

Application for a Permit to Use
Surface Water



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 Michael E. Townsend		PHONE (HM) (503) 793-1936	
PHONE (WK)	CELL (503) 793-1936	FAX	
MAILING ADDRESS 23400 NE Townsend Way			
CITY Fairview	STATE OR	ZIP 97024	E-MAIL * Mike@townsendfarms.com

Organization

NAME TOWNSEND FARMS INC. C/O MICHAEL TOWNSEND OR DEKE GUNDERSEN		PHONE MIKE TOWNSEND 503-793-1936 DEKE GUNDERSEN 503-547-9946		FAX
MAILING ADDRESS 23400 NE TOWNSEND WAY			CELL	
CITY FAIRVIEW	STATE OR	ZIP 97024	E-MAIL * MIKE@TOWNSENFARMS.COM DEKE.GUNDERSEN@TOWNSENFARMS.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 ROAD			CELL (503) 349-6946
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGDMH@GMAIL.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 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 legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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For Department Use: App. Number: _____



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

Michael E. Townsend
Applicant Signature

Michael E. Townsend
Print Name and Title if applicable

9-19-24
Date

Applicant Signature

Print Name and Title if applicable

Date

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.

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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: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: <u>Snowberry Reservoir permitted under Permit R-15391</u>	Tributary to: <u>Unnamed Stream</u>
TRSQQ of POD: <u>T.2S. R. 2E. Section 12 SWSE</u>	
Source 2: NA	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). Permit R-15391

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If all sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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, use the map provided in 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 T,R,S,QQ 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

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Is the POD located in an area where the Upper Columbia Rules apply?

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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.

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:

NA.

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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

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Snowberry Reservoir	Irrigation	March 1 through October 31	9.48 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 101.7 Acres Supplemental: NA Acres Nursery Use: NA Acres

If supplemental acres are listed, provide 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: 9.48 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA
- If the use is **mining**, describe what is being mined and the method(s) of extraction: NA

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 40 Hp turbine 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 pond using a 40 Hp turbine pump to convey water through a mainline to a filtration system before entering the mainline to the rest of the field

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Drip irrigation with overhead impact sprinklers

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 public uses of affected surface waters.

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

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the 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:

Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions:
If ODFW determines a fish screen is needed we will attached the screen to the pumps in the reservoir

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

Describe planned actions and additional permits required for project implementation:
The point of diversion for the proposed use has a concrete landing pad for the pump to avoid erosion.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation:
The reservoir is located off channel. No equipment will be operated in the nearby stream.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions:
Best management practices will be followed to prevent erosion and run-off of waste or chemical products.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.
NA

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: within three years after the permit is issued
- b) Date construction will be completed: within five years after the permit is issued
- c) Date beneficial water use will begin: within five years after the permit is issued

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SECTION 9: WITHIN A DISTRICT

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 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

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: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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: \$1,020.00
See the Department's Fee Schedule at 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)

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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

NAME Townsend Farms Inc. c/o Mike Townsend			PHONE	
MAILING ADDRESS 23400 NE Townsend Way				
CITY Fairview	STATE OR	ZIP 97024	EMAIL DEKE.GUNDERSEN@TOWNSENFARMS.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:
2S	3E	12		2400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
2S	3E	12		3500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
2S	4E	7		3900	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<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 County

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) _____

Estimated quantity of water needed: 9.48
 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 surface water application to irrigate berries from an existing reservoir permitted under Permit R-15391.

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 →

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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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 401 Uses
- 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"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <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.

Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
 Farm use as defined in Oregon Revised Statutes (ORS) 215.203.

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Name: Roman Sierra Title: Planner OCT 18 2024
 Signature: _____ Date: 10/4/2024
 Governmental Entity: Clackamas County Planning & Zoning Phone: 503-742-4500 **Salem, OR**

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: _____

Clackamas County Official Records **2024-008089**
Catherine McMullen, County Clerk 03/08/2024 11:44:03 AM
D-D Cnt=1 Str=9 COUNTER1
\$20.00 \$16.00 \$10.00 \$62.00 \$108.00

Grantor:
William Townsend

Grantee:
Townsend Farms, Inc.

After recording return to:
William Gaar
Buckley Law P.C.
5300 Meadows Road, Suite 200
Lake Oswego, Oregon 97035

Until a change is requested, all tax
statements shall be sent to:
Townsend Farms, Inc.
c/o Scott Aster
23400 NE Townsend Way
Fairview, OR 97204

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that William Townsend, hereinafter called grantor, do hereby grant, bargain, sell, and convey unto Townsend Farms, Inc., an Oregon corporation, hereinafter called grantee, all right, title, and interest in that certain real property situated in the County of Clackamas and the State of Oregon, and more fully described as follows:

See Legal Description attached as Exhibit A

SUBJECT TO: all encumbrances of record as of the date of recording.

The consideration for this transfer is \$0.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD POLICY OF TITLE INSURANCE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

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 Bargain and Sale Deed

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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 SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010

IN WITNESS WHEREOF, the grantor has executed this instrument on March^{1st}, 2024.

William Townsend
William Townsend

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 5 day of March, 2024 by William Townsend.



Annie Meleka Farrouge
Notary Public in and for the State of Oregon
My commission expires: May 15, 2027

EXHIBIT A
LEGAL DESCRIPTION

PARCEL I:

The West one-half of the Southwest one-quarter of Section 7, Township 2 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Emil A. Kociemba, et ux, by Deed recorded December 8, 1950, in Book 439, page 269, Clackamas County Deed Records;

ALSO EXCEPTING THEREFROM the North 844 feet of said West one-half of the Southwest one-quarter; ALSO EXCEPTING THEREFROM that portion conveyed to Fredrick W. Foley, et ux, by Deed recorded May 3, 1976, Fee No. 76 13803.

TL 3900

TOGETHER WITH an easement for roadway purposes being 50 feet in width, granted by Easement recorded December 16, 1971, Fee No. 71 35338, described as follows:

Beginning at the Northeast corner of the West one-half of the Southwest one-quarter of Section 7, Township 2 South, Range 4 East of the Willamette Meridian; thence West along the North line of said West one-half, 230 feet to a point; thence South parallel with the East line of said West one-half, 844 feet to a point; thence East 50 feet to a point; thence North parallel with the East line of said West one-half 794 feet; thence East parallel with the North line of said West one-half 180 feet to a point; thence North 50 feet to the point of beginning.

PARCEL II:

The North one-half of the Southwest one-quarter of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TL 2400

PARCEL III:

The South one-half of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM the North one-half of the Southwest one-quarter of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian.

TL 3500

PARCEL IV:

A tract of land situated in the Northwest one-quarter of Section 13, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of Section 13, Township 2 South, Range 3 East, of the Willamette Meridian, running thence East along the North line of Section 13, 20 chains; thence South 20 chains; thence West 20 chains; thence North 20 chains to the place of beginning.

EXCEPT a 8 foot wide strip on the East margin of said premises for a right of way to Hazelwood Cemetery, as described in Deed recorded November 27, 1903 in Book 89, page 64, Deed Records.

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EXCEPTING that portion lying and being within the boundaries of County and public roads.

PARCEL V:

Beginning at a point 20 chains South of the northwest corner of Section 13, Township 2 south, Range 3 East, of the Willamette Meridian; thence East 20 chains; thence South 20 chains; thence West 20 chains; thence North 20 chains to the place of beginning.

EXCEPTING that portion thereof in the Cemetery, including an 8 foot strip as described in Deed dated November 4, 1903, and recorded November 27, 1903, in Book 89, Page 64, Deed Records.

TOGETHER WITH a 30 foot easement for roadway and utility purposes described as follows:

Beginning 1287 feet East of the northwest corner of Section 13, Township 2 south, Range 3 East, of the Willamette Meridian; thence East 30 feet; thence South 1320 feet; thence West 30 feet; thence North 1320 feet to the place of beginning.

EXCEPT any portion of said easement lying within an 8 foot strip of land described in said Cemetery Deed.

PARCEL VI:

A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 13, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the West one-quarter section corner of said Section 13; thence following the West boundary of said Section 13, South 34.00 rods; thence North $66^{\circ}48-1/2'$ East, 86.92 rods, more or less, to the Northeast corner of the said Northwest one-quarter of the Southwest one-quarter; thence following the East and West one-quarter section line dividing Section 13 into North and South halves, West 80.00 rods, more or less, to the point of beginning.

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Clackamas County Official Records **2024-029537**
Catherine McMullen, County Clerk 08/12/2024 04:09:04 PM
D-D Cnt=1 Stn=108 BRAD
\$15.00 \$16.00 \$10.00 \$62.00 \$103.00

Grantor:
Townsend Farms, Inc.

Grantee:
T5 Snowberry LLC

After recording return to:
William Gaar
Buckley Law P.C.
5300 Meadows Road, Suite 200
Lake Oswego, Oregon 97035

Until a change is requested, all tax
statements shall be sent to:
T5 Snowberry LLC
c/o Scott Aster, Townsend Farms, Inc.
23400 NE Townsend Way
Fairview, OR 97204

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that Townsend Farms, Inc., hereinafter called grantor, do hereby grant, bargain, sell, and convey unto T5 Snowberry LLC, an Oregon limited liability company, hereinafter called grantee, all right, title, and interest in that certain real property situated in the County of Clackamas and the State of Oregon, and more fully described as follows:

See Legal Description attached as Exhibit A

SUBJECT TO: all encumbrances of record as of the date of recording.

The consideration for this transfer is \$0.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD POLICY OF TITLE INSURANCE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

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,
Bargain and Sale Deed

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Salem, OR

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 SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010

IN WITNESS WHEREOF, the grantor has executed this instrument on 9-8, 2024.

TOWNSEND FARMS, INC.

Michael Townsend
By: Michael Townsend
Its: President

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 8th day of August, 2024 by Michael Townsend as president of Townsend Farms, Inc..

Annie Meleka Farrouge
Notary Public in and for the State of Oregon
My commission expires: 05/15/2027



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EXHIBIT A

LEGAL DESCRIPTION

Parcel I:

A Tract of land being Lot 6 per the Plat of "Vissa View", Plat records of Clackamas County, located in the Southwest one-quarter of Section 7, Township 2 South, Range 4 East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

TL 3900

BEGINNING at the Southwest Corner of Lot 6 per the Plat of "Vissa View", Plat records of Clackamas County; thence along the boundary of said Lot 6 the following courses: N01°37'03"E, 884.71 feet; thence S88°38'25"E, 495.00 feet; thence N01°37'03"E, 916.22 feet; thence S88°38'25"E, 814.61 feet; thence S01°33'45"W, 509.12 feet; thence N88°38'25"W, 348.48 feet; thence S01°33'45"W, 1288.52 feet; thence N88°50'05"W, 962.88 feet to the **POINT OF BEGINNING**.

OREGON



WATER RESOURCES
DEPARTMENT

Received by OWRD

OCT 18 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Michael Townsend
23400 NE Townsend Way, Fairview OR 97024

Transaction Type: Surface Water

Fees Received: \$ 1,070

Cash

Check:

Check No. 156927

Name(s) on Check: Townsend Farms Inc

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Larrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.