

May 2019

BACKSIGHTS & FORESIGHTS



**Education is the most powerful weapon
which you can use to change the world.**
-Nelson Mandela

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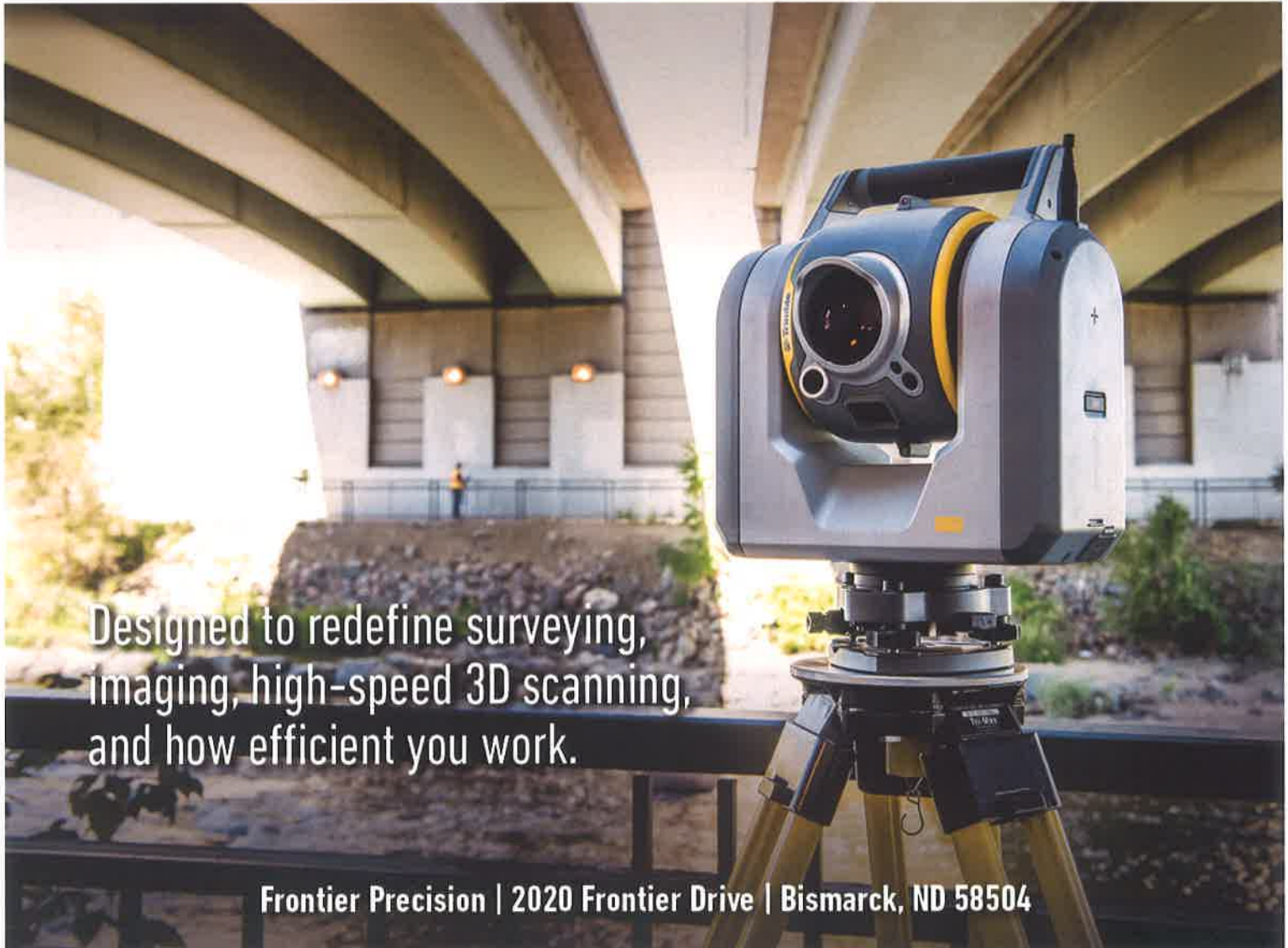


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PUBLICATION DEADLINES

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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FROM THE PRESIDENT – LINDA FOSTER, PLS

As I sit looking out the window while writing this update, I marvel at the snow continuing to fall. Wow- what a winter! Rebecca and your Board of Directors have been busy since the writing of the last President's report. Planning is underway for the 2020 annual convention. If there are specific topics you'd like to see included in the convention, which is scheduled to be in Chamberlain, SD, please reach out and let one of us know. For those of you itching for a change in venue, other options are being explored for the 2021 convention. Stay tuned for updates.

Most of you are aware that the 2019 legislative session was a busy one for us. Every indication is that 2020 will be busier. We have a committee formed and working on a proactive approach to what lies ahead rather than waiting and being in a reactive state once session has started. More to come on this. We'll be reaching out to Chapters as well as the general membership for help as we move forward.

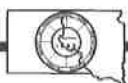
There are big changes coming with the NGS's 2022 datum updates. The SDSPLS board has agreed to be the primary point of contact with the NGS for South Dakota's efforts. There is a group that is starting to work on this in greater detail and we will be sharing updates with you as it progresses. If you are interested in participating in this effort, please contact me or Rebecca and we'll get you involved.

There is still movement on the corner record system. At this time, the attorney for the State of South Dakota is still reviewing the legal aspects of what we are proposing so he can help guide the process forward.

We've had some activity this spring with members of the Society getting out in front of young people and sharing what it is we do. School is out for now, but please consider spending a few hours with a scout troop, 4-H club or other youth group introducing them to land surveying. Fall will be here before we know it and I'm sure there will be more opportunities to get out into the schools too. Summer will be here soon, (I hope), so be safe out there!



Linda M. Foster, PLS
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“Lucky Lindy” visits South Dakota

“A president of the United States, the most adored movie star in filmdom, Babe Ruth, Jack Dempsey – all gathered here together could not have attracted half the crowd nor a millionth of the cheering that greeted Colonel Charles A. Lindbergh in South Dakota today,” stated an article in the Sioux Falls Daily Argus-Leader on Saturday, Aug. 27, 1927.

An estimated 30,000 people packed together on an airfield near Renner to see the aviation legend and his airplane, the “Spirit of St. Louis.” Lindbergh had left Fargo, N.D., that morning. En route to Sioux Falls, he circled Aberdeen, Redfield, Huron and Mitchell, allowing people in those communities a glimpse of the famous plane. A canvas bag containing a message from Lindbergh was dropped from the plane in each community, expressing regret for not having the time to stop and encouraging public support for continued airmail service and the construction of airports.

The “Spirit of St. Louis” landed at the Renner field precisely at noon as scheduled.

After a five-minute meeting with the reception committee, Lindbergh was driven around the fenced-off landing strip in a convertible, much to the delight of the crowd.

Lindbergh's speech during the 30-minute program promoted commercial aviation throughout the United States.

Lindbergh's non-stop flight from New York to Paris over the Atlantic Ocean on May 20-21, 1927, had rocketed him to stardom. Lindbergh departed from New York in the “Spirit of St. Louis” on a nationwide tour of the United States on July 20, 1927. The tour was the result of a meeting between Lindbergh and multimillionaire and aviation enthusiast Harry Guggenheim. They decided that Lindbergh would make a three-month tour of the United States, paid for by a fund Harry and his father, Daniel, had established earlier to encourage aviation-related research.

Lindbergh and the “Spirit of St. Louis,” together called “We,” were accompanied on the tour by a plane carrying a representative of the Daniel Guggenheim Fund of the Promotion of Aeronautics and the United States Department of Commerce.

From Renner, Lindbergh flew off in the “Spirit of St. Louis” at 1 p.m. to Sioux City, Iowa, where he spent the night.

Sept. 1 was intended to be a day of rest in Denver, Colo., for Lindbergh. Instead, Harry Guggenheim sent a telegram to Pierre Mayor John E. Hipple stating that Lindbergh had “expressed a personal desire to spend the day of September first in your city. Can you arrange to take care of his time.” Hipple consulted with others before accepting the request.

Pierre had no airfield where Lindbergh could land, according to “Pierre Since 1910” by Harold Schuler. A landing site was prepared about three miles north of Pierre, on the south slope of Snake Butte.

About 3,500 people were on hand when the “Spirit of St. Louis” touched down at 3:59 p.m. on Sept. 1, one minute ahead of schedule. The Capital City Band played, and cheers went up as Lucky Lindy stepped out of the plane. After a drive around the airfield, the car bearing Lindbergh headed to Pierre for a drive through the city's main streets. Hipple and his wife, Ruth, hosted a supper for Lindbergh and other guests at their home.

About 5,000 people were waiting in front of the Capitol that evening to hear Lindbergh speak. He explained that he decided to come to Pierre because he wished to give people in that part of the country the opportunity to see the plane that flew across the Atlantic Ocean.

Lindbergh briefly attended a dance in the city auditorium before returning to the Hipple home to thank the Hipples for their hospitality. He then went to the Saint Charles Hotel to retire for the evening.

Several hundred people were on hand the next morning to witness the 9:30 departure of the “Spirit of St. Louis” for Cheyenne, Wyo., where Lindbergh would spend the night.

“Once in the air, Colonel Lindbergh banked his plane sharply and returned to give a short display of stunt flying ... Suddenly, the silver ‘Spirit of St. Louis’ headed toward Pierre to give a farewell greeting to the people here,” stated an article in the Sept. 2, 1927, Pierre Daily Capital Journal.



En route to Cheyenne, the “Spirit of St. Lewis” flew over Philip, the State Game Lodge in the Black Hills where President Calvin Coolidge was spending the summer, Rapid City, Spearfish and Deadwood. The “Spirit of St. Louis” did not fly over Lead, but the plane could be seen from the Ellison dumps, according to the Lead Daily Call. Messages from Lindbergh were dropped in communities.

Historical markers both at Renner and Pierre commemorate Lindbergh's visit to South Dakota.

Flying the “Spirit of St. Louis,” Lindbergh touched down in what at that time was all 48 states, visited 92 cities, gave 147 speeches and was seen by millions before the tour ended back in New York on Oct. 23, 1927, according to the website about Lindbergh operated by the Spirit of St. Louis 2 Project.

Airmail usage exploded as a result of the tour, and the public began to view airplanes as a viable means of travel, according to Air Force historian Richard P. Hallion.

This moment in South Dakota history is provided by the South Dakota Historical Society Foundation, the nonprofit fundraising partner of the South Dakota State Historical Society at the Cultural Heritage Center in Pierre. Find us on the web at www.sdhsf.org. Contact us at info@sdhsf.org to submit a story idea.



Photo Credit: Beau Koopal

TRIG-STAR WINNERS



1st PLACE

- Logan Langenfeld of Spearfish

2nd PLACE

- Aidan Justice of Douglas

3rd PLACE

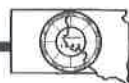
- Megan Achbach of St. Thomas More

4th PLACE

- Katherine Achbach of St. Thomas More



Students interacted with the Augmented Reality Sandbox as they exited the testing room. There were 36 participants.



The Land Surveyor's Guide to the Supreme Court of South Dakota – Part 26 – 1950 to 1952

This article represents the twenty-sixth in a series of excerpts from a book prepared by South Dakota licensee Brian Portwood. The complete book can be obtained in PDF form by double clicking on the link in the lower left portion of the SDSPLS Homepage. 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.

Does natural drainage represent an easement?

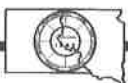
Kougl v Curry (1950)

Although prescriptive rights and principles have been referenced several times in reviewing previous cases, such as the 1929 Howe case, in the context of adverse possession, and they have also been relevant in some relatively rare right-of-way cases, such as the 1923 Serry case, it was not until this time that the Court had occasion to squarely and fully address some of the most important aspects of the concept of prescription. Because the Court has typically exercised the concept of dedication by implication to support public access needs, as demonstrated by many cases that we have reviewed, and because the existence of the section line right-of-way minimizes the occurrence of private access controversies, a case which resulted from a dispute over drainage rights, was destined to provide the best opportunity for the Court to express its perspective on the applicability and significance of prescription. In addition to the somewhat unusual subject matter of this case, it also illustrates how an easement can be extinguished by physical acts involving visible objects of a permanent character, which represents an uncommon but legally valid additional means by which land rights can be terminated, distinct from either vacation or abandonment. Two earlier cases centered upon land rights pertaining to drainage, which set the stage for the case that we are about to review, may be worthy of note at this juncture, the first being the 1917 case of Thompson v Andrews. In that case, the litigants were owners of large adjoining tracts that had long been in typical agricultural use, and the land of Andrews was higher in elevation than that of Thompson, so surface water had always drained from the Andrews tract onto the Thompson tract, but after a few years of unusual rainfall Thompson apparently became aggravated by the increase in the amount of water draining across his land and filed an action against Andrews, maintaining that water draining from his land had damaged Thompson's land. Holding that every upper tract has a natural drainage easement over every adjoining lower tract, the Court reversed a lower court ruling in Thompson's favor, formally adopting the natural drainage concept into South Dakota easement law. In so doing, the Court held that any natural channel, swale

or slope can represent a drainage easement, which cannot be legally obstructed by the owner of any lower tract without compensation to the owner of the upper tract. It very quickly became apparent however, that some restrictions upon the use, and the potential abuse, of such natural drainage easements would be necessary, and in 1918 in Venner v Olson, the Court began to put such limitations in place. In that case, Olson owned land containing an entire meandered lake, and he decided to drain it onto the adjoining lower land of Venner, thereby flooding the Venner property, upon which Venner filed an action against Olson for damages. Reversing a lower court decision that upheld Olson's act as a legitimate use of his natural drainage rights, the Court stated that the lake constituted a natural drainage basin, with no natural outlet, so Olson had no right to arbitrarily dispose of any such water by dispersing it onto Venner's tract, as he had done, declaring that Olson was liable for the flooding of Venner's land. In a number of subsequent cases the Court has invoked or approved other logical and reasonable limitations upon the natural drainage principle, particularly in urban locations, where original ground elevations have been substantially altered by grading, in connection with various construction activities, effectively disrupting or obliterating natural drainage patterns, yet aside from such restrictions natural drainage has remained a valid land right in South Dakota.

Prior to 1916 - A drainage district, which covered an unspecified portion of Union County, was formed, and ditches were built in strategic or convenient locations to facilitate more efficient drainage of the agricultural lands in the area. One such ditch was built along the east line of a certain Section 7, to carry off surface water draining from the west, since the natural slope of the land in that section was evidently from west to east. Who owned the various parts of this section at this time is unknown, but it was apparently all in regular productive use as cropland, and Curry's father was farming part, if not all, of the north half of the section as a tenant.

1916 - The owners of all of the land in Section 7 got together and decided to try to improve the drainage within that section, resulting in an agreement to mutually construct a dike running between the north and south quarter corners, with a ditch along the west side of the dike to carry the water draining over the surface from the west on to the north and the south section lines, where other existing ditches would carry it on to the new ditch running along the east line of the section. The new dike and ditch were then built running through the center of the section, and put into use, and no one ever took issue with the location of the dike, so it was evidently built on the actual quarter section line as intended. By this time, Curry's father had evidently acquired the southwest quarter of the northeast quarter, and he was farming that area, but he was no longer using any of the other portions of the north half of the section that he had formerly farmed.



area, but he was no longer using any of the other portions of the north half of the section that he had formerly farmed.

1917 to 1923 - The new drainage pattern that had been put into effect in Section 7 evidently worked satisfactorily and no issues relating to drainage arose during this period.

1924 - For unknown reasons, Curry's father was asked, by some unknown party or parties, presumably the owner or owners of the northwest quarter of Section 7, to sign a disclaimer of interest in that quarter, and he did so. There is no indication that any boundary dispute existed, so this disclaimer was presumably intended only to clarify and confirm that Curry's father no longer held or claimed any rights related to his former occupation and use of the northwest quarter under his agricultural lease, which had expired in 1915.

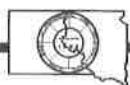
1925 to 1943 - At an unspecified time during this period, Curry evidently inherited his father's quarter quarter, and he went on farming it just as his father had. The use of the rest of the land in Section 7 continued without incident throughout this period, and all of the property owners were apparently satisfied with the existing drainage system. At an unspecified time however, presumably near the end of this period, Kougl acquired the entire northwest quarter of the section, and at about that time the drought which had persisted throughout the 1930s finally ended, so the conditions on the ground became distinctly wetter. Kougl apparently became unhappy with the fact that excess water tended to accumulate in the east half of his quarter, because the natural slope of the land, to the north and to the south, was evidently too slight to carry off all of the water from his quarter by means of the ditch running along the west edge of the dike that had been built in 1916.

1944 - In order to allow unwanted surface water to drain directly eastward out of the northwest quarter, following the natural slope of the land, Kougl dug several holes in the dike along the west line of Curry's quarter quarter, but Curry immediately rebuilt the dike. Kougl then filed an action against Curry, seeking to have his right to utilize the natural slope of the land to shed the surface water from his property confirmed, and to have the dike declared to be an illegal impediment to his right to maintain the natural drainage pattern.

Kougl argued that the construction of the dike had represented an illegal act, since the dike prevented him from exercising his right to benefit from the natural slope of the land, which would enable him to drain excess surface water off his land by allowing it to run to the east across the land owned by Curry, if the dike were not there. Kougl further argued that when Curry's father signed the disclaimer relating to the northwest quarter of Section 7, he had sacrificed his right to block the flow of water from the northwest quarter onto the Curry property, either

through the use of a dike or by any other means, so Kougl had the right to demand that the dike be removed, in order to allow his land to drain in the natural manner to the east without restriction. Curry did not maintain that the dike was legal, he acknowledged that it may have originally represented a violation of the natural drainage rights that were held by the owners of the west half of the section in 1916, but he argued that since the dike had remained intact for over 20 years, the natural drainage easement claimed by Kougl had been destroyed by the dike, by prescriptive means. Curry further argued that his father's disclaimer bore no relation to the dike or the drainage pattern, and related only to potential rights of ownership and possession of the land lying within the northwest quarter, so he had acquired the right to maintain the dike in its existing location, and Kougl had no right to damage or disturb the dike in any way. The trial court found that the existence of the dike had been adverse to the rights of Kougl and the previous owners of the northwest quarter, and the presence of the dike had therefore destroyed the natural drainage easement relied upon by Kougl, which had previously existed as an appurtenance the northwest quarter, so Kougl had no right to interfere with the dike, since he no longer had any right to drain any water onto Curry's land.

While there have been relatively few prescriptive road and prescriptive access easement cases in South Dakota, presumably due to the Court's tendency to employ the principle of dedication by implication rather liberally, making many prescriptive road claims unnecessary, a fairly high percentage of all South Dakota prescriptive easement cases, like this one, have been generated by issues resulting from concerns over irrigation structures and drainage problems. This case has been subsequently treated by the Court as having established the standard for the application of the basic principles of prescription, even though it is not a truly typical prescriptive easement case, because it involves the destruction of an easement by means of prescription, as opposed to the creation of an easement by means of prescription, which is generally far more commonly seen, since the Court is decidedly more receptive to the creation of rights than the elimination of rights, as demonstrated by our last previous case. The concept of prescription in general, much like adverse possession, exists to support land rights that are either entirely undocumented, or are directly contrary to all existing documentation, but while adverse possession is expressly focused upon the subject of fee title and ownership of land itself, the concept of prescription is expressly targeted at dealing with rights that stem from uses of land that do not rise to the level of fee ownership, which are therefore classified as easements. Prescriptive rights theoretically emanate from an agreement of some type, typically made in the distant past, which was either undocumented or improperly documented, making the subsequent use of the land adverse in nature, due to the absence of any written evidence of that agreement, and

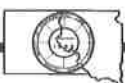


this is known as the "lost grant theory", upon which prescription, as it was originally applied in the United States, was predicated. Also much like adverse possession however, the use of prescriptive principles in our country broadened and expanded during the nineteenth and twentieth centuries, through judicial use of prescription as a tool with which to support the creation of permanent land rights, in cases where the use at issue was not of a magnitude or scope sufficient to justify adverse possession, through the creation of easements, while leaving the fee ownership of the underlying land in the possession of the owner of record. So prescription is applicable, and potentially decisive, the Court understood, in all controversies that are centered upon the use of land, as opposed to the ownership of land, such as the scenario presented by this case, in which Kougl was asserting existing easement rights that were originally appurtenant to his land, making it the dominant estate or tenement, and Curry was seeking to prevent any use of his land, which represented the servient estate or tenement, by Kougl. The existence of the natural drainage easement claimed by Kougl, when the dike was built, was undisputed in principle, but dikes and ditches that are systematically constructed, such as those defended here by Curry, are presumed to have been built with the intention of being permanent in character and in location, therefore any detrimental conditions created by them are patently adverse to the interests of any parties whose land is impacted by such construction, as the Court explained:

"lower property is burdened with an easement under which the owner of the upper property may discharge surface waters over such lower property ... defendant's property was originally subject to a servitude to receive surface waters from plaintiff's property ... the embankment ... has stood there as a constant, open and notorious barrier to the natural flow of water since 1916 ... the right to be free from the flow of surface waters may be acquired by ... prescription ... An easement is extinguished by a use of the servient tenement ... if the use is adverse ... for the period of prescription ... twenty years ... use which is permissive is not adverse and will not ripen into a prescriptive right ... The levee was constructed by agreement ... as a part of a permanent system of drainage. A use under such an agreement would not be in any sense in subordination to the proprietor of the dominant tenement and therefore would not be permissive ... unmolested use of land for a period of time sufficient to acquire an easement by adverse use will be presumed to be under a claim of right. The owner of the servient estate ... has the burden of rebutting this presumption by showing that the use was permissive ... We apply these principles ... in determining whether an easement has been

extinguished ... the embankment ... was wholly and completely inconsistent with the right of the proprietors of the dominant tenement ... it interposed a solid barrier to such drainage. That use is presumed to be ... adverse ... the essentials in the creation and in the extinguishment of easements by prescription are not fundamentally different. In both cases the use must be adverse ... the natural servitude has been extinguished by prescription."

Any use of land that is inconsistent with the rights of the land owner, the Court indicated, represents a potentially adverse use, and the same principle that applies to the typical occupation of a house, farm or ranch as living quarters and yard or other surrounding grounds by an adverse possessor, applies equally well to any use of land in the manner of an easement, or to any use that prevents the use of an existing easement by its legal holder, as seen in this particular instance. The predecessors of both Kougl and Curry had participated in the creation of the dike along the quarter section line, the Court recognized, and it had never been breached prior to the arrival of Kougl, who had very clear physical notice of its existence, by virtue of its presence along his boundary, at the time he acquired his land, so any opportunity he may have had to successfully protest the effect of the dike on his land had passed, and his surface drainage easement had been lost. The Court was unsympathetic to Kougl's claim that he had never abandoned the natural drainage easement, so he had the right to assume that he could still use it whenever he wanted to use it, because abandonment was not in play, since the only physical objects involved were the dike and the ditch along the boundary, and neither of them had been abandoned, making the point that in adverse and prescriptive rights cases, the result is determined solely through the acts of the adverse claimant, and not those of the record owner of either the land or the easement at issue. The Court was likewise unimpressed with Kougl's suggestion that the dike in question had existed only through his own personal sufferance or permission, since it was obvious that he was not even present on the land until many years after the dike was built, and permission that is not granted until after a given use of land has commenced accomplishes nothing, because the adverse party, having already put some portion of the land of the record owner into use, has no obligation to accept such permission that comes after the fact. Once an adverse use has commenced, the continuation of that use represents an ongoing claim of right, the Court stated, openly set forth by the adverse party, providing physical notice to the owner of record, who must then effectively cause the use to actually cease, in order to successfully prove that the use being made by the adverse party has been interrupted and the statutory clock has been reset. A party who acknowledges that his use of land is subordinate to the owner of record, the Court noted, during the prescriptive period, before any rights are



thereby created, destroys his own opportunity to establish any permanent right, and cannot successfully claim to have acquired any prescriptive rights, but neither Curry nor his father had ever done so, therefore Kougl had no means by which to show that the use of the dike by Curry was a use that had been made in submission to any owner of the northwest quarter. Holding that any use of the land of another, such as that made by Curry in maintaining the dike along the quarter line, that endures for the 20 year prescriptive period, must be presumed to be adverse, the Court fully upheld the decision of the lower court, terminating Kougl's surface drainage easement. In so ruling, the Court had joined the majority of western states in adopting the position that long standing use of land places a heavy burden of proof upon the owner of the land that is being used by another party, requiring the owner of record to present definitive proof that he actually gave the adverse claimant permission to use his land, and that his permission was acknowledged and accepted, in order to prevent adverse or prescriptive rights from developing to fruition.

Is implied dedication applicable to alleys?

Edmunds v Plianos (1952)

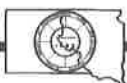
Returning to the topic of dedication, here we examine another case that demonstrates the willingness of the Court to accept extrinsic evidence which supports public land rights in an urban setting, when the language used in deeds that were composed by long deceased parties leaves their true intentions unclear. Again in this instance the principal operative element of justice is the Court's focus upon, and pursuit of, the intent of the original parties, and the Court's respect for valuable evidence of historic use is quite evident, indicating that the Court fully understands and appreciates that subsequent land use is very often the best evidence of ambiguously documented original intentions. To that end, here the Court analogizes extrinsic evidence of dedication to comparable evidence pertaining to boundaries, and expresses its agreement with the position held by most other states, that hearsay evidence is typically admissible in land rights cases, as a means of validating historic land use. By this time, well over half a century had passed since the original settlement of both the frontier and many cities and towns, effectively eliminating any possibility of direct testimony regarding the origin of many land uses, and the Court's position honoring historic evidence relating to both land use and boundaries stands as a judicial acknowledgement of the importance of maintaining the stability of local communities, by upholding the validity of historic land use patterns. Not all evidence of prior use is sufficient to support an assertion of dedication however, and the 1949 case of *Stannus v Heiserman* provides a good example of a scenario in which limited use and evidence pertaining to the origin of the

roadway at issue resulted in an unsuccessful dedication claim. In that case, Stannus owned the east half of a quarter section, while Heiserman owned the west half of the same quarter section, and both of them had ranch buildings in the northerly part of that quarter, but the only existing public roadway in the vicinity ran along the south line of the quarter. A road which had existed for over 40 years meandered southward for nearly half a mile, from the area occupied by the ranch buildings to the public road. This road apparently crossed the boundary between the litigants an unspecified number of times, but the majority of it was located on the Stannus tract, and it had been used consistently by both of the current owners and their predecessors for decades. After a dispute broke out between them, Stannus informed Heiserman that he was no longer willing to allow Heiserman to use the portion of the road on the Stannus tract, but Heiserman claimed that the road was public, so Stannus filed an action against him, seeking a judicial decree that the road was private. The trial court agreed with Heiserman that the road was public, apparently on the basis of evidence that it had also been used by employees of an irrigation company to reach a canal near the north end of the two ranches, and evidence that some grading or repair work had been done on the road by a county employee. The Court reversed that decision however, finding that the work done on the road by the county employee was unauthorized, and that the use of the road to reach the canal was not a genuinely public use. Citing the *First Church* case of 1942, previously reviewed herein, and emphasizing that just as in that case, the evidence indicated that the road at issue had been built at the direction of a predecessor of Stannus, the Court determined that the road in question had never been dedicated by implication, so Stannus was free to exert complete control over his portion of it.

1865 - A certain block in Yankton was platted, lying east of Douglas Avenue and north of Third Street. This block contained 18 typical rectangular city lots, along with a platted alley, and Lots 1 through 9 all fronted 44 feet on the east side of Douglas Avenue and extended 150 feet east to the alley, with Lot 1 being at the north end of the block and Lot 9 being at the south end of the block, abutting Third Street.

1866 to 1872 - Several businesses were evidently opened along Third Street in other nearby blocks during this period, while few if any businesses were opened along Douglas Avenue.

1873 - Burleigh, who was the original owner of all of the platted lots in this block, decided to subdivide Lots 8 and 9, in order to create several small parcels fronting on Third Street, to meet the demand for business property with frontage on Third Street. He created 6 rectangular parcels, each 25 feet in width and 88 feet long, within these two lots, but he did this only through the use of descriptive



language appearing in the deeds that he executed, rather than by creating a new plat or revising the existing plat of this block. At this time, he conveyed one of these 25 foot parcels to Balmat, describing it as "the east half of the west third" of Lots 8 & 9. What use Balmat made of this parcel, if any, is unknown.

1879 - Balmat conveyed her parcel to her son, with the following language added to the description of the parcel: "There being an alley on the north end of said described lot 12 feet wide." Whether or not any actual use had been made of the alley mentioned by Balmat prior to this time is unknown.

1882 - Burleigh conveyed the south 12 feet of Lot 7 to Faulk, but he made no reference to it as being an alley. Whether or not Burleigh conveyed the remainder of Lot 7 or any other land in the block to Faulk is unknown, and what use Faulk made of her land, if any, is also unknown.

1885 to 1887 - The Balmat parcel was conveyed twice during this period, but it remained in the Balmat family. Both of these conveyances repeated the reference to an unplatted alley that had first been made in 1879.

1900 - Faulk conveyed the south 12 feet of Lot 7 to a member of the Balmat family. Whether or not this 12 foot strip was being actively used as an alley at this time by anyone is unknown.

1915 - Douglas Avenue was paved, and an apron was constructed in front of the south 12 feet of Lot 7, to facilitate the use of that strip as an alley by the public.

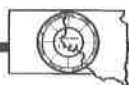
1916 to 1922 - During this period the Balmat property, consisting of the original Balmat parcel acquired in 1879 and the south 12 feet of Lot 7 as well, was still owned by the Balmat family, and it was presumably being used by them for business purposes, although what kind of business they were engaged in is unknown. The unplatted alley situated on the south 12 feet of Lot 7 was apparently in use by this time, but when that use had commenced, how many parties were using it, and how extensively it was being used, are all unknown. What use was being made of the properties surrounding the Balmat property is also unknown, but there were evidently some buildings that were in active use as businesses on some of the lots and parcels in the block by this time.

1923 to 1951 - The Balmat property in this block was conveyed an unspecified number of times, and toward the end of this period it was acquired by Plianos. At an unspecified time during this period, the father of Edmunds evidently acquired one or more parcels in this block, situated in an unspecified location adjoining the Balmat property, and the Edmunds family began using the unplatted alley. There is no indication of how frequently

the unplatted alley was used during this period, nor is there any indication that anyone was aware that it was owned by Plianos, the father of Edmunds apparently used the unplatted alley in the belief that it was public, since other parties were evidently using it regularly on that basis during the latter part of this period. For unknown reasons, after acquiring all of the former Balmat property, Plianos decided to close the unplatted alley, in the apparent belief that he had acquired complete control over it, as the fee owner of the south 12 feet of Lot 7. There is no indication that there was ever any dispute over the actual location of the unplatted alley, or the location of any of the lot lines or parcel boundaries in this block, but the legal status of this alley was evidently unclear to all of the parties. After his father died, Edmunds, acting as the executor of his father's estate, filed an action against Plianos, seeking to have the unplatted alley declared to be public, in order to prevent Plianos from closing it.

Edmunds argued that although the alley in question had never been platted or deeded as an alley, nor had it ever been formally dedicated, the historic use of the unplatted alley by a multitude of different parties represented public acceptance of an offer of dedication of the south 12 feet of Lot 7 for that purpose, which had implicitly been made by the early predecessors of Plianos, therefore a binding dedication of the unplatted alley had taken place decades before Plianos arrived, so he had no right to close the alley at issue. Plianos argued that the evidence of long use of the alley was irrelevant, and could not be properly characterized as acceptance of an offer of dedication, because the only evidence indicating that any offer of dedication of the alley in question had ever been made was hearsay evidence, since none of the original parties, such as Burleigh and Balmat, were alive to testify regarding their actions or their intentions, so he had the right to close the alley and put the 12 foot strip in dispute to other uses of his own preference. The trial court decided that the evidence of a binding common law dedication of the alley at issue by implication was both acceptable and sufficient, ruling that the unplatted alley was public, so even though Plianos owned the south 12 feet of Lot 7 in fee, he could not utilize it for any other purpose.

Three potential issues were framed by the evidence that was presented in this case, the primary issue being whether or not any alley, in addition to the original platted alley, was ever really intended to be created at all, and the secondary issues being where the additional alley was intended to be, and whether it was originally envisioned as public or private, provided that the primary question were to be answered in the affirmative. The documentary evidence alone was entirely insufficient to decisively answer any of these 3 potential questions, as there were no direct references to the alleged alley as being either public or private, and even its location was left highly ambiguous by the existing documents. The fact that the earliest reference



to the alley in question came from Balmat, who was an original grantee of Burleigh, the creator of the subdivision, strongly suggested that some conversation or informal agreement may have taken place between them, after the Balmat parcel was first conveyed in 1873, leading Balmat to believe that Burleigh was planning to create or dedicate an additional alley, somewhere along the rear of the 6 parcels that he had created fronting on Third Street. The description used by Balmat in 1879 however, did not specify whether the alley was located on Lot 7 or Lot 8, or partly on both lots, judging only from the descriptive language that was used by Balmat in 1879, which was merely reiterated in later deeds, the location could just as easily have been intended to be within the north 12 feet of Lot 8, on the Balmat property, as on the south 12 feet of Lot 7, which was still owned by Burleigh, or alternatively, a 24 foot alley may have been intended, consisting of 12 feet on Lot 7 and 12 feet on Lot 8. Though the originally intended location and width of the unplatted alley were both quite indefinite and uncertain, the Court observed, that matter had been settled by the passage of time, as only the south 12 feet of Lot 7 had ever been put to use as an alley, so the location issue required no attention from the Court, and since neither of the litigants had made any argument that the alley was private, the Court had no need to address that issue either, the purported alley was either public, or it did not legally exist at all. Edmunds and his legal team did an outstanding job of amassing both documentary evidence and evidence of actual use, all of which proved to be highly instrumental in convincing the Court that the alley in question had long been acknowledged as being public in character by numerous parties. Edmunds had placed before the Court extensive evidence of a wide variety of events and uses that had taken place within the south 12 feet of Lot 7, including repair of potholes in the alley and the removal of snow from the alley, both performed by the city, as well as use of the alley by city garbage trucks, and the presence of underground gas lines within the alley, which had been installed upon the presumption that the unplatted alley was under the jurisdiction of Yankton. Duly impressed with the evidence diligently assembled by Edmunds, or on his behalf, and quoting in part from several of the earlier common law dedication cases that we have reviewed, as well as comparable cases from California and Georgia, the Court stated that: "In an implied common law dedication ... public use ... for a period much shorter than that required to show title by prescription may be sufficient to prove such intent and dedication ... the issue is whether an intent to dedicate the land to public use may be reasonably implied from the course of conduct of the various owners ... no one now living can remember a time when this land was ever used for anything but a public alley ... without objection from any of the owners until now ... Evidence of common repute when it relates to land boundaries ... is admissible as an exception to the hearsay rule ... necessity is found to exist where the matter is an ancient one, and thus living witnesses are not to be had ...

the community's conclusion, if any has been formed, is likely to be a trustworthy one ... on land boundaries ... it is competent to establish boundaries by proof of traditional reputation in the neighborhood ... evidence of common reputation existing previous to the controversy may be introduced to prove the existence of boundaries ... upon the question of the existence and location of a public way ... reputation is admissible ... Appellant is right in his contention that the recitals contained in the Balmat deeds do not constitute a dedication of the alley, but ... while this evidence is not conclusive, it is competent evidence of the fact of dedication ... structures were built to the alley grade and were designed to take full advantage of the use of this strip as a public alley ... successive owners of this 12 foot strip have kept it open as a thoroughfare ... the conduct of the owners ... and the conduct of the public ... amounted to a recognition of it as a public alley."

Although the location issue had been effectively taken out of play, as noted above, since there was no controversy as to the location of the 12 foot strip in dispute, the Court turned to decisions made in boundary cases from other states, to provide support for its position that the references that had been made to the unplatted alley in the Balmat deeds represented credible and valuable evidence, bearing directly upon the matter at hand, despite the fact that such evidence could be properly categorized as hearsay, as contended by Pianos. The classification of evidence of different kinds is always extremely important, and is often vital to the outcome of land rights cases of all kinds, since the exclusion of evidence can potentially be fatal to claims based on historic evidence or testimony, such as the dedication assertion set forth here by Edmunds, so the determination made here by the Court that hearsay evidence is admissible in land rights cases is highly noteworthy. Hearsay is often accepted as legitimate, and relied upon by courts, for purposes of boundary resolution, when it tends to support the conditions on the ground, which are always presumed to have developed as the result of innocent reliance upon evidence that can no longer be substantiated in any other way, so such evidence can often represent the last hope of success for a party who has long occupied or used land in good faith, without adequate supporting documentation. Just as in this case, the Court is typically quite sympathetic to those such as Edmunds whose rights are entirely dependent upon land use patterns that were established by long departed predecessors, so the Court in its wisdom is generally disinclined to hold the successors of parties who failed to fully or properly document their intentions responsible for the shortcomings of their ancestors, and this accounts for the Court's willingness to adopt and embrace even hearsay, when necessary to protect well established land rights. As was also pointed out by the Court here, unlike the doctrine of prescription, no specific time period is required for implied dedication to take effect and become fully binding, because dedication is a direct product of intent, while



prescriptive rights are expressly based upon the duration of the land use. Proof of dedication is always preferable to prescription, in the eyes of the Court, since prescription cannot be based on intent, because the requisite evidence of intent is absent, were clear evidence of intent present, then the prescriptive period would be irrelevant, so use for any length of time that evinces an intention on the part of a land owner to dedicate a given area, along with conditions representing acceptance thereof, suffices to secure an implied dedication, in the view of the Court. Also quite notable is the fact that the principle of inquiry notice, operating upon Plianos as a subsequent grantee, was once again a crucial factor in this case, as the Court declined to allow him the right to ignore the existing conditions on the ground, which were clearly indicative of a long bygone dedication, and a wealth of public acceptance of that dedication as well, making it inequitable and unjustifiable for Plianos to rely upon the mere fact that no reference was made to the 12 foot strip as being an alley in his deed. Having concluded that the decision of the lower court was justified in all respects, the Court fully upheld it's ruling, confirming that the unplatted alley had indeed been public for several decades, possibly even before Plianos was born, under the doctrine of dedication by implication, thus despite being it's fee owner he was obligated to keep it unobstructed.

WISE CONFERENCE



On March 5th, more than 750 middle and high school girls were on campus for workshops centered on science, technology, engineering and mathematics. Workshops are led by college students, faculty and other women professions to encourage interest in STEM fields.



President Linda Foster and West River Chapter President Brad Limbo represented SDSPLS at the conference, interacting with students throughout the day.

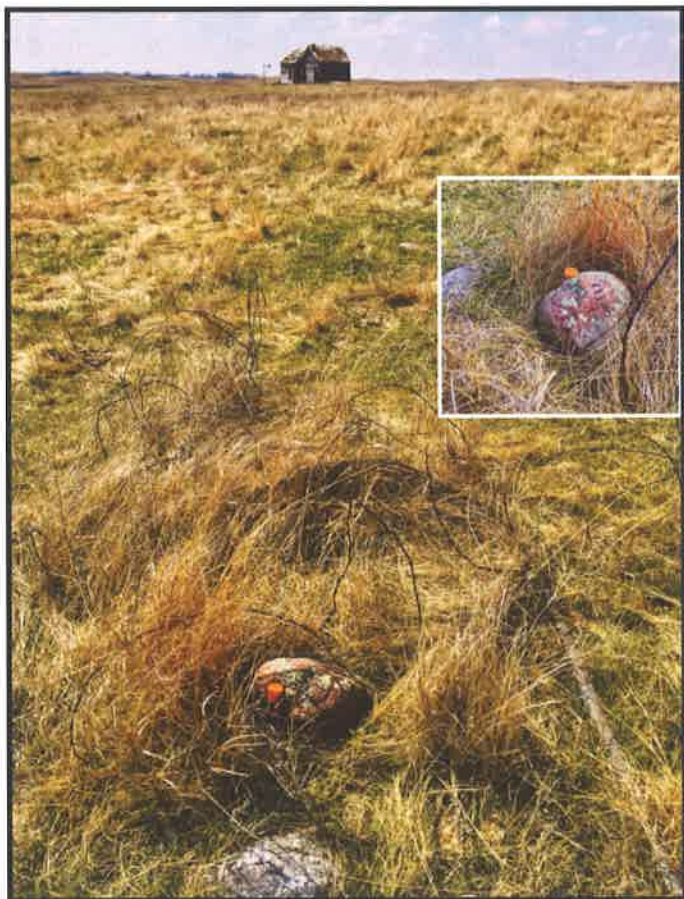
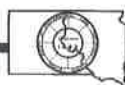


Photo Credit: **Beau Koopal**



The Friendship Between Lydia Norbeck and Grace Coolidge

On March 4, 1929, Sen. Peter Norbeck and his wife Lydia were in Washington, D.C., to watch as Herbert Hoover was sworn in as president of the United States and his predecessor left the nation's capital.

"Immediately after the ceremonies, President and Mrs. Coolidge left for Northampton (Mass.). I was sorry to see Mrs. Coolidge leave, as I truly loved her," Lydia wrote in her memoirs. Volume 39 of "South Dakota Historical Collections" contains Lydia Norbeck's "Recollections of the Years," edited by Nancy Tystad Koupal. The memoir, written in 1953 when Lydia was 80, contains numerous mentions of a friendship that has benefitted all South Dakotans.

Lydia Norbeck and Grace Coolidge first met in 1920 at a meeting for governors in Harrisburg, Penn. Peter Norbeck was governor of South Dakota and Calvin Coolidge was governor of Massachusetts.

"From my first meeting with Mrs. Coolidge I was impressed by her obvious sincerity and serenity," Lydia wrote.

Grace was noted for her charm and her love of people, outdoor activity and animals. Lydia was known as a gracious hostess with a magnetic personality.

When the two women met again in Washington, D.C., Peter Norbeck was a senator and Calvin Coolidge was vice president. As wife of the vice president, who presided over the Senate, Grace presided over meetings of the Senate Ladies Club.

"On St. Valentine's Day, 1922, I acted on an impulse and wrote her a letter expressing my love and admiration (which was proper as a valentine). I told her how much she meant to the Senate Ladies by just being her own sweet, natural self. Imagine my surprise the next day on receiving the President's and Mrs. Coolidge's card together with the dearest letter from her, sent by a messenger!" Lydia wrote.

The friendship between Lydia and Grace might possibly have been a factor in the Coolidges spending the summer of 1927 in the Black Hills, according to various sources, including "Calving Coolidge in the Black Hills" by Seth Tupper. The Coolidges lived at the State Game Lodge, while the Norbecks stayed in a log cabin about a mile away.

The Norbecks accompanied the Coolidges to Belle Fourche for the Tri-State Roundup – the first rodeo the Coolidges had seen. The Norbecks also accompanied the Coolidges to other events and were the Coolidges' dinner guests at the State Game Lodge one evening.

"Before the summer was over, I got up enough courage to ask the President's secretary if I could entertain the Coolidges at dinner at our cabin ... Imagine the President and his wife having dinner at our little cabin! ... She was bubbling over with pleasure. She has a keen mind and a quick sense of humor, which she needed, as the President was often taciturn and could be rude at times. I respected Mr. Coolidge because he was always his natural self, never pretending nor presuming," Lydia wrote.

While in the Black Hills, the president dedicated Mount Rushmore and handed drills to sculptor Gutzon Borglum so that official carving could begin. Coolidge's actions helped bring national interest and federal money for the project.

The 90 days the first couple spent in the Black Hills also attracted national attention to the region.

"Truly, South Dakota was like a magnet that year for thousands of people from all over the country, and the envy of all the surrounding states, with the double attraction of a President vacationing in our midst and the prospect of the largest monument sculpture in the world," Lydia wrote.

Calvin Coolidge never returned to the Black Hills, but he didn't forget South Dakota, either, as president. He signed legislation one week before he left office that provided \$250,000 of federal money to be matched by private donations for Mount Rushmore. And on his last day in office, March 4, 1929, Coolidge signed a law authorizing Badlands National Monument.

The friendship between Lydia and Grace continued throughout their lifetimes.

"When, years later, she wrote me of the arrival of a new granddaughter who was to be named 'Lydia,' I was very pleased," Lydia wrote. Lydia Coolidge was born Aug. 14, 1939, the second daughter of John and Florence Coolidge.

Grace Coolidge died at the age of 78, on July 8, 1957, at Northampton, Mass. Lydia Norbeck was 88 years old when she died on Dec. 26, 1961, in Pierre.

This moment in South Dakota history is provided by the South Dakota Historical Society Foundation, the nonprofit fundraising partner of the South Dakota State Historical Society at the Cultural Heritage Center in Pierre. Find us on the web at www.sdhsf.org. Contact us at info@sdhsf.org to submit a story idea.



NSPS Membership Benefits Guide

It Pays to Belong

How does NSPS benefit 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

Certification Programs

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

Member discount programs

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- business.landsend.com/store/nspsinc

Insurance

NSPS Endorsed Program

Assurance Risk Managers

- 888-454-9562
- arm-i.com



Professional Liability

Victor O. Schinnerer and Company

- 301-951-9746
- schinnerer.com/nsps.aspx

Individual Life & Health Insurance

Marsh Affinity Group Services

- 800-424-9883
- personal-plans.com/nsps

Group Health

Mass Marketing Insurance Consultants

- 800-349-1039
- mmicinsurance.com/NSPS

More insurance info



News & Networking

Sign up for the NSPS weekly email newsletter:

- multibriefs.com/briefs/NSPS

Listen to NSPS Radio Hour, Mondays at 11:00 a.m., Eastern:

- americaswebradio.com

Visit the NSPS blog:

- dualfrequency.blogspot.com

Search for the "National Society of Professional Surveyors" on all the major social media outlets.



PerksConnect Program

The PerksConnect program saves you money on the things you use every day. You'll find businesses right in your area offering savings on dining, retail, auto and home services, pet needs, health, fitness, recreation, entertainment and much more.

To sign up for PerksConnect, go to:

- Discounts.perksconnection.com
- Click "Activate your account now"
- Use group code: NSPS

Travel Discounts

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

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

Car Rental Discounts

Use Hertz CDP number **94087** when making your reservation.



- 800-654-2210 | hertz.com

Use Avis Worldwide Discount (AWD) number **B287402** when making your reservation.



- 800-331-1212 | avis.com

Use Budget Discount number (BCD) **Z947100** when making your reservation.



- 800-527-0700 | budget.com

Tire Discounts

- Go to tirebuyer.com/nsps
- Apply the coupon code that appears in the pop-up window for NSPS, and you'll save 10% on your order.



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What is the CST Program?

CST is a comprehensive national certification program for survey technicians, and is sponsored by the National Society of Professional Surveyors. The program is recognized by the U.S. Department of Labor within its National Apprenticeship Program. The Certified Survey Technician Board administers the program, which is intended to gauge technical capabilities and general knowledge of workplace safety and procedures.

Four levels of certification are offered in two primary tracks – field and office. Certification is by examination, which must be monitored by an approved Proctor.



The goals of the program are:

- Recognizing the important contribution that technicians provide to the surveying and mapping profession.
- Providing credentials to technicians.
- Providing a career ladder for technicians.
- Providing firms who support and utilize certified technicians a way to evaluate applicants and an opportunity to promote the fact that their technical staff is certified.
- Identifying those who have achieved specific technical competencies
- Providing use as an assessment tool.

The Value of Certification

Certification as a survey technician is official recognition by NSPS that a person has demonstrated that he or she is competent to perform surveying tasks at a specified technical level. Certification provides the individual with a sense of achievement, since it reflects advancement in the field of surveying. Certification also provides employers with a method of determining job assignments and advancement, since certification is an indication of one's ability to perform specific job tasks.

Use as an Assessment Tool

The CST exam can be used as an excellent outcomes assessment tool for courses, programs, and schools. The CST program can be used to satisfy accreditation requirements. Private industry can also use the CST program as an assessment tool for promotions, human resources evaluations, and career advancement and recognition.



Future-proof your surveying career

NSPS
CST
CERTIFIED SURVEY TECHNICIAN

"Surveying companies are gaining a competitive advantage by making CST Certification 'the new normal' expectation for their surveying technicians."

RICHARD BROOKS, CST COORDINATOR, NEW YORK
BROOKS AND BROOKS LAND SURVEYING

Online training programs are available at: learnst.com

This site is simply one tool available to students to help them prepare for the NSPS CST examination. The material on this site and the questions for each quiz should not be considered a comprehensive treatment of the surveying subjects presented nor relied upon as a sole source of information in preparation for the exam. The quiz questions may or may not fully represent the type and content of the questions the student will actually see on the CST exam. Each student must assess their current level of competency and pursue further study beyond this site in order to successfully complete their CST exam.



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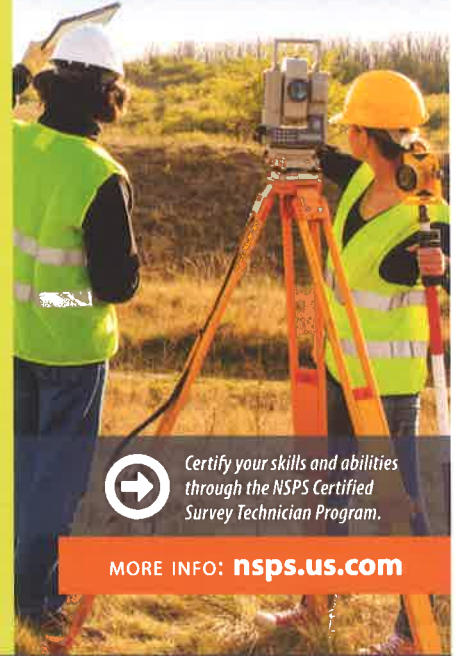
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Certify your skills and abilities through the NSPS Certified Survey Technician Program.

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CST Program Fact Sheet

What: The Certified Survey Technician program is a four-level certification program for surveying technicians throughout the United States.

- Why:**
- To provide recognition to the survey technicians in public and private practice.
 - To provide objectives for improvement and advancement for field and office survey technicians.
 - To give employers a way of judging the qualifications of potential employees.

How:	All Levels	Level I through III	Level IV
	<ul style="list-style-type: none"> ■ Open-book exams. ■ Certificate suitable for framing. ■ Annual renewal of certification is \$40 (reinstatement fee: \$10). ■ Available online and on paper. Both formats must be proctored. 	<ul style="list-style-type: none"> ■ Quarterly testing nationwide. ■ Examinations from four to six hours in length. ■ Multiple choice questions. ■ If failed, no need to reapply within a one-year period; just pay examination fee for retesting. 	<ul style="list-style-type: none"> ■ Cycle I applications are due on or before December 15. ■ Cycle III applications are due on or before June 15. ■ Take-home exam format. ■ Two months to complete. ■ Essay/report form. ■ Must hold active Level III certification.

	Level I entry level	Level II minimum 1.5 years total experience	Level III minimum 3.5 years total experience	Level IV minimum 5.5 years total experience
OFFICE TRACK	Entry Level Position	Computer Operator	Chief Computer Operator	Survey Office Manager
FIELD TRACK	Entry Level Position	Instrument Person	Party Chief: Boundary or Construction	Survey Field Manager

Discounts for students, active military and veterans. We also offer group discounts for 10 or more at the same location. Contact NSPS for more information.

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A Millennial's View of Land Surveying

By Anthony Whitlock, LSI

Originally Printed in xyHt: Field Notes

Mentors Are Needed

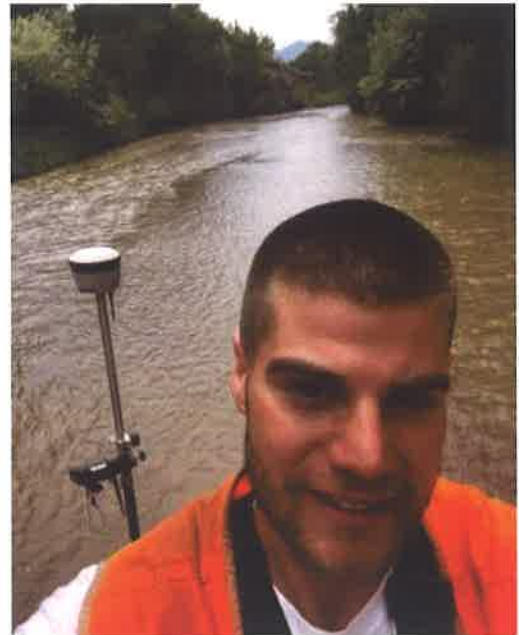
We are allowing time, money, technology, and workload to dictate how we train the newer generations of surveyors.

It used to be that a novice surveyor worked alongside the same party chief for about four years or so before he or she possessed the knowledge and skills to become a party chief themselves. That is at least four years of daily field calculations, boundary evidence gathering, stakeouts, topo surveys, and, most importantly, questions. These days, many surveying and engineering firms are teaching their field surveyors just enough so that they can take their data collector to the field and throw stakes in the ground.

This generation of surveyors is missing a gigantic piece of what was once the professional standard, the one-on-one mentorship and guidance with someone who knows much more than they do. It is your responsibility as a professional land surveyor to make time to teach your subordinates in a similar manner in which you were taught as a junior surveyor.

Every PLS should make it a personal goal to help develop truly skilled professionals and not just someone who knows how to operate a data collector. Sit down with them, review plats, discuss what should be done when they are unable to find monumentation in particular situations, explain how mistakes can be prevented by taking check shots or making sure a tie in point elevation matches the plan set, etc.

Depending upon what type of company you work for, you may have to do some of this on your own time, and I fully understand that sometimes it just isn't ideal for you, or for the junior surveyor, but it is our responsibility to make the profession as good as it can be. To me, that means that we are responsible for training our people appropriately.

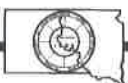


The author surveying in the field.

Educational Requirements

These are a major deterrent for many young surveyors. Simply put, someone who does not enjoy school and who really has no intentions of achieving an associate or bachelor's degree is almost guaranteed to not get involved in, or stick with, the surveying profession if a degree is required for licensure.

There is now a limit placed on how high that individual can climb within the industry because he or she will never be able to achieve their professional licensure within most of the United States. I know some of you are probably thinking, "Well, we don't really want someone involved in our profession who isn't willing to work for a degree," and I suppose that is certainly a fair train of thought. However, I firmly believe that a person does not need educational credentials to become a great land surveyor. What they will need is a passion for the profession, a thirst for knowledge, and about a decade of real-world experience.



The above-described individuals are not the only ones whom we as a community have now steered away from the profession. Even men and women who plan to attend college now have a serious decision to make about their education and futures. It is no secret that on average civil engineers make more money than surveyors, and when these people are deciding what they want to go to school for, what professional track do you think they are going to choose when the cost of a four-year degree is the same and the field of study is within the same industry?

I understand wanting to make the profession as good as it can be and filling it with educated minds. However, the truth is that we have created a burden for potentially great surveyors, and I don't doubt that we have lost the interest of many who would have turned out just fine.

Staying up to Date

Continuing Education Units requirements (CEUs) are one of the best ways that we can ensure that fellow professionals are staying up to date with technology advancements, changes to state laws or national standards, and generally important information related to the profession. This requirement is enforced by state law and typically regulated by the state's governing surveying board (board titles vary state to state) and is put in place so that licensed professionals are required to attend a certain amount of continuing education courses in order to renew their professional license.

This means that every single licensed land surveyor is required to learn or refresh their knowledge within a multitude of different topics related to the profession, within a particular timeline set forth by said board. While most states that do currently require CEUs have instituted an annual or biannual licensure renewal timeline, I would like to see some states adopting a three- to five-year timeline instead.

I feel that requiring CEU submittals for licensure renewals on a biannual (or less) basis creates more problems for the professionals than it resolves. (Aside from possible counterproductive timeline requirements, I do feel that CEU requirements will provide a professional surveyor an excuse to take a course on a subject that he or she doesn't fully grasp or that they otherwise may not ever familiarize themselves with.)

I think there are quite a few surveyors out there operating this highly complex equipment without having nearly a firm enough understanding of how it truly works. If you believe that you have a firm understanding of GNSS equipment, quiz your field crews and see that they share your understanding.

It is just as, if not more, important that they comprehend what they are doing in the field with this equipment as it is that you do. With CEUs as a requirement, the professional is almost guaranteed to improve their comprehensive knowledge and understanding without the heavy burden of affording a college degree.

You may know a lot. You may even know everything, but if your field crews are not taken care of and are not being groomed as if to—maybe one day—have your position in the company, then their work will either inevitably be flawed, or you will never see them grow to their full potential. In today's surveying world, having a knowledgeable and skilled party chief is just as important as having an excellent professional surveyor.

It is your license on the line. Your party chief may know how to locate the rebar with the shiny new cap in the ground but may have had no idea that the 80-year-old fence line 10 feet away could have mattered as well. The next generation of licensed surveyor's skills, competencies, and professionalisms are heavily dependent upon the values, work ethic, and follow-through that you instill into them as being the standards for our profession.

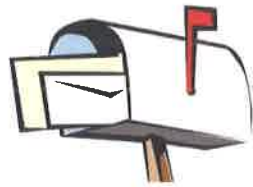
It is imperative that we do not let deadlines and money pull us astray from the overall greater good of our work.

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader"

-John Quincy Adams



FROM THE MAILBOX...



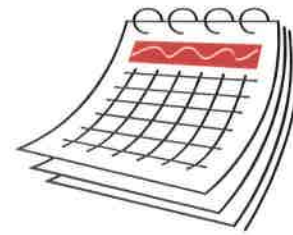
“...thank you for your thoughtfulness and kindness in supporting us with your gift...”

“...I had a great experience (at the convention)! The classes were beneficial and very useful. It was great to hear stories from speakers and surveyors. I gained a great deal of knowledge from the people I met. The convention motivates me even more to work hard and learn as much as I can about the surveying profession. Thank you!...”

“...I would like to thank the SDSPLS for the scholarship I was awarded, along with the invitation to attend the convention. I had an amazing time and really enjoyed my experience. I look forward to attending this convention in the future...”

“...This scholarship has already helped tremendously with the purchase of my school books for this semester, and will go a long ways in helping me pay for the start of my student loans. I would also like to thank everyone for the amazing hospitality given to me and my classmates. The convention was a great experience, and I look forward to the many more to come...”

“...It was a great pleasure to be given the opportunity to present at the conference also. I value the contacts and knowledge I gained during the convention. Thanks Again...”



DATES TO REMEMBER

6PM Initial Point Donor Plaque Replacement Dedication

Saturday, June 22, at 10:00 a.m.

This will also be a work and clean-up day at the site, so anyone interested in attending can come as early as they wish on that day to begin with that process. Please bring your own general tools for the clean-up and also your own personal food and water.

Women Surveyors Summit

August 23-24, 2019

Austin, Texas

Contact: annaintx@hotmail.com

2020 SDSPLS Annual Convention

January 8, 9, & 10, 2020
(Wednesday, Thursday & Friday)

Arrowwood (Cedar Shore) Resort
Chamberlain, SD

For reservations, visit their website:

arrowwoodcedarshore.com

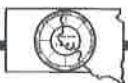
Online Reservation Code: 1031OG

or call:

1-888-697-6363

"Nothing can stop the man with the right mental attitude from achieving his goal; nothing on earth can help the man with the wrong mental attitude."

-Thomas Jefferson



From the Executive Director – Rebecca Dodds

Welcome Spring!

If I shout it loud enough, I wonder if it will hear me through the snowfall we are experiencing here in the Black Hills in May? Every few years, we get a teaser of Spring followed by snow. All the flower boxes I planted on Mother's Day are now on my dining room floor waiting for the temperature to stay above 40 degrees. One thing about South Dakota, it will not last long. We will soon be out in the heat and the tall grasses of summer, and just as the bikers roll in...tasting a wild raspberry or two. Please remember to use sunscreen, wear a hat, and hydrate. Make sure you are wearing a safety vest and be aware of all the summer traffic.

There are a couple events coming up this summer, you may find of interest. Jerry Penry sent an email to invite members to the planned date for dedicating the new bronze replacement donor plaque at the 6PM Initial Point. The date will be Saturday, June 22, at 10:00 a.m. This will also be a work and clean-up day at the site, so anyone interested in attending can come as early as they wish on that day to begin with that process. Please bring your own general tools for the clean-up and also your own personal food and water.

Later in the summer, Texas is hosting the Women Surveyors Summit, in Austin. Women in surveying from around the nation are invited to participate over two days, August 23-24. Contact annaintx@hotmail.com, if you would like more information.

Annual Convention planning has begun, and room reservations can be made now at Arrowwood Resort in Chamberlain for January 8-10, 2020. There is hope to offer some new choices for your PDHs this year, and look forward to working with the Board of Directors to plan some activities. It will be hard to top last year with the chain throwing and pacing, but we have some ideas in the works! All suggestions are welcome for this year and future events.

I have been busy this spring with the transition of directors, and all that goes along with serving the members of the SDSPLS. I am happy to say I am settling in and learning the routine. I did get to chat with Janelle at the Trig Star Program Contest at South Dakota School of Mines and Technology. She was handing out the snacks and shirts to the student competitors as they exited and took notice of the AR Sandbox on display. It was a great day for Math, with hundreds of high school students on campus. There is great reward in volunteering to be a part of this program, engaging with these bright minds and delivering the results to the winners. Contact Trig Star Chair, Steve Thingelstad, if you and/or your chapter would like to get involved.

Public Information Chair, Ruthie Wetzel, has been great at promoting our new Facebook page with photos and links to interesting articles. Thanks to all who have "liked" the page! Invite a friend, and share some of your summer photos in the field! It is a great way to stay connected to other members throughout the year!

Please don't hesitate to email or call for any reason. I enjoy speaking with all of you, and look forward to summer... I can see it coming just past that snowflake.

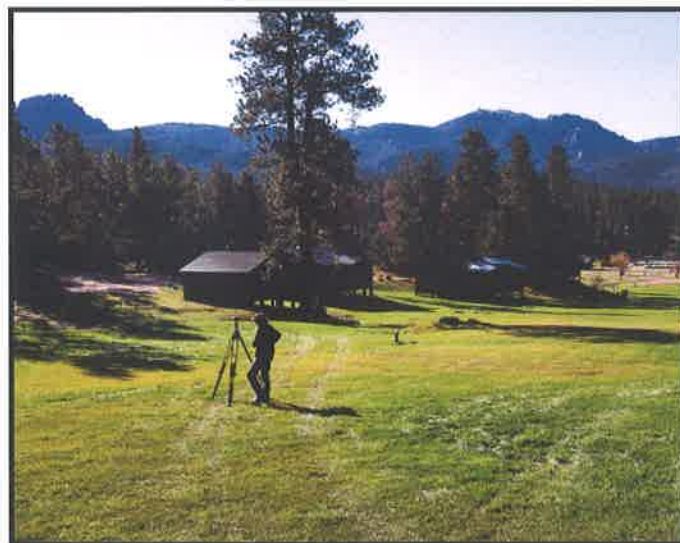
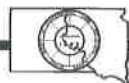
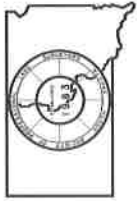


Photo Credit: **Chad Dodds**





SOUTH DAKOTA SOCIETY OF PROFESSIONAL LAND SURVEYORS

Affiliate of the National Society of Professional Surveyors

APPLICATION FOR MEMBERSHIP

Complete the following

Name:

Last:

First:

Preferred Mailing Address:
Business _____ or Home _____

Business:

Name:

Address:

City:

State: Zip:

Phone:

Cell:

Email:

Home: (Required)

Address:

City:

State: Zip:

Phone:

Email:

Check one and sign below

Member (In-State w/NSPS):	\$175	Technician:	\$75	Life Member (In-State w/NSPS):	\$65
Member (Out of State):	\$125	Associate:	\$50	Life Member	\$25
LSIT:	\$100	*Student:	\$25	Sustaining:	\$250

In-State classifications are determined by the home mailing address.
Fees for In-State Members (\$175) include NSPS membership.
Fees for Out-of-State Member (\$125) 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 supervising 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

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

Date

*Signature of Faculty Member (required for students)

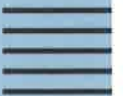
I certify that the applicant is a full-time student. (12hrs or more)

Date

Institution

Send complete application & payment to: SDSPLS - PO Box 9625 - Rapid City, SD 57709
(phone) - 605-545-7884 • (email) - SDSPLS.RebeccaDodds@outlook.com

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