

August 2021

BACKSIGHTS & FORESIGHTS



Photo Credit: James Karrels

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7 1/2" x 5"	\$50 per issue
7 1/2" x 10"	\$90 per issue

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PUBLICATION DEADLINES

Material Cutoff	Publication
January 15	February 1
April 15	May 1
July 15	August 1
October 15	November 1

Backsights and Foresights

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Articles and columns appearing in the publication do not necessarily reflect the viewpoint of SDSPLS but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions.

Greetings from the SDSPLS Executive Director!

Wow, hard to believe we are already at the end of summer! Where does the time go?

My kiddos head back to school this week, so we are trying to soak up our last few days before we get into the school year routine. This year we will have two 5th graders, one 3rd grader, one kindergartener and our newest addition to the family starts his junior year in high school. Brad and I had the privilege of adding another kiddo to our family in March and will be finalizing the adoption this fall. So, any advice on teenagers would be greatly appreciated!

The West River Chapter has been meeting monthly to plan the 2022 SDSPLS Convention. We are still looking for more involvement from West River with the planning, so please reach out if you are interested. We are excited for the speaker line up, which includes Knud Hermansen, Gene Kooper, FEMA, Steve Parish and many more! Another exciting option will be to attend the convention virtually if you are not able to attend in person for only an additional \$150. Registration is now open on our website, www.sdspls.org.

Hope you are able to soak up the last few days of summer and not work too hard!

God bless!

Alesha Limbo

SDSPLS Executive Director



Looking for Presenters for the Convention!

We are looking for presenters for the SDSPLS 39th Annual Convention, January 5-7, 2022 in Deadwood, SD. If you or someone you know is interested in presenting, please let me know. We are looking for presenters to cover topics including business management, accounting, leadership, marketing, all areas of surveying and anything else you can think of! Remember you can earn extra PDH's for presenting! For more information please contact Alesha Limbo at directorsdpls@hotmail.com or 605-645-5128



The Perfect Soccer Field

By: Jon Geffre

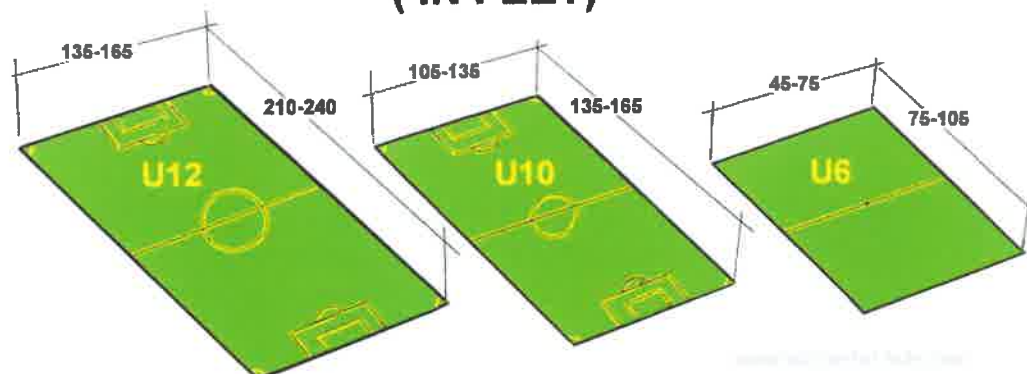
What is needed for a soccer field? A flat space, two goals, and a whole lot of white paint: some in straight lines and some in curves with specific dimensions, especially when you are dealing with a tournament. On top of that, different age groups require different field sizes. When the Tempo Soccer Club hosted the Tempo Classic soccer tournament in Brandon, SD, the South Dakota Society of Professional Land Surveyors (SDSPLS) Big Sioux Chapter helped the Club out. They rounded up a group of Surveyors and Survey Technicians to stake out the soccer fields to ensure they met the field standards. It took no time at all for these professionals to stake out the four fields. It turns out all the practice they have

putting in curb stakes with a contractor breathing down their necks improves their efficiency.

A surveyor may not know how significant this type of community outreach is. A group of volunteers ready with trig, 200' measuring tape, and determination is great, but it can still take over an hour to stake a field. These professional Surveyors and Survey Technicians only needed around 20 minutes per field. To the parents and volunteers of the Tempo Soccer Club, this was a huge help. They were proud to host a tournament with square fields and straight lines. If you have ever attended a soccer tournament, you know this does not happen very often. Thanks to the SDSPLS Big Sioux Chapter, Tempo Soccer Club once again had perfect fields for their tournament.



YOUTH SOCCER FIELD SIZE (IN FEET)



Do you enjoy being a part of a team and making a difference in our surveying society or planning events? Then please consider being a part of the Convention Planning Committees. Teams are already meeting for both the 2022 and 2023 SDSPLS Conventions.

To be involved of the 2022 Deadwood Convention contact Alesha Limbo at directorsdspls@gmail.com or 605-645-5128 or join us for the next planning meeting, TBD.

To be involved in the 2023 Sioux Falls Convention contact Beau Koopal at beauk@infrastructuredg.com or 605-680-4156

2021 PDH Certificates and Handouts

SDSPLS Members – your PDH Certificates and Handouts from the SDSPLS 38th Annual Convention are available on our website www.SDSPLS.org under the members only tab. The members directory is available under the members only tab as well!

**SDSPLS
39th Annual
Convention
2022**

**January 5, 6, & 7
(Wednesday, Thursday,
Friday)**

**The Lodge at Deadwood
Deadwood, SD**

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website:**

www.deadwoodlodge.com

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Job Postings

South Dakota Department of Transportation

The positions include:

Land Surveyor – Aberdeen

Land Surveyor – Pierre

Survey Crew Chief – Rapid City

These are full-time positions with the Department of Transportation. For more information about the Department of Transportation, please visit <http://dot.sd.gov>.

Meyer Land Surveying

Land Surveying/Civil Engineering Technician

Full Time

Pay is dependent on experience.

I am looking for someone who can enjoys challenging field work and can do drafting. Must be proficient in Civil 3d and Carlson.

The right candidate is self-motivated and can work independently with some direction. Candidate must be willing to learn and work withing 5 states.

40 hours plus a week with two weeks of paid time off.

Please contact Eric Meyer at MeyerLandSurveyingSD@gmail.com or call me at 605-310-9401.

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WBI Energy Transmission, Inc

Survey CAD Technician

Location: Glendive, MT

Closing Date: Until filled

Full-Time

Salary: \$19.35 - \$24.18 /hour

Position is eligible for Employee Referral Program.

Job Summary: Responsible for placing safety as #1 priority in day to day work routine for self and others. Under guidance and direction of department personnel, creates maps, and exhibits; and performs a variety of technical duties.

Minimum Qualifications: Must possess a working knowledge of AutoCAD mapping and drawing at a level normally acquired through the completion of a two-year degree in survey, civil, geomatics, engineering technology or drafting or equivalent related work experience.

Key Skills & Competencies • Effective interpersonal and communication skills in dealing with internal and external customers . • Must be self-motivated, detail-oriented and able to handle multiple priorities and meet deadlines. • Proficient in the use of Microsoft and other standard office software. • Strong analytical and problem-solving skills. • Proven time management and organizational skills. • Must take all measures necessary to protect networks, devices, programs and data from cyber-attack, damage or unauthorized access. • May be required to maintain a valid driver's license. • Requires travel: Minimal (up to 10%) Knowledge of the Public Lands Survey System, GPS and GIS. •

Must be legally authorized to work in the United States, no sponsorships considered. • Subject to pre-employment drug testing and background checks.

Apply online at jobs.mdu.com - Hiring manager Robert W Stanhope

Survey Intern

Full-Time

Salary: \$15-\$17 /hour

Job Summary: Assist the Survey group with various projects. Responsible for placing safety as #1 priority in day to day work routine for self and others.

Minimum Qualifications: Must have completed one year of college in survey/civil tech/engineering or CAD. Must have a valid driver's license.

Additional Requirements: Requires travel, required to maintain a valid driver's license. Must be able to effectively communicate, correspond, and interact with staff. Self-motivated and able to work effectively both independently and in a team environment. Proficient in the use of Microsoft applications. May be eligible for Intern Scholarship. Subject to pre-employment drug testing and background checks. Must be legally authorized to work in the United States, no sponsorships considered.

Apply online at jobs.mdu.com - Hiring manager Robert W Stanhope

Land Surveyor

Full-Time

Salary: \$6,147 - \$7,683 /month

Job Summary: Responsible for placing safety as #1 priority in day to day work routine for self and others.

Responsible for performing a variety of land and route surveys and preparing various permit applications for the construction or placement of company facilities. Responsible for certifying legal documents and plats.

Minimum Qualifications: • Must possess a working knowledge of land surveying at a level normally acquired through the completion of a two-year degree in surveying technology, geomatics or related field or equivalent experience; and • Four years land surveyor experience; and • Registered Professional Land Surveyor (PLS) and the ability to obtain licensure in a state within our service territory within one year; and • AutoCad and Global Positioning System (GPS) education or experience.

Additional Requirements • Must take all measures necessary to protect networks, devices, programs and data from cyber-attack, damage or unauthorized access. • Required to maintain a valid driver's license. • Required to maintain PLS license. • Requires travel: Extensive (50% +). • May be subject to the Company's random substance abuse testing program . • Must have strong interpersonal and communication skills in dealing with internal and external



customers. • Must be self-motivated, detail-oriented, and able to handle multiple priorities and meet deadlines. • Proficient in the use of personal computers and commercially available software. • Requires strong analytical and problem-solving skills. • Self-motivated, willing to take on new challenges, and the ability to work independently. • Maintain highly confidential and sensitive information. • Proven time management and organizational skills. • Knowledge of Geographical Information Systems (GIS) and mapping. • Pipeline/route surveying experience. • Registered Professional Land Surveyor (PLS) in a state within our service territory • Must be legally authorized to work in the United States, no sponsorships considered.
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SDSPLS – Board of Directors Meeting

(Virtual – Zoom Meeting)

Friday, April 16, 2021 – 9:00am (CST)

In Attendance: President Jon Collins, Past President Travis Jacobson (absent), President-Elect, Kary Gregoire, NSPS Director Linda Foster, Treasurer Cory Biegler, Secretary Andrew Kangas, West River Chapter President Brad Limbo, Big Sioux Chapter President Beau Koopal, David Feilmeier and Executive Director Alesha Limbo

1. Meeting called to order at 9:01 a.m. (Central) by Jon Collins.
2. Acceptance of Agenda: No new business added. Motion by Foster to approve the agenda as presented, 2nd by Gregoire - Motion approved.
3. Secretary's Report – presented by Andrew Kangas: Written minutes from the Board of Directors Meeting on April 15, 2021 were submitted. Motion by Gregoire to approve meeting minutes with corrections as noted, 2nd by Brad Limbo - Motion approved. Corrected minutes are attached.
4. Treasurer's Report – presented by Biegler: Written report submitted. Biegler and Alesha are working on transferring funds. Raymond James transfer went through July 15, 2021, Alesha will transfer. Foster asked if membership has changed, Alesha reported there have been no changes at this time.
Motion by Brad Limbo, 2nd by Koopal - Motion approved.
5. President's Report – Jon Collins: No written report submitted.
6. Committee Reports:
 - a) Education – Kristi Goehring: No report.
 - b) Legislation – Gary Andersh: No report.
 - c) Design Professionals' Coalition – No report.
 - d) Professionalism & Practice – Dean Scott (absent): No report submitted.
 - e) Public Information – Ruthie Wetzel (absent): No report submitted.
 - f) Membership – Adam Thompson (absent): No report submitted.
 - g) NSPS – Linda Foster: Written report submitted.
 - h) Young Surveyors – David Feilmeier: No report submitted.

- i) Trig Star – Chad Dodds (absent): No report submitted.

7. Chapter Reports

- a) West River – Brad Limbo: No report submitted. Brad Limbo reported they have been having monthly meetings for planning the 2022 Convention. Still working with the City of Deadwood on re-monumentation of US Locating Monuments(s). Working on a temporary easement to access the monument.
- b) Big Sioux – Beau Koopal: No report submitted. A group of surveyors collaborated to stake soccer fields for the City of Brandon in June.
- c) Missouri River – Don Jacobson (absent): No report submitted.

8. Old Business

- a) Corner Records/On-line Records System – Linda Foster: Linda has been in contact with ESRI to get pricing quote and has not received much response. Linda will try have a price quote by the October board meeting. Board members need to review and comment on proposed changes to the administrative rules and statues. Discussion on options for making the system public and having access to upload corner records to the system. Linda will have the demo version available for members to review again at the 2022 Convention.
- b) and c) Low Distortion Projection (LDP's) and 2022 Datum Change and Legislative Planning: Collins has received some feedback on legislative changes. Needs more feedback from the remainder of the board. SD DOT is waiting on feedback and comments from SDSPLS board. LDP design is complete with one small change needing to be made. NGS is reviewing the design and should have review complete by the end of the year.
- d) 2022 Convention – Alesha Limbo reported they have had several meetings for planning. Some speakers have committed, and Marty Jackley will speak. They are still working on lining up additional speakers and are working on creating and sending out a sponsorship form to try get more sponsors. Added a virtual option for attending the convention at an additional cost of \$150. Planning events for spouses. Rod Breitling has declined to record sessions that could be played for the LSIT sessions. Linda asked if the board should reach out to Rod Breitling to see if he would share course



material for LSIT sessions. Alesha will reach out to Rod. Linda also introduced the idea of offering a session or training organized to introduce technicians to NSPS's Certified Survey Technician (CST) program. The next planning meeting is scheduled for August 17, 2021 in Rapid City. A block of rooms has been reserved at the Lodge in Deadwood. Cost is \$75 per night. Trimble will be performing their technical conference the day before the convention.

9. New Business: None

10. Next Board of Directors Meeting: October 2021 (in Chamberlain), location, time and date TBD

11. Meeting adjourned at 10:22 am (Central) by Jon Collins

Respectfully Submitted

By: Andrew Kangas, Secretary



Photo by: Bob Reiling

It is with great sadness that we share the news of Russ' passing. Russ played an integral part of SDSPLS over the years.

Russell "Russ" Ervin Kastle
January 28, 1933 ~ July 14, 2021 (age 88)



Russ Kastle, 88, of Breckenridge, MN, passed away in his home Wednesday, July 14, 2021. Visitation will be held from 9:30 AM to 11 AM at Breck Lutheran Church on Monday, July 19, 2021, with his Funeral Service, led by Rene Hasbargen starting at 11 AM. Burial will follow after lunch at Aastad Cemetery. A live stream of the service will be available on the Funeral Home's website. Arrangements have been entrusted to Joseph Vertin and Sons Funeral Home.

With the continued concern surrounding COVID, the family asks all that are unvaccinated and in attendance, to wear their masks. Masks and hand sanitizer will be available at the church for those who need one. Thank you for your cooperation and for keeping this gathering safe and comfortable for all.

Russell E. Kastle: January 28, 1933, to July 14, 2021

Russell Ervin Kastle was born to George and Edna (Baumgarten) Kastle in the middle of a blizzard on the family farm 10 miles south of Fergus Falls, MN. His father's cousin, Anna Gustafson Bergerud, was the midwife.

He completed grades one through eight at a one-room country schoolhouse and went on to Fergus Falls High school, graduating in 1951. Russ was



active in high school sports. His team won the first Min-Kota Conference football Championship.

As teenagers, Russ and his brothers Harold and Jim worked on their dad's and uncle's farms and did custom grain shocking in two counties. The Aastad community was very closely knit, with all the neighbors gathering regularly for volleyball and softball games. After High School, Russ continued farming with his father and did some fur trapping.

In 1953 he was drafted into the army where he received his first training in land surveying. While at Ft. Campbell, KY, Russ was selected to receive airborne training. During his third jump, he caught a fellow parachutist whose parachute had failed and held onto him until they hit the ground. Although he didn't complain about it, that hard landing led to lifelong back problems.

After the army, Russ enrolled at North Dakota State School of Science in Wahpeton, ND, where he polished his surveying and engineering skills. Working for K. B. Mackichan (KBM) and Associates, he was a surveyor for the original construction of the Air Force bases at Grand Forks and Minot, ND. Russ surveyed the original cross-sections of the Missouri River valley prior to the construction of Oahe and Garrison Dams. In 1960 KBM sent Russ to the City of Breckenridge, MN, to handle city engineering. At Breckenridge, he served on the Airport Commission and was a member of the volunteer fire department for 31 years. In 1968, Russ began teaching at the North Dakota State School of Science where he also served for 31 years. In 1972, he started his own business, Kastle Land Surveying, and remained self-employed until recently.

In 1971, Russ helped organize the North Dakota Society of Professional Land Surveyors (NDSPLS) and remained active until his death. In 1989, the North Dakota Society awarded him their first Surveying Excellence Award. The following year Russ received the United States Surveyor of the Year Award. He and LeRoy Kautz started the ND Land Surveyors Museum in Jamestown, ND. Russ started the "Trig Star" program, a national trigonometry competition for high school students. Surveyors across America conduct the programs at their local high schools and award trophies.

On June 8, 1963, Russ married Darlene Walstad Greenquist at Breckenridge Lutheran Church and became a stepdad to her two sons, Gregg and Eric. Russ and Darl were married for 48 years; she died on July 22, 2011.

Russ is survived by his sons, Gregg Greenquist of rural Mandan, ND; Eric (Celeste) Greenquist of rural Abercrombie, ND; his sister, Evie (Gary) Fox of Breckenridge, MN; his granddaughter, Josephine (Mike) Hiti of Blaine, MN; and great-grandsons, Jens and Brandon Hiti. He was fond of all the many nieces and nephews of the extended Kastle, Walstad, and Greenquist families.

In lieu of flowers, please make a donation to the Hummingbird Foundation at CHI St. Francis.

The Hummingbird scholarship was made possible by the late Darlene Kastle family. Darlene received nursing care from St. Francis and felt the care she received was exemplary. This scholarship gives St. Francis Nursing Assistance attending NDSCS earning their nursing degree, an opportunity to apply for this scholarship. St. Francis staff also contributes to this fund to help grow into an endowment fund. Darlene loved to watch the hummingbirds outside her window. Thus the term, Hummingbird Scholarship.

Convention Teaser – Presenter - Gene Kooper



One of the 100 stones I found for my Sweet Home Mine survey project. The stone wasn't hard to find, just hard to get to since it is at 13,600 ft. in elevation. The mountain it is on is Mt. Bross and the mountain in the background is Mt. Democrat, both 14teeners.

This is Cor. No. 4 of the Crackerjack Lode, Sur. No. 20504 (lower right of photo). It was originally surveyed in August 1932.



The Land Surveyor's Guide to the Supreme Court of

South Dakota – Part 35 – 1978

This article represents the thirty-fifth in a series of excerpts from a book prepared by South Dakota licensee Brian Portwood. The complete book can be obtained in PDF form at no charge, either from SDSPLS or directly from the author (bportwood@mindspring.com). It covers 120 years of historic South Dakota cases, answering fundamental land rights questions of potential interest to land surveyors, which are being presented in chronological order here in Backsights & Foresights.

How important is evidence of acceptance of a dedication?

Haley v City of Rapid City (1978)

The alleged abandonment of a dedicated alley forms the central theme of the case we are about to review, which returns us to an urban setting, focusing upon the legal relationship between a certain platted city lot and the platted but long dormant alley that generated this dispute. As most experienced surveyors know, alleys were once a standard feature of virtually all urban residential subdivisions, before the need for rear access to residential lots faded into history and modern lot designs came to prominence, but untold numbers of platted alleys were never utilized, or fell into disuse, and those strips have frequently become sources of controversy, when the owners of the adjoining properties venture to make private use of such public areas without authorization. Like streets and roads, alleys can be dedicated either in fee or in the form of an easement, and many alleys of both kinds exist, but in this case it is the applicability of the concept of abandonment that is subjected to the scrutiny of the Court, in the context of an alley that was dedicated in fee. As was noted in discussing the outcome and the consequences of our last featured case, the Court has recognized the validity of the concept of abandonment, and has applied it to ratify the termination of access rights appearing in the form of an easement, yet the Court has never acknowledged abandonment as a potential factor in the loss of land owned in fee, in the absence of proof of adverse possession, which was the basis for the loss of abandoned land in the 1904 Murphy case and the 1929 Howe case. In addition, this case also highlights the significance of the use of land for utility purposes, which can very often present an unseen and easily overlooked land use, although in fact it represents not merely an occasional or transient use of land, but a genuinely constant use thereof, making the presence of utilities a very important consideration, potentially negating any assertion of abandonment on the part of the public. Finally, with regard to the operation of equitable principles and their role in the determination of land rights held by the public or in the public interest, this case also demonstrates that the concept of acquiescence is generally inapplicable to public rights, because the public is incapable of acquiescing in the same manner as an individual property owner, who is either present on the land or has the legal obligation to take notice of any uses that are being openly made of his land. Therefore, as illustrated here, the concept of estoppel based upon mere acquiescence is typically inoperative against any public land rights or interests, since the mere presence of an object constituting an obstacle to travel within a public right-of-way typically cannot be deemed to result in the creation or transfer of any land rights, just because the public neglected to



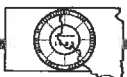
remove it or insist that it be removed. Estoppel can be successfully proven against public or governmental land rights or interests however, but generally only in those instances in which some form of affirmative and definitive governmental approval has been bestowed upon an encroaching item, making it inequitable to require the removal of that object. It should also be noted that there is no indication that the Haley involved in this case bears any relation to the Haley who happened to appear in our last previous case.

Prior to 1943 - At an unspecified date, an addition to Rapid City was platted, which presumably consisted of several rectangular blocks containing typical rectangular residential lots, along with an unknown number of streets and alleys. One particular block in this addition contained an unknown number of lots of unspecified size, along with a typical T-shaped alley of unspecified width, with 3 points of outlet connecting the alley to 3 of the platted public streets that bounded this block. The lots in this block were evidently sold and occupied in the normal manner, the T-shaped alley was utilized for access purposes in the normal manner, and there is no indication that any buildings were ever constructed that encroached upon any part of the alley. Unspecified underground utilities were also installed in the alley at an unspecified time or times, with the permission of Rapid City, and no easements were ever acquired from any of the lot owners for utility purposes.

1943 - During a street improvement project, Rapid City installed concrete curbs and sidewalks around this particular block, and in so doing, curb depressions with entry aprons were installed at each of the 3 entrances to the alley, to facilitate ongoing vehicular use of all 3 portions of the alley. At one of these 3 alley entrance locations however, the grade of the existing gravel alleyway was about one foot lower than the street grade, so after the new curb and sidewalk were built, a sharp drop off was created at the back edge of the sidewalk, which projected at least a foot above the surface of the existing alleyway. For unknown reasons, the construction crew never placed any fill material upon the portion of the alley leading up to the back edge of the sidewalk, so this particular alley entrance became useless to vehicles, and all vehicular use of it ceased at this time. Those who had formerly used this entrance began using the other 2 alley entrances instead, both of which were apparently properly graded and therefore remained functional at all times.

1944 to 1959 - At an unspecified time during this period, one or more of the owners of the lots bordering the branch of the alley that had fallen into disuse, decided to cover the unused gravel surface with top soil, and they proceeded to do so at their own expense, without objection from anyone. The owners of the lots adjoining the unused portion of the alley then planted grass where the alleyway had been, thereby effectively incorporating some portion of it into each of their backyards. There is no indication that any fences, walls, hedges, trees or any other structures or landscaping were ever placed within the platted alley, but the lot owners began treating the alley as part of their respective yards, and no other parties made any use of the surface area comprising this particular branch of the platted alley.

1960 to 1974 - During this period, no one ever attempted to make any vehicular use of the unused branch of the alley, but regular vehicular use of the other two branches of the alley



continued. At an unspecified time during this period, Haley acquired one of the lots that was bounded by the unused branch of the alley, which was situated where this branch of the alley reached the public street to which it connected. Haley went on maintaining the entire lawn area that was associated with his lot, just as the previous owner of that lot had done, including the portion of his lawn that extended into the unused alley, and at all times after acquiring his lot he treated the portion of the alley adjoining his lot as part of his backyard. Whether Haley ever looked at the plat of the addition and realized that a platted alley adjoined his lot, or whether he was ever told about the existence of the alley by his grantor or anyone else, are both unknown, but he did observe that an unused concrete apron existed, leading from the street directly into the rear portion of his backyard.

1975 - Nall acquired one of the lots situated at or near the opposite end of the unused branch of the alley from Haley's lot, and Nall observed that a clear pathway, apparently consisting of nothing but grass, existed between the rear portion of his lot and the unused concrete apron that had been built in 1943 at the end of the alley next to Haley's lot. Nall apparently looked at the plat of the block, and after learning that a platted alley existed behind his lot, connecting to the unused apron, he decided that he would like to use this branch of the alley to obtain direct vehicular access to the rear portion of his lot, so he requested that Rapid City declare the unused branch of the alley to be open for vehicular use. Upon learning that Rapid City was considering reopening the unused branch of the alley, Haley filed a request that the city formally vacate the alley, but there is no indication that any action was ever taken on Haley's request.

1976 - Apparently in response to the request made by Nall, Rapid City passed a resolution declaring that the entire alley in this particular block was open to vehicular use, and Nall began driving over the long unused portion of the alley, through the area which Haley believed to be part of his backyard. Apparently no other lot owners aside from Haley objected to Nall's use of this branch of the alley, and there is no indication that Nall ever drove anywhere outside the boundaries of the platted alley, but Haley filed an action against both Rapid City and Nall, seeking a judicial determination that the branch of the alley bordering his lot had been legally abandoned, and therefore could no longer legally be opened for public use by Rapid City.

Haley argued that although no portion of the alley in question had ever been vacated, Rapid City had never officially accepted the offer of dedication that had been made by the original plat of the addition, and instead the city had legally abandoned the portion of the alley that had been effectively closed to vehicular traffic, since the concrete sidewalk installed by the city had blocked all further vehicular use of that branch of the alley in 1943. Haley further argued that the use of the abandoned branch of the alley as a lawn by the adjoining lot owners, including himself and his predecessor, was sufficient to prove that each of the owners of the lots adjoining that branch of the alley had exercised full control over their various portions of the alley, without remonstrance, so Rapid City was estopped from either denying that it had abandoned the alley or attempting to reopen it, since that would result in the destruction of a portion of Haley's lawn. Rapid City and Nall argued that no portion of the alley in question had ever been either vacated or abandoned, so no rights of the



public to the entire alley, as it had been platted, had ever been lost, and nothing prevented the public from resuming the use of the entire alley for purposes of surface travel at any time, despite the fact that no such use had been made of the branch in question for many years. The trial court decided that the use Haley had made of the portion of the alley in question as part of his yard, without any objection from Rapid City, was sufficient to raise an estoppel, preventing Rapid City from successfully asserting the right to reopen the unused branch of the alley, so Haley had the right to continue to maintain his entire lawn, and neither Nall nor anyone else had the right to drive on the long unused portion of the alley adjoining Haley's lot.

It must be noted initially that Haley made no direct argument of fee ownership of any portion of the alley in question, by means of adverse possession or any other theory, his position was simply that Rapid City should be barred from utilizing the alley for its originally intended purpose of surface travel, because the city had abandoned that particular use of it, regardless of who owned the strip of land comprising the alley, effectively conceding that the alley was a separate strip of land that was not part of any of the platted lots abutting upon it, including his own lot. Haley's assertion that the plat dedication of the alley had never been accepted in the first place was readily swept aside by the Court, since it was clear that the whole alley had undergone enough use to show public acceptance of it for several years, prior to falling into partial disuse in 1943, and this opened the door to the more pertinent dispute, over whether or not any portion of the platted alley had been legally abandoned. Haley had several potentially helpful or encouraging legal factors operating in his favor, it had been an act of Rapid City which had caused the disuse of the alley to commence, the disuse had long continued, and several land owners had relied upon the disuse of the branch in question, due to the fact that it had been completely ignored by the city since 1943. Furthermore, Haley was correct in principle, that rights can be lost through abandonment as well as they can be terminated through vacation, so his argument was not completely baseless, but apparently unknown to him several other important legal factors were also working against him. As may be recalled, in the 1948 Pederson case, reviewed herein, the Court had established that legal abandonment of a public roadway is possible, and abandonment is separate and distinct from vacation, but abandonment cannot be shown where no use of a public right-of-way has ever taken place, abandonment can result only from a cessation of an established use, so Haley's abandonment argument was supported by the fact that the branch of the alley in question had once been in use, and that use had ceased. Haley's case however, was premised on the notion that the surface of his portion of the alley had gone unused by the public for at least 17 years, and perhaps as long as 33 years, by the time of the trial, but the key flaw in Haley's position was the fact that vehicular use is not the only purpose of an alley, so the construction of the sidewalk had not actually created a complete cessation of all use of the branch of the alley at issue, because pedestrian and utility uses of that part of the alley continued after the sidewalk was built. Moreover, the Court recognized, the construction of the unused entrance apron in question was clearly intended to make the alley more useful, not to close it off, so that act could not reasonably be interpreted as an act of abandonment by the city, and even when all pedestrian use of the branch in dispute also ceased, the utility use had still continued, meaning that the area in controversy had never been entirely unused by the public, for even a moment, because utility use is a legitimate public use of an alley. Following decisions from Illinois and Michigan on the topic of dedication and



acceptance, the Court brought the crucial factors that were operating against Haley to his attention:

“The trial court entered a judgment that enjoined the city of Rapid City from opening an alley and that decreed that the alley is not a public way ... Although the public has not recently used the alley as a roadway, for many years the entire alley has been used for underground passage of various public utilities ... without benefit of easements from any adjoining property owners ... none of the deeds to the adjoining lots ... include the land in question ... Respondents argue that ... it must be shown that the public has accepted the offer to dedicate ... such acceptance has occurred ... if the public has accepted part of a street or alley it has accepted all of that street or alley ... at least two-thirds of the alley is used as such every day ... the entire alley was graveled prior to 1943 ... Notwithstanding the fact that the public has not used the disputed portion of the alley for vehicular traffic ... the utilization of the alley by utilities ... the graveling of the entire alley ... the curb for ingress and egress, and the refusal of the city to vacate the alley constitute sufficient evidence of the acceptance of the dedication ... the burden of proof is on one obstructing a lawfully established public way to show vacation or abandonment. Respondents have not met this burden ... More than municipal acquiescence in an obstruction should be required to give rise to an estoppel ... the evidence presented by respondents falls short of establishing ... estoppel against the city.”

Concluding that the dedication of the alleys in this particular addition had been made in fee, and pointing out that the use of the alley at issue for utility purposes, without the creation of any utility easements, stood in support of that interpretation of the dedication, which had been executed by means of the original plat of the addition in question, the Court held that public acceptance of the alley as a whole had unquestionably taken place. The Court also took this opportunity to adopt the view held by most other states that an acceptance of any part of a given dedication offer effectively stands as an acceptance of the whole offer, covering the entire extent of the dedicated area, so even if the branch in controversy here had never been used at all, the use of the adjoining branches would have been adequate proof of public acceptance of the whole platted alley, throughout the block in question. In order to successfully prove abandonment of his branch of the alley, Haley would have had to provide definitive evidence of an intention on the part of Rapid City to permanently forsake it's right to keep that branch available for use by the public, and the Court quite logically held that the street improvements, which had unintentionally blocked off one branch of the alley, did not represent any such evidence, in fact the apron suggested an intention to make future use of the alley for purposes of travel. Haley also brought the principle of estoppel into play however, in making his case, suggesting that reopening his branch of the alley would be highly damaging and unjust to him, so the Court deemed it appropriate to enlighten him on that issue as well. While the Court is always fully prepared to exercise the equitable concept of estoppel, as we have repeatedly seen, it is not applicable in all cases, and it is always particularly difficult to persuade the Court to exert estoppel for the purpose of eliminating public rights. Had any substantial improvements been made, encroaching into the platted alley, Haley might have had a chance to succeed on the basis of estoppel,



particularly if he could prove that the city had approved such construction, knowing that it involved part of the alley, but since that was not the situation, Haley's estoppel charge was destined to fail, because nothing of significance had been built in the alley to give Rapid City distinct notice that the lot owners were claiming any rights to that area. Haley himself, on the other hand, was subject to notice from two important sources, constructive notice from the recorded plat of the addition, and physical notice from the existing conditions on the ground, and in fact the presence of the concrete apron alone would have served as an ample warning to Haley of the existence of the alley, had he been aware of the Evans case of 1918, in which the existence of such an apron had proven to be decisive evidence, indicative of a public alley, in the eyes of the Court. Finding that Haley's position with regard to the alley in controversy was both legally and equitably untenable, the Court reversed the lower court decision in his favor, approving the right of Rapid City to grade, gravel or pave the alley, and the right of Nall to make his desired use of it as well, along with the public in general. The lesson learned by Haley was that abandonment of land rights can never be presumed, the concept of conclusive legal abandonment carries a very high burden of proof, so it must always be affirmatively proven, by means of convincing evidence that the holder of the right in question actually intended to sacrifice and relinquish that right on a permanent basis.

How is a right-of-way distinguished from a fee conveyance?

Northwest Realty v Jacobs (1978)

While in our last case the Court came to the rescue of a right-of-way that had been created by means of a plat, through the process of dedication, here the Court is again confronted with a question regarding the validity of a platted right-of-way of a different kind, and again the Court finds it necessary to overturn an erroneous lower court decision, this time not to protect the right-of-way, but to protect a newly completed construction site from destruction by the alleged right-of-way. This controversy obviously represents a typical clash of old and new land uses, but more critically, this battle over the legal status of conflicting deeded land rights brings many vital conveyance principles into play, relating to the proper determination of the intent and meaning of a document which employs language that could well be viewed as describing either a conveyance in fee or an easement. The lengthy list of essential principles exercised in this case by the Court, beginning with the universal maxim that intent is paramount in importance, indicates the potential for variation in the interpretation of land rights, but ultimately several other equally sound and well established principles combine to guide this dispute to proper resolution. Crucial to the outcome of the case we are about to review is the fact that although every conveyance is initially presumed to carry a fee interest, every right-of-way is presumed to have been intended to represent only an easement, because by definition a right-of-way implicitly constitutes mere usage of land, creating no need for a possessory interest in the land itself. Numerous other factors however, such as the presence of certain key terms like "upon", "over" and "across", which are all indicative of the use of land, can also operate to support an easement, and an indefinite location, such as a plain platted line lacking any dimensions, can do so as well, we learn on this occasion, since such indifferent treatment of land rights by an acquiring party leads the Court to conclude that no definite boundaries were evidently deemed to be necessary to define the intended land use. Also among the factors that are well worthy



of note in this scenario, consistent with several comparable decisions of the Court that we have previously reviewed, is the concept that a grantee can assume and bear the grantor's typical description burden, and that burden will very often be shifted by the Court to the grantee, especially when the acquiring party is not merely a typical individual, but a group of professionals who routinely deal with land rights, emphasizing the inequitable advantage that such knowledge provides during a conveyance. In addition, widely honored public policy on land use becomes another key element in the Court's decision matrix, whenever a situation that involves both land use issues and land ownership issues is presented, leading the Court to note that the law generally deplors the unnecessary creation of separate strips of land owned in fee, particularly when such a strip would effectively function to divide an existing estate in a fundamentally intrusive manner. Lastly, but perhaps most notably for land surveyors, as gatherers of historic information, professionally devoted to the preservation thereof, in this instance the value of the premise that subsequent use of land can represent the clearest expression of the true intent of the original parties is on display, forming yet another important component of the Court's arsenal of principles.

1895 - The Iowa Irrigation Ditch Company was founded by a group of unspecified parties, for the purpose of constructing and maintaining an irrigation system in the Rapid Creek watershed, in Pennington County. At least some portions of this proposed irrigation system were surveyed and platted, and the company began acquiring land and land rights in the vicinity of Rapid Creek from numerous property owners, through the use of deeds and legal descriptions of various types, at least some of which made direct reference to both the survey and the plat of the intended route, the full extent of which is unknown.

1898 - The irrigation company obtained a quitclaim deed covering one portion of the intended route of the ditch from Smith, who evidently owned a certain government lot lying someplace along the proposed route. The portion of the ditch that was intended to cross Smith's land was apparently not yet built at this time, but it's location had evidently been surveyed on the ground, and it was graphically defined on the plat, which was incorporated into the deed, by means of a reference to the plat, as being a depiction of the surveyed route, in the legal description.

1899 to 1971 - During this period of time the irrigation system, including the portion of it that crossed Smith's land, was fully constructed and productively utilized, and there is no indication that any disputes ever arose over the ownership, the use, or the location, of any portion of the system. The land that had once been owned by Smith passed into the ownership of others at an unspecified date and eventually became part of Rapid City, but how that land was used during this period is unknown.

1972 - A severe flood substantially destroyed the irrigation system, and as a result of this calamity, the irrigation company was legally dissolved.

February 1973 - The directors of the former ditch company quitclaimed all of the easements that had been acquired and held by the company, and all of the land in which the ditch company still held any legal interest was then quitclaimed to Northwest Realty. What use Northwest ever made of such lands, or intended to make of them, is unknown.



October 1973 - Jacobs acquired a portion of the former Smith estate, with the intention of developing the land for commercial purposes.

1975 - Jacobs acquired the remainder of the former Smith estate, and he then proceeded to grade the site and build a new car dealership, which covered an unspecified amount of that property. Whether or not Jacobs was aware that the land he had acquired had once been traversed by the defunct irrigation system is unknown, but in doing this construction he had filled in and paved over a significant portion of the ditch, which evidently ran through a substantial portion of the area that he had just built his business upon.

1977 - The existence of the irrigation system came to the attention of Jacobs, if he was not already aware of it, when 3 shares of stock in the extinct company were assigned to him. For unknown reasons, at this time Northwest elected to assert ownership of the portion of the ditch passing directly under the site of the business that had been built by Jacobs, suggesting that it was preparing to restore the ditch, which would presumably require Jacobs to relocate his business. Jacobs apparently refused to agree that Northwest held any rights to the property that he had acquired, so Northwest filed an action against him, seeking to quiet its title to the location of the former ditch running through the Jacobs property.

Northwest argued that the 1898 quitclaim deed from Smith had conveyed fee ownership of the portion of the ditch in question to the ditch company, based upon the language of that document, because every conveyance is presumed to be a conveyance in fee, unless the contrary is clearly indicated on the face of the document, so Northwest, as the successor to the ditch company, owned a strip of land passing through the Jacobs property, and therefore held the right to excavate and rebuild that portion of the ditch. Jacobs argued that the 1898 quitclaim deed had envisioned only the creation of a right-of-way, which was intended to serve the needs of the ditch company, only so long as the ditch functionally existed, and the deed had therefore created only an easement, because every conveyance of a right-of-way is presumed to represent an easement, since an easement is all that is required to operate a right-of-way, so Northwest had never acquired any land lying anywhere within the boundaries of his property. The trial court ruled that the 1898 deed had created a strip of land that was owned in fee by the ditch company, which had passed to Northwest prior to the acquisitions that had been made by Jacobs, so he had built his new business on land that he did not own, quieting fee title to the platted strip running through the Jacobs property in Northwest.

There was no question that Jacobs had legitimately acquired whatever remained of the former Smith estate at the time of his acquisition, and no question that Northwest had legitimately acquired any lands that the ditch company had ever acquired in fee, so this controversy presented a genuine title conflict, rather than a dispute over location, because both parties were claiming title in fee to land that was known and agreed to lie within the boundaries of the former Smith estate. Northwest made no claim of ownership based on any adverse or prescriptive theory, choosing instead to stand entirely upon the strength of the 1898 deed to the ditch company, so the sole question for the Court was whether or not Jacobs had actually acquired ownership of the entire Smith estate, and the answer to that question was completely dependent upon the Court's interpretation of the true meaning of the 1898 Smith deed. In approaching this very specific and decisive issue, the Court was highly



cognizant that the document that had been signed by Smith in 1898, as the grantor, was just one of many such documents that had actually been prepared by the ditch company for its own purposes, so this case presented an example of the role reversal that often applies to systematic acquisitions of land rights, in which the grantee takes the responsibility for the document preparation away from the grantor. The legal effect of this scenario is highly significant, the Court realized, because the party who actually prepared the documents of conveyance, and selected the operative language that was used therein, always bears the serious burden of correctness, completeness and clarity in doing so, and in this instance, the ditch company, as the motivating party, had voluntarily taken on that responsibility, thereby leaving Smith in the shoes of the innocent party, although he was the grantor. The Court was also fully aware that the ditch company, as a corporation, was presumably comprised of land rights professionals, while Smith was merely a typical land owner, presumably without such knowledge, so for these reasons, the general rule that conveyances are to be construed in favor of grantees was effectively set aside by the Court and was not in play, as the Court proceeded through a very detailed analysis of the legal implications of the deed language that had been used in 1898. Given this perspective on the part of the Court, along with the equitable considerations, which obviously stood strongly in favor of Jacobs, since allowing the result in Northwest's favor to stand could potentially lead to the demolition of the new car dealership that had just been erected by Jacobs, the outcome of this case is not surprising, but the many important factors cited by the Court in performing its analysis of this deed are particularly insightful and noteworthy. Quoting several statutes relating to deed interpretation, all of which actually represent codifications of common law principles that had been adopted or established by the Court in making earlier decisions, and also citing cases from Colorado, Minnesota and North Dakota on the topic of easements, the Court dissected the 80 year old document with the stated objective of ascertaining its true intent:

“Smith executed and delivered a quitclaim deed ... as follows: "Smith ... party of the first part ... do hereby grant, remise, release and quitclaim unto the said party of the second part, its successors and assigns forever, all his estate, right, title, interest, claim, property and demand of ... A strip of land not exceeding forty feet in width following the course of the survey of the Iowa Irrigation Ditch Co. as shown by the recorded plat thereof across Lot four Section five ... to be used as a right-of-way for an Irrigation Ditch ... to have and to hold the same together with all the hereditaments and appurtenances thereunto" ... The paramount rule of construction is the intention of the parties ... a fee simple title is presumed to be intended to pass by a grant of real property unless it appears from the grant that a lesser estate was intended ... right-of-way ... usually indicates only an easement or a right of passage ... the instrument should be construed as conveying an easement unless the instrument, considered as a whole, indicates that the parties intended the passage of fee title ... consideration must be given to the situation and circumstances ... the type of interest which best serves the manifested purpose ... and how the parties to the conveyance, or the heirs or assigns, have treated the property ... The resolution of the problem involves ... the particularity of the description ... precision of the description of the strip of land is lacking and is much more indicative of a grant of easement than a fee ... The recorded



plat referred to in the deed shows only the location of a single line ... The plat ... does not indicate the width or final location of the proposed ditch ... The line on the survey is not designated as the center line ... Easements do not require a definite statement of their width, dimensions, or exact location ... conveyance of fee title, however, requires a reasonable certainty of the boundaries .. "across" or "over" is considered to be evidence that an easement was intended ... The indefiniteness of the location of the strip could allow the corporation to deviate from the course of the original construction as might be necessitated by future events ... These factors and the public policy discouraging separate ownership on narrow strips of land require reversal ... the Smith-Iowa Ditch deed only conveyed a right-of-way easement."

Most states allow even those conveyances that are made for a very narrowly limited purpose, such as a ditch right-of-way, to be made in fee, if the evidence indicates that was the true intent of the conveyance, classifying such deeds as having created a limited fee interest, in accord with the stated purpose of the acquisition. As can be readily seen however, with it's ruling in this case, the Court placed great emphasis on the presence of the term "right-of-way" in the deed at issue, and in the absence of the word "fee", the Court deemed it appropriate to allow this reference to the acquisition as being a right-of-way to dictate the substance of the conveyance, on the primary basis that there is no absolute need or reason to transfer a fee interest in land in order to operate a right-of-way upon it. After acknowledging the validity of the notion that every deed presumably represents a fee conveyance, which had been relied upon by the trial court, the Court then swung the pendulum to the opposing side, by applying the equally valid legal presumption that every conveyance of a right-of-way represents an easement, so the former presumption, which had operated in favor of Northwest, was overcome by the latter presumption, operating in favor of Jacobs. Having established that the applicable presumption at law stood in favor of Jacobs, the Court then scrutinized the evidence, looking for any factor that could overcome that presumption, and finding none, reversed the lower court decision in favor of Northwest, quieting the title of Jacobs as requested by him. The 1895 plat was directly in focus, having been cited in the deed, but the Court observed that it provided no support for the fee conveyance argument made by Northwest, since it did not properly identify any defined boundaries, leaving the location, the width and the acreage of the alleged fee strip through the Smith property unclear. Characterizing the platted route as "indefinite", despite the fact that the route had been marked on the ground during an actual survey, the Court indicated that this method of acquisition had allowed the ditch company to potentially alter the route, when subsequently digging the ditch, noting that such variability of location could not be tolerated in a fee conveyance. A fee transfer, the Court stated, requires "reasonable certainty" of location, while a minimally described location, such as the one shown on the plat in question, is perfectly acceptable for the creation of an easement, because an easement represents only a right of use, and not land itself, as does a fee conveyance. The position taken here by the Court, closely tying the element of location to the scope of the rights being conveyed, clearly illustrates that the level or degree of necessity associated with any given land use can become a potentially vital factor in assessing the nature of the land rights that are acquired by means of any given deed, in which reference is made to any particular use or purpose, for which the land described is being conveyed. To the same effect, the Court also



determined that the use of any words such as "upon", "over", or "across" in a description will be presumed to be indicative of an intention to merely use the land, as opposed to an intention to possess it, which necessarily makes such an acquisition an easement by definition. In conclusion, the Court announced its recognition of the widely accepted legal concept that the existence of strips of land owned in fee is contrary to progressive land use policy, which favors the treatment of any given right-of-way as an easement, and this policy is equally applicable to deed exceptions and reservations, constituting a very powerful and important factor in litigating controversies over strips of land in that context as well, which we will encounter in reviewing later cases. The vital lesson here for surveyors is that the "situation and circumstances" associated with a conveyance are always legitimate factors in deed analysis, if not dictating the outcome, at least guiding the interpretation of the controlling language, and inevitably prevailing over any technicalities that may appear, so even a deed that states "grant, remise, release and quitclaim ... to have and to hold" may not convey the described location in fee.



Photo by: James Karrels



National Trig-Star Committee Selects Winners of the National Trig-Star and Teaching Excellence Awards

The National Society of Professional Surveyors (NSPS) is pleased to announce the recipients of the 2021 Richard E. Lomax National Trig-Star Awards. The Trig-Star committee met on July 23, 2021 to determine the three top high school students from the national examinations submitted by state winners. This year there were twenty state winners submitted.

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

FIRST PLACE



\$2,000 Rohit Dasanoor
Revere High School
Richfield, Ohio

SECOND PLACE



\$1,000 Mary Meyer
Andale High School
Andale, Kansas

THIRD PLACE



\$500 Kendall Sutton
Liberty Ranch High School
Galt, California

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

\$1,000

Joanne Gillette
Revere High School
Richfield, Ohio

\$500

Janelle Geist
Andale High School
Andale, Kansas

\$250

Katie Sutton
Liberty Ranch High School
Galt, California

The following is a list of the remaining participants:

Junzheu Jiang, Connecticut
Brandon Dong, Colorado
Shakira Cruz Lopez, Delaware
Kenneth Holdman, Illinois
Davis Trumm, Iowa
George Barsan, Kentucky

Sean Williams, Maine
Javid Garcia, Michigan
Kyle Miller, Montana
Noah Gersich, Minnesota
Daniel Dickey, Missouri
Evan Rosenblatt, New Hampshire

Abby Post, North Dakota
Phong Le, South Carolina
Ethan Jones, Texas
Nolan Smith, Utah
Qingyne Li, Vermont





National Trig-Star Committee Selects Winners of the National Trig-Star and Teaching Excellence Awards

The National Contest participants completed a questionnaire which was submitted along with their completed test. The questions relate to the participants high school achievements and interests, college aspirations, and career goals. The following responses were received to two of the questions posed:

What have you learned from this experience with Trig-Star? Would you recommend this for other students to experience?

- I've learned that surveying is an interesting & sometimes engaging task: I would recommend it to other students certainly.
- I experienced the practical math. Since it will help students understand better what the purpose of learning math is. Of course, I will recommend.
- I learned a lot with Trig-Star. Before doing it, I did not know much about Trigonometry, just the basic right triangle stuff. Trig-Star allowed me to learn more about Trigonometry and to think more outside the box. I would definitely recommend this for other students to experience.
- Trig is very useful and appears in our daily life. Need to think outside the box and I had a lot of fun solving these trig problems. I highly recommend this to other students; it is fun to solve these problems.

Have you ever thought about a career in surveying and engineering?

- I have thought about a career in surveying as one of my options. I am looking into architecture or an engineering degree.
- Yes, it has crossed my mind and is now a backup plan.
- Prior to the test I had only ever considered engineering, however surveying does sound interesting.

For more information about the NSPS awards and scholarship programs, please contact NSPS, 5119 Pegasus Court, Frederick, MD 21704, (240) 439-4615, e-mail: Trisha Milburn at trisha.milburn@nsps.us.com, or visit the NSPS web site at www.nsp.us.com.





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 Fees for Out-of-State Member (\$145) do not include NSPS membership. In-State Life Members have the option of selecting NSPS membership (\$65)

Member:

- a) Any person licensed to practice the profession of surveying, according to state or provincial statutes;
- b) A GS-1373 employee classified as a Land Surveyor or Supervisory Land Surveyor;
- c) An academician holding a bachelor's or higher degree and the rank of assistant professor or higher rank and teaching in an ABET accredited or a state land surveying registration board surveying program;
- d) A practicing surveyor or surveying teacher who has attained a minimum of six years experience in responsible charge of surveying activities or four years of education and two years of experience may submit credentials for consideration.

LSIT:

Any person who has successfully completed the LSIT examination according to state or provincial statutes.

Technician:

Any person who has successfully completed any level of the Certified Surveying Technician program as administered by and through the National Society of Professional Surveyors.

Associate:

a) Pre-Professional: Any person who by their employment is actively engaged in a program leading to a career in the profession of surveying;

b) Subscriber: Any person with an associative interest in Surveying whose qualifications do not meet the requirements of Member, LSIT, or Technician.

*Student:

Any person who is a full-time student studying surveying or related fields.

Sustaining:

Any person or organization, either individuals, partnerships or corporations, who or which are engaged either in the manufacture or distribution of surveying instruments, equipment or supplies, or in the compilation or reproduction of maps, or in the performance of services for land surveyors.

Life Members:

Any person who has attained 60 years of age and has retired from active practice as a land surveyor and who has paid dues for each of the nine years preceding and also in the year which he or she attained such age or so retired, whichever is later.

Signature of Applicant

Date

I certify that I qualify for the class of membership I have applied for as outlined below.

*Signature of Faculty Member (required for students)

Date

I certify that the applicant is a full-time student. (12hrs or more)

Institution

Send complete application & payment to: SDSPLS - 444 St Joe St - Spearfish, SD 57783
 (phone) - 605-645-5128 • (email) - DirectorSDSPLS@hotmail.com

Benefiting Members and the Surveying Profession

The National Society of Professional Surveyors has an active government affairs program that protects the interests of the surveying and mapping professions in the federal legislative and regulatory arenas. Working with a government affairs consultant, NSPS monitors federal government activities that may be of interest and concern to our members. The consultant works closely with members of the NSPS Government Affairs Committee and our Executive Director to represent members' interests before Congress and Executive Branch Agencies.

Plus, we offer members these professional benefits:

Advocacy Programs

- Political Action Committee Jefferson Club (*contact NSPS to learn more*)
- Assistance on state-specific matters
- Other geospatial organizations, such as the International Federation of Surveyors (FIG) and the Coalition of Geospatial Organizations (COGO)

Education

- ABET-Lead Society for surveying/geomatics program evaluation for accreditation
- Scholarship Program: 15 annual awards

Licensing / Standards

- NCEES – Participating Organizations Liaisons Council
- ALTA/NSPS Land Title Survey Requirements
- NSPS Model Standards

Outreach Opportunities

- Trig-Star
- Boy Scouts Surveying Merit Badge
- National Surveyors Week
- Getkidsintosurvey.com
- Beasurveyor.com

Certification Programs

- Certified Survey Technician Program
- Hydrographic Certification opportunities
- Certified Floodplain Surveyor
- Certified Federal Surveyor

News and Networking

Check Out the NSPS Newsletter and Podcast

Sign up for the weekly email newsletter by visiting multibriefs.com/briefs/NSPS and clicking "subscribe." Listen to the Surveyor Says! podcast on Spotify, iTunes, and Google Play, or by going to surveyorsays.podbean.com.

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Member Discount Programs



Apparel

Buy NSPS apparel through Lands' End, including tops, bottoms, outerwear and accessories.

- business.landsend.com/store/npsinc

Insurance

NSPS Endorsed Program

- Assurance Risk Managers
- 888-454-9562
- arm-i.com/nps.html



Individual Life & Health Insurance

- Mercer Consumer
- 800-424-9883
- nps.insurancetrustsite.com

Group Health

- Mass Marketing Insurance Consultants
- 800-349-1039
- mmicinsurance.com/NSPS

Dell Computers

Get 40% off computer products, electronics and accessories.

- nps.us.com/page/Dell

Travel Discounts

NSPS members qualify for a Member Travel Discount Program through Localhospitality, which applies to hotels and car rentals.

- Go to: nps.us.com
- Click "Membership"
- Click "Member Travel Discounts"
- You must sign in to search

PerksConnect Program

PerksConnect saves you money on dining, retail, auto and home services, pet needs, health, fitness, recreation, entertainment and more. To sign up, go to:

- Discounts.perksconnection.com
- Click "Activate account now"
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Save 10% on your order! Go to tirebuyer.com/nps and apply the coupon code that appears in the pop-up window.



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