

LAND PARTITION PLAT NO. 1999-001

BEING A PARTITION OF THE "AMAZON", "CUPID" AND "MOUNTAIN BELLE" LODE MINING CLAIMS SITUATED IN THE N1/2 SEC. 6, T.9S., R.37E., W.M., BAKER COUNTY, OREGON

DECEMBER 15, 1998

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT I, A. PAUL MALSTROM, DO HEREBY DECLARE THAT I HAVE CAUSED THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO BE PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS SHOWN ON THE ANNEXED MAP AND THAT I DO HEREBY GRANT TO THE FUTURE OWNERS OF PARCEL 1, A 60 FOOT WIDE PRIVATE ACCESS EASEMENT ALONG AN EXISTING ROAD, OVER AND ACROSS PARCEL 2, FOR THE PURPOSE OF INGRESS AND EGRESS TO FOREST SERVICE ROAD NO. 5540 AND ALSO A 12 FOOT WIDE PRIVATE UTILITY EASEMENT, OVER AND ACROSS PARCEL 2, FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITIES TO SAID PARCEL 1, AS SHOWN HEREON, AND THAT I DO HEREBY GRANT TO THE FUTURE OWNERS OF PARCEL 3, A 60 FOOT WIDE PRIVATE ACCESS EASEMENT ALONG AN EXISTING ROAD, OVER AND ACROSS PARCEL 2, FOR THE PURPOSE OF INGRESS AND EGRESS TO FOREST SERVICE ROAD NO. 5540, AS SHOWN HEREON.

SAID PARCELS SUBJECT TO THE FOLLOWING:

- 1. RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE HEREIN DESCRIBED PREMISES LYING WITHIN THE BOUNDARIES OF ROADS OR HIGHWAYS.
2. RIGHTS OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO ANY PORTION OF THE HEREIN DESCRIBED PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF THE CREEKS CROSSING SAID PROPERTY.
3. UNPATENTED TUNNEL CLAIMS AND MILLSITE CLAIMS.
4. THE PROVISIONS AND RESERVATIONS CONTAINED IN UNITED STATES PATENT DATED FEBRUARY 23, 1906, RECORDED APRIL 25, 1968, IN DEEDS 68 17 052, AS FOLLOWS:

"FIRST, THAT THE PREMISES HEREBY CONVEYED, WITH THE EXCEPTION OF THE SURFACE, MAY BE ENTERED BY THE PROPRIETOR OF ANY OTHER VEIN, LOGE, LEDGE, OR DEPOSIT, THE TOP OR APEX OF WHICH LIES OUTSIDE THE EXTERIOR LIMITS OF SAID SURVEY, SHOULD THE SAME IN ITS DOWNWARD COURSE BE FOUND TO PENETRATE, INTERSECT, EXTEND INTO, OR UNDERLIE THE PREMISES HEREBY GRANTED, FOR THE PURPOSES OF EXTRACTING AND REMOVING THE ORE FROM SUCH OTHER VEIN, LOGE, OR LEDGE.

"SECOND, THAT THE PREMISES HEREBY CONVEYED SHALL BE HELD SUBJECT TO ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING OR OTHER PURPOSES, AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL LAWS, CUSTOMS, AND DECISIONS OF COURTS. AND THERE IS RESERVED FROM THE LANDS HEREBY GRANTED, A RIGHT OF WAY THEREON FOR DITCHES OR CANALS CONSTRUCTED BY AUTHORITY OF THE UNITED STATES.

"THIRD, THAT IN THE ABSENCE OF NECESSARY LEGISLATION BY CONGRESS, THE LEGISLATURE OF OREGON MAY PROVIDE RULES FOR WORKING THE MINING CLAIM OR PREMISES HEREBY GRANTED, INVOLVING EASEMENTS, DRAINAGE, AND OTHER NECESSARY MEANS TO ITS COMPLETE DEVELOPMENT."

5. ROAD EASEMENT GRANTED TO THE UNITED STATES OF AMERICA BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED NOVEMBER 23, 1970, IN DEEDS 70 47 005.

6. RECIPROCAL EASEMENT AND ROAD USE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN IDAHO TIMBER CORPORATION OF OREGON, AN IDAHO CORPORATION, AND GEORGE NOLAN AND GAIL NOLAN, RECORDED JANUARY 20, 1995, IN DEEDS 95 04 046, OVER THE HEREIN DESCRIBED PROPERTY, AND PROPERTIES ADJOINING TO THE NORTH. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

7. RECIPROCAL EASEMENT AND ROAD USE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN IDAHO TIMBER CORPORATION OF OREGON, AN IDAHO CORPORATION, AND JAMES W. WHITE, RECORDED JANUARY 20, 1995, IN DEEDS 95 04 051, OVER THE HEREIN DESCRIBED PROPERTY, AND PROPERTIES LYING TO THE SOUTH. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

8. TIMBER RESERVED IN DEED FROM IDAHO TIMBER CORPORATION OF OREGON, INC., AN IDAHO CORPORATION, TO A. PAUL MALSTROM, DATED JANUARY 5, 1995, RECORDED FEBRUARY 3, 1995, IN DEEDS 95 06 028, AS FOLLOWS:

DECLARATION CONT'D:

"RESERVING UNTO GRANTOR, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF SIX (6) YEARS FROM THE DATE OF THIS DEED, ALL TIMBER OF EVERY KIND, SPECIES AND DESCRIPTION NOW OR HEREAFTER GROWING OR BEING UPON THE PROPERTY, TOGETHER WITH ALL MERCHANTABLE AND CULL LOGS ("TIMBER"), INCLUDING THE RIGHT TO CUT, RECUT, HARVEST AND REMOVE SAID TIMBER, AND FURTHER RESERVING UNTO GRANTOR ACCESS TO, FROM, OVER AND ACROSS SAID PROPERTY AND THE RIGHT TO USE ALL EXISTING ROADS AND SUCH ADDITIONAL ROADS AS GRANTOR, AT ITS SOLE COST AND EXPENSE, DEEMS NECESSARY OR DESIRABLE TO HARVEST AND REMOVE THE TIMBER."

NOTE: WE ARE UNABLE TO DETERMINE IF SAID TIMBER RESERVATION WAS INTENDED TO BE RELEASED BY INSTRUMENT RECORDED DECEMBER 16, 1997, IN DEEDS 97 50 138, WHICH CONTAINED NO DEED REFERENCE OR LEGAL DESCRIPTION.

9. ANY EASEMENTS, RIGHTS OF WAY, AND RESERVATIONS AS THE SAME MAY EXIST OR APPEAR OF RECORD.

A. Paul Malstrom signature

A. PAUL MALSTROM

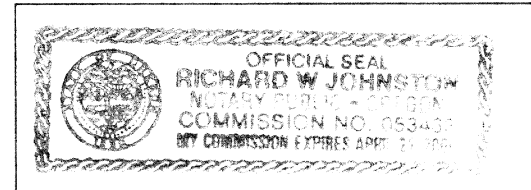
ACKNOWLEDGEMENT

STATE OF OREGON

COUNTY OF Grant

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 1-13, 1999, BY A. PAUL MALSTROM.

Richard W Johnston signature
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 4-24-2000



NARRATIVE

THIS SURVEY WAS CONDUCTED AT THE REQUEST OF PAUL MALSTROM. THE PURPOSE OF THIS SURVEY WAS TO PARTITION MR. MALSTROM'S TRACT OF LAND INTO 3 PARCELS AS SHOWN ON THE ACCOMPANYING PLAT. MINERAL SURVEY NO. 177 DELINEATES THE MOUNTAIN BELLE MINING CLAIM, AND MINERAL SURVEY NO. 480 DELINEATES THE AMAZON AND CUPID MINING CLAIMS WHICH COMPRISE THIS PARTITION.

IN OCTOBER, NOVEMBER AND DECEMBER, 1987, UNDER CONTRACT WITH THE U.S. FOREST SERVICE, WILLIAM HANLEY, PLS NO. 1639, CONDUCTED A RETRACEMENT AND DEPENDENT RESURVEY OF THESE AND OTHER CLAIMS. MR. HANLEY REMONUMENTED OR ESTABLISHED THE CORNERS OF THESE CLAIMS.

PARCEL 2, COMPRISING THE CUPID CLAIM IS UNDER 10 ACRES AND REQUIRED A SURVEY. WE RETRACED THE BOUNDARY OF SAID CLAIM AS SHOWN HEREON. WE FOUND THE MONUMENTS SET BY MR. HANLEY IN GOOD CONDITION. I ACCEPT THEM FOR THE CORNERS OF THE CUPID CLAIM.

WE DID NOT SURVEY THE REMAINING LINES OF PARCEL 1 OR 3, AS THIS WAS NOT REQUIRED. JUDGING FROM OUR RETRACEMENT OF THE CUPID, I BELIEVE THAT THE CORNER MONUMENTS SET BY MR. HANLEY AT OTHER CORNERS OF THE AMAZON AND MOUNTAIN BELLE CLAIMS TO BE IN POSITION. I ACCEPT MR. HANLEY'S SURVEY AND MEASUREMENTS PERTAINING TO THE REMAINING BOUNDARIES OF PARCELS 1 AND 3. I ALSO ACCEPT HIS TIE TO THE NE CORNER OF SECTION 1, TWP. 9 S., R.36 E.

WE ALSO LOCATED THE ACCESS EASEMENTS ALONG THE TWO EXISTING ROADS THROUGH PARCEL 2 FOR ACCESS TO PARCELS 1 AND 3, AS SHOWN.

APPROVALS

APPROVED THIS 12th DAY OF Jan., 1999. Thomas J. Hanley, BAKER COUNTY SURVEYOR

APPROVED THIS 20th DAY OF January, 1999. Granting Co. Director Seal's, BAKER COUNTY PLANNING COMMISSION

ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED. BAKER COUNTY TREASURER

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 15th DAY OF January, 1999 AT 1:00 O'CLOCK P.M., AND RECORDED AS PARTITION PLAT NO. 1999-001 BAKER COUNTY RECORDS.

Baker County Clerk signature
I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 1999-001. Robert D. Bagett, BAGETT-GRIFFITH AND BLACKMAN

SURVEYOR'S CERTIFICATE

I, ROBERT D. BAGETT, PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF OREGON, HEREBY CERTIFY THAT I RETRACED THE BOUNDARIES OF PARCEL 2 OF THIS LAND PARTITION, AND THAT I DID NOT SURVEY THE REMAINING BOUNDARIES OF PARCELS 1 AND 3 AS SHOWN ON THIS PARTITION PLAT, BEING SITUATED IN THE N1/2 OF SECTION 6, T.9S., R.37E., W.M., BAKER COUNTY, OREGON, SAID PARTITION BEING DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 OF THE CUPID LOGE MINING CLAIM, BEING IDENTICAL WITH CORNER NO. 1 OF THE MOUNTAIN BELLE LOGE MINING CLAIM, WHICH POINT I DESIGNATE TO BE THE INITIAL POINT OF THIS LAND PARTITION, SAID POINT BEING MONUMENTED WITH A 2 INCH ALUMINUM PIPE WITH ATTACHED 2-1/2 INCH ALUMINUM CAP STAMPED "ORLS 1639", FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 1, T.9S., R.36E., W.M. BEARS N.80°52'28"W., 2270.10 FEET (DEED NORTH QUARTER CORNER OF SECTION 6, T.9S., R.37E. BEARS N.58°42'E. 974.2 FEET DISTANT); THENCE ALONG THE NORTH LINE OF SAID CUPID LOGE MINING CLAIM S.71°53'22"W., 730.50 FEET (DEED S.71°51'W., 733.3 FEET) TO CORNER NO. 2 OF SAID CUPID LOGE MINING CLAIM, BEING IDENTICAL WITH CORNER NO. 3 OF THE BROOKLYN LOGE MINING CLAIM AND CORNER NO. 4 OF THE AMAZON LOGE MINING CLAIM; THENCE ALONG THE NORTH LINE OF SAID AMAZON LOGE MINING CLAIM, IDENTICAL WITH THE SOUTH LINE OF SAID BROOKLYN LOGE MINING CLAIM S.62°06'04"W., 1504.13 FEET (DEED S.60°20'W., 1500 FEET) TO CORNER NO. 1 OF SAID AMAZON LOGE MINING CLAIM, BEING IDENTICAL WITH CORNER NO. 2 OF SAID BROOKLYN LOGE MINING CLAIM; THENCE ALONG THE WEST LINE OF SAID AMAZON LOGE MINING CLAIM S.27°45'49"E., 155.35 FEET TO CORNER NO. 5 OF THE RAINBOW LOGE MINING CLAIM; THENCE CONTINUING ALONG SAID WEST LINE OF AMAZON LOGE MINING CLAIM, NOW IDENTICAL WITH THE EAST LINE OF THE RAINBOW LOGE MINING CLAIM, S.29°07'40"E., 145.63 FEET (DEED S.28°34'E., 300 FEET) TO A POINT FROM WHICH THE DISCOVERY POINT BEARS N.60°28'E., 400 FEET; THENCE CONTINUING ALONG SAID WEST LINE OF AMAZON LOGE MINING CLAIM AND EAST LINE OF RAINBOW LOGE MINING CLAIM S.28°06'38"E., 302.11 FEET (DEED S.28°34'E., 300 FEET) TO CORNER NO. 2 OF SAID AMAZON LOGE MINING CLAIM; THENCE ALONG THE SOUTH LINE OF SAID AMAZON LOGE MINING CLAIM N.61°57'25"E., 1505.86 FEET (DEED N.60°20'E., 1500 FEET) TO CORNER NO. 3 OF SAID AMAZON LOGE MINING CLAIM, BEING IDENTICAL WITH CORNER NO. 3 OF SAID CUPID LOGE MINING CLAIM; THENCE ALONG THE SOUTH LINE OF SAID CUPID LOGE MINING CLAIM N.70°57'41"E., 732.01 FEET (DEED N.71°16' E., 731.9 FEET) TO CORNER NO. 4 OF SAID CUPID LOGE MINING CLAIM; THENCE ALONG THE EAST LINE OF SAID CUPID LOGE MINING CLAIM N.28°47'04"W., 293.32 FEET (DEED N.28°34'W., 295.4 FEET) TO DISCOVERY POINT, BEING IDENTICAL WITH A POINT ON THE WEST LINE OF SAID MOUNTAIN BELLE LOGE MINING CLAIM; THENCE ALONG SAID WEST LINE MOUNTAIN BELLE LOGE MINING CLAIM S.29°15'58"E., 293.76 FEET (DEED S.28°45'E.) TO CORNER NO. 2 OF SAID MOUNTAIN BELLE LOGE MINING CLAIM; THENCE ALONG THE SOUTH LINE OF SAID MOUNTAIN BELLE LOGE MINING CLAIM N.60°41'29"E., 1462.57 FEET (DEED N.61°15'E., 1500 FEET) TO CORNER NO. 3 OF SAID MOUNTAIN BELLE LOGE MINING CLAIM; THENCE ALONG THE EAST LINE OF SAID MOUNTAIN BELLE LOGE MINING CLAIM N.29°27'37"W., 288.22 FEET TO A POINT ON SAID EAST LINE OF MOUNTAIN BELLE LOGE MINING CLAIM, BEING IDENTICAL WITH A POINT ON THE WEST LINE OF THE WIDE WEST LOGE MINING CLAIM; THENCE CONTINUING ALONG SAID EAST LINE MOUNTAIN BELLE LOGE MINING CLAIM, NOW IDENTICAL WITH SAID WEST LINE WIDE WEST LOGE MINING CLAIM N.28°05'15"W., 294.54 FEET (DEED N.28°45'W., 600 FEET) TO CORNER NO. 4 OF SAID MOUNTAIN BELLE LOGE MINING CLAIM; THENCE ALONG THE NORTH LINE OF SAID MOUNTAIN BELLE LOGE MINING CLAIM S.60°55'06"W., 1465.10 FEET (DEED S.61°15'W., 1500 FEET) TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 50.31 ACRES, MORE OR LESS.

BAGETT-GRIFFITH AND BLACKMAN
217 N. CANYON BLVD.
JOHN DAY, OREGON
PH. (541)575-1251

RECEIVED AND FILED

OFFICE OF COUNTY SURVEYOR

ATTEST:

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 12, 1963 ROBERT D. BAGETT 598

Renewal Date 12/31/99

FILED JAN, 22, 1999

BAKER COUNTY SURVEYOR SURVEY NO. 9-37-264

SHEET 2 OF 2