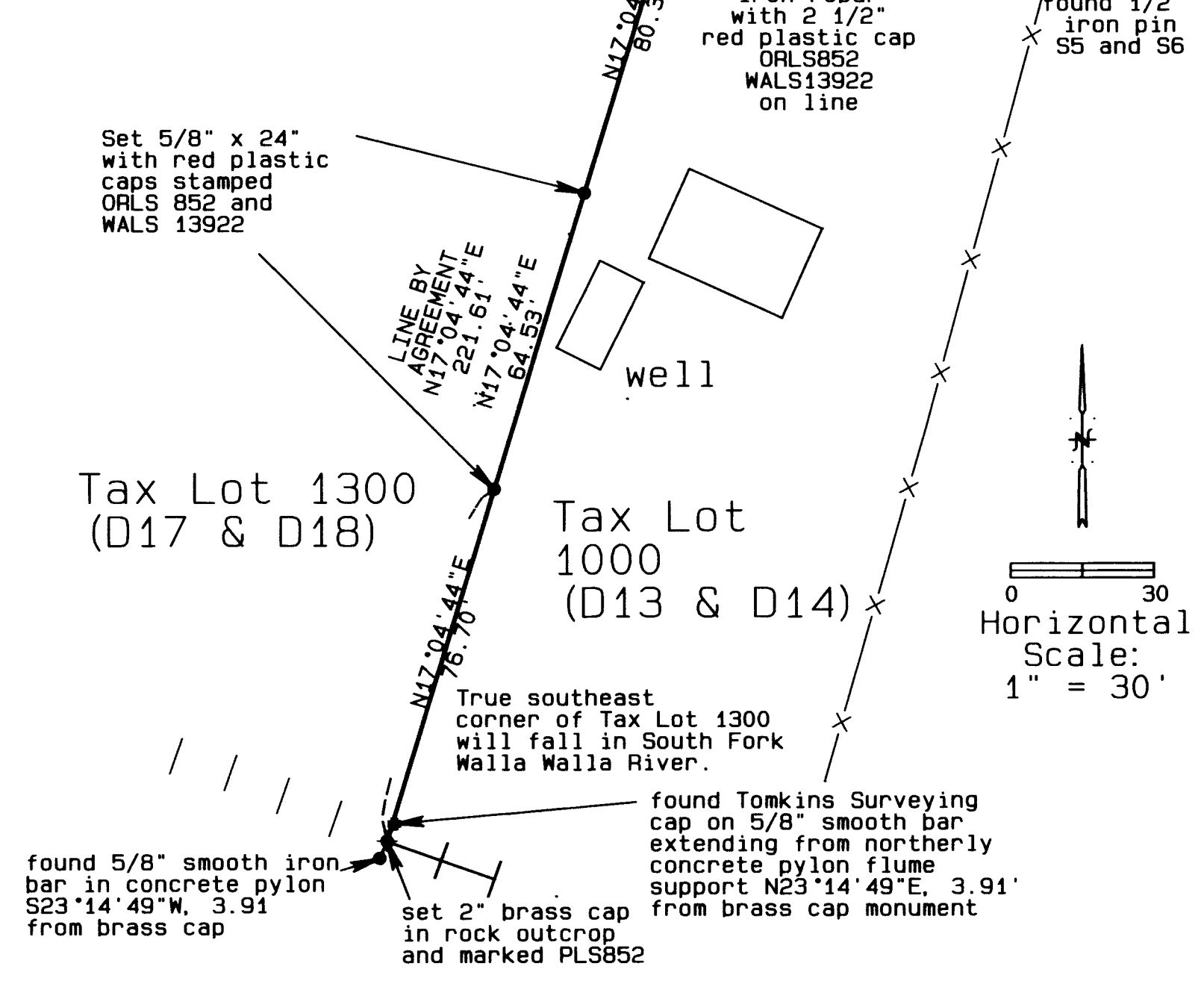
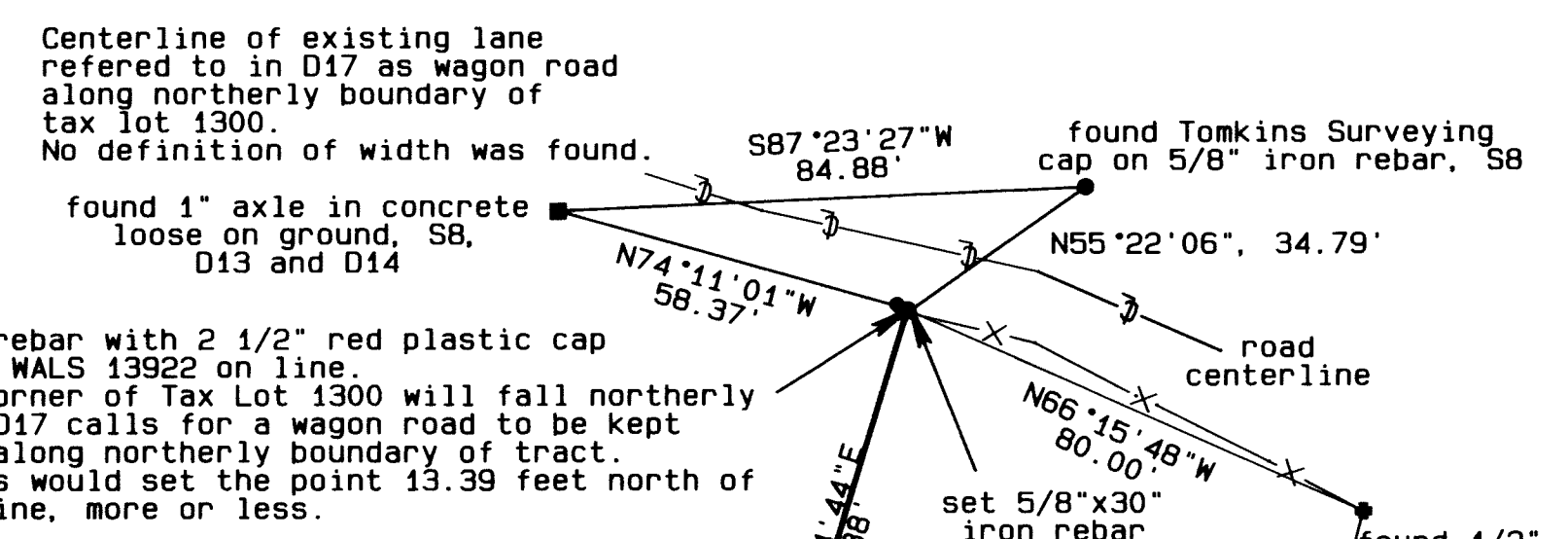
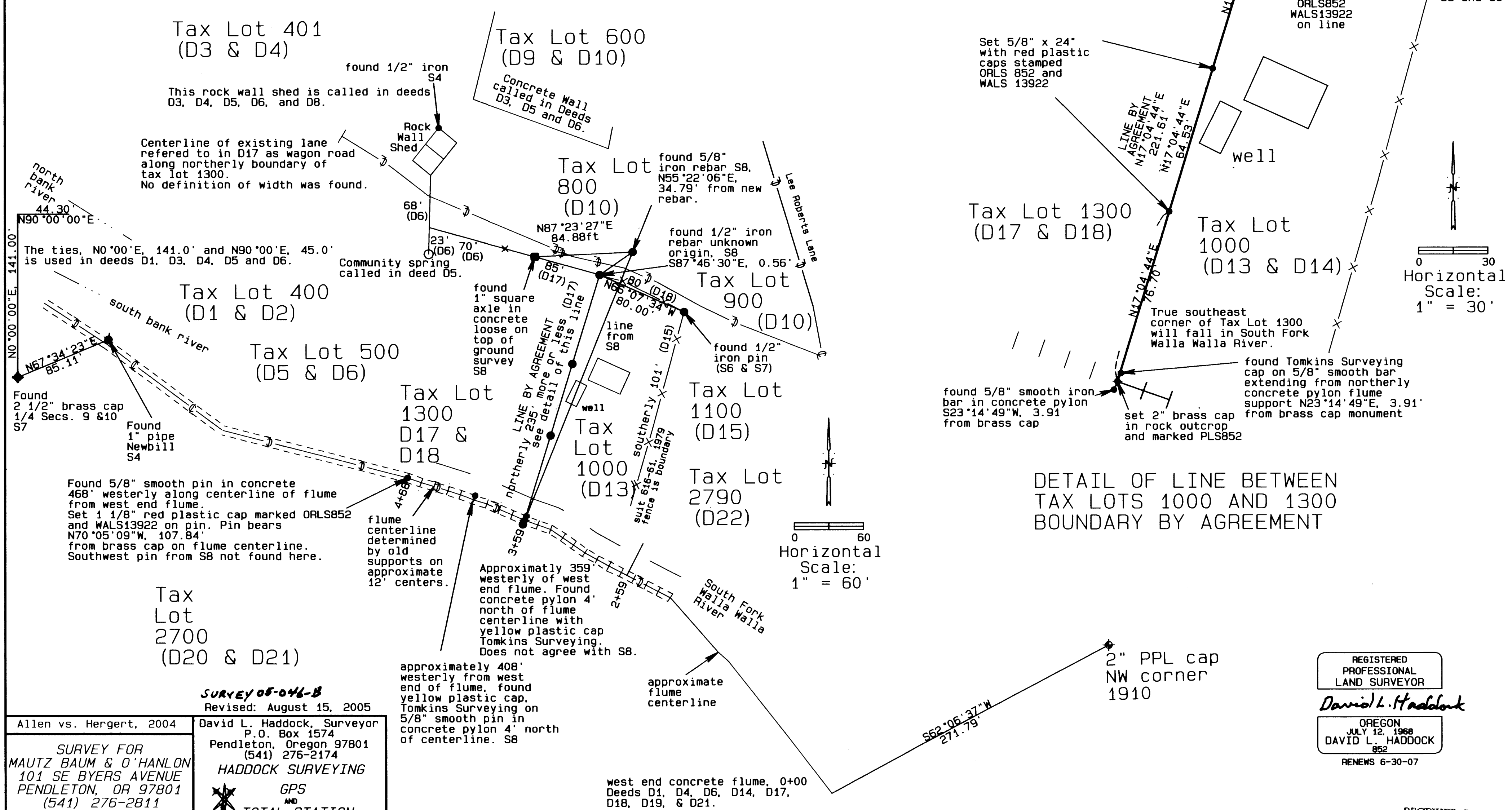


SW 1/4 of NW 1/4 and NW1/4 of SW1/4,  
 Section 10, Township 4 North,  
 Range 37 East, W.M., Umatilla County, Oregon,  
 Subdivision of Lee Roberts Ranch on South Fork  
 Walla Walla River and Allen VS Hergert, Circuit  
 Court of the State of Oregon for the County of  
 Umatilla, 3288-001  
 Reference Surveys

Surveyor	Filing	Area	Reference
1) Government Land Office	July, 1879	Section 10	(S1)
2) Northwestern Corp. (in Harris Records)	(0749-A)	PP&L Tract (Tax Lot 1700) and flume	(S2)
3) Newbill	(87-6-A)	North line of PP&L Tract	(S3)
4) Newbill	(05-02-Ax)	Tax Lots 400, 401 and 500	(S4)
5) Lommasson	(05-03-A)	Tax Lots 1100 and 2790	(S5)
6) Munns	(95-117-C)	Tax Lots 1100 and 2790	(S6)
7) Wells	(95-17-B)	Retrace and Remonument GLO Survey	(S7)
8) Tomkins		Tax Lots 1200 and 1300	(S8)



DETAIL OF LINE BETWEEN  
 TAX LOTS 1000 AND 1300  
 BOUNDARY BY AGREEMENT

Allen vs. Hergert, 2004  
 SURVEY FOR MAUTZ BAUM & O'HANLON  
 101 SE BYERS AVENUE  
 PENDLETON, OR 97801  
 (541) 276-2811

**SURVEY 05-046-B**  
 Revised: August 15, 2005  
 David L. Haddock, Surveyor  
 P.O. Box 1574  
 Pendleton, Oregon 97801  
 (541) 276-2174  
**HADDOCK SURVEYING**  
 GPS AND TOTAL STATION

REGISTERED PROFESSIONAL LAND SURVEYOR  
 David L. Haddock  
 OREGON  
 JULY 12, 1968  
 DAVID L. HADDOCK  
 852  
 RENEWS 6-30-07

RECEIVED BY  
 05-159-B Umatilla County Surveyor  
 Date 8-05  
 Rec'd by KC  
 No. 05-159-B

SW1/4 of NW1/4 and NW1/4 of SW1/4, Section 10, Township 4 North, Range 37 East, W.M.  
 Umatilla County, Oregon, Subdivision of Lee Roberts Ranch on South Fork Walla Walla River  
 and Allen VS Hergert, Circuit Court of the State of Oregon for the County of Umatilla, 3288-001

Reference Deeds:

Tax Lot	Deed	Page	Date	Ref	Tax Lot	Deed	Page	Date	Ref
400	B99	448	8/1916	(D1)	1000	B124	224	4/1923	(D13)
400	B317	508	9/1975	(D2)	1000	B173	338	4/1945	(D14)
401	B116	239	1/1920	(D3)	1100	B124	282	8/1924	(D15)
401	R237	151	6/1993	(D4)	1100	R91	160		(D16)
500	B116	239	1/1920	(D5)	1300	B 99	501	8/1917	(D17)
500	B318	503	1/1972	(D6)	1300	R433	617	2/2003	(D18)
600	R29	954	1982	(D7)	2700	B63	604	11/1908	(D19)
600	R148	1305	1/1987	(D8)	2700	B193	157	6/1950	(D20)
800	B135	361	10/1924	(D9)	2700	R344	110	1/1999	(D21)
800	R272	1329	6/1995	(D10)					
900	B135	631	10/1924	(D11)					
900	R251	657	4/1994	(D12)					

Reference Surveys

Surveyor	Filing	Area	Reference
1) Government Land Office	July, 1879	Section 10	(S1)
2) Northwestern Corp. (in Harris Records)		PP&L Tract (Tax Lot 1700) and flume	(S2)
3) Newbill	(Q749-A)	North line of PP&L Tract	(S3)
4) Newbill	(87-6-A)	Tax Lots 400, 401 and 500	(S4)
5) Lommasson	(05-02-Ax)	Tax Lots 1100 and 2790	(S5)
6) Munns	(05-03-A)	Tax Lots 1100 and 2790	(S6)
7) Wells	(95-117-C)	Retrace and Remonument GLO Survey	(S7)
8) Tomkins	(95-17-B)	Tax Lots 1200 and 1300	(S8)

NARRATIVE

The PURPOSE of this survey was to establish the property line between these properties as found in Umatilla County record deeds R418, Page 33 (Tax Lot 1000 - Hergert) and Reel 433, Page 617 (Tax Lot 1300 - Allen) for settling a suit between the parties over the location of that property line. The original DEEDS did not contain adequate bearings and distances to determine their true lines accurately. However, they did contain "calls" to features still existing on the ground. These features were as follows:

- The remains of the PP&L "flume" on the south side of the South Fork Walla Walla River consisting of the clearly identifiable end of a concrete flume and the remains of support structures for a wooden flume and over and across PP&L right of way going on downstream. We were unable to find a document defining the width of this right of way. D17 says half the right of is 20 feet more or less.
- A "community spring" found in Tax Lot 500.
- A "rock wall shed" and a "concrete wall" found in Tax Lot 600.
- A "wagon road" located between Tax Lots 1100, 1000 and 1300 and Tax Lots 600, 800 and 900.
- The west quarter corner of section 10.

The use of these calls and reasonable interpretation enables the determination of the property lines as intended by the deeds. There were several SURVEYS in the area. The first survey was by the GLO in 1879. In 1995, Wells retraced this survey and remonumented the west one quarter corner and the northeast corner of Section 10 with brass caps. The next survey was by Northwestern Corp. in 1909 which set monuments for Tax Lot 1700 which are widely used and well known. The next survey was by Newbill in 1956. He surveyed Tax Lot 1700 and other nearby Tax Lots. In 1978, Newbill surveyed Tax Lots 400, 401 and 500. He set monuments at the northwest corner of the "rock wall shed" and near the centerline of PP&L flume. In 1978, a suit was settled between Tax Lots 1000 and Tax Lot 2790. Lommasson and Munns surveyed for this suit. Some monuments were set on the eastern line of Tax Lot 1000 being established by this suit. The monument of the most interest was the northeast corner of Tax Lot 1000. In 1995, Tomkins surveyed the line between Tax Lots 1000 and 1300. In 2003, Allen purchased Tax Lot 1300 and filed a suit concerning the property line between Tax Lots 1300 and 1000.

The following MONUMENTS were found and accepted: The remonumented west one quarter corner and southeast section corner of Section 10; the northerly two PP&L corners of Tax Lot 1700; The 1/2" iron pin at the northwest corner of the rock wall shed and a 1" iron pipe near the flume centerline by Newbill in 1978; a 1/2 iron pin at the northwest corner of Tax Lot 1000 shown on both the 1978 Lommasson and Munns surveys.

The following MONUMENTS were found and not accepted: Two Tomkins yellow plastic caps found on 5/8" smooth iron bars extending from the northerly line of the PP&L flume supports because they were not on 5/8" iron rebars as reported and because one of them was 109 feet away from the reported location; a 5/8" rebar with yellow plastic cap where reported by the Tomkins survey, but north of the road and located on Tax Lot 800; an old axle extending from a concrete block because it was loose on the ground and was reported by a Mr. Romsos as having been removed by his father while clearing an old stump and placed at their best guess as to where it had been.

This survey was performed by first establishing control points with a Leica GPS System 200. The points tied were the west 1/4 corner and the southeast section corner of Section 10. and the northeast and northwest "PP&L" corners of Tax Lot 1700. Additional hubs and tacks were set near the rock wall shed for use as control by an instruments survey. These points were then used for ground survey using a Geodimeter System 600. The ground survey was completed and monuments set December 30, 2004.

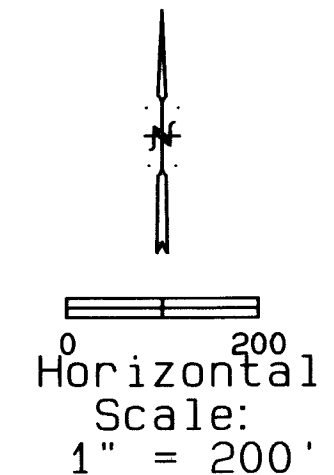
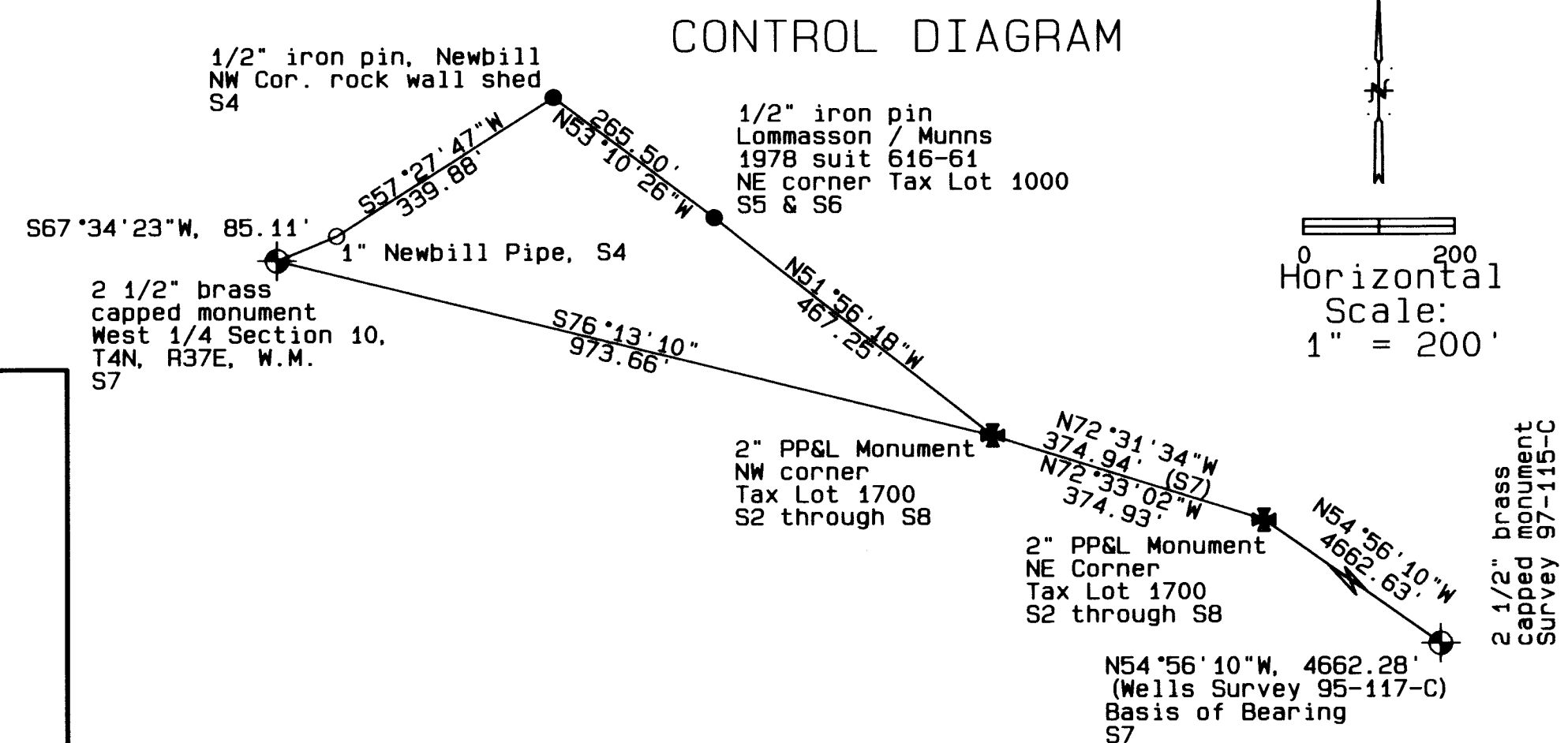
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*David L. Haddock*  
 OREGON  
 JULY 12, 1968  
 DAVID L. HADDOCK  
 852  
 RENEWS 6-30-07

DESCRIPTION OF A "LINE BY AGREEMENT"  
 BETWEEN THE LAND OF ALLEN AND HERGERT

Commencing at the brass capped monument at the west one quarter corner of Section 10 of Township 4 North, Range 37 East of the Willamette Meridian; Thence to the true point of beginning, a brass capped monument cemented in rock on the centerline of the old PP & L flume, S74°18'14"E, 456.46'; said true point of beginning also being N77°54'30"W, 517.68' from the PP&L monument at the northwest corner of the old PP&L damsite, (Tax Lot 1700); thence establishing a line between the tracts described in Umatilla deed records, Reel 433, Page 617 and Reel 418, Page 33 as follows; thence to a 5/8" iron rebar on said line, N17°04'44"E, 76.70'; thence to another 5/8" iron rebar on said line, N17°04'44"E, 64.53'; thence to another 5/8" iron rebar on said line, N17°04'44"E, 80.38'; said point being N80°04'04"E, 512.19' from said quarter corner, and also N54°01'05"W, 545.12' from said PP&L monument.

**SURVEY 05-046-B**

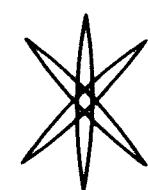
Revised: August 15, 2005



PROJECT No. Allen vs. Hergert, 2004

*SURVEY FOR  
 MAUTZ BAUM & O'HANLON  
 101 SE BYERS AVENUE  
 PENDLETON, OR 97801  
 (541) 276-2811*

David L. Haddock, Surveyor and Engineer  
 P.O. Box 1574  
 Pendleton, Oregon 97801  
 (541) 276-2174



**HADDOCK SURVEYING**  
 GPS  
 AND  
 TOTAL STATION

RECEIVED BY

**05-159-B** Umatilla County Surveyor  
 Date 8-05  
 Rec'd by KK  
 No. 05-159-B