

Date Issued: May 5, 1981 (AGO 81-43)

Requested by: Walton S. Russell, Special Assistant Attorney General for the North Dakota State Board of Professional Engineers and Land Surveyors

- QUESTION PRESENTED -

Whether a surveyor who prepares oil and gas well siting plats pursuant to section 43-02-03-16 of the North Dakota Administrative Code must comply with the requirements of chapter 47-20.1 of the North Dakota Century Code, relating to the filing of corner records.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a surveyor who prepares oil and gas well siting plats pursuant to section 43-02-03-16, N.D.A.C., must comply with the requirements of chapter 47-20.1, N.D.C.C., relating to the filing of corner records.

- ANALYSIS -

Section 47-20.1-03, N.D.C.C., provides that whenever a public land survey corner or an accessory to such corner "is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey" it must be filed, unless the corner has been previously filed. Public land survey corners are defined by subsection 3 of section 47-20.1-02, N.D.C.C. This statute does not limit its applicability to maps and plats which are required to be filed with the register of deeds. Furthermore, the purpose of chapter 47-20.1, N.D.C.C., as stated in section 47-20.1-01, N.D.C.C., is to "protect and perpetuate public land survey corners . . . by requiring the systematic establishment of monuments and recording of information concerning the marking of the location" of such corners. Exempting well siting plats would not further the purpose of chapter 47-20.1, N.D.C.C.

Chapter 47-20.1, N.D.C.C., does not purport to require that the records of all corners must be filed. The only corner filings required of a surveyor establishing a well siting plat are public land survey corners and accessories to public land survey corners which are established, reestablished, or otherwise used in a survey and which have not been previously recorded pursuant to chapter 47-20.1, N.D.C.C.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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Attorney General

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