
SUBSTITUTE SENATE BILL 6355

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Bailey, Owen and Barr)

Read first time 02/07/92.

1 AN ACT Relating to resurveys; and adding new sections to chapter
2 58.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout this
6 chapter.

7 (1) "Bona fide rights" of a landowner are those claims acquired in
8 good faith pursuant to the applicable sections of the current Manual of
9 Instructions for the Survey of Public Lands of the United States.

10 (2) "Good faith" means honesty in fact in complying with a law or
11 administrative rule.

12 (3) "Dependent resurvey" means a retracement and reestablishment of
13 the lines of the original survey in their true original positions
14 according to the best available evidence of the positions of the

1 original corners. It includes the restoration of lost corners in
2 accordance with procedures described in the Manual of Surveying
3 Instructions for the Survey of Public Lands.

4 (4) "Independent resurvey" means an establishment of new section
5 lines, and often new township lines, independent of and without
6 reference to the corners of the original survey.

7 (5) "Original survey" means the first survey of the land in
8 question conducted under the authority of the federal general land
9 office which is now the federal bureau of land management.

10 NEW SECTION. **Sec. 2.** (1) If land is resurveyed by
11 individuals, entities, or public bodies of whatever nature, the
12 resurvey may not impair the bona fide rights of a landowner who may be
13 affected by the resurvey. When a resurvey is performed, the resurvey
14 must be a dependent survey that determines the location of land made in
15 good faith according to the best available evidence of the original
16 survey. The burden of proof shall be the preponderance of the evidence
17 standard.

18 (2) The resurvey may not substitute the methods of an independent
19 resurvey in place of evidence from the original survey although the
20 original survey may have been poorly or incompletely executed. The
21 original survey controls the boundaries of land patented under that
22 survey.

23 (3) The position of a tract of land, described by legal
24 subdivisions, is absolutely fixed by the original corners and other
25 evidences of the original survey and not by occupation or improvements,
26 or by the lines of a resurvey that does not follow the original survey.
27 A resurvey can affect bona fide rights only in the matter of position
28 or location on the earth's surface. Other questions of good faith,
29 such as priority of occupation, possession, continuous residence, value

1 of improvements, and cultivation, do not affect the problem of resurvey
2 except as they help to define the position of the original survey.
3 Nothing in this section abrogates rights of landowners under the
4 doctrine of adverse possession or the practical location of boundaries.

5 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each
6 added to chapter 58.24 RCW.