

Application for a Permit to Use  
**Groundwater**

**RECEIVED**  
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OWRD  
SALEM, OREGON



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

**Organization**

NAME WILLAMETTE TREE WHOLESALE C/O RAY GANNON		PHONE 503-759-3901	FAX
ADDRESS 13989 SE 139TH		CELL 503-781-63014	
CITY CLACKAMAS	STATE OR	ZIP 97015	E-MAIL* PHGDMH@GMAIL.COM

**Agent** – The agent is authorized to represent the applicant in all matters relating to this application.

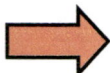
AGENT / BUSINESS NAME DOANN HAMILTON / PACIFIC HYDRO-GEOLOGY, INC.		PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA RD		CELL (503) 349-6946	
CITY MULINO	STATE OR	ZIP 97042	CITY MULINO

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

*Ray Gannon*  
Applicant Signature  
*Marguerite M Gannon*  
Applicant Signature

Ray Gannon  
Print Name and Title if applicable  
Marguerite M Gannon  
Print Name and Title if applicable

5/5/23  
Date  
5/5/23  
Date

For Department Use: App. Number: \_\_\_\_\_

\$2800.00

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

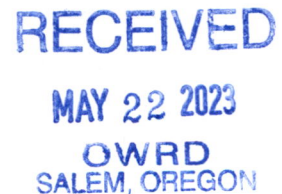
**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 2	FINNEY AND EGAN LAKE	~ 4,350 FEET	~ 10 FEET
WELL 3	FINNEY AND EGAN LAKE	~ 4,250 FEET	~ 10 FEET
WELL 4	FINNEY AND EGAN LAKE	~ 4,300 FEET	~ 10 FEET

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

SEE WELL LOG MARI 4897 FOR WELL 2  
 SEE WELL LOG MARI 70766 FOR WELL 3  
 SEE WELL LOG MARI 4888 FOR WELL 4





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**SECTION 3: WELL DEVELOPMENT, continued**

Total maximum rate requested: 0.17 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 4897	<input type="checkbox"/>	10 INCH	0 TO 180	90 TO 135	0 TO 20	40 FEET FROM WELL LOG (MAY 2, 1968)	ALLUVIUM	180		
WELL 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 70776	<input type="checkbox"/>	16 AND 12 INCH	16": +2 TO 200 12": 176 TO 257	202.25 TO 254	0 TO 36	49 FEET FROM WELL LOG (JAN 19, 2023)	ALLUVIUM	257		
WELL 4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 4888	<input type="checkbox"/>	10 INCH	0 TO 163	110 TO 160	0 TO 20	46 FEET FROM WELL LOG (JULY 7, 1978)	ALLUVIUM	163		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						TOTAL:		76.9 GPM	34.25 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

For Department Use: App. Number: \_\_\_\_\_

**SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

**Upper Columbia - OAR 690-033-0115 thru -0130**

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes  No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes  No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

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recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, you will be required to provide the following information, if applicable.**

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If **yes**, provide a description of the measures to be taken to assure reasonably efficient water use:  
NA

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**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 through October 31	34.25 AF

**For irrigation use only:**

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: 13.7 Acres      Supplemental: NA Acres      Nursery Use: NA Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 34.25 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**

- If the use is **domestic**, indicate the number of households: **NA** (Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): **NA**

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type):  
 Well 2 has a nested submersible pumps, one 50 Hp the other 3 Hp  
 Well 3 has a 100 Hp submersible pump  
 Well 4 has a 50 Hp submersible pump

- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

**Water will be pumped from the wells and conveyed through a buried PVC mainline to supply hydrants for hand line impact sprinklers, or macro bore on a hose reel, or drip lines to supply drip emitter for individual plants.**

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

**Impact sprinklers, macro bore on hose reel, and drip lines with drip emitters.**

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

**Water will be applied to crops when needed. The most water efficient method of irrigation will be used for the crops being irrigated.**

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Within three years after the permit is issued
- Date construction will be completed: Within five years after the permit has been issued
- Date beneficial water use will begin: Within five years after the permit has been issued

## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.

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Describe: Water will be applied at the appropriate rate and duration to avoid excess watering

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

**There are no streams located near the proposed wells or any other location requiring ground disturbance; therefore, no banks will need clearing.**

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List: NA

### SECTION 9: WITHIN A DISTRICT

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name NA	Address	
City	State	Zip

### SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

None

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Land Use Information Form

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

Applicant

Form with fields for NAME, PHONE (WK), CELL, ADDRESS, CITY, STATE, ZIP, E-MAIL\*, and PHONE (HM), FAX.

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed.

Table with columns: Township, Range, Section, %/4, Tax Lot #, Plan Designation, Water to be (Diverted, Conveyed, Used), Proposed Land Use.

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Marion County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water, Water Right Transfer, Permit Amendment or Groundwater Registration Modification, Limited Water Use License, Allocation of Conserved Water, Exchange of Water

Source of water: Reservoir/Pond, Groundwater, Surface Water (name)

Estimated quantity of water needed: 0.17 cubic feet per second, gallons per minute, acre-feet

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-Municipal, Instream, Other

Briefly describe:

New groundwater permit for irrigation of in-ground nursery stock.



**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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For Local Government Use Only

OWRD  
Staff Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136.020(A)
Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Table with 3 main columns: Type of Land Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Land Use Approval (Obtained, Denied, Being Pursued, Not Being Pursued).

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Empty box for local government comments.

Form with fields for NAME (Nicole Inman), TITLE (Associate Planner), SIGNATURE (Nicole Inman), PHONE (503-588-5038), DATE (5/18/2023), and GOVERNMENT ENTITY (Marion County).

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Form with fields for Applicant name, City or County, Staff contact, Signature, Phone, and Date.

RECORDING REQUESTED BY:



**Fidelity National Title**  
Company of Oregon

500 Liberty St. SE, Ste 200  
Salem, OR 97301

**GRANTOR'S NAME:**  
Steven Joseph Hughes

**GRANTEE'S NAME:**  
Ray Gannon

**AFTER RECORDING RETURN TO:**  
Ray Gannon  
3491 Brooklake Road NE  
Salem, OR 97303

**SEND TAX STATEMENTS TO:**  
Ray Gannon  
3491 Brooklake Road NE  
Salem, OR 97303

**FNT Order No.:** 60221704734-SK  
**APN:** R19540  
**Map:** 063W13AD00100  
3491 Brooklake Road NE, Salem, OR 97303

REEL 4019 PAGE 60  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
11-27-2017 03:16 pm.  
Control Number 485285 \$  
51.00  
Instrument 2017 00061127

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Steven Joseph Hughes**, Grantor, conveys and warrants to

**Ray Gannon**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

Blocks 4, 5, 6, 7, 8, and 9; and Lots 2, 3, 4, 6 and 7, Block 14; all in CHEMEKETA (now vacated), Marion County, Oregon;

TOGETHER WITH that portion of vacated streets which vested in Edward Leuenberger and Emilia Elizabeth Leuenberger, his wife, by reason of vacation of CHEMEKETA.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$345,000.00). (See ORS 93.030).

**Subject to:**

- I. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
- II. Rights of the public to any portion of the Land lying within streets, roads and highways.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Fidelity National Title # 60221704734

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 11-27-17  
Steven Joseph Hughes  
Steven Joseph Hughes

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State of Oregon  
County of Marion

This instrument was acknowledged before me on 11/27/17 by Steven Joseph Hughes.

Mary Angeline Simmons  
Notary Public - State of Oregon  
My Commission Expires: 8/29/2019





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REEL: 4019

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November 27, 2017, 03:16 pm.

CONTROL #: 485285

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 51.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

REEL 3523 PAGE 355  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
07-16-2013 11:46 am.  
Control Number 343067 \$ 51.00  
Instrument 2013 00032072

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After recording return to:  
Raymond Gannon and Marguerite  
Gannon  
13989 SE 139th St  
Clackamas, OR 97015

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Raymond Gannon and Marguerite  
Gannon  
as above

File No.: 7081-2090031 (PJZ)  
Date: July 11, 2013

FATCO 2090031

### STATUTORY BARGAIN AND SALE DEED

**Raymond Gannon and Marguerite Gannon**, Grantor, conveys to **Raymond Gannon and Marguerite Gannon**, as tenants by the entirety, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **to create tenants by the entirety**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.





APN: R19512

Bargain and Sale Deed  
- continued

File No.: 7081-2090031 (PJZ)  
Date: 07/11/2013

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**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Marion, State of Oregon, described as follows:

**BEGINNING AT A POINT IN THE MIDDLE OF THE COUNTY ROAD, WHICH POINT IS SOUTH 0° 30' EAST 20.41 CHAINS AND NORTH 89° 30' EAST 23.33 CHAINS FROM THE SOUTHWEST CORNER OF THE DONATION LAND CLAIM OF J. J. LEMMONS AND WIFE, BEING CLAIM NO. 63, IN TOWNSHIP 6 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; RUNNING THENCE NORTH 0° 30' WEST 38.73 CHAINS; THENCE NORTH 89° 45' EAST 9.94 CHAINS; THENCE SOUTH 0° 30' EAST 38.72 CHAINS; THENCE SOUTH 89° 30' WEST 9.94 CHAINS TO THE PLACE OF BEGINNING.**

**BEGINNING AT A POINT IN THE MIDDLE OF THE COUNTY ROAD, WHICH POINT IS SOUTH 0° 30' EAST 20.41 CHAINS AND NORTH 89° 30' EAST 13 CHAINS FROM THE SOUTHWEST CORNER OF THE DONATION LAND CLAIM OF J. J. LEMMONS AND WIFE, BEING CLAIM NO. 63, IN TOWNSHIP 6 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; RUNNING THENCE NORTH 0° 30' WEST 38.74 CHAINS; THENCE NORTH 89° 45' EAST 10.33 CHAINS; THENCE SOUTH 0° 30' EAST 38.73 CHAINS; THENCE SOUTH 89° 30' WEST 10.33 CHAINS TO THE PLACE OF BEGINNING.**

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SALEM, OREGON

REEL: 3523

PAGE: 355

July 16, 2013, 11:46 am.

CONTROL #: 343067

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 51.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

---

REEL 3523 PAGE 355  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
07-16-2013 11:46 am.  
Control Number 343067 \$ 51.00  
Instrument 2013 00032072

RECEIVED

MAY 22 2023

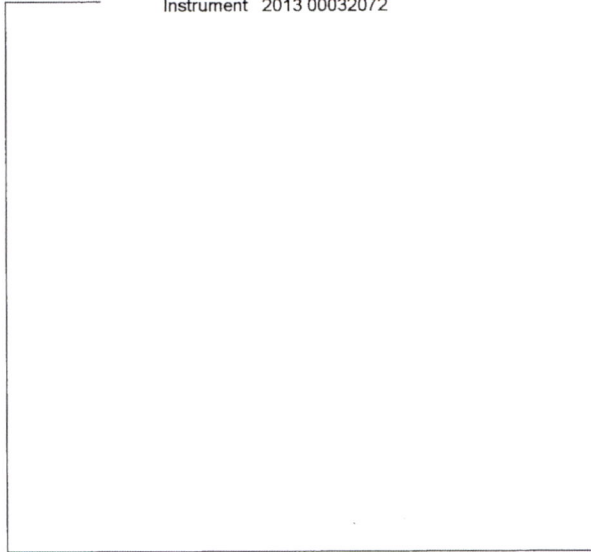
OWRD  
SALEM, OREGON



After recording return to:  
Raymond Gannon and Marguerite  
Gannon  
13989 SE 139th St  
Clackamas, OR 97015

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Raymond Gannon and Marguerite  
Gannon  
as above

File No.: 7081-2090031 (PJZ)  
Date: July 11, 2013



FATCO 2090031

### STATUTORY BARGAIN AND SALE DEED

**Raymond Gannon and Marguerite Gannon**, Grantor, conveys to **Raymond Gannon and Marguerite Gannon**, as tenants by the entirety, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **to create tenants by the entirety**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.





APN: R19512

Bargain and Sale Deed  
- continued

File No.: 7081-2090031 (PJZ)  
Date: 07/11/2013

RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Marion, State of Oregon, described as follows:

**BEGINNING AT A POINT IN THE MIDDLE OF THE COUNTY ROAD, WHICH POINT IS SOUTH 0° 30' EAST 20.41 CHAINS AND NORTH 89° 30' EAST 23.33 CHAINS FROM THE SOUTHWEST CORNER OF THE DONATION LAND CLAIM OF J. J. LEMMONS AND WIFE, BEING CLAIM NO. 63, IN TOWNSHIP 6 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; RUNNING THENCE NORTH 0° 30' WEST 38.73 CHAINS; THENCE NORTH 89° 45' EAST 9.94 CHAINS; THENCE SOUTH 0° 30' EAST 38.72 CHAINS; THENCE SOUTH 89° 30' WEST 9.94 CHAINS TO THE PLACE OF BEGINNING.**

**BEGINNING AT A POINT IN THE MIDDLE OF THE COUNTY ROAD, WHICH POINT IS SOUTH 0° 30' EAST 20.41 CHAINS AND NORTH 89° 30' EAST 13 CHAINS FROM THE SOUTHWEST CORNER OF THE DONATION LAND CLAIM OF J. J. LEMMONS AND WIFE, BEING CLAIM NO. 63, IN TOWNSHIP 6 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; RUNNING THENCE NORTH 0° 30' WEST 38.74 CHAINS; THENCE NORTH 89° 45' EAST 10.33 CHAINS; THENCE SOUTH 0° 30' EAST 38.73 CHAINS; THENCE SOUTH 89° 30' WEST 10.33 CHAINS TO THE PLACE OF BEGINNING.**

---

RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

REEL: 3523

PAGE: 355

July 16, 2013, 11:46 am.

CONTROL #: 343067

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 51.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

---



AFTER RECORDING RETURN TO:

Ray Gannon and Marguerite Gannon  
13989 SE 139th Ave  
Clackamas, OR 97015

Until a change is requested all tax statements shall be sent to the following address:

Same As Above  
Escrow No.: 45-469971-KE  
Order No.: 469971

SPACE  
RESERVED  
FOR  
RECORDER'S  
USE

Reel Page  
3089 431

RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Steven W. Downer

Grantor, conveys and warrants to

Raymond Gannon and Marguerite Gannon, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED LEGAL DESCRIPTION

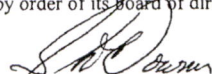
Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations.

Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007.

ENCUMBRANCES: See Attached Exhibit "A"

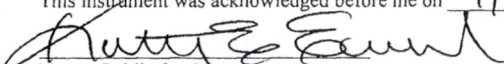
The true consideration for this conveyance is \$625,000.00.

Dated July 29, 2009; if a corporate grantor, it has caused its name to be signed by order of its Board of directors.

  
Steven W. Downer

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 7/29/09 by Steven W. Downer.

  
Notary Public for Oregon

My Commission Expires:

(SEAL)



Clackamas  
Fidelity National Title

AFTER RECORDING RETURN TO:

Ray Gannon and Marguerite Gannon  
13989 SE 139th Ave  
Clackamas, OR 97015  
Until a change is requested all tax statements shall be  
sent to the following address:  
Same As Above  
Escrow No.: 45-469971-KE  
Order No.: 469971

SPACE  
RESERVED  
FOR  
RECORDER'S  
USE

Reel Page  
3089 431

RECEIVED  
MAY 22 2023  
OWRD  
SALEM, OREGON

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Steven W. Downer

Grantor, conveys and warrants to

Raymond Gannon and Marguerite Gannon, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

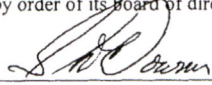
SEE ATTACHED LEGAL DESCRIPTION

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007.

ENCUMBRANCES: See Attached Exhibit "A"

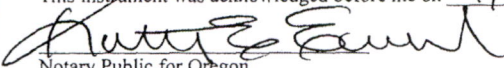
The true consideration for this conveyance is \$625,000.00.

Dated July 29, 2009; if a corporate grantor, it has caused its name to be signed by order of its Board of directors.

  
Steven W. Downer

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 7/29/09 by Steven W. Downer.

  
Notary Public for Oregon

My Commission Expires:

(SEAL)



Deed  
National Title



RECEIVED

MAY 22 2023

GWRD  
SALEM, OREGON

**PRELIMINARY REPORT**  
(Continued)

Order No.: FT090017265-FTMWV23

**EXHIBIT "ONE"**

**PARCEL 1:**

Beginning at a point which is 863.06 feet South 0°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 0°30' East 484.00 feet; thence North 89°30' East 228.00 feet to the Southwest corner of a tract of land conveyed by deed recorded in Volume 611, Page 255, Marion County deed records; thence North 0°30' West along the West line of the last mentioned tract 484.00 feet to the Northwest corner thereof; thence South 89°30' West 228.00 feet to the place of beginning.

**PARCEL 2:**

Beginning at the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 0°30' East 863.06 feet to a point 484.0 feet North 0°30' West from a point in the center of the County Road; thence North 89°30' East parallel with the center line of said County Road 858.00 feet; thence North 0°30' West 2072.84 feet; thence North 89°45' West 858.00 feet to the West line of said J.J. Lemmons Claim; thence South 0°30' East 1210.44 feet to the place of beginning.

SAVE AND EXCEPT those portions thereof conveyed to Luis and Thelma Maceira, husband and wife, by deed recorded March 9, 1982, in Reel 275, Page 775 film records for Marion County, Oregon, as follows:

Beginning at the Southeast corner of a tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records; which Southeast corner is South 0°30' East 863.06 feet and North 89°30' East 858.00 feet from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 300.00 feet; thence South 89°30' West 150.00 feet; thence South 0°30' East 300.00 feet; thence North 89°30' East 150.00 feet to the place of beginning; being situate in Section 13, Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon. ALSO: Beginning at a point on the South line of tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records, which is South 0°30' East 863.06 feet and North 89°30' East 708.00 feet from the Southwest corner of the J.J. Lemmon Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence North 0°30' East 30.00 feet; thence South 89°30' West 50.00 feet; thence South 0°30' West 30.00 feet to the South line of said Downer tract; thence North 89°30' East 50.00 feet to the place of beginning.

**PARCEL 3:**

Beginning at a point which is 20.410 chains South 0°30' East and 678.00 feet North 89°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 484.00 feet; thence South 89°30' West 450.00 feet; thence South 0°30' East 484.00 feet; thence North 89°30' East 450.00 feet to the place of beginning.

SAVE AND EXCEPT the Westerly 90 feet of the above described property.

ALSO SAVE AND EXCEPT that portion thereof conveyed to Luis and Thelma Maceira, husband and wife, by deed recorded March 9, 1982 in Reel 275, Page 775 film records for Marion County, Oregon as follows:

Beginning at a point which is 20.412 chains South 0°30' West and 678.00 feet North 89°30' East from the Southwest corner of J. J. Lemmon Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence North 00°30' West 484.00 feet; thence South 89°30' West 20.00 feet; thence South 0°30' East 484.00 feet; thence North 89°30' East 20.0 feet to the place of beginning.



RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

Exhibit "A"

1. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. No search has been made for financing statements filed in the office of the Secretary of State, or in any county other than the county in which the herein described land is located. No liability is assumed for any financing statement filed in the office of the County Clerk (Recorder) covering timber, crops, fixtures or contracts affecting said land if said land is not described by metes and bounds, recorded lot and block or under the rectangular survey system.
3. No liability is assumed for any improvement located on the herein described property which is described or defined as a mobile home under the provision of State Law and is subject to registration.
4. The Land is within and subject to the statutory power including the power of assessment of the Marion Soil and Water Conservation District.
5. Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways

RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

**REEL:3089**

**PAGE: 431**

**July 30, 2009, 11:48 am.**

CONTROL #: 253590

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

RECEIVED

MAY 22 2023

GWRD  
SALEM, OREGON

**PRELIMINARY REPORT**  
(Continued)

Order No.: FT090017265-FTMWV23

**EXHIBIT "ONE"**

**PARCEL 1:**

Beginning at a point which is 863.06 feet South 0°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 0°30' East 484.00 feet; thence North 89°30' East 228.00 feet to the Southwest corner of a tract of land conveyed by deed recorded in Volume 611, Page 255, Marion County deed records; thence North 0°30' West along the West line of the last mentioned tract 484.00 feet to the Northwest corner thereof; thence South 89°30' West 228.00 feet to the place of beginning.

**PARCEL 2:**

Beginning at the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 0°30' East 863.06 feet to a point 484.0 feet North 0°30' West from a point in the center of the County Road; thence North 89°30' East parallel with the center line of said County Road 858.00 feet; thence North 0°30' West 2072.84 feet; thence North 89°45' West 858.00 feet to the West line of said J.J. Lemmons Claim; thence South 0°30' East 1210.44 feet to the place of beginning.

SAVE AND EXCEPT those portions thereof conveyed to Luis and Thelma Maceira, husband and wife, by deed recorded March 9, 1982, in Reel 275, Page 775 film records for Marion County, Oregon, as follows:

Beginning at the Southeast corner of a tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records; which Southeast corner is South 0°30' East 863.06 feet and North 89°30' East 858.00 feet from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 300.00 feet; thence South 89°30' West 150.00 feet; thence South 0°30' East 300.00 feet; thence North 89°30' East 150.00 feet to the place of beginning; being situate in Section 13, Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon. ALSO: Beginning at a point on the South line of tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records, which is South 0°30' East 863.06 feet and North 89°30' East 708.00 feet from the Southwest corner of the J.J. Lemmon Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence North 0°30' East 30.00 feet; thence South 89°30' West 50.00 feet; thence South 0°30' West 30.00 feet to the South line of said Downer tract; thence North 89°30' East 50.00 feet to the place of beginning.

**PARCEL 3:**

Beginning at a point which is 20.410 chains South 0°30' East and 678.00 feet North 89°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 484.00 feet; thence South 89°30' West 450.00 feet; thence South 0°30' East 484.00 feet; thence North 89°30' East 450.00 feet to the place of beginning.

SAVE AND EXCEPT the Westerly 90 feet of the above described property.

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RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

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3. No liability is assumed for any improvement located on the herein described property which is described or defined as a mobile home under the provision of State Law and is subject to registration.
4. The Land is within and subject to the statutory power including the power of assessment of the Marion Soil and Water Conservation District.
5. Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways

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MAY 22 2023

GWRD  
SALEM, OREGON

**REEL:3089**

**PAGE: 431**

**July 30, 2009, 11:48 am.**

CONTROL #: 253590

State of Oregon  
County of Marion

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FEE: \$ 36.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

AFTER RECORDING RETURN TO:

Ray Gannon and Marguerite Gannon  
13989 SE 139th Ave  
Clackamas, OR 97015  
Until a change is requested all tax statements shall be  
sent to the following address:  
Same As Above  
Escrow No.: 45-469971-KE  
Order No.: 469971

SPACE  
RESERVED  
FOR  
RECORDER'S  
USE

Reel Page  
3089 431

RECEIVED  
MAY 22 2023  
OWRD  
SALEM, OREGON

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Steven W. Downer

Grantor, conveys and warrants to

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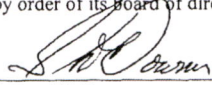
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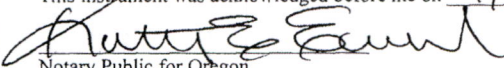
The true consideration for this conveyance is \$625,000.00.

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Steven W. Downer

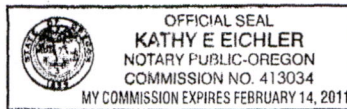
STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 7/29/09 by Steven W. Downer.

  
Notary Public for Oregon

My Commission Expires:

(SEAL)



Clackamas National Title



RECEIVED

MAY 22 2023

OWRD  
SALEM, OREGON

**PRELIMINARY REPORT**  
(Continued)

Order No.: FT090017265-FTMWV23

**EXHIBIT "ONE"**

**PARCEL 1:**

Beginning at a point which is 863.06 feet South 0°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 0°30' East 484.00 feet; thence North 89°30' East 228.00 feet to the Southwest corner of a tract of land conveyed by deed recorded in Volume 611, Page 255, Marion County deed records; thence North 0°30' West along the West line of the last mentioned tract 484.00 feet to the Northwest corner thereof; thence South 89°30' West 228.00 feet to the place of beginning.

**PARCEL 2:**

Beginning at the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 0°30' East 863.06 feet to a point 484.0 feet North 0°30' West from a point in the center of the County Road; thence North 89°30' East parallel with the center line of said County Road 858.00 feet; thence North 0°30' West 2072.84 feet; thence North 89°45' West 858.00 feet to the West line of said J.J. Lemmons Claim; thence South 0°30' East 1210.44 feet to the place of beginning.

SAVE AND EXCEPT those portions thereof conveyed to Luis and Thelma Maceira, husband and wife, by deed recorded March 9, 1982, in Reel 275, Page 775 film records for Marion County, Oregon, as follows:

Beginning at the Southeast corner of a tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records; which Southeast corner is South 0°30' East 863.06 feet and North 89°30' East 858.00 feet from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 300.00 feet; thence South 89°30' West 150.00 feet; thence South 0°30' East 300.00 feet; thence North 89°30' East 150.00 feet to the place of beginning; being situate in Section 13, Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon. ALSO: Beginning at a point on the South line of tract of land conveyed to William S. Downer, et ux, by deed recorded in Volume 679, Page 351, deed records, which is South 0°30' East 863.06 feet and North 89°30' East 708.00 feet from the Southwest corner of the J.J. Lemmon Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence North 0°30' East 30.00 feet; thence South 89°30' West 50.00 feet; thence South 0°30' West 30.00 feet to the South line of said Downer tract; thence North 89°30' East 50.00 feet to the place of beginning.

**PARCEL 3:**

Beginning at a point which is 20.410 chains South 0°30' East and 678.00 feet North 89°30' East from the Southwest corner of the J.J. Lemmons Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North 0°30' West 484.00 feet; thence South 89°30' West 450.00 feet; thence South 0°30' East 484.00 feet; thence North 89°30' East 450.00 feet to the place of beginning.

SAVE AND EXCEPT the Westerly 90 feet of the above described property.

ALSO SAVE AND EXCEPT that portion thereof conveyed to Luis and Thelma Maceira, husband and wife, by deed recorded March 9, 1982 in Reel 275, Page 775 film records for Marion County, Oregon as follows:

Beginning at a point which is 20.412 chains South 0°30' West and 678.00 feet North 89°30' East from the Southwest corner of J. J. Lemmon Donation Land Claim No. 63 in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence North 0°30' West 484.00 feet; thence South 89°30' West 20.00 feet; thence South 0°30' East 484.00 feet; thence North 89°30' East 20.0 feet to the place of beginning.



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Exhibit "A"

1. The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. No search has been made for financing statements filed in the office of the Secretary of State, or in any county other than the county in which the herein described land is located. No liability is assumed for any financing statement filed in the office of the County Clerk (Recorder) covering timber, crops, fixtures or contracts affecting said land if said land is not described by metes and bounds, recorded lot and block or under the rectangular survey system.
3. No liability is assumed for any improvement located on the herein described property which is described or defined as a mobile home under the provision of State Law and is subject to registration.
4. The Land is within and subject to the statutory power including the power of assessment of the Marion Soil and Water Conservation District.
5. Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways

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**REEL:3089**

**PAGE: 431**

**July 30, 2009, 11:48 am.**

CONTROL #: 253590

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

## 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

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#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: **\$ 2,800.00**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)