

### EASEMENTS/EXCEPTIONS

- Subject to easements in connection with Big Flat Ditch and China Ditch.
- Subject to the rights of the public in roads and highways.
- Reservation of all coal and other mineral rights, including the terms and provisions thereof, as reserved in patent recorded July 10, 1926, in Book 106, at Page 80, Baker County Deed Records. Affects the Northeast quarter of the Northeast quarter and the West half of the East half of Section 33, T. 11 S., R. 37 E., W.M.
- Reservation of all coal and other mineral rights, including the terms and provisions thereof, as reserved in patent recorded August 30, 1928, in Book 111, at Page 1, Baker County Deed Records. Affects the East half of the Southeast quarter of Section 33, T. 11 S., R. 37 E., the Southwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter, the West half of the Southeast quarter, and the Northeast quarter of the Southeast quarter of Section 34, T. 11 S., R. 37 E., W.M.
- Reservation of all coal and other mineral rights, including the terms and provisions thereof, as reserved in patent recorded January 15, 1935, in Book 120, at Page 278, Baker County Deed Records. Affects Government Lots 3 and 4 of Section 3, and Government Lots 1 and 2 of Section 4, T. 12 S., R. 37 E., W.M.

### ACCESS / UTILITY EASEMENT

A non-exclusive sixty (60) foot wide access / utility easement is hereby created by this plat. The easement shall consist of a strip of land sixty (60) feet in width more particularly described as follows:  
 The East 60 feet of the North half of the Southeast quarter and the East 60 feet of the South half of the Northeast quarter of Section 4, T. 12 S., R. 37 E., W.M., lying North of Whitney Road (Baker County Road No. 529), also the South 60 feet of the East 60 feet of Government Lot 1 of said Section 4. Said easement shall be for ingress & egress and the placement of utilities to serve Parcel No. 2 as shown hereon. The owners of Parcel No. 1 for themselves, their heirs, successors, invitees and reasonable and necessary trades people expressly reserve the right to use the road for all lawful purposes jointly and in common with the owners of Parcel No. 2. The beneficiaries of this easement shall be limited to the owners of said Parcel No. 2, their heirs, successors, assigns, and guests. All costs and expenses related to the normal use, maintenance and repair of the roadway attributable to use by owners of Parcel No. 2 or those acting by and through the owners of Parcel No. 2, shall be paid and/or performed by the owners of Parcel No. 2; provided, however, the owners of Parcel No. 2 shall not be obligated for such costs and expenses of repair and maintenance attributable to the owners of Parcel No. 1 or any third parties using the road with the express or implied permission of the owners of Parcel No. 1.

### DITCH EASEMENT

Easement is conveyed to those with a legal water right for irrigation beyond the boundary of said parcel fed by any existing improved ditch. To those persons, is granted a perpetual, non-exclusive easement for it and it's laterals, feeders and sub-ditches, headgates and other appurtenances to operate, use, maintain, etc., restore and repair, with heavy equipment when needed, the existing ditch in the same manner as same presently exists upon, over and across the property as shown on the annexed major partition plat. The total width shall equal the bank to bank ditch width, plus 15 feet beyond the bank on each side of the ditch. Reasonable access to the easement will be granted at location designated by the property owner, unless other reasonable access is available.

### NARRATIVE

The purpose of this plat for Blue Mountain Ranch, LLC, is to partition the above described land into two parcels. Baker County Deed B06 06 0148 provided the property description for the subject property. All parcels on this partition are unsurveyed.

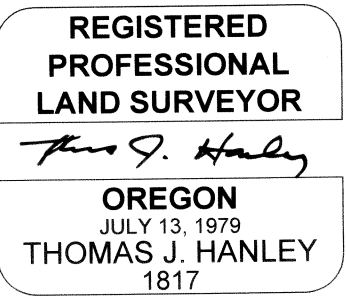
**HANLEY ENGINEERING, INC.**  
 P.O. BOX 701, 2043 MAIN STREET, BAKER CITY, OREGON 97814 (541) 533-5803

# PARTITION PLAT NO. P2006-010

## SURVEYOR'S CERTIFICATE

I, Thomas J. Hanley, certify that I have correctly platted two parcels of land on this major partition plat in accordance with O.R.S. Chapter 92. The boundary of the partition is as follows:  
 Land located in Sections 33 and 34, Township 11 South, Range 37 East, and Sections 3 and 4, Township 12 South, Range 37 East, Willamette Meridian, Baker County, Oregon, more particularly described as follows:

- T. 11 S., R. 37 E., W.M.**  
**SECTION 33:** The Southeast quarter, the West half of the Northeast quarter and the Northeast quarter of the Northeast quarter.  
**SECTION 34:** The Southwest quarter, the Southeast quarter of the Northwest quarter, the West half of the Southeast quarter, the Northeast quarter of the Southeast quarter and the Southwest quarter of the Northeast quarter.
- T. 12 S., R. 37 E., W.M.**  
**SECTION 3:** Government Lots 3 and 4.  
**SECTION 4:** The North half of the Southeast quarter, the South half of the Northeast quarter and Government Lots 1 and 2.



Renews June 30, 2007

## DECLARATION

Know all people by these presents that Blue Mountain Ranch, LLC is the owner of the land represented on this major partition plat, and more particularly described in the accompanying Surveyor's Certificate and it caused the same to be partitioned into two parcels as shown, in accordance with O.R.S. Chapter 92 and does hereby grant the access/utility easement and ditch easement as described hereon.

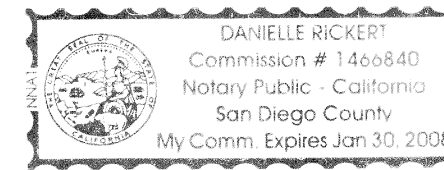
*Mark Spitsbergen*  
 Mark Spitsbergen  
 Blue Mountain Ranch, LLC

*Anne Spitsbergen*  
 Anne Spitsbergen  
 Blue Mountain Ranch, LLC

## ACKNOWLEDGMENT

State of California } S.S.  
 County of San Diego }

On June 15, 2006 before me did personally appear the within named Mark Spitsbergen and Anne Spitsbergen, owners of Blue Mountain Ranch, LLC, who acknowledged to me that they executed the same freely and voluntarily.



*D. Rickert*  
 NOTARY PUBLIC  
 My Commission Expires Jan 30, 2008

## APPROVALS

We the undersigned officers in and for Baker County, Oregon do hereby approve this major partition plat.

Baker County Surveyor by: Rich G. Robbins; Date June 7, 2006.  
 Baker County Planning by: Sharon M. Benny; Date June 16, 2006.

I hereby certify that all taxes for the subject property have been paid as required.  
 Baker County Tax Collector by: Alise Yufuniger; Date June 16, 2006.

State of Oregon } S.S.  
 County of Baker }  
 I do hereby certify that this major partition plat was received for recording on the 16<sup>th</sup> day of JUNE, 2006 at 1:50 o'clock P.M., and recorded in Baker County records and is hereby approved.

Baker County Clerk by: Jamara J. Green Co. Clerk by Karen Skellias Deputy