

EASEMENTS/EXCEPTIONS

1. Subject to easements in connection with Big Flat Ditch and China Creek Ditch.
2. Subject to the rights of the public in roads and highways.
3. Reservation of all coal and other mineral rights, including the terms and provisions thereof, as reserved in patent recorded March 10, 1925, in Book 103, Page 108, Baker County Deed Records. Affects the Southeast quarter of the Northeast quarter and Lots 1 and 2 of Section 5, T. 12 S., R. 37 E., W.M..
4. Reservation of all coal and other mineral rights, including the terms and provisions thereof, as reserved in patent recorded March 10, 1925 in Book 103, Page 109, Baker County Deed Records. Affects the East half of the Northeast quarter, and the Southeast quarter of Section 32, and the Northwest quarter, the North half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 33, T. 11 S., R. 37 E., W.M..
5. Easement, including the terms and provisions thereof, in favor of Eugene R. Hawes and A. Christine Hawes, their heirs and assigns, for access and utility purposes along a present waterline to an existing spring box, recorded July 6, 2005, in Deed 0527 0262, Baker County Deed Records. Affects the Southwest quarter of Section 33, T. 11 S., R. 37 E., W.M.. Not locatable without benefit of survey.

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.

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 minor 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.

PARTITION PLAT NO. P2006-017

SURVEYOR'S CERTIFICATE

I, Thomas J. Hanley, certify that I have correctly platted two parcels of land on this partition plat in accordance with O.R.S. Chapter 92. The boundary of the partition is as follows:
Land located in Sections 32 and 33, Township 11 South, Range 37 East, and in Sections 4 and 5, 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 32: The East half of the Northeast quarter, and all that portion of the South half lying Northeasterly of the Northeasterly Right of Way of Whitney Road (Baker County Road No. 529).
SECTION 33: The West half.
- T. 12 S., R. 37 E., W.M.**
SECTION 4: All that portion of the Northwest quarter lying Northerly of the Northerly Right of Way line of Whitney Road (Baker County Road No. 529).
SECTION 5: All that portion of the North half lying Northerly of the Northerly Right of Way line of Whitney Road (Baker County Road No. 529).

EXCEPTING THEREFROM: Beginning at a point 279 feet West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 33, Township 11 South, Range 37 East, Willamette Meridian, Baker County, Oregon; thence North 264 feet; thence West 330 feet; thence South to the Northerly Right of Way line of Whitney Road (Baker County Road No. 529); thence Easterly along said Northerly Right of Way line to a point South of the Point of Beginning; thence North to the Point of Beginning.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**
Thomas J. Hanley
OREGON
 JULY 13, 1979
THOMAS J. HANLEY
 1817

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 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 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 August 16, 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.

Kimberly Childers
 comm. # 1685418
 San Diego County

Kimberly Childers
 NOTARY PUBLIC
 My Commission Expires August 01, 2010

APPROVALS

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

Baker County Surveyor by: *Nick G. Mohr*; Date August 11 2006.
DEPUTY Union County Surveyor

Baker County Planning by: *Jama Livingston*; Date 8-18-06 2006.

I hereby certify that all taxes for the subject property have been paid as required.

Baker County Tax Collector by: *Alice Dreyfus*; Date 8-18-06 2006.

State of Oregon } S.S.
 County of Baker }

I do hereby certify that this minor partition plat was received for recording on the 18th day of August, 2006 at 2:00 o'clock P.M., and recorded in Baker County records and is hereby approved.

Baker County Clerk by: *Jamara J. Green, County Clerk*
by Karen Phillips, Deputy

HANLEY ENGINEERING, INC.

P.O. BOX 701, 2043 MAIN STREET, BAKER CITY, OREGON 97814 (541) 523-3803