

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.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME THERESA KENNEDY			PHONE (HM)
PHONE (WK) 808-264-2851	CELL		FAX
ADDRESS 42 KAHOEHA PLACE			
CITY KULA	STATE HI	ZIP 96790-7935	E-MAIL * KENNEDTS@MAUIGATEWAY.COM

Organization

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

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

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

Note: Attach multiple copies as needed

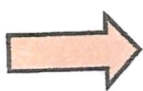
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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

	Theresa S. Kennedy	1/24/20
Applicant Signature	Print Name and Title if applicable	Date
	Eugene A. Kennedy	1/24/20
Applicant Signature	Print Name and Title if applicable	Date

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.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: 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), and the locations of the point of diversion (POD):

Source 1: WALLOWA LAKE RESERVOIR PERMIT R347	Tributary to: WALLOWA RIVER
TRSQQ of POD: T3S R45 E SEC5 NWNE W.M.	
Source 2:	Tributary to:
TRSQQ of POD:	

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 Section 3A above?

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: 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
WALLOWA LAKE PERMIT R437	DOMESTIC EXPANDED	YEAR ROUND	1.5 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 0.5 Acres Supplemental: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1.5

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 1 HP 10 GPM BERKELEY MODEL 10P4ED2^NMGS-04
- Other means (describe): _____

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

INTAKE OUT IN LAKE, TO PUMP HOUSE WITH PRESSURE TANK (SEE PHOTO)

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
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 IS PUMPED DIRECTLY FROM STORED WATER IN WALLOWA LAKE RESERVOIR TO SPRINKLERS AND HOME

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SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: SCREEN ON PUMP INTAKE

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: _____

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: _____

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

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- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: ALREADY COMPLETED
b) Date construction will be completed: ALREADY COMPLETED
c) Date beneficial water use will begin: AS SOON AS PERMIT ISSUED

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name WALLOWA LAKE IRRIGATION DISTRICT	Address 65196 DOBBIN RD	
City JOSEPH Joseph	State OR	Zip 97846

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*). THIS AREA HAS BEEN IRRIGATED FOR DECADES PRIOR FROM A PUMP IN THE LAKE, LOCAL WATERMASTER RECOMMENDED APPLYING FOR A RIGHT TO USE STORED WATER

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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ _____
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - 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 diversion, 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 identified clearly.
 - 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)

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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. 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 \$260. 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 \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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Date 1/24/2020

Reference: Stored Water Application from Wallowa Lake

Dear WLID President, this letter is to inform you of my intention to file an application for the use of stored water on Tax lot 300 of Wahluna Terrace and to seek WLID's concurrence with the application.

Sincerely,

Theresa O. Kennedy

Theresa Kennedy

Signed

Dan Bultman WLID President

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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.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant

NAME THERESA KENNEDY		PHONE (HM) 808-264-2851	
PHONE (WK)	CELL	FAX	
ADDRESS 42 KAHOEA PLACE			
CITY KULA	STATE HI	ZIP 96790-7935	E-MAIL* KENNEDTS@MAUIGATEWAY.COM

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:
3S	45E	5	NWNE	300	R2	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	DOM EX
						<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:

WALLOWA 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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: 0.9 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

SEEKING APPLICATION TO PUMP WATER FROM WALLOWA LAKE RESERVOIR



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

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 03 2020	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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 <i>Franz Goebel</i>	TITLE: <i>Planning Director</i>
SIGNATURE <i>[Signature]</i>	DATE: <i>1-27-2020</i>
GOVERNMENT ENTITY <i>Wallowa County</i>	PHONE: <i>(541) 426 4543</i>

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Information for Application for a Permit to use Surface Water

Wallowa Lake Property
62193 Wallowa Lake Hwy

Phone call to JB Bane Co.
(541) 426-3344 spoke to Mike

Berkeley Pump
1 hp 10 gpm
Model # 10P4E02NGS-04

Installed 6/23/07 for non working existing pump
Also installed new tank in the pump house.

Information on file at JB Bane Co under name of Eugene and Trish Kennedy

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S-98800

EXHIBIT A

That part of Lots 1 and 2, WAHLUNA TERRACE, a subdivision of a part of Lot 3, Section 5, Township 3 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon, as shown by the Plat thereof on file and of record in the Office of the County Clerk of said County and State in Book 2 of Plats, Page 29, and by the Amended Plat on file and of record in Book 2 of Plats, Page 31, more particularly described as follows:

Beginning at a point on the South line of said Lot 2, which point is 97.85 feet in a Westerly direction from the Southeast corner of said Lot 2; thence North $2^{\circ}46'$ West to a point on the North line of said Lot 2, which point is 100 feet in a Westerly direction from the Northeast corner of Lot 2; thence Southeasterly along the North line of said Lots 2 and 1 a distance of 250 feet; thence South $2^{\circ}46'$ East to a point on the South line of Lot 1, which is 152.15 feet in an Easterly direction from the Southwest corner of said Lot 1; thence Northwesterly along the South line of said Lots 1 and 2 a distance of 250 feet to the point of beginning.

LB #27177 - 4/19/17

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EAST 1/16
SECTION 5

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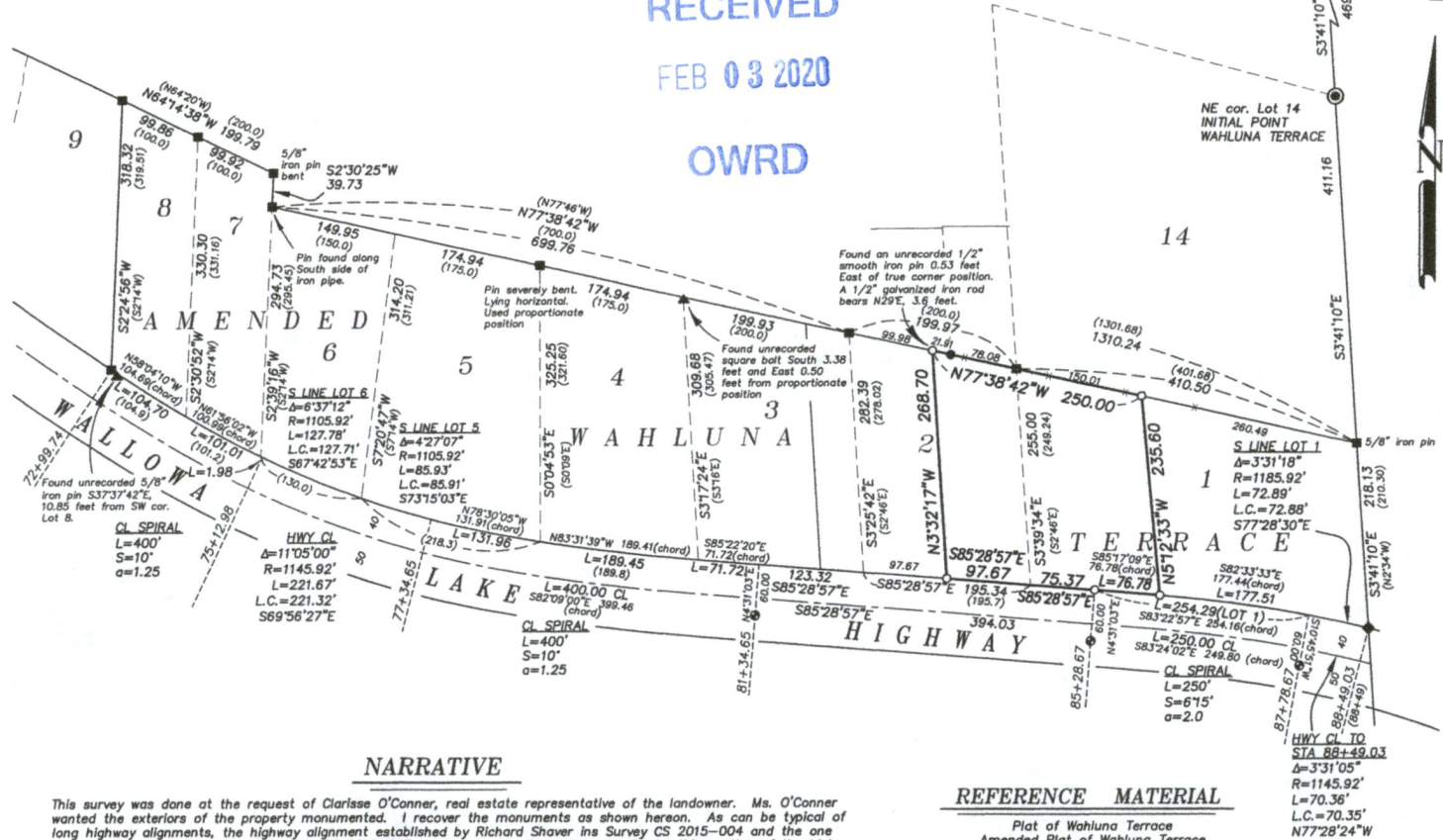
BASIS OF BEARING

Solar observations taken at a point
780 feet North of the Southwest
corner of Section 29, Township 2 South,
Range 45 East of the Willamette Meridian.

SCALE: 1"=100'

LEGEND

- Found 2 1/2" iron pipe with 3" brass cap, set by BLM survey under special instructions dated April 14, 1994, included under Group No. 1729
- Found 1" iron pipe set as initial Point of Amended Wahluona Terrace
- Found 1/2" iron pin (unless otherwise noted), set by Amended plat of Wahluona Terrace
- Found 5/8" iron pin, set by Survey Number CS 82-01
- Found 5/8" iron pin with plastic cap marked BGB SURVEY MARKER, set by Survey Number CS 97-07
- ◆ Found 5/8" iron pin with plastic cap marked BGB SURVEY MARKER, set by Survey Number CS 2016-047
- ▲ Found unrecorded monument as noted
- Set 5/8" x 30" iron pin with plastic cap marked BGB SURVEY MARKER
- Centerline
- x- Fenceline
- - - Lot Line of Amended Wahluona terrace
- () Record measurement as per Amended Plat of Wahluona Terrace



NARRATIVE

This survey was done at the request of Clarisse O'Conner, real estate representative of the landowner. Ms. O'Conner wanted the exterior of the property monumented. I recover the monuments as shown hereon. As can be typical of long highway alignments, the highway alignment established by Richard Shaver in Survey CS 2015-004 and the one established by myself in Survey Number CS 2016-047 do not necessarily mesh well. So for this portion of the highway, I use monumentation set by Verne Russell in Survey CS 82-01 to establish the highway right of way. The monumentation along the South side of Wahluona Terrace is sparse, and I can only find one original monument at the SW corner of Lot 8. I accept the pin set by myself at the SE corner of Lot 1, though due to the aforementioned alignment issues, it falls 0.18 feet North of the position used in this survey. Though not necessarily original, this point is very harmonious with the highway station called out for in the Surveyor's Certificate of the Amended Plat of Wahluona Terrace. I establish the Lot corners along the South line by proportionate measure between these two points.

The parent tract of this parcel was created by deed from McCully to Charles Fogequist, recorded in Book 59, Page 419, which called for Lot 1 and the East 100 feet of Lot 2. This deed was recorded prior to the amending of the plat of Wahluona Terrace, which was done in 1949. Even though the deed specifies the East 100 feet of Lot 2, it appears as though the intent may have been to convey the East half, as the East/West dimensions of Lot 2, in the original plat, were 200 feet. This can be evidenced by a subsequent deed from McCully to West, recorded in Book 60, page 89, which conveyed the "West half of Lot 2."

Following the replating of Wahluona Terrace, subsequent deeds for the property to the West revise the description to reflect the amended plat (Book 67, Page 537), however, the parent tract of this parcel does not make this change and continues to call the East 100 feet of Lot 2. Though mathematically, this appears to be a discrepancy, I do not believe this to be so as the intent of the West line of this tract is clearly to be placed along the West line of the East half of Lot 2, as amended.

The deed for this parcel is a metes and bounds description commencing at the Southeast corner of Lot 2 and giving courses in a clockwise direction. The distances to the West line of this parcel are such that they are half of the plotted distances along Lot 2. I believe this is supportive evidence that the intent of the common line between this tract and that to the West was to be along the West line of the East half of Lot 2. I therefore connect the midpoints of the North and South line of Lot 2 to establish the West line. From the Northwest corner, along the North line, it makes a call of 250 feet, which I hold. To place the East line, I drive a line South to a point 152.15 feet from the Southwest corner of Lot 1, as called for in the deed. A 1/2 smooth iron pin, similar to the monuments set by Wahluona Terrace, falls very near the Northwest corner of this parcel. I can find no record of this monument and therefore do not accept this pin.

I find no other unusual conditions with this survey.

REFERENCE MATERIAL

- Plat of Wahluona Terrace
- Amended Plat of Wahluona Terrace
- ODOT Strip Map 58-36-4
- ODOT Strip Map 68-26-17
- ODOT Strip Map 78-1-18
- Survey Number CS 82-01
- Survey Number CS 83-23
- Survey Number CS 90-09
- Survey Number CS 94-26
- Survey Number CS 97-07
- Survey Number CS 98-13
- Survey Number CS 2015-004
- Survey Number CS 2016-047
- BLM survey under special instructions dated April 14, 1994, included under Group No. 1729, executed by Robert Dahl

DEED REFERENCES

- Book 59, Page 419
- Book 60, Page 88
- Book 60, Page 89
- Book 60, Page 519
- Book 64, Page 585
- Book 65, Page 394
- Book 67, Page 537
- Microfilm Document Number 37133
- Microfilm Document Number 42148
- Microfilm Document Number 50268
- Microfilm Document Number 50667

REGISTERED
PROFESSIONAL
LAND SURVEYOR

JEFFREY S. HSU
83571

WALLOWA COUNTY SURVEYOR
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FILED
INDEX

Renewal Date: June 30, 2021

BAGETT, GRIFFITH & BLACKMAN

2006 Adams Avenue, LaGrande, Oregon
Map of Survey
Situated in Lots 1 and 2,
Amended Plat of Wahluona Terrace

WALLOWA COUNTY, OREGON	
SURVEYED FOR	Clarisse O'Conner
SURVEYED BY	J. S. H.
Scale: 1" = 100'	Drawn by: J. S. H. Aug. 2019

SURVEY NUMBER CS 2019-031

S-200000