TITLE 55
PROPERTY IN GENERAL

CHAPTER 16
CORNER PERPETUATION AND FILING

55-1601. SHORT TITLE. This chapter may be cited as the "Corner Perpetuation and Filing Law."

[55-1601, added 1967, ch. 215, sec. 1, p. 647; am. 1993, ch. 206, sec. 1, p. 564.]

55-1602. DECLARATION OF POLICY. It is the purpose of this chapter to protect and perpetuate public land survey corners and information concerning the location of such corners by requiring the systematic establishment of monuments and filing of information concerning the marking of the location of such public land survey corners and to allow the systematic location of other property corners, thereby providing for property security and a coherent system of property location and identification; and thereby eliminating the repeated necessity for reestablishment and relocations of such corners once they are established and located.

[55-1602, added 1967, ch. 215, sec. 2, p. 647; am. 1993, ch. 206, sec. 2, p. 564.]

55-1603. DEFINITIONS. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference points, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(2) "Benchmark" means a material object, natural or artificial, whose elevation is referenced to an adopted datum.

(3) "Board" means the board of licensure of professional engineers and professional land surveyors.

(4) "Control survey" means a survey that provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(5) "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(6) "Establish" means to determine the position of a corner either physically or mathematically.

(7) "Monument" means a physical structure intended to mark, reference, or witness a line, corner, or position.

(8) "Professional land surveyor" means any person who is authorized by the laws of this state to practice land surveying.

(9) "Property controlling corner" for a property means a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(10) "Property corner" means a geographic point on the surface of the earth and is on, a part of, and controls a property line.

(11) "Public land survey corner" means any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office (GLO) and the U.S. department of interior, bureau of land management. This excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite.

(12) "Reference point" means a special monumented point that does not occupy the same geographical position as the corner itself, and where the spatial relationship to the corner is recorded, and which serves to locate the corner.

(13) "Witness corner" means a monumented point on a lot line or boundary line of a survey, near a corner, and established in situations where it is impracticable to occupy or monument the corner.

[55-1603, added 1967, ch. 215, sec. 3, p. 647; am. 1993, ch. 206, sec. 3, p. 565; am. 1997, ch. 190, sec. 13, p. 526; am. 2008, ch. 378, sec. 27, p. 1046; am. 2011, ch. 136, sec. 13, p. 391; am. 2020, ch. 127, sec. 11, p. 403; am. 2022, ch. 43, sec. 6, p. 120.]

55-1604. FILING REQUIREMENTS. A professional land surveyor shall complete, sign, and file with the county clerk and recorder of the county where the corner is situated a written record of the establishment, reestablishment, or rehabilitation of a corner monument and its accessories. This record shall be known as a "corner record" and such a filing shall be made for every public land survey corner, center one-quarter (1/4) corner, corners used as ties as described in section 50-1304(2)(g) or 55-1906(5), Idaho Code, and accessory to such corner established, reestablished, monumented, remonumented, rehabilitated, perpetuated or used as control in any survey. The survey information shall be filed within ninety (90) days after the survey is completed, unless the corner and its accessories are substantially as described in an existing corner record filed in accordance with the provisions of this chapter.

In lieu of filing as heretofore provided, corner records may be recorded electronically in those counties that have such facilities.

[55-1604, added 1967, ch. 215, sec. 4, p. 647; am. 1972, ch. 162, sec. 1, p. 363; am. 1993, ch. 206, sec. 4, p. 565; am. 2020, ch. 127, sec. 12, p. 404; am. 2022, ch. 43, sec. 7, p. 121.]

55-1605. FILING OR RECORDING. A professional land surveyor may file or record any corner record as to any property controlling corner or accessory to a corner.

[55-1605, added 1967, ch. 215, sec. 5, p. 647; am. 1972, ch. 162, sec. 2, p. 363; am. 1993, ch. 206, sec. 5, p. 566; am. 2011, ch. 136, sec. 14, p. 392.]

55-1606. FILING OR RECORDING INFORMATION. The board shall, by regulation, provide and prescribe the information which shall be necessary to be included in the corner record and the board shall prescribe the form in which such corner record shall be presented and filed or recorded.

[55-1606, added 1967, ch. 215, sec. 6, p. 647; am. 1972, ch. 162, sec. 3, p. 363.]

55-1607. COUNTY CLERK TO KEEP RECORD -- FEES. (a) The county clerk and recorder of the county containing the corner shall receive the completed corner record and preserve it in the same manner as any other recorded instruments. Proper indexes shall be kept of such corner records by section, township and range.

(b) The county clerk and recorder shall make these records available for public inspection during all usual office hours.

(c) For purposes of determining the filing fee hereunder, the corner record shall be considered as a similar service to the filing or recording of instruments as provided in section 31-3205, Idaho Code.

[55-1607, added 1967, ch. 215, sec. 7, p. 647; am. 1972, ch. 162, sec. 4, p. 363; am. 1993, ch. 206, sec. 6, p. 566; am. 1997, ch. 190, sec. 14, p. 527; am. 2020, ch. 127, sec. 13, p. 404.]

55-1608. PROFESSIONAL LAND SURVEYOR TO ESTABLISH OR REHABILITATE MONUMENTS. (1) In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must rehabilitate or remonument any corner in accordance with subsection (2) of this section. Where the corner position is monumented with a stable, permanent, substantial, accessible, magnetically detectable, and uniquely identifiable monument, a new monument will not be required. The professional land surveyor must also recover, establish, or rehabilitate a minimum of three (3) accessories to such corner where practicable. Where the professional land surveyor determines accessories are impracticable, an explanation shall be included on the corner record.

(2) Any monument set shall conform to the provisions of section 54-1227, Idaho Code, and shall be surmounted with a cap of such material and size that can be permanently and legibly marked as prescribed by the manual of surveying instructions issued by the United States department of the interior, bureau of land management, including the license number of the professional land surveyor responsible for placing the monument. Monuments shall be marked such that measurements between them may be made to the nearest one-tenth (0.1) foot. If the monument is set by a public officer, it shall be marked by an appropriate official designation. Where it is impracticable to monument a corner due to situations beyond the professional land surveyor's control, reference points or a witness corner shall be recovered or established. The professional land surveyor must also document the reason the monument cannot be set, the method of establishing the corner location, and the presence of any found or set reference point or witness corner on his corner record and record of survey or plat.

(3) Where closing corners that are not on or controlling for the line closed upon were set in any government survey authorized by the congress of the United States and the true point of intersection of the pertinent lines is controlling in a survey, resurvey, or subdivision of a section, the true point of intersection shall be monumented with a monument conforming to subsection (2) of this section. Any professional land surveyor establishing such a monument shall prepare and file a corner record for the true point of intersection monument, including any evidence related to and the pedigree of the original closing corner. If found, the original closing corner monument

position must be remonumented as an amended monument in accordance with subsection (2) of this section.

[55-1608, added 1967, ch. 215, sec. 8, p. 647; am. 1972, ch. 162, sec. 5, p. 363, am. 1978, ch. 107, sec. 2, p. 224; am. 1993, ch. 206, sec. 7, p. 566; am. 2008, ch. 378, sec. 28, p. 1047; am. 2011, ch. 136, sec. 15, p. 392; am. 2020, ch. 127, sec. 14, p. 404.]

55-1609. TO BE SIGNED BY PROFESSIONAL LAND SURVEYOR OR GOVERNMENT AGENT. No corner record shall be filed or recorded unless the same is signed by a professional land surveyor as defined herein, or, in the case of an agency of the United States government, the certificate may be signed by the survey party chief making the survey.

[55-1609, added 1967, ch. 215, sec. 9, p. 647; am. 1972, ch. 162, sec. 6, p. 363; am. 1993, ch. 206, sec. 8, p. 567.]

55-1611. FEDERAL GOVERNMENT FILINGS WITHOUT FEES. All federal government surveys performed by authorized personnel of agencies of the federal government shall not be subject to the provisions of this chapter, except that federal agencies may comply with the provisions of the chapter, and shall be exempt from filing fees required in section 55-1607(c), Idaho Code.

[55-1611, added 1967, ch. 215, sec. 11, p. 647; am. 1993, ch. 206, sec. 10, p. 567.]

55-1612. PENALTY. Professional land surveyors failing to comply with the provisions hereof shall be subject to disciplinary action.

[55-1612, added 1967, ch. 215, sec. 12, p. 647; am. 1989, ch. 103, sec. 1, p. 236; am. 1993, ch. 206, sec. 11, p. 567; am. 1997, ch. 190, sec. 15, p. 528; am. 2008, ch. 378, sec. 29, p. 1047; am. 2026, ch. 221, sec. 100, p. 979.]

55-1613. MONUMENTS DISTURBED BY CONSTRUCTION ACTIVITIES -- PROCEDURE -- REQUIREMENTS. The physical existence and location of the monuments of property controlling corners and accessories to corners, as well as benchmarks established and points set in control surveys by agencies of the United States government or the state of Idaho, shall be determined by a field search and location survey conducted by or under the direction of a professional land surveyor prior to the time when project construction or related activities may disturb them. Construction documents or plans prepared by professional engineers shall show the existence and location of all such monuments, accessories to corners, benchmarks and points set in control surveys. All monuments, accessories to corners, benchmarks and points set in control surveys that are lost or disturbed by construction shall be reestablished and remonumented, at the expense of the agency or person causing their loss or disturbance, at their original location or by the setting of a witness corner or reference point or a replacement benchmark or control point, by or under the direction of a professional land surveyor. Professional engineers who prepare construction documents or plans that do not indicate the existence and location of all such monuments, accessories to corners and benchmarks and points set in control surveys by agencies of the United States government or the state of Idaho shall be deemed to be

within the purview of and subject to disciplinary action pursuant to section 67-2616, Idaho Code.

[55-1613, added 1978, ch. 107, sec. 3, p. 224; am. 1993, ch. 206, sec. 12, p. 567; am. 1997, ch. 190, sec. 16, p. 528; am. 2008, ch. 378, sec. 30, p. 1047; am. 2011, ch. 136, sec. 16, p. 393; am. 2026, ch. 221, sec. 101, p. 979.]