

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

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Water-Use Permit Application Processing

1. Completeness Determination

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The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.owr). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

S-88049

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☐ SECTION 1: applicant information and signature
- ☐ SECTION 2: property ownership
- ☐ SECTION 3: source of water requested
- ☐ SECTION 4: water use
- ☐ SECTION 5: water management
- ☐ SECTION 6: resource protection
- ☐ SECTION 7: project schedule
- ☐ SECTION 8: within a district
- ☐ SECTION 9: remarks

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Attachments:

- ☐ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☐ 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.
- ☐ Fees - Amount enclosed: \$
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☐ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other:

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME David G. Leach		PHONE (HM) 503-250-0147	
PHONE (WK)	CELL 503-250-0147	FAX	
ADDRESS 20505 NW Morgan Rd.			
CITY Portland	STATE OR	ZIP 97231	E-MAIL * bloomathon@gmail.com

Organization Information

NAME		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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.

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

Applicant Signature

David G. Leach

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. 9-88009	Permit No. _____	Date _____
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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*).

Section 11 2N2W, TL 200: Phil and Judy Temko, 4780 Hidden Oaks Rd., Santa Rosa, CA 95404

Section 11 2N2W, TL 600: Larry and Gloria Nelson, 20644 NW Morgan Rd., Portland, OR 97231

Section 11 2N2W, TL 700: Erica Smith, 2433 NE Desert Willow Ct., Bend, OR 97701

Section 11 2N2W, TL 800: Larry Nelson, 20644 NW Morgan Rd., Portland, OR 97231

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.

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: Unnamed stream

Tributary to: Patterson Creek

Source 2:

Tributary to:

Source 3:

Tributary to:

Source 4:

Tributary to:

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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).

B. Applications to Use Stored Water

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

☐ Yes.

☐ 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
Unnamed trib to Patterson Creek	Human consumption & domestic use	Year-round	.005 ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

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

Primary: _____ Acres

Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

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

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☐ Pump (give horsepower and type): _____

☒ Other means (describe): Gravity fed

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Concrete reinforced walled reservoir, 15' in length, 8' wide with floodgate consisting of I-beam and removable wood 2x6 for control and storage of up to 3' in height. Reservoir capacity approx. 600 gallons. Water line enters lower part of wall and consists of 3 1/2" cast-iron pipe capped with a gallon-sized strainer. (Point of diversion). Pipe flows 10' to shut-off valve to water system. Pipe bushes to 6" PVC for 360' then bushes to 4" PVC. Pipe runs approx. 2500' to a shut-off valve, then is plumbed to 1" PVC pipe supplying the house for domestic use. (Pipe is 2-3' in depth for length of run.)

B. Application Method

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

N/A. For domestic use. Not irrigation.

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.

Water is limited to domestic use. Water meter will be installed.

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:

☐ 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:

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe:

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Already constructed.

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Date construction will be completed: N/A.

Date beneficial water use will begin: This property has used water from this source for decades.

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	
City	State	Zip

SECTION 9: REMARKS

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

Land Use Information Form



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(503) 986-0900
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NOTE TO APPLICANTS

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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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02/06/2015 1:36PM 000001 #0231

0011 KATHY

PERMITS-TYPE 1 \$57.00

Land Use Information Form

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

Applicant: David
First

Leach
Last

Mailing Address: 20505 NW Morgan Rd.

Portland
City

OR
State

97231
Zip

Daytime Phone: 503-250-0147

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:
2N	2W	11	SE 1/4 SE 1/4	900	RR	☐ Diverted	☐ Conveyed	☒ Used	same
2N	2W	11	SW 1/4 SE 1/4	200	CFU1	☒ Diverted	☐ Conveyed	☐ Used	same
2N	2W	11	SE 1/4 SE 1/4	600	RR	☐ Diverted	☒ Conveyed	☐ Used	same
2N	2W	11	SE 1/4 SE 1/4	700	RR	☐ Diverted	☒ Conveyed	☐ Used	same
2N	2W	11	SE 1/4 SE 1/4	800	RR	☒ Conveyed			same

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

Multnomah County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Unnamed stream, a tributary of Patterson Creek

Estimated quantity of water needed: .005 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 1 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Concrete reinforced walled reservoir, 15' in length, 8' wide with floodgate consisting of t-beam and removable wood 2x6 for control and storage of up to 3' in height. Reservoir capacity approx. 600 gallons. Water line enters lower part of wall and consists of 3 1/2" cast-iron pipe capped with a gallon-sized strainer. (Point of diversion). Pipe flows 10' to shut-off valve to water system. Pipe bushes to 6" PVC for 360' then bushes to 4" PVC. Pipe runs approx. 2500' to a shut-off valve, then is plumbed to 1" PVC pipe supplying the house for domestic use. (Pipe is 2-3' in depth for length of run.)

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.

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): MCC 33.3120(c)
- ☐ 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.

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Name: Lisa Estrin Title: Planner

Signature: Lisa Estrin Phone: 503-988-0167 Date: 2/6/15

Government Entity: Multnomah County Land Use Planning

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: _____

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): MCC 33.3120(c)
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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

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WATER RESOURCES DEPT
SALEM, OREGON

Name: Lisa Estrin Title: Planner

Signature: Lisa Estrin Phone: 503988.0167 Date: 2/6/15

Government Entity: Multnomah County Land Use Planning

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: _____

BUYER'S GC

WATER RESOURCES DEPT
SALEM, OREGON

S-88049

KNOW ALL MEN BY THESE PRESENTS, That we, Clara May Austin, husband and wife, of the County of Clatsop, State of Oregon, do hereby certify that the following and property, with the improvements thereon, do and ever lawfully belong to the County of Clatsop, State of Oregon, to-wit:

The Northwest Quarter of the Northwest Quarter of Section 11, and the Southeast Quarter of the Southeast Quarter of Section 11, all in Township 2 North, Range 2 West of the Willamette Meridian, in the County of Multnomah and State of Oregon; RESERVING HOWEVER the right and privilege to use and travel upon, over and across existing roads now upon said premises, which right and privilege shall not be exclusive.

GIVING AND GRANTING also unto Grantee, the right to take water for domestic purposes from premises of the grantors located and being in the Northwest Quarter of the Southeast Quarter of said Section 11, Township 2 North of Range 2 West of the Willamette Meridian, and to use the water system now in operation and serving premises hereinafter conveyed, together with right to go upon said premises for the purpose of maintaining said water system.

The above premises are subject to a lease, including the terms and provisions thereof, to Sunray-Mid-Continent Oil Company, recorded November 8, 1934 in Book 1015, page 519, deed records of Multnomah County, Oregon.

Sec. 11, 2N 2W - Arb. # 3 Arb. (9) out of 10
Sec. 14, 2N 2W - Arb. # 12 Arb. (2) out of 10

To Have and to Hold the above described and granted premises unto the said Grantee, heirs and assigns forever.

And We, the grantors, do covenant that we, the above, lawfully owned in fee simple of the above granted premises free from all encumbrances.

and that we, the said Grantors, heirs, executors and administrators, shall warrant and defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness Our hand and seal this 14th day of November, 1937.

STATE OF OREGON,
County of Columbia
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the parties named G. M. Austin and Clara May Austin, who are known to me to be the identical individual, shown A in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

W. H. H. H. H.
Notary Public for Oregon
My Commission expires Nov 23 1939

40837
WARRANTY DEED
Shippens, R. L. L. L.
Box 716
Shippens, Ore.

NOTARY PUBLIC
STATE OF OREGON
COUNTY OF CLATSOP
My Commission Expires Nov 23 1939

EASEMENT

433097

DONALD K. DAVID and PEGGY DAVID, husband and wife, ARTHUR F. KONIG,
MARLIN J. MILES, L. O. HUNT and EVA MAE HUNT, husband and wife, and CAROLYN
K. HANSON and MURLE J. HANSON, husband and wife, hereinafter called Grantors,
convey to all owners of real property located in the Southeast one-quarter of
the Southeast one-quarter of Section 11, Township 2 North, Range 2 West of the
Willamette Meridian, Multnomah County, Oregon, and their heirs and assigns,
including future owners of portions of their respective tracts, a perpetual and
non-exclusive easement, 60 feet in width for construction and maintenance of a
roadway and for installation and maintenance of water lines and other public utility
or private utility company pipes, poles, wires, or lines, and for ingress and egress
of all parties hereto. Said easement is more particularly described as follows:

Recorded in
Book 148, Page 115
Tulsa Insurance Company

Book 148, Page 115

An Easement reserved for ingress and egress and for installing and main-
taining utilities, located in the Southeast one quarter (S.E. 1/4) of the
Southeast one quarter (S.E. 1/4) of Section 11, Township 2 North, Range 2
West of the Willamette Meridian, Multnomah County, Oregon. Said easement being
60.00 feet in width, 30.00 feet on each side of the following described
Center Line.

Beginning at the Southeast Corner of said Section 11, thence North
00°06'20" West along the Easterly line of said Section 11 a distance of
30.02 feet to the true point of beginning of the center line herein described.

Thence North 88°05'16" West parallel with and 30.00 feet Northerly of
the Southerly line of said Section 11, a distance of 915.65 feet to the
beginning of a curve; thence along a 100.00 foot radius curve to the right
through a central angle of 48°50'36" an Arc distance of 85.25 feet (the long
chord of said curve bears North 63°40'18" West a distance of 82.69 feet);
thence North 39°15'00" West a distance of 59.41 feet to the beginning of a
curve; thence along a 300.00 foot radius curve to the right through a central
angle of 97°18'00" an Arc distance of 61.70 feet (the long chord of said
curve bears North 35°36'00" West a distance of 63.66 feet); thence North
31°57'00" West a distance of 78.58 feet to the beginning of a curve; thence
along a 300.00 foot radius curve to the left, through a central angle of
27°09'00" an Arc distance of 142.16 feet (the long chord of said curve bears
North 45°21'30" West a distance of 140.81 feet); thence North 59°06'00" West
a distance of 12.65 feet to the beginning of a curve; thence along a 146.08
foot radius curve to the right through a central angle of 97°57'00" an Arc
distance of 249.73 feet (the long chord of said curve bears North 10°07'30"
West a distance of 191.74 feet); thence South 28°51'00" East a distance of
201.17 feet to the beginning of a curve; thence along a 130.00 foot radius

EASEMENT - 1.

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Title Insurance Company

curve to the left through a central angle of 37°18'00" an arc distance of 84.63 feet (the long chord of said curve bears North 20°12'00" East a distance of 83.14 feet); thence North 01°33'00" East a distance of 54.47 feet to the beginning of a curve thence along a 50.00 foot radius curve to the right through a central angle of 76°40'00" an arc distance of 66.90 feet (the long chord of said curve bears North 39°33'00" East a distance of 62.02 feet) to the beginning of a curve; thence along a 125.10 foot radius curve to the right through a central angle of 29°04'00" an arc distance of 63.46 feet (the long chord of said curve bears North 47°15'00" East a distance of 62.79 feet); thence South 72°43'00" East a distance of 55.76 feet to the beginning of a curve; thence along a 212.00 foot radius curve to the left through a central angle of 36°34'00" an arc distance of 125.30 feet (the long chord of said curve bears North 29°06'00" East a distance of 123.02 feet); thence North 70°41'00" East a distance of 156.43 feet to the beginning of a curve; thence along a 200.00 foot radius curve to the right through a central angle of 28°38'00" an arc distance of 99.95 feet (the long chord of said curve bears North 85°02'00" East a distance of 98.91 feet); thence South 80°39'00" East a distance of 89.78 feet to the beginning of a curve; thence along a 160.00 foot radius curve to the left through a central angle of 33°58'00" an arc distance of 94.85 feet (the long chord of said curve bears North 82°22'00" East a distance of 93.47 feet); thence North 65°23'00" East a distance of 72.92 feet to a point terminating said center line. Together with slope assessments as required.

DATED this 30th day of April 1976.

Donald K. David
Donald K. David

Perry Clark
Perry Clark

Arthur F. Koring
Arthur F. Koring

Marlin J. Miles
Marlin J. Miles

L. O. Hunt
L. O. Hunt

Eva Mae Hunt
Eva Mae Hunt

Carolyn K. Hannan
Carolyn K. Hannan

Merla J. Hannan
Merla J. Hannan

EASEMENT - 2.

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STATE OF OREGON

County of Multnomah

April 30 1976. Personally appeared the above named Donald K. David and Peggy David, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-11-78

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STATE OF OREGON

County of Multnomah

April 19 1976. Personally appeared the above named Arthur P. Koning and acknowledged the foregoing instrument to be his voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-11-78

STATE OF OREGON

County of Multnomah

April 16 1976. Personally appeared the above named Marlin J. Miles and acknowledged the foregoing instrument to be his voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-11-78

STATE OF OREGON

County of Multnomah

April 16 1976. Personally appeared L. U. Hunt and Eva Mae Hunt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-11-78

STATE OF OREGON

County of Columbia

April 21 1976. Personally appeared Carolyn K. Hanson and Marie J. Hanson, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires:

March 31, 1980

EASIMENT - 3.

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CONTRACT OF SALE BOOK 797 PAGE 550

WITNESSETH, That ARTHUR F. KONING, hereinafter called "SELLER", and Rich E. Lewis and Mary A. Lewis, husband and wife, hereinafter called "PURCHASER", in consideration of the mutual agreements hereby made and exchanged between said parties and the payments made and to be made by PURCHASER to SELLER, agree as follows:

SELLER agrees to sell and PURCHASER agrees to buy the following described real property at the price and upon the terms hereinafter stated.

1. LEGAL DESCRIPTION OF SUBJECT PROPERTY:

The East one-half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 11, Township 2 North, Range 2 West of the Willamette Meridian, in the County of Multnomah and State of Oregon.

Sub 9

SUBJECT TO an Easement recorded November 15, 1957, in Book 1372, Page 107, Deed Records for Multnomah County, Oregon.

RESERVING, HOWEVER, unto SELLER, and all other owners of portions of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, aforesaid, and their heirs and assigns, including future owners of portions of their respective tracts, a perpetual and non-exclusive easement, 60 feet in width, for construction and maintenance of a roadway and for installation and maintenance of water pipe lines and other public utility or private utility company pipes, poles, wires, or lines, said easement to be used in common with PURCHASER and his heirs and assigns, and to be situated in a location to be determined by SELLER.

The tract which is the subject of this Contract of Sale is hereinafter referred to as "Subject Property."

2. PURCHASE PRICE AND TERMS OF PAYMENT: COLLECTION ACCOUNT:

The agreed Purchase Price to be paid for the above described property is seven thousand five hundred DOLLARS (\$ 7,500.00), on account of which the sum of three hundred DOLLARS (\$ 300.00) has been paid on the execution hereof, receipt of which by SELLER is hereby acknowledged.

The balance of the aforesaid agreed Purchase Price, to-wit: the sum of seven thousand two hundred DOLLARS (\$ 7,200.00), together with interest thereon and upon the delayed and declining balances thereof, at the rate of seven and half PERCENT (7 1/2 %) per annum from 25th June 1971, the agreed date for delivery of possession to PURCHASER.

Page 1 - CONTRACT OF SALE

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BOOK 797 PAGE 551

until the entire balance of principal and interest due hereunder is paid in full, shall be payable to SELLER through a Collection account to be established at the United States National Bank, Industrial Branch, or at such other place as SELLER may hereafter designate, in regular installments of not less than Eighty ~~(\$90.00)~~ ^{DOLLARS} per month, including interest, with the first such monthly installment to be paid on the 15th day of August, 1971, and on the 15th day of each month thereafter, until the entire balance of principal and interest due hereunder has been paid in full.

The regular monthly installment payments above provided are the minimum payments required, and PURCHASER shall have the right and privilege of prepaying or increasing any monthly installment payment or of making additional payments at any time on the principal balance due under this Contract without penalty.

3. WATER RIGHTS: EASEMENT FOR ACCESS ROADWAY AND UTILITIES: LIABILITY FOR MAINTENANCE:

A. Subject Property is a part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W. of the W.M. in Multnomah County, said 1/16th Section being benefited by a Domestic Water Right recorded in Book 624, at Page 419, Records of Deeds for Multnomah County, Oregon.

Accordingly, SELLER agrees that this sale shall include a right to the use of water for domestic water supply purposes under said Water Right, subject to the reservation of a like right on the part of all other present and future owners of portions of the above described 1/16th Section.

B. This sale further includes a non-exclusive easement 60 feet in width for roadway purposes and for installation and maintenance of a water pipeline and other public utility or private utility company pipes, poles, wires or lines, said easement to be used in common with all other present and future owners of portions of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W., of the W.M., aforesaid.

The aforesaid Easement shall be situated in a location to be determined by SELLER and shall extend from the boundary of Subject Property to a public road. SELLER agrees to construct a gravel road over and across said easement parcel.

C. PURCHASER agrees to share equally with all other owners in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W., of the W.M., aforesaid, the expense of operating, repairing and maintaining the water supply system and of maintaining the access roadway serving owners in the aforesaid 1/16th Section. Further, PURCHASER agrees that a majority of owners of property in said 1/16th Section shall have power to levy assessments upon all owners therein for such operation, repair and maintenance expenses, and that such assessments shall be paid within 30 days from assessment date.

4. AGREED RESTRICTIONS UPON USE AND OCCUPANCY OF SUBJECT PROPERTY:

It is agreed that the sale of Subject Property and any conveyance given in performance of this Contract shall be subject to and shall include the Restrictive Covenants upon the use and occupancy of Subject Property as set forth below. Said Restrictive Covenants shall be imposed upon and form a part of all sales and conveyances of portions of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W. of the W.M., aforesaid, during a period of 20 years from June 28, 1971, with the intention that the same shall constitute a general plan for the mutual benefit of the owners of real property within said 1/16th Section and shall vest reciprocal rights of enforcement in each of said owners, their heirs and assigns.

A. The exterior of all residences shall be fully completed within one year after commencement of construction and shall be constructed of materials which harmonize with the rustic character of the site.

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BOOK 797 PAGE 552

3. No timber shall be cut except as required to create immediate construction roads or driveways, maintain utility lines, or to remove individual trees constituting a windstorm hazard to persons or property.

7. Not more than two (2) motor vehicles which are inoperable shall be parked, kept, or stored on any lot at any one time, nor shall any such motor vehicle be parked, kept, or stored on any lot for more than 45 days in succession.

3. No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication purposes nor any pole, tower or other structure supporting said outdoor overhead wires shall be erected, placed or maintained upon any tract. All owners in the RRI of the RRI of Section 11, T. 2N., R. 2W., of the W.M., aforesaid, and their heirs, successors and assigns, shall provide, install, use and maintain underground service wires to connect their premises and the structures built thereon to the underground electric or telephone utility facilities provided or to be provided.

It is further agreed that PURCHASER will, at any time, and upon the request of SELLER, join in the execution of a Declaration of the above Restrictive Covenants to be recorded in Multnomah County Records, and if such Declaration is not executed and recorded prior to the time a deed is given by SELLER in performance of this Contract, said deed may include the said Restrictive Covenants. The aforesaid Restrictive Covenants shall, however, continue in full force and effect notwithstanding a failure to declare them by separate recorded instrument or to include them in the language of such deed from SELLER.

It is agreed that the above Restrictive Covenants are imposed for the benefit of all persons who may now or hereafter own real property in the aforesaid Sub of the Sub of Section 11, T. 2N., R. 2W. of the W.M. in Multnomah County, Oregon, and it is agreed that such persons shall have the right to enforce the same by any lawful means, including, but not limited to, actions at law for damages, or Suits for injunctive relief.

5. DELIVERY OF POSSESSION: PAYMENT AND PRORATE OF TAXES: PROTECTION AGAINST LIENS AND WASTE:

A. PURCHASER shall be entitled to possession of Subject Property on , 19 , this being the date of closing of this sale transaction, and prepaid 19 - real property taxes shall be pro-rated between the parties as of said date.

B. PURCHASER shall pay all real property taxes levied against Subject Property for the 1973 - 72 tax year, and all subsequent tax years, during the term of this Contract on or prior to November 15th in each year in which such taxes become a lien due and payable; and shall also pay all public, municipal or statutory liens which may hereafter lawfully be levied against said property, all promptly and before the same become past due.

In the event PURCHASER shall permit any of the real property taxes or liens aforesaid to become delinquent, SELLER shall have the option and right, but not the obligation, to pay the same and to add the sum or sums so paid to the balance of principal due under this Contract, with interest to accrue thereon at the Contract rate, but such payment by SELLER shall not amount to a waiver of any other right or remedy available to SELLER at Law or in Equity on account of such breach.

C. PURCHASER shall not commit or suffer any waste of the above described property, or any improvements located thereon, and shall maintain said property and improvements in a state of good condition and repair.

0. PURCHASER shall keep the aforesaid premises free from Mechanic's

PAGE 3 - CONTRACT OF SALE

Prepared by
AT **Pratt & Whitney**
Yale University Company

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BOOK 797 NW 552

B. No timber shall be cut except as required to create boundaries, maintain roads or driveways, maintain utility lines, or to remove individual trees constituting a windstorm hazard to persons or property.

C. Not more than two (2) motor vehicles which are inoperable shall be parked, kept, or stored on any tract at any one time, nor shall any such motor vehicle be parked, kept, or stored on any tract for more than 60 days in succession.

D. No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication purposes nor any pole, tower or other structure supporting said outdoor overhead wires shall be erected, placed or maintained upon any tract. All owners in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W., of the W.M., aforesaid, and their heirs, successors and assigns, shall provide, install, use and maintain underground service wires to connect their premises and the structures built thereon to the underground electric or telephone utility facilities provided or to be provided.

It is further agreed that PURCHASER will, at any time, and upon the request of SELLER, join in the execution of a Declaration of the above Restrictive Covenants to be recorded in Multnomah County Records, and if such Declaration is not executed and recorded prior to the time a deed is given by SELLER in performance of this Contract, said deed may include the said Restrictive Covenants. The aforesaid Restrictive Covenants shall, however, continue in full force and effect notwithstanding a failure to declare them by separate recorded instrument or to include them in the language of such deed from SELLER.

It is agreed that the above Restrictive Covenants are imposed for the benefit of all persons who may now or hereafter own real property in the aforesaid SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T. 2N., R. 2W., of the W.M. in Multnomah County, Oregon, and it is agreed that such persons shall have the right to enforce the same by any lawful means, including, but not limited to, actions at law for damages, or suits for injunctive relief.

5. DELIVERY OF POSSESSION: PAYMENT AND PROSTATE OF TAXES: PROTECTION AGAINST LIENS AND WASTE:

A. PURCHASER shall be entitled to possession of Subject Property on _____, 19____, this being the date of closing of this sale transaction, and prepaid 19____ real property taxes shall be pro-rated between the parties as of said date.

B. PURCHASER shall pay all real property taxes levied against Subject Property for the 19____ - 72 tax year, and all subsequent tax years, during the term of this Contract on or prior to November 15th in each year in which such taxes become a lien due and payable; and shall also pay all public, municipal or statutory liens which may hereafter lawfully be levied against said property, all promptly and before the same become past due.

In the event PURCHASER shall permit any of the real property taxes or liens aforesaid to become delinquent, SELLER shall have the option and right, but not the obligation, to pay the same and to add the sum or sums so paid to the balance of principal due under this Contract, with interest to accrue thereon at the Contract rate, but such payment by SELLER shall not amount to a waiver of any other right or remedy available to SELLER at law or in Equity on account of such breach.

C. PURCHASER shall not commit or suffer any waste of the above described property, or any improvements located thereon, and shall maintain said property and improvements in a state of good condition and repair.

D. PURCHASER shall keep the aforesaid premises free from Mechanic's

Page 3 - CONTRACT OF SALE

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BOOK 797 PAGE 554

The true and actual consideration for this transfer, stated in terms of dollars is \$7,500.00.

IN WITNESS WHEREOF, the aforesaid Contract of Sale have been executed by SELLER and by PURCHASER on the dates appearing in the acknowledgments of their signatures.

SELLER:

PURCHASER:

Arthur F. Koning

Paul Lewis

Mary A. Lewis

STATE OF OREGON

County of

ss:

On this the 25 day of June, 19 71, before me personally

appeared Arthur F. Koning

the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Hazel M. Evans
Notary Public for Oregon
My Commission Expires: 5/4/73

ss:

On this the 25 day of June, 19 71, before me personally

appeared Paul E. Lewis and Mary A. Lewis, husband and wife

the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Daniel M. Evans
Notary Public for Oregon
My Commission Expires: 5/4/73
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Page 5 of 5 Pages - CONTRACT OF SALE

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KNOW ALL MEN BY THESE PRESENTS, That Mr. E. M. Austin and Clara May Austin, husband and wife,

in consideration of TEN AND NO/100 ---

to us, paid by Alfred P. Kesteloff, unmarried

do hereby grant, bargain, sell and convey unto the said grantee, his heirs and assigns, all the following real property, with the easements, benefits and appurtenances, situated in the County of Multnomah and State of Oregon, bounded and described as follows:

The Northeast Quarter of the Northeast Quarter of Section 14, and the Southeast Quarter of the Southeast Quarter of Section 11, all in Township 2 North, Range 2 West of the Willamette Meridian, in the County of Multnomah and State of Oregon; RESERVING HOWEVER the right and privilege to use and travel upon, over and across existing roads now upon said premises, which right and privilege shall not be exclusive. GIVING AND GRANTING also unto Grantee, the right to take water for domestic purposes from premises of the grantors located and being in the Northwest Quarter of the Southeast Quarter of said Section 11, Township 2 North of Range 2 West of the Willamette Meridian, and to use the water system now in operation and serving premises hereinabove conveyed, together with right to go upon said premises for the purpose of maintaining said water system.

The above premises are subject to a lease, including the terms and provisions thereof, to Sunray-Midcontinent Oil Company, recorded November 8, 1956 in Book 1815, page 519, deed records of Multnomah County, Oregon.

Sec. 11, 2N2W -

Art. 3 Arb(9) out of

Sec. 14, 2N2W -

Art. 12 Arb(2) out of

To Have and to Hold the above described and granted premises unto the said grantee, his heirs and assigns forever.

And WHEREAS the grantors, do covenant that NO part hereof shall be subject to any claim of the grant grantee has been all conveyances.

and that HE and his heirs and assigns shall execute and obey all laws and orders of the State and County of Oregon and the United States of America and every part and parcel thereof against the legal claims and demands of all persons whomever.

Witness OUR hand and seal this 14th day of November 1957

STATE OF OREGON,

County of Columbia

On this 14th day of November 1957

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the E. M. Austin and Clara May Austin

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the city and place last above written.

Walter H. Kesteloff
Notary Public in Oregon
My Commission expires June 30, 1958



WARRANTY DEED

Trust

Engine

APPROPRIATE RECORDING RETURN TO

Shippens Real Estate

Box 916

Shippens, Inc.

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CLERK OF COUNTY OF COLUMBIA

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TOTAL P. 11

January 30, 2015

Phil and Judy Temko
4780 Hidden Oaks Rd.
Santa Rosa, CA 95404

Dear Phil and Judy,

As we discussed last fall, I own the property located at 20505 NW Morgan Rd., Portland, Oregon, and am seeking to obtain a permit and certification for water rights to that property. I wanted to let you know that I will be submitting my permit application to the Oregon Water Resources Department shortly. As part of the application process, I am required to provide you with written notice that I am submitting my permit application because the reservoir sits on your land. I am also sending a copy of this letter by email to your son-in-law, Norman Malbin.

As always, I would be happy to discuss the situation with you or Norman.

Sincerely,

David Leach
Phone: 503-250-0147
Email: bloomathon@gmail.com

cc: Norman Malbin, norman@ibew48.com

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