



**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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml)*

## 1. APPLICANT INFORMATION

Applicant: Mark First Wetzler Last

Mailing Address: PO Box 15445

Seattle City Washington State 98115 Zip

Phone: \_\_\_\_\_ Home \_\_\_\_\_ Work 206-310-4785 Other

Fax: \_\_\_\_\_ E-Mail Address\*: mark.wetzler@gmail.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 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 see table in Section 3

**2. SOURCE OF WATER** for the proposed use: Unnamed streams and diffuse runoff (please see table below), all tributary to Salt 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:

Res. 3 (Pegasus Reservoir), Res. 9 (Firefly), Res. 10 (Enterprise), Res. 11 (Discovery 1) and Res. 12 (Tardis) will be filled by diffuse runoff and water pumped from Reservoirs 1,2,4-8. Portable pump and pipes will be used to move water between reservoirs.

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For Department Use		
App. No. _____	Permit No. _____	Date _____
Storage Water/1		

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Last updated: 8/8/2011

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### 3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be see table below 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

Res. #	Reservoir Name	Dam Location – distances all measured from the SE Corner of Section 5, Twp. 7S, Rng. 5w	Maximum Dam Height	Dam Composition	Stream Name	Tributary to
1	Exeter	3000' North and 1530' West	12	Earthfill	Seasonal Stream #4	Salt Creek
2	Moya	2710' North and 1700' West	12	Earthfill	Seasonal Stream #4	Salt Creek
3	Pegasus	2000' North and 590' West	14	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
4	Serenity	2010' North and 1220' West	12	Earthfill	Seasonal Stream #1	Salt Creek
5	Talyn	2010' North and 1310' West	12	Earthfill	Seasonal Stream #1	Salt Creek
6	Aurora	1590' North and 1180' West	12	Earthfill	Seasonal Stream #2	Salt Creek
7	Blackbird	1520' North and 1250' West	12	Earthfill	Seasonal Stream #2	Salt Creek
8	Bebop	1050' North and 1210' West	12	Earthfill	Seasonal Stream #3	Salt Creek
9	Firefly	1770' North and 1270' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
10	Enterprize	1660' North and 750' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek

Res. #	Reservoir Name	Dam Location – distances all measured from the SE Corner of Section 5, Twp. 7S, Rng. 5w	Maximum Dam Height	Dam Composition	Stream Name	Tributary to
11	Discovery 1	3080' North and 960' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
12	Tardis	2905' North and 830' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek

#### 4. PRIMARY OUTLET WORKS

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

Outlet works will be located at or near the original channel location with inverts set within one (1) foot of original channel grade. Outlet works will be constructed of corrugated pipe and will consist of a trickle tube connected to an outlet pipe that goes through the dam. A headgate will be installed at the base of the trickle tube to facilitate evacuation of the reservoir if the need arises. The trickle tube will have a minimum diameter of eight (8) inches. The outlet pipe will have a minimum of eight (8) inches.

*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:

Typical Emergency Spillway size: 2:1 maximum side slope, 1.5 ft. minimum bottom width, 1.5 ft. minimum deep.

Typical Emergency Spillway location: Right edge of the dam unless conditions require locating spillway on the left edge of the dam.

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

All reservoirs will be used for irrigation, livestock watering. **Pegasus** (Reservoir #3), **Discovery 1** (Reservoir #11) and **Tardis** (Reservoir #12) will be used for recreation in addition to irrigation and livestock watering.

7. **THE AMOUNT OF WATER** to be stored is: see table below acre-feet.

The area submerged by the reservoir, when filled, will be see table below acres.

Res. #	Reservoir Name	Storage Capacity(acre-ft.)	Area Submerged (acres)
1	Exeter	0.8	0.2
2	Moya	1.0	0.3
3	Pegasus	4.0	0.6
4	Serenity	0.7	0.2
5	Talyn	0.8	0.2
6	Aurora	0.4	0.1
7	Blackbird	0.8	0.2
8	Bebop	0.6	0.2
9	Firefly	5.0	0.8
10	Enterprize	1.0	0.4
11	Discovery 1	3.9	1.0
12	Tardis	1.0	0.3
	Total	20.0	4.5

8. **PROJECT SCHEDULE: (List Month and Year)**

Proposed date construction work will begin: September 2014

Proposed date construction work will be completed: September 2018

Proposed date water use will be completed: September 2019

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

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**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: N/A

**10. WITHIN A DISTRICT**

N/A

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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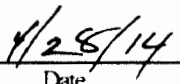
**11. MAP REQUIREMENTS** The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed 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:    
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](http://www.wrd.state.or.us) or call (503) 986-0900.

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**WATER RESOURCES DEPT**  
211 NE Oregon Street, Portland, OR 97232-3199

# 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: MARK WETZLER  
First Last

Mailing Address: PO Box 15445

SEATTLE WA 98115 Daytime Phone: 206 310 4785  
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:
7	5W	5		202	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Develop RR-5/Units
						<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:

POLK

## 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: 15   
 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 LIVE STOCK

Briefly describe:

BUILD SEVERAL SMALL RESERVOIRS AROUND THE PROPERTY FOR IRRIGATION LIVE STOCK & RECREATIONAL USE. RECREATIONAL USE IS FOR PRIVATE USE ONLY.

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.

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For Local Government Use Only

WATER RESOURCES DEPT SALEM, OREGON

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

[X] 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): PCZO 136.030(A)

[ ] 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."

Table with 3 columns: Type of Land-Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Land-Use Approval (Obtained, Denied, Being Pursued, 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.

Any public use of reservoirs may require permits.

Name: Samuel A Thomas Title: Assistant Planner

Signature: [Signature] Phone: (503) 623 9237 Date: 3/3/2014

Government Entity: Polk County Community Development

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: \_\_\_\_\_



**First American**

*First American Title Company of Oregon*  
PO Box 451 Dallas, OR 97338  
807 Main St, Dallas, OR 97338  
Phn - (503)623-5513  
Fax - (866)712-4648

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Order No.: 7121-2171489  
October 29, 2013

WATER RESOURCES DEPT  
SALEM, OREGON

**FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:**

**CAROL TROWBRIDGE**, Escrow Officer/Closer  
Phone: (503)623-5513 - Fax: (866)712-4648- Email: ctrowbridge@firstam.com  
First American Title Company of Oregon  
807 Main Street, Dallas, OR 97338

**FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:**

**Debbie Filson**, Branch Manager/Sr. Title Officer  
Phone: (503)623-5513 - Email: dfilson@firstam.com

**Preliminary Title Report**

**County Tax Roll Situs Address:** 13955 Highway 22 Highway, Dallas, OR 97338

**Proposed Insured Lender: NW Farm Credit**

2006 ALTA Owners Standard Coverage	Liability \$	296,000.00	Premium \$	940.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	146,000.00	Premium \$	270.00
Endorsement 9, 22 & 8.1			Premium \$	100.00
Govt Service Charge			Cost \$	
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a California Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of October 23, 2013 at 8:00 a.m., title to the fee simple estate is vested in:

Cheryl I. Zentz

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

- 2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
- 5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.**

**In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:**

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
  - i. Satisfactory evidence that no construction liens will be filed; or
  - ii. Adequate security to protect against actual or potential construction liens;
  - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
- 6. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 7. Restrictive Covenant, including terms and provisions thereof.  
Recorded: March 19, 2012 as Document No. 2012-002546, Book of Records
- 8. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

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*First American Title*

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SALEM, OREGON

NOTE: Any conveyance or encumbrance of the herein described property should include the following: ALSO TOGETHER WITH that 15 foot utility easement which was created by Partition No. 1996-008 and which is referred to by note "D" on the plat of said Partition.

ALSO TOGETHER WITH that waterline easement which is recorded in Book of Records 233, Page 1668 of the Polk County Deed Records and which is set forth on Partition Plat 1996-008, over and across a strip of land 10 feet in width and the West line of said strip being more particularly described as beginning at a point which is 868.16 feet South of the Northwest Corner of the George Brown Donation Land Claim No. 40 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South along the West line of said Brown Claim, a distance of 1642.44 feet more or less to an iron rod on the northerly line of U. S. Highway No. 22.

NOTE: We find no judgments or United States Internal Revenue liens against Mark Wetzler

NOTE: Taxes for the year 2013-2014 PAID IN FULL

Tax Amount:	\$254.47
Map No.:	07505-00-00202
Property ID:	154204
Tax Code No.:	0203

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Re-recorded Bargain and Sale Deed recorded April 03, 2012 as Document No. 2012-003198, Book of Records, Cheryl I. Zentz, as sole Trustee of "The Prune Man M.R. Hoekstre Trust" to Cheryl I. Zentz, as sole remaining beneficiary of "The Prune Man M.R. Hoekstre Trust".

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!  
WE KNOW YOU HAVE A CHOICE!**

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SALEM, OREGON

**RECORDING INFORMATION**

Filing Address: **First American Title Recorder for Polk County**  
807 Main Street  
P.O. Box 451  
Dallas, OR 97338

Recording Fees: \$ **46.00** per document (most documents) (1st page)  
\$ **5.00** per additional page  
\$ **20.00** non-standard fee  
\$ **5.00** each additional title

cc: Mark Wetzler  
cc: Cheryl Zentz  
cc: NW Farm Credit

cc: Gladys Blum, Blum Real Estate  
2150 Commercial ST SE, Salem, OR 97302  
cc: Steven Blum, Blum Real Estate

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## First American Title Insurance Company

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

#### ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

#### SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

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**Exhibit "A"**

Real property in the County of Polk, State of Oregon, described as follows:

Beginning at an iron rod which is 25.51 feet North 00°26'10" East from the Southeast Corner of the James Fawk Donation Land Claim No. 58 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence North 00°26'10" East along the East line of said Fawk Claim 1147.77 feet to an iron rod; thence South 89°47'47" East, 1311.09 feet to an iron rod on the North line of that tract of land conveyed to Alice E. Lynn and recorded in Volume 78, Page 129 of the Polk County Deed Records; thence South 06°58'07" East, 842.91 feet to an iron rod; thence South 88°29'06" West, 266.22 feet to an iron rod; thence South 16°21'30" East, 895.33 feet to an iron rod; thence West, 259.60 feet to an iron rod; thence South, 627.82 feet to an iron rod; thence West, 468.07 feet to a 2" iron pipe at the Most Easterly corner of that tract of land conveyed to Alexander E. Gilmour and Betty J. Gilmour and recorded in Volume 199, Page 389 of the Polk County Deed Records; thence West, 231.00 feet to an angle in that Easterly line of said Gilmour tract of land and said angle point being marked by an iron rod; thence North 00°17'59" East, 1186.89 feet to an iron pipe at the Northeast corner of said Gilmour tract of land; thence North 89°54'54" West, 455.66 feet more or less to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress and egress and utilities over and across a strip of land 30 feet in width and lying 15 feet on each side of the following described centerline: Beginning at a point which is 883.59 feet South from the Northwest corner of the George Brown Donation Land Claim No. 40 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon and said point being on the West line of said Brown Claim; thence North 76°25'46" West, 71.56 feet; thence North 00°00'00" East parallel with and 15 feet westerly from the easterly line of said Parcel No. 1, Partition No. 1996-008, a distance of 356.30 feet; thence North 89°45'53" West parallel with and 15 feet southerly of said easterly line, a distance of 420.00 feet to a point from which an iron rod bears North 77°04'55" West, 68.32 feet and said iron rod being at the Southerly Southwest corner of Parcel 2 of said Partition No. 1996-008 and an angle in the Easterly line of said Parcel 1; thence North 19°15'20" West, 143.25 feet; thence North 02°04'08" East, 102.73 feet; thence North 69°27'51" West, 323.56 feet; thence North 56°35'16" West, 95.43 feet; thence North 03°14'34" West, 118.08 feet; thence North 60°37'18" East, 80.16 feet; thence North 77°03'36" East, 200.64 feet; thence North 50°09'02" East, 124.84 feet; thence North 23°14'27" East, 269.88 feet to a point which is 32.95 feet South 86°38'51" East from the Section Corner common to Sections 4, 5, 8 and 9; thence North 15°12'37" West, 190.49 feet; thence North 13°14'20" East, 134.41 feet; thence North 09°11'02" East, 220.99 feet; thence North 06°07'15" West, 163.25 feet; thence North 25°38'50" West, 383.10 feet; thence North 07°50'40" East, 123.73 feet; thence North 32°54'50" West, 214.02 feet; thence North 45°07'52" West, 255.40 feet; thence North 34°35'40" West, 103.41 feet more or less to a point on the westerly line of said Parcel 2, Partition No. 1996-008 from which an iron rod bears West, 158.68 feet. NOTE: The intent of the above description is to correct or amend that easement recorded in Book of Records 229, Page 1664 and which is also shown on said Partition No. 1996-008.

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress and utilities over and across a strip of land 31 feet in width and the East line of said strip being more particularly described as beginning at a point which is 883.59 feet South of the Northwest Corner of the George Brown Donation Land Claim No. 40, said point being on the West line of said Brown Claim, in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South along the West line of said Brown Claim, a distance of 1627.08 feet more or less to an iron rod on the northerly line of U. S. Highway No. 22.

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ALSO TOGETHER WITH a non-exclusive easement for ingress and egress and utility purposes, over and across a strip of land which is 30 feet in width and lying 15 feet on each side of the following described centerline: Beginning at a point which is 32.95 feet South  $86^{\circ}38'51''$  East and 190.49 feet North  $15^{\circ}12'37''$  West and 134.41 feet North  $13^{\circ}14'20''$  East and 220.99 feet North  $09^{\circ}11'02''$  East and 163.25 feet North  $06^{\circ}07'15''$  West from the Southeast Corner of Section 5, Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon and said section corner marked by a brass cap set in concrete per Polk County Restoration No. E-9; thence North  $06^{\circ}07'15''$  West, 252.53 feet; thence North  $21^{\circ}20'39''$  West, 144.58 feet; thence North  $43^{\circ}53'00''$  West, 71.44 feet; thence North  $32^{\circ}54'49''$  West, 250.56 feet; thence North  $45^{\circ}07'52''$  West, 255.40 feet; thence North  $34^{\circ}35'40''$  West, 103.41 feet more or less to a point on the South line of the above described tract of land being hereby conveyed, from which an iron rod bears West, 158.68 feet. The intent of the above easement is to reserve all previous rights to that portion of the easement recorded in Book of Records 229, Page 1664, which lies Northerly of the above described Point of Beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

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Res. #	Reservoir Name	Dam Location – distances all measured from the SE Corner of Section 5, Twp. 7S, Rng. 5W	Maximum Dam Height	Dam Composition	Stream Name	Tributary to
1	Exeter	3000' North and 1530' West	12	Earthfill	Seasonal Stream #4	Salt Creek
2	Moya	2710' North and 1700' West	12	Earthfill	Seasonal Stream #4	Salt Creek
3	Pegasus	2000' North and 590' West	14	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
4	Serenity	2010' North and 1220' West	12	Earthfill	Seasonal Stream #1	Salt Creek
5	Talyn	2010' North and 1310' West	12	Earthfill	Seasonal Stream #1	Salt Creek
6	Aurora	1590' North and 1180' West	12	Earthfill	Seasonal Stream #2	Salt Creek
7	Blackbird	1520' North and 1250' West	12	Earthfill	Seasonal Stream #2	Salt Creek
8	Bebop	1050' North and 1210' West	12	Earthfill	Seasonal Stream #3	Salt Creek
9	Firefly	1770' North and 1270' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
10	Enterprize	1660' North and 750' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
11	Discovery 1	3080' North and 960' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek
12	Tardis	2905' North and 830' West	12	Earthfill	Diffuse runoff and water pumped from Reservoirs 1,2,4-8.	Salt Creek

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