

# Cleaning Out the Closet

ODDS & ENDS



# Swedish Death Cleaning



## Introduction

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- “Swedish Death Cleaning”: A philosophy suggesting that when you reach your latter years, you should look at all the stuff you have accumulated and consider what you have not touched in a decade or so, then “consolidate and dispose”. The theory is that by doing so, you will relieve the burden born by those who are tasked with cleaning up after you...when it’s time for you to leave the planet.



## Introduction

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- When asked to present at the Conference this year, I realized I had no significant projects or issues.



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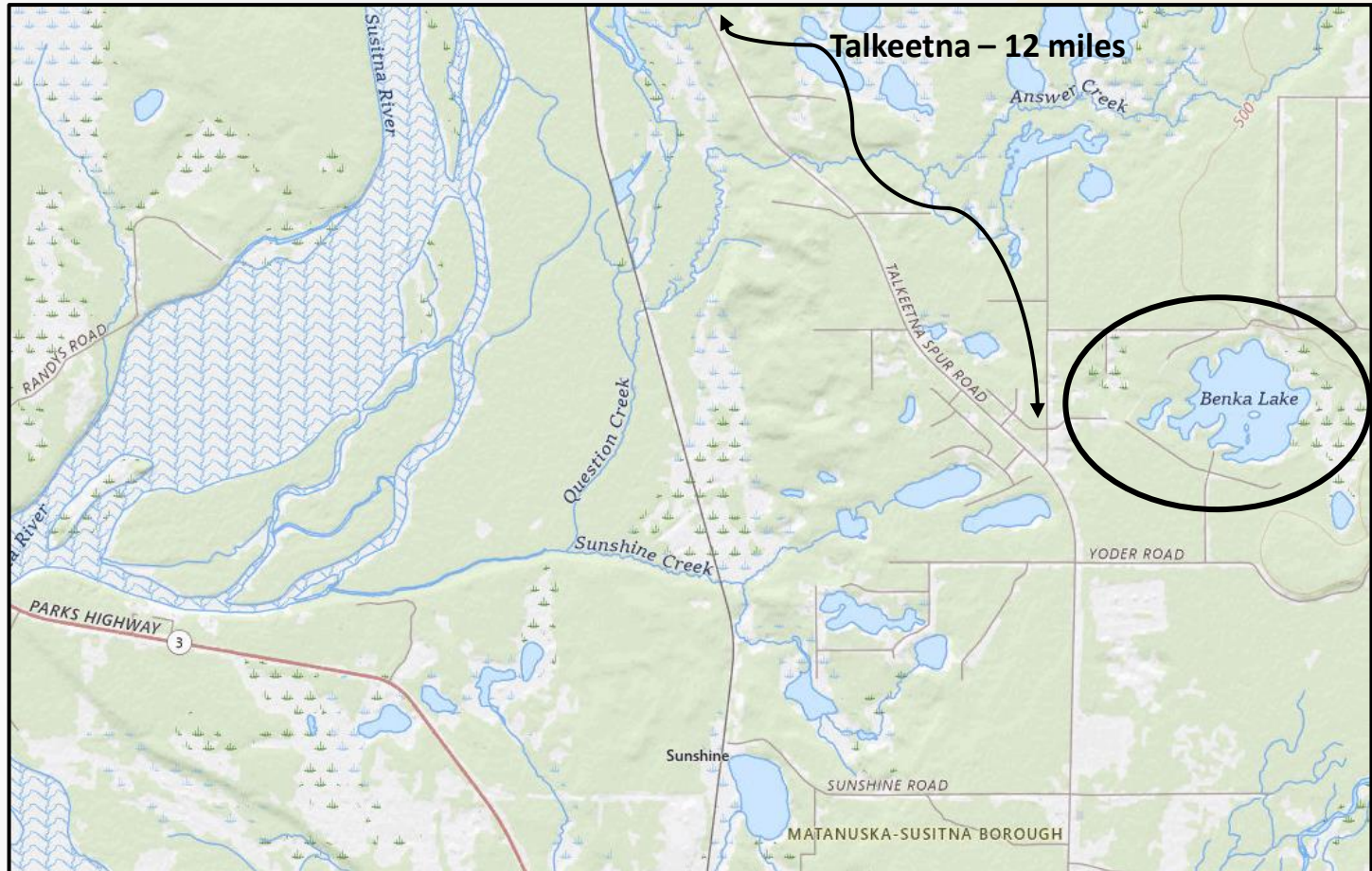
- In the last few years, I have engaged in “Swedish Death Cleaning” of my professional library, surveying equipment, analog cameras and a variety of collectables.
- When asked to present at the Conference this year, I realized I had no significant projects or issues.
- So akin to my “SDC”, I decided to “consolidate and dispose” (present) a couple small R&M assignments that you might find interesting.



# Benka Lake Access



# Benka Lake





## Benka Lake

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- In 2022, a landowner installed gate blocking access to the only constructed boat launch on Benka Lake.

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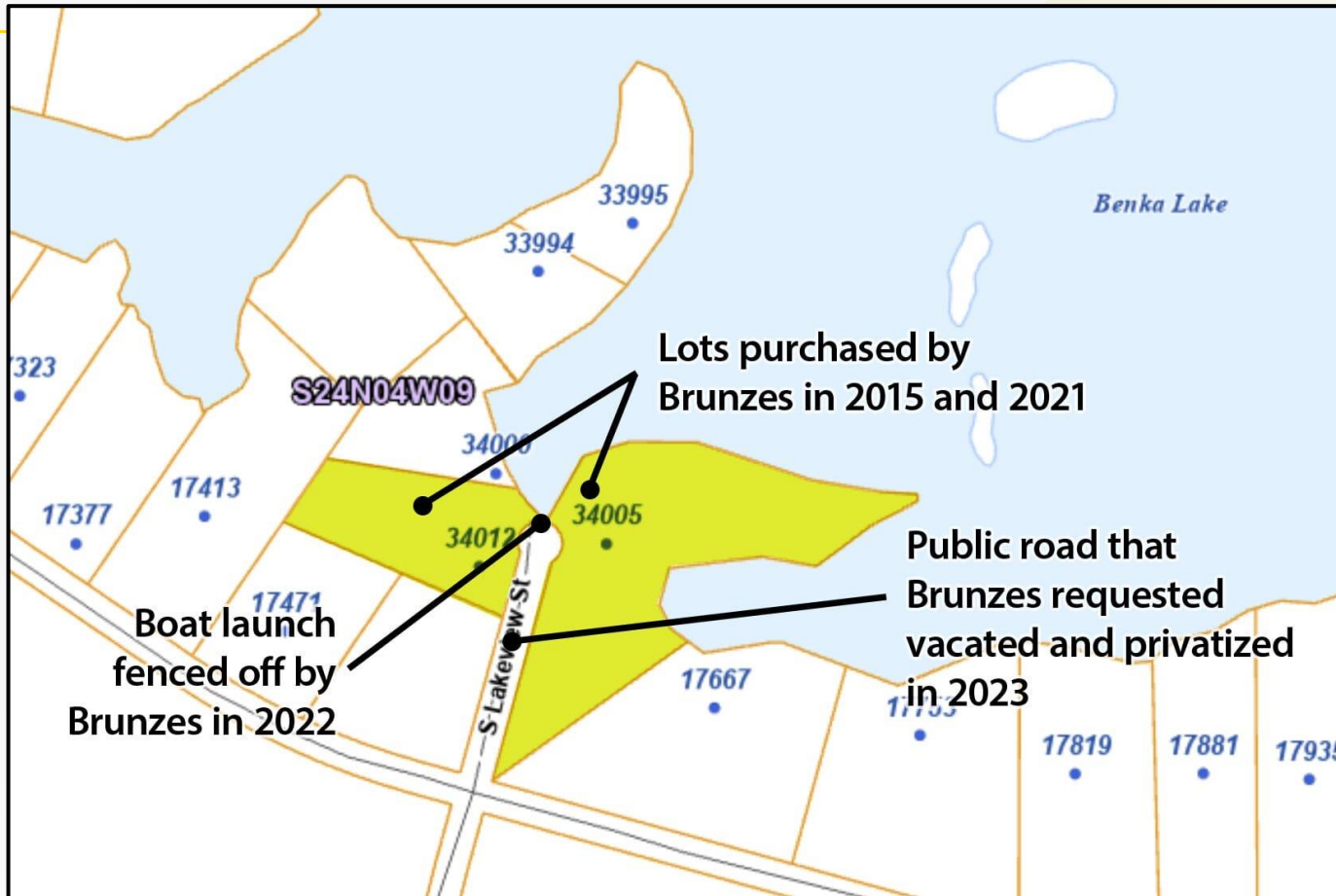
## Benka Lake

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- Landowner Brunz claimed the public has no right of access and that the road and launch were dangerous.
- Access is used by ADF&G for fish stocking; Talkeetna Fire Department & road contractors for water source; lot owner access to riparian only parcels and public access for fishing and boating. Public Access for nearly 60 years!

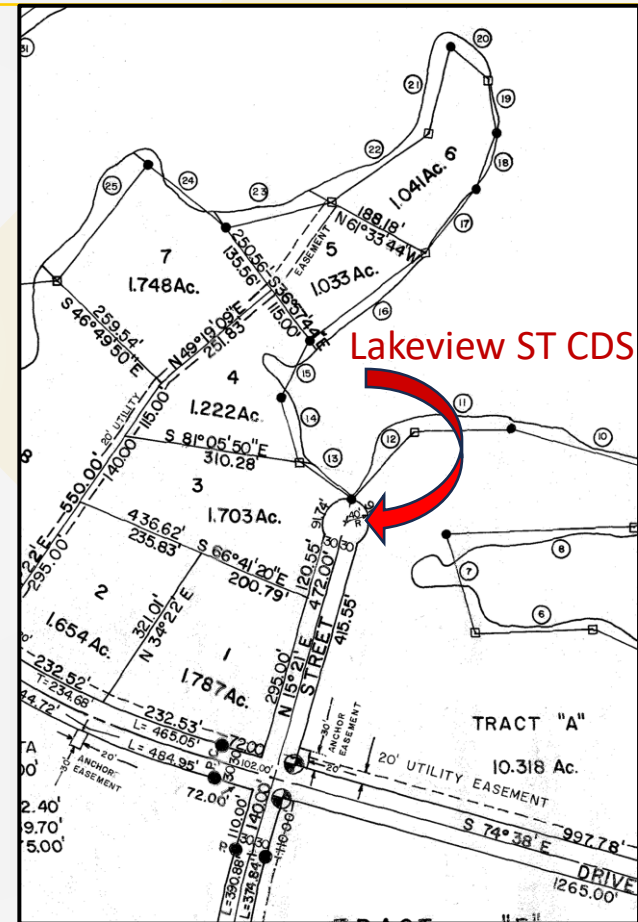
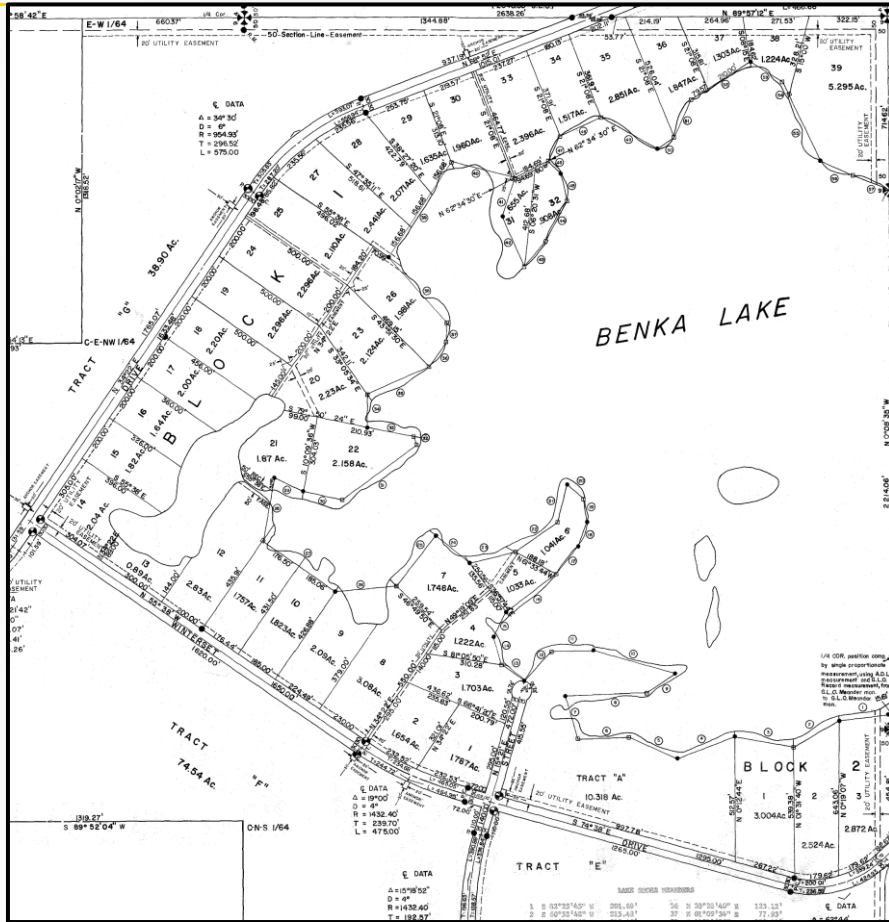


## Benka Lake



Benka Lake – Alaska Landmine Article Image 6/5/24

# Benka Lake Subdivision - Approved August 13, 1965



# Benka Lake Subdivision

DATE OF SURVEY		NAME OF SURVEYORs	
Beginning <u>6/4/63</u>		William J. Robb	
Ending <u>7/31/65</u>		Richard L. Button	
		Field Book Numbers 31,33, & 35	
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LANDS ANCHORAGE, ALASKA			
<b>BENKA LAKE ALASKA SUBDIVISION</b>			
DRWN. BY:	APPROVAL RECOMMENDED:		
<u>R. L. BUTTON</u>	<u>Claud M. Hoffman</u> Chief Cadastral Engineer		
DATE APPROVED:	APPROVED:		
<u>Aug. 13, 1965</u>	<u>Roscoe E. Bell</u> Director of Lands		
SCALE: 1" = 200'	CHECKED: <u>hmc</u> <u>n.f.j.</u>	FILE NO. 54-50	

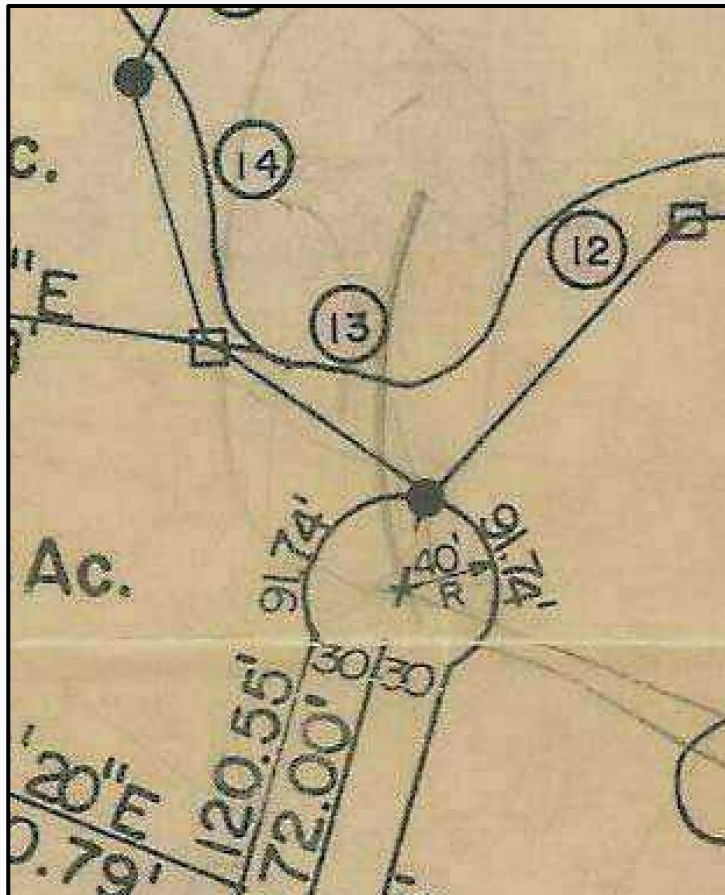
Roadways are dedicated...

Claud M. Hoffman signs as Surveyor

<b>OWNERSHIP CERTIFICATE</b>	
<p>I, the undersigned, hereby certify that I am the Director, Alaska Division of Lands, and that the State of Alaska is the owner of an irregular portion of Section 9, Township 24 North, Range 4 West, Seward Meridian as shown hereon. I hereby approve this plat showing such easements for public utilities and roadways dedicated by the State of Alaska for public use.</p>	
<u>8-12-65</u> Date	<u>Roscoe E. Bell</u> Director, Division of Lands
<b>SURVEYORS CERTIFICATE</b>	
<p>I, the undersigned surveyor hereby certify that a survey has been completed and that all measurements have been properly located and established and that the dimensions shown hereon are true and correct.</p>	
<u>8-12-65</u> Date	<u>Claud M. Hoffman</u> Claud M. Hoffman Reg. No. 918-1E

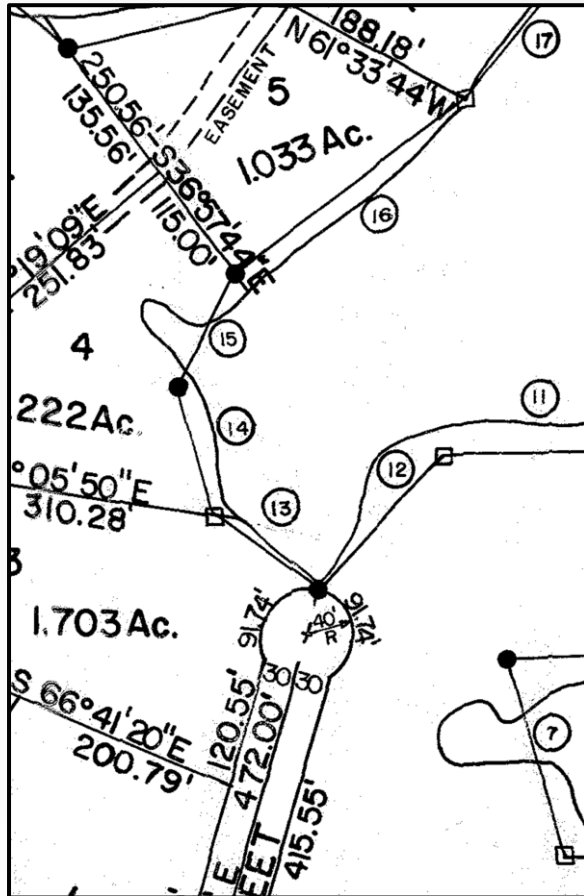


## Benka Lake Subdivision - Cul de Sac/Meanders/Traverse Line



The meander line location relative to the north end of the CDS reflects the sketch in the DNR field book for the Benka Lake survey.

## Benka Lake Subdivision – Cul de Sac/Meanders/Traverse Line



Plat Note: *“The natural meanders along Benka Lake form the bounds of lots adjoining the lake. The traverse line, as shown, is for survey computations and data only. All corners, as set on said traverse line, are witness corners, with true corner being on the extension of the lot lines and the natural meander.”*





## Benka Lake – Navigable & Riparian Boundaries



Mat-Su Borough Parcel Viewer

Benka Lake is navigable & a public water. – The “Ordinary High Water Mark” is the boundary between public and private ownership along non-tidal riparian boundaries.

## Benka Lake – Navigable & Riparian Boundaries



Benka Lake is navigable & a public water. – The “Ordinary High Water Mark” is the boundary between public and private ownership along non-tidal riparian boundaries.

Riparian boundaries can move due to the gradual and imperceptible changes resulting from accretion, erosion or reliction.

## Benka Lake – Rights-of-Way & Riparian Boundaries

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Accretion/Erosion/Reliction – Will ROW lines extend to a moved OHW?



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Accretion/Erosion/Reliction – Will ROW lines extend to a moved OHW?

*“The decisions of courts in other jurisdictions are almost unanimous in holding that when a right-of-way terminates at the water, the right-of-way is automatically extended across accreted land so that it continues to terminate at the waters edge. Stated differently, it is held that the easement is entitled to the same benefits of accretion as any other riparian land.”*



## Benka Lake – Rights-of-Way & Riparian Boundaries

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The riparian rights of the fee owner would be subject to any existing rights-of-way extending to the OHW.



## Benka Lake – Lucille Lake Reliction/ROW Example



Mat-Su Borough Parcel Viewer

If reliction moved the riparian boundary on the south shore of Lucille Lake, would the ROW lines for South Beaver St., Island Street, Cove Street, Forest Street and Easy Street extend north to the new riparian boundary?...Yes!

## Benka Lake - Lucille Lake Reliction/ROW Example



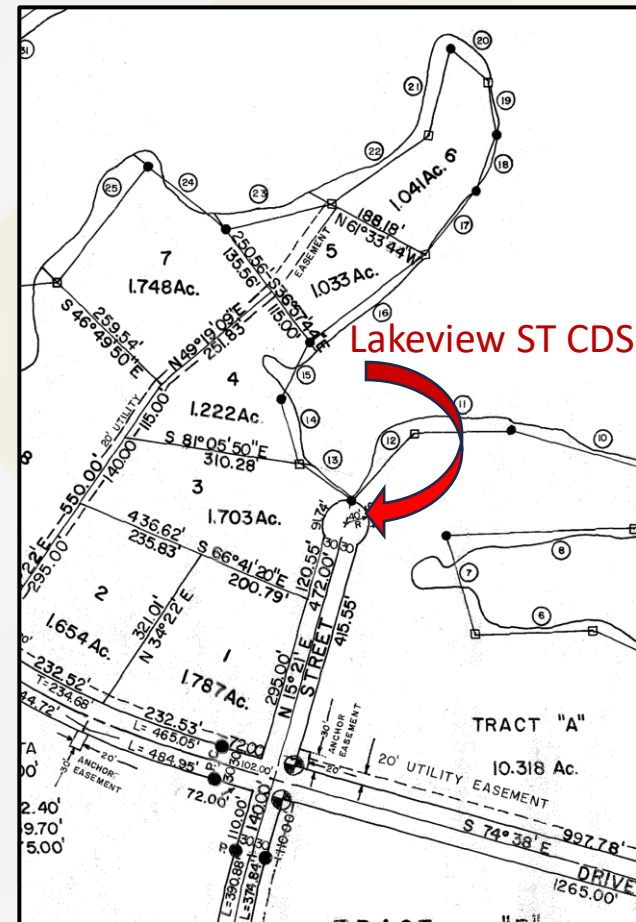
But what would happen if each ROW ended in a CDS at the meander line?

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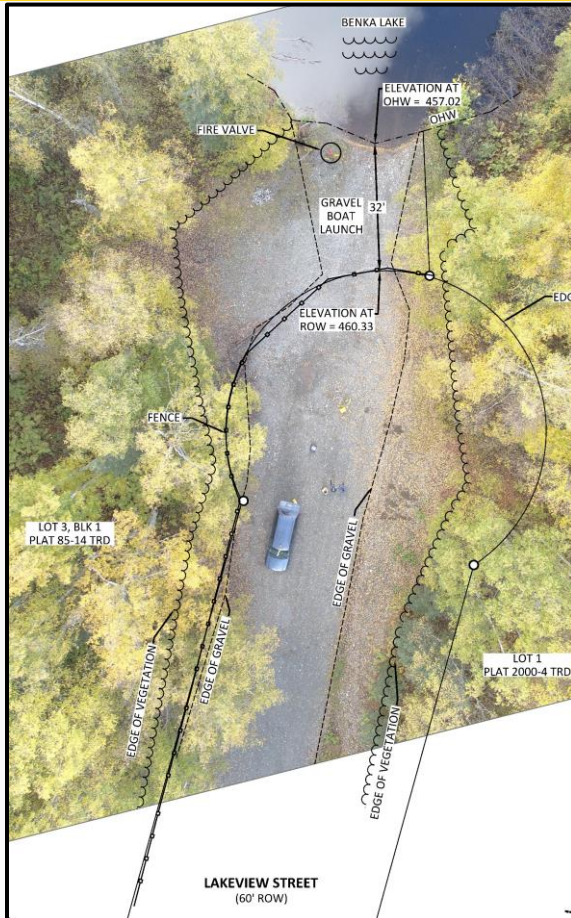


## Benka Lake Subdivision - Approved August 13, 1965

The CDS appears to terminate at the monument set at the centerline extension 40' from the radius point. Does the CDS intersect the OHW at a single point? How would a CDS be extended to the OHW if relocation moved the riparian boundary? What was the intent?



# Benka Lake - DNR - October 6, 2023



## BENKA LAKE AS-BUILT SURVEY TALKEETNA, ALASKA

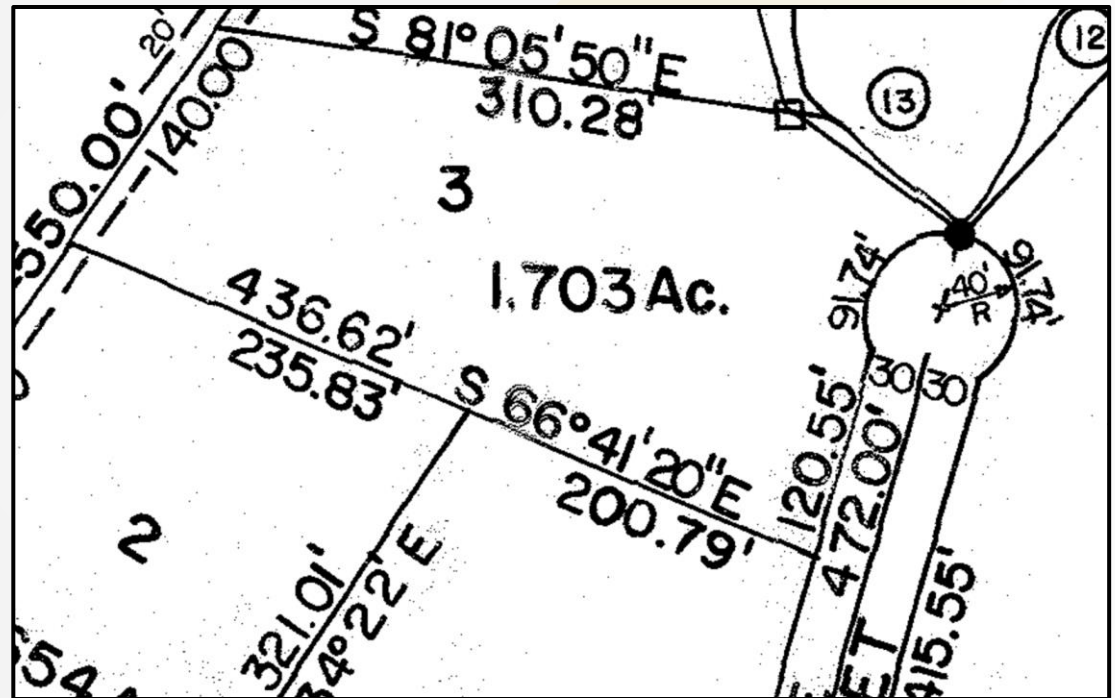
LOCATED WITHIN SECTION 9,  
TOWNSHIP 24 NORTH, RANGE 4 WEST,  
SEWARD MERIDIAN, ALASKA

LEGEND	
⊕	PRIMARY MONUMENT RECOVERED
○	SECONDARY MONUMENT RECOVERED
---	UNSURVEYED
—	SURVEYED
— . OHW . —	ORDINARY HIGH WATER
~~~~~	EDGE OF VEGETATION
ROW	RIGHT OF WAY
TRD	TALKEETNA RECORDING DISTRICT



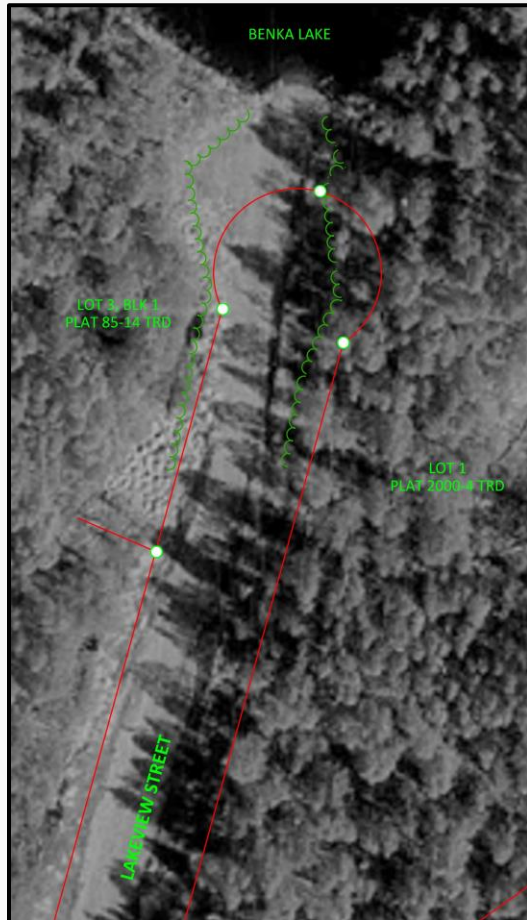
## Benka Lake - Prescriptive Easement for Boat Launch?

No! - It is mostly to the west of centerline & crosses Lot 3, Block 1 that was conveyed from Mental Health Trust to Ford Carothers on May 26, 2021



AS 9.45.052 requires adverse use for 10 years or more...

# Benka Lake - DNR - May 14, 2024



## BENKA LAKE AS-BUILT SURVEY TALKEETNA, ALASKA

LOCATED WITHIN SECTION 9,  
TOWNSHIP 24 NORTH, RANGE 4 WEST,  
SEWARD MERIDIAN, ALASKA

### LEGEND



PRIMARY MONUMENT RECOVERED



SECONDARY MONUMENT RECOVERED



SURVEYED



EDGE OF VEGETATION

TRD

TALKEETNA RECORDING DISTRICT

Image: June 9, 1972

## Benka Lake - Motion for Injunctive Relief – March 27, 2024



(JFB) Hired by AGO in May of 2024 for Expert Report & Testimony at Superior Court hearing – The State filed for the injunction against Plaintiff to ensure that public access is permitted until issues are resolved at trial.



## Benka Lake - Report & Testimony - Exhibits

My focus was on subdivider intent:

- The road construction contract dated July 28, 1965 states: "Said turn around shall also be extended in a smooth surface to the edge of the lake so as to form a launching ramp for boats."

STATE OF ALASKA	CONTRACTOR
By: <u>Earle Mathis</u> Acting Director, Division of Lands	Don H. Clark & Son Construction By: <u>Don H. Clark</u> Name of Contractor PARTNER
Attest: <u>Charles M. [Signature]</u>	Attest: <u>Harry M. Campbell, Jr.</u>

## Benka Lake - Report & Testimony - Exhibits

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More evidence of intent:

- A July 29, 1965 memo from Hoffman to Mathis discusses *“Justification for Road Contract with Don H. Clark & Son”* – The memo states: *“This grading and drainage will also include at its terminus, which is on the bank of Benka Lake, an area which will be adequate for launching boats into the Lake.”*

access into the Benka Lake, Alaska Subdivision. This grading and drainage will also include at its terminus, which is on the bank of Benka Lake, an area which will be adequate for launching boats into the Lake. Justification



## Benka Lake - Report & Testimony - Exhibits

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### Additional intent:

- An August 27, 1965 memo from Harry M. Campbell to Claud M. Hoffman regarding a final inspection of the access road states: *“These contracts having been satisfactorily completed according to the contract documents and specifications provide a gravel base, all weather road which terminates at a boat launching site on Benka Lake.”*

These contracts having been satisfactorily completed according to the contract documents and specifications provide a gravel base, all weather road which terminates at a boat launching site on Benka Lake.

- An August 30, 1965 payment recommendation memo names Harry Campbell as the “Access Road Engineer”.





## Benka Lake – Report & Testimony - Intent

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*“The fact that Claud M. Hoffman is both a contracting officer for the Lakeview Street construction and the professional land surveyor in responsible charge of the survey and platting for Benka Lake establishes a clear intent that the Lakeview Street right-of-way (ROW) extends to the waters of Benka Lake.” [JFB Report]*



## Benka Lake – Report & Testimony - Intent

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*“Hoffman’s dual role as a contracting officer for the construction of Lakeview Street and as the subdivision surveyor of record indicates that he was fully aware of how the cul-de-sac was being represented on the plat and that it was entirely sufficient to provide public access to the lake waters.” [JFB Report]*



## Benka Lake – Report & Testimony - Intent

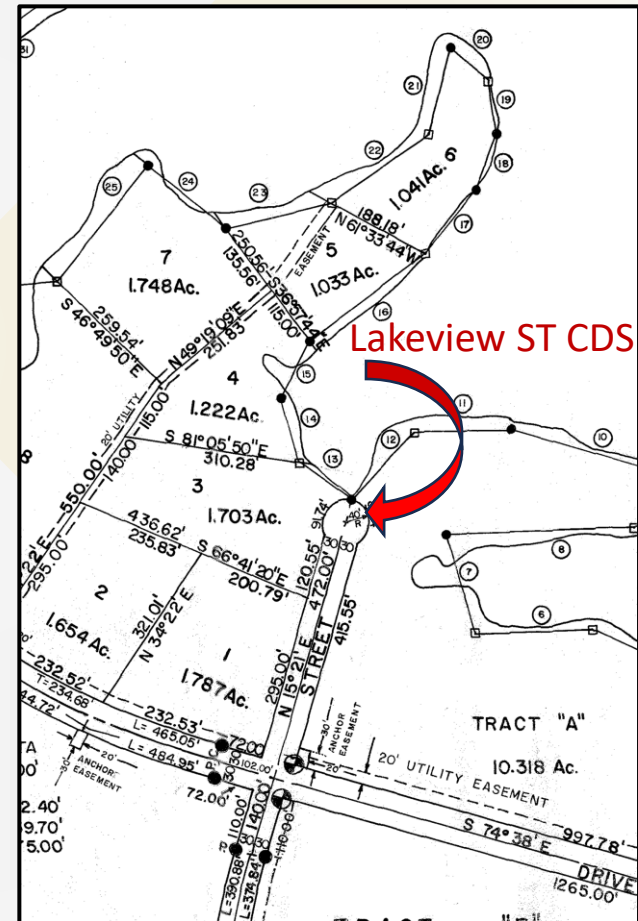
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*“If the subdivider did not intend for the Lakeview Street right-of-way to extend to the waters of Benka Lake, there would be no reason to dedicate the ROW or construct the road any further beyond the lot line common to Lots 1 and 3, Block 1 than would be necessary to provide access to Lot 3.” If Lakeview Street was not intended for public access to Benka Lake, its only purpose would be to provide access to Lot 3 as Lot 1, Block 1 and Tract A are fully served on their southerly boundaries by Winterset Drive.”*  
[JFB Report]



## Benka Lake Subdivision - Report & Testimony - Intent

If access was only required to Lot 3 of Block 1, the CDS could have been slid south by at least 120 feet.



## Benka Lake – Report & Testimony – Deed/Plat Ambiguity

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- *“The result is an apparent boundary ambiguity in the deeds and referenced plat for the lots adjoining the cul-de-sac that requires resolution by the Court.” [JFB Report re: Platting a CDS at the meander line...]*



## Benka Lake – Report & Testimony – Deed/Plat Ambiguity

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- *“The result is an apparent boundary ambiguity in the deeds and referenced plat for the lots adjoining the cul-de-sac that requires resolution by the Court.” [JFB Report re: Platting a CDS at the meander line...]*
- *“The proper first step in deed construction is to look to the four corners of the document to see if it unambiguously presents the parties’ intent, without resort to ‘rules of construction.’” [Norken v. McGahan Alaska 1991]*



## Benka Lake – Report & Testimony – Deed/Plat Ambiguity

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- *“When the Court determines that a deed/plat are ambiguous, extrinsic evidence may be considered. In this case, the extrinsic evidence would include the contract documents relating to Lakeview Street stating that the subdivider’s intent was for the dedication to extend to the waters of Benka Lake and serve as a boat launch.” [JFB Report]*



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- *“When the Court determines that a deed/plat are ambiguous, extrinsic evidence may be considered. In this case, the extrinsic evidence would include the contract documents relating to Lakeview Street stating that the subdivider’s intent was for the dedication to extend to the waters of Benka Lake and serve as a boat launch.” [JFB Report]*
- *“Conclusions about the parties’ intent drawn by the trial court after sifting and weighing such extrinsic evidence are conclusions of fact.” [Norken v. McGahan Alaska 1991]*





## Benka Lake – Superior Court Hearing – May 23, 2024

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- A 3-hour hearing was held at the Palmer Superior Court to present arguments on behalf of the Brunz's, Friends of Benka Lake, the State of Alaska and other affected property owners.



## Benka Lake – Superior Court Injunction – May 31, 2024

Therefore, this court GRANTS *State of Alaska's Motion for Injunctive Relief*, and the Brunzes are ORDERED to remove the fence from Lakeview Street no later than 72 hours from the issuance of this order.



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- *“Until the case is finally resolved, plaintiffs Friends of Benka Lake...are enjoined from taking action or engaging in activities inconsistent with lake access.”* [No loitering, camping, dog walking or fires...]



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- *“Until the case is finally resolved, plaintiffs Friends of Benka Lake...are enjoined from taking action or engaging in activities inconsistent with lake access.”* [No loitering, camping, dog walking or fires...]
- The Brunz’s can build a fence to protect their property, *“However, such a fence cannot obstruct peaceful and non-injurious ingress and egress to Benka Lake in any way.”*



## Benka Lake – Superior Court Hearing – May 23, 2024

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Benka Lake documents uploaded to conference website:

- 2024.3.27 AGO Memo in Support of Injunction
- 2024.5.15 Brunz Hearing Brief
- 2024.5.17 JFB Benka Lake Expert Report
- 2024.5.20 AGO Hearing Brief
- 2024.5.31 Superior Court Injunction
- 2024.6.5 Alaska Landmine Benka Lake Article



## Benka Lake

- It is possible that the Benka Lake case may never reach Superior Court for a conclusion as to the intent of the plat and subdividers. Trials are expensive and there is still an opportunity for a mediated settlement...



JFB Text/AI

# Orth v. Largent



## Orth v. Largent – Location: Ester, Alaska



Google Earth

8.5 Miles West of Fairbanks North of Parks Highway



**Orth v. Largent: 4FA-13-02333 CI Superior Court**

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*Complaint:* Filed by Orth on July 25, 2013



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*Parties:*

Geoffrey Orth: Ester resident & trails advocate

Walter S. Largent: Ester mining claim owner



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*Trial Date:* February 13, 2023 to February 23, 2023

### *Parties:*

Geoffrey Orth: Ester resident & trails advocate

Walter S. Largent: Ester mining claim owner

### *Issue:*

Trail Dispute: Ester Valley Trail crosses mining claims –  
In the summer of 2012, Largent installs a gate and lock to prevent public access.



## Orth v. Largent: 4FA-13-02333 CI Superior Court

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### *Arguments:*

- Orth claims that historic trail *predates* mining claims therefore claims are subject to public access. (RS2477)



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- Asserted uses include hiking, bicycling, x-country skiing, snow machining, dog sledding. Asserted width: 10-20'



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- Asserted uses include hiking, bicycling, x-country skiing, snow machining, dog sledding. Asserted width: 10-20'
- Largent is concerned about liability and vandalism.



## Orth v. Largent : 4FA-13-02333 CI Superior Court

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### *One Big Family...*

- In July of 2018, Orth files to disqualify Judge Paul Lyle based on his long working relationship with Largent's expert witness...(me) The motion was not granted.





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- Orth's attorney – Bill Satterberg...long time representative of landowners in DOT condemnations and former transportation Assistant Attorney General.



## Orth v. Largent : 4FA-13-02333 CI Superior Court

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*One Big Family... witnesses included:*

- Jim “Clutch” Lounsbury – Ester miner and claim owner of the Clipper Mine, the only US Mineral Survey that I performed.



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- Mike Tinker – Ester resident and Party Chief on my first DOH construction survey crew in the Fall of 1972...the final Parks Highway connection at Cantwell.



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- Mike Tinker – Ester resident and Party Chief on my first DOH construction survey crew in the Fall of 1972...the final Parks Highway connection at Cantwell.
- Pete Eagan – Alaska Gold Co. manager and son of Dan Eagan former Alaska Gold Co. manager...Ester Claims. (mining dredges, largest private pre-ANCSA Alaska landowner)



## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- Orth is asserting an RS2477 claim to a road through the center of the claims near the Ester Creek channel. The road that currently exists at that location is not the road that is depicted on the USGS 1908 map or the MS plats.



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- Orth asserts that RS2477 established prior to Mineral Survey location dates. (Exploration, trapping...)



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- Orth asserts that RS2477 established prior to Mineral Survey location dates. (Exploration, trapping...)
- Orth suggests that not all roads were surveyed as a part of a Mineral Survey. This would be contrary to the 1909 and 1930 GLO Manual of Instructions.





## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- My report concluded that no valid RS2477 passed through the Largent mining claims due to 1903 location dates.



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### *Briefs, Motions & Reports:*

- My report concluded that no valid RS2477 passed through the Largent mining claims due to 1903 location dates.
- Express Reservations, “Subject to...” clauses and Public Prescriptive Easements were also considered. Could the use by the public be considered “permissive”, therefore defeating “adverse” use? I concluded that it did.



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- Express Reservations, “Subject to...” clauses and Public Prescriptive Easements were also considered. Could the use by the public be considered “permissive”, therefore defeating “adverse” use? I concluded that it did.
- Alaska Road Commission 1929 report refers to “Route No. 7d – “Esther Siding to Ester Creek vicinity.” However, public construction and funding does not always indicate a public ROW.



## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

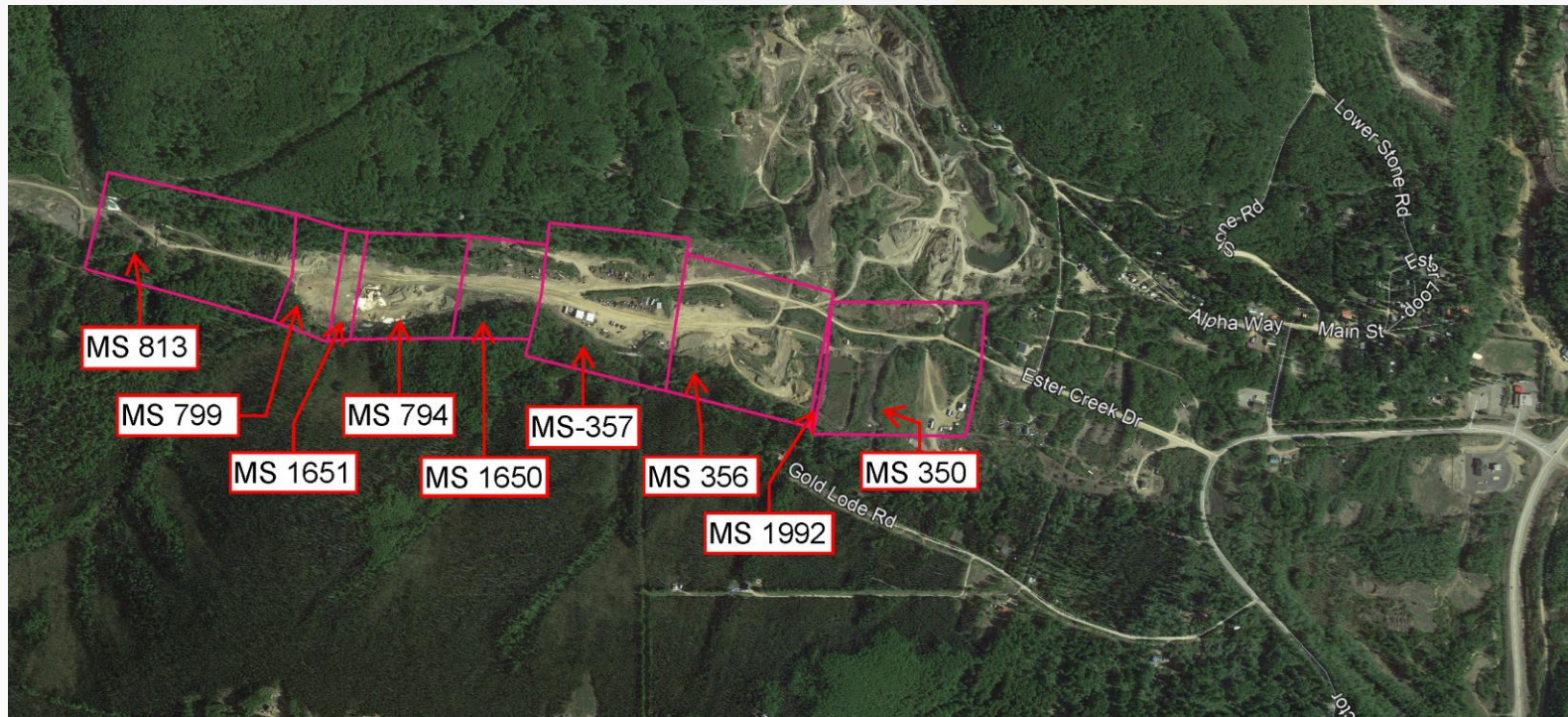
What level of use does it take to create a public highway by RS2477?

*“There simply is not enough evidence of public use to justify the lower court's finding that a public highway was created across Hamerly's homesite. During the periods that the land was not the subject of homesteaders' claims, its use was infrequent and sporadic. Those who did use the road had no real interest in the lands to which it gave access. They were merely sightseers, hunters and trappers. The road could not be considered as something that was either necessary or convenient for the accommodation of the public. Where there is a dead end road or trail, running into wild, unenclosed and uncultivated country, the desultory use thereof established by the evidence in this case does not create a public highway.”* (Desultory – occurring randomly or occasionally) Hamerly v. Denton 1961 Alaska



## Orth v. Largent : Briefs, Motions & Reports

June 15, 2018: JFB Expert report regarding status of public access through Largent's Ester Creek properties.



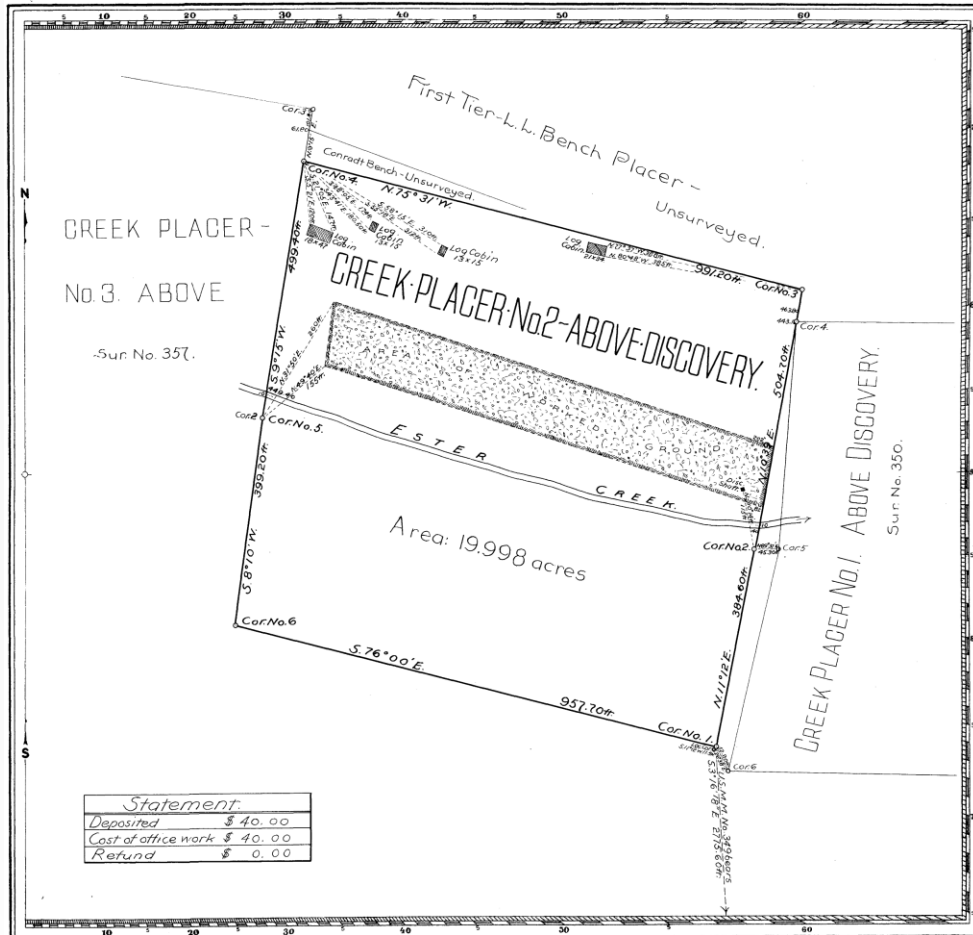
## Orth v. Largent : Briefs, Motions & Reports

Report & RS2477: USMS location dates removed lands from the public domain prior to trail use by the public.

Ester Creek Mining Claim Data				
MS	Location	Surveyed	Plat	Patent
No.	Date	Date	Approved	Date
813	February 25, 1903	June 6, 1913	September 3, 1913	May 15, 1915
799	January 26, 1904	August 28, 1912	October 16, 1912	September 14, 1914
1651	October 24, 1911	May 17-18, 1933	June 28, 1934	November 19, 1935
794	February 25, 1903	November 2, 1911	December 30, 1911	August 4, 1914
1650	April 13, 1933	March 15, 1933	June 28, 1934	November 19, 1935
357	February 24, 1903	October 20, 1909	July 29, 1910	August 4, 1914
356	February 24, 1903	October 19, 1909	July 28, 1910	April 14, 1914
1992	July 21, 1926	June 26, 1927	March 16, 1928	July 18, 1929
350	February 24, 1903	October 19, 1909	July 27, 1910	April 14, 1917



# Orth v. Largent: Briefs, Motions & Reports



Claim Located **Feb. 24, 1903**  
 Recorded **June 6, 1903**  
 Mineral Survey No. **350**  
 Application for Survey **Oct. 5, 1909**  
 Lot No. \_\_\_\_\_  
 Fairbanks Land District.

**PLAT**  
 OF THE CLAIM OF  
 John Belsea  
 KNOWN AS THE  
**Creek Placer No. 2-Above Discovery on Ester Creek**

IN Fairbanks MINING DISTRICT,  
 District of Alaska  
 Containing an Area of **19,998** Acres.  
 Scale of **150** Feet to the inch.  
 Variation **31°00' East**.  
**MADE BY** **Oct 19 - 20, 1909** BY  
**M. E. Baldry**, U.S. Mineral Surveyor.

The Original Field Notes of the Survey of the Mining Claim of  
 John Belsea  
 known as the **Creek Placer No. 2**  
 Above Discovery, on Ester  
 Creek.

from which this plat has been made under my direction  
 have been examined and approved, and are on file in this office  
 and I hereby certify that they furnish such an accurate descrip-  
 tion of said Mining Claim as will, if incorporated into a patent,  
 serve fully to identify the premises, and that such reference  
 is made therein to natural objects or permanent monuments  
 as will perpetuate and fix the locus thereof.  
 I further certify that Five Hundred Dollars worth of labor has  
 been expended or improvements made upon said Mining  
 Claim by claimant or his grantors, and that  
 said improvements consist of Shaft and Placer  
 workings

Total Value **\$60,300.00**  
 that the location of said improvements is correctly shown  
 upon this plat, and that no portion of said labor or im-  
 provements has been included in the estimate of expendi-  
 tures upon any other claim.  
 And I further certify that this is a correct plat of said Mining  
 Claim made in conformity with said original field notes of the  
 survey thereof, and the same is hereby approved.

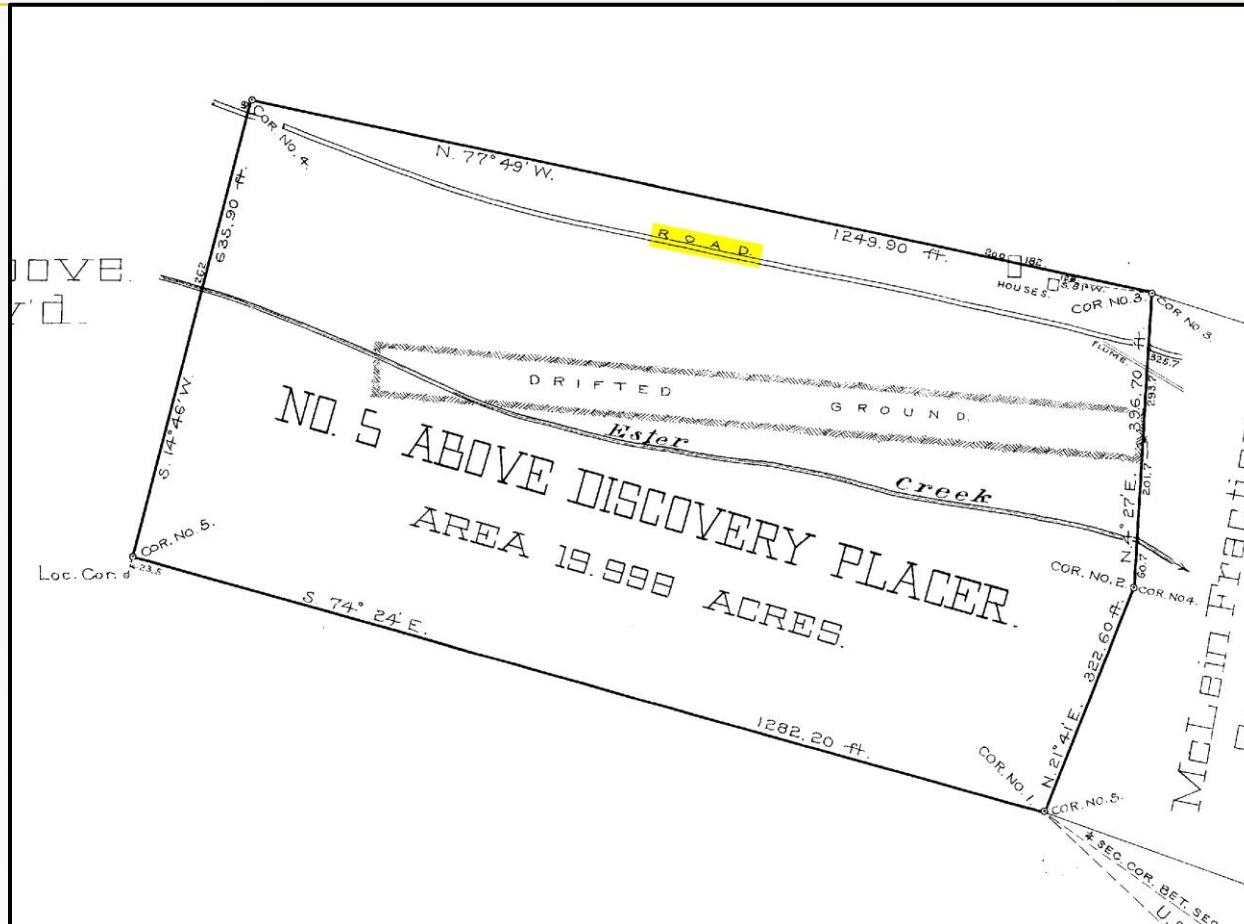
U.S. Surveyor General's Office *M. E. Baldry*  
 Juneau, Alaska U.S. Surveyor General for  
 July 28, 1910 Alaska.

**USMS 356**  
 Location:  
**2/24/1903**  
 Survey:  
**10/19/1909**

Survey ties:  
 cabins,  
 shafts,  
 Ester Creek  
 & worked  
 ground...



## Orth v. Largent: Briefs, Motions & Reports



USMS 813

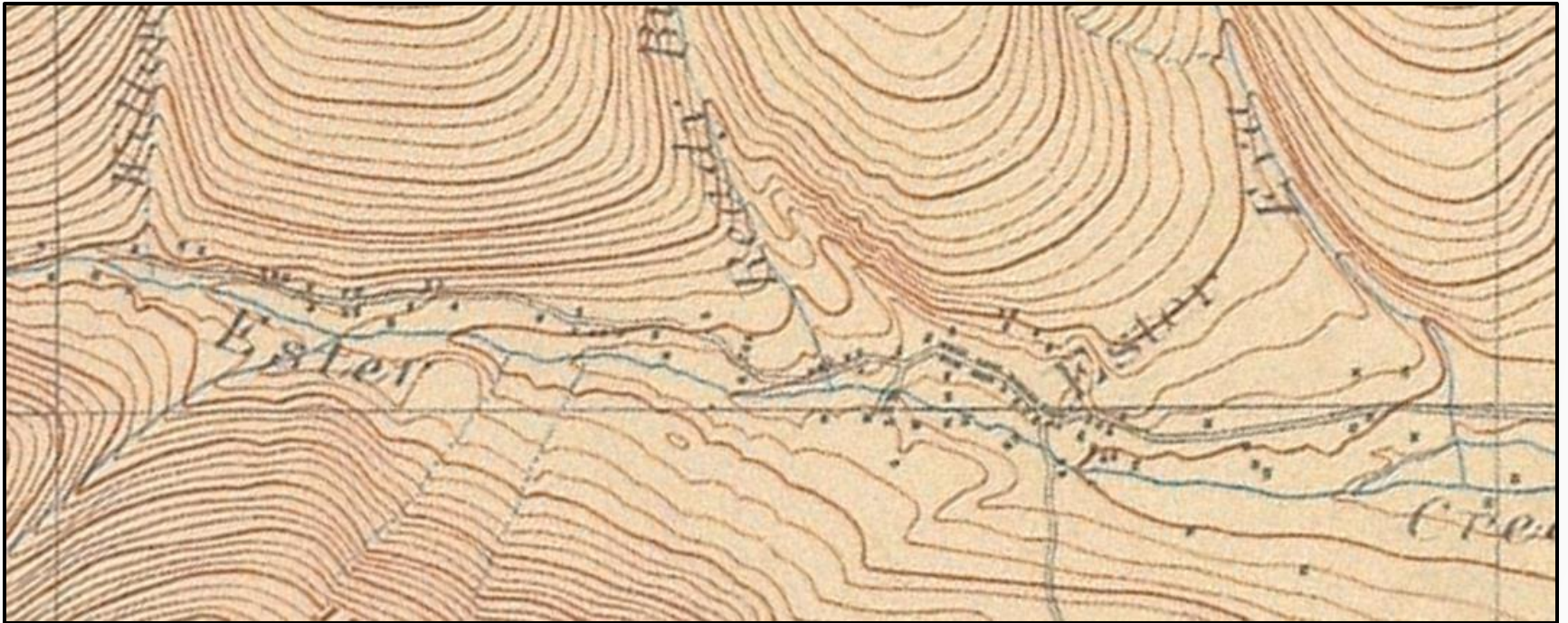
Location:  
2/25/1903

Survey:  
6/6/1913

Note road  
location  
below  
north  
boundary.

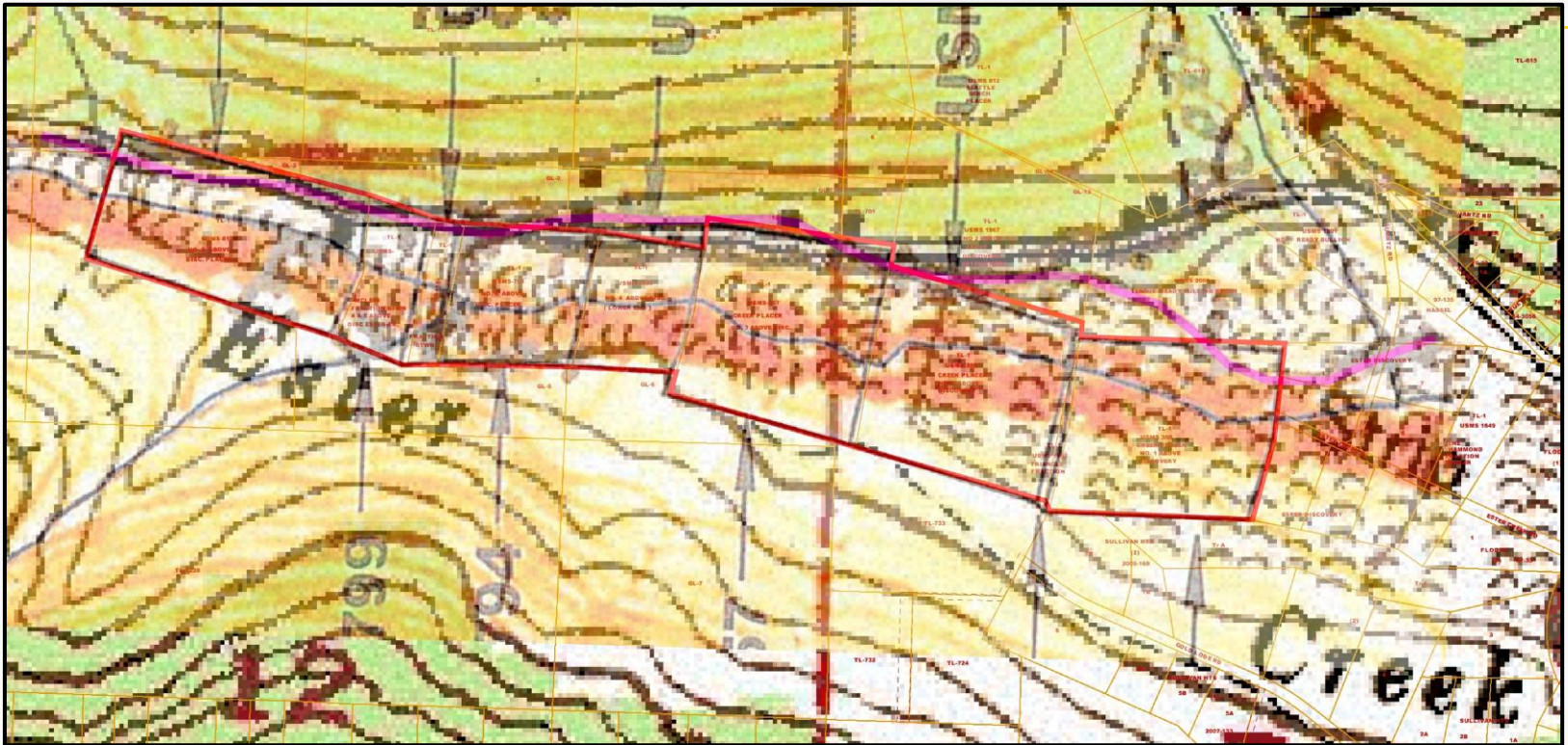


## Orth v. Largent: Briefs, Motions & Reports



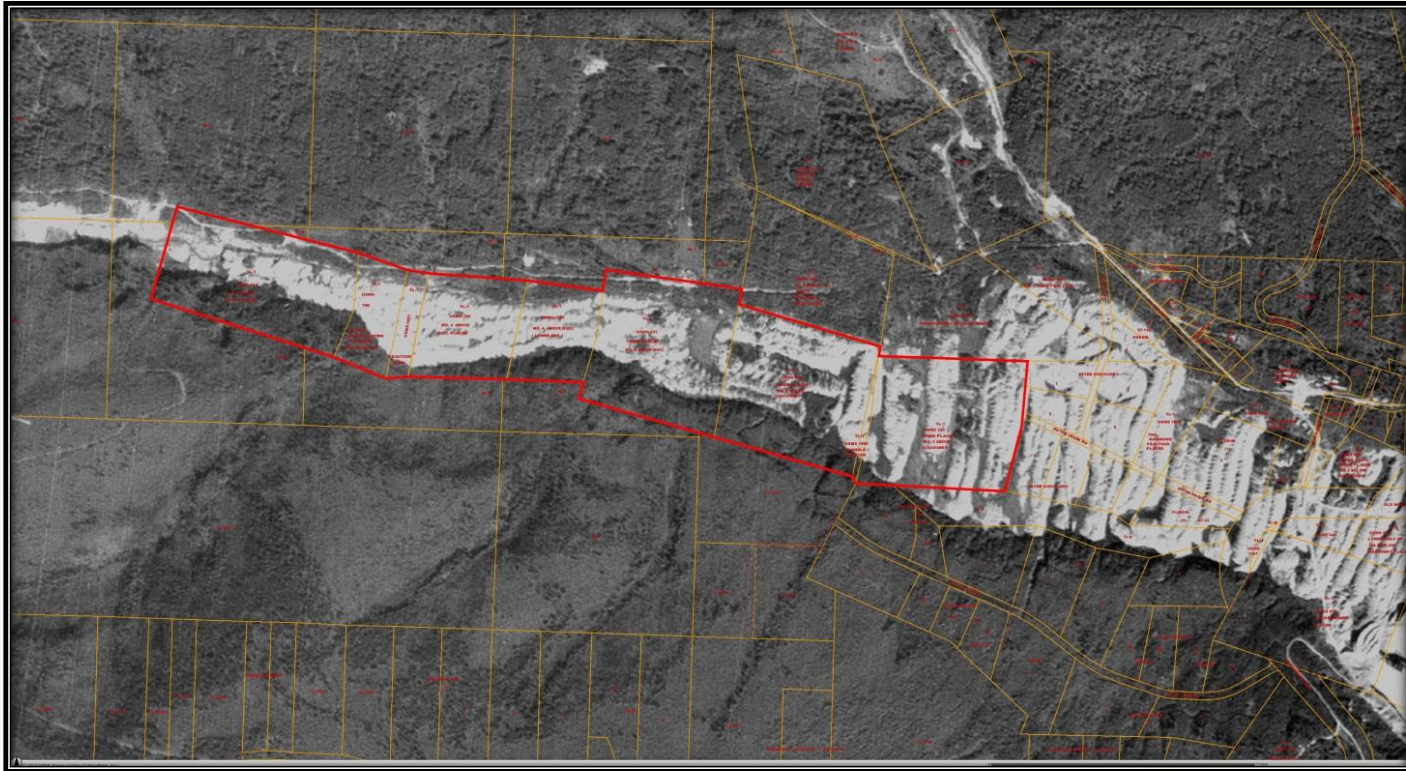
No aerial photos...but we do have the 1908 USGS:  
“Fairbanks Special Map” – Note road location...

## Orth v. Largent: Briefs, Motions & Reports



1908/1950 USGS Overlay with FNSB GIS MS boundaries...

## Orth v. Largent



FNSB Parcel outline over 1949 USGS aerial at Ester Creek

## Orth v. Largent



Library of Congress – Goldstream Dredge

USSR&M/Fairbanks  
Exploration Co./Alaska  
Gold Co. dredge

## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- Trial was held in Fairbanks from February 13, 2023 to February 23, 2023.



## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- Trial was held in Fairbanks from February 13, 2023 to February 23, 2023.
- February 21, 2023: Orth withdraws RS2477 assertion on the basis that it is not a strong claim. Focus will be on an easement by prescription.



## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- Trial was held in Fairbanks from February 13, 2023 to February 23, 2023.
- February 21, 2023: Orth withdraws RS2477 assertion on the basis that it is not a strong claim. Focus will be on an easement by prescription.
- February 22, 2023: Judge Lyle suggests reconsideration of settlement...he could not yet predict his decision but was fairly certain that neither party would be happy.



## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- February 23, 2023: The day I was to testify... An amicable settlement was reached!





## Orth v. Largent : Briefs, Motions & Reports

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### *Briefs, Motions & Reports:*

- February 23, 2023: The day I was to testify... An amicable settlement was reached!
- A rerouted 10' wide trail open 24/7 with Largent responsible for construction costs.



## Orth v. Largent: Alaska Gold Co. Surveys

MEMORANDUM

Subject: Survey Control for Re-establishment of Patented Mineral Survey  
Claims and Parcels Thereof

Date: May 9, 1966

This Memorandum is written in anticipation that it will be of value to Engineers and Surveyors succeeding the author, whom will be involved in relocations of Company owned mining claims. Opinions expressed, suggestions, field conditions and conflicts described are based on the writer's experience and research of the Company records, mainly field and calculations books.

There is much to be desired in adequate ground control on the various creeks for accurate re-establishment of the mineral survey corners.

USSR&M Mining Engineer John C. Johnston



## Orth v. Largent : 4FA-13-02333 CI Superior Court

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Orth v. Largent documents uploaded to conference website:

- 1966.5.9 J Johnston USSR&M Claim Surveys
- 2018.6.15 Orth v. Largent Report
- 2023.2.10 Plaintiff's Pretrial Memorandum
- 2023.2.10 Defendant's Pretrial Memorandum



# Closing

## Cleaning Out the Closet

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Neither of the presented cases have resulted in any citable case law...yet. If the Benka Lake case fails mediation, the litigation may continue. Orth v. Largent appears to be another example of a boundary/right of way conflict in which money seems to be no object and where often, the cost of conflict seems to exceed the value of the property interest under dispute.

But on the other hand,...it keeps us busy.





Richardson Highway – JFB Photo/AI

**THE END**