



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

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SALEM, OR

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

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/PERMITS/Informational

1. APPLICANT INFORMATION

Applicant: CITY OF LYONS (ATTN. MARY MITCHELL - CITY MANAGER)
First Last

Mailing Address: 449 5TH ST.

LYONS OREGON 97358
City State Zip

Phone: 503-859-2167
Home Work Other

Fax: _____ E-Mail Address*: CITYOFLYONS@WAUCCABLE.COM

* 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.)

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is FERRIS PARK PONDS #1-2

2. SOURCE OF WATER for the proposed use: UNAMED STREAM,
a tributary of NORTH SANTIAM RIVER.

Is the proposed use an enlargement of an existing dam/reservoir? Yes ☒ No

If the reservoir is not in channel of a stream, state how it is to be filled:

WATER IS DIVERTED FROM THE UNAMED STREAM THROUGH A BY-PASS CHANNEL. ONCE THE POND(S) OPERATING LEVELS ARE REACHED, THE UNAMED STREAM FLOW REVERTS BACK INTO THE NATURAL CHANNEL AND CONTINUES TO FLOW TO THE WEST OF THE PONDS AND NORTHERLY INTO THE N. SANTIAM RIVER.

For Department Use

App. No. R-87877

Permit No. _____

Date _____

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3. DAM HEIGHT AND COMPOSITION

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

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 prior to storage of water.

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

If "other" give description:

PONDS ARE EXIST'G 'LOG PONDS' THAT
WERE CREATED 70 YEARS AGO. NO PLANS
ARE AVAILABLE.

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4. PRIMARY OUTLET WORKS

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

A CONCRETE STRUCTURE IS PROPOSED AT THE OUTLET OF Pond #2.
WITH A REMOVABLE BOARD WIER SYSTEM. THIS WILL
MAINTAIN THE OPERATING LEVELS OF Ponds #1 AND #2.

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

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

outlet weir over flow will be lower than pond
high water level. ONCE pond is filled, unamed stream
flows will by-pass back into natural channel.
ponds can not over fill. therefore AN emergency spillway
IS NOT REQUIRED.

6. THE USE(s) of the impounded water will be: (WATER TO BE USED YEAR AROUND)
FOR 'ENVIRONMENTAL BENEFIT' IE:

SUPPORT AQUATIC LIFE AND FISH REPRODUCTION
RECREATION INCLUDING BOATING AND FISHING
WET LAND ENHANCEMENT
WATER TO BE USED FOR SUSTAINING WILDLIFE HABITAT

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7. THE AMOUNT OF WATER to be stored is: POND #1 44.0 POND #2 1.5 51.5 acre-feet.

The area submerged by the reservoir, when filled, will be #1: 8.8 #2: 1.5 acres.

TOTAL: 10.3 ACRES

8. PROJECT SCHEDULE: (List Month and Year)

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Proposed date construction work will begin: SPRING 2013

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Proposed date construction work will be completed: FALL 2016

Proposed date water use will be completed: FALL 2017

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Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) NO

9. 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 10)

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ 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 an 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 irrigation and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners:

11. 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	Address	
City	State	Zip

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11. MAP REQUIREMENTS The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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12. SIGNATURE

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By my signature below I confirm that I understand:

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- 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 use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- 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 certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant: Mary Mitchell 2/4/13
Signature (If more than one applicant, all must sign.) Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.owrd.org or call (503) 986-0900.

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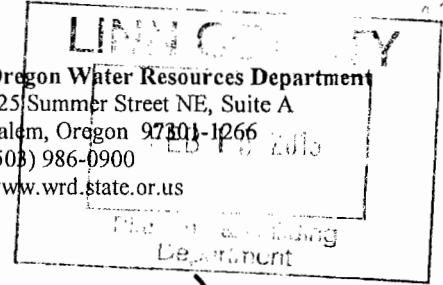
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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us



Applicant: CITY OF LYONS (ATT: MARY MITCHELL - CITY MANAGER)
First Last

Mailing Address: 449 5th St

LYONS
City

OR
State

97358
Zip

Daytime Phone: 503.859.2167

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:
<u>9S</u>	<u>2E</u>	<u>19</u>	<u>NWNE</u> <u>SWNE</u>	<u>300, 301,</u> <u>302, 303</u>	<u>OLP</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	
						<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:

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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 Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) UNAMED STREAM

Estimated quantity of water needed: 51.5 ☐ 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 ENVIRONMENTAL BENEFIT

Briefly describe:

WATER CURRENTLY STORED IN OLD GRAVEL EXTRACTION PONDS WITHIN FREES PARK. USED FOR WETLAND ENHANCEMENT; SUPPORT AQUATIC LIFE & FISH PROPAGATION; WILDLIFE HABITAT.

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.

See bottom of Page 3. →

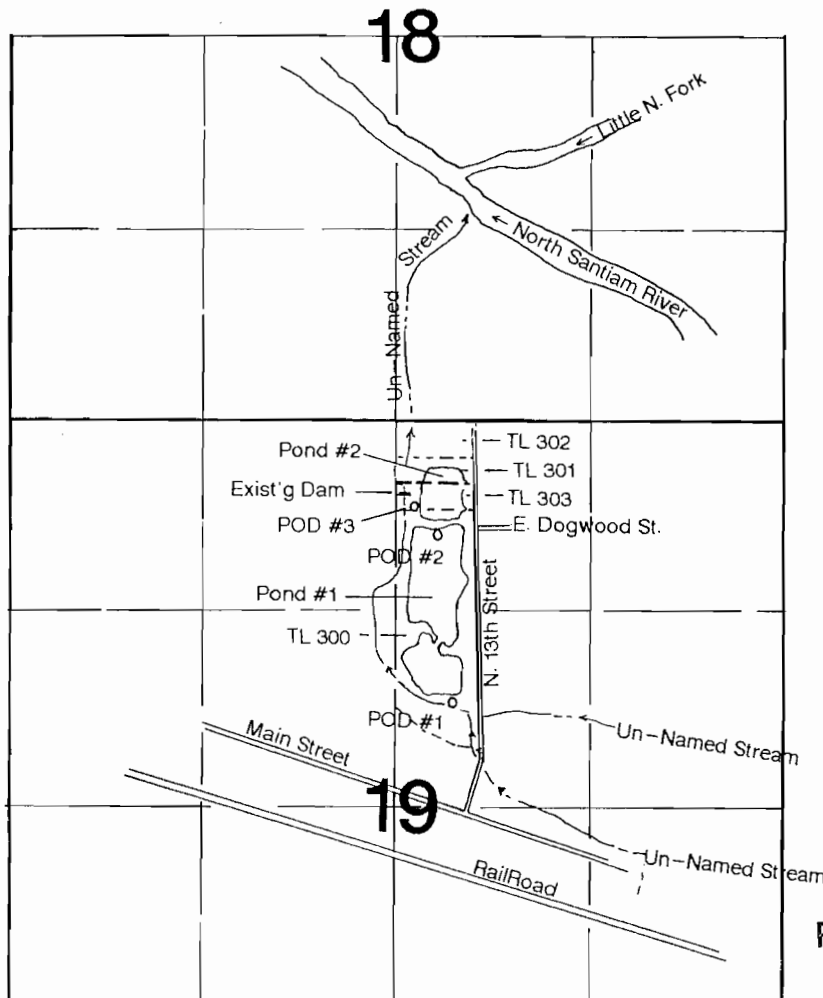
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T.9S., R.2E., W.M.



1" = 1320'

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POD #1 is located 1925' S & 400' E --
POD #2 is located 780' S & 280' E--
POD #3 is located 600' S & 125' E--

Exist'g Dam is located 500' S & 50' E--All from N1/4 corner of Section 19.

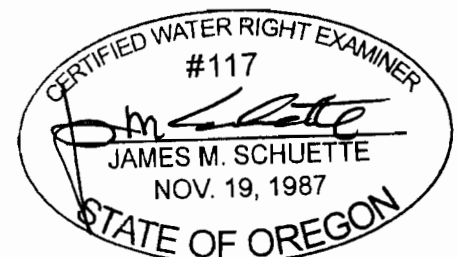
Application Map

City of Lyons

Application #:

Permit #:

This Map was Prepared for the Purpose of Identifying the Location of a Water Right Only and is Not Intended to Provide Legal Dimensions or Location of Property Ownership Lines.



EXPIRES: 6/30/2014

R-87877

Water Availability Analysis

N SANTIAM R > SANTIAM R - AB LITTLE N SANTIAM R
WILLAMETTE BASIN

Water Availability as of 2/27/2013

Watershed ID #: 30200501
Date: 2/27/2013

Exceedance Level: 50%
Time: 8:46 AM

Limiting Watersheds Complete Water Availability Analysis Text

Water Availability

Select any Watershed for Details

Nesting Watershed		Stream Name	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Sto											
Order	ID #													
Select	1	181 WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182 WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	3	183 WILLAMETTE R> COLUMBIA R- AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	4	167 SANTIAM R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	5	168 SANTIAM R> WILLAMETTE R- AB MORGAN CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	6	141 N SANTIAM R> SANTIAM R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	7	142 N SANTIAM R> SANTIAM R- AB TRASK CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	8	30200501 N SANTIAM R> SANTIAM R- AB LITTLE N SANTIAM R	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes

Return to Search Page | Return to Main Menu | Download Data (Text - Formatted , Text - Tab Delimited , Excel)

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Freres Park Property Environmental Resource Survey

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Prepared for
City of Lyons
449 5th Street
Lyons, Oregon 97358

Prepared by
Mike Holscher
Keystone Natural Resource Consulting
12920 SW Moreno Drive
Gaston, OR 97119
503-201-9077
mike@keystonenrc.com

March 30, 2010

R-07077

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NATURAL RESOURCE ASSESSMENT SUMMARY

SITE NAME: Freres Park Property

SITE LOCATION: Freres Park is located west of 13th Street in Lyons, Oregon.

STUDY AREA: The study area is defined by 13th Street to the east, an unnamed drainage to the south and a fence line and channelized drainage to the west. The northern boundary is located in the middle of an open water/wetland/upland complex.

ENVIRONMENTAL RESOURCES: There are two old gravel extraction ponds, an unnamed drainage and an open water/wetland/upland complex that are considered significant environmental resources within the Freres Park property.

CLIENT: City of Lyons
449 5th Street
Lyons, Oregon 97358

KNRC PROJECT #: 100310

PROJECT STAFF: Mike Holscher, PWS, Biologist

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1. INTRODUCTION

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The City of Lyons (City) contacted Keystone Natural Resource Consulting (KNRC) to conduct an environmental survey of the Freres Park Property (Park) located west of 13th Street in Lyons, Linn County, Oregon (T9S R2E Section 19; Figures 1-3).

The City received control over the ponds after the Freres Company finished with their gravel extraction. Material was partially back filled into the pond to create a safe egress for humans, pets and wildlife that might enter the ponds. The ponds were donated in 1985 and 2005.

This environmental survey is intended to be a tool the City can use to qualify existing conditions within the Park, specifically in respect to significant natural resources such as ponds, drainages and wetlands. This report will discuss existing conditions of each general habitat area located in the Park. Subjects discussed will include the quality of the resource from several angles; such as non-native and invasive species versus native, water quality and human disturbances. Recommendations will be made for actions that have may impacted the environment negatively as well as recommendation for general improvements to the site that would benefit the environment.

1.1 GENERAL SETTING AND SITE DESCRIPTION

Lyons, Oregon is located in the North Santiam River Valley south of the confluence of the North Santiam and the Little Santiam Rivers. The elevation in the area is approximately 600 to 700 feet above sea level. The general topography is gently rolling within the City. The slopes become moderate to steep north, south and east of the city as the foothills of the Cascades (east) start to rise out of the Willamette Valley (west).

Specifically, the Park property is flat to gently sloping to the north with the only topographic relief coming from deliberate mounds created by the gravel extraction activities. A large berm was created between the south pond and unnamed drainage west of the pond. The drainage appears to be a created feature or an old overflow channel since it originates at the North Santiam River approximately 1 mile to the east and returns to the North Santiam River north of the Park. The drainage enters the Park at the southeast corner of the lot and flows west to northwesterly before leaving the site. Offsite the drainage flows north and returns to the site near the confluence of the outfalls and the south and north pond. The drainage then flows directly north in a channelized landform with an abrupt west bank to upland and a pedestrian path to the east.

The southern part of the south pond is moderately vegetated with trees along its shoreline. There are two islands in the pond. There is a small bottleneck that connects the south open water area of the south pond to the north open water area. This northern portion pond perimeter is limited for the most part to ground cover in a narrow wetland fringe.

In addition to the outfall at the northwest part of the south pond, there is a culvert through the upland that divides the south pond from the north pond. The north pond has a limited number of trees around its perimeter with similar vegetated condition to the south pond.

North of the north pond is an open water/wetland/upland complex. This community is intermingled with all three habitat types. The vegetation cover is moderate to dense with deciduous

trees. This area has been partially flooded by beaver dams and overall has the highest value of all habitat areas in the Park property.

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2. DETAILED SITE CONDITIONS

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A site visit was conducted on March 17, 2010. The Park was traversed from south to north and categories were created to discuss habitat types as one walks through the park. The descriptions of each area include all types of the same habitat as it occurs within the Park. For example "pond fringe" will generally include all plant species found around all of the pond's perimeters. If one area is significantly different a new category will be created i.e. "open water/wetland/upland complex." Each habitat type was given an alphabetic designation that matches the letters on Figure 3.

2.1 POND FRINGE (A)

The pond fringe community is located around the perimeter of both the south and north ponds. This is a fairly narrow wetland type community due to the abrupt topographic transition from open water to upland hard packed gravel surface. The wetland fringe varies from less than a foot to 15 feet. The common species present include sedge (*Carex sp.*), soft rush (*Juncus effusus*), reed canary grass (*Phalaris arundinacea*) and an unidentified low cut grass species kept close by water fowl. There are a series of red alders along the southeast and south shore pond.

The transition from pond fringe to hard packed surface is vegetated with Himalayan blackberry (*Rubus discolor*), scotch broom (*Cytisus scoparius*) and reed canary grass.

Overall, the vegetation is lacking diversity lean in overall coverage and includes invasive species like reed canary grass, Himalayan blackberry and scotch broom.

2.2 UNNAMED DRAINAGE AND ASSOCIATED WETLAND (B)

The unnamed drainage at the south boundary of the Park flows within a wetland. The open water areas are completely surrounded by vegetated wetlands. The common species present within the wetlands include Black Cottonwood (*Populus balsamifera*), Oregon ash (*Fraxinus latifolia*), red alder (*Alnus rubra*), pacific ninebark (*Physocarpus capitatus*), willow (*Salix sp.*), rose (*Rosa sp.*), slough sedge (*Carex obnupta*), skunk cabbage (*Lysichiton americanum*), cattail (*Typha latifolia*) and reed canary grass. The transition areas to hard pack surface to the south are vegetated with Himalayan blackberry, big-leaf maple (*Acer macrophyllum*), reed canary grass and osoberry (*Oemleria cerasiformis*). The land south of the wetlands abruptly rises to a high terrace. This terrace slope is a mixed conifer and deciduous woodland. There is a small amount of large woody debris (LWD) throughout this portion of the unnamed drainage and wetlands.

This area is in good conditions overall. It's a slow moving drainage with wetlands bordering its banks. There is a fair amount of LWD. Wood duck were noted in this area which is an elusive waterfowl with specific habitat needs. There is way too much reed canary grass, but trying to control its presence is futile when there is an abundant seed source upstream.

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2.3 SOUTH POND ISLANDS (C)

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There are two islands in the southern portion of the south pond. One is a linear shape in the southwest corner and the second is a small oval feature to the east of the first. The linear island is composed of a steep rising upland feature in its south portion and a low wetland in the northern part of the island. The wetland part of the island is vegetated with red alder, hawthorn (*Crataegus douglasii*) and soft rush. The upland part of the island includes the same species with a dominant presence of Himalayan blackberry. Photo 1 in Appendix B documents the wetland part of this island and the transition into blackberry dominated upland portions.

The second island is mostly upland with a wetland fringe near the water line. The species on the island are similar to the wetland end of the first island. This island is void of Himalayan blackberry. Photo 2 documents this island.

Both islands provide habitat diversity to a largely open water habitat. Even with all of the blackberry, the lack of access to these islands by people or predators is a wildlife benefit. More islands would have been nice during the decommissioning of the quarry. Permits would be necessary to create islands now.

2.4 WEST SHORE OF SOUTH POND (D)

The west shore of the south pond has an abrupt rise out of the water with a minor wetland fringe as described in Section 2.1. The land rises moderately 5 to 10 feet above the water surface and appears to have been created as a division between the unnamed drainage and the gravel extraction activities in order to prevent extraction sediments from being taken downstream to the North Santiam River. The common vegetation on the peninsula consists of Himalayan blackberry, scotch broom, Oregon grape (*Berberis aquifolium*), big-leaf maple, reed canary grass, bluegrass (*Poa sp.*), bentgrass (*Agrostis sp.*) and Queen Anne's lace (*Daucus carota*).

The peninsular is irregular in topography and there are some minor depressions that hold standing water in the spring. One noted depression was vegetated with red alder, soft rush and reed canary grass and technically meets the wetland criteria.

This area is a mass of Himalayan blackberry, it lacks diversity of species and strata. There are limited trees here and the shrub strata is dominated by an invasive blackberry.

2.5 PENINSULA TIP ON WEST SHORE OF SOUTH POND (E)

The northern one-third of the west shore elevation drops close to the elevation of the water in the pond and water levels in the adjacent unnamed drainage. Therefore, the community transitions into a riverine/lacustrine wetland. The vegetation in this area consists of reed canary grass, pacific ninebark, red-osier dogwood (*Cornus stolonifera*), red alder and black cottonwood. In the area where the south pond and unnamed drainage merge, the drainage becomes dendritic and flows into three or four smaller channels before being channelized to the north.

This area also lack diversity in species and strata. Reed canary grass is once again a dominant invasive species presence. There are limited trees and shrubs.

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2.6 SOUTH SHORE WETLAND ON NORTH POND (F)

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The south shore of the north pond has a much lower and wider wetland fringe than most of either pond perimeter. It is primarily composed of grasses and forbs. The common species include soft rush, slough sedge, pennyroyal (*Mentha pulegium*), creeping bentgrass (*Agrostis stolonifera*), possibly water foxtail (*Alopecurus geniculatus*), Douglas spirea (*Spiraea douglasii*), bird-foot trefoil (*Lotus corniculatus*) and willow saplings. The ground within this wetland was saturated to the surface with areas of shallow (1-2 inches) inundation.

The width of this wetland is nice; this would have been a good width for all the pond's perimeters. There is only a herbaceous strata with some shrubs beginning to recruit. It lacks strata diversity, but the ground cover diversity is good.

2.7 OPEN WATER / WETLANDS / UPLANDS COMPLEX (G)

The area north of the north pond is composed of a mature deciduous forested wetland and upland with areas of open water ponds and a channelized version of the same unnamed drainage mentioned previously (Photo 6). This area appears to have been abandoned many years prior to the two ponds to the south or was decommissioned in a different way leaving more lowlands for wetland vegetation to become readily established. It's not apparent how water enters this pond, no culvert connection was noted. It is likely from lateral movement of water through the gravelly substrate from the upgradient ponds. A beaver dam was noted (Photo 7) in the field and is a contributing factor to the current water levels in this pond. The dam directly influences the wetlands within this complex.

The wetlands are low peninsulas that are likely remnants of the upland berms used to access the gravel extraction areas. These peninsulas are composed of red alder, willow, Douglas' spirea, soft rush, slough sedge and reed canary grass.

The uplands are located all around the pond and the common plant species present are big leaf maple, red alder, Oregon grape, holly (*Ilex sp.*), hazelnut (*Corylus cornuta*), sword fern (*Polystichum munitum*), Himalayan blackberry and bracken fern (*Pteridium aquilinum*).

The open water areas are composed of both ponds and the channelized unnamed drainage. The pond has an irregular shoreline and the depth is unknown. There is a fair amount of large woody debris (LWD) throughout this pond complex. The channelized drainage is approximately 10 feet wide and a consistent depth of 3 to 5 feet. There is limited LWD in the drainage here and mostly small woody debris from beaver and/or humans.

2.8 GRAVEL SHED HARD PACKED SURFACE AREA (H)

This part of the Park recently had fill material placed at the west edge of the hard packed surface area near the open water/wetland/upland complex (G). As a consequence of the fill placement, it is hard to discern if there was a low spot here that might have been wetland. According to the individual that placed the fill, the area where dumping occurred was entirely packed gravel and no vegetation was buried by the fill material.

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The land east and south of the fill is a gravel parking lot. The land to the west is upland and then wetland/pond areas. The land to the north is flooded and appears to be wetland in nature. There is a lot of standing water in the tire ruts created when the material was placed here. There is also standing water between the two southern most piles of fill material. This standing water is likely here because down-gradient blockage has occurred and the surface is compacted from historic use that water cannot percolate into the soil very rapidly.

Because of the recent fill placement, there is no vegetation or topographic situation that suggests that wetlands were filled. There is also a regular flooding situation to the north which shows a water source nearby. As a good measure, the fill material should be removed and disposed of at a City approved upland site (see Section 3.8).

2.9 WILDLIFE ENCOUNTERED

A list of wildlife species was created as site documentation took place. The following species were encountered or noted by evidence.

Common Name	Scientific Name
Canada goose (photo 3)	<i>Branta canadensis</i>
Wood duck	<i>Aix sponsa</i>
Mallard	<i>Anas platyrhynchos</i>
Cormorant (photo 5)	<i>Phalacrocorax auritus</i>
Great blue heron	<i>Ardea herodias</i>
Crow	<i>Corvus brachyrhynchos</i>
Chickadee	<i>Poecile sp.</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Hooded merganser	<i>Lophodytes cucullatus</i>
Robin	<i>Turdus migratorius</i>
Downey woodpecker (photo 4)	<i>Picoides pubescens</i>
Black-tailed deer	<i>Odocoileus hemionus</i>
Beaver (photos 7 & 9)	<i>Castor canadensis</i>

3. RECOMMENDATIONS

These recommendations vary from actions that should occur now to suggestions that would benefit the watershed as a whole.

The Freres Park Property is located in the North Santiam River watershed. Overall, the watershed is in good condition. There is anadromous fish use up to Big Cliff Dam so it is possible that these species are in the Park waterways. The river is listed on Oregon Department of Environmental Quality 303 D lists for water temperatures potentially exceeding levels that may harm some aquatic species. Therefore, any measures that can help reduce water temperatures is a biological benefit as well as an aesthetic benefit.

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3.1 POND FRINGE (A)

For the most part, the pond fringe community is lean on trees and shrubs. Planting more trees and shrubs along the shoreline would benefit water temperatures in parts of the ponds. The ponds are so big that it is impossible to achieve full shade. The initial focus should be on the south and west shores. The east and north shores can be left as they are as the sun's energy in the mornings is not as aggressive as mid-day to evening. In Appendix C there are several tables with native species best suited for different moisture regimes. The Ash Forest Wetland, Scrub Shrub Wetland and Emergent Marsh tables should provide options for the lower banks of the pond (<1ft above water line). The Riparian Forest and Upland Forest tables are more appropriate for land higher than 12 inches above water levels.

3.2 UNNAMED DRAINAGE AND ASSOCIATED WETLAND (B)

Fill material was recently placed within the wetlands on the south side of the unnamed drainage near the southeast parking lot entrance (Photo 8). This material needs to be pulled out of the wetlands immediately. The power pole in the picture marks the approximate north edge of filled wetlands. Demarcate a line west of the pole and remove all soil south of the line. If conditions below the soil do not appear to be old gravel parking lot at that line, then continue north until that has been achieved.

Another action that could be done in this area would be to pull back the older fill material at the wetland edge to create a smoother transition from the hard pack gravel areas to wetlands. There is a lot of large woody debris (LWD) on top of these fill piles that could be gently placed into the wetlands and drainage. No vehicles should enter the wetland to achieve this. All work must be done from upland. Downed LWD provide excellent habitat for fish, amphibian and water fowl.

3.3 SOUTH POND ISLANDS (C)

There is not a lot that can be feasibly done to improve these islands without a cost that would not balance the actual environmental benefit.

3.4 WEST SHORE OF SOUTH POND (D)

This is the west shore of the south pond. The land is higher here and trees planted here can achieve more shade for the pond. If trees were to be planted here, care would need to be taken to ensure their survival that includes summer supplemental water for the first few seasons. Use the upland Forest table for appropriate species. Suppression of Himalayan blackberry is also a good recommendation in this area. Use a water safe type pesticide like ©Rodeo in all areas of the Park.

3.5 PENINSULA TIP ON WEST SHORE OF SOUTH POND (E)

This area could also use trees and shrubs to provide additional shade to the pond. Utilize the Riparian Forest, Ash Forest Wetlands and Scrub Shrub Wetland tables for appropriate species.

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3.6 SOUTH SHORE WETLAND ON NORTH POND (F)

Once again, this is a south shore and shade would benefit the waters. Riparian Forest and all Wetland community tables are appropriate here. SALEM, OR

3.7 OPEN WATER / WETLANDS / UPLANDS COMPLEX (G)

The only recommendations for this area are blackberry suppression and mixing in some coniferous species and to create a greater diversity of species. Use all tables in their appropriate areas to enhance this community. It is by far a higher functioning resource compared to the rest of the site. This area should be a model for the two ponds and their perimeters to the south.

3.8 GRAVEL SHED HARD PACKED SURFACE AREA (H)

This area has been discussed above (Section 2.8). Remove the fill material from its current location and spread south and east of the No Unauthorized Dumping sign. This area is clearly upland. There is not a lot that can be done here to create a real habitat improvement. The area appears to get regular use for storage and staging.

3.9 ADDITIONAL GENERAL RECOMMENDATIONS

A small dam was created after a beaver dam was removed from the north pond outfall channel. This dam was constructed by placing whole bags of uncured concrete directly into the waterway. This concrete was then covered by sand bags. It is recommended that this be removed from the waterway. It is not a good practice to put uncured concrete into a waterway for it is a caustic agent with chemicals that are not good for the aquatic environment. If a dam is needed for control of water levels in the pond there are several options.

- Engineer an appropriate weir/gate system and get appropriate permits for activities below the ordinary high water mark (OHWM).
- Encourage beaver to return and restore the original natural dam
- Create a board weir system by constructing wood or concrete supports outside the OHWM and sliding boards into place to create appropriate water levels.

There are also signs of vandalism occurring within the Park. Concrete block walls being dismantled and thrown into waterways, destruction of signs throughout the park and dumping of picnic tables into the waterways.

4. CONCLUSIONS

During the site visit it was noted that the public utilizes the Park regularly and are genuinely interested doing the best for this special environment. It might benefit the Park if some of those people created a Freres Park Stewardship program where they can weigh in and effectively direct the future enhancements that would benefit the public and environment.

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The Oregon Watershed Enhancement Board provides grants to help Oregonians improve rivers, lakes, streams, wetlands and fish and wildlife habitat. Local citizens propose what needs to be done in their communities and work with OWEB for funding and support. These projects contribute to the Oregon Plan for Salmon and Watersheds and the Oregon Conservation Strategy by protecting, restoring and improving clean water and fish and wildlife habitat.

This document has described existing condition and has listed several options of action that could be done to enhance the Park. This document should be a starting point to define priorities of suggested actions.

The planting table's columns should be followed closely except for "Minimum Rooting Size" and "Minimum Plant Height." There is no strong evidence that size and height relate to the success of planting. The important precaution is to prevent herbivory by deer, beaver and nutria. It is further recommended that all new plants get supplemental water during the first couple summers to help get them established.

The boundaries on Figure 3 in this report were drafted off an air photo with approximate boundaries drawn on by hand. The wetlands and waters were not delineated. It is the best professional judgment of the field biologist. This report should be used as a rough approximation as to location of wetland and water boundaries.

Field work and report completed by,

Mike Holscher, PWS

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Appendix A

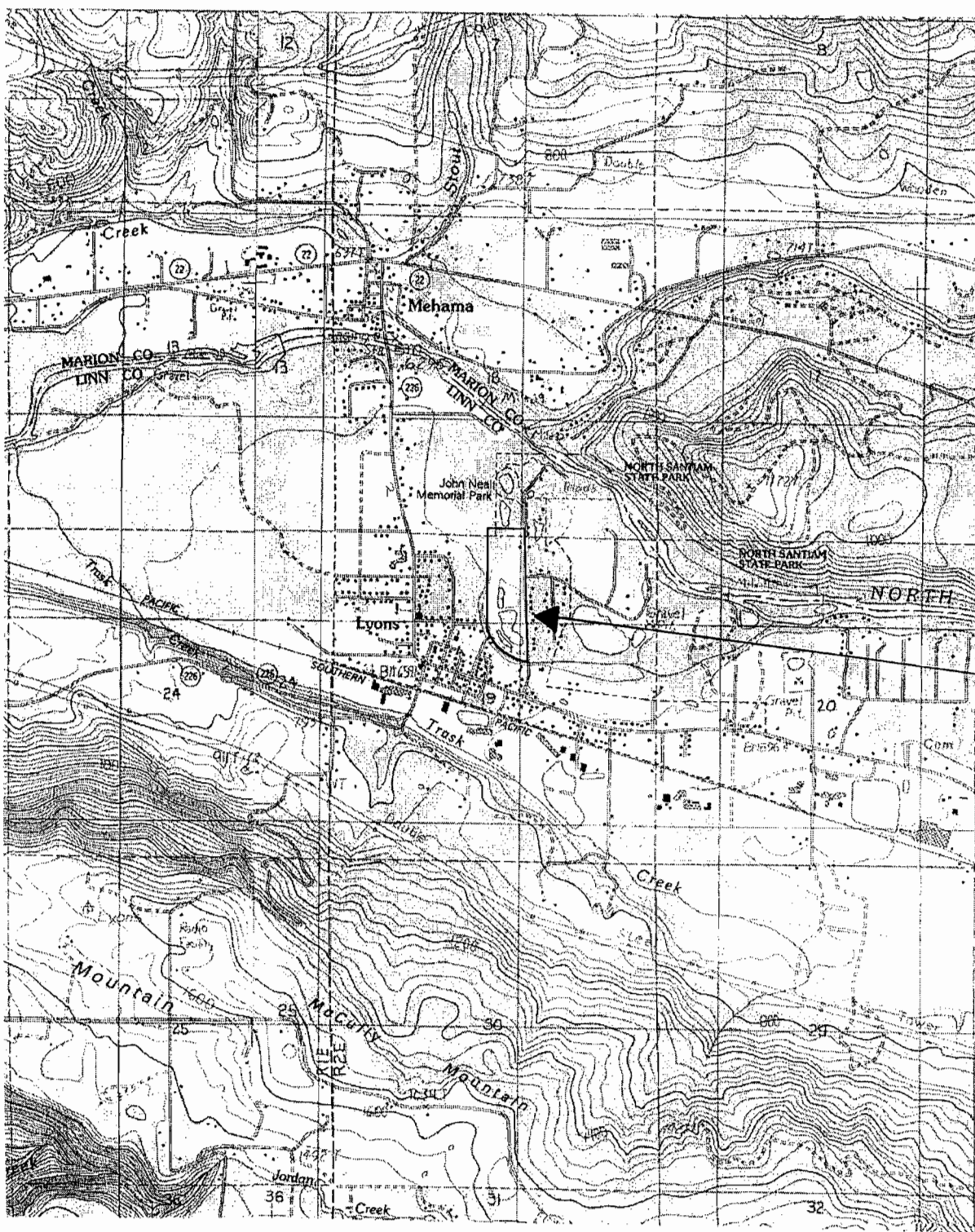
Figures

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PARK SITE

KEYSTONE
NATURAL
RESOURCE
CONSULTING

VICINITY
FRERES PARK PROPERTY
ENVIRONMENTAL RESOURCE SURVEY
Lyons and vicinity, Oregon
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FIGURE 1

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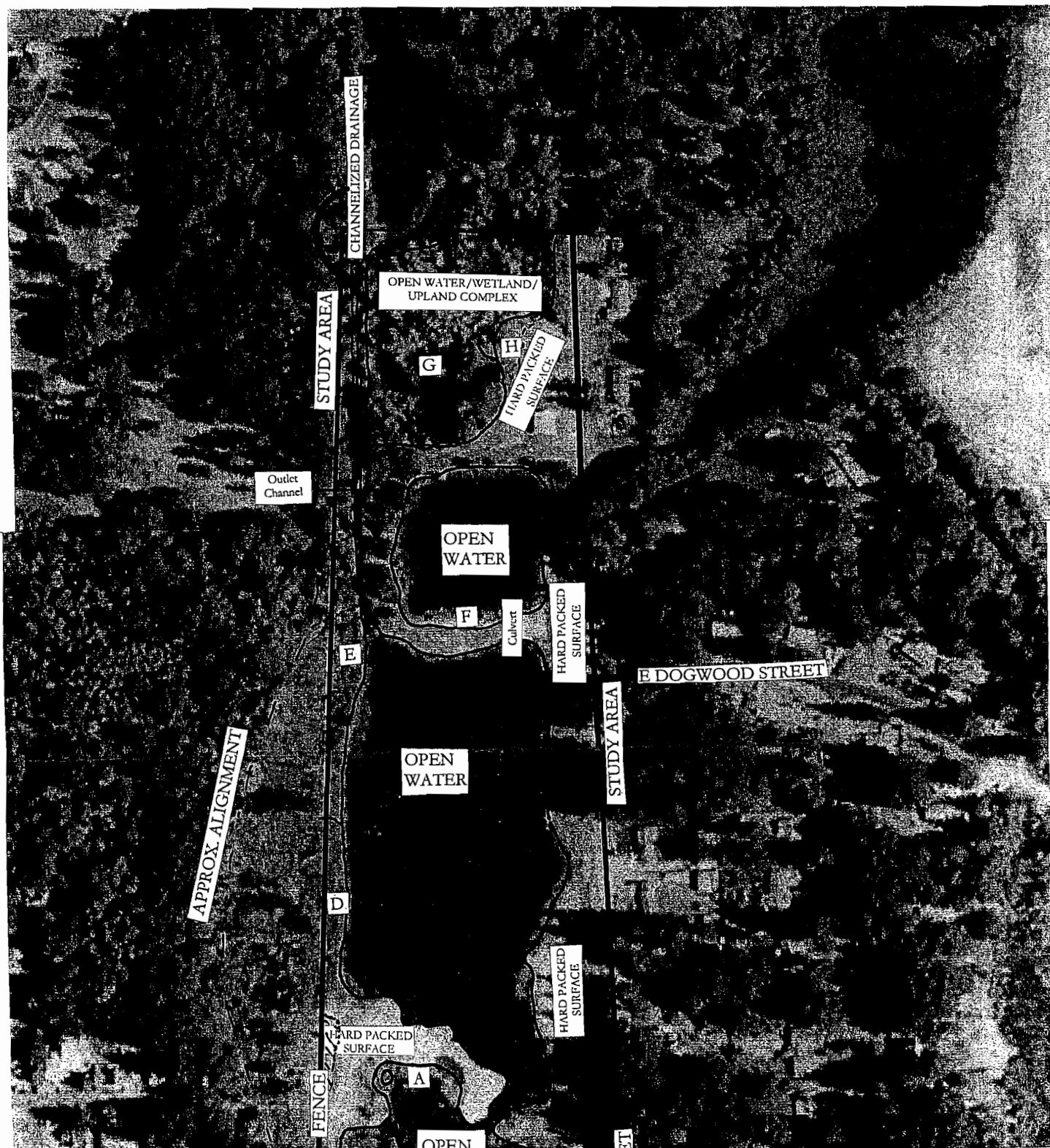
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0 5 1 MILE
1000 FEET 0 500 1000 METERS
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Appendix B

Photos

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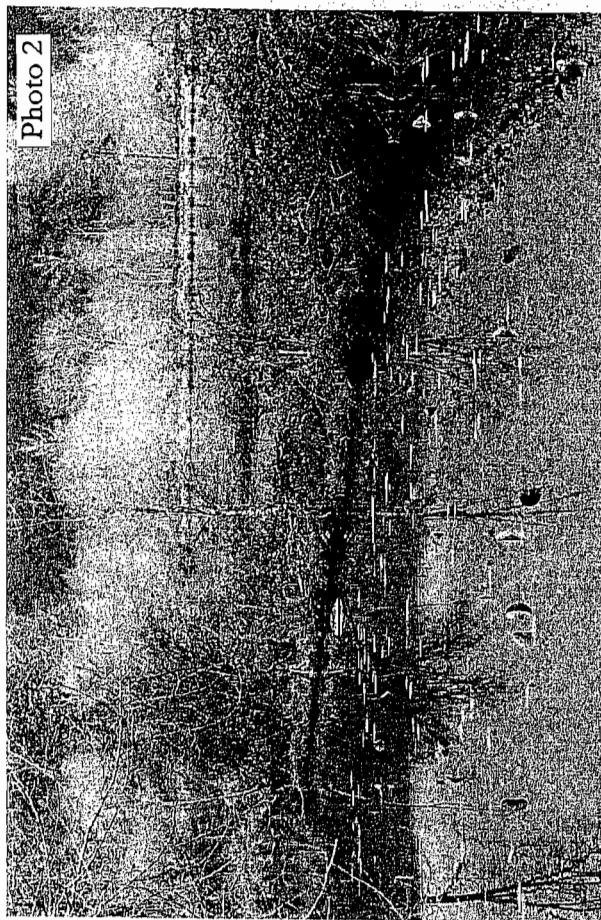
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East island in south pond - 3/17/10

R-87877



Northwest tip of west island in the south pond is a wetland habitat. 3/17/10

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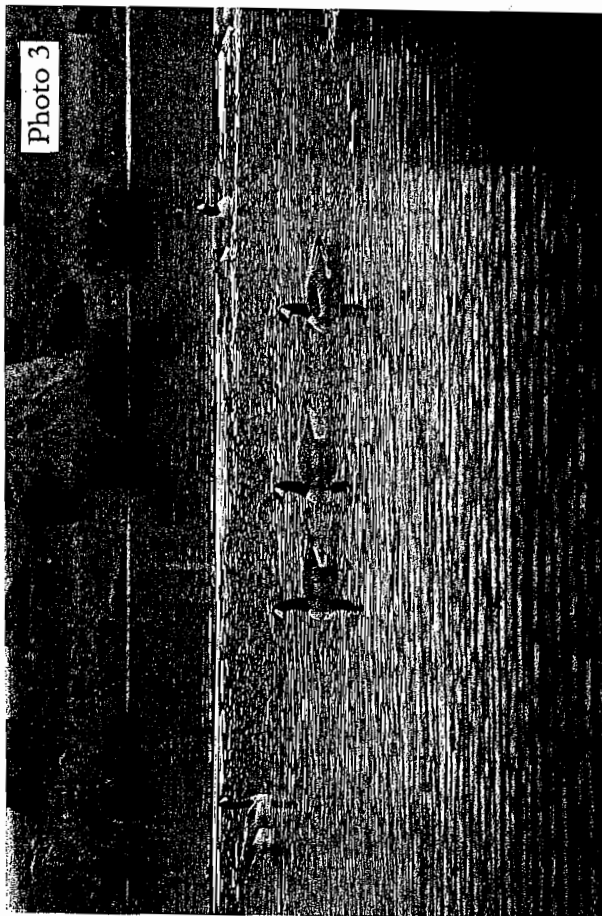
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Canadian Geese (*Branta canadensis*) - 3/17/10

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Downey Woodpecker (*Picoides pubescens*) - 3/17/10



Cormorant (*Phalacrocorax auritus*) - 3/17/10

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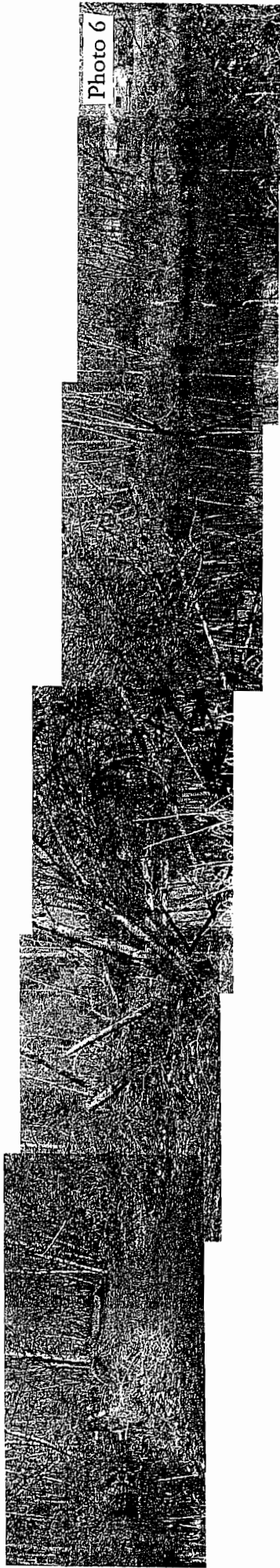
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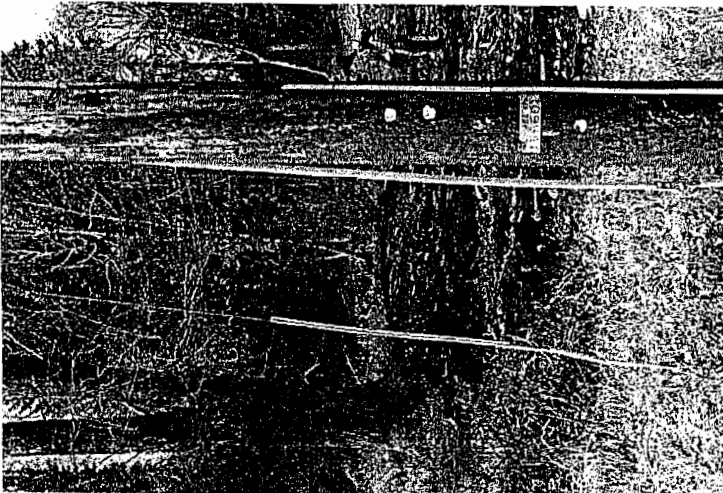
Panoramic north view of channelized drainage (left of path) and open water, wetland and upland complex at north part of study area. - 3/17/10 Area G



Beaver dam located in Area G north of Area H on Figure 3. - 3/17/10 Area G

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It is recommended that this imported fill be pulled back from the wetland encroachment. A line directly west of the power pole appears to be the minimum volume of material that should be removed and disposed of in approved upland site. 3/17/10



This dam was created by placing bags of concrete in the waterway as a replacement for a destroyed beaver dam. It is recommended that these materials be removed and possibly encourage beaver to return or install a more habitat friendly device such as board weirs with concrete supports outside the ordinary high water mark. 3/17/10

photo reference, dam

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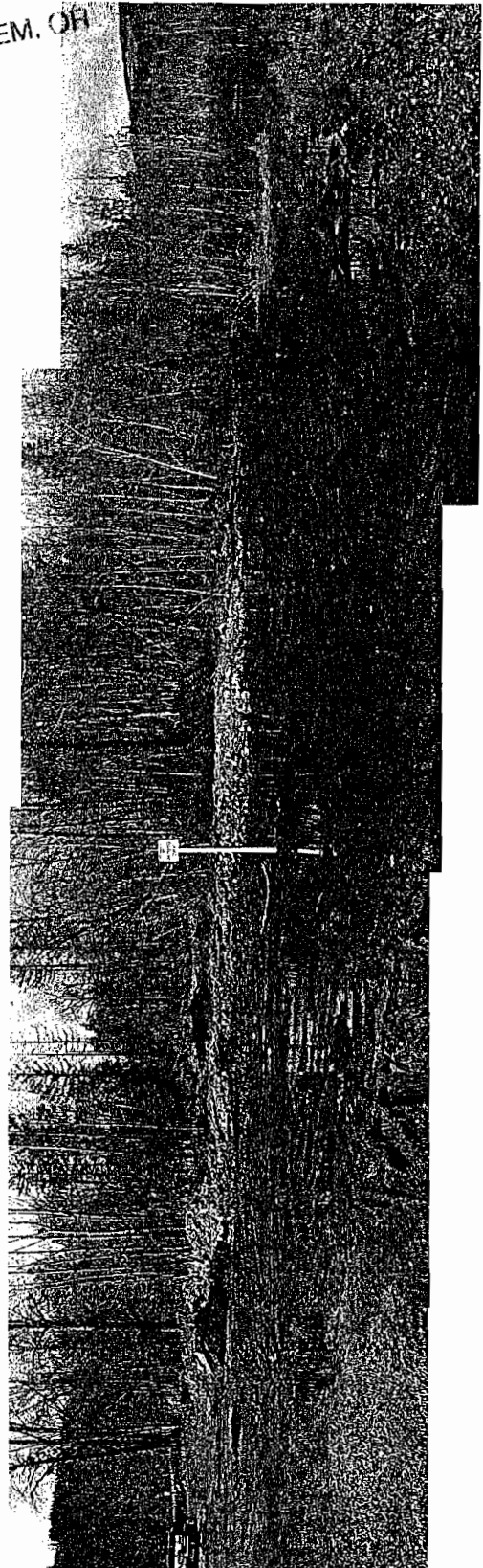
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This area recently received imported fill. It is hard to determine if the underlying area is upland or wetland. Historic photos show the area as regularly clear and mostly gravel. The standing water is on compacted surface. As a precaution, it is recommended that all the material be removed from its current location and spread over an area to the south and east of the No Unauthorized Dumping Area sign. 3/17/10 revised

Appendix C

Planting Species Tables

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TABLE A-1
SUGGESTED PLANT COMMUNITIES FOR REVEGETATION

Plant Communities	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
Riparian Forest (RF)							
Red alder (<i>Alnus rubra</i>)	X	Tree	Moist	Sun	1 gal	3'	Single
Western red cedar (<i>Thuja plicata</i>)	X	Tree	Moist	Shade	2 gal	2'	Single
Red elderberry (<i>Sambucus racemosa</i>)	X	Shrub	Moist	Part	1 gal	1.5'	Single
Black twinberry (<i>Lonicera involucrata</i>)		Shrub	Moist	Part	1 gal	1.5'	Single
Red-osier dogwood (<i>Cornus stonifera</i>)	X	Shrub	Wet	Part	1 gal	2'	Cluster
Indian plum (<i>Oemleris cerasiformis</i>)	X	Shrub	Moist	Shade	2 gal	2'	Cluster
Swamp rose (<i>Rosa pisocarpa</i>)		Shrub	Moist	Part	1 gal	1.5'	Cluster
Pacific ninebark (<i>Pysocarpus capitatus</i>)		Shrub	Moist	Shade	1 gal	2'	Single
Snowberry (<i>Symphoricarpos albus</i>)	X	Shrub	Dry	Part	1 gal	1.5'	Cluster
Salmonberry (<i>Rubus spectabilis</i>)	X	Shrub	Moist	Shade	1 gal	1.5'	Cluster
Maidenhair fern (<i>Adiantum aleuticum</i>)		Herb	Moist	Shade	4"	na	Cluster
Lady fern (<i>Athyrium filix-femina</i>)		Herb	Moist	Shade	1 gal	na	Cluster
Skunk cabbage (<i>Lysichiton americanum</i>)		Herb	Wet	Shade	bulbs	na	Cluster
False lily-of-the-valley (<i>Maianthemum dilatatum</i>)		Herb	Moist	Shade	bulbs, 4"	na	Cluster
Candy flower (<i>Claytonia sibirica</i>)		Herb	Moist	Shade	4"	na	Cluster
Miners lettuce (<i>Montia perfoliata</i>)		Herb	Moist	Shade	4"	na	Cluster
Stream violet (<i>Viola glabella</i>)		Herb	Moist	Shade	4"	na	Cluster
Youth-on-age (<i>Tolmiea menziesii</i>)		Herb	Moist	Shade	4"	na	Cluster
Insideout flower (<i>Vancouveria hexandra</i>)		Herb	Moist	Shade	4"	na	Cluster
Dewey's sedge (<i>Carex deweyana</i>)		Herb	Dry	Shade	plugs, 4"	4"	Mass
Hair bentgrass (<i>Agrostis scabra</i>)		Grass	Moist	Part	seed	na	Mass
Spike bentgrass (<i>Agrostis exarata</i>)	X	Grass	Moist	Part	seed	na	Mass
Tall manna-grass (<i>Glyceria elata</i>)	X	Grass	Moist	Part	seed	na	Mass

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Plant Communities	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
Upland Forest (UF)							
Red alder (<i>Alnus rubra</i>)	X	Tree	Moist	Sun	1 gal	3'	Single
Big leaf maple (<i>Acer macrophyllum</i>)	X	Tree	Dry	Sun	2gal	3'	Single
Douglas Fir (<i>Pseudotsuga menziesii</i>)	X	Tree	Dry	Sun	2gal	3'	Single
Grand fir (<i>Abies grandis</i>)	X	Tree	Dry	Sun	2 gal	2'	Single
Pacific yew (<i>Taxus brevifolia</i>)		Tree	Moist	Shade	2 gal	2'	Single
Cascara (<i>Rhamnus purshiana</i>)		Tree	Dry	Part	2 gal	2'	Single
Pacific dogwood (<i>Cornus nuttallii</i>)		Tree	Moist	Shade	1 gal	2'	Single
Bitter cherry (<i>Prunus emarginata</i>)		Tree	Moist	Part	2 gal	2'	Single
Vine Maple (<i>Acer circinatum</i>)	X	Tree	Moist	Part	2 gal	2'	Single
Oceanspray (<i>Holodiscus discolor</i>)	X	Shrub	Dry	Sun	1 gal	1.5'	Single
Red elderberry (<i>Sambucus racemosa</i>)	X	Shrub	Moist	Part	1 gal	1.5'	Single
Red flowering currant (<i>Ribes sanguineum</i>)	X	Shrub	Dry	Sun	1 gal	1.5'	Cluster
Cascade Oregon grape (<i>Mahonia nervosa</i>)		Shrub	Moist	Part	1 gal	4"	Cluster
Tall Oregon grape (<i>Mahonia aquifolium</i>)		Shrub	Dry	Sun	1 gal	6"	Single
Red huckleberry (<i>Vaccinium parvifolium</i>)		Shrub	Moist	Shade	1 gal	1.5'	Cluster
Thimbleberry (<i>Rubus pariflorus</i>)		Shrub	Moist	Shade	1 gal	1.5'	Cluster
Snowberry (<i>symphoricarpos albus</i>)	X	Shrub	Dry	Part	1 gal	1.5'	Cluster
Baldhip Rose (<i>Rosa gymnocarpa</i>)	X	Shrub	Dry	Part	1 gal	1.5'	Cluster
Serviceberry (<i>Almelanchier alnifolia</i>)		Shrub	Dry	Part	2 gal	2'	Single
Sword fern (<i>Polystichum munitum</i>)		Shrub	Moist	Shade	2 gal	na	Cluster
Deer fern (<i>Blechnum spicant</i>)		Herb	Moist	Shade	1 gal	na	Cluster
Orange honeysuckle (<i>Lonicera ciliosa</i>)		Herb	Moist	Shade	2 gal	na	Single
Salal (<i>Gaultheria shallon</i>)		Herb	Moist	Part	1 gal	4"	Cluster
Wood strawberry (<i>Fragaria vesca</i>)		Herb	Moist	Shade	4"	na	Cluster
Western trillium (<i>Trillium ovatum</i>)		Herb	Moist	Shade	4"	na	Cluster
Five-stemmed mitrewort (<i>Mitella pentandra</i>)		Herb	Moist	Shade	1 gal	na	Cluster
Red columbine (<i>Aquilegia formosa</i>)		Herb	Dry	Part	4"	na	Cluster
False solomon's seal (<i>Smilacina racemosa</i>)		Herb	Moist	Shade	4"	na	Cluster
Native California brome (<i>Bromus carinatus</i>)	X	Grass	Dry	Sun	seed	na	Mass
Blue Wildrye (<i>Elymus glaucus</i>)	X	Grass	Dry	Part	seed	na	Mass

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Plant Communities	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
Oak Woodland / Savanna (OW)							
Oregon white oak (<i>Quercus garryana</i>)	X	Tree	Dry	Sun	2 gal	2'	Single
Snowberry (<i>Symphoricarpos albus</i>)	X	Shrub	Dry	Part	1 gal	1.5'	Cluster
Serviceberry (<i>Almelanchier alnifolia</i>)	X	Shrub	Dry	Part	1 gal	2'	Single
Oceanspray (<i>Holodiscus discolor</i>)	X	Shrub	Dry	Sun	1 gal	1.5'	Cluster
Training blackberry (<i>Rubus ursinus</i>)		Shrub	Dry	Sun	1 gal	1.5'	Cluster
Cascade Oregon grape (<i>Mahonia nervosa</i>)		Herb	Moist	Part	1 gal	4"	Cluster
Blue wild-rye (<i>Elymus glaucus</i>)	X	Grass	Dry	Part	seed	na	Mass
Native California brome (<i>Bromus carinatus</i>)	X	Grass	Dry	Sun	seed	na	Mass
Ash Forested Wetland (FW)							
Oregon Ash (<i>Fraxinus latifolia</i>)	X	Tree	Moist	Part	2 gal	3'	Single
Pacific Ninebark (<i>Physocarpus capitatus</i>)	X	Shrub	Moist	Shade	2 gal	2'	Single
Red-osier dogwood (<i>Cornus sericea</i>)	X	Shrub	Wet	Part	1 gal	2'	Cluster
Snowberry (<i>Symphoricarpus albus</i>)	X	Shrub	Dry	Part	1gal	1.5'	Cluster
Slough sedge (<i>Carex obnupta</i>)	X	Herb	Moist	Part	plugs	6"	Mass
Candy flower (<i>Claytonia sibirica</i>)		Herb	Moist	Shade	4"	na	Cluster
Streambank springbeauty (<i>Montia parvifolia</i>)		Herb	Moist	Shade	4"	na	Cluster
Dewey's sedge (<i>Carex deweyana</i>)		Herb	Dry	Shade	plugs	4"	Mass
Small fruited bulrush (<i>Scirpus microcarpus</i>)		Herb	Wet	Sun	plugs	4"	Mass
Tall mannagrass (<i>Glyceria elata</i>)	X	Grass	Moist	Shade	seed	na	Mass

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Plant Communities	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
Shrub / Scrub Wetland (SS)							
Pacific willow (<i>Salix lasiandra</i>)	X	Tree	Wet	Sun	1 gal	3'	Single
Sitka willow (<i>Salix sitchensis</i>)		Tree	Moist	Sun	1 gal	3'	Cluster
Douglas hawthorne (<i>Crataegus douglasii</i>)		Tree	Moist	Part	2 gal	2'	Cluster
Pacific Crabapple (<i>Malus fusca</i>)	X	Tree	Moist	Part	2 gal	2'	Cluster
Scouler willow (<i>Salix scouleriana</i>)	X	Shrub	Moist	Sun	1 gal	3'	Cluster
Red-osier dogwood (<i>Cornus sericea</i>)	X	Shrub	Wet	Part	1 gal	2'	Cluster
Clustered rose (<i>Rosa pisocarpa</i>)		Shrub	Wet	Part	1 gal	1.5'	Cluster
Douglas's spiraea (<i>Spiraea douglasii</i>)	X	Shrub	Wet	Sun	1 gal	1.5'	Cluster
Nodding beggartick (<i>Bidens cernua</i>)		Herb	Wet	Sun	1 gal	1.5'	Cluster
Spreading rush (<i>Juncus patens</i>)		Herb	Moist	Part	plugs	6"	Mass
Western manna-grass (<i>Glyceria occidentalis</i>)	X	Grass	Wet	Sun	seed	na	Mass
Emergent Marsh (EM)							
Nodding beggartick (<i>Bidens cernua</i>)	X	Herb	Moist	Sun	1 gal	1.5'	Cluster
Hardstem bulrush (<i>Scirpus acutus</i>)		Herb	Wet	Sun	plugs	1.5'	Cluster
Small-fruited bulrush (<i>Scirpus microcarpus</i>)	X	Herb	Wet	Sun	plugs	6"	Mass
Creeping spike rush (<i>Eleocharis palustris</i>)	8	Herb	Wet	Sun	seed, plugs	4"	Mass
Wapato (<i>Sagittaria latifolia</i>)		Herb	Wet	Sun	bulbs	na	Cluster
American water plantain (<i>Alisma plantago-aquatica</i>)		Herb	Wet	Sun	bulbs	na	Cluster
Soft stemmed bulrush (<i>Scirpus tabernaemontani</i>)		Herb	Wet	Sun	plugs	1.5'	Cluster
American brooklime (<i>Veronica americana</i>)		Herb	Wet	Sun	plugs	na	Cluster
Marsh speedwell (<i>Veronica scutellata</i>)		Herb	Wet	Sun	plugs	na	Cluster
American sloughgrass (<i>Beckmannia syzigachne</i>)	X	Grass	Wet	Sun	seed, plugs	na	Mass
Western manna-grass (<i>Glyceria occidentalis</i>)	X	Grass	Wet	Sun	seed	na	Mass

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Plant Communities	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	Spacing Format
Storm Water Facility (SWF)							
Oregon Ash (<i>Fraxinus latifolia</i>)		Tree	Moist	Part	2 gal	3'	Single
Vine Maple (<i>Acer circinatum</i>)	X	Tree	Moist	Part	2 gal	2'	Single
Cascara (<i>Rhamnus purshiana</i>)		Tree	Moist/Dry	Part	1 gal	2'	Single
Bitter cherry (<i>Prunus emarginata</i>)		Tree	Moist	Part	2 gal	2'	Single
Mock orange (<i>Philadelphus lewisii</i>)		Shrub	Wet/dry	Part	1 gal	2'	Cluster
Red-osier dogwood (<i>Cornus sericea</i>)	X	Shrub	Wet	Part	1 gal	2'	Cluster
Pacific ninebark (<i>Pysocarpus capitatus</i>)		Shrub	Moist	Shade	1 gal	2'	Single
Oceanspray (<i>Holodiscus discolor</i>)	X	Shrub	Dry	Sun	1 gal	1.5'	Single
Serviceberry (<i>Almelanchier alnifolia</i>)	X	Shrub	Dry	Part	1 gal	2'	Single
Clustured rose (<i>Rosa pisocarpa</i>)		Shrub	Moist	Sun	1 gal	1.5'	Cluster
Snowberry (<i>Symphoricarpus albus</i>)	X	Shrub	Dry	Part	1gal	1.5'	Cluster
Douglas's spiraea (<i>Spiraea douglasii</i>)	X	Shrub	Wet	Sun	1 gal	1.5'	Cluster
Red flowering currant (<i>Ribes sanguineum</i>)	X	Shrub	Dry	Sun	1 gal	1.5'	Cluster
Nodding beggartick (<i>Bidens cernua</i>)		Herb	Wet	Sun	1 gal	1.5'	Cluster
Spreading rush (<i>Juncus patens</i>)		Herb	Moist	Part	plugs	6"	Mass
Small-fruited bulrush (<i>Scirpus microcarpus</i>)		Herb	Wet	Sun	plugs	6"	Mass
Slough sedge (<i>Carex obnupta</i>)	X	Herb	Moist	Part	plugs	6"	Mass
Toad rush (<i>Juncus bufonius</i>)*		Herb	Dry	Sun	seed, plugs	4"	Mass
Rossi Sedge (<i>Carex rossi</i>)*		Herb	Moist	Sun	plugs	4"	Mass
NW Native Wildflower mix		Herb	Mix	Sun	seed	na	Mass
Oregon Bentgrass (<i>Agrostis oregonensis</i>)*	X	Grass	Dry	Sun	seed	na	Mass
Idaho bentgrass (<i>Agrostis idahoensis</i>)*		Grass	Dry	Sun	seed	na	Mass
Western manna-grass (<i>Glyceria occidentalis</i>)		Grass	Wet	Sun	seed	na	Mass

* - Grows 5-30 cm tall

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 MAR 07 2013
 WATER RESOURCES DEPT
 SALEM, OREGON
 R&O 07-20
 June 2007
 SALEM, OR

Lat 302

After Recording Return To:

City of Lyons
P.O. Box 10
Lyons, OR 97358

Send Tax Statements To:

City of Lyons
P.O. Box 10
Lyons, OR 97358

Consideration Statement:

Other property or value was either
part or the whole consideration.

LINN COUNTY, OREGON

2011-02355

D-WD

02/15/2011 01:53:44 PM

Cnt=1 Stn=7 R GANTA DEED

\$10.00 \$11.00 \$15.00 \$9.00 \$10.00

\$55.00



00152196201100023550020023

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



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MAR 07 2013

WATER RESOURCES DEPT
SALEM, OREGON

STATUTORY WARRANTY DEED

KNOW ALL BY THESE PRESENTS, That Linn County, a political subdivision of the State of Oregon, Grantor, conveys and warrants to the City of Lyons, a Municipal Corporation, Grantee, the following described real property free of encumbrances except as specifically set forth herein.

See legal description attached hereto as Exhibit A and by this reference incorporated herein.


SUBJECT TO: Any liens, easements, and other encumbrances of record, including: easements and reservations in Book 194 page 567, Book 27 page 319, Book 48 page 366, Book 31 page 299 and Book 42 page 539 Deed Records for Linn County, Oregon.

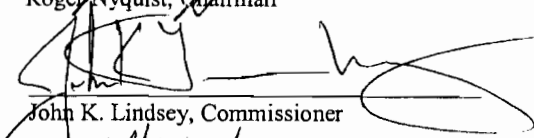
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED BY ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

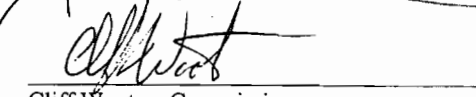
This conveyance is made pursuant to Resolution and Order No. 2006-581, dated 12/6/06.

Signed and Dated by Grantor this 6th day of December, 2006.

LINN COUNTY BOARD OF COMMISSIONERS:

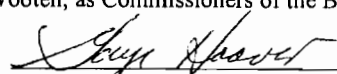

Roger Nyquist, Chairman


John K. Lindsey, Commissioner

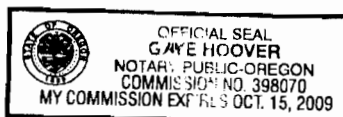

Cliff Wooten, Commissioner

STATE OF OREGON) ss
County of Linn)

This instrument was acknowledged before me on December 6, 2006, by Chairman Roger Nyquist, John K. Lindsey and Cliff Wooten, as Commissioners of the Board of County Commissioners for Linn County.


Notary Public of Oregon

My Commission expires: 10-15-09



R-87077

Exhibit A

Legal Description:

Beginning at a point which is North 4° 09' West 1565.10 feet and North 0° 13' East 440 feet from the Northeast corner of the intersection of Water Street and First Street in Highland Grove Addition (also referred to as Highland Addition) to Lyons in Township 9 South, Range 2 East of the Willamette Meridian, Linn County, Oregon; thence North 0° 13' East 1608.0 feet to an iron pipe; thence North 89° 47' West 511 feet to an iron pipe; thence South 0° 13' West 1608 feet; thence South 89° 47' East 511 feet to the point of beginning.

(Township 09S, Range 02E, Section 19A, Tax Lot: 302)

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WATER RESOURCES DEPT
SALEM, OREGON

R-07877

Lots 3014
303

VOL 394 PAGE 821

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That FRERES LUMBER CO. INC., an Oregon corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto the CITY OF LYONS, a municipal corporation within Linn County, Oregon, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning at a point which is North 4°09' West 1565.10 feet and North 0°13' East 260 feet from the Northeast corner of the Intersection of Water Street and First Street in Highland Grove Addition (also referred to as Highland Addition) to Lyons in Township 9 South, Range 2 East of the Willamette Meridian, Linn County, Oregon; thence North 89°47' West 511 feet; thence North 0°13' East 180 feet; thence South 89°47' East 511 feet; thence 0°13' West 180 feet to the point of beginning.

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AND

FEB 26 2013

The North 140 feet of the following described premises:
Beginning at a point which is North 4°09' West 1565.10 feet from the Northeast corner of the Intersection of Water Street and First Street in Highland Grove in Section 19, Township 9 South, Range 2 East of the Willamette Meridian, Linn County, Oregon; thence North 0°13' East a distance of 260.00 feet to the Southeast corner of that tract conveyed to Thomas F. Owen and wife by deed recorded December 17, 1965 in Book 314, page 105, Deed Records; thence along the South line of said Owen tract, North 89°47' West a distance of 511.00 feet to the subdivision line running North and South through the center of said Section 19; thence South 0°13' West along said subdivision line a distance of 1389.00 feet to a point which is South 0°13' West 1857.00 feet from the quarter corner between Sections 18 and 19; thence South 54° East a distance of 200.00 feet; thence South 63° East a distance of 200.00 feet; thence South 73° East a distance of 280.00 feet, more or less, to a point which is South 4°09' East from the point of beginning; thence North 4°09' West to the point of beginning.

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WATER RESOURCES DEPT
SALEM, OREGON

EXCEPT that portion conveyed by Jungwirth Sand and Gravel Company to Linn County, Oregon, for roadway by deed recorded February 19, 1963 in Book 292, page 327, Deed Records.

SUBJECT TO exceptions as per attached Exhibit "A".

After recording, return to:	Until a change is requested, all tax statements shall be mailed:
City of Lyons P. O. Box 81 Lyons, OR 97358	City of Lyons P. O. Box 81 Lyons, OR 97358

R-87877

To Have and to Hold the same unto the said grantee and grantee's successors and assigns forever.

There is no actual monetary consideration paid for this transfer as this is a gift from grantor to grantee, without consideration.

This instrument will 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 personal acquiring fee title to the property should check with the appropriate city or county planning department to verify uses.

IN WITNESS WHEREOF, the grantor has executed this instrument and has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

FRERES LUMBER CO. INC.,
an Oregon corporation

Robert Freres
Robert Freres, President

Theodore F. Freres
Theodore F. Freres, Vice-President

STATE OF OREGON)
COUNTY OF Marion) ss.

Sept. 27, 1985.

The foregoing instrument was acknowledged before me by Robert Freres, President, and by Theodore F. Freres, vice-president, of Freres Lumber Co. Inc., an Oregon corporation, on behalf of the corporation.

Roger Duncan Jr
Notary Public for Oregon

My commission expires: 9-20-87

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WATER RESOURCES DEPT
SALEM, OREGON

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R-87877

EXHIBIT "A"
to
Bargain an Sale Deed
from
Freres Lumber Co. Inc.
to
City of Lyons

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MAR 07 2013

WATER RESOURCES DEPT
SALEM, OREGON

1. Liens, assessments and charges imposed by the City of Lyons, if any.

2. Easement, including the terms and provisions thereof, from Francis and J. E. Jungwirth and wives to Mt. Jefferson Lumber Co., recorded August 5, 1947 in Book 194, page 567, Deed Records of Linn County, Oregon.

3. Reservation for easement, including the terms and provisions thereof, contained in deed from Francis J. Jungwirth et al, doing business as Jungwirth Sand and Gravel Company, a co-partnership, to Thomas F. Owen and Doris M. Owen, husband and wife, recorded December 17, 1965 in Book 314, page 105, Deed Records as follows: "Subject to reservations of a 25 foot easement on the West and to the grantors, their heirs or assigns, for the purpose of keeping the present stream or ditch clear of obstructions or improvement.-----"

4. Rights of the public in streets, roads and highways.

5. Reservations, covenants and conditions, including the terms and provisions thereof, contained in deed from the Oregon and California Railroad Co., et al, to Annie W. Jones, recorded December 2, 1886 in Book 31, page 299, Deed Records, which deed recited among other things, as follows: "Also reserving and excepting from said described premises so much and such parts thereof as are or may be mineral lands other than coal or iron".

6. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Lyons Water Control District.

7. Right of way easement, including the terms and provisions thereof, from Francis J. Jungwirth and Mildred M. Jungwirth, husband and wife, to Pacific Power and Light Company, a corporation, recorded August 10, 1967 in Book 325, page 380, Deed Records.

This easement was corrected by Easement, including the terms and provisions thereof, for right of way, from Francis J. Jungwirth and Mildred M. Jungwirth, husband and wife, to Pacific Power and Light Company, a corporation, recorded March 11, 1968 in Book 329, page 320, Deed Records.

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FE

SEP 30 10 30 AM '85

STATE OF OREGON
County of Linn

DEL W. RILEY
Linn County Clerk

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

By  Deputy

Volume: MF 394 Page: 821

R-87877

Lat 300

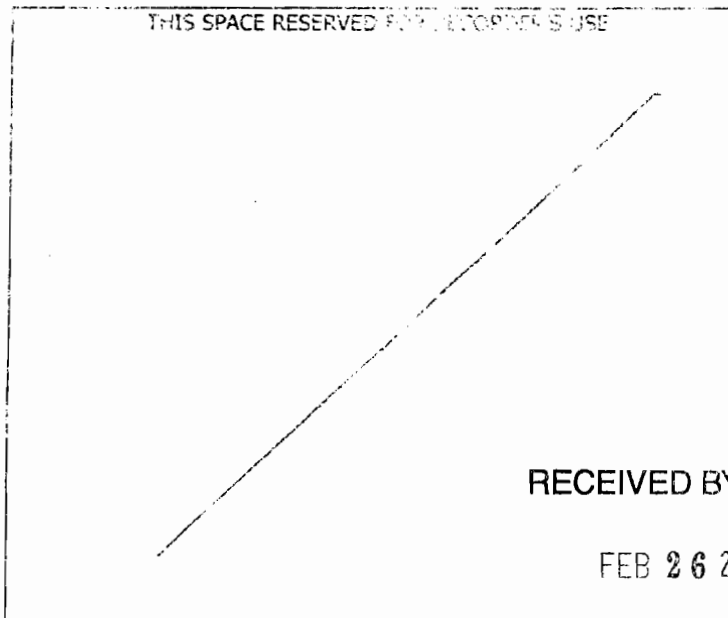
VOL. 1805 PAGE 161



✓ After recording return to:
City of Lyons
Lyons City Hall
Lyons, OR 97358

Until a change is requested all tax statements
shall be sent to the following address:
City of Lyons
Lyons City Hall
Lyons, OR 97358

File No.: 7083-701120 ()
Date: December 09, 2005



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FEB 26 2013

13th Street Property

SALEM, OR

STATUTORY WARRANTY DEED

Freres Lumber Co., Inc., an Oregon Corporation, Grantor, conveys and warrants to **City of Lyons, a Municipal Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

The true consideration for this conveyance is ~~\$50,000.00~~ ^{None.} (Here comply with requirements of ORS 93.030)

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

The City of Lyons having duly reviewed this document hereby accepts this document as to form and content

The City of Lyons

By: _____

Name and Title

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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WATER RESOURCES DEPT
SALEM, OREGON

R-07077

First American Title 701120 9-2E-19A/300

APN: 0002408

Statutory Warranty Deed
- continuedFile No.: 7083-701120 ()
Date: 12/09/2005

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 13th day of December, 2005.

Freres Lumber Co., Inc., an Oregon Corporation

Robert T. Freres Jr
By: Robert T. Freres, Jr., Vice President

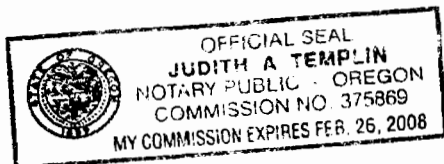
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FEB 26 2013

SALEM, OR

STATE OF Oregon)
) ss.
County of Marion)

This instrument was acknowledged before me on this 13th day of December, 2005 by Robert T. Freres, Jr. as Vice President of Freres Lumber Co., Inc., on behalf of the Corporation.



Judith A. Templin
Notary Public for Oregon
My commission expires: 02/26/08

STATE OF Oregon)
) ss.
County of Marion)

This instrument was acknowledged before me on this 27th day of December, 2005 by William M. Hatt as Mayor of City of Lyons, on behalf of the a Municipal Corporation.



Mary Mitchell
Notary Public for Oregon
My commission expires: 11.4.06

Page 2 of 3

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MAR 07 2013

WATER RESOURCES DEPT
SALEM, OREGON

R-87877

APN: 0002408

Statutory Warranty Deed
- continuedFile No.: 7083-701120 ()
Date: 12/09/2005**EXHIBIT A****LEGAL DESCRIPTION:**

Beginning at a point which is North 4°09' West 1565.10 feet from the Northeast corner of the intersection of Water Street and First Street, in Highland Grove in Section 19, Township 9 South, Range 2 East of the Willamette Meridian, Linn County, Oregon; thence North 0°13' East a distance of 260.00 feet to the Southeast corner of that tract conveyed to Thomas F. Owen and wife by deed recorded December 17, 1965 in Book 314, Page 105, Deed Records; thence along the South line of said Owen tract, North 89°47' West a distance of 511.00 feet to the subdivision line running North and South through the center of said Section 19; thence South 0°13' West along said subdivision line a distance of 1389.00 feet to a point which is South 0°13' West 1857.00 feet from the quarter corner between Sections 18 and 19; thence South 54° East a distance of 200.00 feet; thence South 63° East a distance of 200.00 feet; thence South 73° East a distance of 280.00 feet more or less, to a point which is South 4°09' East from the point of beginning; thence North 4°09' West to the point of beginning.

Except that portion conveyed by Jungwirth Sand and Gravel Company to Linn County, Oregon, for roadway by deed recorded February 19, 1963 in Book 292, Page 327, Deed Records.

RECEIVED BY OWRD

FEB 26 2013

SALEM, OR

STATE OF OREGON
County of LinnI hereby certify that the attached
was received and duly recorded
by me in Linn County records.STEVE DRUCKENMILLER
Linn County ClerkBy [Signature], DeputyM
R
S
A
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1805

MF

161

PAGE

2005 DEC 29 P 12:24

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MAR 07 2013

WATER RESOURCES DEPT
SALEM, OREGON

R-87877