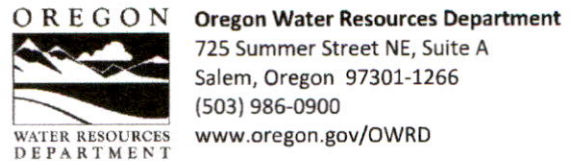


Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME <i>Alfred Dinsdale</i>		PHONE (HM) <i>503-789-2136</i>	
PHONE (WK) —	CELL <i>503-789-2136</i>	FAX —	
MAILING ADDRESS <i>19540 SW Conzelmann Rd</i>			
CITY <i>Sherwood</i>	STATE <i>OR</i>	ZIP <i>97140</i>	E-MAIL * <i>adinsdalenurserye msn.com</i>

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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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 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 legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. 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.

[Signature] _____ *Alfred Dinsdale* _____ *6-28-23* _____
 Applicant Signature Print Name and Title if applicable Date

 Applicant Signature **RECEIVED** Print Name and Title if applicable Date

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Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME <i>Julie Horowitz</i>		PHONE (HM)	
PHONE (WK)	CELL <i>503-830-0098</i>	FAX	
MAILING ADDRESS <i>19540 SW Conzelmann Rd</i>			
CITY <i>Shenwood</i>	STATE <i>OR</i>	ZIP <i>97140</i>	E-MAIL * <i>julie@mckaycreekfarm.com</i>

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

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AGENT / BUSINESS NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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- 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.

<i>Julie Horowitz</i> Applicant Signature	<i>Julie Horowitz</i> Print Name and Title if applicable	<i>6-28-23</i> Date
Applicant Signature	Print Name and Title if applicable	Date

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SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Dinsdale Reservoir				
Source*:	McKay Creek	Tributary:	Dairy Creek		
County:	Washington				
Quantity:	25 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	1N	2W	6	NE/NW	1N26-00500
Maximum Height of Dam:	9 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: irrigate crops/multiuse

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances.

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

No (please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO
If YES, how long has it been in place? _____ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown
If YES, how much? _____ miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT N/A

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name:		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Water will be pumped from McKay Creek at an existing point of diversion via an installed irrigation mainline to convey the water north to the reservoir. Maps showing the location of diversion and the proposed reservoir are attached. The reservoir will be constructed using an earthen dike, no more than 9' in height. It will be filled in the offseason using an electric pump and retained for use during the irrigation season.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

N/A

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Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: <u>November 1,</u> End: <u>April 30</u> Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Jake Constans

Watermaster Signature: [Signature] Date: 08/08/23

NOTE: This completed form must be returned to the applicant

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ATER AVAILABILITY TABLE

MCKAY CR > DAIRY CR - AT MOUTH

Watershed ID #: 30201003

Basin: WILLAMETTE

Exceedance Level: 50

Time: 10:30 AM

Date: 08/08/2023

Watershed

Nest ID	Stream Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
DEC	STOR											

1	181 WILLAMETTE R > COLUMBIA R - AT MOUTH	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	175 TUALATIN R > WILLAMETTE R - AT MOUTH	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO
3	30201006 TUALATIN R > WILLAMETTE R - AT GAGE 14207500	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO
4	30201013 TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO
5	30201002 DAIRY CR > TUALATIN R - AT MOUTH	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO
6	30201003 MCKAY CR > DAIRY CR - AT MOUTH	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Julie Horowitz & Alfred Dinsdale

Address: 19540 SW Conzelmann Rd. Sherwood, OR. 97140

Phone/Email: 503-830-0098 / julie@mckaycreekfarm.com

Reservoir Name: Dinsdale Reservoir

Volume (AF): 25

Source: McKay Creek > Dairy Creek > Tualatin R

Basin Name: North Willamette

in-channel

Twp Rng Sec QQ: 1N 2W 6 NE/NW

off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES NO*
(if yes then proceed to #4; if no then proceed to #2)

** Based on available information, the source of water to fill the off-channel reservoir includes McKay Creek. Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

N/A: Based on a conversation with the applicant, the proposed use does not involve instream structures in McKay creek that would create or maintain an artificial obstruction. However, the permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585).*

see "Maintain Passage" condition

*See comment regarding fish egress in question #4

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period June through November poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead, Coho salmon), and sensitive species (Coastal Cutthroat Trout, Pacific Lamprey), may be present in McKay Creek, Dairy Creek, and the Tualatin River during the period of impact. Instream flows to fulfill MF174 and or MF175 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource June - November.

Through consultation with DEQ, ODFW has identified a water quality impairment for Dissolved oxygen, pH and chlorophyll on the Tualatin River with a critical period of late summer to early fall. Also, the proposed pond would be located in the Tualatin River basin and subject to the (Tualatin River Temperature TMDL) which identifies the critical period for water temperatures as June 1-October 31. Low dissolved oxygen and high stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

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Applicant Name:

ODFW Review

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

NO (explain) YES (select from Menu of Conditions on next page)

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during December - May. ODFW recommends the storage season be restricted to coincide with this period. Without appropriate conditions, a further reduction in flow or alteration of habitat (including the impairment of water quality during June - October) from the proposed water use during June - November will result in a significant detrimental impact to an existing fishery resource.

In addition, the reservoir lies within the FEMA 100-year flood plain. Although the reservoir itself is off-channel, native migratory fish may become trapped or entrained in the reservoir(s) during or after flooding events. Therefore, the permittee shall work with ODFW and obtain, in writing, an ODFW-approved fish passage plan to address egress from the reservoir(s) or other approved methods to keep fish out of the reservoir(s) during flood events (e.g., berm construction around the reservoirs). Approval of the proposed fish passage plan shall be obtained prior to diversion of water. The permittee shall submit proof to ODFW that fish passage (egress) has been implemented per the approved plan prior to diversion of water.

Janna
Stevens

Digitally signed by
Janna Stevens
Date: 2023.08.11
14:31:06 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 8/11/2023

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

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Applicant Name:

ODFW Review

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

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Use this menu to identify appropriate conditions to be included in the permit:

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to Dec.1 through May.31.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

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The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

- Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July.15-Sep.30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.



This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

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Land Use Information Form



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

Applicant

NAME Alfred Dinsdale & Julie Horowitz			PHONE (HM) 503-625-6261		
PHONE (WK) Cell 503-789-2136		CELL 503-830-0098		FAX —	
ADDRESS 19540 SW Conzelmann Rd					
CITY Sherwood		STATE OR	ZIP 97140	E-MAIL* julie@mckaycreekfarm.com	

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. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1N	2W	6	NE/NW	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Washington County ; North Plains, OR 97133

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) Mckay Creek

Estimated quantity of water needed: 25 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:

The reservoir will be an earthen dike surrounding impoundment area. It will be filled in the off-season with a pump, for use during irrigation season.

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

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): CDC Section 201-2.9

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."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

NAME MAITREYEE SINHA	TITLE: SENIOR PLANNER	
SIGNATURE <i>M. Sinha</i>	PHONE: 503-846-3835	DATE: 8.21.23
GOVERNMENT ENTITY WASHINGTON 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

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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RECORDATION REQUESTED BY:

Columbia State Bank
Agricultural Banking - OR
301 Church Street NE
Salem, OR 97301

WHEN RECORDED MAIL TO:

Columbia State Bank
25977 SW CANYON CREEK RD, SUITE J
Wilsonville, OR 97070

FOR RECORDER'S USE ONLY



HLP0367

DEED OF TRUST

THIS DEED OF TRUST is dated December 16, 2021, among Alfred L. Dinsdale and Julie E Horowitz, as tenants by the entirety ("Grantor"); Columbia State Bank, whose address is Agricultural Banking - OR, 301 Church Street NE, Salem, OR 97301 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and First American Title Insurance Company, whose address is 1 First American Way, Santa Ana, CA 92707 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, represented in the Note dated December 16, 2021, in the original principal amount of \$1,900,000.00, from Grantor to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Washington County, State of Oregon:

See Exhibit "A", which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 11200 NW Shadybrook Rd & NKA, North Plains, OR 97133. The Real Property tax identification number is R654081; R2145167; R2028750; R2028749; and R654027.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. 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

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Exhibit "A"**RECEIVED**

Real property in the County of Washington, State of Oregon, described as follows:

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PARCEL I:

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FIRST TRACT: THAT PART OF THE ANDERSON SMITH DONATION LAND CLAIM NO. 64, IN TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 1.82 CHAINS NORTH 12° 30' EAST FROM THE SOUTHEAST CORNER OF THE JOHN JOHNSON DONATION LAND CLAIM, NO. 70, IN TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, RUNNING THENCE NORTH 12° E 19.95 CHAINS TO THE SOUTHWEST CORNER OF GEORGE FANTZ LAND, THENCE SOUTH 89° 30' EAST 27.71 CHAINS TO A POST; THENCE SOUTH 2° EAST 18.83 CHAINS; THENCE SOUTH 89° 15' WEST 32.72 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A TRIANGULAR PIECE IN THE SOUTHEAST CORNER WITHIN THE RAILROAD RIGHT OF WAY.

SECOND TRACT: THAT PART OF THE JOHN JOHNSON DONATION LAND CLAIM NO. 70 IN TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST OF SAID DONATION LAND CLAIM 70; RUNNING THENCE NORTH 75° 35' WEST 10.81 CHAINS TO THE SOUTHEAST CORNER OF A 4 ACRE TRACT CONVEYED TO CHARLES WALTER BY DEED RECORDED ON PAGE 524 OF BOOK 76, RECORDS OF DEEDS FOR WASHINGTON COUNTY, OREGON; THENCE BY THE FOLLOWING MEANDERS UP THE CENTER OF MCKAY CREEK NORTH 30° EAST 1.14 CHAINS; THENCE NORTH 73° EAST 2.70 CHAINS; THENCE NORTH 23° EAST 1.25 CHAINS; THENCE NORTH 11° WEST 1.75 CHAINS; THENCE NORTH 12° EAST 1.65 CHAINS TO THE NORTHEAST CORNER OF A TRACT OF SIX ACRES SOLD TO CHARLES WALTER; THENCE LEAVING SAID CREEK AND ON THE NORTH LINE OF SAID SIX ACRE TRACT, NORTH 76° 38' WEST 13.75 CHAINS TO THE CENTER OF THE GLENCOE AND SHADYBROOK WAGON ROAD; THENCE ALONG THE CENTER OF SAID ROAD NORTH 26° 20' EAST 3.26 CHAINS; THENCE ALONG SAID ROAD NORTH 32° 15' EAST 9 CHAINS; THENCE SOUTH 82° 30' EAST 11.85 CHAINS TO THE CENTER OF MCKAY CREEK; THENCE FOLLOWING UP SAID CREEK WITH THE FOLLOWING MEANDERINGS, SOUTH 52° 30' EAST 4.60 CHAINS, THENCE SOUTH 79° EAST 0.80 CHAINS; THENCE NORTH 55° EAST 0.70 CHAINS; THENCE NORTH 12° WEST 0.90 WEST 0.90 CHAINS; THENCE NORTH 41° WEST 2.30 CHAINS; THENCE NORTH 18° EAST 2.80 CHAINS; THENCE NORTH 9° EAST 4.30 CHAINS; THENCE NORTH 56° EAST 1.40 CHAINS; THENCE EAST 1.40 CHAINS; THENCE EAST 2.51 CHAINS TO THE EAST BOUNDARY LINE OF SAID DONATION LAND CLAIM NO. 70; THENCE LEAVING SAID CREEK SOUTH 12° 30' WEST 29.57 CHAINS TO THE PLACE OF THE BEGINNING.

PART OF SECTION 6 AND OF THE ANDERSON SMITH DONATION LAND CLAIM NO. 54, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON AND OF THE TRACT CONVEYED TO NANCY JOHNSON BY DEED RECORDED AT PAGE 264 OF BOOK Y, RECORDS OF DEEDS FOR WASHINGTON COUNTY, OREGON; BEGINNING AT THE SOUTHEAST CORNER OF THE JOHN JOHNSON DONATION LAND CLAIM NO. 70, OF SAID TOWNSHIP, BEING REENTRANT CORNER OF SAID SMITH DONATION LAND CLAIM; AND RUNNING THENCE NORTH 13° 03' EAST 115.7 FEET TO THE NORTH BOUNDARY OF SAID NANCY JOHNSON TRACT; THENCE NORTH 89° 16' EAST 1787.7 FEET TO THE INTERSECTION WITH THE NORTH BOUNDARY OF THE TRACT CONVEYED TO THE UNITED RAINWAYS COMPANY BY DEED RECORDED AT PAGE 365 OF BOOK 87 OF SAID RECORDS; THENCE SOUTH 72° 17' WEST 1786 FEET; THENCE FOLLOWING SAME ON A CURVE TO THE RIGHT, 439 FEET TO AN IRON PIPE, 2" DIA.; THENCE NORTH 2° 07' WEST ABOUT 450 FEET TO THE CENTER OF MCKAY CREEK; THENCE UP-STREAM WITH THE MEANDERINGS THEREOF ABOUT 130 FEET TO INTERSECTION OF THE SOUTH BOUNDARY OF SAID JOHNSON DONATION LAND CLAIM; AND THENCE SOUTH 75° 12' EAST 312 FEET TO THE PLACE OF BEGINNING.

PART OF SECTION 6, AND OF THE ANDERSON SMITH DONATION LAND CLAIM NO. 64 OF TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND

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STATE OF OREGON AND OF THE TRACT OF LAND CONVEYED TO NANCY JOHNSON BY DEED RECORDED IN BOOK "Y", PAGE 264, RECORDS OF DEEDS FOR SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED TRACT AND RUNNING THENCE ALONG THE WEST BOUNDARY THEREOF, NORTH 0°07' WEST 591.7 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 72°17' EAST ALONG THE RAILROAD TRACT, 315 FEET TO THE EAST SIDE OF THE CROSSING NOW IN USE; THENCE SOUTH 17° 43' EAST 20 FEET; THENCE SOUTH 72°17' WEST 300 FEET; THENCE SOUTH 0°07' EAST 576.7 FEET; THENCE SOUTH 89°57' WEST 20 FEET TO THE PLACE OF BEGINNING.

PARCEL II:

AN IRREGULAR TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF THE SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY VERNONIA BRANCH, WITH THE WEST LINE OF THE NANCY JOHNSON TRACT, SAID POINT BEING NORTH 1° 10' WEST, 478.5 FEET FROM THE SOUTHWEST CORNER OF SAID NANCY JOHNSON TRACT; THENCE WEST 49.5 FEET TO THE CENTER OF MCKAY CREEK; THENCE NORTHERLY AND NORTHEASTERLY ALONG THE CENTER OF SAID MCKAY CREEK 600.0 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF THE RALPH AND MARY JOHNSON TRACT; THENCE SOUTH 2° 07' EAST ALONG WEST BOUNDARY OF SAID RALPH AND MARY JOHNSON TRACT 431.1 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD COMPANY; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RAILROAD RIGHT OF WAY LINE A DISTANCE OF 162.6 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, BEING THE SAME PREMISES CONVEYED BY HAZEL VOLPP AND PAUL VOLPP TO THE SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY (NOW BURLINGTON NORTHERN RAILROAD COMPANY) BY DEED DATED NOVEMBER 15, 1948, AND RECORDED NOVEMBER 20, 1948 IN BOOK 291 AT PAGE 91, RECORDS OF SAID WASHINGTON COUNTY, OREGON.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind of nature, including sand and gravel by Quitclaim Deed recorded December 22, 1992 as Fee No. 92091566.

PARCEL III:

A TRACT OF LAND IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND IN SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE TOWNSHIP LINE BETWEEN TOWNSHIP 1 NORTH AND TOWNSHIP 2 NORTH, RANGE 2 WEST, 27.83 CHAINS EAST OF THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, ON THE WEST LINE OF THE DONATION LAND CLAIM OF ANDERSON SMITH AND WIFE; THENCE SOUTH 10°15' WEST ON SAID CLAIM LINE, 23.41 CHAINS; THENCE EAST 20.00 CHAINS; THENCE NORTH 28 CHAINS, TO THE CREEK IN SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST; THENCE DOWN SAID CREEK TO THE POINT WHERE THE TOWNSHIP LINE BETWEEN TOWNSHIPS 1 AND 2 NORTH ENTERS SAID CREEK ON THE WEST BANK AT A FIR TREE 30 INCHES IN DIAMETER; THENCE FROM THE EDGE OF SAID BANK OF SAID CREEK IN SAID TOWNSHIP, 2 CHAINS, TO THE PLACE OF BEGINNING, BEING PART OF THE DONATION LAND CLAIM OF ANDERSON SMITH AND WIFE.

NOTE: This legal description was created prior to January 1, 2008.

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