

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

Water-Use Permit Application Processing

1. Completeness Determination

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.our). 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.

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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.

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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

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: \$2,300 or \$2,750 if submitted with recording fee.
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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(503) 986-0900
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME DAVID AND KRISTI FAZIO		PHONE (HM) 503-805-3814	
PHONE (WK)	CELL	FAX 503-621-9738	
ADDRESS 17799 NW LUCY REEDER ROAD			
CITY PORTLAND	STATE OR	ZIP 97231	E-MAIL * FAZIO1@Q.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 GREG KUPILLAS/PACIFIC HYDRO-GEOLOGY INC		PHONE 503-632-5016	FAX
ADDRESS 18487 S VALLEY VISTA ROAD.		CELL 503-939-3167	
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGGEK@BCTONLINE.COM

Note: Attach multiple copies as needed

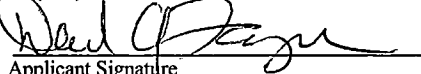
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

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

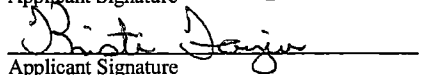
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I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

DAVID FAZIO
Print Name and title if applicable

1-20-17
Date


Applicant Signature

Kristi Fazio
Print Name and title if applicable

1-20-17
Date

App. No. _____	For Department Use 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*).

No additional affected landowners.

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: Multnomah Channel through the A-1 Canal Tributary to: Marquam Dry Lake Channel

Source 1: Unnamed Irrigation Ditch Tributary to: Mud Slough

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.)

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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
Multnomah Channel through the A-1 Canal	Irrigation	March 1 through October 31	3.43 cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Unnamed Irrigation Ditch	Irrigation	March 1 through October 31	3.43 cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

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

Primary: 274.4 Acres Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 686.0

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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Turbine; 100 Hp

Other means (describe): NA

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

Water will be diverted from proposed points of diversion, A-1 Canal POD and Charlton Linder POD, using a 100 Hp turbine pump and conveyed through a mainline and wheel line to the proposed place of use and/or laterals and sprinklers to the proposed place of use.

B. Application Method

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

Wheel line and sprinklers.

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 will be applied to crops when needed. The most water efficient method of irrigation will be used for the crop being irrigated.

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: A fish screen that meets ODFW requirements will be installed.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Any excavation or clearing of banks will be kept to a minimum to protect riparian and streamside areas.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Any operation of equipment in a water body will be managed and timed to prevent damage to aquatic life.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Any run-off of waste or chemical products will be prevented to protect water quality.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 5 years from date of permit issuance.

Date construction will be completed: Within 5 years from date of permit issuance.

Date beneficial water use will begin: Within 5 years from date of permit issuance.

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SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name Sauvie Island Drainage District	Address 29264 NW Sauvie Island Rd	
City Portland	State OR	Zip 97231

SECTION 9: REMARKS

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

None.

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Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- 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 _____

MAP

- 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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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: David and Kristi Fazio
First Last

Mailing Address: 17799 NW Lucy Reeder Road

Portland Oregon 97231
City State Zip

Daytime Phone: 503-805-3814
City

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	1W	9, 10 & 16	See assessor map 2N 1W, Map No. 6	2N 1W, Map No. 6, Parcel 1000		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation Use

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) Multnomah Channel through the A-1 Canal

Estimated quantity of water needed: 2.03 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:

The applicant proposes to divert 2.03 cfs of water from Multnomah Channel through the A-1 Canal for irrigation use on 162.2 acres.

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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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 34.26.20 (A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: George A. Plummer Title: Planner
 Signature: George A Plummer Phone: 503-988-0202 Date: 1/5/17
 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.

BP-2017-6604

Receipt for Request for Land Use Information

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

RECORDING REQUESTED BY:



1925 NW Amberglen Pkwy., Ste 153
Beaverton, OR 97006

GRANTOR'S NAME:

MTW 2001 Living Trust and
CLW 2001 Living Trust

GRANTEE'S NAME:

David A. Fazio
Kristi S. Fazio

AFTER RECORDING RETURN TO:

David Fazio and Kristi S. Fazio
17799 NW Lucy Reeder Road
Portland, OR 97231

Multnomah County Official Records
R Weldon, Deputy Clerk

2016-069998

06/08/2016 12:45:00 PM

1R-W DEED Pgs=4 Str=22 ATVMA
\$20.00 \$11.00 \$10.00 \$20.00

\$61.00

SEND TAX STATEMENTS TO:

David Fazio and Kristi S. Fazio
17799 NW Lucy Reeder Road
Portland, OR 97231
R324887 and 2N1W -01000
20316 NW Reeder Road, Portland, OR 97231

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Michael Thurston Warn, trustee of the MTW 2001 Living Trust U/T/A dated August 14, 2001 and Cynthia L. Warn, trustee of the CLW 2001 Living Trust U/T/A dated July 30, 2001, Grantor, conveys and warrants to David A. Fazio and Kristi S. Fazio, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Multnomah, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION TWO HUNDRED FIFTY-FIVE THOUSAND SEVEN HUNDRED EIGHTEEN AND NO/100 DOLLARS (\$2,255,718.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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5-88368

RECORDING REQUESTED BY:



1925 NW Amberglen Pkwy., Ste 153
Beaverton, OR 97006

GRANTOR'S NAME:

MTW 2001 Living Trust and
CLW 2001 Living Trust

GRANTEE'S NAME:

David A. Fazio
Kristi S. Fazio

AFTER RECORDING RETURN TO:

David Fazio and Kristi S. Fazio
17799 NW Lucy Reeder Road
Portland, OR 97231

SEND TAX STATEMENTS TO:

David Fazio and Kristi S. Fazio
17799 NW Lucy Reeder Road
Portland, OR 97231
R324887 and 2N1W -01000
20316 NW Reeder Road, Portland, OR 97231

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THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION TWO HUNDRED FIFTY-FIVE THOUSAND SEVEN HUNDRED EIGHTEEN AND NO/100 DOLLARS (\$2,255,718.00). (See ORS 93.030).

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Recorded by TICOR TITLE TP02 3020100750

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STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: May 26, 2016

MTW 2001 Living Trust U/T/A dated August 14, 2001

BY: [Signature]
Michael Thurston Warn
Trustee

CLW 2001 Living Trust U/T/A dated July 30, 2001

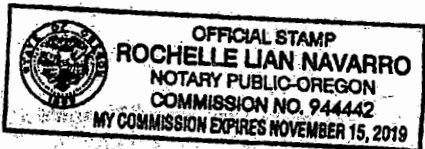
BY: [Signature]
Cynthia L. Warn
Trustee

State of Oregon
County of ~~Washington~~ Clackamas
This instrument was acknowledged before me on May 26, 2016 by

Michael Thurston Warn, as Trustee of the MTW 2001 Living Trust and Cynthia L. Warn, as trustee of the CLW 2001 Living Trust.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 11/15/16



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EXHIBIT "A"
Legal Description

All the following described real property situated in Sections 9, 10, 15 and 16, Township 2 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, to-wit:

Beginning at the Northwest corner of that certain parcel of land deeded to the Oak Ridge Gun Club by Mary Paquet as recorded in Book 1058, Page 17, Records of Deeds, Multnomah County; thence South 89°011/2' East 103.2 feet on the East and West center line of Section 9, Township 2 North, Range 1 West of the Willamette Meridian to the true point of beginning of the parcel of land herein to be described; thence North 41°201/2' West 236.0 feet, North 63°391/2' West 136.1 feet, South 73°051/2' West 99.5 feet; thence South 60°061/2' West 362.0 feet, more or less, to a point, which lies 16.5 feet North from and measured at right angles to the East and West center line of said Section 9; thence North 89°011/2' West 743.0 feet, more or less, to the existing County Road; thence South 16.5 feet to the center line of said Section 9; thence South 89°011/2' East on the center line of Section 9, 1434.0 feet, more or less, to the true point of beginning, ALSO Beginning at the Northwest corner of Ellis Walker Donation Land Claim in Section 9, Township 2 North, Range 1 West of the Willamette Meridian; thence South 14°30' East on the West line of the said Walker Claim, 48 chains to an obtuse angle at claim corner; thence South 43°091/2' East on the said West line of the Walker Claim, 32.18 chains to the division line between the North and South halves of the Donation Land Claim of Ellis Walker and Sara Ann Walker; thence North 55°44' East along said division line, 6.50 chains to the center of slough; thence down the center line of said slough as follows: North 30° West 4.80 chains; North 15° East, 17 chains; North 5 chains; North 55° West, 4 chains; North 16° West, 10 chains; North 50° West, 14 chains; North 21° West, 19 chains; North 23°30' West, 11.14 chains to the North line of said Ellis Walker Donation Land Claim; thence North 59°30' East on the said North line of the Walker Claim, 16 chains to the Northeast corner of said claim; thence North 5.93 chains to the Northwest corner of the Martin Gillihan Claim; thence East along the North line of the said Gillihan Claim, 2.15 chains to a point in the East line of Lot 4 of said Section 10; thence North 0°11' West on the East line of Lots 4 and 3 of said Section 10, 24.50 chains to the South line of the Leonard Jewett Donation Land Claim; thence South 89°491/2' West along the said South line of the Jewett Donation Land Claim 21.50 chains to the Southwest corner of said Jewett Claim and the Northwest corner of said Lot 3 in Section 10; thence South 1°16' East on the West line of said Lot 3, 10.37 chains to the quarter section corner between said Sections 9 and 10; thence North 89°01'30" West along the East and West Center line of said Section 9, 19 chains to a Ford axle driven flush with the ground in the East line of that certain tract of land conveyed to Albert Linder and John Linder, Jr. by Mary Elizabeth Paquet by Deed recorded February 27, 1928 in Book 1134, page 240, Deed Records; thence South 20°41'30" East, 22.42 chains along the Easterly line of said Linder Tract, to a Ford axle driven flush with the ground; thence South 11°10'30" East along said Easterly line of the said Linder Tract, 15.82 chains to the place of beginning.

EXCEPTING THEREFROM any part lying East of the West line of that property described in that Deed dated August 30, 1939, recorded October 19, 1939 in Book 518, Page 438 from W. Donald Nickelsen, a single man, to Sylvester B. Hall and Edna M. Hall, his wife, and Albert S. Hall and Ethel K. Hall, his wife, said West line being described as follows:

Beginning at a point located South 59°30' West 13 chains and 80 links from the Northeast and most Northerly corner of said Ellis Walker and Sarah Ann Walker Donation Land Claim in Section 10, Township 2 North, Range 1 West of the Willamette Meridian, Multnomah County, Oregon, in the center of that certain slough, situated and being in said Ellis Walker and Sarah Ann Walker Donation Land Claim; thence from said point of beginning, South 12°30' East 21 chains; thence South 42°30' East 21 chains 20 links, thence South 22° East 9 chains 20 links; thence South 45°30' East 4 chains 60 links; thence South 6° West 8 chains 10 links; thence South 54° West 6 chains 50 links; thence South 5°30', 7 chains; thence South 18° East 8 chains 90 links.

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EXHIBIT "B"
Exceptions

Subject to:

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

The Land has been classified with exemption Tenant Farmer/Farm Unit, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of unnamed creek or stream.

Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Recording Date: May 25, 1944
Recording No: Book 838, Page 570

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Recording Date: July 20, 1972
Recording No: Book 870, Page 688

Landowners' Notice of Sauvie Island Drainage Improvement Company, including the terms and provisions hereof,

Recorded: June 26, 2009, Recorder's No. 2009-091286
Affects: As described therein-location indefinite

Liens and charges as set forth in the above mentioned declaration,
Payable to: Sauvie Island Drainage Improvement Company

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 4, 2015
Recording No: 2015-152604

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 4, 2015
Recording No: 2015-152605

Encroachment of a certain six acres by the owner of a neighboring property, Bailey Nurseries, Inc.

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