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PROFESSIONAL LAND SURVEYORS OF WYOMING

AFFILIATE — AMERICAN CONGRESS ON SURVEYING AND MAPPING

MEMBER — WESTERN FEDERATION OF PROFESSIONAL SURVEYORS

PAUL A. BLOUGH, VICE-PRESIDENT

DON A. DAVIS, PRESIDENT

JAMES E. GREER, SEC.-TREAS.

VOLUME 16, NO. 2

AUGUST 2004



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.

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INLAND GPS



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Cody, Wyoming (Main Office)

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Telefax - 307-527-5900

Casey Saxton

E-mail - Casey@inlandgps.com

Mobile - 406-580-2291

Glenn Borkenhagen

E-mail - Glenn@inlandgps.com

Mobile - 307-272-5044

Todd Ferris - Missoula, Montana

Office - 406-829-9888

E-mail - Todd@inlandgps.com

Mobile - 406-360-0464

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

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

2004 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)

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☐ PE/LS _____

STREET OR BOX: _____

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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.

_____Date_____

Applicant's Signature

Father's SignatureMother's Signature

EDITORIAL POTPOURRI

O BOARD OF DIRECTORS MEETING - The next Board of Directors meeting will be August 29, 2004 at 10 a.m. by teleconference. Contact your Director for specifics. All are welcome.

O LINES AND POINTS FAX AND E-MAIL - Our fax number is 307-235-5604 and our E-mail address are dond@wlcwyo.com or johnhh@trib.com.

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

O FALL TECH SESSION - The fall Tech Session will be held on November 11 and 12. Dennis Mouland will conduct the sessions. More information later.

RECRUIT A NEW PLSW
MEMBER TODAY!

TABLE OF CONTENTS

ARTICLE	PAGE
EDITORIAL POTPOURRI	3
PRESIDENT'S MESSAGE	4
WFPS REPORT	5
STATE BOARD NOTES	6
TRIG-STAR WINNERS	6
COURTHOUSE RESEARCH	8
JOEL COFFEY OBITUARY	10
SURVEY MUSEUM NEEDS HELP	11
SIGNED CERTIFICATES NECESSARY ...	11
NATIONAL FOREST TRESPASS	12
ALLEN MACE REPORT	12
HELPFUL HINTS	14
SOURCE OF SNAKE RIVER	15
PLSW BOD MINUTES	16
CELL PHONE USE	17
TRIVIA QUIZ	17
SCHOLARSHIP APPLICATION	18
MEMBERSHIP APPLICATION	19

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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

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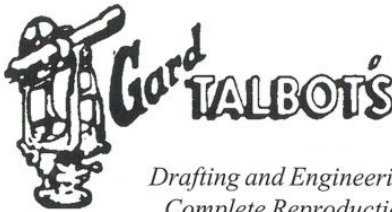
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President's Message

I hope this finds you all busy and looking for shade. The season is upon us and I'm sure it is with a full throttle that we hit the summer season. As usual, help is hard to find, especially the well versed surveyor that can take a crew and do it all. This is a problem that haunts us all and as there are very few surveyors out there banging on our doors, we should be grooming our young technicians and building the next generation of land surveyors from within. I don't consider myself an old timer, although thirty years seems like a career, but I learned on solars and chains and early EDMs. We can all worry a little that we are presently grooming data collectors and that if we aren't careful, there will be very few traditional land surveyors left in ten or fifteen years.

Speaking of class acts and traditional land surveyors, I was lucky enough to be at Bryce Rumph's Appreciation Dinner in Sundance last May 15th. Family and friends got together for dinner and drinks and heard some of the stories that made Bryce the character that he is. We can only hope that we can be as strong and involved at eighty as Bryce is today. Included in this issue are pictures and an official account of the dinner by Ann Brady and Cevin Imus who emceed the event. He did it with great patience and a longing to be at the other end of the table. Dave Vliem and Don Brady kept the affair lively. Ann Brady presented Bryce with artwork by Jerry Geer and a brass tablet. Including the golf effort at the Sundance nine, it was a very enjoyable day.

As co-editor of the newsletter, one of my quarterly duties has been to keep after the president for his message. I now formally apologize to all who held office prior to me for being such a nuisance. The message should be informational, and share the efforts and status of the organization, and although seemingly easy to attend to, this is a tough request. What could I possibly say to wow the membership!

Presently the direction of this administration is to insure that the finances are in continued good order and in a format that is

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.



easily represented to the membership. I am happy to report that we now have an official Investment Advisory committee which is chaired by Kevin Jones. In addition to Kevin, committee members are Herb Stoughton, Scott Pierson and Rick Hudson. Herb is of particular importance to the committee as past sec/treas and Cheyenne liaison to the investment advisor. Kevin has been very active and we should have good information at our next BOD meeting, August 28. This meeting will be by teleconference starting at 10am and lasting until noon. Information for this meeting should be in the hands of the directors in mid August, so see your director for more information.

In addition to this, Paul Scherbel has asked a very direct and pertinent question. Why do we show and overlook the rest of the committees? His observation is that if there is no report, why waste paper and space publishing "no report". I believe we have to show the active committees if for no other reason than association. As president, I should have contact with each committee chair on a quarterly basis. Maybe showing "no activity" would make more sense. The bottom line is that each committee is important to the society and requires recognition. Contact with the committee chairs is essential.

Mark your calendar for November 11 and 12, 2004 and our PLSW Fall Technical Session. Our speaker will be Dennis Moulard and you all should be seeing invitations soon. SouthCentral chapter is in charge this year and we are looking forward to a great session.

Enough for now, if you have any questions or requests, please do not hesitate to write or call me or your director. This is your professional society!

Don A. Davis, L.S.

BLM Glossaries

The new edition of *Glossaries of BLM Surveying and Mapping Terms* can be downloaded from <http://www.blm.gov/cadastral/Glossary/glossary.htm>, using Adobe Reader 5.0.

Previous versions of this document were primarily intended for use by trainee cadastral surveyors. The current, revised edition is targeted to all BLM personnel and should be of particular value to newly hired cadastral and cartographic personnel.

Those familiar with the earlier editions will notice that many definitions have been modified. The BLM glossaries are not meant to conflict with other surveying and mapping definitions; however, the document does contain terminology that may be particular relevance to BLM cadastral surveys. 130 pages.

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Vicarious Liability and Cell Phone Use

Employees are increasingly using cell phones to conduct business while driving. This is a risk to the public and an exposure to the insurance and assets of employers.

If an employee is involved in a car accident and cell phone use is a factor, the employer may be held liable. The employer can be sued for vicarious liability for the employee's negligence if the employee was acting within the scope of employment. It is relatively easy to show that the driver's attention was diverted by cell phone use. According to a 1997 study by *The New England Journal of Medicine*, cell phone use while driving increases the risk of having an accident by four times.

The risk to the firm, however, may go beyond the legal theory of vicarious liability. The allegation may be that the employer did not take public safety into consideration, if a firm encourages its employees to use cell phones while driving direct liability may exist.

Legal liability from cell phone usage is unclear. But if a negligence claim reaches a jury, a finding of responsibility may be likely.

An official written policy about cell phone use should be created. The policy may prohibit cell phone use for business purposes while driving. Or you could specify that such use is only permitted if a hands-free phone is available and driving conditions are suitable.

Further complicating the matter is that states and municipalities have enacted laws that regulate the use of cell phones in cars. Firm policies should make it clear that inappropriate cell phone use is prohibited in jurisdictions where such use is banned.

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'Six Pillars' Still Support Economy

The New York World's Fair seems long ago, but at least one of its displays is timeless – the "Six Pillars of Economic Wisdom." Probably more visitors passed it by than heeded it, but today's inflation makes it ring a louder bell. The original wording follows:

1. Nothing in our material world can come from nowhere or go nowhere, nor can it be free; everything in our economic life has a source, a destination, and a cost that must be paid.
2. Government is never a source of goods. Everything produced is produced by people, and everything that government gives to the people, it must take from the people.
3. The only money that government has to spend is that money taxed or borrowed out of the people's earnings. When government decides to spend more than it has thus received, that unearned money is created out of thin air, and, when spent, reduces the value of all money, savings and insurance.
4. In our modern exchange economy, all payroll and employment comes from customers, and the only worthwhile job security is customer security: if there are no customers, there can be no payroll and no jobs.

5. Customer security can be achieved by the worker only when he cooperates with management in doing the things that win and hold customers. Job security, therefore, is a partnership that prospers only in a spirit of understanding and cooperation.
6. Because wages are the principal cost of everything, widespread wage increases without corresponding increases in production simply increase the cost of everybody's living.

Surveying Trivia Quiz

1. What is the proper term used to identify the corner created at the intersection of lines that divide the SE 1/4 of a section into 1/4-1/4 sections or "forties?"
2. True or False: The missing dimension of a lot along the north or west tier of fractional sections in a township can be determined by subtracting the one given dimension in chains of that lot from the lot's given acreage.
3. The original government field notes refer to a linden as a bearing tree. What's another common name for that tree?
4. The diameter of the earth's polar axis is less than the earth's equatorial axis – by what approximate distance?
5. The Society's September 17-19 summer meeting and seminar are to be held in what community?

A CLEVER DOG

A wealthy man decided to go on a safari in Africa. He took his faithful pet dachshund along for company. One day, the dachshund started chasing butterflies and, before long, the dachshund discovered that he was lost.

Wandering about, he noticed a leopard heading rapidly in his direction with the obvious intention of having lunch. The dachshund thought, "I'm in deep trouble now!" Then he noticed some bones on the ground close by and immediately settled down to chew on the bones with his back to the approaching cat.

Just as the leopard was about to leap, the dachshund exclaimed loudly, "Boy, that was one delicious leopard. I wonder if there are any more around here?"

Hearing this, the leopard halted his attack in mid-stride, as a look of terror came over him, and slinked away into the trees. "Whew," said the leopard. "That was close. That dachshund nearly had me."

Meanwhile, a monkey who had been watching the whole scene from a nearby tree figured he could put this knowledge to good use and trade it for protection from the leopard. So, off he went. But the dachshund saw him heading after the leopard with great speed, and figured that something must be up.

The monkey soon caught up with the leopard, spilled the beans and struck a deal for himself with the leopard. The leopard was furious at being made a fool of and said, "Here monkey, hop on my back and see what's going to happen to that conniving canine."

So the dachshund saw the leopard coming with the monkey on his back and thought "What am I going to do now?"

But instead of running, the dog sat down with his back to his attackers, pretending he hadn't seen them yet ... and just when they got close enough to hear, the dachshund said, "Where's that damn monkey? I sent him off half an hour ago to bring me another leopard."

Professional Land Surveyors of Wyoming, Inc. Board of Directors' Meeting Minutes, May 22, 2004

1. The Board of Directors' Meeting of the Professional Land Surveyors of Wyoming was conducted by means of a telephone conference call with President Don Davis presiding and Board members (as listed below) participating. The meeting was convened at 10:13 A.M. on May 22, 2004.

2. Agenda: The final agenda is appended.

3. Board of Directors Minutes: Motion by Paul Scherbel to postpone approval of the minutes of the February 4, 2004 Board of Directors meeting until next meeting because not all directors had copies. Motion seconded and passed.

4. Secretary's Report: Suggestion by Secretary that the next membership directory be published on the PLSW web page was favorably received. No action.

5. Treasurer's Report:

a. Bank balances were reported as follows: Hilltop Bank Casper as of April 4, 2004: Savings - \$4078.69; Checking - \$32,866.97, with \$1,108.30 in checks outstanding, of which a check for \$500 was returned by Hans Pederson. (A letter from Mr. Pederson states that he has decided not to pursue a surveying career).

b. The report on investments was forwarded to this office by Dr. Herbert Stoughton, indicating that as of April 30, 2004, the total portfolio value with RBC Dain Rauscher, Cheyenne, was \$49,439.70.

c. Paul Scherbel moved and was seconded by Paul Blough to transfer \$12,000 to the "Investment Committee" for investment with RBC Dain Rauscher. Motion passed.

Committee Reports:

a. Audit-Finance Committee: Jeff Jones, No report.

b. Bylaws Committee - No report.

c. Convention Committee - The next W.E.S. Convention will be in Gillette.

d. Education Committee - Bill Fehringer - The Fall Technical Session will have Dennis Moulard (Cadastral Consulting, Inc.) for seminar instructor.

e. History Committee - No report.

f. Legislative Committee - No report.

g. Lines & Points - Not published as of this meeting. The staff would like to have some volunteer help - call Don Davis.

h. Manual of Professional Practice - No report.

i. Membership Committee: No Report.

j. Nominations & Elections Committee - Need suggestions and/or volunteers for new officers for 2005.

k. Professional Awards Committee - No report.

l. Public Relations Committee - Directors discussed having appreciation dinner for Bryce Rumph who recently retired from practice at the age of 80. Also discussed the writing and publication of his biography.

m. S O S Committee - No report.

n. Scholarship Committee - No report. General discussion, request for more applicants.

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

p. Trig Star Competition - No report.

9. Delegate Reports.

a. ACSM-NSPS Board of Governors - Published in Lines & Points.

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

10. State Board of Registration for Professional Engineers and Professional Land Surveyors. Martin Pedersen unable to attend - Board is requesting authority to promulgate manual.

11. Old Business:

a. Brief discussion of Grenville Dodge and Party at the Gang plank, fund raiser - need report for next meeting.

b. Southwest Chapter Safety Manual. Moved by Paul Blough, seconded, Richard Muscio to permit use of PLSW logo with disclaimer. Motion passed.

12. New Business:

a. Discussion of finances and how to handle investments.

b. Motion to authorize president Don Davis to establish an investment committee and appoint members. Paul Blough/Don Schraam - passed. President Davis appointed Kevin Jones Chairman, Scott Pearson and Rick Hudson members.

c. Discussion of next Board of Directors meeting. Tentative teleconference date set for Saturday, August 28, 2004

13. Announcements: Next meeting, see Item 12.

14. Adjournment. 11:51 A.M. motion to adjourn. Passed.

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. Kevin Jones - appointed Chairman of new Investment Committee.
7. Don Schraam, Southwest Chapter Director.
8. Lynn Forbes, Upper Platte Director
9. Troy T. Fields, Northeast Chapter Director
10. Richard Muscio, Northwest Chapter Director

WFPS Report

WFPS Board of Directors Meeting held Saturday, June 12, 2004 at John Ascuaga's Nugget, Sparks, Nevada.

Chairman Ron Whitehead called the meeting to order at approximately 8:10 a.m. Roll Call was taken and a quorum declared with 19 Delegates and Officers in attendance, representing twelve of the thirteen western states.

It was motioned and seconded to approve the minutes of the February 24, 2004 Board of Directors meeting.

Steve Parrish reported he has been asked to chair an NSPS Committee to review the draft "New Edition Manual" which is scheduled to be available for review in late 2004 or early 2005. Steve requested persons interested in participating, or wishing additional information, to contact him.

Agenda revisions were made with the addition of Inviting Additional States to join WFPS. Chairman Ron Whitehead requested current Committee Chairmen to continue to serve.

Treasurer Jerry Tippin reported on the September 1, 2003 through June 10, 2004 financials, as distributed. Total WFPS assets as of June 10, 2004 are \$ 155,078.89.

Chairman Ron Whitehead is to develop a tentative budget for the next Board meeting for review/discussions/adoption.

Treasurer Jerry Tippin distributed copies of the Preliminary Audit Report for Board review. The finalized audit will be available prior to the next Board of Directors meeting.

State activity reports were reviewed with each member delegate giving verbal updates or noting specific issues and items important to their respective state associations.

A written report from Curt Sumner, Executive Director of ACSM was submitted to the WFPS Board for review.

Chairman Ron Whitehead requested volunteers to represent

WFPS on the ACSM/CLSA/NALS/WFPS (AJCIN/W) Program Committee. Dick Smith volunteered to serve on the 2005 A/CINIW Conference Program Committee.

Motion #006/04-04 was moved by Paul Whipple and seconded that the general guideline of the (WFPS) Board be to alternate their (biennial) Conferences between the national organization and WFPS state Associations. Motion Carried.

Chairman Ron Whitehead request recommendations for Conference sites for the 2007 WFPS biennial Conference. State societies interested in participating with WFPS in their 2007 biennial Conference were requested to bring proposals to the September WFPS Board meeting.

Professional Society Liaison committee chairman Chuck Paddock reported that the western states governors would meet in conjunction with the ACSM conference. Chuck will submit minutes of the meeting to the WFPS Board.

Motion #0604-05 was moved by Paul Reid and seconded that scholarships be awarded, as included with the Scholarship Committee report. Motion Carried.

Discussion was held regarding NCEES' lack of representation on issues affecting Land Surveyors. Denis Applebury, Pat Tami, Paul Whipple and Dick Smith volunteered to serve on a Committee to develop a "white paper" addressing the concerns of the western state Land Surveyor organizations on NCEES issues of licensing, to be presented to the WFPS Board at their September meeting.

The WFPS Board adopted the F.I.G. Definition of Surveying. Motion #06/04/07 moved by Pat Tamie and Seconded that WFPS supports the F.I.G. Definition of Surveying. Motion Carried.

Chuck Paddock reported that interest has been expressed by an organization to join the WFPS. After discussion the issue was dropped.

State Conferences for 2004/2005 were update by each state representative and will be updated on the WFPS website.

ACSM Convention dates are as follows: 2005 March 19-25, 2005, Riviera Hotel/Casino, Las Vegas NV and April 22-26, 2006, Orlando, FL.

Motion #06/04-08 was moved by Chuck Paddock and seconded that WFPS donate \$500 to the Library of Congress — Surveying and Mapping Exhibit. Motion Carried.

The Action List was reviewed and updated.

The next WFPS Board of Directors meeting will be held September 25 @ the Cathedral Hill Hotel in San Francisco.

The March meeting of the WFPS Board of Directors will be held in conjunction with the ACSM/CLSA/NALS/WFPS 2005 Conference in the Riviera Casino/Hotel, Las Vegas, Nevada.

Meeting adjourned at 4:07 p.m.

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State Board of Registration Meeting held in Saratoga

The regular quarterly meeting of the Wyoming State Board of Registration for Professional Engineers and Professional Land Surveyors was held July 19, 2004, at the Saratoga Inn in Saratoga, Wyoming.

It was learned that the Board will probably be required to move its offices again, due to the State of Wyoming buying the Pioneer Building. The building currently houses the Board offices and several other firms and agencies, and is being purchased to put the Attorney General's offices in.

Reviews were completed on the CPC reporting forms from the last renewal period. These were part of the random audit performed each year by the board and the registrants were required to supply documentation on the courses and hours claimed for CPC credit.

Discussion was held on the proposed changes to the governing statutes that the Board operates under. The Board is planning on bringing proposed changes to the legislature next session.

Mr. Ken Schram and Mr. Doyle Fritz appeared before the Board to discuss the current situation with surveying education in Wyoming. According to Schram, Laramie County Community College (LCCC) does not offer the Associates Degree in surveying technology any longer, nor does any other institution in Wyoming. While Mr. Schram believes in the education requirement, he is concerned about the lack of a Wyoming School offering what is required to begin licensure. Board Member Pedersen recalled a conversation with Mr. Herbert Stoughton at the December Board Meeting when Mr. Stoughton said the LCCC program was still active and viable. Mr. Pedersen offered to write a letter to Mr. Stoughton requesting further information on the LCCC program and the Metro State Program where Schram is completing his requirements.

While some state residents have asked that the education requirement be dropped, the board feels that to do so will fence in our registrants, since many states have or are in the process of requiring 4 year degrees for licensure. The discussion brought out again the need for more numbers in the program, no matter which college or university offers it. No institution is going to offer the degree program if there are not enough candidates to make it profitable. The Colorado Land Surveyors support the Metro State Program monetarily to make sure it stays afloat.

In closed session, the Board dealt with disciplinary matters, and review of applications.

The next board meeting will be Nov. 19, 2004.

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National Trig-Star Committee Selects Winners

The National Society of Professional Surveyors (NSPS) is pleased to announce the recipients of the 2004 Richard E. Lomax National Trig-Star Scholarship Awards. The Trig-Star committee met on July 17, 2004 to determine the three top high school students from the national examinations submitted by state winners. This year, there were thirty- one state winners submitted. The awards will be presented in a special ceremony at the NSPS Board of Governors meeting during the American Congress on Surveying and Mapping (ACSM) annual conference in Las Vegas, Nevada, March 19-23 2005. A past president of NSPS, Richard Lomax was the driving force behind the elevation of the local Trig-Star program to the national level. In October 1994, Board action named this high school trigonometry skill award in his honor.

The Richard E. Lomax National Trig-Star Scholarships are awarded as follows:

First Place: Matthew Webb, West Milford Township High School, West Milford, New Jersey

Second Place: Sam Wilson, Mission College Prep High School, San Luis Obispo, California

Third Place: Gregory Minton, Salem High School, Salem, Virginia

The Richard E. Lomax National Teaching Excellence Awards are presented as follows:

First Place: Mrs. Jill Nitkinas, West Milford Township High School, West Milford, New Jersey

Second Place: Ms. Phyllis Brudney, Mission College Prep High School, San Luis Obispo, California

Third Place Mrs. Lineberry, Salem High School, Salem Virginia

The following is a list of the State Winners in the order of finish:

Matthew Webb, New Jersey; Sam Wilson, California; Gregory Minton, Virginia; Alexander Hinton, Washington; Tyrone Roberts, Nevada; Ryan Magee, Connecticut; Cadence Bon, Alaska; Sean Murphy, Iowa; Whitney Cross, Tennessee; Scott Bruschwein, Montana; William Young, Indiana; Michael Smith, New York; Natalia Gerena Santiago, Puerto Rico; Jared Chivers, Massachusetts; Katie Stewart, Maryland; Marianne Beynon, Texas; Anton Bouzakine, New Hampshire; Juwon Lee, Michigan; Shaun McDowell, Florida; Jonathan Sanford, Oregon; Scott Trantina, Minnesota; Kelli Shaw, Georgia; Jodi Zwickley, Wisconsin; Cody Hendricks, Wyoming; Lori Spalsbury, Colorado; Jennifer Jing Huang, Mississippi; Luiz Mendes, Illinois; Daniel Marstaller, Maine; Ben Baudoin, Louisiana; Lee Harden, North Carolina; Jon Hale, Kentucky

The Richard E. Lomax National Trig-Star Scholarships and Teaching Excellence Awards are a few of several annual NSPS awards. For more information about the NSPS awards and scholarship programs, please contact NSPS, 6 Montgomery Village Avenue, Suite #403, Gaithersburg, MD 20879, (240) 632-9716 ext. 113, e-mail: pat.canfield@acsm.net or visit the ACSM web site at <http://www.acsm.net>.

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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.

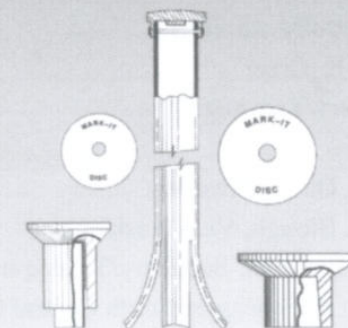
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Helpful Hints...

- Just a few things I thought you find useful around the house.
1. Flies or bees bothering you? Spray them with hairspray and they will take a quick dive.
 2. Sealed envelope — put it in the freezer for a few hours, then slide a knife under the flap. The envelope can then be resealed. (HMMMMMM).
 3. Use an empty toilet paper roll to store appliance cords. It keeps them neat and you can write on the roll what appliance it belongs to.
 4. For icy doorsteps in freezing temperature — get warm water and put Dawn dish washing liquid in it. Pour it all over the steps. They won't refreeze. (The way things are looking this winter, this will come in real handy!!)
 5. Crayon marks on walls? This worked wonderfully! A damp rag dipped in baking soda. Comes off with little effort!
 6. Permanent marker on appliance/counter tops (like store receipt BLUE)! Rubbing alcohol on paper towel.
 7. Blood stains on clothes? Not to worry! Just pour a little peroxide on a cloth and proceed to wipe off every drop of blood. Works every time!
 8. Candles will last a lot longer if placed in the freezer for at least 3 hours prior to burning.
 9. To clean artificial flowers, pour some salt into a paper bag and add the flowers. Shake vigorously as the salt will absorb all the dust and dirt and leave your artificial flowers looking like new! Works like a charm!
 10. Spray your Tupperware with nonstick cooking spray before pouring in tomato based sauces and there won't be any stains.

11. To get rid of itch from mosquito bites, try applying soap on the area and you will experience instant relief.
12. Use air-freshener to clean mirrors. It does a good job and better still, leaves a lovely smell to the shine.
13. When you get a splinter, reach for the scotch tape before resorting to tweezers or a needle. Simply put the scotch tape over the splinter, and then pull it off. Scotch tape removes most splinters painlessly and easily.
Hope you find some of these useful.

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SUR-064

Courthouse Research...How Much is Enough?

by Jeffery N. Lucas, LS

Several months ago, an article appeared in this magazine (Professional Surveyor) which suggested that enough courthouse research must be performed to resolve all conflicts in the deeds of conveyance for your subject property and for all adjoining properties. Implicitly, the surveyor is to trace the title back, to the original patent if necessary, on the subject property and all adjoining, to resolve all latent conflicts, gaps, overlaps, mistakes, and to otherwise "resolve" all boundary issues. According to the author, a complete survey must be performed on the subject property and all adjoining in order to properly perform a "boundary resolution." Ostensibly, this is in keeping with standard survey practice and anything less falls short of that standard. ("When Good Intentions Fail," by Lee Hixson, August 2002).

There were many aspects of that article that I did not agree with, but for the purposes of this discussion I want to just deal with one: How much research is enough research? And the collateral question: Is research back to the common grantor for the subject property and all adjoining necessary in all circumstances, as Hixson suggests in his article? The opinions on the subject are legion, and I doubt that mine will be the last.

There are at least three considerations that are necessary to our inquiry. The first consideration is statutory. Are there any statutory or regulatory requirements on the subject of research? The second consideration is case law. What do the cases on the subject have to say? And lastly, we must consider professional judgment. Every statutory scheme that I have ever read dealing with the regulation of our profession always leaves room for professional judgment to enter into the equation. They have to. This is a profession that's being regulated, not a rote task that can be accomplished by a set of instructions. In every profession there will be occasions where more or less than what the statute calls for is appropriate or necessary. Where we run into trouble is when abuse of the system takes place.

STATUTORY CONSIDERATIONS

Every state in the Union has some form of regulation of the surveying profession. I am licensed in only five of those states. I can't profess to be on top of what each state has to say on this subject. The states in which I am registered, with one exception, all say or imply just about the same thing: the surveyor will be provided with a deed of the property and must then show any discrepancies between the deed description and evidence found on the ground. Surveyors are also responsible (by implication) for any information that is revealed on recorded plats. In two of the non-PLSS states in which I am registered, there is a requirement that adjoining be labeled either by name or deed reference. Taken together as a whole, the implication is that the surveyor's research responsibility is for the current deed of the subject property, any recorded plats in or around the subject property, and a copy of all adjoining deeds.

The Rules of the Georgia State Board takes it a little deeper when they say in their *Technical Standards for Property Surveys*: *Every parcel of land whose boundaries are surveyed by a licensed surveyor should be made, conformable with the recorded, title, boundaries of such land whenever possible. The surveyor, prior to making such a survey, shall acquire all necessary data, including deeds, maps, certifications of title, centerline and other boundary*

line locations in the vicinity. He shall compare and analyze all of the data obtained and make most nearly correct legal determination possible of the position of the boundaries of such parcel. Chap. 1807-.02(1)(a).

At first glance this seems like a pretty stringent standard. Mr. Hixson will no doubt see this as an instruction to research the subject property, and all adjoining, back to the original grant from the King of England. That is certainly one definition of "all necessary data" but is that possible or even practical?

What are some national guidelines we can go by? There are the ALTA/ACSM Standards and the NSPS Model Code. The ALTA standards assume from the beginning a working relationship between the surveyor and the title examiner. The professional responsibility of the title examiner is to research the public records for the purposes of insuring title to the property in the name of the insured (property owner). The professional responsibility of the surveyor is to make a physical survey of the property to reveal physical characteristics and encumbrances upon the property. In addition, using the research provided by the title examiner, the surveyor will plot the legal encumbrances on the map of survey so that discrepancies between the physical and the written will be revealed. Working together, the title examiner and the surveyor will produce the most complete picture of that property that is reasonably possible and the title insurance company will insure it against defects, with certain obligatory exceptions.

At this point, the surveyor's only liability is for what he missed during his survey of the ground, not what he missed in the public records. Now, surveyors can, and often do, take on much more liability by signing off on more, or for failing to make their own obligatory exceptions, or by purporting to have done more, such as searched the records back to the original grant from the King of England and proclaiming the boundary in complete accord with all previous conveyances.

If I were a title insurance company I would love to have a surveyor willing to do this, especially if he has deep enough pockets to back it up. And if this is what you want to do as a service to your client, it's a free country, go ahead. But the question I'm raising is this: Are we obligated to go this far back on every boundary survey we perform? Can we meet our obligations and all applicable standards of care, without taking on this additional liability?

What about the NSPS Model Code? The model code says, *'The Surveyor ...shall ... execute a survey based on the description of the parcel or tract taken from the last deed of record ... search pertinent documents that may include, but are not limited to maps, deeds, title reports, title opinions, and the United States Public Land Survey records.'*

What is a *pertinent document*? Maybe a pertinent document is the original grant from the King, but this has to be a professional judgment call on the part of the surveyor because, the model code is too vague on this point.

While you're thinking about that, think about this: there is a reason the title companies only go back so far in the records, most only go back 30 years, some 50. This is because with the passage of time, property rights become vested in those who occupy the

(Continued on Page 9)

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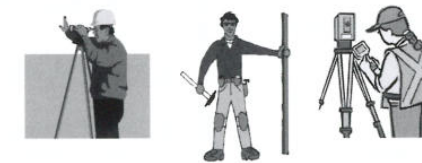
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2004 Annual Report of Allen Mace Memorial Scholarship Raffle.

I'd like to express thanks to those members who helped this year and to give special thanks to the vendors who contributed to this success, and to give you an itemized report of our 2004 raffle. This year I would like to thank PLSW members: Scott Pierson, Paul Reid, Shane Hansen, Jeff Jones, Mike Quinn, and Brian Forbes. Thanks to Allen Mace Scholarship committee members: Gary Hatle, Thomas Johnson, Randy Stelzner, and Bruce Hughes. Also, Thanks to *Lines & Points* publication committee member, Don Davis.

And special thanks to WES member, Zia Vasrobi, who contributed his selling and emcee expertise. The success of this raffle would never have resulted if it was not for the help of these individuals and please forgive me if I missed your name.

This year we were fortunate to have the following vendors contribute to our raffle: Mountain Mapping, Rock Springs, WY, Philson Survey vest (\$100 value); Survey Supply, Casper, WY, Lath Bag & Write-in-Rain notebook (\$90); Selby's Essco, Billings, MT, (Iarmin GPS unit (\$160), 100 foot real tape (\$75), 100 foot real chain (\$75), 25 foot tape (\$50).

Apex Surveying & Mapping, Riverton, WY, Brunton Binoculars (\$140). Hixon Manufacturing, Fort Collins, CO, 3 tripods (\$300), 1 auto level (\$1000). WLC: Painting of Teton Mountains (\$300). The 2004 raffle income this year is as follows: Cash = \$2812 (paid check #5555 from HLS for \$2900). Auction Income: Glen Borkenhaugen \$200 (Selby Essco GPS) Don Davis \$150 (Hixon Tripod) John Steil \$100 (Hixon Tripod) ***

Bill Gorman \$150 (Hixon Tripod)
Rio Verde \$600 (Hixon Auto level)
John Steil \$450 (painting) ***
Expenses: two rolls of tickets \$13.64 (Office Max) paid for by Gary Hatle & Chris Hamilton.
Total Net for the 2004 raffle: \$4550.00
***indicates items which have been paid at the time of this report.

In conjunction with a 2002 agreement with PLSW committees for *Lines & Points* and Allen Mace Memorial Scholarship, 15% of the above total is to be delivered into the publication fund for *Lines & Points*. Therefore the amount of \$682.50 should be withdrawn from our total above and given to *Lines & Points*. This will leave our very successful 2004 raffle with a grand total of \$3867.50. Job well done PLSW and thanks to all, Chris Hamilton, Chairman, Allen Mace Memorial Scholarship

National Forest Trespass Clarified

Mary Meyers
40 W 100 N
Hyrum, UT 84319
Dear Mrs. Meyers:
Pat Factor the land surveyor for the Bridger-Teton National Forest has looked into the allegation that your house in T. 39. N., R. 116 W., Sec. 2 lot 7 and Sec. 3 lot 10 was in trespass on National Forest system lands. It is her opinion that the property boundary for the Bridger-Teton National Forest is the thaiweg or thread of the Snake River. After double checking with the Bureau of Land Management and our Regional Office and talking with Paul Scherbel of Surveyor Scherbel, LTD and Scott Pierson of Pierson Land Surveys she found nothing that would indicate a different boundary. The only place where the boundary was depicted in a different location was on the Teton County GIS website. GIS maps were never intended to take the place of a property survey and unfortunately occasionally contain misleading information. To recap, the Forest Service does not have any claim to the property described above and that the residence constructed on that property is not in trespass on National Forest Lands. If you have any questions regarding this matter, please Contact Pat Factor, Forest Lands Surveyor at (307) 885-1322. Sincerely, NANCY HALL DISTRICT RANGER

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-COURTHOUSE RESEARCH

(Continued from page 8)

land. This is the whole premise behind adverse possession and prescriptive rights. Many people feel that adverse possession is a bad thing. Quite the contrary, the reason for adverse possession laws is to bring peace and tranquility to neighborhoods. Those who are in possession of the land for a long enough period of time acquire title by virtue of that possession.

The most important justification for the adverse possession doctrine is that it protects one who innocently and mistakenly possesses the land of another for such a long period that a justifiable reliance on the existing state of affairs would give a windfall to the records owner... The Doctrine of Adverse Possession also promotes certainty in land titles, nullifies conveyance errors, and often settles boundary disputes. (Edward H. Rabin, et al, *Fundamentals of Modern Property Law*, Fourth Edition, 790, Foundation Press 2000).

Could you imagine the turmoil that would be caused by discrepancies that are 50, 60, or 75 years old being constantly brought up, and boundary lines long settled being continually disputed? Why should a surveyor routinely dig back in time to grant from the King of England to show, for example, that there is a strip of land that was never conveyed 100 years ago that goes right through the middle of someone's house in a subdivided neighborhood? First of all, are you sure you didn't miss a conveyance somewhere in your title search? Maybe you checked the deeds but did you also check for a will? How about unwritten conveyances? Even if you correctly conclude that such a discrepancy exists, do you really think a judge and jury are going to tell a homeowner of 30 years, "Uh, we're sorry! Your living room belongs to someone else." The possibility of something like this happening is so remote that title insurance companies are willing to insure against it. Why should a surveyor try to resurrect it from the dead? There is no statutory duty, either implicit or explicit, to do this.

This is a gray area in our practice that I have not seen many address. The survey texts all say that we cannot practice law. I would be one of the first to say that surveyors cannot advise clients about their rights in property. But there comes a point where it doesn't take a veterinarian to proclaim the horse dead and that secession of all further beating can commence. Similarly, surveyors are sufficiently trained in property law to recognize a dead legal issue. To go looking for it when there is no obligation to do so, in my opinion, is a bad judgment call. This point drives right to the questions I've presented. Is there such an obligation or not?

Case Law Considerations

I'm not a legal research expert and I may have missed previous, articles on this subject, but I haven't seen anyone cite a case that is on point. Most cases cited deal with the general matter of failure to meet the standard of practice or negligence, but not as it relates to courthouse research. Nevertheless, in my feeble attempt to find such a case, I ran across *Newfound Management Corp., General Partnership of Newfound Ltd. Partnership v. Sewer*, 885 F.Supp. 727 (D.Virgin Islands 1995). Newfound is significant for at least two important reasons. First, when the court reached the issue of the surveyor's responsibility for research, it had every opportunity to cite the cases that are out there on point. It cited none. Although not dispositive on the issue, it lends credibility to the notion that there are no, or there are very few, cases on point. Second, instead

of citing other court cases, the court cited *Clark on Surveying and Boundaries* (5th ed. 1987) and *Brown's Boundary Control and Legal Principles* 3rd ed. 1986), Id. at 747. This makes these works almost as good as case law on the subject. Unfortunately, as I write this, I have Clark's sixth edition and Brown's fourth edition. Nevertheless, we will proceed on the issue of research with my newer version in which Brown says:

A surveyor should examine sufficient documents, either directly called for or implied in the client's conveyance or description. This includes obtaining necessary maps, plats, drawings, deeds, and references to adjacent parcels from private, public, and other sources. (Pg. 368)

Clark weighs in as follows:

The surveyor's responsibility is the location of the written title lines on the ground and the subsequent relation of all lines of possession that may conflict with them. This function does not permit him to pass upon the application of law to the identification of written or unwritten property rights. The surveyor is responsible for locating and identifying any and all encumbrances upon the parcel being surveyed, including encumbrances that are of record and also those of which the surveyor has, or should have, knowledge by virtue of the surveyor's own personal knowledge, statements of third parties, or by testimony or other evidence. (Pg. 26)

Brown's instruction on the issue pretty much mirrors the statutory scheme we looked at earlier. Clark, on the other hand, tells us that we have *to* find, "all encumbrances" including those "of record," but he doesn't tell us that we have to find anybody's deed. Again, we're left to our own devices to determine what is "sufficient" documentation.

Why aren't there just gobs of cases on the issue of the surveyor's research responsibilities? Maybe this is because of a fundamental difference between the role of the surveyor and the role of those in the document professions. We like to think that we have similar roles, and we do to a certain extent. But we also have different roles to play, and the courts generally recognize this. It basically breaks down to the fact that title examiners and attorneys are deemed to be responsible for written documents (deeds, wills, and other conveyances), the stuff that's in the public records. Surveyors, by contrast, are responsible for the "physical" documents (monuments, lines of possession, and other physical evidence of ownership), the stuff that's on the ground. A Florida appeals court, in *McGhee v. Young*, 606 So.2d 1215 (Fla.App. 4 Dist. 1992), put it this way:

[Attorneys are] accustomed to reducing abstract ideas to paper and then relying upon the written document to achieve the original goal as written. In this case the written document is always considered authoritative and any deviation or discrepancy between this written document and what is actually done, is resolved in favor of "changing the physical to conform to the intention evidenced by the writing." [citation omitted] *The surveyor, however, plays a different role and has a different practice with respect to his profession. While the original surveyor has a right or responsibility to establish new boundaries when he surveys previously unplatted land or subdivides a new tract, the sole duty of all subsequent or following surveyors is to locate the points and lines of the original survey by locating existing boundaries. [citation omitted] No following surveyor may establish a new corner or line, or correct erroneous surveys of earlier surveyors, when* (Continued on Page 10)

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(Continued from page 9)

they track the original survey in locating existing boundaries. This is because "man set monuments as landmarks before he invented paper and still today the true survey is what the original surveyor did on the ground by way of fixing boundaries by setting monuments and by running lines ('metes and bounds'), and the paper 'survey' or plat of survey is intended only as a map of what is on the ground." (emphasis by author).

Standard of Care Considerations
"Surveyors were not liable to purchaser for negligently conducting survey of property, though survey performed was clearly inaccurate in inflating size of property by approximately 50%, where purchaser failed to introduce any evidence as to standard of conduct to be followed by surveyor." *Walker Rogge, Inc. v. Chelsea Title & Guar. Co.* 562 A.2d 208 (N.J. 1989).

As the quote from the aforementioned case illustrates, there is no liability unless it can be proved that you did not meet the standard of care. Is there a national standard of care? I believe so. Cases like *Bell v. Jones*, 523 A-2d 982 (D.C. Cir. 1987) tell us that surveyors are to be held to a national standard, not a local "good ol' boy" standard. If they are going to prove anything against you, they will have to bring in expert testimony to say that there is a standard of care that must be met and that you didn't meet it. So what is the standard of care as it relates to courthouse research? The standard of care is what the prudent surveyor in a similar circumstance would do.

You've got to know what your statutory obligations are, you need to be familiar with any applicable case law (apparently Brown and Clark), you should know what your peers are doing, and you've got to use good professional judgment. I'm not going to say, as Hixson did, that it's a complete survey of your subject property and all adjoiners back to when the Mayflower landed. I don't believe that. This is why I wrote this article because I strongly disagree with his position. I believe that there are circumstances where a surveyor can do a professionally competent boundary survey from a deed faxed to him by a real estate agent, and there are times when you may need to go back and consult George Washington.

It's a bad judgment call, in my opinion, to have a standard operating procedure that says I'll go back to the original patent on every boundary survey I perform. Our duty isn't to be technocrats who manically search through all of the conveyances throughout time trying to find errors so that we can proudly display them to the world with a resounding, "See what I found!" This only opens us up to additional liability and will tend to disrupt well settled rights in property. Our duty to our country as surveyors - rather, our sacred trust - is to maintain the nation's property boundaries, not destroy them.

Reprinted from *The Professional Surveyor*, May, 2003

SUPPORT

"SOS"

Joel Coffey

LARAMIE-Memorial services and life celebration for Laramie resident Joel Coffey, 58, were conducted at July 26, at the United Presbyterian Church in Laramie.

He died July 23, 2004, at Ivins Memorial Hospital, after a short battle with cancer.

Born Oct.13, 1945, In Auburn, Neb., he was the son of Robert Eden Coffey and Christine Wilkinson Coffey. The oldest of five children, he was an avid player of high school basketball In Phillips, Neb., and he attended Hastings College In Hastings, Neb., on a basketball scholarship. In 1967, he graduated with a degree In mathematics.

In August of 1967, In her home town of Laramle, he married Dona Lamb. The couple moved to Grosse Pointe, Mich., to begin their teaching careers.

In 1969, they relocated to Albuquerque, N.M., and there he received his master's degree, also in mathematics.

They made their next home in Medicine Bow. He taught math, science and coached basketball.

They had two children together, a son in 1972 and a daughter in 1975. Also in 1975, the family moved to Laramie.

In Laramie, he continued to teach at the old junior high. He continued his education at the University of Wyoming and earned a bachelor's degree in civil engineering, with honors, in 1980. This marked the beginning of a career he enjoyed in a place he was proud to call home.

Active in civic organizations over the years, most recently he served as a city councilman from 1997 until 2001. He will be remembered for his efforts to improve his community.

Survivors include his wife; his children, David and his wife, and Twila and her husband; and a grand daughter and grandson.

He was preceded in death by his parents.

Museum of Surveying
Needs Your Help

Dear Friends of Surveying:

Using Compass and chain surveyors laid the earliest boundaries of the United States. Some days we curse their methodology, but we walk in their footsteps every day. Unfortunately many Americans have forgotten the founding fathers that marked out the foundations of our early landscape.

At the Museum of Surveying, North America's only surveying museum, 2,000 visitors a year discover the challenges and achievements of the men and women who measured America. During its fifteen-year history, our collection has expanded to over 2,000 artifacts, hundreds of books, and a growing educational program. Our building, however, has remained the same size. The museum is now too cramped to serve groups larger than 25 and school children must sit on the floor of our foyer to discuss the history of our profession. We need your support to expand.

Today we ask you to help the Museum of Surveying enlarge its crowded building to suit the demands of our members and patrons. Our \$600,000 capital campaign will add a second floor to the current museum building and provide the state-of-the-art climate control and storage necessary to preserve our surveying heritage. Current floor plans call for three intimate exhibit galleries and an introductory exhibit in our foyer, as well as a publicly accessible library filled with unique surveying books, papers, and maps. Our plans for the future of our museum are exciting, but we cannot continue to grow without the support of friends like you.

The history of surveying is truly the history of American growth and expansion. We look forward to spotlighting this critical element of our nation's history and current growth in our renovated facility. Enclosed with this letter, you will find a guide to our capital campaign. Please examine it and consider what you can do to help. For less than a tax-deductible dollar a day during our two-year capital campaign, you can help preserve your history of surveying.

Please feel free to contact me if I can be of any service to you or answer any questions. Thank you for sharing our dream and

helping the Museum of Surveying expand into its place as a source of pride for the surveying profession, the local community, and the nation.

Sincerely,
Lisa D. Jacobs
Executive Director

Signed Certificates a Necessity

By Dick Bales

Surveyors may sometimes feel that they should not have to sign certificates for their surveys. A recent Indiana case indicates that in at least one instance, a certification rescued a surveyor from a lawsuit.

Thomas Boofter prepared a Surveyor Location Report (SLR) for Gary and Lisa Crowe's lender. The Crowes relied on this SLR (this appears to be similar to a mortgagee's inspection plan) when they built a pole barn. They later found out that the barn was constructed twenty feet into a neighbor's property. After buying the land on which the barn encroached, they sued the surveyor.

The court noted that the certification of the SLR indicated that "no corner markers were set and. . . no liability is assumed. . . for any use of the data for construction of new improvements or fences."

Accordingly, both the trial court and the appellate ruled in favor of the surveyor. "Here, the SLR plainly and unambiguously states that it cannot be relied upon for placement of fences or improvements. The Crowes acknowledge that they did so. At the time the Crowes signed the acknowledgement and receipt for the SPR. . . , they accepted the encroachments, easements, limitations, and/or conditions set out within the SLR. . . The exculpatory clause within the SLR, together with the Crowes' acknowledgement thereof, shielded Boofter from a claim that he negligently performed the SLR for purposes of locating the pole barn."

See *Crowe v. Boofter*, 790 N.E. 2d 608, 2003 WL 2148910 (Ct. App. Ind.).

(Reprinted from *The Illinois Surveyor*, Fall 2003)

Go Beyond the Boundary Lines

Thank you for helping the Museum of Surveying expand into the future.

Choose a level of tax-deductible giving and help make the Museum of Surveying a nationally known institution of learning. Gifts made by credit card may be made in monthly or quarterly installments. Museum staff will charge your account the amount you wish to donate each payment period.

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