

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME ALLDEVALE PROPERTIES LLC ATTN: DEVIN COOPER		PHONE (503) 263-6405	FAX (503) 266-6302
ADDRESS 25571 S. BARLOW ROAD			CELL (503) 710-1486
CITY CANBY	STATE OR	ZIP 97013	E-MAIL * WILLAMETTE@CANBY.COM

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

AGENT / BUSINESS NAME STEVEN R. BRUCE/SKOOKUM WATER ASSOCIATES INC.		PHONE (503) 319-8926	FAX
ADDRESS P.O. BOX 80174			CELL (503) 319-8926
CITY PORTLAND	STATE OR	ZIP 97280	E-MAIL * STEVE@SKOOKUMWATER.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Applicant Signature

Applicant Signature

Devin Cooper

Print Name and title if applicable

Allison Cooper

Print Name and title if applicable

4/16/13

Date

4/16/13

Date

App. No. <u>S-8705</u>	For Department Use	Date
Permit No.		

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

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

No

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

NA

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Taffy's Pond Tributary to: Rock Creek

Source 2: Betty's Pond Tributary to: Rock Creek

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

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

Taffy's Pond was constructed under Permit R-14882 (Application R-87487). Betty's Pond was constructed under Permit R-14883 (Application R-87488).

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B. Applications to Use Stored Water

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

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Yes.

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No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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

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

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

SECTION 4: WATER USE

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Taffy's Pond	Nursery	Year-Round	11.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Betty's Pond	Nursery	Year-Round	13.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: NA Acres Supplemental: NA Acres

List the Permit or Certificate number of the underlying primary water right(s): No rights underlay area

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 24.0

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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Hp to be selected; submersible

Other means (describe): _____

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water from each pond will be diverted using a pump on a float. The water will be conveyed through PVC mainlines (sizes to be determined during construction) to drip irrigation equipment.

B. Application Method

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

Drip equipment will be used to irrigate seedbeds and bare root trees.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The requested amount of water is the maximum volume that can be stored in the two ponds under Permits R-14882 and 14883. Drip irrigation methods will be used for efficiency, to limit erosion and to avoid waste.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW made a determination at the time the reservoir permits were issued in October 2010 that fish screens are not required for the reservoirs.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: _____
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: A submersible pump on a float will be used to divert water from each pond. Most of the pipelines from the pond shores to the places of use will be buried and permanent.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Drip irrigation will be used so the potential for erosion or runoff is limited.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as permit is issued

Date construction will be completed: June 2016

Date beneficial water use will begin: As soon as permit is issued

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SECTION 8: 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
--------------------------	---------

NA		
City	State	Zip

SECTION 9: REMARKS

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

A pre-application conference was held with Jerry Sauter (WRD) on December 22, 2012. The application recognizes that the two reservoirs may only be filled one time each year between November 1 and June 30. The amount of water is limited, but ORS 540.610 does not describe a minimum allotted rate or duty for beneficial use. The water will be applied by drip irrigation to seed beds and bare root trees, including maples, cherry and sweetgums.

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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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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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: Aldevale Properties LLC Attn: Devin Cooper
First Last

Mailing Address: 25571 S. Barlow Road

Canby OR 97013 Daytime Phone: (503) 263-6405
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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See attachment						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Clackamas 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) _____

Estimated quantity of water needed: 24.0 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 Nursery

Briefly describe:

Water from two ponds already permitted by the Oregon Water Resources Department will be used for nursery Operations. The water will be used to drip irrigation seed beds and bare root trees.

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. →

ATTACHMENT TO:

Oregon Water Resources Department
Land Use Information Form

Applicant Name: Aldeval Properties LLC

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
5 S	1 E	7	SW SE	700	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
5 S	1 E	7	SE SE	700	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
5 S	1 E	18	NE NE	700	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
5 S	1 E	18	NW NE	700	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
5 S	1 E	18	SW NE	500, 501, 700	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
5 S	1 E	18	SE NE	500, 700	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change

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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): 401

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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Name: Clayton G. Glasgow Title: Planner
 Signature: [Signature] Phone: 503 942-4570 Date: 4.16.13
 Government Entity: Clackamas County

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

Receipt for Request for Land Use Information

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

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SALEM, OR

Legal descriptions

Property where water is to be used:

TL 700

PARCEL 1: A tract of land situated in the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18, to the true point of beginning; thence North 0° 54' 15" West parallel with the East line of Section 18, a distance of 165 feet; thence East parallel with and 165 feet from the center of Schneider Road, County Road No. 628, a distance of 270.5 feet to a point, said point being 1281.5 feet West and 165.0 feet North 0° 54' 15" West of the East one-quarter corner of Section 18; thence South 0° 54' 15" East 165.0 feet to the center of Schneider Road No. 628; thence West along the center of said Schneider Road 270.5 feet to the true point of beginning.

PARCEL 2: All of that part of the following bounded and described real property, and lying Easterly of the centerline of the established Barlow-Monitor County Road located on and over said real property on the date of this conveyance, to-wit:

Beginning 18 chains 72 links (1235.52 feet) West of the half mile post between Sections 17 and 18, Township 5 South, Range 1 East, of the Willamette Meridian; thence North 42 chains 74 links (2820.84 feet); thence West 7 chains 33 links (483.78 feet); thence South 42 chains 74 links (2820.84 feet) thence East 7 chains 33 links (483.78 feet) to the point of beginning, and being a part of the Northeast one-quarter of Section 18, also a fractional part of the South side of Section 7, in said township and range.

ALSO beginning 2 chains 74 links (180.84 feet) North and 26 chains 5 links (1749 feet) West from the corner stake between Sections 7, 8, 17 and 18, Township 5 South, Range 1 East, of the Willamette Meridian; thence West 18 chains 95 links (1250.70 feet); thence South 21 chains 37 links (1410.42 feet); thence East 18 chains 95 links (1250.70); thence North 21 chains 37 links (141.42 feet) to the place of beginning.

EXCEPTING THEREFROM the following described tract:

A tract of land situated in the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains (1749 feet) West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18; thence North 0° 54' 15" West parallel with the East line of Section 18, a distance of 10 rods; thence West parallel with

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the East-West center of section line, 197.0 feet to the East line of the Warren A. Bremer deed line; thence South 0° 54' 15" East parallel with the East line of Section 18, a distance of 10 rods to the point of beginning.

EXCEPT PARCEL 1 above.

ALSO EXCEPT: Beginning at a 3/4" iron pipe at the Northwest corner of that certain tract of land conveyed to John H. Hammond, Jr. and Susan K Hammond by deed recorded as Clackamas County Clerk's No. 85-25157, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence North 15° 18' 00" East along the Easterly line of Market Road No. 9 a distance of 51.33 feet to a 5/8 inch iron rod; thence South 87° 35' 00" East, a distance of 359.26 feet to a 5/8 inch iron rod; thence South 15° 28' 33" West, a distance of 238.81 feet to a 5/8 inch iron rod; thence North 87° 35' 00" West, a distance of 120.74 feet to the Southeast corner of said Hammond tract; thence North 15° 18' 33" East along the East line of said Hammond tract, a distance of 187.49 feet to a 3/4" iron pipe; thence North 87° 35' 00" West along the North line of said Hammond tract, a distance of 238.51 feet to the point of beginning.

AND beginning at the Northeast corner of that certain tract of land conveyed to Boni S. Halton by deed recorded as Clackamas County Clerk's Fee No. 96-080398, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence South 87° 35' 00" East, a distance of 120.74 feet to a 5/8 inch iron rod; thence South 15° 28' 33" West, a distance of 238.78 feet to a 5/8 inch iron rod; thence North 87° 35' 27" West, a distance of 362.83 feet to a 5/8 inch iron rod on the Easterly line of Market Road No. 9 at a point on a 11551.09 foot radius curve to the left; thence along said curve to the left, the chord of which bears North 16° 45' 29" East 51.61 feet, and having a central angle of 0° 15' 22", a distance of 51.61 feet to the Southwest corner of said Halton tract; thence South 87° 35' 27" East along the South line of said Halton tract, a distance of 240.90 feet to a 3/4 inch iron pipe; thence North 15° 28' 33" East along the East line of said Halton tract, a distance of 187.47 feet to the point of beginning.

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Legal descriptions**Property from which water is to be diverted:**

SALEM, OR

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PARCEL 1: A tract of land situated in the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18, to the true point of beginning; thence North $0^{\circ} 54' 15''$ West parallel with the East line of Section 18, a distance of 165 feet; thence East parallel with and 165 feet from the center of Schneider Road, County Road No. 628, a distance of 270.5 feet to a point, said point being 1281.5 feet West and 165.0 feet North $0^{\circ} 54' 15''$ West of the East one-quarter corner of Section 18; thence South $0^{\circ} 54' 15''$ East 165.0 feet to the center of Schneider Road No. 628; thence West along the center of said Schneider Road 270.5 feet to the true point of beginning.

PARCEL 2: All of that part of the following bounded and described real property, and lying Easterly of the centerline of the established Barlow-Monitor County Road located on and over said real property on the date of this conveyance, to-wit:

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ALSO beginning 2 chains 74 links (180.84 feet) North and 26 chains 5 links (1749 feet) West from the corner stake between Sections 7, 8, 17 and 18, Township 5 South, Range 1 East, of the Willamette Meridian; thence West 18 chains 95 links (1250.70 feet); thence South 21 chains 37 links (1410.42 feet); thence East 18 chains 95 links (1250.70); thence North 21 chains 37 links (141.42 feet) to the place of beginning.

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Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains (1749 feet) West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18; thence North $0^{\circ} 54' 15''$ West parallel with the East line of Section 18, a distance of 10 rods; thence West parallel with

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the East-West center of section line, 197.0 feet to the East line of the Warren A. Bremer deed line; thence South 0° 54' 15" East parallel with the East line of Section 18, a distance of 10 rods to the point of beginning.

EXCEPT PARCEL 1 above.

ALSO EXCEPT: Beginning at a 3/4" iron pipe at the Northwest corner of that certain tract of land conveyed to John H. Hammond, Jr. and Susan K Hammond by deed recorded as Clackamas County Clerk's No. 85-25157, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence North 15° 18' 00" East along the Easterly line of Market Road No. 9 a distance of 51.33 feet to a 5/8 inch iron rod; thence South 87° 35' 00" East, a distance of 359.26 feet to a 5/8 inch iron rod; thence South 15° 28' 33" West, a distance of 238.81 feet to a 5/8 inch iron rod; thence North 87° 35' 00" West, a distance of 120.74 feet to the Southeast corner of said Hammond tract; thence North 15° 18' 33" East along the East line of said Hammond tract, a distance of 187.49 feet to a 3/4" iron pipe; thence North 87° 35' 00" West along the North line of said Hammond tract, a distance of 238.51 feet to the point of beginning.

AND beginning at the Northeast corner of that certain tract of land conveyed to Boni S. Halton by deed recorded as Clackamas County Clerk's Fee No. 96-080398, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence South 87° 35' 00" East, a distance of 120.74 feet to a 5/8 inch iron rod; thence South 15° 28' 33" West, a distance of 238.78 feet to a 5/8 inch iron rod; thence North 87° 35' 27" West, a distance of 362.83 feet to a 5/8 inch iron rod on the Easterly line of Market Road No. 9 at a point on a 11551.09 foot radius curve to the left; thence along said curve to the left, the chord of which bears North 16° 45' 29" East 51.61 feet, and having a central angle of 0° 15' 22", a distance of 51.61 feet to the Southwest corner of said Halton tract; thence South 87° 35' 27" East along the South line of said Halton tract, a distance of 240.90 feet to a 3/4 inch iron pipe; thence North 15° 28' 33" East along the East line of said Halton tract, a distance of 187.47 feet to the point of beginning.

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