



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](http://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: 503-838-3779  
Home Work Other  
Fax: 503-838-1050 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: 503-838-3779  
Home Work Other  
Fax: 503-838-1050 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: Gondwana Pond

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: Unnamed stream Tributary to: Battle Creek

C. County in which diversion occurs: Marion County

|                |                                        |            |
|----------------|----------------------------------------|------------|
| App. No. _____ | For Department Use<br>Permit No. _____ | Date _____ |
|----------------|----------------------------------------|------------|

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#### D. Reservoir Location

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 8S                   | 3W                | 30      | NW/SE           | 300            |

E. Dam: Maximum height of dam: 16 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: 9.1

Acre-feet =  $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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

#### 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.

## 7. WITHIN A DISTRICT

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

|                          |         |     |
|--------------------------|---------|-----|
| Irrigation District Name | Address |     |
| City                     | State   | Zip |

## 8. DESCRIPTION

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

This reservoir will be an impoundment of the headwaters of the unnamed ephemeral stream indicated on the attached map. It is located near the top of this drainage, where the creek flows only during or immediately after large rain events. This stream flows northeast as it approaches Cole Road and flows east after meeting the road until it passes under Cole Road just west of Moore Road in a culvert where it then flows generally to the north until it joins the main stem of Battle Creek a half mile southwest of Joryville Park. I propose building an earthen berm to impound the unnamed stream near the north boundary of tax lot 300 in township 8S, range 3W, section 30. Based on preliminary surveying, a 16 feet tall berm will provide the 9.1 acre feet of water storage requested. The berm will be 16 feet above grade at its highest point, where it crosses the streambed. The berm will be oriented approximately perpendicular to the stream and will extend to each side until it meets the existing grade.

A spillway made of concrete, shown in the attached sketch, will allow overflow to pass through the reservoir and continue downstream once the reservoir has filled. The spillway outlet will return flow to the stream's natural watercourse. The stored water will be used to irrigate hazelnuts and other crops through buried PVC distribution pipe.

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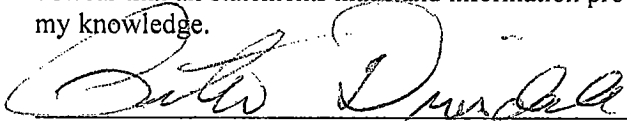
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

See attached drawing.

#### 9. SIGNATURE

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

  
Applicant Signature

2/2/18  
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: Dinsdale 8S 3W 30 NWSE TL 300

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

Explain:

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

If YES, which conditions are recommended:      NA

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

Who:      Agency:      Date:

Who:      Agency:      Date:

No measuring device is needed.

Watermaster signature:       Date: 2/16/18

WRD Contact:      Caseworker:      Water Rights Division, 503-986-0900 / Fax 503-986-0901

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

# ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant:

Applicant Name/Address/Phone/Email: Willy / Peter Dinsdale

Reservoir Name: Gondwana Pond

Source: stream, tributary off battle creek Volume (AF): 9.1

Twp Rng Sec QQ: SS 3W 30 NW/SE

Basin Name: Battle Creek

☒ in-channel  
☐ off-channel

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

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

1) Is the proposed project and AO<sup>1</sup> 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 NMF<sup>2</sup> 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 \_\_\_\_\_ through \_\_\_\_\_ poses a significant detrimental impact to existing fishery resources.  
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)  
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

POND COULD IMPACT AVAILABLE FLOW TO FISH HABITAT  
DOWNSTREAM, AND IMPACT SUMMER STREAM TEMPERATURES.

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

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

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☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

\_\_\_\_\_Fishmay: if fish are planted in the reservoir, then a screen should be placed over the outlet to prevent these fish from escaping downstream.

ODFW Signature:

Print Name:

ODFW Title:

Date:

Revised 10/4/12

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

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

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

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

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

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

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

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

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

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

**b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.

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

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

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

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

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

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

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

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# Land Use Information Form



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

Applicant: Peter First Diasdale Last

Mailing Address: PO Box 357

Independence City OR State 97351 Zip Daytime Phone: 503 838 3779

## 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: |
|-----------|-----------|-----------|-------------|------------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| <u>S5</u> | <u>3W</u> | <u>30</u> | <u>NWSE</u> | <u>300</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" 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            |                    |
|           |           |           |             |            |                                                 | <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:

Marion County

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## B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Unnamed stream

Estimated quantity of water needed: \_\_\_\_\_ ☐ 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 Multipurpose

Briefly describe:

I propose building a 4 acre foot reservoir by impounding the headwaters of a small unnamed ephemeral stream. The water is needed to irrigate 135 acres of filberts I will plant on the adjoining land next winter

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. →

## 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 17.136.020

☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

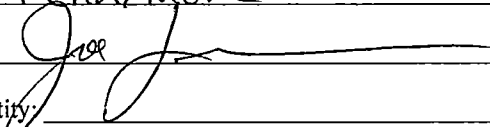
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Joe Fennimore Title: Planning Director

Signature:  Phone: 503-566-4177 Date: 2/2/18

Government Entity: \_\_\_\_\_

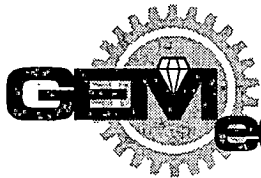
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

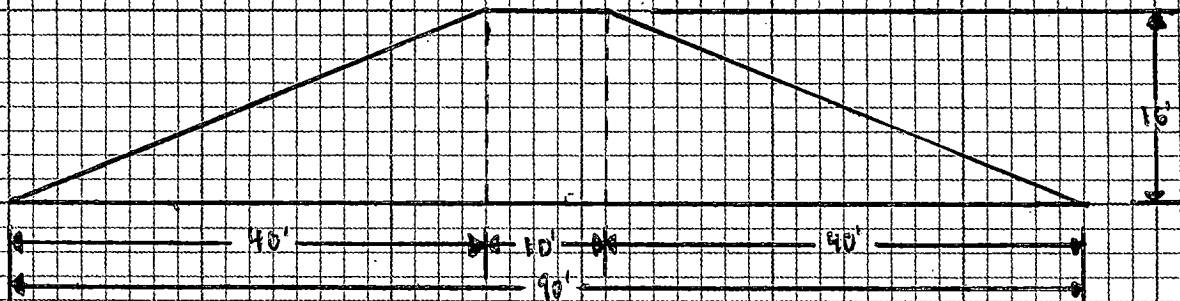


**equipment OF OREGON inc.**

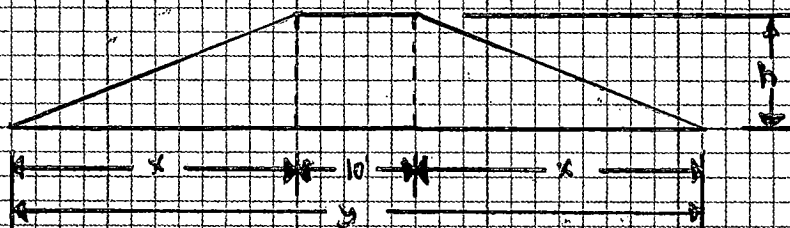
POST OFFICE BOX 359 / WOODBURN, OREGON 97071 / PHONE (503) 982-9902 / FAX (503) 981-6316

SCALE:  $\frac{1"}{3'}$

TALLEST DAM  
SECTION VIEW



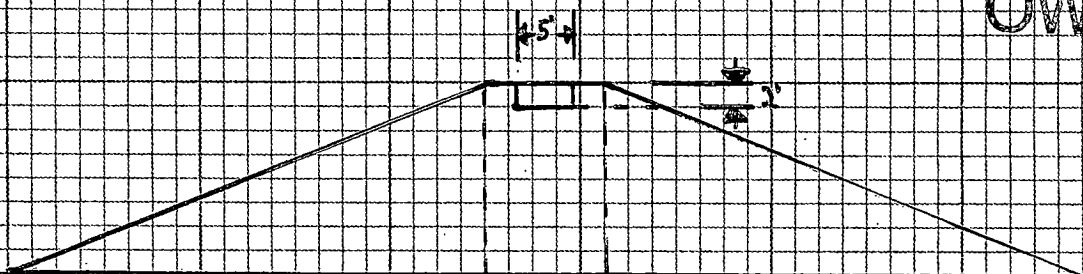
SECTION HEIGHT DEPENDS ON ORIGINAL  
GRADE ELEVATION. STANDARD DAM SECTION BELOW



$$x = 2.5 \cdot h$$

$$y = 5 \cdot h + 10$$

SPILLWAY DETAIL



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**SEND TAX STATEMENTS TO:**

BH Land LLC  
PO Box 357  
Independence, OR 97351

**AFTER RECORDING, RETURN TO:**

Evans & Batlan, Attorneys at Law  
969 - 13th Street SE  
Salem, OR 97302-2504

The true and actual consideration for this transfer is contribution to a limited liability company.

REEL 3456 PAGE 293  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
12-21-2012 12:02 pm.  
Control Number 329810 \$ 76.00  
Instrument 2012 34047274

**BARGAIN AND SALE DEED**

**PETER B. DINSDALE, GRANTOR**

Conveys to

**BH LAND LLC, an Oregon limited liability company, GRANTEE**

All the following described real property situated in Marion County, Oregon described on Exhibit "A" attached hereto and by this reference incorporated herein.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 21st day of December, 2012



PETER B. DINSDALE

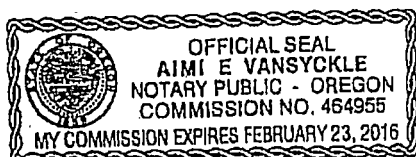
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STATE OF OREGON, County of Marion ) ss.

PERSONALLY appeared before me this 21st day of December, 2012, the above named PETER B. DINSDALE and acknowledged the foregoing instrument to be his voluntary act and deed.



NOTARY PUBLIC FOR OREGON

My Commission Expires: Feb. 23, 2016

12.21.12 10:50 FAXWORDDOCESTWCCClient Documents\Dinsdale, Peter\LLC\Deed Marion County.wpd

# **EXHIBIT "A"** **Legal Description**

**Cole Road**

Tax Account Numbers R33248, R33243, R33249, R33250, R33245

Beginning on the North line of the South ½ of Section 30 in Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, at a point which is 20.00 chains East from the quarter corner on the West line of said section; thence South 0° 10' West parallel with the West line of said section 20.085 chains; thence West parallel with the North line of the South ½ of said Section 7.50 chains; thence South 0° 10' West 5.00 chains; thence East 20.700 chains; thence South 0° 10' West 14.970 chains to a point on the South line of said section; thence North 89° 42' East 8.460 chains to the quarter corner of the South line of said section; thence South 89° 15' East along the South line of said section 14.740 chains; thence North 0° 10' East 19.230 chains; thence East 20.570 chains; thence North 0° 10' East 20.970 chains to a point on the North line of the South ½ of said section; thence West 56.970 chains to the place of beginning.

**Edwards Farm**

Tax Account Number R33764

All of the following property lying West of the railroad right of way:

A tract of land located in Sections 26 and 27, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon, and it is hereby understood that all deeds referred to herein by Volume numbers and Page numbers are Volume and Page numbers of deeds recorded in Deed Records of Marion County, Oregon; said tract of land being more particularly described as follows:

Beginning at the section corner common to Sections 22, 23, 26 and 27, Township 8 South, Range 4 west of the Willamette Meridian; from said beginning point thence West 20.41 chains to the Northeast corner of the tract of land described in Volume 158 on Page 487; thence South 6.07 chains to the Southeast corner of said tract; thence West 6.58 chains to the Northeast corner of the tract of land described in Volume 164 on Page 449; thence South 4.0 chains and South 27° 30' West 3.025 chains along the Easterly boundary of said last mentioned tract to the North boundary of the tract of land described in Volume 134 on Page 497; thence East 7.286 chains along the North boundaries of the tracts of land described in Volume 134 on Page 497 and Volume 215 on Page 577 to the Northeast corner of the aforesaid tract described in Volume 215 on Page 577; thence South 27.28 chains to the Northeast corner of the last mentioned tract, which corner is located in the East and West center line of said Section 27; thence East 21.404 chains to the East 1/4 section of said Section 27; thence North 20.0 chains along the East boundary of said Section 27 to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 27; thence East 20.0 chains to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of the aforementioned Section 26; thence North 2.5 chains to the Northwest corner of the tract of land described in Volume 188 on Page 532; thence along the North boundary of the last mentioned tract, East 4.166 chains to the most Westerly corner of the tract of land described in Volume 141 on Page 268; thence North 66° 40' East 1.912 chains and North 85° 43' East 6.684 chains along the Northerly boundary of the last mentioned tract to the most Westerly Southwest corner of the tract of land described in Volume 183 on Page 501; thence North 3.488 chains to the Northwest corner thereof; thence North 89° 15' East 15.288 chains along the North boundaries of the last mentioned tracts and the tracts described in Volume 163 on Page 169 to the most Easterly corner of the last mentioned tract in the center line of the county road and also in the Northwesterly boundary of the tract described in a correction deed recorded in Volume 72 on Page 350; thence along said last mentioned Northwesterly boundary, the following four courses and distances: North 25° East 3.3 chains, North 74° 15' East 1.73 chains, North 29° East 2.64 chains and North 54° 30' East 2.83 chains to the most Southerly Southeast corner of the tract of land described in Volume 130 on Page 93; thence West 7.43 chains to the Southwest corner of said tract; thence North 5.1 chains to the Northwest corner of said tract located in the North boundary of said Section 26; thence along said North boundary South 89° 15' West 7.64 chains to the 1/4 section corner; thence continuing along said North boundary South 89° West 7.5 chains to the Northeast corner of the tracts of land described in Volume 162 on Page 529; thence South 3.0 chains to the Southwest corner thereof; thence North 16° 30' East 3.116 chains to the Northwest corner thereof and which last mentioned corner is located in the North boundary of said Section 26; thence South 89° West 26.25 chains along the North boundary of said

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Section 26 to the place of beginning of the tract herein described.

SAVE AND EXCEPT railroad right of way.

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ALSO SAVE AND EXCEPT three tracts of land heretofore conveyed to the Oregon Electric Railway Company and described in Volume 113 on Page 582, Volume 125 on Page 352 and Volume 131 on Page 184.

**Martin Farm**

Tax Account Numbers R33765, R33766

Beginning at a point on the South line of Mary Lee Butler's land, 25.7 chains West from the one-quarter section corner between Sections 26 and 27, Township 8 South, Range 4 West of the Willamette Meridian, in Marion County, State of Oregon, said point being 5.07 chains West of the Northeast corner of Emma D. Fennell's land; thence North 27.28 chains; thence West 11 chains; thence South 27.28 chains to the South line of Mary Lee Butler's land; thence East 11 chains to the place of beginning.

ALSO, the following described premises, to wit :

Beginning at the Southeast corner of the land conveyed to Vance L. Butler by Mary Lee Butler and Orville Butler, her husband, as described in deed recorded in Book 134, Page 497, Deed Records for Marion County, Oregon; thence Easterly along the Southerly line of said Vance L. Butler land extending 242 feet; thence Northerly and parallel with the East line of said Vance L. Butler land to a point 242 feet Easterly from the Northeast corner of the Vance L. Butler land on the Northerly line of said Vance L. Butler land, extended Easterly; thence Westerly on said North line extended to the Northeast corner of said Vance L. Butler land; thence South on the East line of said Vance L. Butler land to the place of beginning.

**Kaufman Farm**

Tax Account Numbers R33741, R33796

Beginning at a point which is 4.485 chains Southerly and 17.02 chains Westerly and 3.97 chains South 0° 45' East and 160.73 feet South 67° 00' West from the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 26 in Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, said point being on the Westerly right-of-way line of the Burlington Northern Railroad; thence South 25° 53' 31" East along said right-of-way line 287.16 feet; thence along the arc of a 4990.77 foot radius curve to the left (the chord of which bears South 31° 11' 42" East, 922.54 feet) a distance of 923.85 feet; thence South 36° 29' 53" East, 1160.65 feet; thence leaving said right-of-way line South 201.52 feet to the center of the County Road No. 906; thence along the arc of a 770.49 foot radius curve to the left (the chord of which bears North 71° 04' 20" West, 512.05 feet) a distance of 521.97 feet; thence South 89° 31' 12" West, 857.99 feet to the West line of a tract of land conveyed to George Grabenhorst and recorded in Volume 655, Page 326 Deed Records for said County and State; thence North 0° 10' East along said West line to the Northwest corner of the Northeast 1/4 of Section 35 in said Township and Range; thence East along said Grabenhorst tract of land to the middle of a slough; thence North 26° 48' West along the middle of the slough to a point which is South 67° 00' West from the point of beginning; thence North 67° 00' East 321.54 feet more or less to the point of beginning.

Save and Except the following described real property: Beginning at a point which is 4.485 chains Southerly and 17.02 chains Westerly and 3.97 chains South 0° 45' East and 160.73 feet South 67° 00' West and 2887.16 feet South 25° 53' 31" East and 922.54 feet South 31° 11' 42" East and 1160.65 feet South 36° 29' 53" East from the Northeast corner of the Southwest 1/4 of Section 26 in Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, said point being on the Westerly right-of-way line of the Burlington Northern Railroad; thence leaving said railroad South 176.22 feet to the Northerly right-of-way line of County Road No. 906; thence along the arc of a 790.49 feet radius curve to the left (chord of which bears North 55° 26' 37" West, 72.85 feet) a distance of 72.88 feet; thence North 215.99 feet to the Westerly right-of-way line of said railroad; thence South 36° 29' 53" East along said right of way line 100.87 feet to the point of beginning.

Together with an easement appurtenant to the real property conveyed hereby in favor of the Grantee, and the Grantee's heirs, successors and assigns for road and roadway purposes over and across the parcel described immediately hereinabove.

Home Place

Tax Account Numbers R33747, R33748, R33760, R33784, R33800

**PARCEL 1:**

Beginning at a point on the North line of Section 27, in Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon, 7.00 chains South 89° 25' West from the quarter section corner between Section 22 and 27; thence South 89° 25' West 13.00 chains; thence South 40.00 chains; thence West 8.02 chains; thence South 8.36 chains to the center of a County road; thence North 89° 45' East along the center of said road, 19.65 chains; thence South 76° East, along the center of said road, 3.84 chains; thence East, along the center of said road, 4.80 chains, more or less, to the line dividing said Section 27 into East and West halves; thence South 30.77 chains to the Southwest corner of the Southeast quarter of said Section 27; thence East 20.00 chains to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 27; thence North 20.00 chains to the Northwest corner of the Southeast quarter of the Southeast quarter of said Section 27; thence East 64.00 chains to the Southwest corner of a certain 11.92 acre tract described in Volume 123, page 164, Marion County Deed Records; thence North 7.45 chains to the Northwest corner of said 11.92 acre tract; thence East 16.00 chains to the Northeast corner of said 11.92 acre tract; thence North 50 rods to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 26 in said Township and Range; thence East 20.00 chains to the Southeast corner of said Southeast quarter of the Northeast quarter of said Section 26; thence North 20.00 chains to the Northeast corner of said Southeast quarter of the Northeast quarter of Section 26; thence West 20.00 chains, more or less, to the Northwest corner of said Southeast quarter of the Northeast quarter of said Section 26; thence North 2.50 chains; thence West 14.00 chains, more or less, to the center of a county road; thence South 63° 04' West 2.34 chains, along the center of said road; thence South 74° 35' West 3.32 chains along the center of said road; thence South 79° 04' West 1.22 chains along the center of said road; thence North 59° 35' West 4.08 chains along the center of said road; thence North 58° 14' West 2.25 chains, along the center of said road; thence South 85° 43' West 7.784 chains along the center of said road; thence South 66° 40' West 1.912 chains along the center of said road to a point which is 2.50 chains North and 4.166 chains North 89° 15' East from a point which is 2.50 chains North and 4.166 chains North 89° 15' East from the Southeast corner of the Northwest quarter of the Northwest quarter of Section 26, in said Township and Range; thence South 89° 15' West 4.166 chains; thence South 2.50 chains to the last mentioned corner; thence West 20.00 chains to the East line of Section 27 in said Township and Range; thence South 20.00 chains to the quarter section corner between Sections 26 and 27 in said Township and Range; thence West along the line dividing Section 27 into North and South halves, 47.00 chains, more or less, to a point south of the point of beginning; thence North 40.00 chains to the point of beginning.

SAVE AND EXCEPT 6.92 acres and 2.20 acres conveyed to Oregon Electric Railroad by deed recorded in Volume 113, Page 585, and in Volume 131, Page 37, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT roads and roadways.

**PARCEL 2:**

The Southeast quarter of the Southeast quarter of Section 27; and the South half of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 26, the Northeast quarter of the Northeast quarter of Section thirty-four (34) and the North half of the Northwest quarter of Section 35, all in Township 8 south, Range 4 West of the Willamette Meridian in Marion County, Oregon.

Save and Except therefrom the right of way of the Oregon Electric Railroad Company as described in deed recorded in Volume 119, Page 96, Deed Records for Marion County, Oregon; and save and except also therefrom 13.10 acres of land, more or less, in said Section 26, as described in deed recorded in Volume 161, Page 379, Deed Records; save and except also a right of way granted to Mountain States Power Company, as described in Deed recorded December 31, 1934, in Volume 220, Page 331, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT that tract of land described in deed from Peter S. Haslebach and Stella N. Haslebach, husband and wife, to Leonard Schindler et ux, et al, recorded May 19, 1972 in Volume 726, Page 781, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT that tract of land in Sales Agreement between Peter S. Haslebach, et ux,

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and M.A. Melgard, recorded April 12, 1973 in Volume 749, Page 567, Deed Records.

ALSO SAVE AND EXCEPT that tract described in deed from Peter S. Haslebach, et ux to M.A. Melgard, recorded April 12, 1973 in Volume 749, Page 574, Deed Records.

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ALSO SAVE AND EXCEPT: Beginning at a point 20 chains West of the Southeast corner of Section 27 in Township 8 South, Range 4 West; thence West 20 chains; thence North 30.77 chains, more or less, to the center of Market Road No. 53; thence Easterly along the center of said County Road to a point which is North 31.90 chains, more or less, from the point of beginning; thence South 31.90 chains, more or less, to the point of beginning.

ALSO SAVE AND EXCEPT that tract of land described in deed from Stella M. Haslebach and Peter S. Haslebach, her husband, to George H. Grabenhorst Jr. et al recorded October 16, 1968 in Volume 655, Page 326, Deed Records for Marion County, Oregon.

**Lauderback Place** Tax Account Numbers R33790, R33791

Being parts of Section 35 and 36, in Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon, and being bounded and described as follows: Beginning at a point 80 rods South of the Northeast corner of said Section 35; and running thence East 16 rods; thence South to the Willamette River; thence down the East bank or North bank of said river to a point thereon 80 rods West of the East line of said Section 35; thence North to a point due West of the place of beginning; thence East to the place of beginning.

SAVE AND EXCEPT from said premises the land conveyed to the Oregon Electric Railway Company, a corporation, by deed recorded at Page 587, of Book 113, of the Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of all roads and roadways.

ALSO SAVE AND EXCEPT: Beginning in the center of a County Road at a point which is 4.00 chains East and 7.60 chains North 0° 44' West from the quarter corner on the West line of Section 36, in Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon; thence South 0° 44' East 3.65 chains; thence North 85° 37' West parallel with the center of said County Road 2.74 chains; thence North 0° 44' West 3.65 chains to the center of said County Road; thence South 85° 37' East 2.74 chains to the place of beginning.

ALSO SAVE AND EXCEPT: A parcel of land located in Section 35, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon. Beginning at a 5/8 inch iron rod with plastic cap on the Southerly right of way of County Road 906 which bears South 20 chains and East 4 chains and South 00° 44' 00" East 830.95 feet and North 85° 40' 00" West 412.18 feet and South 00° 44' 00" East 20.07 feet from the Northeast corner of Section 35, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon; thence North 85° 40' 00" West along said right of way 410.00 feet; thence North 59° 30' 00" West continuing along said right of way 112.89 feet to a point on the Northeasterly right of way of the Oregon Electric Railroad as it is now located; thence South 37° 25' 01" East along said right of way 626.41 feet to a point of spiral curve left defined by a centerline "a" of 1.5 and a delta of 3° and a length of 200 feet; thence along the arc of said right of way spiral (the long chord bears South 38° 22' 45" East 195.42 feet) to the point of curvature of a circular curve left defined by a radius of 1860.08 feet an delta value of 0° 31' 15"; thence along the arc of said curve 16.91 feet (the long chord bears South 42° 54' 31" East 16.91 feet) to a 5/8 inch iron rod with plastic cap at a point on curve; thence North 00° 44' 00" West 574.87 feet to the point of beginning.

ALSO SAVE AND EXCEPT: A parcel of land located in Section 35 and 36, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon. Beginning at a 7/8 inch x 22 inch iron rod which bears South 20 chains and East 4 chains from the Northeast corner of Section 35, in Township 8 South, Range 4 West of the Willamette Meridian; thence South 00° 44' 00" East 810.88 feet to a point on the Northerly right of way of County Road 906; thence along said Northerly right of way the following three courses and distances: North 85° 40' 00" West 809.34 feet; thence North 59° 30' 00" West 146.19 feet; thence North 50° 15' 00" West 146.19 feet; thence North 50° 15' 00" West 94.78 feet to a point on the

Northeasterly right of way of the Oregon Electric Railroad as it is now located; thence North 37° 25' 01" West along said right of way 774.15 feet to a point due West of the point of beginning; thence East 1201.86 feet, more or less, to a stone recorded as being South 20 chains from the Northeast corner of said Section 35; thence East 264.00 feet to the point of beginning.

ALSO SAVE AND EXCEPT: Beginning at a 3/8 inch x 31 inch iron rod which bears South 20 chains and East 4 chains and South 00° 44' 00" East 13322.55 feet from the Northeast corner of Section 35, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon; thence North 00° 44' 00" West 260.70 feet; thence North 85° 40' 00" West 180.84 feet; thence North 00° 44' 00" West 220.82 feet to the southerly right of way of County Road 906; thence North 85° 40' 00" West along said right of way 231.34 feet to a 5/8 inch iron rod with plastic cap; thence South 00° 44' 00" East 574.87 feet to a 5/8 inch iron rod with plastic cap on the Northeasterly right of way of the Oregon Electric Railroad as it is now located; said 5/8 inch iron rod with plastic cap is a point on curve of a circular curve left defined by a radius of 1860.08 feet and a delta value of 16° 25' 12"; thence along the arc of a said curve 533.06 feet (the long chord bears South 51° 22' 44" East 531.24 feet) to a 1/4 inch x 33 inch iron rod; thence North 00° 45' 48" West 393.81 feet to the point of beginning.

Miller Place Tax Account Numbers R33783, R33782, R33780, R33789, R33787

**PARCEL I:**

The South half of the Northwest quarter of Section 35, Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon.

ALSO: Lots Three (3) and Four (4), in Section 35 in Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, according to the official survey thereof as platted and filed in the United States District Land Office for the State of Oregon; which said premises are also described as beginning at the Northeast corner of the Southwest quarter of said Section 35, and running thence South 20.00 chains, more or less, to the bank of the Willamette River at low water mark; thence running in a general Northwesterly direction following the meanders of the bank of said Willamette River at low water mark to the Section line between Sections 34 and 35 in said Township and Range; thence North along said Section line to the Northwest corner of the Southwest quarter of said Section 35 and running thence East along the North line of said Southwest quarter of said Section 35, 40.00 chains, more or less, to the place of beginning.

**PARCEL II:**

Beginning at a point 4.65 chains South of the meander post on the line between Section 35 and 36, Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, said meander post being 19.13 chains North of the Southeast corner of Section 35 and running thence North 32° 15' West 4.16 chains; thence North 56° 30' West 3.31 chains; thence North 67° West 6.30 chains; thence North 65° 45' West .49 of a chain; thence North 74° 30' West .85 of a chain; thence North 79° 45' West 1.05 chains; thence North 25° West 1.17 chains; thence South 60° 30' West .81 chain; thence South 87° 30' West 1.44 chains; thence South 74° 15' West .78 of a chain; thence south 68° 30' West .95 of a chain; thence South 87° 15' West 5.49 chains; thence South 77° West 4.64 chains; thence South 61° West 5.30 chains; thence South 52° 30' West 3.25 chains; thence South 44° 30' West 3.11 chains; thence South 43° 15' East 2.80 chains; thence South 51° 15' East 3.00 chains; thence South 62° 15' East 2.70 chains; thence South 50° 45' East 2.64 chains; thence South 39° East 2.00 chains; thence North 75° East 5.35 chains; thence North 85° East 12.71 chains; thence North 83° East 3.75 chains; thence to the place of beginning.

The premises above described constitute an Island in the Willamette River commonly known and designated as "Tice's Island."

SAVE AND EXCEPT from the above described real property any portion which lies below the mean high water mark of the Willamette River.

**PARCEL III:**

Beginning at a point 20 chains West and 20 chains North of the center of Section 34, Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon; thence East 16 chains to the center of a slough; thence Southeasterly following the center of said slough to a point 12.50 chains East and 5.90

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chains North of the center of said Section 34; thence South to the North bank of the Willamette River; thence following said bank in a Northwesterly direction to a point due West of the point of beginning; thence East to said point of beginning.

SAVE AND EXCEPT that certain tract of land conveyed to the State of Oregon by deed recorded in Volume 455, Page 312, Deed Records for Marion County, Oregon.

**PARCEL IV:**

Beginning at a point 20.00 chains South from the quarter Section corner between Sections 27 and 34 in Township 8 South, Range 4 West of the Willamette Meridian, in Marion County, State of Oregon, and running thence South 4.00 chains to the center of slough; thence in a Southeasterly course along the center of said slough to an iron pipe; from which a maple tree 40 inches in diameter bears North 69° East 19 links; said pipe being 12.50 chains East and 14.10 chains South from the beginning point; thence South to the right bank of the Willamette River; thence in a Southeasterly course, following up the right bank of said river, to the line between Section 34 and 35; thence North to the Northeast corner of the Southeast quarter of the Northeast quarter of said Section and thence West 40.78 chains to the place of beginning.

**Skyline Farm** Tax Account Numbers R33736, R33730, R33732

Specifically reserving Grantor's personal residence located at 7455 Skyline Road, Salem, together with the surrounding property necessary to the useful enjoyment thereof.

**PARCEL I**

Beginning at the Southeast corner of the Northeast quarter of Section 25, Township 8 South, Range 4 West of the Willamette Meridian in Marion County, Oregon, said beginning point being in the center of the County Road, and running thence North 54.46 chains; thence West 33.34 chains; thence South 86° West 12.17 chains; thence South 0° 45' West 1.46 chains; thence South 10° 15' East 1.29 chains; thence South 6° 30' East 1.29 chains; thence South 1° East 2.97 chains; thence South 13° 30' West 2.89 chains; thence South 43° East 1.09 chains; thence South 1° 30' East 3.95 chains; thence South 1° East 2.97 chains; thence South 13° 30' West 2.89 chains; thence South 29° 30' West 2.89 chains; thence South 29° 30' West 5.28 chains; thence South 24° 30' West 3.03 chains; thence South 7° 45' West 3.59 chains; thence South 11° 30' East 4.39 chains; thence South 25° 30' West 2.29 chains; thence South 4° 30' West 2.74 chains; thence South 37° West 1.39 chains; thence South 1° 30' East 1.40 chains; thence South 14° 30' East 4.95 chains; thence South 1° 30' West 2.11 chains; thence South 14° 30' East 1.42 chains; thence South 21° East 3.34 chains; thence South 4° East 3.06 chains; thence South 86° 33' East 46.30 chains to the place of beginning.

SAVE AND EXCEPT: Beginning at a point at the Northwest corner of a tract of land conveyed to The United States of America by deed recorded in Volume 442, Page 406, Deed Records for Marion County, Oregon, said point being North 82° 08' 30" West 2,220.70 feet and South 62° 21' 50" West 600.0 feet and North 27° 08' 30" West 2,220.70 feet and South 62° 21' 50" West 600.00 feet and North 27° 38' 10" West 160.0 feet from the Southeast corner of Section 24, in Township 8 South, Range 4 West of the Willamette Meridian in said County and State; thence South 27° 38' 10" East along the Westerly line of said tract of land and extension thereof 200.00 feet; thence South 62° 21' 50" West 200.00 feet; thence North 27° 38' 10" West 200.00; thence North 62° 21' 50" East 200.00 feet to the place of beginning.

ALSO SAVE AND EXCEPT: A parcel of land in Lot 2 and a part of Lot 3 of Section 24 and a part of the Northeast 1/4 of the Northwest and the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 8 South, Range 4 West, Willamette Meridian, Marion County, Oregon, described as: Beginning at a point in said Lot 2 which bears North 82° 08' 30" West a distance of 2220.7 feet from the Southeast corner of said Section 24; thence North 27° 38' 10" West 160.0 feet; thence South 62° 21' 50" West 600.0 feet; thence South 27° 38' 10" East 160.0 feet; thence North 62° 21' 50" East 600.0 feet to the point of beginning.

ALSO SAVE AND EXCEPT: A piece or parcel of land situate, lying and being in Lot 2 of the Southeast quarter of Section 24, Township 8 South, Range 4 West, Willamette Base and Meridian, County of Marion, State of Oregon, more particularly described as follows: Beginning at the most Easterly corner of land described in deed dated August 4, 1952 from the United States National Bank of Portland (Oregon) as trustee under the last Will and Testament of Clarence W. Noble, deceased, to the United States of America, recorded August 11, 1952, in Volume 442, Page 406, Deed Records of Marion County, distant North 82° 08' 30" West 2220.7 feet from the Southeast corner of Section 24; thence North 27° 38' 10" West, along the Northeasterly line of said land described in said deed, 51.0 feet; thence

North 62° 21' 50" East, 14.0 feet to the actual point of beginning of the parcel of land to be described; thence North 62° 21' 50" East, 100.0 feet; thence South 27° 38' 10" East, 100.0 feet; thence South 62° 21' 50" West, 100 feet; thence North 27° 38' 10" West, 100.0 feet to the actual point of beginning.

ALSO SAVE AND EXCEPT that portion conveyed to the United States of America, by instrument recorded April 22, 1954, in Book 462, Page 308, Deed Records for Marion County, Oregon.

#### PARCEL II

Beginning at the Northeast corner of Section 25, Township 8 South, Range 4 West of the Willamette Meridian, Marion County, Oregon; thence along the East, North and Westerly boundary lines of said tract, the courses of which bears North 01° 55' 00" East a distance of 943.08 feet; thence North 88° 05' 00" West a distance of 2200.44 feet, South 87° 55' 00" West a distance of 803.2 feet; South 02° 40' 00" West a distance of 96.33 feet; South 08° 20' 00" East a distance of 85.14 feet; South 04° 35' 00" East a distance of 85.14 feet; South 00° 25' 00" West a distance of 250.70 feet; South 41° 05' 00" East a distance of 71.94 feet; South 00° 55' West a distance of 196.02 feet; South 15° 25' 00" West a distance of 190.74 feet; South 31° 25' 00" West a distance of 250.53 feet to the southwest corner of a parcel of land leased to Oregon Education Public Broadcasting System (unrecorded); thence south 88° 30' 00" East along the South line of said leased parcel, a distance of 304.48 feet to the southeast corner thereof; thence North 59° 01' 29" East a distance of 1022.36 feet; thence North 09° 00' 14" East a distance of 209.41 feet; thence South 84° 00' 08" East a distance of 513.67 feet; thence North 67° 2' 07" East 127.99 feet; thence North 65° 53' 42" East a distance of 295.54 feet to the south line of a 14 foot roadway easement as described in Volume 501, Page 133, Marion County Records; thence running along the South and West lines of said easement the courses of which bears: North 49° 00' 00" East a distance of 424.75 feet; North 85° 00' 00" East a distance of 227.28 feet; South 87° 47' 00" East a distance of 191.55 feet; South 87° 37' 00" East a distance of 257.34 feet to a point on the arc of a curve concave to the Southwest; thence Southeasterly along the arc of said curve, to the right, having a radius of 73.00 feet and a central angle of 050° 13' 34" for an arc distance of 114.96 feet, the chord of which bears south 42° 44' East 103.44 feet; thence South 02° 09' 00" West continuing along said easement, a distance of 348.24 feet, South 03° 55' 00" West a distance of 185.14 feet; South 00° 10' 00" East a distance of 153.80 feet; South 07° 14' 00" West a distance of 152.48 feet; South 07° 55' 00" East a distance of 115.18 feet; South 04° 15' 00" West a distance of 152.57 feet to the North right of way line of Skyline Road; thence South 88° 05' 00" East along said North right of way line a distance of 22.58 feet to the East line of said Section 25; thence North 01° 55' 00" East along said Section line a distance of 305.00 feet to the point of beginning.

SAVE AND EXCEPT a tract of land conveyed to the United States of America, recorded in Volume 442, Page 406, Marion County records.

ALSO SAVE AND EXCEPT a tract of land conveyed to A T & T recorded in Reel 331, Page 388, Marion County, Records.

ALSO SAVE AND EXCEPT a tract of land conveyed to Southern Pacific Corporation as recorded in Circuit Court Judgment No. 56575, and described in Volume 182, Page 156, Circuit Court Records.

ALSO SAVE AND EXCEPT a tract of land conveyed to the United States of America, as described in Volume 462, Page 308, Marion County Records.

RECEIVED

FEB 16 2018

OWRD

REEL: 3456

PAGE: 293

December 21, 2012, 12:02 pm.

CONTROL #: 329810

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 76.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

**Oregon Water Resources Department****Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application**[Main](#)[Help](#)[Return](#)[Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Friday, February 16, 2018

|                                                                                                                                                                                                                                                                                            |                             |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|
| Base Application Fee for Storage of Surface Water.                                                                                                                                                                                                                                         |                             | \$410.00   |
| Proposed Dam Height in feet.                                                                                                                                                                                                                                                               | 14                          |            |
| Proposed Reservoir volume in Acre Feet.                                                                                                                                                                                                                                                    | 9.1                         | \$350.00   |
| Permit Recording Fee. ***                                                                                                                                                                                                                                                                  |                             | \$520.00   |
| *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed. | <a href="#">Recalculate</a> |            |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                       |                             | \$1,280.00 |

OWRD Fee Schedule

|                                   |
|-----------------------------------|
|                                   |
| Fee Calculator Version: B20170117 |