

# NARRATIVE

This survey was performed at the request of Bryan Montague to locate and describe the tract of land situated in the SE1/4 NE1/4 of Section 26, T.13S., R.30E., W.M., in Grant County, Oregon, being first described as an exception in Statutory Special Warranty Deed from Katherine Eismann to Delbert Burril, filed on January 11, 1984, in Book 129, Page 351 of the Grant County Deed records.

The legal description for the tract in question is somewhat vague and the purpose of this survey is to locate and describe the subject springs and clarify the location of the tract of land encompassing the springs based on the following records.

The legal description in Book 129, Page 351, reads, in part:

*In Twp. 13S., R.30E., W.M., Sec. 26: That portion of the E1/2 SE1/4 NE1/4 lying and being located South of the Southerly boundary of the relocated John Day Highway,*

*SAVE & EXCEPT a tract of land 50 feet by 50 feet with the center point of said tract being the existing spring in the Southeast corner of the above the described property.*

In order to locate the above described tract, additional information is found in the deed records as stated below.

Katherine Eismann then granted an easement to Timothy and Connie Farrell, recorded on June 12, 1985, Book 131, Page 359-63 in the Grant County Deed Records, to develop a second well in the above described 50 foot by 50 foot parcel. This deed also contains reference to companion easements from Ruthella Herburger to the Farrell's, Book 131, Pages 970-974 and from Delbert and Donna Burril to the Farrell's, Book 131, Pages 964 - 969, both also filed on June 12, 1985. All three of the above listed easements contain the following statement:

*The grant and provisions of these easements shall be perpetual and are appurtenant and a covenant running with the Grantees' property on the North side of the relocated John Day Highway in the E1/2 SE1/4 NE1/4 of Section 26, Twp. 13S., R.30E., W.M., Grant County, Oregon (also known as Assessor's Tax Lot 302), for the benefit of the Grantees, their successors and assigns.*

Bryan and Courtney Montague purchased the parcel known as Assessor's Tax Lot 302 in September of 2020, Deed instrument 20201571, Grant County Deed Records.

Katherine Eismann deeded the subject 50 foot by 50 foot tract to Thomas Carroll, Deed Instrument 970974, filed June 2, 1997 in the Grant County Deed Records. The legal description in Instrument 970974 reads in part:

*Township 13 South, Range 30 East, Willamette Meridian, Grant County, Oregon:  
Section 26: That certain tract of land situated in that portion of the E1/2 SE1/4 NE1/4 lying and being located South of the Southerly boundary of the relocated John Day Highway, being 50'x50' with the center point of said tract being the existing spring in the Southeast corner of the above described property, as said tract was excepted out of the legal description of real property conveyed by Katherine J. Eismann, grantor, by Deed dated May 1, 1979, recorded Jan. 11, 1984 in Deed Book 129, Page 351.*

Book 131, Page 962-63 is a detailed sketch showing the both springs along with water line and power line easements. As per the sketch, the Eismann Spring is considered to be the existing spring as called in the exception in Book 129, Page 351 and the Farrell Spring would be the newer spring called out in the easement documents noted above.

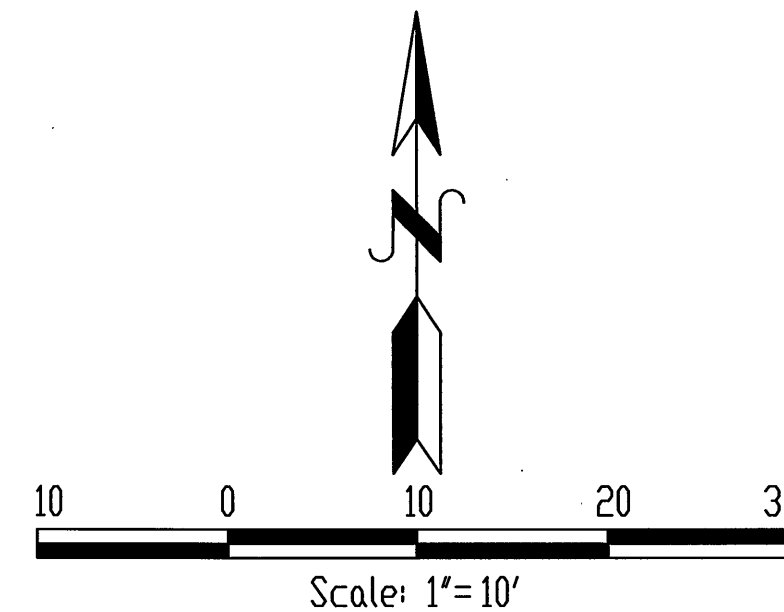
I then locate and tie the above noted springs and Grant County Surveyor's brass cap monument marking the East 1/4 corner of Section 26 as shown.

Based on the above record documents, the 50 foot by 50 foot square is centered in the East-West direction on the Eismann spring. The Southerly line is the South line of the E1/2 SE1/4 NE1/4 and the Northerly line is parallel with and 50 feet North of said South Line.

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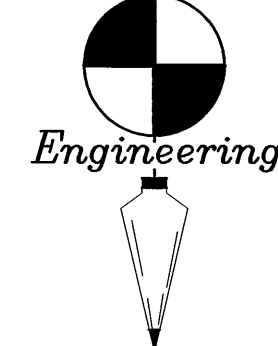
BY: 



BASIS OF BEARING: GPS Observations at the East 1/4 of Section 26, rotated to True North



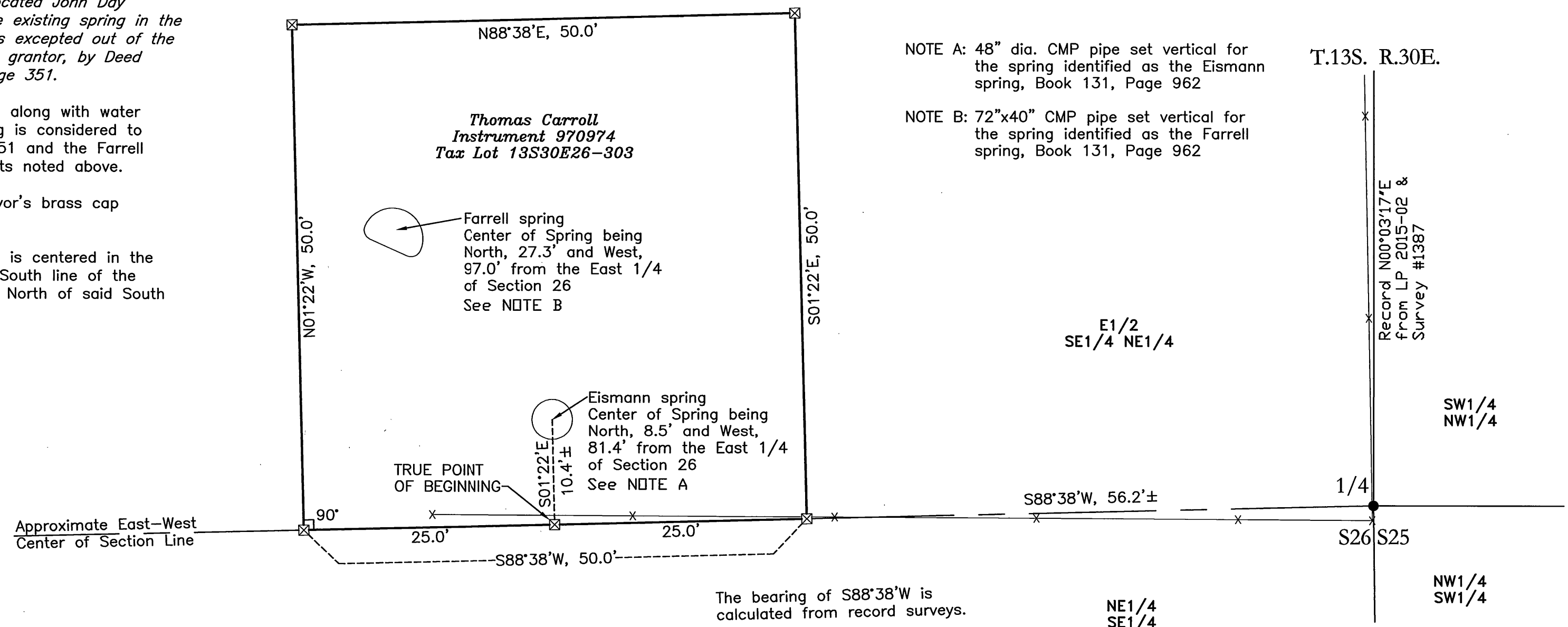
Ferguson Surveying



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## LEGEND

- Found Grant County Surveyor's brass cap monument set in 1975
- ⊠ Calculated Point. No monument found or set.
- x— Existing Fence Line



NOTE A: 48" dia. CMP pipe set vertical for the spring identified as the Eismann spring, Book 131, Page 962

NOTE B: 72"x40" CMP pipe set vertical for the spring identified as the Farrell spring, Book 131, Page 962

T.13S. R.30E.

Record N00°03'17"E  
from LP 2015-02 &  
Survey #1387

SW1/4  
NW1/4

1/4

S26 S25

NW1/4  
SW1/4

The bearing of S88°38'W is  
calculated from record surveys.

E1/2  
SE1/4 NE1/4

GRANT COUNTY MAP OF SURVEY NO. 2180