud. Laugh until you gasp for breath. Laugh so much that you can be tracked in the store by your distinctive laughter.
- Do not worry about situations beyond your control. Karma is Karma. What shall be will be.
- The tears happen. Endure, grieve, and move on. The only people who are with us our entire life, is ourselves.
- Surround yourself with what you love, whether it is family, pets, keepsakes, music, plants, hobbies, whatever. Your home is your refuge.
- Cherish your health. If it is good, preserve it. If it is unstable improve it. If it is beyond what you can improve, get help.
- Don't take guilt trips. Go the mall, the next county, and a foreign country, but not Guilt.
- Tell the people you love that you love them, at every opportunity.
- Remember, life is not measured by the number of breaths we take, but by the moments that take our breath away.

Reprinted from *Treasure State Surveyor*, July 2003

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OBITUARIES

ALBERT WAGNER

Sheridan - Services for Sheridan resident Albert Wagner, 85, will be conducted at 2 p.m. Monday, June 2, at the Immanuel Lutheran Church by Pastor Kirk Peters. Burial will be in Sheridan Municipal Cemetery, with military rites accorded by the Wyoming National Guard and American Legion Post 7.

He died May 28, 2003 at the Sheridan Veterans Administration Medical Center.

Born March 15, 1918, in Park City, Montana, he was the son of Henry and Christina Charlotte (Becker) Wagner; was raised and educated in the Sheridan area; and graduated from Clearmont High School.

He then enlisted in the U.S. Army and received special training to serve in the Office of Strategic Services, later the Central Intelligence Agency. During World War II, he served in the Pacific Theater and much of his time was spent behind enemy lines.

After the war, he returned to Sheridan and attended Sheridan College, where he received a surveying certificate. He then worked for the Wyoming Highway Department and retired after 32 years (Wyoming PLS No. 298).

He was a member of Immanuel Lutheran Church and the American Legion.

Survivors include two sons, Wayne Wagner of Gainesville, Florida, and Timothy Wagner of Buffalo; daughter Carla Strain of Aurora, Colorado; five grandchildren; nine great grandchildren; and numerous nieces and nephews.

He was preceded in death by his parents and 11 brothers and sisters.

Memorials may be made to Immanuel Lutheran Church, 1300 W. Fifth Street, Sheridan 82801.

Champion-Ferries Funeral Home of Sheridan was in charge of arrangements.

WILLIAM D. 'BILL' GRACE

Albany, Missouri - Services for former Casper resident William D. 'Bill' Grace, 54, were conducted May 24, 2003, in Albany by his son, the Rev. Vance Grace.

He died Mar 15, 2003, at Lakeland, Florida, Regional Hospital, of cancer.

Born October 24, 1948, in Albany, he was the son of Lorin Worth and Retha Mae (Sampson) Grace; and graduated from Natrona County High School in 1967,

He worked for various companies as a land surveyor. In 1978, the family moved to Green River, where he was a registered land surveyor (Wyoming PLS No. 3997).

His first wife, Karen, was the mother of his three children. The couple later divorced.

In 2001, he married Carol Hayden.

Survivors include his wife of Florida; two sons, Albert Grace of Aberdeen, Idaho, and Vance of Omaha; daughter Jeni Strong of Casper; their spouses and children; and three stepchildren, Cathy, Oakley, and Amy, all of Virginia; their spouses and children.

He was preceded in death by his sister, Beverly; and parents.

Take the Pole Position



And Leave the Cables Behind

At Trimble, we specialize in helping our customers emerge as winners in the crowded field of surveying. By focusing on meeting your needs, we have always designed industry-first products that become industry standards. With our latest creations, you can go fast and cable-free straight to the finish line.

The 5800 consists of a GPS receiver, GPS antenna, radio, battery and a Bluetooth™ interface. It's the lightest, most compact, most integrated RTK rover to ever race to the head of the pack.

Featuring a powerful color, graphical, Windows CE user interface, the new ACU controller further enhances the 5800. The ACU delivers cable-free, Bluetooth-enabled GPS capabilities as well as RTK, kinematic or static operation. Best of all, it attaches directly to Trimble total stations as well as RTK and robotic pole holders for a real go-anywhere data collection solution.

Contact your local Trimble representative to find out how you can take the pole position and leave the cables behind.



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Cody, WY
307-527-6684

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TRIMBLE GEOMATICS AND ENGINEERING DIVISION 1.800.538.7800 U.S. 937.233.8921 FAX: 937.233.9441

FAST FORWARD TO SUCCESS

- Cable-free.
- Extremely compact, lightweight, integrated roving system.
- Powerful Trimble Survey Controller™ Trimble Survey Pro software.
- Go to www.trimble.com/pole for more information.

Want to get the best productivity today? Ask your Trimble dealer about our special offers and special financing options!



Comparison of F.A. Bishop Survey (1951) with GPS Survey

15 May 2003

Don

I thought that a comparison of a Floyd A. Bishop survey of 1951 with GPS would be of interest.

The Bishop survey was across rough, mountainous land and acres of willows to cut using a 2 chain tape and breaking chain. Paul N. Scherbel, P.L.S.

State of Wyoming Corner Record

(In compliance with the CORNER PERPETUATION AND FILING ACT, Wyoming Statutes, 1997, Section 33-29-140, et seq., and the Rules and Regulations of the Board of Registration for Professional Engineers and Professional Land Surveyors)

Reverse side of this form may be used if more space is needed.

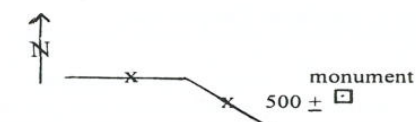
Record of original survey and citation of source of historical information (if corner is lost or obliterated). Description of corner monumentation evidence found and/or monument and accessories established to perpetuate the location of this corner. Sketch of relative location of monument, accessories, and reference points with course and distance to adjacent corner(s) (if determined in this survey). Method and rationale for reestablishment of lost or obliterated corner.

Record:-- 1893 -- Shannon and Gilchrest.
N00°-02'W between Sections 34 and 35.
39.90 Cross Fish Creek, 30 lks. wide, course S. E.
40.00 Set a granite stone, 10x8x8 ins., 6 ins. in the ground for ¼ sec. cor., marked ¼ on W. face; dug pits, 18x18x12 ins., N. and S. of stone, 5½ ft., dist., and raised a mound of earth, 1½ ft., high. 3½ ft. base, alongside.
Corner Record of Paul N. Scherbel (Floyd A. Bishop) dated 4 August 1951.

Found:-- A quartzite stone 7x6 ins. 2 ins. below ground surface in willow bush, difficult to find.
Marked "B" on S, ¼ WC 50' S on N.

Set:-- Built a mound of stone in tire casing to N. Monument is NEly, 100 ft. ± of lone Engelmann spruce 8 ins. DBH, Nly, 35 ft. ± of Fish Creek crossing.

	FAB ch.	FAB ft.	GPS ft.
SE S. 34	0.00	0+00	0+00
WC E¼		26+00.56	26+01.07
E¼	40.16	26+50.56	26+51.07
N1/16 S.34/S.35	60.24	39+75.84	39+76.72
NE S.34	80.32	53+01.12	53+02.25



cc: BLM
Davis
Budd
Miller
Bishop

Date of Field Work: 2 May 2003 Office Reference: Book AL-3, page 62, 64

CROSS INDEX DIAGRAM

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Firm/Agency, Address
Surveyor Scherbel, Ltd.
P.O. Box 4296
283 Main Street
Big Piney-Marbleton, WY 83113
Telephone Number 307-276-3347
Telefax Number 307-276-3348

This corner record was prepared by me or under my direction and supervision.
SEAL & SIGNATURE



County of SUBLETTE

Corner Name: ¼ Section: 34/35 T30N R114W 6th P.M. Cross-Index No.: X-17 - Revised