

# CERTIFICATE OF SURVEY

GOVT. LOT 4, SECTION 29, T. 37N., R. 26W., P.M., Mt.

LINCOLN COUNTY, MONTANA

FOR: MIKE IRVINE

DATE: MAY 2004

COS 2393, GOVT. LOT 1

Kelly & Kathy Kosky

True Point of Beginning

(Agricultural)

PARCEL "A"

±4.034 ACRES

Deep Springs LLC

{S89°52'53"W}  
S89°56'27"W

{1307.92'}  
1306.23'

S89°56'27"W 538.97'

Sec. 28  
Sec. 29

## HISTORY OF SURVEYS

1903 - GLO Township Subdivision Plat, creates Government Lots by A. L. Rinearson  
1995 - COS No. 2393 retraces Govt. Lots 4, 5, 6, and 7 by Dawn Morquardt 7328S

## BASIS OF BEARING

The basis of bearing for this survey is N00°12'44"W, as shown on Certificate of Survey No. 2393 between the Southwest and Northwest corners of Government Lot 4, both being a 5/8 inch diameter rebar with plastic caps stamped 7328S

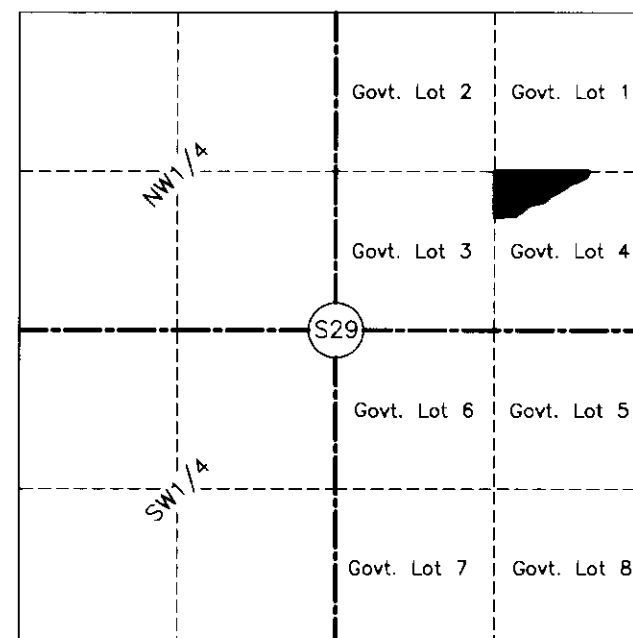
## METHOD OF SURVEY

A total station and data collector was used with closed traverse procedures to tie the previously set controlling corners.

## LEGEND

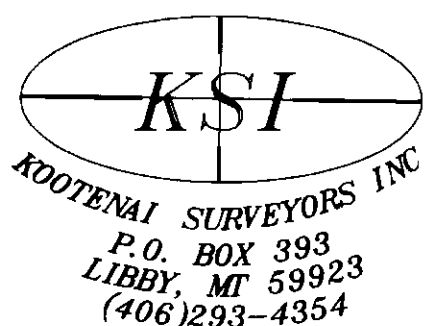
- FOUND 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED 7328S
- SET 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED HUGHES 7322LS
- UNMARKED COMPUTED LOCATION
- RECORD PER COS No. 2393
- CENTERLINE OF INDIAN CREEK, AGRICULTURAL BOUNDARY
- LOT LINES
- SECTION LINE
- AGRICULTURAL BOUNDARY

## VICINITY DIAGRAM

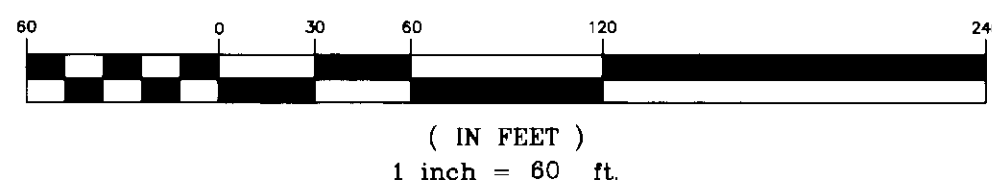


## LEGAL DESCRIPTION PARCEL "A"

An irregular tract of land, Northeast of Eureka, Montana, in Lincoln County, and within Government Lot 4, Section 29, T. 37N., R. 26W., P.M., Mt., containing ±4.034 acres, and more particularly described as follows: Commencing at the northwest corner of Government Lot 4 and the True Point of Beginning, a 5/8 inch diameter rebar with plastic cap marked 7328S; Thence along the westerly line of said Lot, S00°12'44"E 342.09 feet to a Witness Corner, a set 5/8 inch diameter rebar with plastic cap marked: HUGHES, 7322LS; Thence along said line, S00°12'44"E 31.46 feet to the centerline of Indian Creek an unmarked computed point; Thence along the centerline of said creek through the following unmarked points: N75°16'39"E 21.85 feet, N86°37'11"E 53.94 feet, N78°56'11"E 42.70 feet, S86°33'00"E 50.60 feet, N54°14'30"E 165.23 feet, N85°16'21"E 48.21 feet, N72°54'08"E 50.13 feet, N61°09'09"E 35.13 feet, N40°00'42"E 43.06 feet, N71°27'47"E 43.00 feet, N56°38'23"E 163.19 feet, N74°47'00"E 53.39 feet, N61°39'13"E 79.96 feet, N15°56'46"E 19.26 feet, N36°51'39"E 26.69 feet, N74°47'00"E 10.31 feet to the True Point of Beginning. Subject to all appurtenant easements of record.



## GRAPHIC SCALE



## SURVEY AND EXEMPTION CERTIFICATION

I, William J. Sutley, owner and authorized representative of Deep Springs LLC, hereby certify that the purpose of this survey is to create a parcel of land that is to be used exclusively for agricultural purposes, and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the property owner, that the land will be used exclusively for agricultural purposes, and that this survey is, therefore exempt from review as a subdivision pursuant to 76-3-207(1)C, M.C.A., furthermore, Parcel "A" being exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605 Exclusions 2(a): a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel.

William J. Sutley, Owner & Authorized Representative of Deep Springs LLC

6-22-04  
Date

## DECLARATION AND ACKNOWLEDGMENT

This Declaration, made this 22nd day of June, 2004, by William J. Sutley, hereinafter referred to as the "Declarant"; That whereas, Declarant is the owner of certain property described as tract(s) certificate of survey number \_\_\_\_\_ on file and of record in the office of the Clerk and Recorder of Lincoln County, Montana. Now, therefore, Declarant hereby declares that the parcel(s) described above shall be held, sold, and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or any part thereof, their heirs, executors, successors, administrators, and assignees, and shall bind each owner thereof. This covenant may be revoked by mutual consent of the owners of the parcel(s) in question and the governing body of Lincoln County. The governing body is deemed to be a party to and may enforce his covenant. TO WIT: The parcel(s) described above shall be used exclusively for agricultural purposes and no building, house, dwelling, or structure requiring water or sewage facilities may be erected or utilized thereon. In witness whereof, the undersigned, being the Declarant(s), herein, has hereunto set her hand this 22nd day of June, 2004.

In witness whereof, I have hereunto set my hand and affixed my notarial seal.

Notary Public for the State of Montana,  
residing in Lincoln County, My Commission expires: May 11, 2008

## LAND SURVEYOR'S CERTIFICATION

I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this Certificate of Survey has been prepared under my supervision and in accordance with Montana Code Annotated, Sections 76-3-101 through 76-3-625 and the Lincoln County regulations adopted pursuant thereto.

Alvah F. Hughes, Montana Reg. No. 7322LS

## EXAMINING LAND SURVEYOR'S CERTIFICATION

Approved this 17th day of July, 2004

Examining Land Surveyor

## COUNTY TREASURER CERTIFICATION

I hereby certify, pursuant to Section 76-3-207(3), MCA, that all real property taxes and special assessments assessed and levied on the parcel shown hereon are paid.

Lincoln County Treasurer, Lincoln County, Montana

Jeri A. Miller Byrd, Deputy, July 16, 2004

## CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 19th day

of July, 2004, at 10:44 o'clock A.M.

County Clerk Recorder

Deputy

CERTIFICATE OF SURVEY NO. 3306AE Doc 177706