

APPURTENANT EASEMENTS

1. An appurtenant, perpetual, non-exclusive easement exists outside the subject partition boundary for ingress and egress to a spring located in the NW 1/4 of the NE 1/4 of Sec. 36, T.10S., R.41E., W.M. The easement is recorded in Deed 96-18-021, Baker County records, and is appurtenant to and for the benefit of Seller's property more fully described on Exhibit A of said deed, which includes lands in the subject partition. This said deed further explains that to facilitate the granted use of said spring that the parties agree that the existing fence which places said spring on Seller's property not included in this sale shall not be moved except upon mutual agreement of the parties or their heirs, successors and assigns. Easement can not be shown on plat due to lack of detailed description in said deed.

2. A second appurtenant, perpetual, non-exclusive easement exists outside the subject partition boundary. This easement is also recorded in Deed 96-18-021 Baker County records. The easement is for the use of existing roads included in the property described as Exhibit B of said deed only for ingress and egress to and from Seller's property more fully described as Exhibit A in said deed. The property described in Exhibit A of said deed includes lands in the subject partition. Easement can not be shown on plat due to lack of detailed description in said deed.

R. 41 E.
R. 42 E.

MINOR PARTITION NO. P2001-011

EASEMENTS

- Subject to the rights of way of Hill Creek Road, Baker Co. Rd. No. 809, and Kitchen Creek Road, Baker Co. Rd. No. 802. The said roads have a 60 ft. wide right of way centered on the existing traveled way. Both roads were originally established as one road and are shown in Road Plat Book "A", P. 27 and 47, dated 1898, and a portion in Surveyor Book 1, P. 27, dated 1896, in the Baker County records. See the narrative on this plat for further details.
- Subject to right of way for ditches, canals, and reservoir sites for irrigation purposes, constructed, or which may be constructed, by authority of the United States or otherwise, which right of way is expressly reserved by the State of Oregon on land described as the S.E. 1/4 and the West half of the N.E. 1/4, Sec. 36, T. 10 S., R. 41 E., W.M., Oregon. This right of way was reserved in deed from State of Oregon to W.H. Browning, dated Jan. 3, 1918, and is recorded in Deed Book 87, Page 559, Baker County records. This right of way affects Parcel 1 of the subject partition.

NARRATIVE

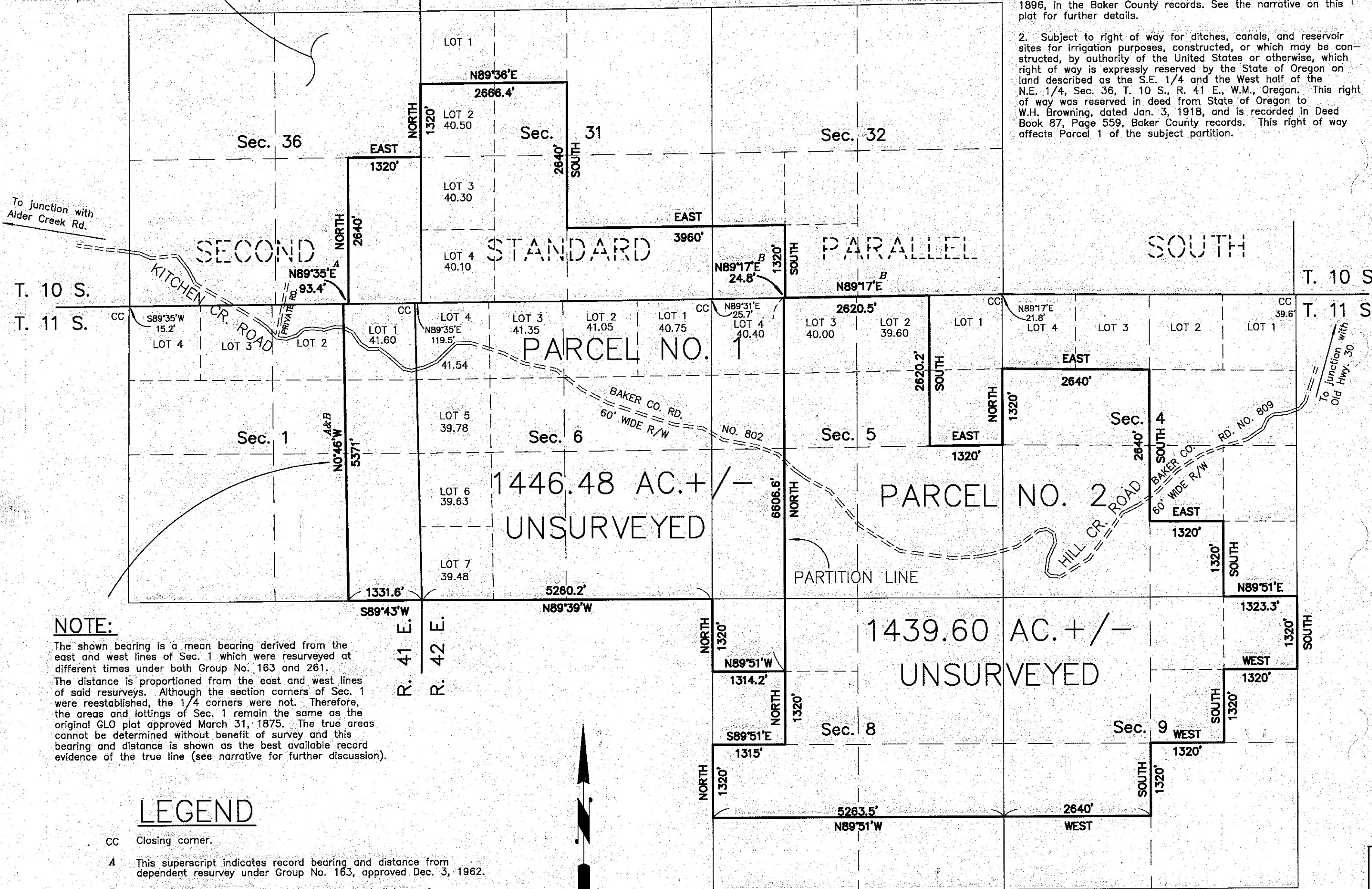
This unsurveyed minor partition was performed at the request of Mr. Richard Henry Adamo and Mr. Leland R. McCall. The division line between Parcel 1 and Parcel 2 of this partition was established as desired by Messrs. Adamo and McCall and in accordance with the tentative plan as approved by Baker County Department of Planning and Community Development.

The property is located in four townships divided by the Second Standard Parallel South, Willamette Meridian, Oregon, which presents the unique boundary location rules associated with such a line including standard section corners controlling to the north of the standard parallel and closing section corners controlling to the south of the standard parallel. Also involved in the boundary location are the lottings against the standard parallel and the lottings against the range line between Range 41 East and Range 42 East, Willamette Meridian.

The standard parallel was surveyed by the GLO in 1873, then the four shown township boundaries and their interior subdivisions were surveyed. The GLO surveys of all four townships were approved On March 31, 1875. Subsequently, the BLM has performed several dependent resurveys beginning in 1938 and ending in 1983. These resurveys reestablished all the corners on the standard parallel and reestablished a portion of the corners on the other township lines and their interior subdivisions. The bearing and distances of the lines shown on the subject plat are from a combination of all surveys performed and the most current record information is shown. Although all the original corners on the standard parallel were reestablished in the subject partition, not enough of the corners on the other township lines and interior subdivision lines were reestablished to determine new areas that conform with the reestablished lines. These areas can not be determined anew without benefit of survey, therefore all lottings and areas on the subject partition plat are as shown on the original GLO plats approved on March 31, 1875.

The county roads shown on the subject partition are approximate locations only, as drawn from the USGS Encina Quadrangle topographic map. The only original record of the roads now known as Kitchen Creek Road, Baker Co. Rd. No. 802, and Hill Creek Road, Baker Co. Rd. No. 809, are drawings in Road Plat Book "A", P. 27 and 47, dated 1898, and a portion in Surveyor Book 1, P. 27, dated 1896, Baker County records. These drawings show the road beginning on the west at a junction with the present Alder Creek Rd., Baker Co. Rd. No. 801, and terminating at the junction with the present old U.S. Highway 30. The road is shown as one continuous road and no right of way width or detailed description is given. Therefore, the right of way width of these roads is defined by default to the statutory width of 60 ft. by the laws of Oregon that were in effect at the time of the establishment of said roads. The statutes in effect for this time period would be an Act February 7, 1851 and Statutes 1854, P. 450 which state that all roads shall be 60 feet wide unless the county commissioners so petition otherwise. The road names and numbers shown are the current identifiers being used by the Baker County Roadmaster and Assessor (from the ODOT Roadway Analysis log as explained below). The junction of the two roads in Sec. 5 can not be shown as there is no specific location of record given.

The other record identifying the county roads shown is the Oregon Dept. of Transportation (ODOT) Roadway Analysis log, dated Mar. 3, 1999 and the accompanying ODOT Transportation Map at the Baker County Roadmaster's office. These records are for inventory purposes and do not attempt to define right of way other than what information was cited by the county officials interviewed in the process of inventory. In these records the road running through the subject partition is identified as two roads. The road that enters from the east is identified as Hill Creek Road, Baker Co. Rd. No. 809, and shown to begin at the Junction with old U.S. Highway 30 and then travels southwesterly for approximately 1.6 miles to its terminus at the Junction with Kitchen Creek Rd. in the SW 1/4 of Sec.5, T.11S., R.42E. This road is maintained as a gravel road up to the only residence. The road that enters from the west is identified as Kitchen Creek Road, Baker Co. Rd. No. 802, which begins at the Junction with Alder Creek Road, Baker Co. Rd. No. 801, and travels southeasterly approximately 2.8 miles to its terminus at the junction with Hill Creek Road. Kitchen Cr. Rd. is identified as a dirt road and not regularly maintained although snow has been plowed by the county on request. The reason that the original county road has been identified as two roads has to do with the fact of the occasional use of the dirt portion on the west versus the maintained gravel portion of the road on the east.



NOTE:
The shown bearing is a mean bearing derived from the east and west lines of Sec. 1 which were resurveyed at different times under both Group No. 163 and 261. The distance is proportioned from the east and west lines of said resurveys. Although the section corners of Sec. 1 were reestablished, the 1/4 corners were not. Therefore, the areas and lottings of Sec. 1 remain the same as the original GLO plat approved March 31, 1875. The true areas cannot be determined without benefit of survey and this bearing and distance is shown as the best available record evidence of the true line (see narrative for further discussion).

LEGEND

- CC Closing corner.
- A This superscript indicates record bearing and distance from dependent resurvey under Group No. 163, approved Dec. 3, 1962.
- B This superscript indicates record bearing and distance from dependent resurvey under Group No. 261, approved Oct. 12, 1962.

NOTE: Bearings and distances without superscript are bearings from original GLO surveys. Original surveys for all four townships were approved March 31, 1875.

--- Represents approximate location of existing dirt or gravel road.

BASIS OF BEARING
Record bearing from GLO and subsequent BLM resurveys, based on the True Meridian.

FILED JULY 15, 2001
BAKER COUNTY SURVEYOR
SURVEY NO. 11-42-2 MP
10-42-4 MP
11-41-18 MP
10-41-9 MP

EXACT COPY STATEMENT

I certify that this sheet is an exact copy of Sheet #1 of 2
Minor Partition No. _____
in accordance with the provisions of O.R.S. Chapter 92.
Peter C. Elder LS 51277

REGISTERED PROFESSIONAL LAND SURVEYOR
Peter C. Elder
OREGON
JULY 13, 1999
PETER C. ELDER
51277
Renewal Date: December 31, 2001

STATEMENT OF WATER RIGHTS

Water rights are appurtenant to the subject minor partition.

Peter C. Elder Land Surveying 610 16th St. La Grande, Oregon 963-3228	
PLAT of MINOR PARTITION LOCATED IN: T.10 S., R. 41 E., W.M. : Sec. 36. T.11 S., R. 41 E., W.M. : Sec. 1. T.10 S., R. 42 E., W.M. : Secs. 31 & 32. T.11 S., R. 42 E., W.M. : Secs. 4, 5, 6, 8 & 9.	
DRAWN BY: PCE	SCALE: 1" = 1500'
PROJECT NO: 01-01-01	DATE: April 23, 2001
PLATTED: Feb., Mar. & April, 2001	SHEET #1 OF: 2

