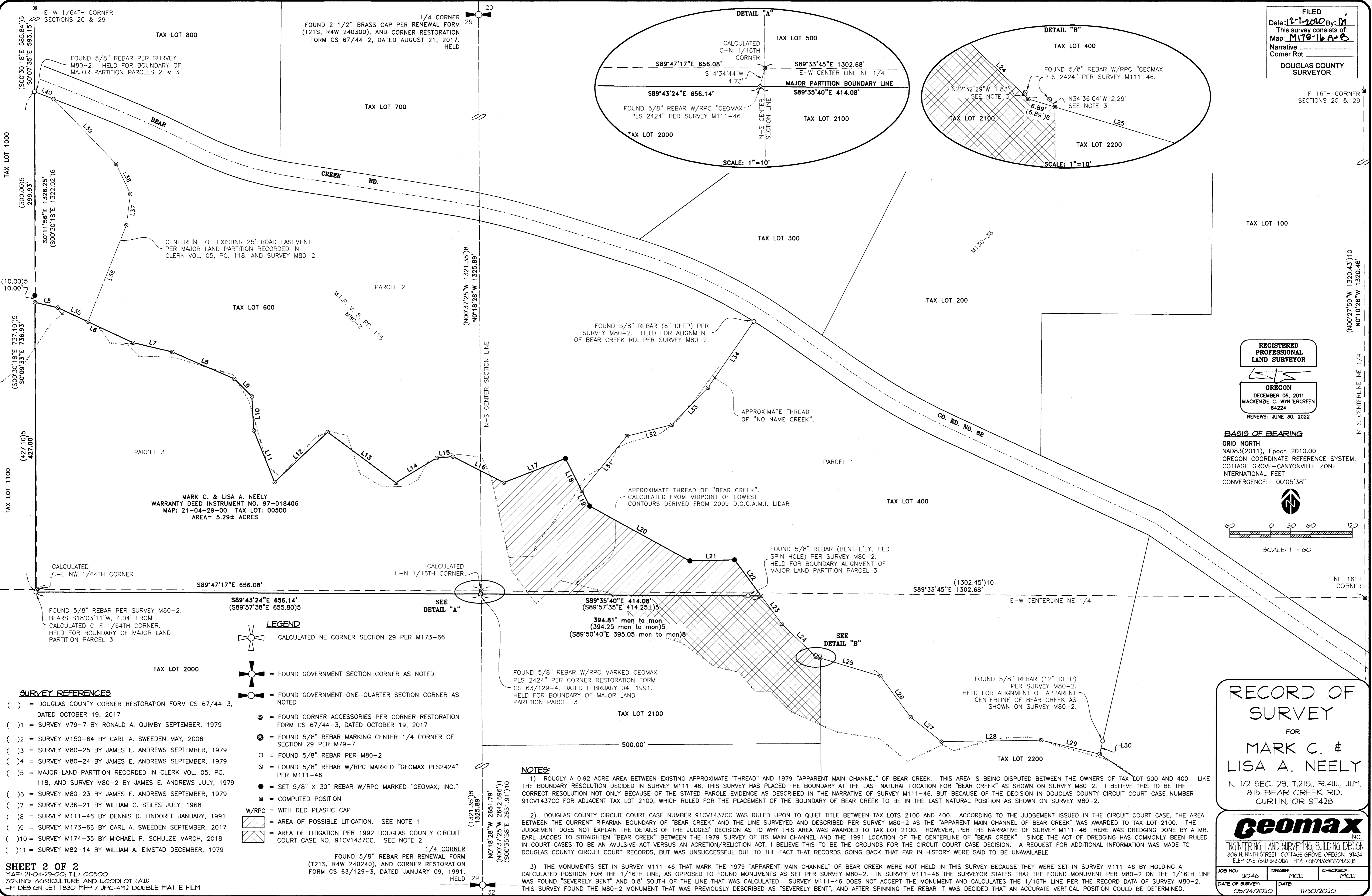
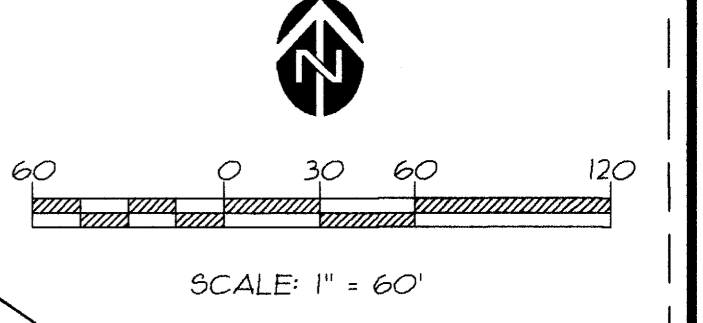


FILED  
Date: 12-1-2020 By: DJ  
This survey consists of:  
Map: M17B-16A-B  
Narrative:  
Corner Rpt:  
DOUGLAS COUNTY SURVEYOR



REGISTERED PROFESSIONAL LAND SURVEYOR  
OREGON  
DECEMBER 06, 2011  
MACKENZIE C. WINTERGREEN  
84224  
RENEWS: JUNE 30, 2022

BASIS OF BEARING  
GRID NORTH  
NAD83(2011), Epoch 2010.00  
OREGON COORDINATE REFERENCE SYSTEM:  
COTTAGE GROVE-CANYONVILLE ZONE  
INTERNATIONAL FEET  
CONVERGENCE: 00°05'38"



- LEGEND**
- = CALCULATED NE CORNER SECTION 29 PER M173-66
  - = FOUND GOVERNMENT SECTION CORNER AS NOTED
  - = FOUND GOVERNMENT ONE-QUARTER SECTION CORNER AS NOTED
  - = FOUND CORNER ACCESSORIES PER CORNER RESTORATION FORM CS 67/44-3, DATED OCTOBER 19, 2017
  - = FOUND 5/8" REBAR MARKING CENTER 1/4 CORNER OF SECTION 29 PER M79-7
  - = FOUND 5/8" REBAR PER M80-2
  - = FOUND 5/8" REBAR W/RPC MARKED "GEOMAX PLS 2424" PER M111-46
  - = SET 5/8" X 30" REBAR W/RPC MARKED "GEOMAX, INC."
  - = COMPUTED POSITION
  - = AREA OF POSSIBLE LITIGATION. SEE NOTE 1
  - = AREA OF LITIGATION PER 1992 DOUGLAS COUNTY CIRCUIT COURT CASE NO. 91CV1437CC. SEE NOTE 2

- SURVEY REFERENCES**
- ( ) = DOUGLAS COUNTY CORNER RESTORATION FORM CS 67/44-3, DATED OCTOBER 19, 2017
  - ( 1 ) = SURVEY M79-7 BY RONALD A. QUIMBY SEPTEMBER, 1979
  - ( 2 ) = SURVEY M150-64 BY CARL A. SWEEDEN MAY, 2006
  - ( 3 ) = SURVEY M80-25 BY JAMES E. ANDREWS SEPTEMBER, 1979
  - ( 4 ) = SURVEY M80-24 BY JAMES E. ANDREWS SEPTEMBER, 1979
  - ( 5 ) = MAJOR LAND PARTITION RECORDED IN CLERK VOL. 05, PG. 118, AND SURVEY M80-2 BY JAMES E. ANDREWS JULY, 1979
  - ( 6 ) = SURVEY M80-23 BY JAMES E. ANDREWS SEPTEMBER, 1979
  - ( 7 ) = SURVEY M36-21 BY WILLIAM C. STILES JULY, 1968
  - ( 8 ) = SURVEY M111-46 BY DENNIS D. FINDORFF JANUARY, 1991
  - ( 9 ) = SURVEY M173-66 BY CARL A. SWEEDEN SEPTEMBER, 2017
  - ( 10 ) = SURVEY M174-35 BY MICHAEL P. SCHULZE MARCH, 2018
  - ( 11 ) = SURVEY M82-14 BY WILLIAM A. EIMSTAD DECEMBER, 1979

**NOTES:**

- ROUGHLY A 0.92 ACRE AREA BETWEEN EXISTING APPROXIMATE "THREAD" AND 1979 "APPARENT MAIN CHANNEL" OF BEAR CREEK. THIS AREA IS BEING DISPUTED BETWEEN THE OWNERS OF TAX LOT 500 AND 400. LIKE THE BOUNDARY RESOLUTION DECIDED IN SURVEY M111-46, THIS SURVEY HAS PLACED THE BOUNDARY AT THE LAST NATURAL LOCATION FOR "BEAR CREEK" AS SHOWN ON SURVEY M80-2. I BELIEVE THIS TO BE THE CORRECT RESOLUTION NOT ONLY BECAUSE OF THE STATED PAROLE EVIDENCE AS DESCRIBED IN THE NARRATIVE OF SURVEY M111-46, BUT BECAUSE OF THE DECISION IN DOUGLAS COUNTY CIRCUIT COURT CASE NUMBER 91CV1437CC FOR ADJACENT TAX LOT 2100, WHICH RULED FOR THE PLACEMENT OF THE BOUNDARY OF BEAR CREEK TO BE IN THE LAST NATURAL POSITION AS SHOWN ON SURVEY M80-2.
- DOUGLAS COUNTY CIRCUIT COURT CASE NUMBER 91CV1437CC WAS RULED UPON TO QUIET TITLE BETWEEN TAX LOTS 2100 AND 400. ACCORDING TO THE JUDGEMENT ISSUED IN THE CIRCUIT COURT CASE, THE AREA BETWEEN THE CURRENT RIPARIAN BOUNDARY OF "BEAR CREEK" AND THE LINE SURVEYED AND DESCRIBED PER SURVEY M80-2 AS THE "APPARENT MAIN CHANNEL OF BEAR CREEK" WAS AWARDED TO TAX LOT 2100. THE JUDGEMENT DOES NOT EXPLAIN THE DETAILS OF THE JUDGES' DECISION AS TO WHY THIS AREA WAS AWARDED TO TAX LOT 2100. HOWEVER, PER THE NARRATIVE OF SURVEY M111-46 THERE WAS DREDGING DONE BY A MR. EARL JACOBS TO STRAIGHTEN "BEAR CREEK" BETWEEN THE 1979 SURVEY OF ITS MAIN CHANNEL AND THE 1991 LOCATION OF THE CENTERLINE OF "BEAR CREEK". SINCE THE ACT OF DREDGING HAS COMMONLY BEEN RULED IN COURT CASES TO BE AN AVULSIVE ACT VERSUS AN ACRETION/RELICION ACT, I BELIEVE THIS TO BE THE GROUNDS FOR THE CIRCUIT COURT CASE DECISION. A REQUEST FOR ADDITIONAL INFORMATION WAS MADE TO DOUGLAS COUNTY CIRCUIT COURT RECORDS, BUT WAS UNSUCCESSFUL DUE TO THE FACT THAT RECORDS GOING BACK THAT FAR IN HISTORY WERE SAID TO BE UNAVAILABLE.
- THE MONUMENTS SET IN SURVEY M111-46 THAT MARK THE 1979 "APPARENT MAIN CHANNEL" OF BEAR CREEK WERE NOT HELD IN THIS SURVEY BECAUSE THEY WERE SET IN SURVEY M111-46 BY HOLDING A CALCULATED POSITION FOR THE 1/16TH LINE, AS OPPOSED TO FOUND MONUMENTS AS SET PER SURVEY M80-2. IN SURVEY M111-46 THE SURVEYOR STATES THAT THE FOUND MONUMENT PER M80-2 ON THE 1/16TH LINE WAS FOUND "SEVERELY BENT" AND 0.8' SOUTH OF THE LINE THAT WAS CALCULATED. SURVEY M111-46 DOES NOT ACCEPT THE MONUMENT AND CALCULATES THE 1/16TH LINE PER THE RECORD DATA OF SURVEY M80-2. THIS SURVEY FOUND THE M80-2 MONUMENT THAT WAS PREVIOUSLY DESCRIBED AS "SEVERELY BENT", AND AFTER SPINNING THE REBAR IT WAS DECIDED THAT AN ACCURATE VERTICAL POSITION COULD BE DETERMINED.

**RECORD OF SURVEY**  
FOR  
**MARK C. & LISA A. NEELY**  
N. 1/2 SEC. 29, T.21S., R.4W., W.M.  
815 BEAR CREEK RD.  
CURTIN, OR 97428

**Geomax** INC.  
ENGINEERING, LAND SURVEYING, BUILDING DESIGN  
806 N. NINTH STREET COTTAGE GROVE, OREGON 97424  
TELEPHONE: (541) 942-0166 EMAIL: GEOMAX@GEOMAX.US

JOB NO: 1046 DRAIN: MCW CHECKED: MCW  
DATE OF SURVEY: 05/24/2020 DATE: 11/30/2020