

LAND PARTITION PLAT NO. 2004-07
A PARTITION OF PARCEL 1, PARTITION NO. 2004-2 AND
A PORTION OF THE E1/2E1/2W1/2E1/2NW1/4 OF SECTION 35
SITUATED IN THE NE1/4 AND NW1/4 OF SECTION 35
T13S, R31E, W.M.
CITY OF CANYON CITY
GRANT COUNTY, OREGON

June 2, 2004
Sheet 2 of 2

APPROVALS

Approved this 15 day of JUNE, 2004

Michael P. Springer
Grant County Surveyor (DEPUTY)

Approved this 18 day of JUNE, 2004

Marlon J. Hoffman
Chairman of the Canyon City
Planning Commission

All ad valorem and special assessments due pursuant
to law have been assessed and collected.

Karen A. Officer, Deputy
Grant County Assessor and Tax Collector
Date 06-15-2004

I do hereby certify that this plat was received on
the 18th day of June, 2004 at 2:40 o'clock
P.M., and recorded as Land Partition Plat No. 2004-07
Grant County Records.

Larry Williamson
Grant County Clerk

I do hereby certify that this is a true and exact
copy of the original Land Partition plat.

Jack L. Watson
Jack L. Watson

NARRATIVE

This survey was performed at the request of Garry Allen.
The purpose of this survey was to partition Mr. Allen's
property into two parcels as shown hereon.

A search was made of the available records pertaining to
this survey and for the monument at the N1/4 corner of
Section 35. The corners of Parcel 2 were monumented at
the locations determined by Mr. Allen. The boundaries of
Parcel 1 were not surveyed during this partition process.

SURVEYOR'S CERTIFICATE

I, Jack L. Watson, Professional Land Surveyor, registered in the State of
Oregon, hereby certify that I have correctly surveyed and marked with proper
monuments Parcel 2 and that Parcel 1 was not surveyed in this partition
process. This partition is situated in the NE1/4 and in the NW1/4 of Section
35, T13S, R31E, W.M., City of Canyon City, Grant County, Oregon,
described as follows:

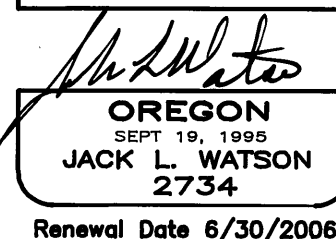
T13S, R31E, W.M.

Section 35: Parcel 1 of Partition No. 2004-2, recorded in the office of the
Grant County Clerk.

I designate the N1/4 corner of Section 35 to be the Initial Point of this
partition as shown hereon.

This partition contains 42.53 acres, more or less.

CORNERSTONE SURVEYING, INC.
233 S. Canyon Blvd.
John Day, Oregon 97845
575-1813



DECLARATION AND DEDICATION

Know all people by these presents that we, Garry N. Allen and Carol J. Allen,
husband and wife, do hereby declare we are the owners of the lands described
in the Surveyor's Certificate, and that we have caused the same to be
partitioned into two parcels in accordance with the provisions of ORS
Chapter 92 as shown hereon. We hereby grant a private 30 foot wide access
easement from Elk View Drive, over and across Parcel 1, for ingress and egress
to parcel 2.

Garry N. Allen
Garry N. Allen

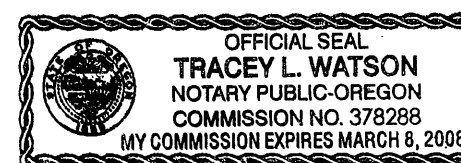
Carol J. Allen
Carol J. Allen

ACKNOWLEDGEMENT

STATE OF OREGON } SS
COUNTY OF GRANT }

This instrument was acknowledged before me on this 15 day of June,
2004, by Garry N. Allen and Carol J. Allen, husband and wife.

Tracey L. Watson
Notary Public of Oregon
My commission expires: 3/8/2008



EASEMENTS

THESE PARCELS ARE SUBJECT TO THE FOLLOWING:

- 1) Rights of the public in streets, roads and highways.
- 2) The provisions and reservations contained in that certain patent from the United States of America dated April 2, 1882, recorded March 27, 1886 in the Deed Book G, Page 58, for the Humbolt Placer Mine, to-wit:
- THIRD: That the premises hereby conveyed may be entered by the proprietor of any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead tin, copper, or other valuable deposits, for the purpose of extracting and removing the ore from such vein or lode, should the same, or any part thereof, be found to penetrate, intersect, pass through or dip into the mining ground or premises hereby granted.
- FOURTH: 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 the courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.
- FIFTH: That in the absence of necessary legislation by Congress, the legislature of Oregon may provide rules for working in the mining claim or premises hereby granted, involving easements, drainage and other necessary means to the complete development thereof.
- 3) The provisions and reservations contained in patent from the United States of America, dated April 3, 1905, recorded Aug. 16, 1911 in Deed Book 29, Page 335, as to the Consolidated Mining Claim No. 2 Placer.
- NOTE: These are the same as paragraphs THIRD, FOURTH and FIFTH shown in Exception No. 7 above.
- 4) Unpatented tunnel claims, water rights, claims or title to water.
- 5) Agreement, including the terms and provisions thereof, between the State of Oregon, acting by and through its Game Commission (1st party) and the owners of lands on which there are water rights of diversion of water from Canyon Creek, a tributary of the John Day River in Grant County, Oregon, dated May 22, 1961, recorded May 25, 1961 in Book 1, Page 281, Lease & Agreement Records, in regard to the impoundment of water at the site commonly known as the Canyon Creek Meadows Dam on the headwaters of Canyon Creek; and Amendment to Agreement between the same parties, dated June 25, 1962, recorded July 3, 1962 in Book 1, Page 364, said Lease & Agreement Records.
- 6) Rights of the public and governmental bodies in and to any portion of the premises herein described, now or at any time lying below high water mark of Canyon Creek, including any ownership rights which may be claimed by the State of Oregon, as to any portion now or at any time below the high water mark.
- 7) Any adverse claim based upon the assertion that:
 - (a) Said land or any part thereof is now or at any time has been below the ordinary highwater mark of Canyon Creek.
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - (c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Canyon Creek, or has been formed by accretion to any such portion.
- 8) Such rights and easements for navigation and fishing as may exist over that portion of the property lying now or at any time beneath the waters of Canyon Creek.
- 9) A private easement, including the terms and provisions thereof, to California Pacific Utilities Company, a corp., dated February 28, 1968, recorded April 22, 1968, in Deed Book 99, Page 57, Records of Grant County, Oregon. Right of way easement for utility and incidental purposes, 10 feet wide. This easement is not shown due to a lack of information given in the deed.
- 10) Terms and conditions shown in the deed from Barbara P. Graves to Garry N. Allen and Carol J. Allen, husband and wife, deed Instrument No. 202936, deeds of Grant County, Oregon, dated August 1, 1997.
- 11) A private easement, including the terms and provisions thereof, to Oregon Trail Electric Consumers Cooperative, Inc., recorded July 30, 2003, in Instrument No. 032288, deed records of Grant County, Oregon. Right of way easement no width is given. This easement is not shown due to a lack of information given in the deed.
- 12) A private power line right of way modification agreement, including the terms and provisions thereof, to Oregon Trail Electric Consumers Cooperative, Inc., recorded Sept. 24, 2001, in Instrument No. 212449, deed records of Grant County, Oregon, no width is given. This easement is not shown due to a lack of information given in the deed.
- 13) A private access easement, 30 feet wide, as shown on Land Partition No. 2004-2 recorded in the office of the Grant County Clerk.

RECEIVED AND
FILED

July 26, 2004

Robert A. Baggett
Notary Public - Oregon