

Institutional Affiliate of American Congress on Surveying and Mapping.

The California Surveyor

No. 62

The Voice of the Land Surveyors of California

Fall 1980

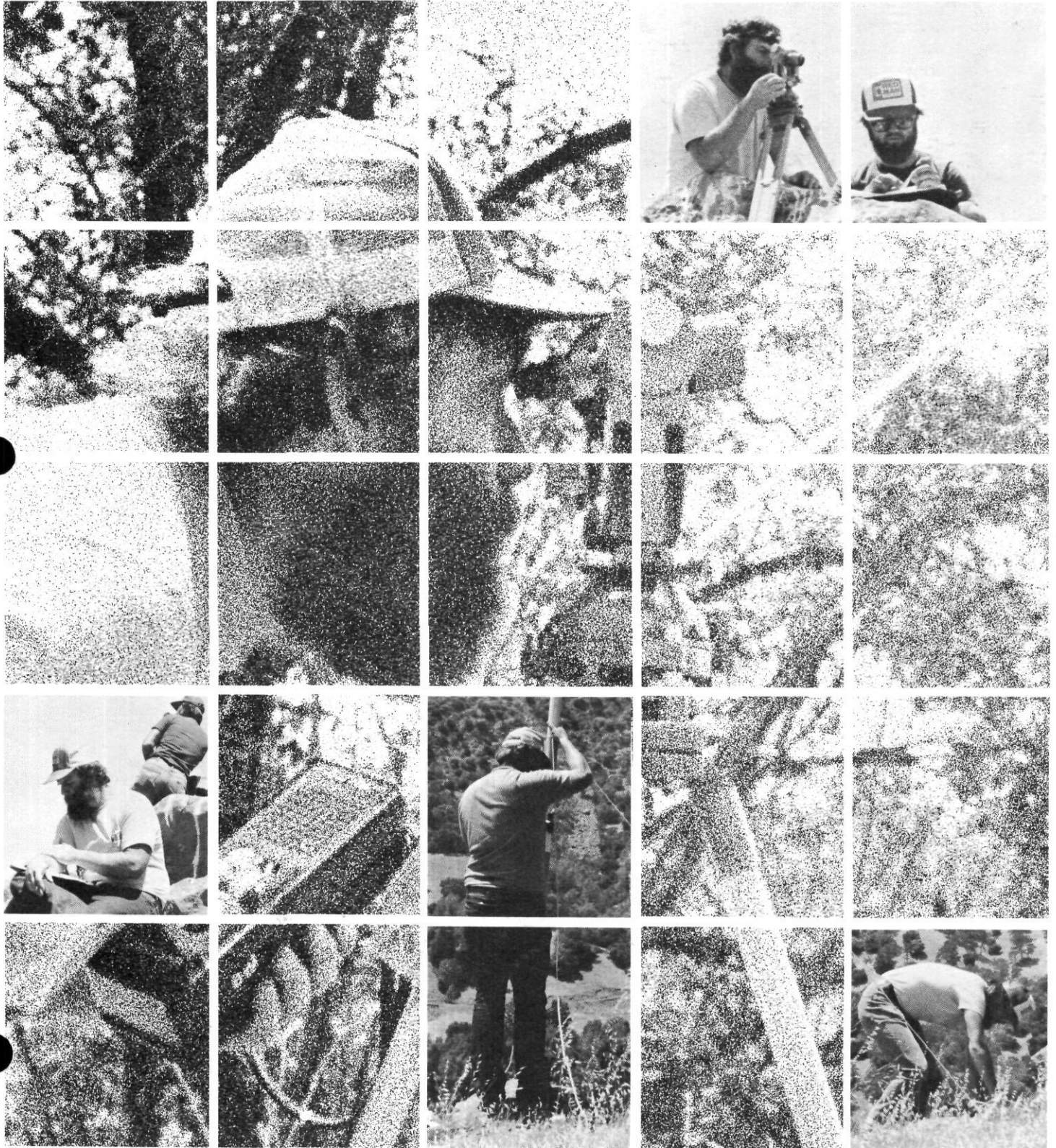


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Cover: Claire Hawkins and Bob Klein, Solano County survey crew, in the Vaca Mountains. Photos courtesy of Don Schmidt.

The California Surveyor

is the quarterly publication of The California Land Surveyors Association and is published as a service to the Land Surveying profession of California. It is mailed to all Licensed Land Surveyors and Land Surveyors in Training in the state of California as well as to all members of California Land Surveyors Association. *The California Surveyor* is an open forum for all surveyors, with an editorial policy predicated on the preamble to the constitution of the California Land Surveyors Association and its stated aims and objectives, which read:

"Recognizing that the true merit of a profession is determined by the value of its services to society, the 'California Land Surveyors Association' does hereby dedicate itself to the promotion and protection of the profession of Land Surveying as a social and economic influence vital to the welfare of society, community, and state."

"The purpose of this organization is to promote the common good and welfare of its members in their activities in the profession of Land Surveying, to promote and maintain the highest possible standards of professional ethics and practices, to promote professional uniformity, to promote public faith and dependence in the Land Surveyors and their work."

Personnel

Owner: California Land Surveyors Association
Editor: R.E. Baldwin, L.S.
National Sales Manager; Fred Rose — John Geier
Production: Fred Rose — John Geier

Advertising

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Sustaining Membership

Membership in the California Land Surveyors Association as a sustaining member is open to any individual, company or corporation who, by their interest in the Land Surveying profession, is desirous of supporting the purposes and objectives of this association. For information regarding sustaining membership, contact the Editor of *The California Surveyor*.

Editorial Material.

All articles, reports, letters and contributions are accepted and will be considered for publication regardless of the author's affiliation with the California Land Surveyors Association. Material should be sent to *The California Surveyor*.

Unless indicated, all articles in this publication are prepared by the editor

EDITOR: R. E. Baldwin, L.S.
1345 California St.
Berkeley, CA 94703

DEADLINE DATES FOR THE CALIFORNIA SURVEYOR

WINTER/CONVENTION NOVEMBER 1, 1980
SPRING FEBRUARY 23, 1981

Articles, Reports, Letters, etc., received after the above mentioned date will be placed in the next edition.

Editor

California Land
Surveyors Association
Central Office:

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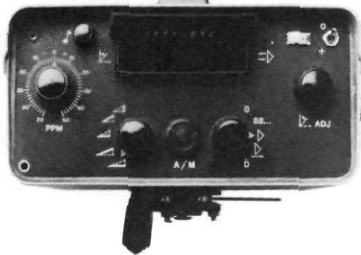
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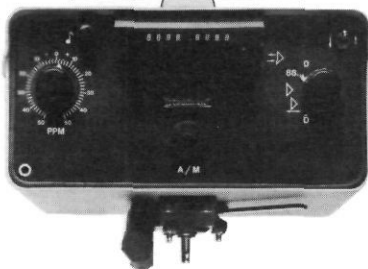
Geodimeter 110



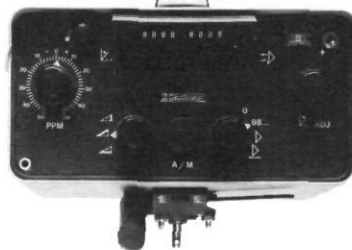
Geodimeter 14A



Geodimeter 112



Geodimeter 116



Geodat 120



GEODIMETER 120

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Geodimeter 120 houses a vertical angle sensor and its own in-built calculator which automatically computes horizontal distance and difference in height. The fast tracking in horizontal mode combined with a wider than average beamwidth makes the instrument ideal for setting out, collecting detail or inshore hydrographic measurements. Other features include automatic calculation of arithmetic mean on repeat measure function and direct registration of slope distance and vertical angle when using Geodat 120.

Range with 1 prism — 1.2 km (3 900 ft). Maximum range 5 km (3.1 miles).

GEODIMETER 112

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Range with 1 prism — 1.6 km (1 mile). Maximum range 6 km (3.7 miles).

GEODAT 120

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GEODIMETER 110

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Range with 1 prism — 1 km (3,200 ft). Maximum range 3 km (1.9 miles).

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Range with 1 prism — 0.7 km (2,300 ft). Maximum range 2.2 km (1.4 miles).

GEODIMETER 14A

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AGA Geodimeter, Inc. 800-227-2252
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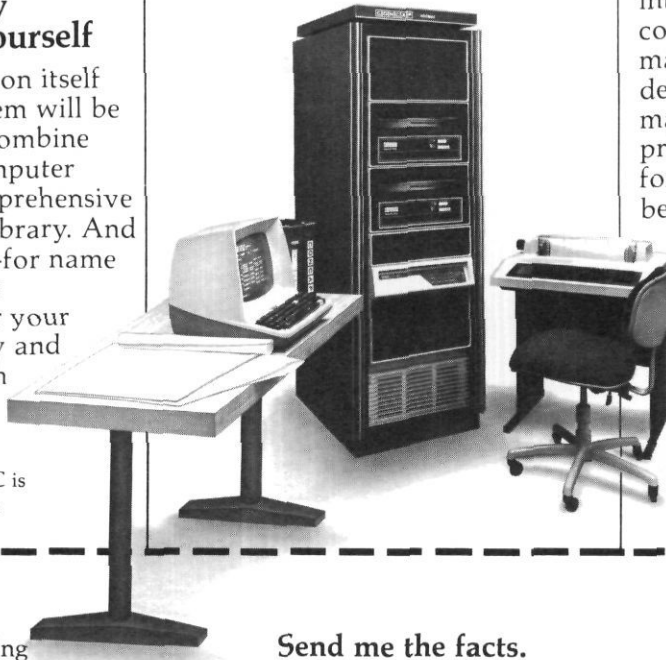
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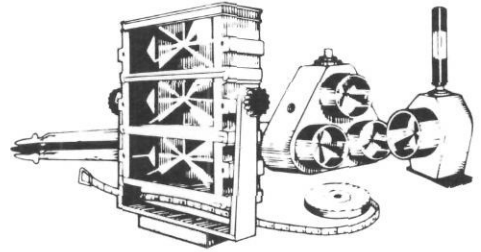
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*†Precision International "Beetle"	25.00	15.00	10.00
†Cubic DM-60 Cubitape Distance Meter (6,000 ft.)	25.00	15.00	10.00
†Hewlett-Packard 3805 Distance Meter (5,280 ft.)	30.00	18.00	12.00
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†Hewlett-Packard 3810 Total Station (5,280 ft.)	70.00	42.00	28.00
†Hewlett-Packard 3820 Total Station (16,400 ft.)	150.00	90.00	60.00
*†K & E Autoranger with Azimuth Base or mount for Theodolite	30.00	18.00	12.00
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Cubic DM-20 Electrotapes—Two Units	40.00	24.00	16.00

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**Motorola Mini-Ranger with two Coded Transponders	200.00	105.00	70.00
Each Additional Mini-Ranger Coded Transponder	36.00	18.00	12.00
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Ravtheon DE-719 Recording Fathometer	25.00	15.00	10.00

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*Lietz TM-1A 1" or Wild T2 Theodolite (Direct reading Horizontal and Vertical to 1", Self Indexing Vertical Circle)	27.50	16.50	11.00
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*Lietz TM-20C 20" Theodolite (Horizontal and Vertical Estimation to 3", Self Indexing Vertical Circle)	17.50	10.50	7.00
*Lietz T-60D 60" Theodolite (Horizontal and Vertical Estimation to 6", Self Indexing Vertical Circle)	16.50	9.90	6.60
*Lietz TS-20 60" Theodolite (Estimation to 20" Horizontal, 1" Vertical)	12.50	7.50	5.00
*Leitz BT-20A 20" or Geotec T-24 Optical Plummet Transit	9.50	5.70	3.80
*Eagle 6 1/4" (20" Surveyors Transit)	6.00	3.60	2.40
*Eagle 4" (1" Construction Transit)	4.50	2.70	1.80
*Leitz B-1 Engineers Precision Automatic Level	7.50	4.50	3.00
*Lietz B2-A Engineers Automatic Level	5.50	3.30	2.20
*Lietz C3-A Engineers Automatic Level	4.50	2.70	1.80
*Lietz B-4 Contractors Automatic Level	3.00	1.80	1.20

Miscellaneous:

*Lietz #7312-45 Traverse Set	6.00	3.60	2.40
*Magnetic Locator, Schonstedt	4.00	2.40	1.60
Spectra-Physics LT-3 Laser Transitlite with Fan Beam attachment	20.00	12.00	8.00
Spectra-Physics 611 Laser on 20" Transit	15.00	9.00	6.00
*American Paulin Model M-2 Surveying Altimeter — 0 to 10,000 feet, 2 foot graduation	4.00	2.40	1.60
*Kern #173 W, Tripod with 5/8" x 11 Adaptor	2.00	1.20	.80
*Lietz #7512-52 or Equal Wide Frame 5/8" x 11 Tripod	1.00	.60	.40
*Lietz #7311-35 or Wild GDF-6 Tribrach with Optical Plummet	2.00	1.20	.80
*Lietz #7311-38 Tribrach Prism Adaptor	.50	.30	.20
*Retro-Ray Single Prism Assembly (round)	1.00	.60	.40
*Retro-Ray Triple Prism Assembly (round)	2.50	1.50	1.00
*Retro-Ray Tilting Single Prism Assembly (round)	1.50	.90	.60
*Retro-Ray Tilting Single Prism Assembly (lateral)	1.50	.90	.60
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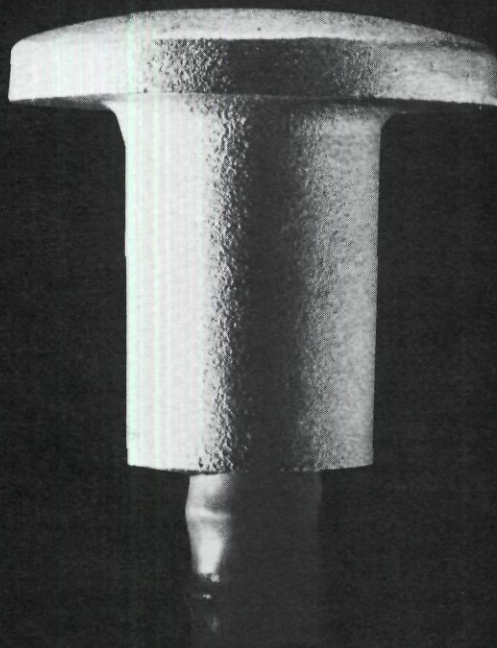


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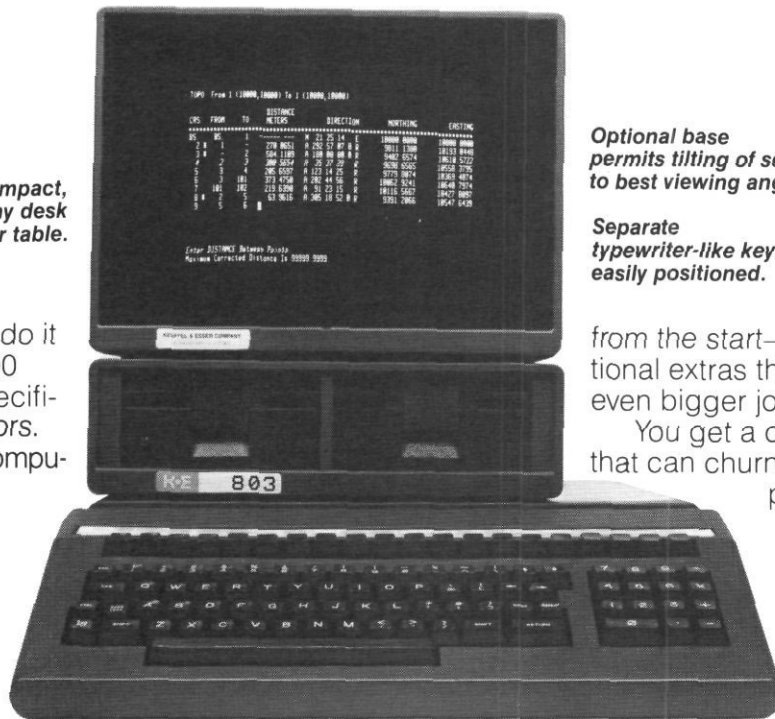
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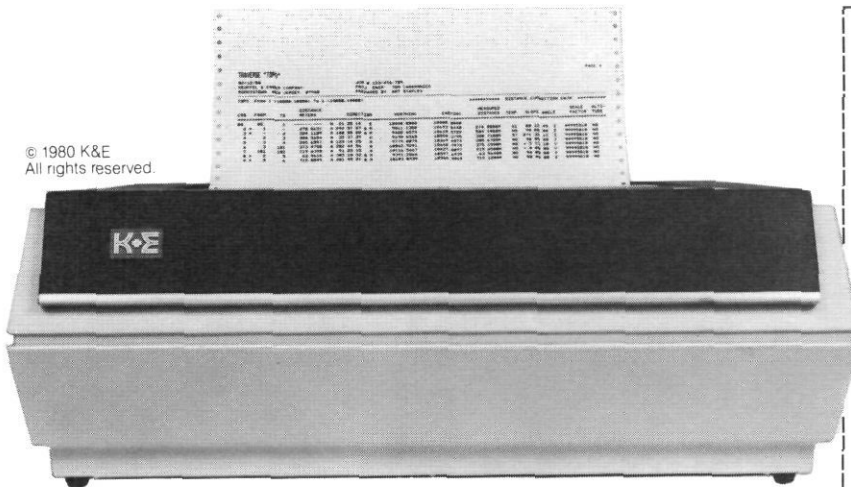
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Letters

EDITOR:

I agree with the complaint described by Bill Watson, president of Engineering Services Company regarding exhibit time and costs at conventions.

I attended an ASCE convention several years ago in San Francisco in which the entire lunch hour (or two) was devoted to the Exhibiting area and the Exhibitors covered the cost of sandwiches and coffee or ice tea. This could be a good way of getting more return on investment for both exhibitor and association member.

Yours very truly,
Paul E. Simpson
LS 3202

EDITOR:

I would like to request a service of interest for my fellow surveyors.

What is the possibility of printing an updated Directory of Professional Engineers and Land Surveyors after the results of the latest examination are available? This would not be a retroactive list.

The said list would contain the newly registered professional engineers and land surveyors, R.C.E. and/or L.S. number and address.

I will help pay the expense of printing the updated Directory and I am sure many practicing land surveyors would contribute towards the printing cost.

The above subject has been discussed in the San Diego Chapter Membership meetings several times each year, but nothing has been done to alleviate the problem.

Sincerely yours,
R.E. Gaddy, L.S.
Secretary/Treasurer
San Diego Chapter CLSA
5858 Mt. Alifan Drive
San Diego, CA 92111

EDITOR:

Since I am a charter member of the California Land Surveyors Association and have continuously observed the Association's healthy growth over the past years, together with its publication "The California Surveyor". A recent advertisement on page 22 of the Spring 1980 edition, advertising for "photos wanted," and the Cal-Nev boundary dispute on page 17 in the same issue sparked me into submitting to you and any other interested parties, if any, the following photos and information if you so wish to publish in a future issue.

My wife, Joyce and I, are avid 4-wheel drive camper explorers on weekends. This gives us a relief after a busy week of providing Civil Engineering and Land Surveying services to our clients in the Las Vegas and southern Nevada areas. My wife, Joyce, is a Zoning Administrative Officer for Clark County, Nevada and also enjoys getting away from people for these weekend adventures to enjoy the beautiful nature works of the desert areas.

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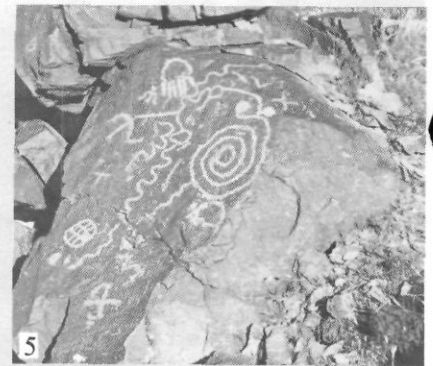
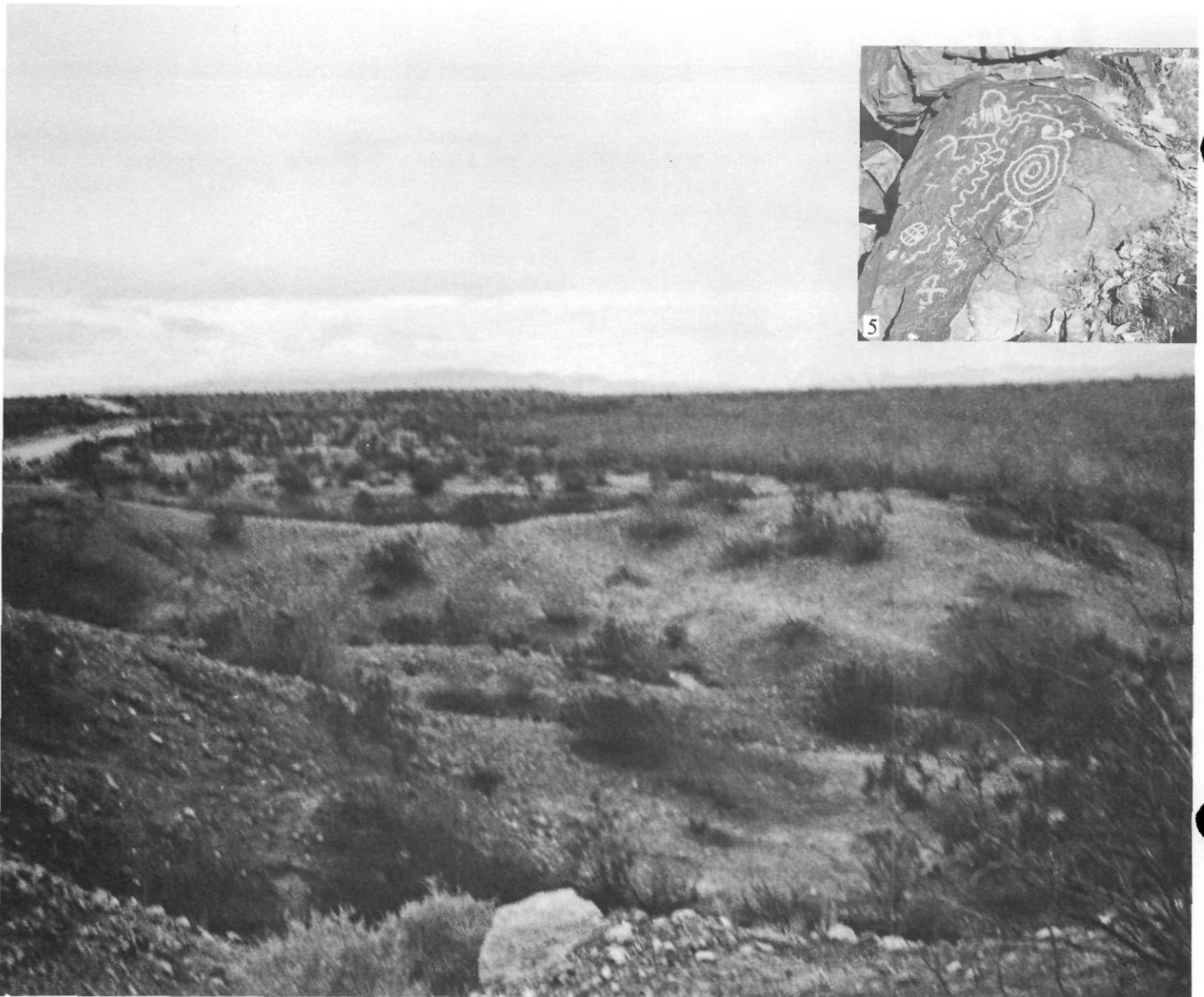
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San Joaquin Valley: William O. Gentry
Santa Clara/San Mateo:
Joseph R. Bennie
Sonoma County: Fred M. Phelps



Recently, we were exploring a site for a Colorado River development area near the southern tip of Nevada where we came upon the old "Von Schmidt" 6-ft.-high, pyramid shape survey monument standing on the west bank of the Colorado River. This monument marked the first attempt to establish the southern terminus of the California-Nevada



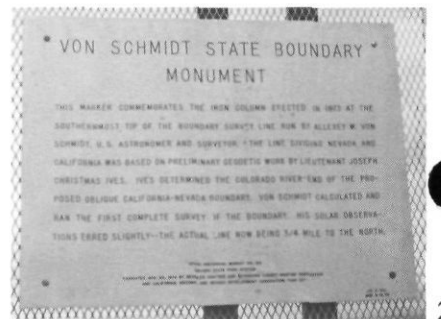
4
 State Boundary in 1873. Naturally, my wife took a picture of me with this historical survey monument. Please notice my official survey outfit, for winter desert surveyors. (Photo No. 1). Photos Nos. 2 & 3 show the official plaque set by California and Nevada organizations to describe the reason for this "Von Schmidt" survey monument. Photo No. 4 shows a view of the Colorado River area looking southeasterly from the monument.

While continuing onward with our weekend exploration trip, we discovered by a pure hunch a canyon of unusual clearly marked petroglyphs in an unmarked area west of Lake Mead on the Arizona side of the Colorado River. We have enclosed a good clear picture, we think of a typical Indian petroglyph scribed onto a highly desert-polished, varnished black basalt rock formation near

the canyon floor. There is approximately 200 ft. of these ancient type Indian writings nearby (Photo No. 5). Photo No. 6 shows Lake Mead and the trail we followed westerly into the Colorado River mountains to this petroglyph site and of course, another spot to set up for our weekend camp site.

We hope you enjoy our adventures into the desert as much as we do.

Sincerely,
 Avery Engineering Consultants
 Division of Avery Corporation
 Russell Avery, RCE/RLS ▲



Court Case

CALIFORNIA-NEVADA BOUNDARY DISPUTE

The U.S. Supreme Court has held that the currently recognized boundary between California and Nevada is the true boundary line.

California brought an original action before the Supreme Court in 1977, seeking a declaration that the currently recognized line between California and Nevada was in fact the lawful boundary. The line is based on surveys funded and authorized by Congress in 1872 and 1892. In 1863 the two states had commissioned a joint survey and adopted it by statute. The case was referred to a special master, who found that since both states have acquiesced to the boundary resulting from the congressional surveys for nearly a century, the doctrine of acquiescence prevents Nevada from objecting to the border today. Nevada appealed, contending that Congress was without authority to order the survey that resulted in the present day borders.

In affirming the special master, the Supreme Court said it was not necessary for there to be any relationship between the origins of a boundary and the legal consequences of acquiescence to that boundary.

California v. Nevada, U.S. Sp. Ct., No. 73, Orig., June 10, 1980, per Brennan, J. (kd)

THE FOLLOWING IS THE FULL TEXT OF THE COURT'S DECISION:

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Detroit Lumber Co., 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CALIFORNIA v. NEVADA

ON REPORT OF SPECIAL MASTER

No. 73, Orig. Argued April 14, 1980—
Decided June 10, 1980

Held:

1. The Special Master was fully justified in invoking the doctrine of

acquiescence in concluding that the true boundary between California and Nevada is that located by two surveys, funded by congressional appropriations in 1872 and 1892, since both States have acquiesced in those boundary lines from the time they were drawn. The issue of whether Congress had power to determine the lines even though an 1863 joint survey had been commissioned by the States, which both adopted the results thereof by statute, need not be decided, since it is not necessary that there be a particular relationship between the *origins* of a boundary and the legal *consequences* of acquiescence in that boundary. Longstanding acquiescence by the States can give the boundary lines the force of law whether or not federal authorities had the power to draw them. Pp. 6-7.

2. However, the Special Master's reference will not be expanded to authorize him to determine whether the United States should be made a party to the case and to make recommendations as to the quieting of title on various disputed border lands. The ownership and title questions that remain typically will involve only one or the other State and the United States, or perhaps various citizens of those States, not disputes between the States. Thus, even if some of those questions do fall within this Court's original jurisdiction, they will not fall within its exclusive jurisdiction, and litigation in other forums is an appropriate means of resolving those questions. Pp. 7-8.

Exceptions to Special Master's report overruled, and report adopted in part.

Brennan, J., delivered the opinion for a unanimous Court.

No. 73, Orig.

State of California, Plaintiff, On the
v. Report of the
State of Nevada Special Master.

{June 10, 1980}

MR. JUSTICE BRENNAN delivered the opinion of the Court.

The Report of the Special Master tenders for the Court's approval his determination of the true boundary

between the States of California and Nevada. That boundary was the subject of numerous surveys in the latter half of the 19th century, and the central question presented in this original action is which, if any, of the lines which resulted properly marks the rugged border between the two States.¹ The Special Master combed the voluminous record and concluded that in combination the two most recent surveys had fixed a boundary to which both States have acquiesced for the better part of a century. Applying the doctrine of prescription and acquiescence, he concluded that the boundary so fixed was the proper one. Nevada takes exception to that determination on several grounds. We overrule those exceptions and, with the qualifications hereinafter noted, approve and adopt the Special Master's report.

I

The two straight-line segments that make up the boundary between California and Nevada were initially defined in California's Constitution of 1849. The first, the "north-south" segment, commences on the Oregon border at the intersection of the 42nd parallel and the 120th meridian and runs south along that meridian to the 39th parallel. And the second, the "oblique" segment, begins at that parallel and runs in a southeasterly direction to the point where the Colorado River crosses the 35th parallel. Cal. Const. of 1849. Art. XII. In 1850, when California was admitted to the Union, Congress approved the 1849 Constitution, and with it California's eastern boundary. Act of Sept. 9, 1850, ch. 50. 9 Stat. 452.

On the same day that it admitted California, Congress established a territorial government in the area immediately to the east. The organic act for that new territory — which was then called Utah — stated that it was to be "bounded on the west by the State of California." Act of Sept. 9, 1850, ch. 51, 9 Stat. 453. Eleven years later, the territory of Nevada was created out of Utah. Congress indicated in the organic act that Nevada might include portions of what was then California, but with the proviso that "so much of the Territory within

the present limits of the State of California shall not be included within this Territory until the State of California shall assent to the same by an act irrevocable without the consent of the United States...." Act of March 2, 1861, ch. 83, 12 Stat. 209, 210. No assent was ever given by California. Accordingly, when Nevada was admitted as a State in 1864 its western boundary and California's eastern one remained congruent.²

Notwithstanding brief and incomplete surveying efforts in the decade after California was admitted, the actual location on the ground of that State's eastern boundary remained highly uncertain—so much so that fighting broke out over the precise whereabouts of a small valley on the north-south line above Lake Tahoe, and a border town along the oblique line found itself claimed as the seat of both a Nevada and a California county³ These difficulties led California and Nevada to commission a joint survey of their border. Conducted in 1863, that survey located what is known as the Houghton-Ives line from the Oregon border south along the 120th meridian to a point in Lake Tahoe and then southeast for about 103 miles along the oblique line in the direction of the relevant point on the Colorado River. The remaining 300 plus miles of the oblique border were not surveyed.⁴

Both California and Nevada adopted the Houghton-Ives line by statute, but its significance was to be short-lived. In 1867-1868 Daniel G. Major surveyed the Oregon-California boundary for the General Land Office. One step in his work was to locate the intersection of that boundary and the 120th meridian. This he did, at a point more than two miles west of that meridian as marked by Houghton-Ives. This discrepancy⁵ eventually led the commissioner of the General Land Office to recommend that Congress appropriate money for a full survey of the eastern boundary of California. His recommendation was followed in 1872.

The new survey was conducted by Alexey W. Von Schmidt. While originally instructed to commence his north-south line at the point located by Daniel G. Major, Von Schmidt concluded that the actual 120th meridian lay not only east of "Major's corner," but six-tenths of a mile east of the Houghton-Ives line as well. Accordingly, Von Schmidt

marked a new north-south line starting at this location. His survey of the oblique boundary also had its surprises. From the intersection of his north-south segment and the 39th parallel he set off in what he thought was the direction of the intersection of the Colorado River and the 35th parallel. Unfortunately, the Colorado River had shifted since the point for which he was aiming had been marked, and rather than end at the wrong place he attempted to correct the line he was marking. It later turned out that his corrections were not complete and his line not entirely straight. But linear or not, his work did generate a boundary. And, although neither State adopted it by statute, the Von Schmidt survey won gradual acceptance in both California and Nevada.

In the 1880s, however, substantial doubts about the accuracy of the oblique segment of the Von Schmidt line were voiced in Washington. As a result, Congress appropriated funds in 1892 for a new survey of that segment. The survey was undertaken by personnel of the United States Coast and Geodetic Survey and conducted over a period of several years. It yielded a new oblique line and determined that the one charted by Von Schmidt had been neither straight nor accurate. Both States adopted the U.S. Coast and Geodetic Survey line by statute—California in 1901 and Nevada in 1903.⁶

The Special Master concluded that the Von Schmidt survey of the north-south line and the U.S. Coast and Geodetic Survey one of the oblique line were the most recent and accurate surveys available. While noting that Von Schmidt had not been entirely accurate, the Master found that the north-south line that resulted from his survey had been consistently and routinely recognized and accepted by agencies and departments of the State of Nevada for more than a century. That the Houghton-Ives line was the first north-south boundary marked and the only one approved by statute was, he found, beside the point because as a practical matter that boundary had been superseded a decade after it was established and neither State had objected.⁷ As for the oblique boundary, the master found that the U.S. Coast and Geodetic Survey line had not only been adopted by statute, but accepted and used by the two States for nearly 80 years. Since both States

had treated these lines as the boundary from the time they were drawn, the master invoked the doctrine of acquiescence to determine that together they in fact constitute the true and correct interstate boundary.

II

The State of Nevada's primary contention is that the Special Master's reliance upon the doctrine of acquiescence was error. Basically, the argument is that once Nevada and California had conducted the 1863 joint survey which produced the Houghton-Ives line the Federal Government had no constitutional authority to mark a different line which had the effect of removing territory from one State and granting it to the other. Since the Congress was without power to determine the Von Schmidt and U.S. Coast Geodetic Survey line, the argument continues, they are without legal effect. And because States may not confer upon the Federal Government a power which the Constitution does not vest in it, acquiescence in those lines cannot make them lawful. Thus, Nevada concludes, either (1) Congress is constitutionally empowered to redraw the boundaries of the several States, in which case the Von Schmidt and Geodetic Survey lines may be upheld regardless of acquiescence, or (2) Congress is constitutionally powerless to alter those boundaries, in which case no mere century of acquiescence can convert a usurpation into law.

The flaw in this argument is that it assumes that there must be a particular relationship between the *origins* of a boundary and the legal *consequences* of acquiescence in that boundary. In fact, however, no such relationship need exist. Longstanding acquiescence by California and Nevada can give the Von Schmidt and Geodetic Survey lines the force of law whether or not federal authorities had the power to draw them. And the determination that the two States' conduct has had precisely this effect, therefore, does not place any sort of constitutional imprimatur upon the federal actions involved. See *Ohio v. Kentucky*, 410 U.S. 641, 648-651 (1973); *Indiana v. Kentucky*, 136 U.S. 479, 509-510 (1890). Accordingly, we need not address the issue of federal power to which Nevada adverts. It is enough that California claims and has always claimed all territory up to a specifically described bound-

ary — the 120th meridian and the oblique line with which it connects — and that both States have long acquiesced in particular lines marking that boundary.⁸ If Nevada felt that those lines were inaccurate and operated to deprive it of territory lawfully within its jurisdiction the time to object was when the surveys were conducted, not a century later. *Ohio v. Kentucky*, *supra*, at 649. In consequence, we hold that in these circumstances the Special Master was fully justified in invoking the doctrine of acquiescence.⁹

III

Having determined that the Special Master's resolution of the boundary dispute was proper, we turn to his recommendations regarding the quite separate issue of ownership of various disputed border lands. This matter is here on California's Motion to File a Second Amended Complaint and Bifurcate Issues, which seeks further proceedings before the Special Master after the boundary questions are determined. Specifically, the United States has apparently confirmed or "clear-listed" to California and Nevada certain parcels that turn out to be on the "wrong" side of the boundary between those States. The Special Master was of the view that California's motion should be allowed and that he should be authorized (1) to determine whether the United States should be made a party to this case and (2) to make recommendations as to the quieting of title on various border lands.

We decline at this point to expand the Special Master's reference. The ownership and title questions that remain typically will involve only one or the other State and the United States, or perhaps various citizens of those States. Disputes between California and Nevada are not in the offing.¹⁰ In consequence, even if some of the ownership questions to come do fall within our original jurisdiction, they will not fall within our exclusive jurisdiction. 28 U.S.C. §1251. Under these circumstances we see no reason to refer the matter to the Special Master. On the contrary, litigation in other forums seems an entirely appropriate means of resolving whatever questions remain.

In sum, we overrule Nevada's exceptions and approve and adopt the Special Master's Report and Recommendations except insofar as those recommendations would allow Cali-

fornia's Second Amended Complaint and permit proceedings relating to the ownership of disputed lands on the California-Nevada boundary.

So ordered.

¹California instituted this original action on April 22, 1977, when it filed its Motion for Leave to File Complaint and Complaint. On June 29, 1977, we granted that motion and appointed the Special Master. Basically, California sought a declaration that the currently recognized line dividing the two States was in fact the lawful boundary. As counsel for the State characterized it at oral argument, the suit was in the nature of a quiet title action and was precipitated by growing doubts about the geographic accuracy of the existing line as well as concerns regarding the validity of certain titles which depended upon the location of the border. The Special Master's report was filed in this Court on October 9, 1979, and we set Nevada's exceptions and related matters for oral argument, — U.S. — (1980).

²Nevada's Constitution stated that its boundary would proceed "in a North Westerly direction along [the oblique section of the] Eastern boundary line of the State of California to the forty third degree of Longitude West from Washington [and then] North along said forty-third degree of West Longitude, and said Eastern boundary line of the State of California to the forty-second degree of North Latitude...." Nev. Const. art XIV, §1. Although it turns out that the 43rd degree of longitude west from Washington does not exactly coincide with the 120th meridian west of Greenwich — which was the north-south reference in the California Constitution — The Special Master concluded that the Congress that approved Nevada's Constitution was of the view that the two lines were identical. Certainly the language of the Nevada Constitution supports this conclusion by seeming to equate the 43rd degree of longitude west of Washington with the eastern boundary of California. In any event, we need not explore the matter further since it would be relevant only were we to require a new survey of one or the other longitudinal line, and we do not find such a new survey necessary.

³Indeed, the town — Aurora — elected representatives to both the California and Nevada Legislatures in 1862, and those representatives apparently became speakers of their respective legislatures.

⁴Two years later one James S. Lawson extended the oblique portion of the Houghton-Ives line another 73 miles.

⁵A third survey, conducted in the summer of 1872 near the Oregon border, contributed to the confusion by concluding that the 120th meridian lay to the east of the locations pinpointed by both Major and Houghton-Ives.

⁶Nevada's statute was in effect when the present litigation was commenced, although it has subsequently been repealed.

⁷California notes that Nevada welcomed the Von Schmidt survey at the time it was conducted. Indeed, the Surveyor General of that State remarked that "within a year the State will be inclosed by an actual surveyed line and monuments, and the troubles heretofore existing, to State and county officials, in dealing with an imaginary line, will be entirely and forever obviated." Report of the Surveyor and State Land Register of the State of Nevada for the years of 1871 and 1872.

⁸Nor is Nevada's position saved by the contention that California could not profit by the doctrine of acquiescence because its claim to the lands up to the Von Schmidt and U.S. Coast and Geodetic Survey lands was not made under color of title or claim of right. The fact is that California's claim has always been for all lands on its side of the boundary described rather specifically in its Constitution. So long as its claims were made under a survey that purported to reflect that boundary, it had colorable title and a claim of right.

⁹Several subsidiary issues relating to the California-Nevada border are considered in the Special Master's recommendations. First, it turns out that Von Schmidt's north-south line and the U.S. Coast and Geodetic Survey oblique line do not intersect at precisely the 39th parallel, as in theory they should. The Special Master suggests that the two States be given the opportunity to determine by agreement the point in Lake Tahoe where the two lines meet. Failing such an accord, he indicates that he would recommend a solution; but this probably will not be necessary since the parties are apparently in agreement that if the balance of the Master's report is accepted the best course is to extend the oblique line in a northwesterly direction to the point where it crosses the north-south line. This solution to the problem is entirely permissible. Cf. *New Hampshire v. Maine*, 426 U.S. 363 (1976). Second, the Master recommends that he be authorized to arrange for surveys, at the parties' expense, if necessary to resolve disputes over the precise location of portions of either of the lines we approve today. That, too, seems appropriate. And third, he states that we should reserve the taxing of costs until after a further report — a suggestion which we will follow since the possibility of partial surveys would make an assessment at this time premature.

¹⁰At oral argument, counsel for the State of California conceded that he knew of no instance in which both States claimed the same parcel. ▲

Baseline Measurement

E.D.M. BASELINE IN MONTEREY

By George Dunbar

On March 8, 1980, The Monterey Bay Chapter of CLSA, in conjunction with the Northern California section of ASCM, held a workshop for the preliminary spotting of an EDM Calibration Baseline along Beach Road, Southwest of the City of Watsonville in Santa Cruz County.

Attending were George R. Dunbar, Curt Dunbar, Robert R. Baldwin, Stanley R. Smith, Larry Palm, Rod Raudstein, Stanley O. Nielsen, Larry Gentry, George Gary, John Cadiente, Dave Magee, Gary Fitch from Brunson Instruments, George N. Darling and Bert Burger.

Stan Smith donated a book on early Monterey County History as a door prize which was won by Curt Dunbar.

The Baseline will consist of four monuments set along the Eastern edge of Beach Road, South of Watsonville, 0 meters, 150 meters, 430 meters, and 1400 meters.

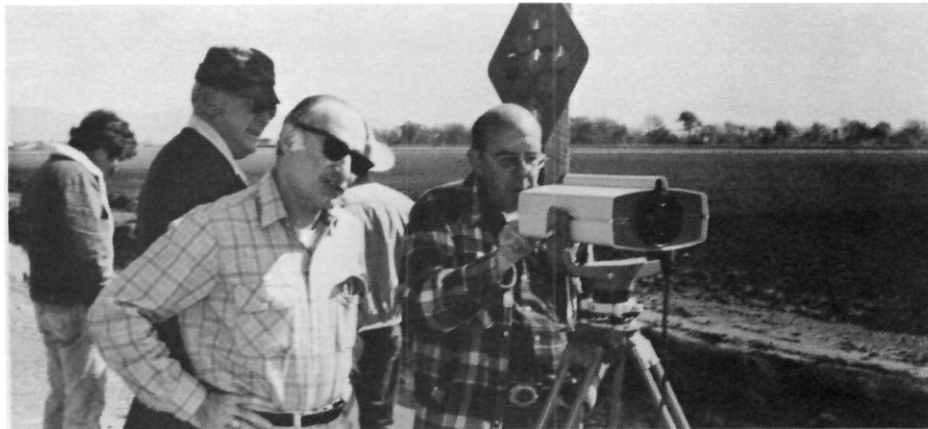
The Baseline will consist of 4 monuments set along the Eastern edge of Beach Road, South of Watsonville, 0 meters, 150 meters, 430 meters, and 1400 meters.

The weather was beautiful and other than a breakdown in radio communication, everything went smoothly. Stan Nielsen substituted for a radio by running back and forth on his motorcycle like a WW I courier (better than pigeons!) George Gary took numerous photos of the event a few of which are enclosed.

On July 8, 1980, George and Curt Dunbar, Bob Baldwin, Larry Gentry and Stan Nielsen and his chainmen met with Buck Jones and his crew from P.G. & E. and set the final monuments. P.G. & E. graciously donated the concrete and re-bars, drilled the holes and assisted in completing the construction of the monuments. Bert Burger from ASCM drove over and delivered the monument tablets and monument box covers which were donated by Brunson Instruments.

As presently scheduled, the final measurements will be made by NGS sometime in September, and paid for by a donation from the Monterey

Bay Chapter of CLSA and private donations by some of the individual members. ▲



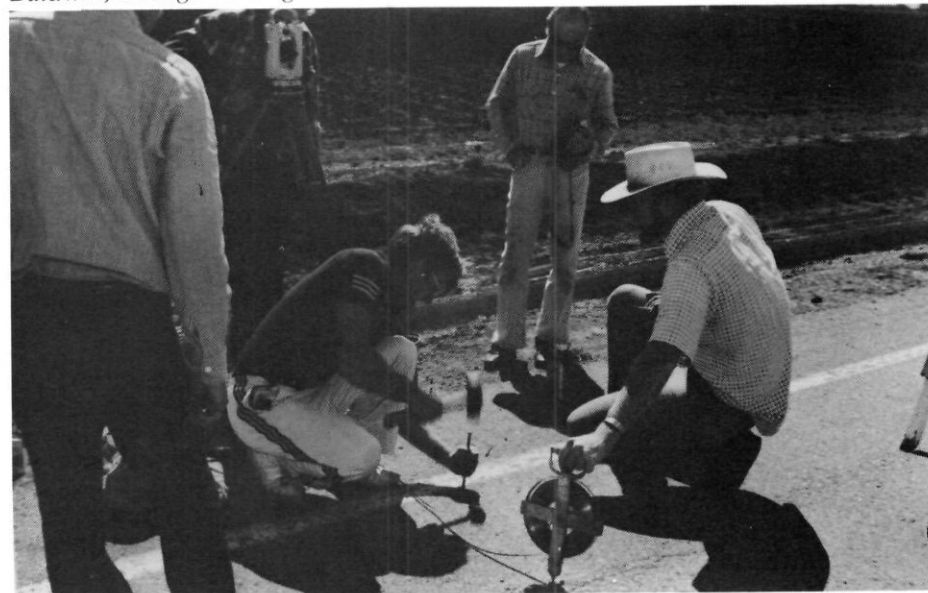
BASELINE MEASUREMENT

Bert Burger (ACSM), Bob Baldwin, George Dunbar on H. P. In background, Stan Nielsen and Stan Smith's hat.



TAILGATE CONFERENCE

L. to R., Gary Fitch of Brunson Instruments, Stan Nelson, Larry Gentry, Bob Baldwin, George Darling and Stan Smith.



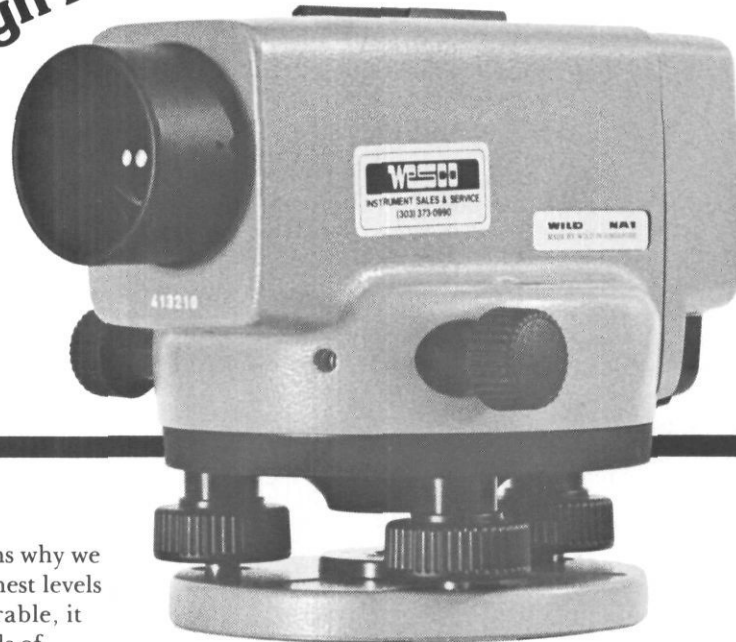
SETTING RPs

L. to R., Dave Magee, George Dunbar, Curt Dunbar playing a tune on a single jack, Raud Raudstein on chain and, in background, Bert Burger with camera.

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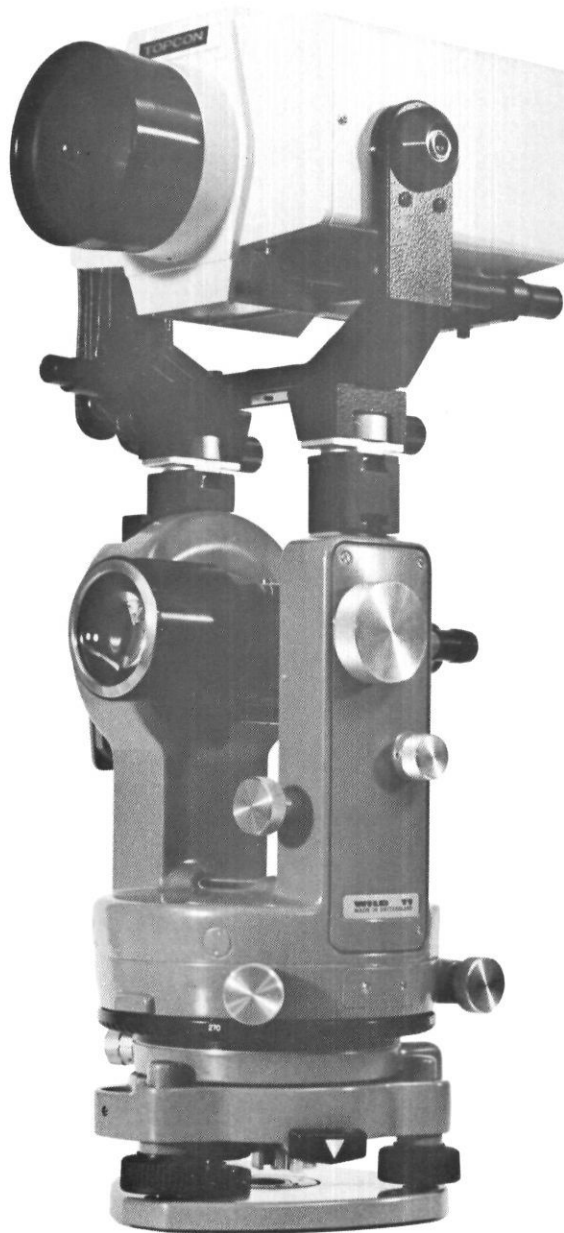
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Influencing Legislators

HAVING THINGS YOUR WAY IN SACRAMENTO (AND WASHINGTON)

By Alvar Yelvington
CLSA's Legislative
Representative

Part I ROLE OF THE INDIVIDUAL

It may or may not surprise you, but laws are more often the product of expressed opinions, wants or needs than of fact or knowledge. The groups that are the most successful in communicating their wants and views to lawmakers are usually the most successful in obtaining the laws they want, or preventing the enactment of laws they do not want. For this reason, lawmaking is often a tug-of-war between opposing groups, with lawmakers as the tug-rope. There is too much truth to what Bismark once said, "Anyone who respects both the law and sausage, should watch either being made."

A lawmaker cannot be an expert on everything, yet he or she is expected to make informed, intelligent and beneficial decisions affecting every facet of human life and activity from abortions to zoning. In a representative democracy, it is impossible for a legislative body at any level of government to function properly without an input of advice and information from the individuals and groups affected by a proposed law. For practical reasons, lawmakers generally give more attention to representatives of organized groups than they do to individuals. In the development of highly controversial or complex legislation, the ordinary individual usually goes unheard or unheeded. Recognized experts are, of course, heard and heeded, but such experts are almost invariably brought forward by well organized and procedure-wise groups.

While communication is the key to having things your way in Sacramento and Washington, there are many ways to communicate effectively with a lawmaker. The most effective ways are through organized groups. There is a role for the individual in the lawmaking process, however, and that is as an active member of an organization such as CLSA. Any

member of CLSA can participate effectively in the legislation process in at least three ways:

1. You can help determine the needs and wants of the land surveyor.

2. You can help, as a member of the CLSA Legislative Committee, to determine the organization's position and policy regarding any proposed legislation that affects the profession, either directly or indirectly.

3. You can help communicate CLSA's legislative program to your own senator and assemblyman or assemblywoman.

The democratic lawmaker's need for information and advice makes it important for CLSA and its members to keep individual legislators informed on CLSA's views on all legislative and state administrative matters in which we have an interest. So far as your own elected representative is concerned, you are an expert on land surveying and subdivisions. When you are backed by CLSA you can also become an expert in the needs of your area of the profession or the state. By maintaining close communication with your own legislators you can be an important part of the CLSA lobbying effort.

A personal contact with your legislator is always effective. If this is not always possible, letters, telegrams and post cards are acceptable and effective ways for any constituent to make this views known. It doesn't take a literary genius to impress a legislator — only a constituent who can express his or her thoughts clearly. Most contacts with legislators are through the mail and some letters make more vivid impressions than others.

The following are some suggestions that will help you be effective in communicating by mail with your legislators:

1. *Follow proper form.* Address your legislator correctly. "Honorable" is the accepted form of envelope address for all legislators; it is also proper for the inside address. e.g.

Honorable Bill Greene
State Senator
State Capitol
Sacramento, CA 95814

or

Honorable Gwen Moore
Member of the State Assembly
State Capitol
Sacramento, CA 95814

The salutation for a senator is Dear "Senator....". For an assemblyman, it is Dear "Assemblyman...." (or "Assemblywoman...."). Dear "Mr." is also acceptable for assemblymen but some female members of the legislature do not like to be referred to as "Ms" and others do not like "Mrs", so it is safer to stick with Assemblywoman.

2. *Be precise.* Indicate in the first sentence of your letter the topic you are writing about. If a specific legislative measure is involved, state the bill number. Cover only one topic or one bill per letter; this will make your letter easier to handle in the legislator's office.

When the Legislature is in session, legislators often receive hundreds of letters each day covering numerous subjects. A highly controversial issue can bring thousands of cards, letters and telegrams into every legislator's office. These usually receive only a routine reply or no reply at all, but the number of letters received for and against any issue or bill is always carefully noted by the legislator.

A legislator's secretary will group his or her mail by subject or bill number, whether pro or con, and whether or not from within his or her district before putting it on his or her desk. Understandably, constituent mail makes the greatest impression and gets the most attention.

3. *Be business-like; be brief.* State your views clearly and to the point without being abrupt. Tell your legislator exactly what you would like him or her to do — vote for, vote against, support or oppose a bill. If you have an alternative to any bill proposal, state clearly and give any additional information you feel will be helpful. Legislators are always looking for workable compromises to controversial issues and he or she will be grateful for your suggestion.

4. *Be constructive.* State your view in a positive rather than a negative manner, even when you are opposing a measure or action. *Never* threaten or insult your legislator — you will only cancel out the positive impression your communication would

otherwise make.

5. *Be yourself.* Be friendly, and use your usual language and writing style. Tell what your interest is in the subject you are writing about and explain what the impact will be on your work in terms of public benefit or detriment. Mention that your views are the same as CLSA. Don't resort to exaggerations or phony statistics. The California State Legislature is the best staffed legislative body in the world. Its members receive a continuous flow of accurate statistics and data on all matters they deal with.

6. *Be reasonable.* Ask your legislator to do only those things within his or her power to do. Do not ask him or her to act in your interests at the expense of other large segments of the population or contrary to good public policy. Also, understand that your legislator may have information that you do not have. State your case to the best of your ability and express your confidence in his or her judgement.

7. *Identify yourself.* Use your letterhead; sign your name. Point out that your business is in his or her district or that you live in his or her

district. If you are sending a postcard or telegram always include your name and the name and address of your firm. Unsigned letters and postcards are always discarded when the mail is sorted. Legislators almost never see anonymous communications.

8. *Be appreciative.* Write letters of appreciation for a job well done — even when you agree with only some of your legislator's actions. It is impossible for a legislator to please everyone and those whom he or she displeases are quick to complain. Build rapport — volunteer a letter of praise now and then. Legislators cherish these and remember the writers. A letter of praise is always more effective if it is unrelated to any request.

Generally, you will get better results by writing your own senator or assemblyman or woman than you will by writing to other legislators. There are exceptions, however. The chairman or chairwoman of a committee that is considering a bill you are writing about will consider your communication in the same light as a letter from a constituent. So will

members of the committee — if you point out to them you are writing them because they are members of that committee.

The effect of your communications will be strengthened if you will let your legislator know you are supporting the CLSA position and if you carbon-copy CLSA. This will enable us to tell the legislators involved that we know he or she has received your communication or that he or she is receiving many communications representing the CLSA view on any given piece of legislation.

Identifying your position with that of an organization such as CLSA is important because it immediately tells your legislator that (1) many, rather than just a few, voters support that particular point of view, and (2) the point of view or position you express is backed by an organization and has been discussed, critized and refined by many interested persons before being presented to him or her. The lawmaker can therefore have more confidence in its acceptability and workability.

(To be continued in Winter '80 issue)

Education

C.S.U.F. SURVEYING AND PHOTOGRAMMETRY CLUB

By Joseph Betit, President

The CSUF Surveying and Photogrammetry Program has expanded at a very rapid pace in the last few years. This expansion has brought about the need to examine and revise the present organization and goals of the Surveying and Photogrammetry Club. At present, it acts as the organizer of S & P student social functions and of the San Joaquin Valley Conference held on the CSUF campus during our spring break.

The reorganization is presently being studied by a student board consisting of the officers of the S & P club, and the CLSA, ACSM and ASP student chapters.

PRELIMINARY OBJECTIVES:

A) To generate sustained student interest in the professional education of surveyors and photogrammetrists.

B) To create an associate member-

ship consisting of junior college students, alumni, land surveyors-in-training, and interested professionals.

C) To create a forum and voice for the professionals-in-training, to include both students and holders of land surveyors-in-training certificates.

D) To support the programs at the junior colleges and to encourage communication between the students in the upper level programs at CSUF, and the students at the junior college level.

E) To support and encourage a proposal presented at the last CLSA conference, held in Fresno, which was to have interested professionals fund senior projects that would be of interest to the profession. This topic will be covered in greater detail in a future letter.

We would welcome any suggestions, questions or other input that your readers may have. This is a con-

tinuation of discussions first held in 1975, and we would like to hear from Tony Novatny and Leroy Latta.

There have been problems with misrouted correspondence from the professional groups to the student chapters. To correct this, the S & P club will act as a clearinghouse for correspondence or, if you are *sure* of your intended address, you can write directly to the club or student chapter.

Student Chapter
(CLSA, ACSM, ASP)
c/o Surveying &
Photogrammetry Club
California State University, Fresno
School of Engineering
Fresno, California, 93740

Professionalism

THE SURVEYOR AND HIS SEARCH FOR IDENTITY

By Kenneth Lamb, L.S.

Of course, you have noticed! I have been assured that the road to professionalism requires charging higher rates, joining various associations, wearing a three-piece silk suit, brushing my teeth thrice daily....I have had points-of-view offered to me and thrust upon me at virtually every surveyor-type meeting for the last twenty-five years. (I started at age 5.)

Why is the Surveyor so obsessed with the subject? One reason, of course, is because some other professions tend to look down their noses at us. This results not only in an injured psyche, but also in our being overlooked as professional in government publications. (I joined ACSM because of their efforts in this area.) I wonder if the more compelling reason isn't that we have some questions in our own minds that have not been answered to the point of personal conviction.

For the quarter-century I have been talking with surveyors and reading their publications, the subject of professionalism and of communicating it to the general public has frequently occupied a portion of the dialogue, "Why haven't we found *The Truth*?" (Define *The Truth* as a statement so clear and self evident, that upon becoming aware of it each surveyor would subscribe to it AND would conduct himself forever on the basis of all it says and implies.) If pursuit of the big truth is worthwhile, it would be helpful to avoid the defined pitfalls in the way of sound reasoning: contradictory premises, Dicto Simpliciter, et. al.

Perhaps a starting place would be in a concept I have found useful, one which I refer to as "Intellectual Concurrence". Intellectual Concurrence is the acceptance of a statement or idea as being true, yet failing to act as though believing it to be true. In a given group engaged in serious discussion, you are apt to find an extremely high percentage who agree that good government requires that good citizens inform themselves and vote: it is probable that less than half of that percentage did so in the last

election. At a neighborhood meeting it is not unusual to find unanimous agreement that the safe speed on their street is 25 mph, or even less: on the way home 60% of the group will drive faster than 25 mph. In both cases I believe that the opinions expressed were sincere and fully believed by the persons expressing them, yet the conviction to abide by what that decision implies is lacking.

Isn't it a possibility that what we can logically and intellectually explain and insist upon in conversation with others is not carried into our individual conduct? And that itches!! So we scratch it by becoming more intellectual. I do not propose to cure the itch, but perhaps, by considering possible causes, to explain its presence.

I feel that the professions can be rather neatly split into two clear-cut groups: historical and cost-of-improvement. Before you take exception to that over-simplification, let me define those terms as I mean them.

The term *historical* is not totally dependent on when the profession came into being, but rather on the public concept of what was expected at that time. With perhaps one notable exception, professionals were expected to perform without specific regard to commensurate payment for their services. Yet, to this day we are a little shocked if a doctor fails to treat someone in need, or if a clergyman resigns because of insufficient remuneration, or if a teacher goes on strike, or if an attorney denies legal counsel to someone who is in trouble. In broad generalities, a layman approaching an historical professional has a problem to be solved or a need to be filled that is in no way dependent upon his ability to pay or his desire to realize immediate profit.

The *cost-of-improvement* professional offers service in areas where it is anticipated that the money is or will be available to act on his work. The reason for designing a bridge is that you expect to build it. In many cases, the professional is hired to assure the highest return on an investment.

The Surveyor's itch might well come from the fact that he thinks of himself as falling in one category, but

conducts himself as though in the other. Nothing I have said was meant as critical of any of the professions, but I do feel that the surveyor staking out a subdivision on \$40,000-an-acre land has to wear a different hat from the one who is trying to resolve a fence line problem between angry neighbors out in the puckerbrush. One client expects to make a profit (and if he doesn't he will change surveyors); the other client has a need that the surveyor can fill, and possibly lacks the ability or willingness to pay.

Let me reemphasize: I am not saying that any individual or group is more nearly professional than any other. If you read that into the above, you totally miss the point. Neither am I suggesting how you should handle the problems. But if you act on your specialized knowledge with honesty and integrity, then you are acting professionally. And if you do find yourself agreeing with all the highblown phrases about responsibility, specialized skills, and "the profession of the presidents" and still are not quite able to carry them into your daily routine, you may be in intellectual concurrence, and stopping there.

Descending from the heady world of theory, the East Bay Chapter of California Land Surveyors recently discussed the use of a pamphlet to let our clients know what "getting a survey" really means. Sound familiar? The California Council published one several years ago. Will it do the job? It appeared to me there was intellectual concurrence that such a pamphlet was a "good thing". I didn't hear a lot of volunteers. I suspect that few of us could define precisely what such a pamphlet should be doing. We can concur that "it" is a good idea without ever struggling with what we expect "it" to accomplish.

We need a pamphlet that: will make my clients so happy with the bill they will pay immediately upon completion; will make it possible for a surveyor to charge as much as an engineer; will perpetuate the rich heritage we share with Washington, Lincoln, Bret Harte...; will help weed out the incompetents (others) so that the true professional (me) can

achieve proper recognition; will attract sharp young people into the field. And oh yes, with our budget we need to accomplish all of these things on an 8½ by 11 mimeographed sheet.

You want a volunteer? *You've got one.* But first, is it necessary, helpful, desirable? I can judge that by your willingness to sift your own thinking and take the time to reduce your understanding of the need to writing and send it to me. No response — no need; small response — small need. If

your statement fails to reflect accurately what you feel the need to be, the pamphlet can't reflect that need and you will find you don't use it. That wastes your time and mine.

Let's *NOT TALK* about it at the next meeting. Random thoughts based on intellectual concurrence are good conversation, but they only demonstrate that we like to talk about doing something and won't take the trouble to get something done.

—The Dusty Old Surveyor

"Everything that needs to be said has already been said, but, since no one was listening, everything must be said again."

—Andre Gid

Direct your mail to the author:

Kenneth Lamb

426 Caminito

Livermore, CA 94550

Calendar

1980

October 7 - 10 ACSM/ASP Convention, Sponsored by ACSM/ASP, to be held in Niagara Falls. For further information contact: Charles E. Hartnett, RD 1, Box 142, Melrose, N.Y. — 518/235-2313.

October 18 CALIFORNIA LAND SURVEYORS ASSOCIATION quarterly Board of Directors meeting to be held at the Grosvenor Airport Inn, 380 South Airport Blvd., So. San Francisco, CA 94080.

October 24 - 25 ACSM CALIFORNIA CONFERENCE to be held at the Red Lion Motor Inn, Sacramento, CA. Theme: "Surveying from the Air and Ground" For further information contact Shelby Guthary, U.S. Geological Survey, Western Mapping Center, 345 Middlefield Road, Menlo Park, CA 94025.

1981

January 31 CALIFORNIA LAND SURVEYORS ASSOCIATION quarterly Board of Directors meeting to be held at the Grosvenor Airport Inn, 380 South Airport Blvd., So. San Francisco, CA 94080.

February 17 -20 WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS CONFERENCE to be held at the MGM Grand Hotel, Reno, Nevada. For further information contact: W.F.P.L.S., P.O. Box 7400, Santa Rosa, CA 95401 — 707/539-3633.

February 22- 27 ASP/ACSM ANNUAL CONFERENCE, Sponsored by ASP/ACSM to be held at the Washington Hilton. For further information contact Val E. Sellers, 2214 Glencourse Lane, Reston, VA 22091 — 703/664-5711.

April 25 CALIFORNIA LAND SURVEYORS ASSOCIATION quarterly Board of Directors meeting to be held at the Grosvenor Airport Inn, 380 South Airport Blvd., So. San Francisco, CA 94080.

July 25 CALIFORNIA LAND SURVEYORS ASSOCIATION quarterly Board of Directors meeting to be held at the Grosvenor Airport Inn, 380 South Airport Blvd., So. San Francisco, CA 94080.

August 9 - 12 NATIONAL COUNCIL OF ENGINEERING EXAMINERS (NCEE) Annual meeting to be held at Williams Plaza, Tulsa, OK.

September 8 - 12 ASP/ACSM FALL 1981 CONFERENCE to be held at the San Francisco Hilton, San Francisco, CA. For further information contact Lee W. Aggers, USGS, 345 Middlefield Road, MS 31, Menlo Park, CA 94025 — 415/323-8111, Ext. 2426.

October 17 CALIFORNIA LAND SURVEYORS ASSOCIATION quarterly Board of Directors meeting to be held at the Grosvenor Airport Inn, 380 South Airport Blvd., So. San Francisco, CA 94080.

1982

March 17 - 19 CLSA ANNUAL CONFERENCE, Town & Country Hotel, San Diego, CA.

PLEASE SEND INFORMATION to be included in this calendar, along with Sponsor, theme, dates and fee to:

California Land Surveyors Association (C.L.S.A.) Central Office
P.O. Box 7400, Santa Rosa, CA 95401

Retirement

JOHN PEDRI RETIRES

On August 8, John Pedri retired as county surveyor of Tuolumne county after a long and distinguished career.

John P. Pedri was born in Sunol, California, on July 20, 1920. He graduated from Amador Valley High School in Pleasanton, then studied engineering at San Jose State College before becoming an Airman with the U.S. Army Air Corps. Working in Radio and Navigation, John participated in the 8th Air Forces' first daylight bombing raids on Europe, and was awarded the Air Medal with three clusters and the D.F.C.

John then studied engineering at East Los Angeles Junior College, I.C.S., U.S.C., and UCLA. In 1959, he was licensed as L.S. 3000.

John is married and has five children. He has been with Tuolumne County for 21 years. During this time he has participated in and contributed to many professional organizations, including C.L.S.A. John also served as the Land Surveyor member of the Board Registration from 1972 to 1976.

ODE TO RETIREMENT

Now I lay them down to rest
My transit, tape, and orange vest.
My pencil's dull —
My pen is broke —
My chaining pins are just a joke.
My plumb bob string is full of knots
My notebook's full of jumbled jots.
No more to look for corners rare —
The surveyors set them,
I know not where.
No more to solve the lawyer's deed,
Much of which is sour seed.
No more to run the ratty-race,
Set by su-per-visors' pace.
No more with R.C.E.'s will I plea,
Who think that there should be no fees.
Yes it was tough
As you can see,
Twenty years with this county
And now I'm

FREE

TUOLUMNE COUNTY SURVEYOR

JOHN P. PEDRI

RETIRES

AUGUST 8, 1980



News Digest

This section of the California Surveyor is designed to provide access to information by printing short news items, reviewing articles from other publications, and reviewing new products. Its success depends upon readers responding with information to be included herein.

BOARD OF REGISTRATION May 21, 1980

The Board discussed the case of the Accusation against Maxwell Hood, L.S. 2628, and after reviewing the written arguments and considering the transcript of the administrative hearing, it was moved, seconded and carried that, in accordance with the Board's Disciplinary Guidelines, Mr. Hood be subject to a public reproof and that his license as a Land Surveyor be suspended for 60 days, but that the suspension be stayed for a period of one year, but with an actual suspension of 15 days, under certain terms and conditions as defined by the Disciplinary Guidelines.

It was moved, seconded and carried that the Board accept the resignation of Mr. Donald R. Wright, Executive Secretary of the Board, effective July 1, 1980.

LOW WATER LINE IS STARTING POINT FOR STATE OWNERSHIP OF SUBMERGED LANDS

Reprinted from the Los Angeles Daily Journal. Submitted by Don Bender.

The U.S. Supreme Court has held that the low water line is the coastal baseline for determining where California can start measuring the three miles of submerged land and resources it owns.

The State of California filed an exception to a Special Master's report that concluded that the low water line was the baseline for determining how far into the ocean the state's ownership under the Submerged Lands Act would extend. California wanted to start measuring at the end of certain man-made piers, attached to the mainland, with water flowing freely underneath.

In affirming the Master's report, the Supreme Court noted that such structures extended beyond the low water line, and don't fall under the exception allowed for harbor works because they don't serve to protect, enclose or shelter harbor.

U.S. v. Calif., U.S. Sp. Ct., No. 5 Orig., June 9, 1980, per Burger, C. (kd)

BOOKLET FOR SURVEYORS

Reprints of "Surveying Our Public Lands," a booklet issued by the Bureau of Land Management, are available in limited quantity from Berntsen Cast Products, Inc. Offered as a service to the surveyor, the booklets can be obtained by contacting Berntsen at P. O. Box 3025, Madison, Wisconsin 53704; (608) 249-8549. ▲

YOUR
PROFESSION
NEEDS YOUR
SUPPORT
JOIN
C.L.S.A.
NOW

Perspectives

130 YEARS AGO

From *The Alta California*, circa 1849. Submitted by Bob Baldwin, L.S., of Santa Cruz.

C.S. LYMAN, Land Surveyor

BY appointment of Col. R.B. Mason, Governor of California, will pursue the business of his profession, in all its branches, the ensuing season, as heretofore. Residence at the Pueblo de San Jose.

Feb'y 14, 1849 9-tf.

HOUSE LOTS

FOR sale, four fifty vara House lots, being the square of one hundred varas, numbered fifty-six on the old maps of this town, and bounded by Clay, Sacramento and Dupont streets. The original title was granted

by the authorities in 1836. Apply to Mellus, Howard & Co.

THOMAS O. LARKIN

San Francisco, Feb. 8, 1849 6-tf.

NOTICE. — The undersigned, as he believes, possessing the only genuine title for the island in the Bay of San Francisco, opposite the eastern front of the town of San Francisco, hereby notifies all persons trespassing upon the same, that they will be prosecuted to the extent of the law.

E.P. JONES

March 5, '49. 10tf

SUISUN!!!

Town and suburban lots at this very desirable location for business and residence, near to the mouth of the Sacramento and convenient for

vessels going to the San Joaquin, will be offered to the public in a few days.

The title is indisputable; the tract of four leagues being held under a grant from the Mexican Government.

Mr. Lyman is re-surveying the town plat. For further particulars apply to Mr. Thomas Douglass, Suisun, or

C.V. GILLESPIE.

Portsmouth sq.

April 18, 1849, 15tf

JOHN HALLS, surveyor and land agent. Office Dupont street. Several allotments for sale.

San Francisco, March 1, 1849 9-tf

RENO 81

RENO 81

RENO 81



BACKSIGHT ON INDIVIDUALISM



FORESIGHT ON UNITY



February 17-20, 1981

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**CENTURY OLD BOUNDARY
LINE SETTLED IN QUIET
TITLE ACTION**

Reprinted from The Los Angeles Daily Journal. Submitted by Don Bender.

The C.A. 3rd affirmed a superior court ruling refusing to quiet title in plaintiff Albert W. Finney to a triangular strip of land which lies at one end of property between certain properties of the defendants.

Plaintiff claimed title through his interpretation of certain surveys, the doctrine of agreed boundaries, and adverse possession.

The original and official survey of the boundary line was made in 1871 by a government surveyor. In 1893, the line was again surveyed by a private surveyor who staked the line. The surveyor's monuments, witness trees and stakes have never been found.

In recent years, three private surveys were run, one of which tended to support plaintiff's theory as to where the historic boundary line was set, and two of which tended to support the defendant's contentions.

The C.A. ruled that based on the state of the evidence at trial, the trial court could reasonably find that plaintiff had not carried his burden of proof under any of his theories. The C.A. further held that "it is fundamental that a party who would quiet his title must prevail, if at all, on the strength of his own title and not on the weakness of the claims of an adversary."

Finley v. Yuba County Water District, C.A. 3rd, 3 Civ. 18142, Dec. 12, 1979, per Dawson, J.; Goldstein, Barceloux & Goldstein, P.M. Barceloux, Burton J. Goldstein, Ralph Golub, Keith S. Humphreys, Ronald E. Stewart, M. Reed Hunter, John J. Dacey and Barbara Banke, for plaintiff; Arthur S. Powell, for defendants. (st)

The full text of this case appears in today's Daily Appellate Report at page 471.



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Book Nook

1. *Shore and Sea Boundaries* (1962) Reprint 1975—Aaron L. Shalowitz, U.S. Department of Commerce Publication No. 10-1
Vol. II—The Interpretation and Use of U.S. Coast and Geodetic Survey Data \$11.95 ea.
2. *Tide and Current Glossary*—U.S. Department of Commerce, N.O.A.A.—National Ocean Survey (1949) Revised 1975. Special Publication No. 228. . \$ 0.75 ea.
3. *Proceedings; Water and Water Related Boundaries Workshop II, May 20 & 21, 1977, Irvine, CA* (262 pages)
CLSA Members. . . \$15.00 ea.
Non-Members. . . \$20.00 ea.
4. *Coastal Zone Map #TP-00189—Florida, Palm Beach County, Lantana to Boynton Beach—1:10,000 (1970)*
An extremely interesting map format which contains detailed printed instructions to Surveyors on How to Locate a Mean High Water Line According to Law, adopted by the Florida State Legislature. A real collector's item \$ 2.50 ea.
5. *Restoration of Lost or Obliterated Corners & Subdivision of Sections*—a guide for surveyors—United State Department of the Interior, Bureau of Land Management—1974 Edition. . .75 ea.
6. *Metric Practice Guide for Surveying and Mapping*—American Congress on Surveying and Mapping. This Metric Practice Guide has been prepared to aid those engaged in surveying and mapping in the use of the International System of Units (SI) in accordance with recommendations contained in the Metric Conversion Act of 1975, Public Law 94-168 . 1.50 ea.
7. *Cassette Tape Recordings of the CLSA Water & Water Related Boundaries Workshop II at Irvine, CA—May 25–26, 1977.*
Costs have been established as follows:
Complete 10 cassette set, including "Proceedings" (Item 3 above) (Over 8 hours of lecture and discussion)
CLSA Members. \$50.00
Non-Members. \$60.00
 - a. *The Pornography of Water and Water Related Boundaries (Terms and Terminology)*—James N. Dowden, L.S., Boundary Determination Officer, State Lands Commission.
 - b. *Tides, Time and Shoreline Processes*—Dr. Warren C. Thompson, Professor of Physical Oceanography, U.S. Naval Post Graduate School, Monterey.
 - c. *California Law Looks at the Water Boundary*—Peter H. F. Graber, Esq., Deputy Attorney General, Land Law Section, Department of Justice.
 - d. *The Ordinary High Water Mark — How Determined!*—Ned Washburn, Esq., Attorney at Law, Landes, Ripley & Diamond, San Francisco, CA
 - e. *To Insure or Not to Insure—That is the Exception!*—James R. Dorsey, L.S., Executive Vice President, Winter, Durnford, Dorsey and Associates, Land Consultants.
- f. *More Muddles in the Puddle—The Jurisdictional Aspects and Boundaries of the California Coastal Zone Commission and San Francisco Bay Conservation and Development Commission*—Raymond B. Thinggaard, L.S., Assistant Manager Real Property, Leslie Salt Co.
- g. *Internal Conflicts—State V. Federal Rules, Sovereign Lands and Rights*—Ed Griffin, L.S., Chief, Branch of Cadastral Surveys, California State Office of U.S. Bureau of Land Management.
- h. *The Restless Tides and the Marine Boundary Program of the National Ocean Survey*—Carrol I. Thurlow, Deputy Chief, Oceanographic Division, Office of Marine Surveys and Maps, N.O.S.
- i. *Slope and Undulations of Tidal Datum Planes and Quantification of Accuracy of Various Methods*—Cdr. A. Nicholas Bodnar, R.C.E. (California) Principal Engineer, Requirements and Facilities Section, Tides and Water Levels Branch, Oceanographic Division, Office of Marine Surveys and Maps, N.O.S.
- j. *Survey Procedures For Determination of Mean High Water*—Jack E. Guth, Capt. N.O.S. (Ret.), President of Coast Survey Limited, Herndon, VA.

ORDERS AND PAYMENTS SHOULD BE DIRECTED TO:
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P.O. Box 7400, Santa Rosa, CA 95401

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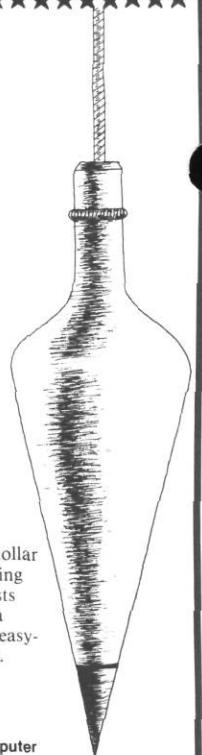
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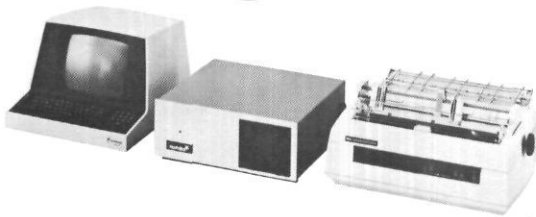
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Terence Petersen
Calif. License LS4315



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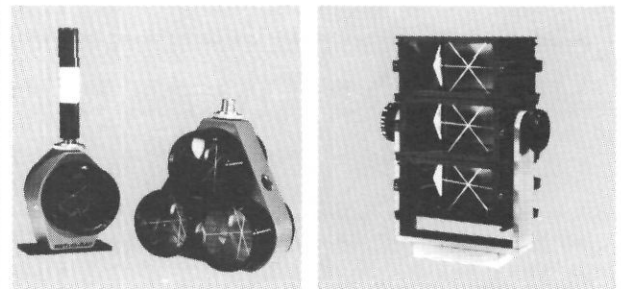
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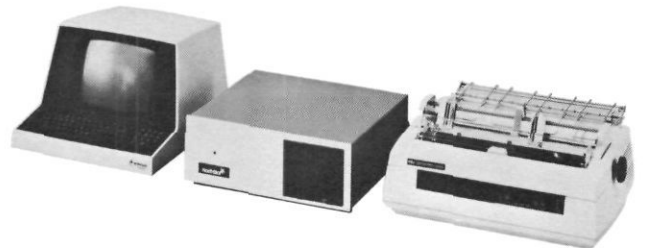
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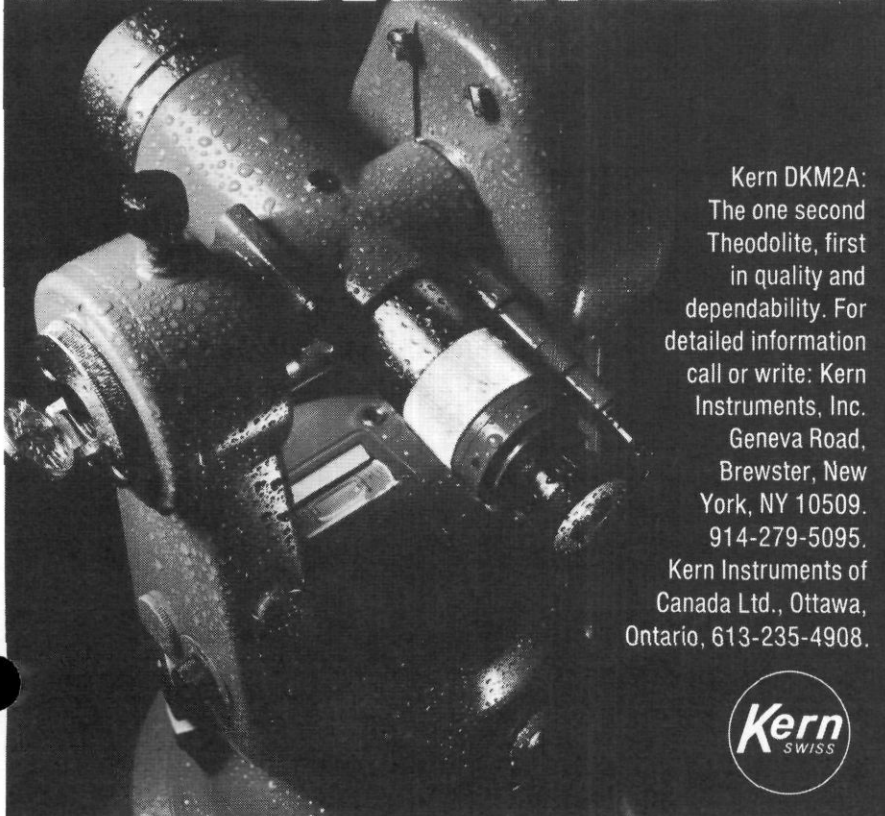
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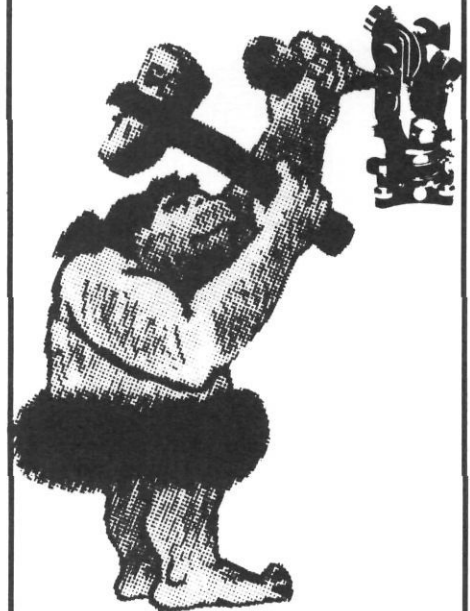


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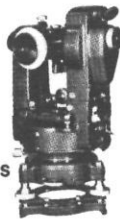
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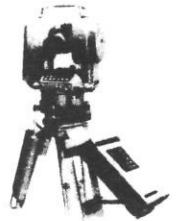
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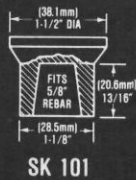
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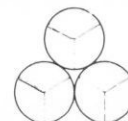
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