

Application for a Permit to
Store Water in a Reservoir
 (Standard Review)



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

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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NAME David Bernert		PHONE (HM) (503) 807-8466	
PHONE (WK) (503) 807-8466	CELL (503) 807-8466	FAX	
MAILING ADDRESS 4131 Imperial Drive		OCT 07 2024	
CITY West Linn	STATE OR	ZIP 97068	E-MAIL * davebe1985@outlook.com

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Organization

NAME Bernert Land Holdings, LLC		PHONE (503) 807-8466		FAX
MAILING ADDRESS 4131 Imperial Drive		CELL (503) 307-8466		
CITY West Linn	STATE OR	ZIP 97068	E-MAIL * davebe1985@outlook.com	

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

AGENT / BUSINESS NAME Russ Lawrence/StreamFix		PHONE (503) 781-4885		FAX
MAILING ADDRESS 19478 S. Starview Ln		CELL (503) 781-4885		
CITY Oregon City	STATE OR	ZIP 97045	E-MAIL * russ@streamfix.com	

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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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.

David Bernert

David Bernert, President

9/10/2024

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

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.

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Affected Landowners: List the names and mailing addresses of all the 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).

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.

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SECTION 3: SOURCE OF WATER

A. Reservoir Name: 1600 S Elm Reservoir

B. Source: 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, or an unnamed stream or spring.

Source 1: Surface Run-off <u>AND GROUND WATER</u> ,	Tributary to: Molalla R
TRSQQ of POD: T4S, R1E, Sec 4, NW1/4 of SW 1/4	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: surface run-off & GROUND WATER

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18

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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.

To answer the following questions, refer to the map shown on Attachment 3 or the link below to determine whether the proposed point of diversion (POD) 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 POD 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/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

Is the POD 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,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon 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 prior to diversion or use of water under any permit issued pursuant to this application.

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

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing 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, provide the following information (the information must be provided with the application to be considered complete).

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:

No Water use proposed with this application

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, 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

- a) The use of the impounded water will be: NURSERY OPERATIONS USE
- b) The amount of water to be stored is: 160 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 4.25 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be _____ feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department' Dam Safety Section prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description:

There is no outlet for this reservoir, ergo no dam.

SECTION 7: PRIMARY OUTLET WORKS

a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

There is no outlet conduit associated with this reservoir.

b) How and when will the outlet be operated?

There is not outlet conduit associated with this reservoir

c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

There is no outlet conduit associated with this reservoir.

SECTION 8: EMERGENCY SPILLWAY

a) Describe the location and the dimensions of the spillway channel.

There is no spillway associated with this reservoir

b) How will the emergency spillway be designed to prevent erosion?

There is no apillway associated with his reservoir.

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

There is no flow anticipated from this reservoir.

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SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

There have been no water quality issues associated with this reservoir for past 30+ years. Natural processes will be allowed to continue.

b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.

Natural vegetation growth will continue unimpeded.

c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.

No maintenance of the reservoir has been performed over past 30+ years. None is anticipated.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: 1991
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: 1991
- c) Proposed date water use will be completed: 1991

SECTION 11: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

This reservoir was excavated to provide fill material for the development adjacent residential Land use. The reservoir is not now, nor apparently ever, intended to be connected to a flowing water source. There was gravel mining occurring approximately 500 feet south of the reservoir at the time of the excavation creating this reservoir.

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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 sections are completed. 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: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: 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: \$ 2106
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:

- Map must be prepared by a Certified Water Rights Examiner
- 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 public-land survey corner on map
- Location of each dam 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)

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

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

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This form is **NOT** required if:

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- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water 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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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

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NAME Berhert Land Holding LLC			PHONE (503) 807-8466
MAILING ADDRESS 4131 Imperial Drive			
CITY West Linn	STATE OR	ZIP 97068	EMAIL davebe1985@outlook.com

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A. Land and Location

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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:
4S	1E	4C	NW/SW	01701	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	farming
						<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:

Clackamas

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) run-off

Estimated quantity of water needed: 160
 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 Multiple

Briefly describe:

This is an existing reservoir with no immediate application associated with this permit application.
--

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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.

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Please check the appropriate box below and provide the requested information

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Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO 401 Table 401-9

Land uses to be served by the proposed water use(s), 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
	Received OCT 07 2024	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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 Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

subject pond is in an AE floodplain and is adjacent to existing wetlands

Name: Max del Hierro Title: Planner I
 Signature:  Date: 9/11/24
 Governmental Entity: Clackamas County Phone: 503-792-4500

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

BERNERT RESERVOIR APPLICATION MAP

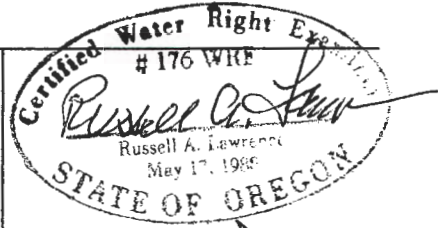
SW 1/4, SW 1/4, SEC.4,T4S, R1E WM

5 4
1/4



SCALE: 1" = 400 FT

NW 1/4 OF SW 1/4



NE 1/4 OF SW 1/4

SEC. 5 T4S,R1E, WM

SEC. 5 T4S,R1E, WM

742 FEET

4.25 AC RESERVOIR

Tax Lot 4S1E0401701

1082 FEET

SW 1/4 OF SW 1/4

SE 1/4 OF SW 1/4

5 4
8 9

SEC. 9 T4S,R1E, WM

4 4
9 9
1/16

-NO OUTLET

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After recording return to:

Michael D. Levelle
Levelle Law, LLC.
5200 SW Meadows Road, Suite 200
Lake Oswego, OR 97035

Send all tax statements to:

No Change

BARGAIN AND SALE DEED

David Bernert, Grantor, conveys to Bernert Land Holding LLC, Grantee, One Hundred Percent (100%) interest in the real property described on Exhibit A attached hereto and made a part hereof by this reference free of encumbrances except as specifically set forth on Exhibit B, if any, attached hereto and made a part hereof by this reference.

The consideration for this transfer is \$0.00. However, the true and actual consideration for this transfer consists of other property or other value given or promised.

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

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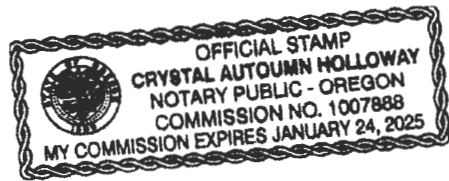
PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

DATED: July 6, 2022 David Bernert
David Bernert

STATE OF Oregon)
COUNTY OF Clackamas) ss.

This instrument was acknowledged before me on July 6, 2022 by David J. Bernert.



Crystal Autumn Holloway
NOTARY PUBLIC FOR Oregon
My Commission Expires: January 24, 2025

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EXHIBIT A

PARCEL I:

The following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian in the County of Clackamas and State of Oregon, bounded and described as follows, to wit:

BEGINNING at the Section corner common to Sections 4, 5, 8 and 9; thence North 0°08'03" East along the West line of Section 4, 1,321.15 feet to a 5/8 inch iron rod with a yellow plastic cap marked P.L.S. 2384"; thence South 89°40'01" East 1,308.36 feet to the true point of beginning; thence South 0°11'23" West 20.31 feet to a point; thence tracing the arc of a 329.00 foot radius curve to the right 22.38 feet through the central angle of 3°53'49" (the chord of which bears South 67°28'54" East 22.37 feet) to a point of reverse curvature; thence tracing the arc of a 271.00 foot radius curve to the left 53.44 feet through the central angle of 11°17'51" (the chord of which bears South 71°10'55" East 53.35 feet); thence South 76°49'49" East 170.12 feet; thence tracing the arc of a 171.00 foot radius curve to the left 126.04 feet through the central angle of 42°13'52" (the chord of which bears North 82°03'15" East 123.21 feet) to the center of an unnamed creek; thence meandering along the center of said creek North 36°30'50" West to a point in the center of said creek which bears 310.56 feet, more or less, East from the point of beginning; thence running West 310.56 feet, more or less, to the true point of beginning.

PARCEL II:

The following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian in the County of Clackamas and State of Oregon, bounded and described as follows, to wit:

BEGINNING at the Section corner common to Sections 4, 5, 8 and 9, thence North 0°08'03" East along the West line of Section 4, 594.00 feet to the Northwest corner of the first tract of land described in deed to E.W. Christopherson and Ada D. Christopherson, his wife, recorded October 17, 1941, in Book 286, Page 322, Clackamas County Deed Records; said point being the true point of beginning for the real property herein described; thence continuing North 0°08'03" East 727.15 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; thence South 89°40'01" East 558.36 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; thence at right angles South 0°19'59" West 50.00 feet; thence tracing the arc of a 42.00 foot radius curve to the left 131.95 feet through a central angle of 180°00'00" (the chord of which bears South 89°40'01" East 84.00 feet); thence South 89°40'01" East 552.25 feet; thence tracing the arc of a 279.00 foot radius curve to the right 117.52 feet through a central angle of 24°08'01" (the chord of which bears South 77°36'00" East 116.65 feet) to a point; thence South 24°28'00" West 5.00 feet to a point; thence tracing the arc of a 325.00 foot radius curve to the left 64.28 feet through a central angle of 11°17'51" (the chord of which bears South 71°10'56" East 64.18 feet); thence South 76°49'49" East 170.12 feet; thence tracing the arc of a 226.00 foot radius curve to the left 173.76 feet through a central angle of 44°03'06" (the chord of which bears North 81°08'38" East 173.76 feet) to the center of an unnamed creek; thence meandering along the centerline of said creek South 36°30'50" East 49.95 feet to a point in the center of said creek; thence South 46°14'54" East 129.19 feet to the point of intersection of the center of the creek with the West line of a tract of land described in deed to Roscoe Mack recorded December 19, 1888, in Book 318, Page 31, Clackamas County Records, thence with the West line of said Mack Tract South 0°12'54" West 15.00 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384" on the South creek bank; thence continuing South 0°12'54" West 485.16 feet to the Northeast corner of the forementioned Christopherson Tract; thence along the North line of said Christopherson Tract North 89°55'26" West 1,823.00 feet to the true point of beginning.

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