



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

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does 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: Peter Dinsdale
First Last
 Mailing Address: PO Box 357
 Independence OR 97351
City State Zip
 Phone: 5038383779
Home Work Other
 Fax: 5038381050 E-Mail Address*: peterbdins@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.)

2. AGENT INFORMATION

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

Agent: Willy Dinsdale
First Last
 Mailing Address: PO Box 357
 Independence OR 97351
City State Zip
 Phone: 5038383779
Home Work Other
 Fax: 5038381050 E-Mail Address*: dinsdalw@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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Abandinus

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: Luckiamute River Tributary to: Willamette River

C. County in which diversion occurs: Polk

App. No. <u>R-22148</u>	For Department Use	RECEIVED
Permit No. _____	Date <u>NOV 16 2015</u>	

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
9S	4W	19	SE/NW	700

E. Dam: Maximum height of dam: 9.9 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: ~~100~~ 150 ^{wd}

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.

Multipurpose use.

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? _____ 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.

No agency is cost sharing in this project.
 I have been in contact with: ODFW - Elise Kelley - 541-757-4186
 DSL - Michael DeBlasi - 503-509-0460
 Polk County - Sidney Mulder - 503-623-9237
 I believe all of these agencies have endorsed this project. I have attached the associated permits.

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.

Water will be pumped from the Luckiamute River at an existing point of diversion near the Pacific Highway 99 bridge over the Luckiamute. An installed irrigation main line will convey the water south to the reservoir. Maps showing the location of the diversion, the installed main line, and the proposed reservoir are attached. Also a section of the dam at its tallest is shown.

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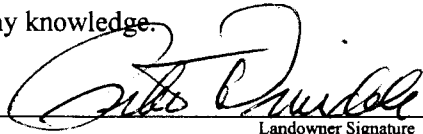
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

No dam is needed for the diversion.

9. SIGNATURE

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


Landowner Signature


Date

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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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: Peter Dinsdale
Township 9 South, Range 4 West, Section 19

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: If the reservoir was allowed to be filled during the months of June - October It could injure existing water rights.

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

Allow for storage of water from Luckiamute River only from November 1 through May 31
Require a totalizing flow meter to be installed at the point of diversion from the Luckiamute River

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:
Who: Agency: Date:

Watermaster signature:  Date: 9-1-15

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: Peter Dinsdale / PO Box 357
Independence, OR, 97351 / 503 838 3779 / peterbdins@gmail.com

Reservoir Name: Abandinus Source: Luckiamute River Volume (AF): 180

Twp Rng Sec QQ: 9S 4W 19 SENW Basin Name: Willamette 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? YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption? 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 JULY 1 through OCT 30th 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.

Native migratory fish in the Luckiamute include steelhead, largescale sucker, and cutthroat trout.

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

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

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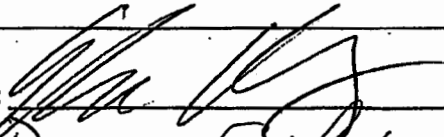
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INTAKE WILL BE A SUBMERSIBLE PUMP WITH A SCREEN. THERE WILL BE NO DAM, DIVERSION, OR OTHER STRUCTURE THAT COULD IMPEDE FISH PASSAGE

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)

Wq: WATER MAY NOT BE RELEASED FROM THE RESERVOIR INTO ANOTHER STREAM, WATERWAY, OR WATERBODY FROM JULY 1ST TO OCTOBER 15th.

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ODFW Signature:  Print Name: ELISE KELLEY
ODFW Title: DISTRICT FISH BIOLOGIST Date: 9/11/2015

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

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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: Peter First Dinsdale Last

Mailing Address: PO Box 357
Independence City OR State 97351 Zip Daytime Phone: 503 8383779

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
9S	4W	19	SE NW	900	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
9S	4W	19	NE NW	900	EFU	<input checked="" 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:

Water will be diverted from the Luckiamute River in Polk County, south of Monmouth. The reservoir will be located south of the point of diversion, away from the river course in the same 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) Luckiamute River

Estimated quantity of water needed: 180 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 _____

Briefly describe:

Between November and May I propose to pump water from an existing point of diversion to a reservoir in a low lying piece of farmland to the south for irrigating crops in the spring, summer, and fall months.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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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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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): _____

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:	
Non-Structural Floodplain Development Permit	PCZO 178.060(A)(2), (B)(1)(a) and (4)	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Significant Resource Mgmt. Plan	PCZO 182.040 (6)	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

*Non-structural floodplain development permit effective date Nov. 24 2015 @ Sign
 *Mgmt Plan submitted Nov. 16, 2015.

Name: Sidney Mulder Title: Assistant Planner
 Signature: [Signature] Phone: 503-623-9237 Date: 11/16/15
 Government Entity: Polk County

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

Receipt for Request for Land Use Information

Applicant name: _____ **RECEIVED**
 City or County: _____ Staff contact: _____ **NOV 16 2015**
 Signature: _____ Phone: _____ Date: **WRD**



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
(503) 623-9237 * FAX (503) 623-6009

AUSTIN M'GUIGAN
Director

NOTICE OF LAND USE APPLICATION

APPLICATION FOR: The applicant is proposing non-structural floodplain development within the regulated floodplain, Flood Zone A. The non-structural floodplain development would consist of constructing a reservoir approximately 25.2 acres in size, to be used for irrigation. The subject property is approximately 718.8 acres and is located within the Exclusive Farm Use (EFU) Zoning District and the Floodplain Overlay zone.

APPLICANT: Willy Dinsdale

OWNER: Peter Dinsdale

FILE NUMBER LUD 15-22

LOCATION: 10700 S. Pacific Highway West, Monmouth, OR, 97361 (T9S, R4W, Section 19, Tax Lots 700 and 200, T9S, R4W, Section 20, Tax Lot 600, and T9S, R4W, Section 30, Tax Lot 100).

REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance Sections 178.060(A)(2) and (B)(1) (2) and (4).

STAFF CONTACT: Sidney Mulder, Phone: (503) 623-9237; Fax (503) 623-6009
Email: mulder.sidney@co.polk.or.us

DECISION

Based on the Review and Decision Criteria above, this application for non-structural floodplain development within the Exclusive Farm Use (EFU) zone and Floodplain Overlay zone is **approved**. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III). Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III, below. Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, or subsequent land use application, etc.).

Conditions of Development:

1. The applicant shall obtain all necessary permits from the Oregon Department of Water Resources (ODWR) including, but not limited to, an alternative reservoir permit, and meet the recommended small dam requirements listed in OAR 690-020-0029.
2. The applicant shall obtain all necessary permits and approvals from the Oregon Department of State Lands (DSL), including but not limited to, resolving the current DSL removal-fill permit enforcement action. The applicant shall obtain any other necessary local, State or Federal permits before beginning the project and comply with all conditions in those permits. The applicant shall contact Oregon Department of Transportation (ODOT) to determine if a new or amended access permit is required.
3. The applicant shall construct the reservoir in substantially the same location indicated in the maps submitted by the applicant (Attachment A-1).
4. Pursuant to PCZO 112.430(A), the permitted reservoir shall comply with the yard setback standards for the Exclusive Farm Use zone: front - 30 feet, side - 20 feet, and rear - 20 feet. Additionally, the reservoir shall comply with the required road setbacks listed in PCZO 112.190.

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Polk County Community Development Department
Planning Division Staff Report

APPLICATION FOR: The applicant is proposing non-structural floodplain development within the regulated floodplain, Flood Zone A. The non-structural floodplain development would consist of constructing a reservoir approximately 25.2 acres in size, to be used for irrigation. The subject property is approximately 718.8 acres and is located within the Exclusive Farm Use (EFU) Zoning District and the Floodplain Overlay zone.

APPLICANT: Willy Dinsdale

OWNER: Peter Dinsdale

FILE NUMBER: LUD 15-22

LOCATION: 10700 S. Pacific Highway West, Monmouth, OR, 97361 (T9S, R4W, Section 19, Tax Lots 700 and 200, T9S, R4W, Section 20, Tax Lot 600, and T9S, R4W, Section 30, Tax Lot 100).

REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance Sections 178.060(A)(2) and (B)(1) (2) and (4).

STAFF CONTACT: Sidney Mulder, Phone: (503) 623-9237; Fax (503) 623-6009
Email: mulder.sidney@co.polk.or.us

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST: The applicant is seeking approval for non-structural floodplain development within the regulated 100-year floodplain. The proposed non-structural floodplain development includes excavating in the floodplain to construct a reservoir, approximately 25.2 acres in size, to store excess water during peak flow and use for irrigation. The project location is within the Exclusive Farm Use (EFU) Zoning District and Floodplain Overlay Zone.

This application was submitted on September 8, 2015 and deemed complete on October 30, 2015 when additional information was submitted.

Location:	Comprehensive Plan Designation	Zoning Designation
Project Location	Agriculture	Exclusive Farm Use (EFU)
Property North	Agriculture	Exclusive Farm Use (EFU)
Property East	Agriculture	Exclusive Farm Use (EFU)
Property South	Agriculture	Exclusive Farm Use (EFU)
Property West	Agriculture and Farm/Forest	Exclusive Farm Use (EFU) and Farm/Forest (F/F)

PROPERTY DESCRIPTION: The proposed project would be located at 10700 South Pacific Highway, Monmouth, Oregon (T9S, R4W, Section 19, Tax Lots 700 and 200, T9S, R4W, Section 20, Tax Lot 600, and T9S, R4W, Section 30, Tax Lot 100). The subject property is approximately 718.8 acres and approximately 540 acres are currently being used for agricultural purposes. The proposed irrigation reservoir would be located approximately 0.3 mile south of the Luckiamute River, just east of the South Pacific Highway. The applicant provided a plot plan that depicts the project location (Attachment A-1). Attachment A-2 is a map created by staff to depict the subject property and surrounding area.

The criteria for non-structural floodplain development does not require a lawful parcel determination. Therefore, staff has not determined the lawful status of the property involved in this application.

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reservoir and the inventoried wetland. Staff received a copy of a letter addressed to Blue Herron Farm, on October 19, 2015 from the Oregon Department of State Lands (DSL). This letter indicates that the applicant has violated Oregon's Removal-Fill Law and an agreement was included in the letter that could satisfy the DSL enforcement action. A condition of approval shall require the applicant to obtain all of the necessary approvals from the Oregon Department of State Lands, who can be reached at (503)986-5200. Approval of this application would not grant any authority over State or Federal permits that may be required for the activities described in this application.

The applicant provided a land use compatibility statement form from the Oregon Water Resources Department (ODWR) and indicated that they are in the process of obtaining the required permits from ODWR to construct a reservoir and divert water from the Luckiamute River to be stored and used for irrigation during the dry seasons. According to the applicant, the reservoir would be approximately 25.2 acres in size and the reservoir walls would be less than 10 feet in height. Pursuant to OAR 690-020-0029, constructing dams less than ten feet in height or impounding less than 3,000,000 gallons of water (9.2 acre feet), may be exempt from an engineering requirement for review and approval of designs, plans, and specifications. However, OAR 690-020-0029 does recommend minimum standards for small dams. Staff recommends that the applicant meet the recommended small dam requirements listed in OAR 690-020-0029. Staff contacted Jeffrey Pierceall from ODWR on November 10, 2015 to confirm that the applicant is in the process of obtaining the required State permits from their agency to construct the proposed reservoir and divert water from the Luckiamute River. Pierceall states that he has been working with the property owner to obtain the required alternate reservoir permit. Mr. Pierceall indicated that an alternate reservoir permit is required rather than a standard reservoir permit because the proposed dam would be less than 10 feet in height. A condition of approval shall require the applicant to obtain all of the necessary approvals from the Oregon Department of Water Resources, who can be reached at (503) 986-0900. Approval of this application would not grant any authority over State or Federal permits that may be required for the above described activities.

The subject property has frontage along South Pacific Highway 99W. Staff recommends a condition of approval that the applicant contact the Oregon Department of Transportation (ODOT) to determine if a new or amended access permit is required. The phone number to contact ODOT is (503) 986-2732.

As stated above, the proposed reservoir would be located just south of an inventoried wetland. The above mentioned copied letter from DSL states that the applicant has the option to submit a forensic wetland delineation report to DSL, or agree that the entire area where unauthorized activities have occurred is a wetland. If DSL determines that the project is located within or near a jurisdictional wetland, than a management plan for certain conflicting uses established within a wetland setback area would be required pursuant to PCZO 182.040. The wetland setback area for lakes and significant wetlands less than 1 acre in size shall average 25 feet; for lakes and wetlands between 1 and 5 acres in size, the width shall average 50 feet; for lakes and wetlands between 5 and 10 acres in size shall average 75 feet in width; and, for lakes and wetlands over 10 acres in size, the width shall average 100 feet. PCZO 182.070(C)(1) identifies the following conflicting uses: vegetation removal, road construction, and timber harvesting. Establishment of an identified conflicting use within the wetland setback area shall require a local significant resource management plan coordinated with DSL, and other appropriate State and Federal agencies, pursuant to PCZO 182.040 and 182.050. All structural development would be prohibited within the identified wetland setback area, pursuant to PCZO 182.050(B)(1).

According to the Significant Resources Area (SRA) map, accessed through Polk County Geographic Information System (GIS), the entire subject property is located within an inventoried archeological resource area. Pursuant to PCZO 183.060, staff recommends a condition of approval that in the event that archaeological resources are unearthed or discovered during construction activities, notification shall be made to the Planning Director, the State Historic Preservation Office and the Grand Ronde Indian Tribe and construction shall be halted, for a period of time not to exceed 30 days, until a determination is made as to the location, quantity, quality and significance of the resource per OAR 660-16-000.

With these conditions, the application could comply with this criterion.

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conditions for construction of the reservoir. According to Polk County Community Development Records, previous non-structural floodplain development has occurred on the subject property to construct private farm roads. This development was authorized by planning file LUD 03-22, effective September 15, 2003. The previous application for non-structural floodplain development included an evaluation done by Martin G. Boatwright, P.E. of Boatwright Engineering, which states that the adverse impacts were found to be less than 0.01 foot of an increase of water surface elevation at any point. Mr. Grenz received a copy of the staff report and record for LUD 03-22 and states that the cumulative effect, with consideration of the previous analysis completed by Mr. Boatwright, shall not increase the water surface elevation of the base flood more than one (1) foot at any point. Mark D. Grenz, P.E. stamped the engineered evaluation submitted with this application with his Oregon Registered Professional Engineer stamp. Mr. Grenz's full evaluation and calculations are included in the record.

Based on a review of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), panel numbers 41053C0425F, dated December 19, 2006, the project is located within the regulated floodplain, Zone A, but not the regulated floodway. As a result, the development standards listed in PCZO 178.060(B)(3) are not applicable to this application.

Based on the findings discussed above, the application complies with these criteria.

3) Resource Zone Development Standards

- a) **There shall be front, side and rear yards of the following depths for lots in the Exclusive Farm Use Zoning District: [PCZO 112.430(A)(1)(a)]**

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- b) **Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard. [PCZO 112.430(A)(1)(b)]**
- c) **When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply. [PCZO 112.430(A)(1)(c)]**
- d) **All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks. [PCZO 112.430(A)(1)(d)]**

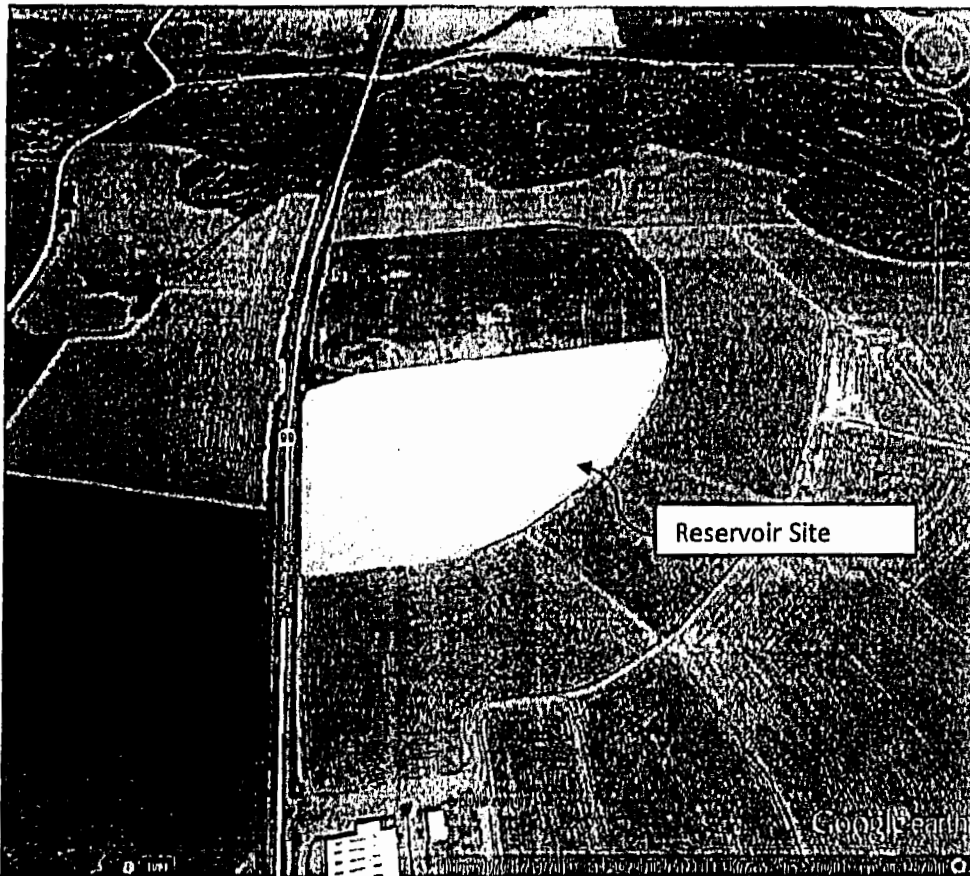
Findings: The minimum setbacks in the EFU Zoning District for all new buildings and structures, including the proposed irrigation reservoir, shall be front: thirty (30) feet; side: twenty (20) feet; rear: twenty (20) feet. In addition, setbacks from a Principle Arterial are 30 feet from the 120 foot right-of-way. Staff recommends a condition of approval that requires the applicant to construct the irrigation reservoir in a location that complies with the setback standards listed in PCZO 112.190(A) and 112.430(A).

Staff finds that the proposed irrigation reservoir could comply with these setback standards based on the applicant's plot plan.

IV. CONCLUSION

Based on the Review and Decision Criteria above, staff has found that the proposed development is consistent with the Polk County Zoning Ordinance provisions for non-structural development within a the regulated 100-year floodplain. The following conditions have been identified as required for completion of this application:

- 1. The applicant shall obtain all necessary permits from the Oregon Department of Water Resources (ODWR) including, but not limited to, an alternative reservoir permit, and meet the recommended small dam requirements listed in OAR 690-020-0029.



Above shows the intended location of the Reservoir site within the limits of the farm.

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LAND USE PERMIT APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

Form with fields: Received By (SM), Date Submitted (11/16/15), Application No. (LUD 15-30), Fee (42-), Fee Paid, Receipt No. (16035). Includes checkboxes for Conditional Use, Farm Dwelling, Forest Dwelling, Land Use Determ. (checked), Comp. Plan Amendment, Replacement Dwelling, Variance, Zone Change. Staff Notes: mgmt. Plan

Please type or clearly print all of the requested information below.

I. APPLICANT

Name: Wally Dinsdale
Address: PO Box 357
City: Independence State: OR Zip: 97351
Daytime Phone: 503 941 3345

II. OWNER(S)

Name: Peter Dinsdale
Address: PO Box 357
City: Independence State: OR Zip: 97351
Daytime Phone: 503 838 3779

III. PROPERTY

Location or Address: 10700 Pacific Highway 99 Tax Acct. No. Acreage
Township: 4S; Range: 4W; Section(s): 11; Tax Lot(s): 700 and 200
Comp. Plan Designation: Agriculture Zone: EFU
School District: Central - 13.5 Fire District: Polk County Fire District #1
Water Service Type: Luckiamute Sewage Disposal Type: Septic System

IV. REQUEST SUMMARY (Example: "To establish a small tract template dwelling in the TC Zoning District.")

MANAGEMENT PLAN

V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Polk County Subdivision and Partition Ordinance (PCSO) and/or the Polk County Zoning Ordinance (PCZO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request.

The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete.

An incomplete application will postpone the decision, or may result in denial of the request. *Please mark the items below to ensure your submittal is complete.*


Application Check List

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
 - 1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 - 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - 3. A complete description of the request, including any new structures proposed.
 - 4. If applicable, documentation from sewer and water district showing availability for connection.

- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
 - 1. Location of all existing and proposed buildings and structures
 - 2. Existing County Road, public right-of-way or other means of legal access
 - 3. Location of any existing septic systems and designated repair areas
 - 4. Limits of 100-year floodplain elevation (if applicable)
 - 5. Vegetation on the property
 - 6. Location of any outstanding physical features
 - 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location

- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Polk County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is a twelve (12) day appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Polk County Community Development Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.



Signatures of owners that appear on deed and/or authorized agent
*If signed by an agent, owner's written authorization must be attached.

PLEASE NOTE: THIS APPLICATION MUST BE RETURNED IN PERSON.

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Background:

The arable land located in T9S, R4W, S19, tax lots 700 and 200; T9S, R4W, S20, tax lot 600; and T9S, R4W, S30, tax lot 100, owned by Peter Dinsdale, is planted to strawberries, hazelnuts, and perennial rye grass. Summer and fall irrigation of strawberries is essential to produce a crop the following year. In August 2015, the Oregon Water Resources Department closed access to Luckiamute River water to junior water rights developed after 1965. To ensure the agricultural potential of the land is protected it is necessary to construct a reservoir to store water available in the irrigation off-season, when the river has ample water and few water rights holders are accessing that water. The reservoir will be filled by pumping water from the Luckiamute River at an existing point of diversion through an existing system of buried pipe between November 1st, and May 31st. Should water rights be curtailed in future low water years the reservoir will provide water to irrigate crops in the summer and fall growing seasons. In keeping with the goals of the Polk County Comprehensive Plan this development will protect agricultural land and diversify the agriculture within Polk County.

Strategy to protect significant resources and riparian areas:

A small wetland between 1 and 5 acres is located along the west side of the north boundary of this reservoir. The Polk County Zoning Ordinance defines the riparian management area for a wetland of this size to be 50 feet. Land inside this 50 foot setback has been farmed, with all attendant ground work and tillage, for decades. The reservoir does not extend beyond the land that has been farmed. The riparian area of this wetland will be protected through the following measures:

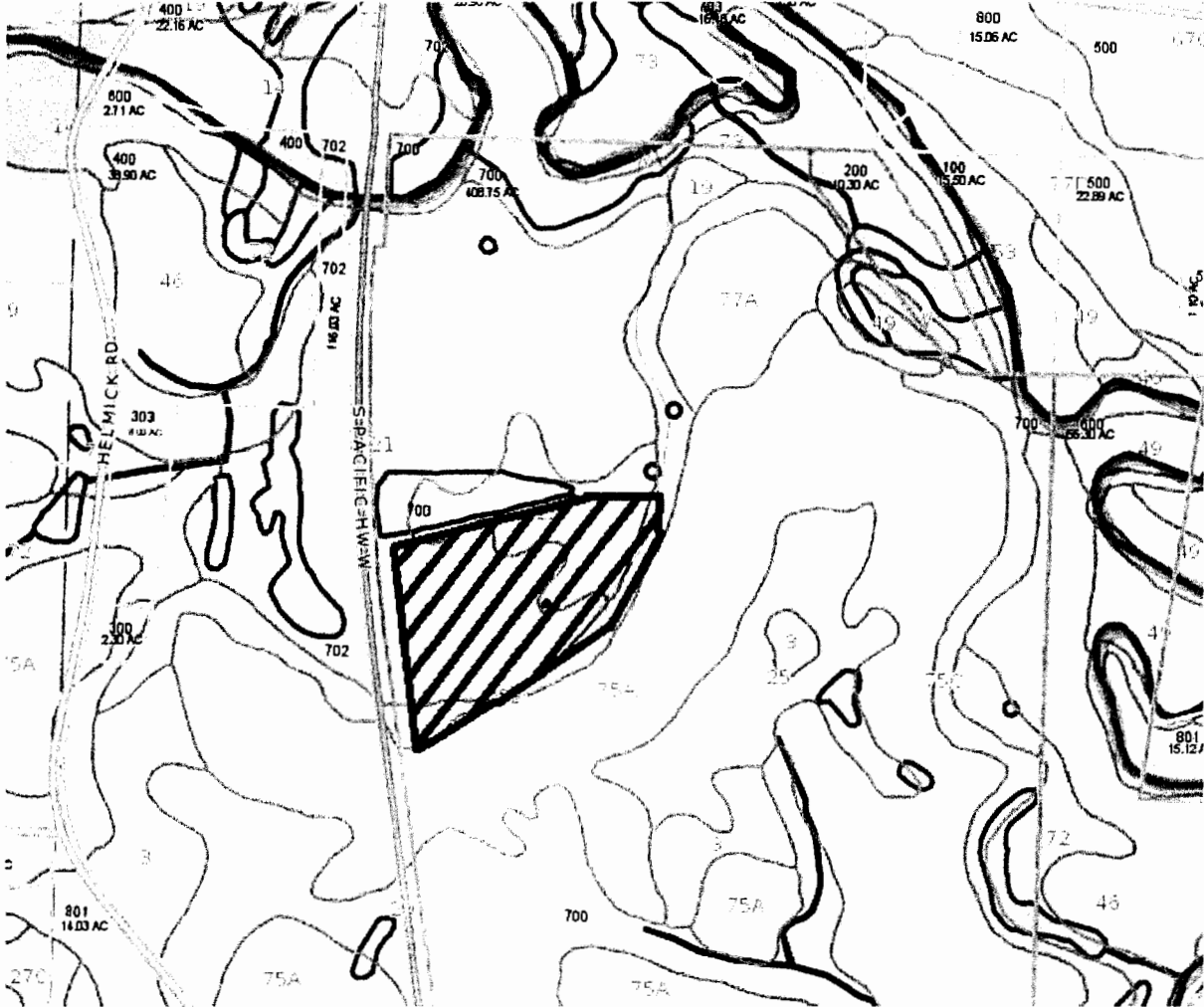
- All existing vegetation in the wetland will be left untouched. The site-capable vegetation includes canary grass.
- Silt fences will be installed along the southern edge of the riparian area, outside the tow of the reservoir at the border between the farmed area and the wetland to control sediment and erosion.
- The bare ground along the walls of the reservoir will be seeded with grass to minimize erosion.

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(Handwritten signature)

A map of the tax lot on which the proposed reservoir will be located is shown below with wetland and floodplain areas marked in yellow and light blue respectively and the black hatched area representing the proposed reservoir footprint:



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Scale
1" = 880'



This Map for Assessment
and Taxation Purposes
ONLY

POLK COUNTY

See Map 9.4.18

See Map 9.5.24

Proposed Reservoir
Foot Print
13-5

Installed 8" Main Line

Existing P.O.B.

- Cancelled No.
- 301
 - 302
 - 500
 - 500
 - 700
 - 700
 - 1000
 - 1000
 - 1002

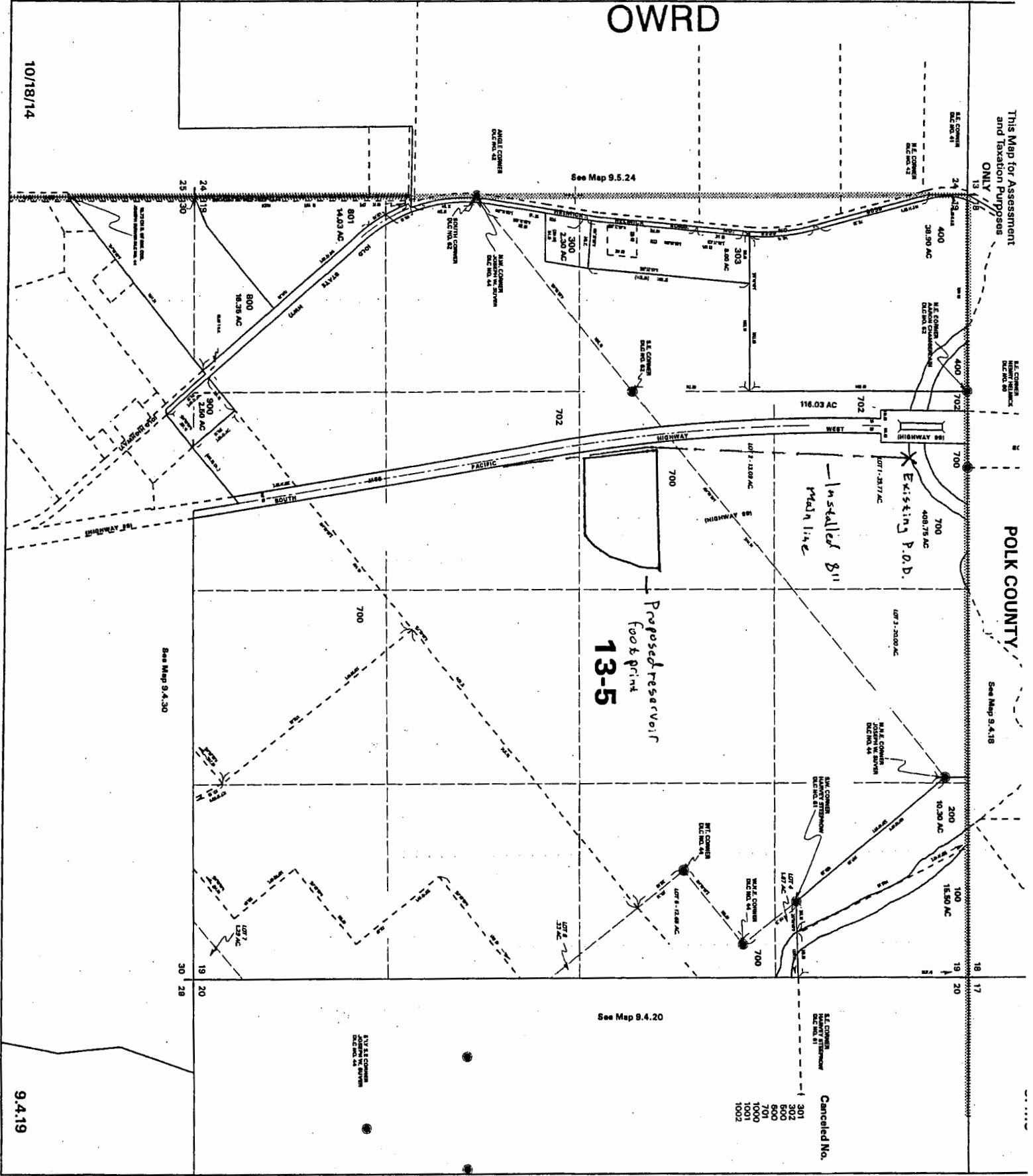
See Map 9.4.20

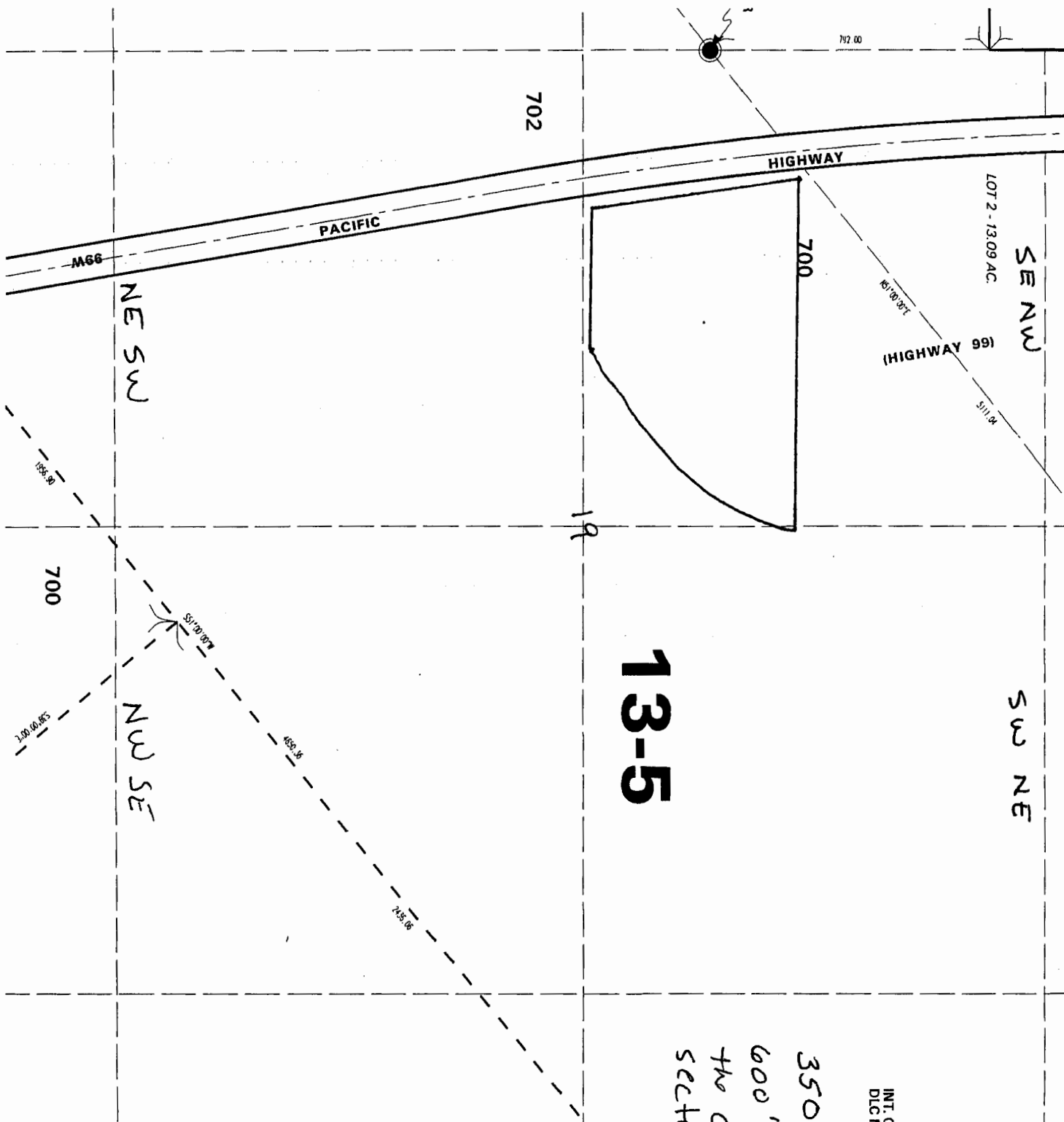
See Map 9.4.30

10/18/14

9.4.19

Reserve





45 HW 19

1" = 400'

13-5

INT. C
DLCN

350' N and
600' W of
the center of
section 19.

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R-88140



JUN 29 2015

June 23, 2015

Special Warranty deed

Peter Dinsdale
PO Box 357
Independence, OR 97351

Substante

Re: Escrow #: 01-139574
Property: 212654, Polk County, OR

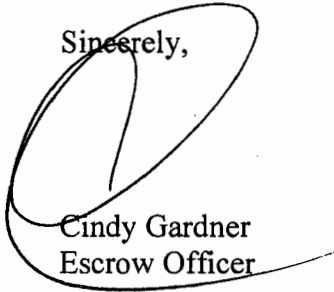
Dear Peter,

In regard to the above referenced escrow transaction, we have enclosed the following:

- Original Recorded Special Warranty Deed

Please don't hesitate to call our office if you have any questions.

Sincerely,



Cindy Gardner
Escrow Officer

enclosures

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BUYERCLOSE

320 Church Street N.E., Salem, OR 97301 Phone (503) 581-1431 Fax (503) 364-8716

... R-22140

AmorTitle 032901P/139574

Recording Requested By and
When Recorded Return to:

PETER DINSDALE
PO Box 357
Independence, OR. 97351

RECORDED IN POLK COUNTY		2015-006222
Valerie Unger, County Clerk		06/23/2015 11:13:36 AM
REC-WD	Cnt=1 Stn=11 K. WILLIAMS	\$71.00
\$25.00	\$11.00 \$10.00 \$5.00 \$20.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 16th day of June, 2015, is between #218 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC, an Idaho limited liability company ("Grantor"), and PETER DINSDALE ("Grantee"), whose legal address is: PO Box 357, Independence, OR. 97351.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Polk, State of Oregon, more particularly described as follows:

See legal description attached hereto and made a part thereof as Exhibit "A"

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "Property").

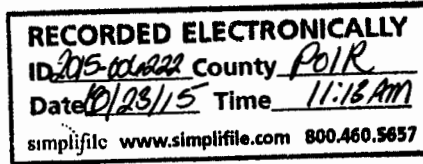
TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of July 1, 2013.

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Ames Title 032901P/139574

Recording Requested By and
When Recorded Return to:

PETER DINSDALE
PO Box 357
Independence, OR. 97351



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See legal description attached hereto and made a part thereof as Exhibit "A"

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "Property").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of July 1, 2013.

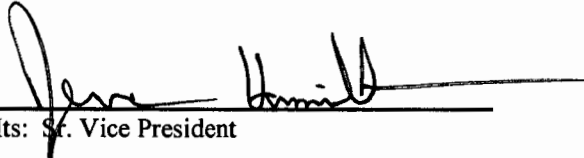
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The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

#218 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC,
an Idaho limited liability company


By: Pioneer 1031 Company, Member

By: 
Its: Sr. Vice President

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 16th day of June, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Jesse Hamilton, known to me to be the Sr. Vice President of Pioneer 1031 Company, an Idaho corporation, which corporation is the Sole Member of #214 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, and acknowledged to me that she/he executed the within and foregoing instrument for and on behalf of said corporation as Sole Member of said limited liability company and in said corporation's name as Sole Member of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3/1/2019

(NOTARIAL SEAL)

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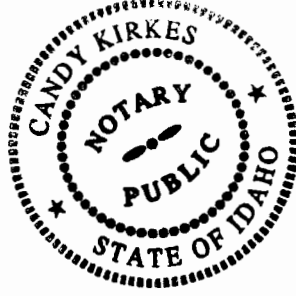


Exhibit "A"

PARCEL 1:

All that portion of the following described real property lying Easterly of new Pacific Highway 99 West, in Sections 19, 20 and 30, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon:

Parcel A

All of Lots 1, 2, and 3 of Section 19, Township 9 South, Range 4 West of the Willamette Meridian.

Parcel B

Also: Beginning at the Southeast corner of Aaron Chamberlain Donation Land Claim No. 62 in Township 9 South, Range 4 West and No. 42 in Township 9 South, Range 5 West and running thence North along the section line 20.99 chains to the point of beginning of the tract to be described: from said point running thence North 42.91 chains to an iron pipe in the county road at the most Westerly Northwest corner of said Joseph W. Surver Donation Land Claim No. 44; thence North 51° East 77.44 chains from the most Northerly corner of said claim No. 44; thence South 39° East 27.60 chains to an anchor post for the most Northerly Southeast corner of said Claim No. 44; thence South 51° West 10 chains to an iron pipe; thence South 39° East 6.00 chains to an anchor post; thence South 51° West 94.50 chains to the place of beginning.

EXCEPT that certain tract described in Deeds recorded in Volume 76 at Page 104 and Volume 78 at Pages 31 and 117 of Deed Records of Polk County, Oregon, and those tracts vested in the State of Oregon by judgment given in the Circuit Court of the State of Oregon for the County of Polk by Action No. 9652.

Parcel C

Also: Beginning at a point 16.73 chains North and North 51° East 57.59 chains from the Southwest corner of said Surver Donation Land Claim; thence running North 51° East 36.91 chains to an iron pipe; thence North 39° West 5.05 chains to an iron pipe; thence North 51° East 10 chains to an iron pipe; thence North 39° West 6.96 chains to an iron pipe; thence North 87° East 20.16 chains to an iron pipe on the West boundary line of the Donation Land Claim of Medders Vanderpool No. 63; thence South 7°11' West 22.10 chains to an iron pipe; thence South 51° West 25.8 chains to an iron pipe; thence South 39° East 11.0 chains to an iron pipe; thence South 51° West 10 chains to an iron pipe; thence South 39° East 8.0 chains to an iron pipe; thence South 51° West 13 chains to an iron pipe; thence North 27°50' West 8.15 chains to an iron pipe; thence North 39° West 26.10 chains to the place of beginning.

Also: the right and privilege of travel over a lane 20 feet in width over and across Lot No. 1 hereinbefore described, the said lane to extend South 46° West from the most Southerly corner of Lot 4 to the State Highway hereinbefore described.

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Parcel D

Also: Beginning at a iron pipe in the center of the State Highway hereinbefore mentioned which is North 16.73 chains and North 51°00' East 23.59 chains form the Southwest corner of the said Sover Donation Land Claim; thence North 51° East 34.00 chains to an iron pipe; thence South 39° East 26.10 chains to an iron pipe; thence South 51° West 34.50 chains to an iron pipe; thence North 20°18' West 4.39 chains to an iron pipe; thence North 41°12' West 22.00 chains to the place of beginning.

Parcel E

Also: Beginning at the Southwest corner of the Donation Land Claim of Medders Vanderpool No. 63 in Township 9 South, Range 4 West of the Willamette Meridian; thence East 11.48 chains to an iron pipe; thence South 19°25' West 64.08 chains to an iron pipe; thence North 27°50' West 31.22 chains to an iron pipe; thence North 51°00' East 13.00 chains to an iron pipe; thence North 39°00' West 8.00 chains to an iron pipe; thence North 51°00' East 10 chains to an iron pipe; thence North 39°00' West 11.00 chains to an iron pipe; thence North 51° East 25.80 chains to an iron pipe on the West boundary line of said Medders Vanderpool Donation Land Claim; thence South 7°11' West along said boundary line 12.44 chains to the place of beginning.

Also: The right and privilege of travel over a lane 20 feet in width over and across Lot No. 1 hereinbefore described, the said lane to extend South 46° West from the most Southerly corner of Lot 4 to the State Highway hereinbefore described.

Parcel F

Also: Beginning at a iron pipe on the South boundary line of the Donation Land Claim of Joseph W. Sover and wife, Notification No. 1552, Claim No. 44, in Township 9 South, Range 4 West of the Willamette Meridian, which point is 20.12 chains East of the Southwest corner of said Claim; thence running East 8.54 chains to an iron pipe; thence South 20.79 chains to an iron pipe; thence East 44.41 chains to an iron pipe; thence North 19°25' East 19.75 chains to an iron pipe; thence North 27°50' West 39.4 chains to an iron pipe; thence South 51° West 34.5 chains to an iron pipe; thence North 20°18' West 4.39 chains to an iron pipe; thence South 40°06' West 19.76 chains to the place of beginning.

EXCEPTING AND RESERVING THEREFROM the strip of land 60 feet in width heretofore conveyed to Polk County, Oregon for highway purposes over and across said tract.

ALSO EXCEPTING AND RESERVING a lane 20 feet in width over and across said tract running South 46° West from the most Southerly corner of Lot No. 4, and extending on said course South 46° West to the public highway hereinabove mentioned to be used at a right of way from the benefit of Lots 4 and 5.

SAVE AND EXCEPT: All that part of the hereinafter described real property lying and being East of the centerline of the Luckiamute River; beginning at an iron pipe on the South boundary line of the Donation Land Claim of Joseph W. Sover and wife, Notification No. 1552, Claim No. 44, in Township 9 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon, which point is 20.12 chains East of the Southwest corner of said claim; thence running East 8.54 chains to an iron pipe; thence South 20.79 chains to an iron pipe; thence East 44.41 chains to an iron pipe; thence North 19°25' East 19.75 chains to an iron pipe; thence North 27°50' West 39.4 chains to an iron pipe; thence South 51° West 34.5 chains to an iron pipe; thence North 20°18' West 4.39 chains to an iron pipe; thence South 40°06' West 19.76 chains to the place of beginning.

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ALSO: All that part and portion of the hereinafter real premises lying and being situated Westerly of the present centerline of the Luckiamute River as follows: Beginning at the Northwest corner of the Donation Land Claim of Harrison Linville and wife, Notification No. 1563, Claim No. 45, in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence East 19.42 chains to the West line of the Western Oregon Railroad right of way; thence South $1 \frac{1}{2}^{\circ}$ East 33.26 chains along the West line of said right of way; thence South 1° West 46.58 chains along said right of way to the South boundary line of said claim; thence West 48.07 chains to the Southwest corner of said claim; thence North $19^{\circ}50'$ East 84.94 chains to the place of beginning.

SAVE AND EXCEPT: Any portion of the above described tract of land lying with the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT: Any portion of the above described tract of land lying Easterly of the center line of the Luckiamute River.

PARCEL 2:

Beginning at a rock which marks the most Northerly corner of the Donation Land Claim of Joseph W. Siver No. 44 in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, said point also being a Southwest corner of said Harvey Steeprow Donation Land Claim No. 61; thence North $0^{\circ}33'$ East to the South line of Section 18, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence along said Section line West to the East bank of the Luckiamute River; thence following the bank of said river in a Northerly, Easterly and Southerly direction to an intersection with the South line of said Harvey Steeprow Claim; thence South 87° West 213.18 feet to an iron pipe which marks the most Southerly Southwest corner of said Claim No. 61; thence North 39° West 1,367.52 feet to the place of beginning.

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