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SALEM, OR

Application for a Permit to

Store Water in a Reservoir

(Alternate Review)

.409): You may use this form for any reservoir storing less than
at or with a dam less than 10 feet high.

separate form for each reservoir

application is found to be incomplete or inaccurate, we will return it to
not apply, insert "n/a". 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: Sharon Livingston
First Last
Mailing Address: PO Box 488
Long Creek OR 97856
City State Zip
Phone: 541-421-5276
Home Work Other
Fax: 541-421-5276 E-Mail Address*: sharon@ofcwb.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.)

2. AGENT INFORMATION

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

Agent: _____
First Last
Mailing Address: _____

City State Zip
Phone: _____
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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Keeney Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Keeney Creek Tributary to: Long Creek

C. County in which diversion occurs: Grant County

App. No. <u>R-37972</u>	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10 S	30E	16	NW NE	2106

E. Dam: Maximum height of dam: 3 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 0.70 Af

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

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multi-purpose Storage

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

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 5)



There are no encumbrances



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

☐ 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 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: ☒ in-stream or ☐ off channel?
- B. **Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. **Existing:** Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? 75+ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

This reservoir has been in place for over 75 years. The reservoir provides stock water for a portion of the year until it dries up in mid summer. The reservoir is a small earthen dam. During periods of flow in the Creek water can pass the reservoir along the Western Edge of the Reservoir.

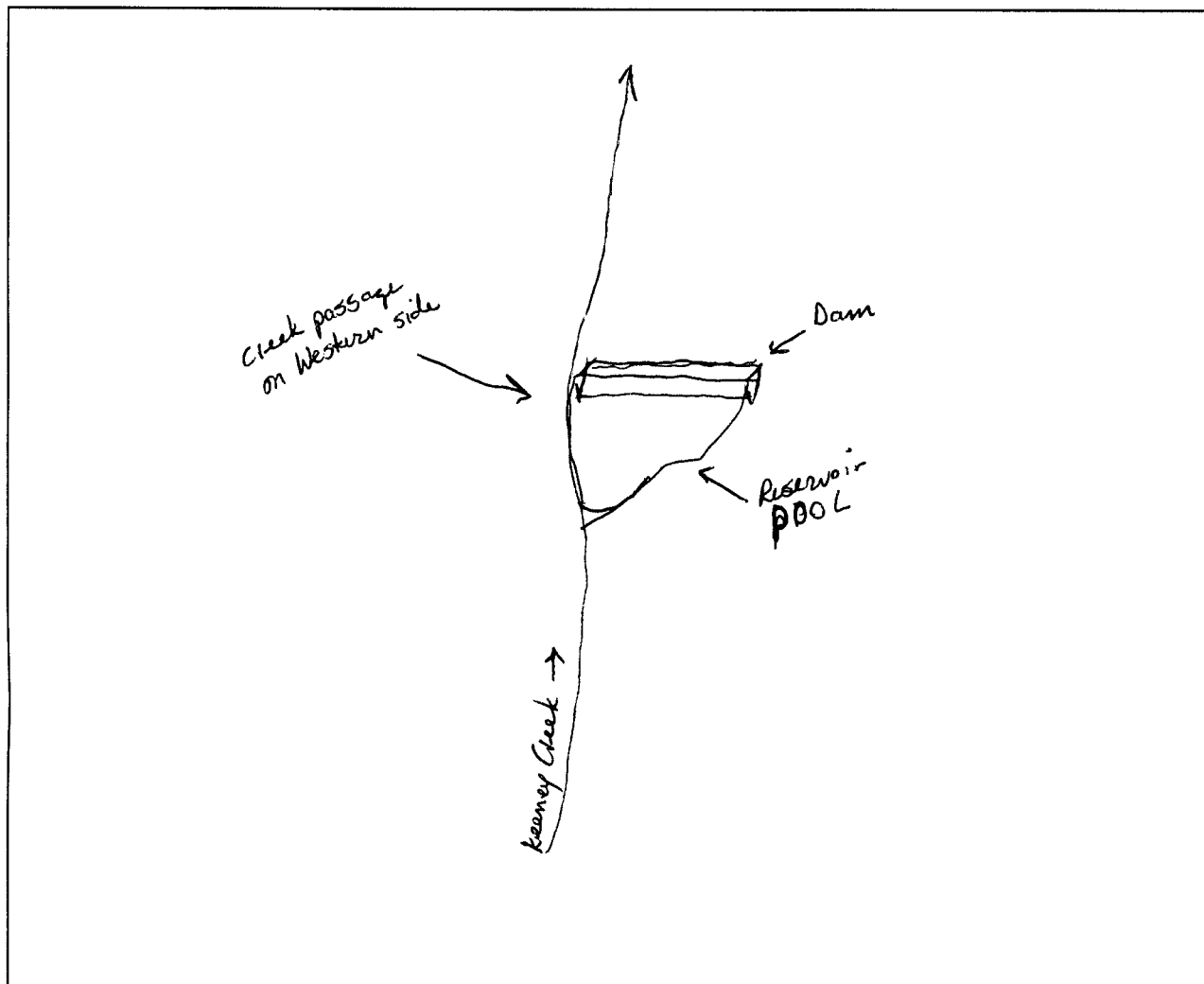
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Sharon Livingston
Landowner Signature

6/19/2014
Date

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- Before you submit your application be sure you have:
- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: *Sharon Livingston*

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain: *This reservoir will be significantly junior to all water rights down stream of the pond. The fill of this reservoir can be regulated off if necessary to protect downstream water rights.*

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☒ YES

If YES, which conditions are recommended:

Apply water availability fill period limitation. This reservoir is small and primarily used for seasonal stock water. I would suggest limiting fill period to March 1st thru June 30th each year.

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature: *[Signature]*

Date: *6/23/2014*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sharon Livingston P.O. Box 488

Long Creek, OR 97856 ph# 541-421-5276

Reservoir Name: Keeney Reservoir Source: Keeney Creek Volume (AF): 0.70 AF

Twp Rng Sec QQ: T.10S R.30E Sec. 16 Tax lot 2106 Basin Name: Long Creek ☒ in-channel
☐ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff

1) Is the proposed project and AO¹ off channel? ☐ YES ☒ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present? ☐ YES ☒ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?..... N/A ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... N/A ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☐ YES ☒ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☐ YES (select from Menu of Conditions on next page)

ODFW Signature: _____

Print Name: _____

ODFW Title: _____

Date: _____

NOTE: This completed form must be returned to the applicant.

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

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blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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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: Sharon Livingston
First Last

Mailing Address: P.O. Box 488

Long Creek OR 97856 Daytime Phone: 541-421-5276
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:
10 S	30 E	16	NW NE	2106	MUR	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Grant County, OR

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) Keeney Creek

Estimated quantity of water needed: 0.70 AF ☐ 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 Multi-Purpose Storage

Briefly describe:

File for a water right on a pond that has been on my property for over 75 years.

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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See bottom of Page 3. →

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For Local Government Use Only

Sharon Livingston
P.O. Box 488
Long Creek, OR 97856
T. 105 R. 30 E Sec 16
Tax lot 2106

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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): Article 16.6 Grant Co Land Development Code
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ 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.

Name: Shannon Springer Title: Assistant Planner
Signature: Shannon Springer Phone: 541-575-7519 Date: 6/23/14
Government Entity: Grant County Planning Dept

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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See Highlighted portion - page 2 & 3.

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EXHIBIT A
(Real Property Description)

Land in Grant County, Oregon, as follows:

In Twp. 9 S., R. 30 E., W.M.:

- Sec. 31: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 32: SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 36: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

In Twp. 9 S., R. 31 E., W.M.:

- Sec. 16: W $\frac{1}{2}$ W $\frac{1}{4}$.
Sec. 17: W $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 18: NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 20: W $\frac{1}{4}$.

In Twp. 10 S., R. 30 E., W.M.:

- Sec. 1: NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4);
Sec. 2: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3). SAVE & EXCEPT that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ conveyed to Grant County, Oregon, by Deed dated Feb. 24, 1965, recorded Feb. 25, 1965, in Book 92, Page 280, Deed Records of Grant County, Oregon, for right of way on County Road No. 16, known as the Chapman Road.
Sec. 5: NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4), SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SAVE & EXCEPT the following:
(a) That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ conveyed to Grant County, Oregon, by deed dated May 3, 1928, recorded May 9, 1928 in Book 37, Page 426, Deed Records of Grant County, Oregon, for right of way.
(b) That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ lying South of the relocated Kimberly-Long Creek Highway as said highway is described in Deed Book 74, page 251.
(c) That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ conveyed to the State of Oregon, by and through its State Highway Commission, by Deed dated March 20, 1956, recorded March 26, 1956 in Book 74, Page 251 Deed Records of Grant County, Oregon, for right of way.
(d) Beginning at the intersection of the Southerly line of the re-located highway right of way (Parcel "b" above) with the East-West center line of Sec. 5; thence S. 89° 32' W., along said East-West center line, 856.4 feet; thence N. 0° 40' W., 357.5 feet to the Southerly right of way line; thence S. 67° 50' 15" E., along said Southerly right of way line, 929.2 feet to the place of beginning, containing 3.51 acres, more

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line of Sec. 5; thence S. 89° 32' W., along said East-West center line, 856.4 feet; thence N. 0° 40' W., 357.5 feet to the Southerly right of way line; thence S. 67° 50' 15" E., along said Southerly right of way

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or less. Bearings used based upon the Oregon Coordinate System, North Zone.

Sec. 22: Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 23: Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

In Twp. 9 S., R. 30 E., W.M.:

Sec. 21: E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$.

In Twp. 10 S., R. 30 E., W.M.:

Sec. 9: SE $\frac{1}{4}$, SAVE & EXCEPT the following:

- (a) That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ platted in what is known as Joseph W. Keeney's Townsite of Long Creek recorded in Book "G", Page 519, Deed Records of Grant County, Oregon.
- (b) That portion conveyed to California-Pacific Utilities Company, described as follows: Beginning at a point 1,100.7 feet West and 654.9 feet North of the Southeast corner of said Sec. 9; thence North 50 feet; thence East 50 feet; thence South 50 feet; thence West 50 feet to the place of beginning.
- (c) That portion of the following described tract conveyed to the State of Oregon, by and through its State Highway Commission lying within the SE $\frac{1}{4}$ of said Sec. 9, described as follows: Beginning on the Easterly right of way line of the Pendleton-John Day Highway at a point 30 feet Easterly from, when measured at right angles to, said highway center line at Station 732+25; said point being 163.8 feet South and 1,172.9 feet West of the Southeast corner of said Sec. 9; thence S. 64° 29' 30" E., 200.0 feet; thence N. 25° 30' 30" E., 300.0 feet; thence N. 64° 29' 30" W., 200.0 feet to the Easterly right of way line of said highway; thence S. 25° 30' 30" W., along said Easterly right of way line, 300.0 feet to the place of beginning.
- (d) A tract of land in the SE $\frac{1}{4}$ of said Sec. 9, described as follows: Beginning at the Southwest corner of Block 19 in what is known as Joseph W. Keeney's Townsite of Long Creek, Oregon, recorded in Deed Book "G", page 519; thence South 430.0 feet; thence East 514.0 feet; thence North 430.0 feet to the Southwest corner of Block 18 in said Joseph W. Keeney's Townsite of Long Creek; thence West, along the South boundary of Eagle Street and the South boundary of Block 19 in said Joseph W. Keeney's Townsite of Long Creek, 514.0 feet to the point of beginning.
- (e) Blocks 4 and 5 of Allen's Addition to the Town of Long Creek, Grant County, Oregon.

Sec. 10: W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, SAVE & EXCEPT the following:

- (a) Beginning at a point on the center line of "E" street in the Town of Long Creek, said point being 40.0 feet East of the Northeast corner

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of Block 4 of the L.C.I. Addition to said Town of Long Creek recorded Aug. 4, 1892 in Book "L", Pages 434-35, Deed Records of Grant County, Oregon; thence South, parallel to and 40.0 feet distant from the East line of Blocks 4 and 11 of said L.C.I. Addition, 768.0 feet to the South line of 4th Street; thence West, along the South line of said 4th Street, 1,520.0 feet, more or less, to the West line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 10; thence North, along the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 798.0 feet, more or less; thence East, along the North line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 10, 1,520.0 feet, more or less, to a point North of the place of beginning; thence South 30.0 feet, more or less, to the place of beginning.

- (b) That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ included in the right of way known as Main Street in the Town of Long Creek.
- (c) That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ conveyed to Grant County, Oregon, by Deed dated April 12, 1966, recorded April 12, 1966 in Book 94, Page 450, Deed Records of Grant County, Oregon, for road right of way.
- (d) A tract of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 10, described as follows: Beginning at a point on the south right of way line of Fourth Street in the said Town of Long Creek, Oregon; said point being S. 0° 46' W. 80 feet from the Southeast corner of Block 13 of said L.C.I. Addition; thence N. 89° 14' W., along the South side line of said Fourth Street, 150 feet; thence S. 0° 46' W., 320 feet; thence S. 89° 14' E., 486.13 feet; thence N. 0° 46' E., 320 feet; thence N. 89° 14' W., 336.13 feet to the point of beginning.
- (e) Parcel 2 of Grant County Partition Plat 96-03.

Sec. 15: W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$; SAVE & EXCEPT the following described tract: A tract of land situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15 as follows: Commencing at the West quarter corner of said Sec. 10; thence S. 89° 14' E., a distance of 720.00 feet; thence S. 0° 46' W., a distance of 798.00 feet to a 5/8" diameter iron rod, said iron rod being the S.W. corner of the intersection of "C" Street and 4th Street, in the City of Long Creek; thence S. 22° 14' E., a distance of 2,592 feet, more or less, to point #1 and point of beginning; said point being located in the Northerline of the Long Creek reservoir property; thence N. 79° E., a distance of 105.00 feet to point #2; thence S. 11° E. a distance of 200.00 feet to point #3; thence S. 79° W., a distance of 200.00 feet to point #4; thence N. 11° W., a distance of 200.00 feet to point #5; thence N. 79° E., a distance of 95 feet to point #1 and the terminus of the afore described parcel of land. The afore mentioned points 2, 3, 4 and 5 represent respectively the N.E., S.E., S.W. and N.W. corner of the afore described Long Creek reservoir property.

Sec. 16: E $\frac{1}{2}$, SAVE & EXCEPT the following: That portion of the following described tract conveyed to the State of Oregon, by and through its State

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Highway Commission lying within the NE $\frac{1}{4}$ of said Sec. 16, described as follows: Beginning on the Easterly right of way line of the Pendleton-John Day Highway at a point 40 feet Easterly from, when measured at right angles to, said highway center line at Station 732+25; said point being 163.8 feet South and 1,172.9 feet West of the Northeast corner of said Sec. 16; thence S. 64° 29' 30" E., 200.0 feet; thence N. 25° 30' 30" E., 300.0 feet; thence N. 64° 29' 30" W., 200.0 feet to the Easterly right of way line of said highway; thence S. 25° 30' 30" W., along said Easterly right of way line, 300.0 feet to the place of beginning.

Sec. 21: Lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SAVE & EXCEPT that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ conveyed to the State of Oregon, by and through its State Highway Commission, by Deed dated May 7, 1941, recorded May 21, 1941 in Book 44, Page 503, Deed Records of Grant County, Oregon, for highway right of way.

Sec. 22: Lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SAVE & EXCEPT the following:

- (a) That portion of Lot 4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed dated May 7, 1941, recorded May 21, 1941, in Book 44, Page 503, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion of Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ conveyed to Grant County, Oregon, by Deed dated Nov. 24, 1928, recorded Feb. 7, 1929 in Book 38, Page 55, Deed Records of Grant County, Oregon, for highway right of way.
- (c) That portion conveyed to the State of Oregon, by and through its State Highway Commission, described as follows: Beginning at a point opposite and 40 feet Southerly of Engineer's Station 603+44.4 on the center line of the Pendleton-John Day Highway; said point being 110.4 feet South and 1,079.5 feet East of the West quarter corner of said Sec. 22; thence S. 47° 32' 30" E., 368.6 feet; thence N. 47° 18' 10" E., 255.7 feet; thence N. 12° 21' 30" W., to the Southerly right of way line of said highway; thence Westerly, along said right of way line, to the place of beginning.
- (d) That portion conveyed to the State of Oregon, by and through its Department of Transportation, by Warranty Deed dated Aug. 29, 1989, recorded October 23, 1989, in Deed Book 139, page 557, and by Correction Warranty Deed dated June 8, 1990, recorded June 18, 1990 in Deed Book 140, page 701, conveying a parcel of land lying in Secs. 9, 15, 16, 21 and 22 in said Twp. 10 S., R. 30 E., W.M., for highway and incidental purposes.