

NOTE: SEE SHEET 2 OF 2 FOR NARRATIVE.

**BASIS OF BEARINGS**

SOLAR OBSERVATION TAKEN AT THE BRASS CAP REFERRED TO AS MARKING THE N.E. CORNER OF THE P.P. & L.L. PROPERTY BACK-SIGHTING THE BRASS CAP REFERRED TO AS MARKING THE N.W. CORNER OF THE P.P. & L.L. PROPERTY, ROTATED 01°00'40" WEST, FROM N 72°50'46" N TO N 72°51'34" N TO MATCH A PRIOR SURVEY. THE HOUR ANGLE METHOD WAS USED. THE LATITUDE AND LONGITUDE AS SCALED FROM A USGS MAP ARE: LATITUDE, 45°50'18" N., LONGITUDE, 118°11'02" N..

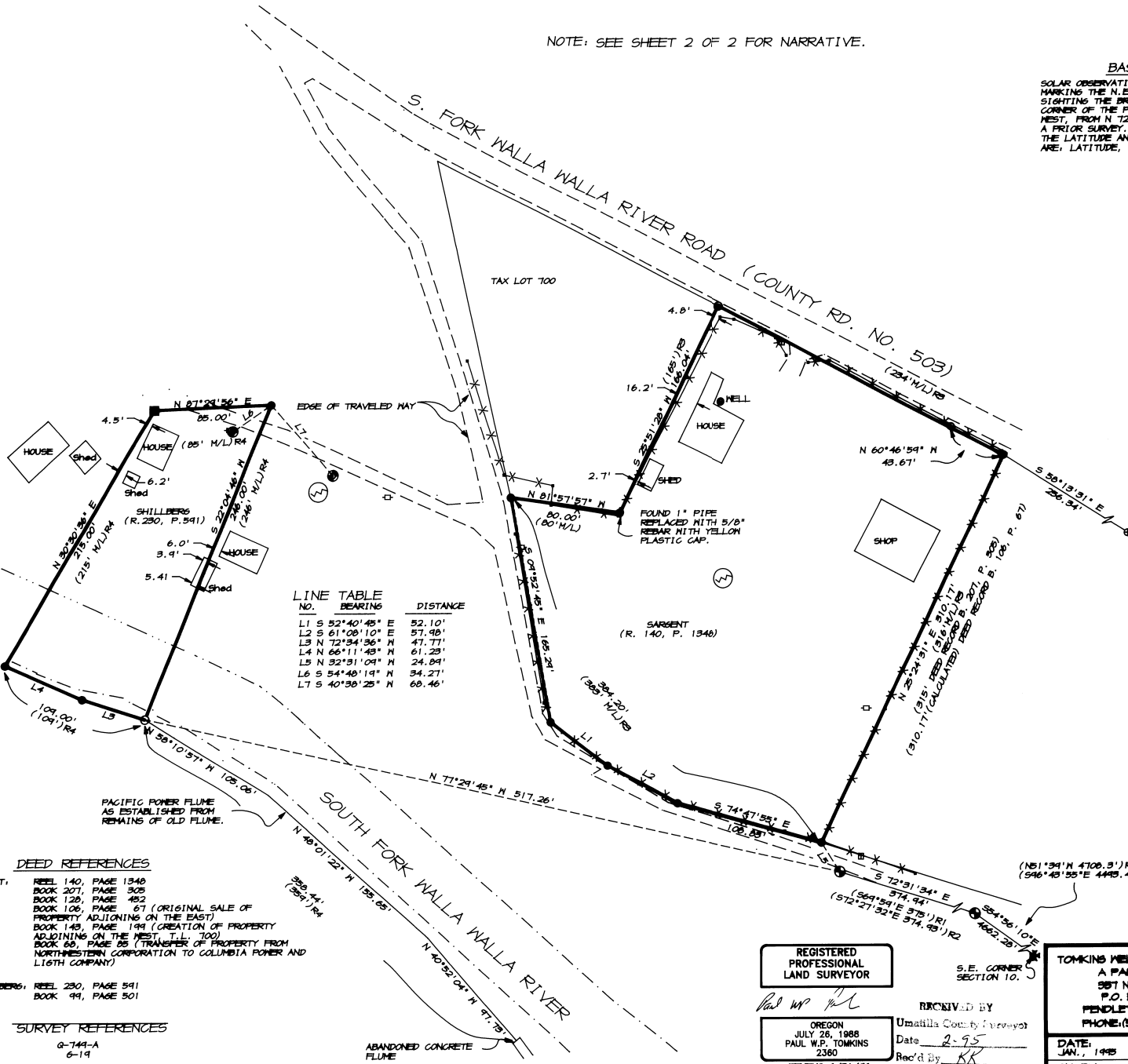


**LEGEND**

- \* FOUND 2 1/2" BRASS CAP STAMPED "MAN RITE 510511 515154 1994 PLS 1106"
- ⊙ FOUND 2" BRASS CAP SET IN CONCRETE AS SHOWN ON SURVEYS OF RECORD NO. G-744-A & G-19, REFERRED TO AS THE N.E. AND N.W. CORNERS OF THE P.P. & L.L. PROPERTY.
- ⊕ FOUND 1/2" IRON PIN AS SHOWN ON RECORD SURVEY NO. G-744-A.
- FOUND 1/2" IRON PIN SET IN CONCRETE NOT OF RECORD.
- FOUND 1" AXLE SHAFT SET IN CONCRETE AS PER DEED RECORDED ON REEL 230, PAGE 542, UMATILLA COUNTY DEED RECORDS.
- ⊙ FOUND 1" SMOOTH IRON PIN AS PER DEED RECORDED IN BOOK 149, PAGE 199, UMATILLA COUNTY DEED RECORDS.
- FOUND 1/2" IRON PIN, NOT OF RECORD.
- SET 5/8" REBAR WITH A YELLOW PLASTIC CAP STAMPED "TOMKINS SURVEYING" AND A BRASS WASHER STAMPED "MA-2849B OR-2360" ATTACHED.
- POWER POLE
- ⊞ TELEPHONE PEDESTAL
- WELL
- ⊙ SATELLITE DISH

- X — X — X — FENCE
  - — — — — PROPERTY BOUNDARY
  - - - - - REFERENCE LINE
  - (XXX)R1 RECORD BEARINGS AND DISTANCES PER SURVEY NO. G-744-A
  - (XXX)R2 RECORD BEARINGS AND DISTANCES PER SURVEY NO. G-19.
  - (XXX)R3 RECORD BEARINGS AND DISTANCES PER DEED RECORD R. 140, P. 1348.
  - (XXX)R4 RECORD BEARINGS AND DISTANCES PER DEED RECORD R. 230, P. 591.
- SCALE: 1"=50 FEET  
0 25 50 100

SHEET 1 OF 2



**LINE TABLE**

LINE NO.	BEARING	DISTANCE
L1	S 52°40'45" E	52.10'
L2	S 61°00'10" E	57.90'
L3	N 72°34'36" N	47.77'
L4	N 66°11'49" N	61.23'
L5	N 32°31'04" N	24.84'
L6	S 54°40'19" N	34.27'
L7	S 40°30'25" N	60.46'

**DEED REFERENCES**

SARGENT, REEL 140, PAGE 1348  
BOOK 207, PAGE 305  
BOOK 120, PAGE 482  
BOOK 106, PAGE 67 (ORIGINAL SALE OF PROPERTY ADJOINING ON THE EAST)  
BOOK 148, PAGE 199 (CREATION OF PROPERTY ADJOINING ON THE WEST, I.L. 700)  
BOOK 60, PAGE 85 (TRANSFER OF PROPERTY FROM NORTHWESTERN CORPORATION TO COLUMBIA POWER AND LIGHT COMPANY)

SCHILLBERG, REEL 230, PAGE 591  
BOOK 99, PAGE 501

**SURVEY REFERENCES**

G-744-A  
6-19

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 26, 1988  
PAUL W.P. TOMKINS  
2380

RECORDED BY  
Umatilla County Surveyor  
Date 2-95  
Rec'd By KK  
No. 95-12-B

REVISIONS 6/31/96  
2/5/96

S.E. CORNER SECTION 10.

TOMKINS WELLS JOINT VENTURE  
A PARTNERSHIP  
SPT N.E. HWY. 11  
P.O. BOX 1646  
PENDLETON, OR 97001  
PHONE: (503) 276-6562

DATE: JAN., 1995  
CK. BY:

DR. BY: SET  
NO. SARGENT.DWG

**PROJECT:**  
A BOUNDARY SURVEY LOCATED IN THE S.W. 1/4 OF THE N.W. 1/4, AND THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 10, T. 4 N., R. 37 E., N.M., UMATILLA COUNTY, OREGON.

FOR: DON SARGENT, RT. 1, BOX 94 C MILTON-FREEMAN, OREGON AND ROBERT SCHILLBERG, 115TH PL. N., EDMONDS, WASHINGTON

## NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF MR. DON SARGENT AND MR. ROBERT SCHILLBERG. THE PURPOSE OF THE SURVEY WAS TO LOCATE AND MARK THE BOUNDARIES OF THEIR PROPERTY LOCATED ON THE SOUTH FORK OF THE MALLA MALLA RIVER. BOTH PROPERTIES WERE PART OF A TRACT OF LAND OWNED BY LEE N. ROBERTS AND SUBSEQUENTLY DIVIDED INTO SEVERAL SMALLER PARCELS IN THE EARLY 1900'S.

MR. SCHILLBERG'S PROPERTY WAS CREATED IN 1917 BY DEED RECORDED IN BOOK 99, PAGE 501, UMATILLA COUNTY DEED RECORDS. THE LEGAL DESCRIPTION HAS REMAINED UNCHANGED THROUGHOUT THE YEARS; HOWEVER, THE ORIGINAL DEED STATED "A WAGON ROAD SHALL BE KEPT UPON AND MAINTAINED ALONG THE NORTHERLY BOUNDARY OF SAID TRACT". THIS STATEMENT HAS BEEN OMITTED FROM THE LATER DEEDS; HOWEVER, A ROAD STILL EXISTS ACROSS THE NORTHEASTERLY PORTION OF THE PROPERTY. THE CONCRETE PORTION OF THE PACIFIC POWER AND LIGHT FLUME MENTIONED IN THE DEED STILL EXISTS AS WELL AS EVIDENCE OF THE WOODEN FLUME. THE 1/2 FORD REAR AXLE SET IN CONCRETE AT THE NORTHWEST CORNER OF THE PROPERTY (AS MENTIONED IN THE DEED) WAS FOUND SETTING UPRIGHT ON TOP OF THE GROUND. THE RELATIONSHIP OF THIS FOUND MONUMENT WITH EVIDENCE OF THE FLUME AND LINES OF OCCUPATION VERIFY ITS POSITION. THE 1/2 FORD REAR AXLE SET IN CONCRETE AT THE NORTHEAST CORNER OF THE PROPERTY (AS MENTIONED IN THE DEED) COULD NOT BE FOUND. THE PREVIOUS OWNER (WHO HAD OWNED THE PROPERTY SINCE 1938) INDICATED TO MR. SCHILLBERG THAT THE SOUTHEAST CORNER OF THE PROPERTY WAS AT THE NORTHERN EDGE OF THE FLUME AND WAS MARKED BY ALUMINUM CANS STUCK ON THE BOLTS. AT THIS LOCATION I FOUND A 5/8" IRON PIN SET IN CONCRETE. THE DEED STATES THAT THE SOUTHEASTERLY CORNER IS 386 FEET WESTERLY FROM THE CENTER OF THE WEST END OF THE CONCRETE PORTION OF THE FLUME. THE FOUND 5/8" IRON PIN IS 385.44 FEET WESTERLY (WHEN MEASURED ALONG THE FLUME LINE) FROM THE CENTER OF THE WEST END OF THE CONCRETE PORTION OF THE FLUME. I HAVE THEREFORE ACCEPTED THIS 5/8" IRON PIN AS THE SOUTHEAST CORNER OF THE PROPERTY. THE SOUTHWEST CORNER WAS ESTABLISHED BY USING RECORD DEED DISTANCES MEASURED ALONG THE FLUME LINE FROM THE SOUTHEAST CORNER AND RECORD DEED DISTANCES FROM THE NORTHWEST CORNER. THE NORTHEAST CORNER WAS ESTABLISHED BY USING RECORD DEED DISTANCES FROM THE SOUTHEAST AND NORTHWEST CORNERS. THE PREVIOUS OWNER ALSO INDICATED TO MR. SCHILLBERG THAT HE BELIEVED THE SHED ON THE WEST SIDE OF THE ADJOINING PROPERTY TO THE EAST WAS BISECTED BY THE EAST PROPERTY LINE, AS IS ALSO SHOWN BY THIS SURVEY.

MR. SARGENTS PROPERTY IS PART OF A PARCEL THAT WAS CREATED IN 1926 BY DEED RECORDED IN BOOK 128, PAGE 452, UMATILLA COUNTY DEED RECORDS AND DIVIDED IN 1932 BY DEED RECORDED IN BOOK 143, PAGE 199, UMATILLA COUNTY DEED RECORDS. THE 1926 DEED REFERENCES THE POINT OF BEGINNING TO THE "MRS. JAMES KIRK'S LOT" WHICH WAS ADJACENT WITH IT ON THE EAST. THESE REFERENCES CONSIST OF DISTANCES FROM THE SOUTHWEST AND NORTHWEST CORNERS OF THE "MRS. JAMES KIRK'S LOT". A BRIEF HISTORY OF THE "MRS. JAMES KIRK LOT" IS INCLUDED AT THE END OF THIS NARRATIVE. USING THE DISTANCE TIES FROM THE SOUTHWEST AND NORTHWEST CORNERS TO LOCATE THE POINT OF BEGINNING OF THE 1926 DEED CREATED SUBSTANTIAL OVERLAPS WITH THE PROPERTIES ON THE SOUTH AND WEST AND CREATED A LARGE GAP BETWEEN THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN THE 1926 DEED AND THE EXISTING COUNTY ROAD. LATTER DEEDS INDICATE THAT THE NORTH LINE OF SAID PROPERTY WAS INTENDED TO FOLLOW THE COUNTY ROAD. MANY OF THE DEEDS MAKE MENTION OF A PUBLIC LANE OR ROAD. ALTHOUGH THERE IS NO RECORD OF THE DEDICATION OF SUCH A ROAD THERE IS EVIDENCE THAT THE ORIGINAL SUBDIVIDERS INTENT WAS TO CREATE AN ACCESS ROAD TO SERVE THE PARCELS THAT WERE CREATED. THIS INTENT IS WITNESSED BY THE FACTS THAT IT IS MENTIONED IN MANY OF THE DEEDS AND ALSO BY THE 16 FOOT WIDE UNDEEDED STRIP OF LAND BETWEEN THE NORTH BOUNDARY OF THE "PACIFIC POWER AND LIGHT COMPANY PROPERTY" AND THE "MRS. JAMES KIRK LOT".

THE DEED RECORDED IN OCTOBER OF 1938 IN BOOK 155, PAGE 244 DESCRIBES THE SOUTHERLY BOUNDARY OF MR SARGENTS PROPERTY AS FOLLOWING ALONG THE PUBLIC LANE WHICH LEADS TO THE P.P. & L. DAM SITE. THIS SAME DEED DESCRIBES THE EASTERLY BOUNDARY AS BEING ALONG THE FENCE LINE DIVIDING THE KIRK PLACE AND THE COLEMAN PLACE.

THE 1932 DEED RECORDED IN BOOK 143, PAGE 199 CREATING WHAT IS REFERRED TO AS "THE GEORGE SCHOFIELD CAMP SITE" IN MR. SARGENTS DEED STATES "EACH AND EVERY CORNER BEING MARKED WITH AN IRON STAKE". AT THE NORTHEAST CORNER OF THE SAID SCHOFIELD CAMPSITE I FOUND A 1" IRON PIN BURIED 10" BELOW THE SURFACE OF THE SOUTHERLY SHOULDER OF THE COUNTY ROAD WHICH I HAVE ACCEPTED AS THE ORIGINAL IRON STAKE MENTIONED IN THE DEED RECORDED IN BOOK 143, PAGE 199. AT THE LOCATION OF THE SOUTHEAST CORNER OF THE SCHOFIELD CAMPSITE I FOUND A 1" IRON PIPE AT A FENCE CORNER WHICH I HAVE ACCEPTED AS A PERPETUATION OF THE SAID SOUTHEAST CORNER. AT THE NORTHEAST AND NORTHWEST CORNERS OF WHAT IS REFERRED TO AS THE PACIFIC POWER AND LIGHT COMPANY PROPERTY I FOUND 2 1/2" IRON PIPES WITH 2" BRASS DISKS MARKED P.P. & L. CO. PROPERTY. THE ORIGIN OF SAID BRASS DISKS REMAINS A MYSTERY. FROM THESE BRASS DISKS I HAVE ESTABLISHED MR. SARGENTS SOUTHEAST CORNER AS DESCRIBED IN THE DEED. I ESTABLISHED THE NORTHEAST CORNER OF MR. SARGENTS PROPERTY 234 FEET EAST OF THE FOUND SOUTHEAST CORNER OF THE SCHOFIELD CAMP SITE AND 310.17 FEET NORTHERLY FROM MR. SARGENTS SOUTHEAST CORNER (310.17 FEET IS THE COMPUTED LENGTH OF THE WESTERLY LINE OF THE KIRK PROPERTY BASED ON THE DEED RECORDED IN BOOK 106, PAGE 67). I ESTABLISHED MR. SARGENTS MOST WESTERLY CORNER 80 FEET WESTERLY ALONG THE EXISTING FENCE FROM THE FOUND 1" PIPE AT THE SOUTHEAST CORNER OF THE SCHOFIELD CAMPSITE. THIS POSITION IS IN AGREEMENT WITH THE EASTERLY EDGE OF THE EXISTING ROAD AND WITH EVIDENCE OF AN OLD FENCE BEARING NORTHWESTERLY. THE REMAINING WESTERLY AND THE SOUTHERLY BOUNDARY OF MR. SARGENTS PROPERTY WAS ESTABLISHED ALONG THE FENCE THAT FOLLOWS THE NORTHERLY EDGE OF THE EXISTING ROAD AS CALLED FOR IN MR. SARGENTS DEED. THE DEED DISTANCE ALONG THE LAST MENTIONED WESTERLY AND SOUTHERLY LINES IS 383 FEET MORE OR LESS THE MEASURED DISTANCE IS 384.20'.

HISTORY OF THE "MRS JAMES KIRK LOT": THIS PROPERTY WAS CREATED IN 1919 BY DEED RECORDED IN BOOK 106, PAGE 67. THE DESCRIPTION IS COMMENCES AT THE NORTHEAST CORNER OF THE PLOT OF GROUND SOLD BY LEE N. ROBERTS TO PACIFIC POWER AND LIGHT COMPANY. NO RECORD OF THE SALE FROM LEE N. ROBERTS TO THE PACIFIC POWER AND LIGHT COMPANY COULD BE FOUND. IN 1927 ANNIE S. KIRK SOLD THE PROPERTY TO LUCIE M. MALING. THIS TRANSACTION IS RECORDED IN BOOK 133, PAGE 362. IN 1939 HARRY C. COMAN PURCHASED THE PROPERTY FROM THE ESTATE OF LUCIE M. MALING AS RECORDED IN BOOK 156, PAGE 203. THE LEGAL DESCRIPTION OF THE PROPERTY IN THE LATTER DEED WAS CHANGED SIGNIFICANTLY FROM THAT OF THE EARLIER DEEDS. IN 1956 G. M. NEMBILL SURVEYED THE PROPERTY FOR MR. COMAN BASED ON THE DEED RECORDED IN BOOK 156, PAGE 203. THE DESCRIPTION OF MR. SARGENTS EAST LINE CONTAINED IN HIS DEED IS IN AGREEMENT WITH THE DESCRIPTION OF MR. COMANS WEST LINE AS SHOWN ON SAID SURVEY BEING RECORDED AS SURVEY NUMBER G-749-A IN THE UMATILLA COUNTY SURVEYORS OFFICE. HOWEVER, EVEN THOUGH THESE DEEDS AGREE, THIS DESCRIBED LINE DOES NOT CORRECTLY REPRESENT WHAT WAS INTENDED TO BE MR. SARGENTS EAST LINE.

THIS SURVEY WAS PERFORMED AS A CLOSED FIELD TRAVERSE USING AN AUTOMATIC TOTAL STATION HAVING STANDARD ERRORS OF 3MM ± 3PPM TIMES DISTANCE AND 00°00'03" ANGULAR. ALL MONUMENTS SHOWN WERE VISITED DURING THE COURSE OF THIS SURVEY.

SHEET 2 OF 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1988  
PAUL W.P. TOMKINS  
2360

REVISED 6/21/96  
4/3/95

RECEIVED BY

Umatilla County Surveyor

Date: 2-9-95

Rec'd by: KK

No. 95-12-6

TOMKINS WELLS JOINT VENTURE  
A PARTNERSHIP  
987 NE HWY. 11  
P.O. BOX 1646  
PENDLETON, OR 97801  
PHONE: (308) 276-6362

DATE:  
JAN., 1995

DR. BY:  
GEB

CK. BY:

NO.  
SARGENTS.DWG

PROJECT:

A BOUNDARY SURVEY LOCATED IN THE  
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THE N.W. 1/4 OF THE S.W. 1/4 OF  
SECTION 10, T. 4 N., R. 37 E.,  
N.M., UMATILLA COUNTY, OREGON.

FOR: DON SARGENT, RT. 1, BOX 94 C  
MILTON-FREEMAN, OREGON  
AND ROBERT SCHILLBERG,  
115TH PL. N.  
EDMONDS, WASHINGTON