

Big Tree



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

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

* Please process all 3 reservoirs in one application.

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/OWRD/PUBS/forms.shtml

1. APPLICANT INFORMATION

Applicant: LOW LIVING TRUST
First Last

Mailing Address: 3006 S. UNGER RD

BEAVERCREEK OR 97004
City State Zip

Phone: 503 632 7413
Home Work Other

Fax: _____ E-Mail Address*: _____

* 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 Big Tree.

2. SOURCE OF WATER for the proposed use: Randall Creek,
a tributary of Nate Creek.

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:

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APR 18 2013

NOV 16 2012

SALEM, OR

SALEM, OR

For Department Use		
App. No. <u>R-8789D</u>	Permit No. _____	Date _____

* verified by Bill Ferber^{WR} and Jon Unger

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 9.6 * 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.

not needed

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

If "other" give description:

4. PRIMARY OUTLET WORKS

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

Concrete overflow channel maintains water flow through system. It has an approximate length of 4.5' and a width of 8'.

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:

Emergency spillway is located on East end of dam. It has an approximate length of 25' and a width of 5'.

6. THE USE(s) of the impounded water will be:

Recreation

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SALEM, OR

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SALEM, OR

7. THE AMOUNT OF WATER to be stored is: 31.5 acre-feet.

The area submerged by the reservoir, when filled, will be 5.25 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: project complete / existing

Proposed date construction work will be completed: _____

Proposed date water use will be completed: _____

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

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.

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List the names and mailing addresses of all affected landowners:

APR 18 2013

11. WITHIN A DISTRICT

SALEM, OR

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.

12. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally 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: _____ *John L. Jones* _____ *11/13/12*
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.wrd.state.or.us or call (503) 986-0900.

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NOV 16 2012
SALEM, OR

Little Tree



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

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/OWRD/PUBS/forms.shtml

1. APPLICANT INFORMATION

Applicant: LOW LIVING TRUST
First Last

Mailing Address: 2006 S. LINGER RD
BEAVERCREEK OR 97004
City State Zip

Phone: 503 632 7413
Home Work Other

Fax: _____ E-Mail Address*: _____

* 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 Little Tree.

2. SOURCE OF WATER for the proposed use: Randall Creek,
a tributary of Nate Creek.

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:

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NOV 16 2012

SALEM, OR

SALEM, OR

For Department Use		
App. No. <u>R-07070</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 4 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): Earthfil Concrete Flash board Other

If "other" give description:

4. PRIMARY OUTLET WORKS

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

*There is a channel that connects "little tree" to "big tree"
It is approximately 5' wide and 3.5' deep.*

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:

See "big tree"

6. THE USE(s) of the impounded water will be:

Recreation

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SALEM, OR

7. THE AMOUNT OF WATER to be stored is: 9.24 acre-feet.
The area submerged by the reservoir, when filled, will be 2.31 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: project complete / existing

Proposed date construction work will be completed: _____

Proposed date water use will be completed: _____

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

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.

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List the names and mailing addresses of all affected landowners:

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11. WITHIN A DISTRICT

SALEM, OR

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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Shauna Pond



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/OWRD/PUBS/forms.shtml

1. APPLICANT INFORMATION

Applicant: LOW LIV'NG TRIST
First Last

Mailing Address: 2006 S. UNGER RD

BEAVERCREEK OR 97104
City State Zip

Phone: 503 632 7413 Home Work Other

Fax: _____ E-Mail Address*: _____

* 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 Shauna Pond.

2. SOURCE OF WATER for the proposed use: an unnamed spring,
a tributary of Randall Creek.

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:

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NOV 16 2012

SALEM, OR

For Department Use		
App. No. <u>R-07890</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 8' 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:

4. PRIMARY OUTLET WORKS

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

Outlet channel at SE portion of dam

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:

Same as above

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SALEM, OR

6. THE USE(s) of the impounded water will be:

Recreation

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NOV 16 2012

SALEM, OR

7. THE AMOUNT OF WATER to be stored is: 5.5 acre-feet.

The area submerged by the reservoir, when filled, will be 1.1 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: Project complete (existing)

Proposed date construction work will be completed: _____

Proposed date water use will be completed: _____

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

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:

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11. WITHIN A DISTRICT

NOV 16 2012

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

Irrigation District Name	Address	
City	State	Zip

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APR 18 2013

R-87870

Storage Water/3

SALEM, OR

November 13, 2012

District 20 Watermaster Jonathan Unger assisted me in filling out my application and creating my application map. I have reviewed the water right application and map and find it to be true and accurate.

Name (Printed) ZOLA LOW

Date 11/13/12

Name (Signature) Zola Low

Date 11/13/12

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R-07870



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SALEM, OR

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

REV. 11/20/03

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES NO
2. If not, give name and address of legal owner: n/a
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES NO n/a
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES NO n/a
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
What is the maximum flow? GPM 25
Is flow measured or estimated? MEASURED ESTIMATED
6. Does the stream flowing from the spring form a well defined natural channel?
YES NO
7. Does the water flow off the lands on which it first arises? YES NO
8. Give the name of the stream or other body of water into which the water from the spring flows: Randall Creek
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: _____
10. Remarks: _____

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant Zola Low Signature Zola Low Date 4-11-13

Signature Zola Low Date 4-11-13

R-87890

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: Low Living Trust
First Last

Mailing Address: 2006 S. Unger RD

Beavercreek OR 97004 Daytime Phone: 503 632 7413
City State Zip

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	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
45	3E	16	NWSW	801		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	existing storage
45	3E	20	SE NE NE SE	800		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	same ↑
45	3E	21	SWNW	190		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	same ↑
						<input checked="" 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

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) unnamed spring, Randall CRK

Estimated quantity of water needed: 46.24
 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 storage, recreational

Briefly describe:

3 Existing reservoirs

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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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Sec. 406, Table 406-1, Clackamas County Zoning & Development Ord.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

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APR 18 2013

SALEM, OR

Name: Rich Mc Intive Title: Sr. Planner
 Signature: [Signature] Phone: 503-742-4576 Date: 4/10/2013
 Government Entity: Clackamas County Planning & Zoning Division

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

R-87080

SALEM, OR

THIS INDENTURE, made and entered into this... October 1st... A. D., 1943... by and between O. E. Powell, Grace M. Powell, Jerry S. and Sara J. Saylor... party of the first part, and L. D. Miner and J. T. Low... party of the second part, Witnesseth:

That the first party, for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the second party, has by these presents demised and leased to the second party the following described land, to-wit:

PARCEL No. 1: Part of the N.W. Randall Donation Land Claim No. 37 in Section Twenty; and part of the Northeast Quarter of said Section Twenty; and part of the North Half of the Southeast Quarter of said Section Twenty, described as:

Commencing at a point in the Northeast corner of Section Twenty, Township Four South, Range Three, East of the Willamette Meridian, the same being the Northeast corner of Wm. Livingston's Homestead No. 697, running thence South 60 chains, thence West 20 chains, to the West line of said Livingston's Homestead, thence North 32.50 chains, thence West 9.75 chains, thence North 26.75 chains to the North boundary of the N. W. Randall's Donation Land Claim, thence East 9.75 chains, thence North 1 chain to the North boundary of Section Twenty, thence East 20 chains to the place of beginning.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-one, Township Four South, Range Three, East of the Willamette Meridian, save and except therefrom one acre of land deeded by W. H. Bottenmiller and Lilly J. Bottenmiller to Fred Scherruble, deed to which is recorded in Book 53, page 165, Deed Records of Clackamas County, Oregon.

PARCEL NO. 2: Part of Government Lot Two in Section Twenty, Township Four South, Range Three, East of the Willamette Meridian, described as: Beginning at the northeast corner of said Government Lot Two, thence South 1.00 chain, more or less, to the North line of the N. W. Randall Donation Land Claim No. 37, thence West 10.00 chains, more or less, to a point of 30.00 chains West of the East line of said Section Twenty, thence North 1.00 chain to Section line, thence East 10.00 chains, more or less, to the place of beginning.

and the second party covenants with the first party that at the expiration of the term of this lease he will yield up the possession to the first party, without further demand or notice, in as good order and condition as when the same was entered upon by the second party, loss by fire, inevitable accidents and ordinary wear excepted. And failing thus to deliver up said premises, the second party agrees to pay the first party five dollars per day for all the time he may continue in the possession of said premises after the expiration of this lease.

And it is further expressly understood and agreed between the parties hereto as follows:

- I. The second party covenants to farm said premises in a good and farmlike manner, and to raise the greatest amount of grain thereon the nature of the soil and season will permit, and further to break up and improve as much of the waste land as may be in a condition to plow.
II. The second party covenants to properly care for all growing crops in a good and husbandlike manner, and to harvest all crops in proper season, and failing so to do the party of the first part may enter upon said premises, either by himself or agent, and properly care for or harvest said crops and charge the cost to the party of the second part.
III. The second party shall haul out and distribute upon the poorest soil upon said premises, all the manure and compost suitable to be used, and further not to burn any stalks, straw or stubble on said premises, to sell or remove any of said straw, or allow it to be removed, but shall have the right to use it upon said premises.
IV. The second party shall reserve and keep the fruit and ornamental trees, vines and shrubbery that are now or may be hereafter planted upon the premises, from injury by plowing or from cattle or other stock, and further to keep said premises free from brush and burrs, and Russian thistles, and shall mow or cut near the surface all weeds on said land within the limits of the public roads thereon, on or before the 15th day of August of each year and shall also keep all the necessary ditches and drains plowed and cleaned out during the continuation of this lease.
V. The said second party shall keep said premises, including the hedges and fences, in proper repair, provided that the landlord shall furnish necessary material, that he or his agents may consider needful to repair said premises within a reasonable time after being notified, and the second party shall haul said materials to said premises without charge.
VI. And the second party further covenants not to remove any of the grain raised on said premises, during the term of said lease, until the rent herein specified shall be fully paid, nor to sell the same or any part thereof. And if any grain raised on said premises during said term shall be removed or attempted to be removed by any person or persons before the payment of said rent; or if the second party shall sell or attempt to sell said grain or produce, or any part thereof, or if the same or any part thereof shall be claimed or attached or levied upon by execution or claimed by any other person or persons upon any pretense whatever before said rent shall be fully paid, then upon the happening of any such contingencies said rent shall immediately become due and payable and the first party, or his legal representatives, shall have the right to enter into said premises and take possession of said grain, or wherever the same may be found, and to remove the same and sell the same and all the same or any part thereof, or if the same shall not be sufficiently matured for harvesting or gathering, to cultivate the same and to preserve or protect the same until it shall be fit, and then to harvest and gather or sell the same, or any part thereof, at private or public sale, and to apply the proceeds thereof to the payment of the expenses and costs of carrying out the provisions of this lease and the payment of said rent hereby reserved.
VII. The first party reserves the right to plow the stubble ground when the second party may have cut the grain grown thereon, and further, that the first party or his legal representatives may enter upon said premises for the purpose of viewing or seeding and making repairs.
VIII. If the second party shall fail to cultivate said premises as herein agreed, or shall fail to keep any of the covenants contained in this lease, or shall assign this lease or underlet said premises or any part thereof, then this lease shall, at the election of the first party, be null and void, and the first party, or his legal representatives, shall have the right to take possession of said premises, using such force as may be necessary with or without process of law, and all damages growing out of the failure to perform any of the covenants of this lease, shall be added to and become a part of the rent, recoverable as rent.
IX. The second party hereby waives and relinquishes all rights from exemption from sale or seizure under distress or execution, that he now has or may hereafter have by virtue of any law of the state exempting personal property from seizure and sale; on execution or distress for rent, said first party shall have upon the terms of this lease, in addition to the lien given him by law, a lien upon all personal property owned by second party during the term of this lease, whether said property is exempt from execution or not, and said second party hereby gives the first party full power and right to take and seize any personal property, whether exempt by law or not, and sell the same, or any part thereof, in satisfaction of said rent hereby agreed to be paid.
X. The second party also agrees to pay and discharge all costs and attorney fees or any expense that shall arise from enforcing any of the covenants of this lease by the first party, and it is further agreed by and between the parties that all the crops growing or in stack, crib or granary on said premises shall be security for all sums due or to become due from party of the second part to party of the first part as evidenced by book account or note held by party of the first part.
Any waiver of any breach of covenants herein contained to be kept and performed by the lessee shall not be deemed or considered as a continuing waiver, and shall not operate to bar or prevent the lessor from declaring a forfeiture for any succeeding breach, either of the same condition or covenant or otherwise.

IN WITNESS WHEREOF we have hereunto set our hands and seals the day and year first above written.

L. D. Miner
Witness to Party of the First Part
Second Party
Joseph T. Low
Witness to Party of the Second Part
Second Party

O. E. Powell
Grace M. Powell
First Party

BIG TREE

28787

1967

KNOW ALL MEN BY THESE PRESENTS, That Lloyd E. Forristall and Loretta Forristall, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto J. T. Low and Zola L. Low, husband and wife, 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 Clackamas, State of Oregon, described as follows, to-wit:

The West half of the West half of Section 16, T. 4. S. R. 3. E. of the W. M., in Clackamas County, Oregon.

EXCEPT the following described property:

Beginning at the Southwest corner of said Section 16; thence North 89° 35' 40" East 60.00 feet along the South line of said Section 16; thence North 0° 08' West parallel to the West line of said Section 16 500.00 feet to the true point of beginning; thence continue North 0° 08' West 329.56 feet; thence North 89° 35' 40" East 520.76 feet to the center of County Road 252; thence South 14° 50' 40" West along the center line of said County Road 341.59 feet; thence South 89° 35' 40" West 430.91 feet to the point of beginning.

RECEIVED BY OWRD

APR 18 2013

SALEM, OR

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns that said real property is free from incumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 130,000.00

Ⓢ However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). Ⓢ

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 20 day of November, 19 73

Lloyd E. Forristall
Loretta C. Forristall

STATE OF OREGON, County of Clackamas) ss. November 20, 19 73

Personally appeared the above named J. T. Low and Zola L. Low, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: *James Godwin*
Notary Public for Oregon
My commission expires 10/1/74

(OFFICIAL SEAL)

NOTE—The sentence between the symbols Ⓢ, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

Special WARRANTY DEED

Forristall, Lloyd E. et ux

TO Low, J. T. et ux

AFTER RECORDING RETURN TO

J. T. Low

*4700 S. ...
210 9th St.
Oregon City, OR 97045*

73 36753

STATE OF OREGON, }
County of Clackamas, } ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at 10:27 AM 11/20/73

DEED



ss. ru-
the
ed
as
ec-
of
title
uty

73 36753

Recorded By
Pioneer National
Title Insurance Company

SHAUNA POND

R-0780

762

Lloyd Forristall