



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

Application for a Permit to Store Water in a Reservoir (Alternate Review)

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

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: The Capra Company LLC Contact: Krishna Hendrickson
First Last
 Mailing Address: 400 Aviation Blvd, Suite 400
Santa Rosa California 95403
City State Zip
 Phone: ----- (707)495-6955 (707) 890-8321
Home Work Other
 Fax: _____ E-Mail Address*: krishna@capravineyards.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: William (Bill) Ferber
First Last
 Mailing Address: PO Box 13434
Salem Oregon 97309
City State Zip
 Phone: _____ 503.910.9212 _____
Home Work Other
 Fax: 503.339.9536 E-Mail Address*: bill@bkwrc.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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Pond #3

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: McMahan Branch

C. County in which diversion occurs: Polk

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App. No. <u>P-00799</u>	For Department Use	Permit No. _____ Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
7 S	4 W	10	SW/NE	500

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: 4.0 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 including irrigation. A secondary application will be applied for to irrigate from the reservoir.

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.

The reservoir is in-stream, has an earthen fill dam and is excavated below the natural land surface upstream of the dam. The reservoir is equipped with an outlet structure near the bottom of the reservoir, an overflow structure to maintain the desired capacity and emergency overflow channel. The outlet near the bottom of the reservoir will be operated to pass inflow outside of the storage season. The reservoir will be filled during the authorized storage season. A water right will be applied for to use water stored in the reservoir for irrigation.

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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: *Attachment 1*



9. SIGNATURE

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

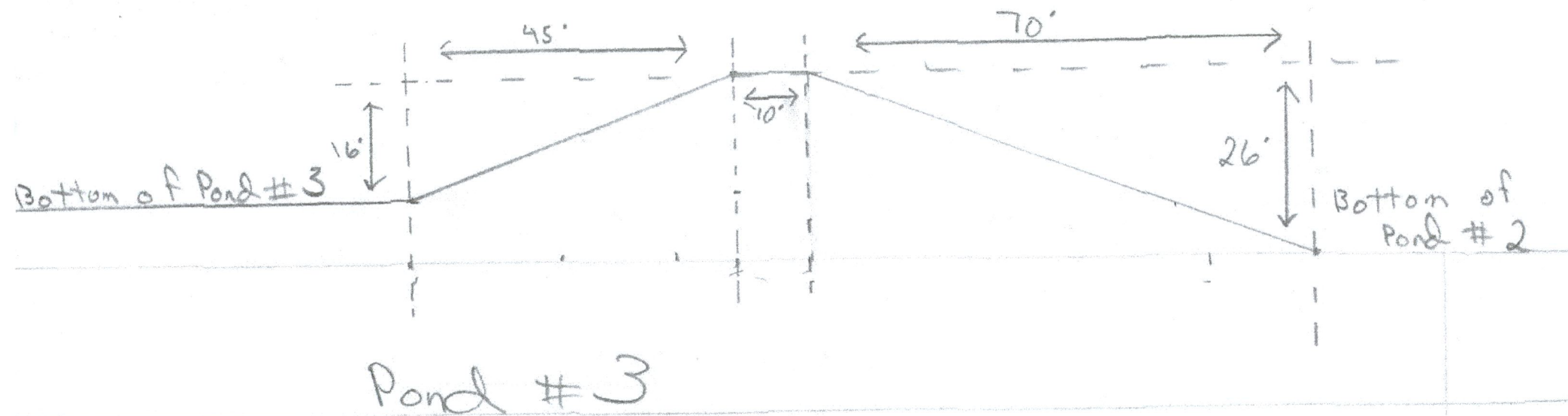
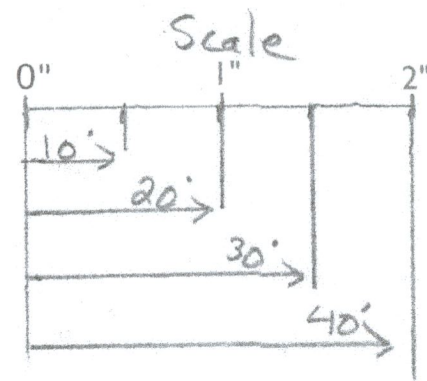

Applicant Signature

1/14/2020
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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Attachment 1



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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:

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

Explain: *nickrall creek is oftentimes regulated during irrigation season*

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

If YES, which conditions are recommended: *limit season to oct-jun*

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster printed name: *Jana Eastman, NW region asst wm*

Watermaster signature: *[Signature]* Date: *1/16/20*

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: The Capra Company LLC, Contact: Krishna Hendrickson,

400 Aviation Blvd, Suite 400, Santa Rosa, California, 95403; (707)495-6955; krishna@capravineyards.com

Reservoir Name: Pond 3 Source: Unk Stream/McMahan Branch Volume (AF): 4.0

Twp Rng Sec QQ: 7 S 4 W 10 Basin Name: Willamette in-channel

off-channel

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

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

1) Is the proposed project and AO¹ off channel? YES NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ 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.

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¹ 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)

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

Lined area for text entry.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

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

Lined area for text entry.

ODFW Signature: Alex Farrand Print Name: Alex Farrand

ODFW Title: Assistant District Fish Biologist Date: 1/23/2020

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

Revised 10/4/12

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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(s): The Capra Company LLC, Contact: Krishna Hendrickson

Mailing Address: 400 Aviation Blvd, Suite 400

City: Santa Rosa

State: California

Zip Code: 95403

Daytime Phone: 707.890.8321

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>7S</u>	<u>4W</u>	<u>10</u>	_____	<u>500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Storage</u>
_____	_____	_____	_____	_____	_____	<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:

Polk

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) Unn Stream trib McMahan Branch

Estimated quantity of water needed: 17
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Three reservoirs will be built to store water for irrigation of grapes

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A) "Farm Use" / Irrigation
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

According to the NWI map, the proposed ponds would be located within inventoried wetlands which may require additional permitting from DSL, such as a Removal Fill Permit.

Name: Eve Adnan Title: Assoc. Planner
 Signature: [Signature] Phone: 503 623 9237 Date: 12/18/19
 Government Entity: Blk County Community Development

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

Receipt for Request for Land Use Information

Applicant name: _____ RECEIVED
 City or County: _____ Staff contact: _____ FEB 03 2020
 Signature: _____ Phone: _____ Date: _____ OWRD

THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

SEC. 10 T.7S. R.4W. W.M.
Polk County
1" = 400'

7.4.10

See Map 7.4.3

See Map 7.4.4

4 3
9 10
400
11.49 AC

CROWLEY ROAD
NO. 749

See Map 7.4.3

300
17.21 AC

201
10.99 AC

100
10.95 AC

3 2
10 11

13-25

13-17

Cancelled No.

200
1001

600
15.41 AC

1200
4.72 AC

1301
20.11 AC

1300
25.31 AC

13-25

800

S.E. CORNER
REDACTED TO MAHAN
DLS NO. 41

See Map 7.4.11

See Map 7.4.3

002
9.82 AC

003
17.81 AC
Parcel 1

700
1.77 AC

800

1995-0007

004
8.37 AC

005
176.55 AC

N.E. CORNER
WILLIAM H. GOODWIN
DLS NO. 41

1100
18.50 AC

1101

N.W. CORNER
CLAIM NO. 41

9 10
16 10

ANGLE CORNER
WILLIAM H. GOODWIN
DLS NO. 41

See Map 7.4.15

1002
4.87 AC

1000
5.27 AC

DECAIRO HEIGHTS
ROAD NO. 734

10 11
15 14

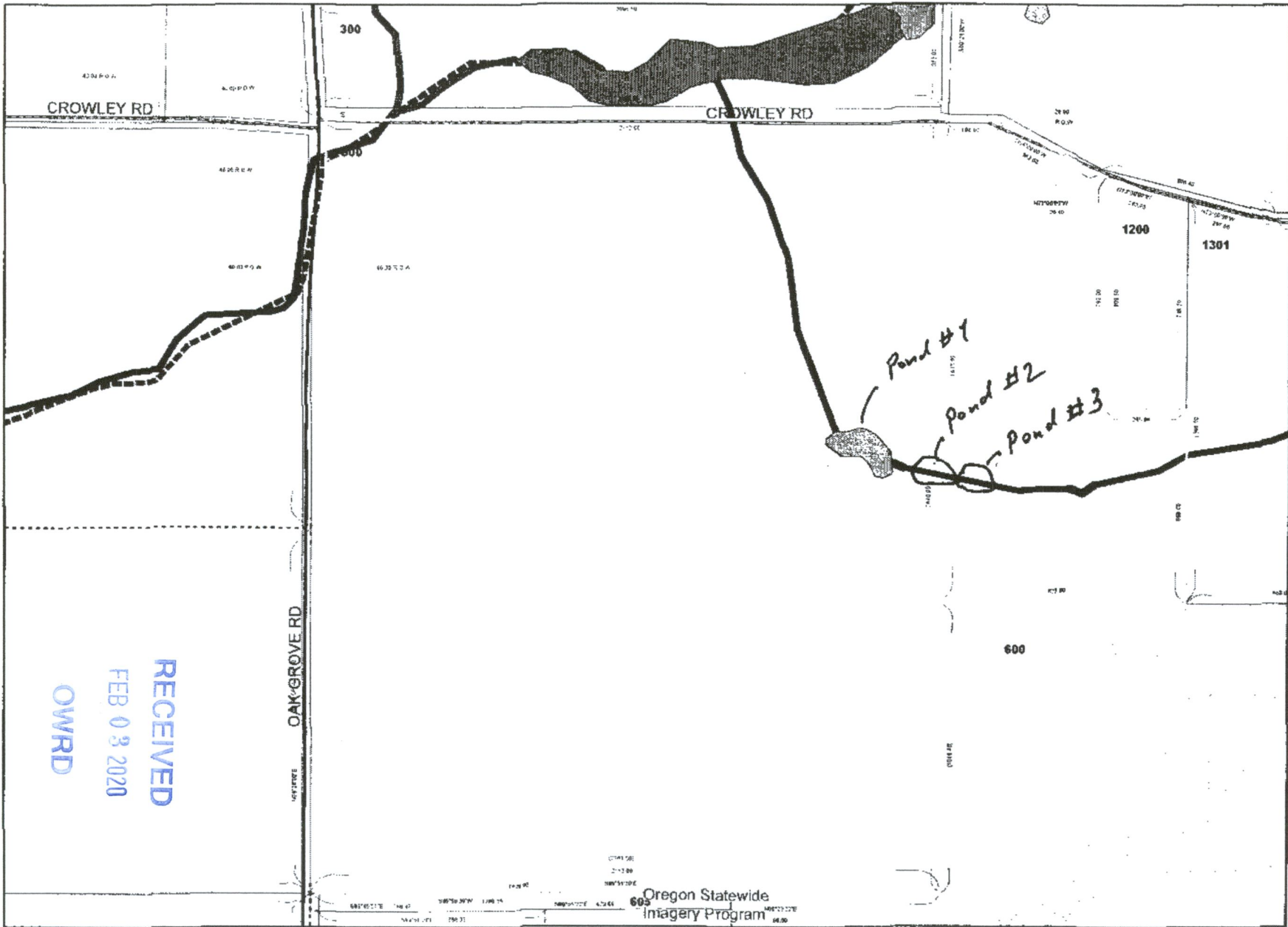
001
2.22 AC

See Map 7.4.15

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PLOT PLAN



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Oregon Statewide
Imagery Program

R-200799

AFTER RECORDING RETURN TO:

Jordan Ramis PC
Two Centerpointe Dr Ste 600
Lake Oswego OR 97035
(53251-74755 – MEE)

**UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:**

The Capra Company LLC
400 Aviation Blvd, Suite 400
Santa Rosa, CA 95403

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2018-008667 07/25/2018 11:03:00 AM
REC-BS Cnt=1 Stn=5 C. PARIS \$30.00 \$11.00 \$10.00 \$60.00 \$5.00	\$116.00

This space is reserved for recorder's use.

BARGAIN AND SALE DEED

The Capra Company LLC, a California limited liability company, which received title as "The Capra Company, an Oregon limited liability company, as to an undivided 25% interest," and Mills Vineyard LLC, a California limited liability company, which received title as "Mills Vineyard LLC, an Oregon limited liability company, as to an undivided 75% interest" (Grantors), convey to The Capra Company LLC, a California limited liability company, as to an undivided 25% interest, and Mills Vineyard LLC, a California limited liability company, as to an undivided 75% interest, as tenants in common ("Grantee"), the following described real property:

See Exhibit A attached hereto and incorporated herein by this reference.

The purpose of this Deed is to correct the vesting in that Deed recorded on August 26, 2015, as Document No. 2015009299 in the Records of Polk County, Oregon. The true consideration for this conveyance is \$-0-; however, the actual consideration consists of other property or value given and received, which is the whole thereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH

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THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

THE CAPRA COMPANY LLC, a
California limited liability company

By: Judith Jordan
Title: manager
Date: 7.16.18

MILLS VINEYARD LLC, a California
limited liability company

By: Kathy Lord
Title: Vice President
Date: 7.18.18

[Acknowledgements Follow on Next Pages]

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sonoma

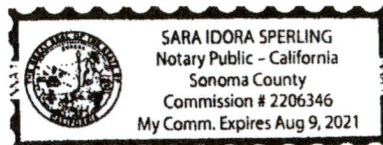
On July 16, 2018 before me, Sara Idora Sperling, Notary Public
(insert name and title of the officer)

personally appeared Judith Jordan
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sara Idora Sperling (Seal)



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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

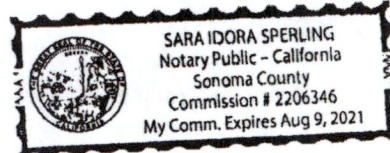
State of California
County of Sonoma

On July 18, 2018 before me, Sara Idora Sperling, Notary Public
(insert name and title of the officer)

personally appeared Kathryn Lindstrom
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Sara Idora Sperling (Seal)

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EXHIBIT A

(Legal Description)

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

PARCEL 1:

BEGINNING AT THE SOUTHEAST CORNER OF THE DONATION LAND CLAIM OF RICHARD MCMAHAN AND WIFE, NOTIFICATION NO. 108, CLAIM NO. 40, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE RUNNING NORTH 160 RODS; THENCE WEST 128 RODS; THENCE SOUTH 160 RODS; THENCE EAST 128 RODS TO THE PLACE OF BEGINNING.

PARCEL 2:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; RUNNING THENCE EAST 10.0 CHAINS; THENCE NORTH 10.00 CHAINS; THENCE WEST 4.03 CHAINS; THENCE NORTH 12.00 CHAINS TO THE SOUTH SIDE OF A 20 FOOT ROADWAY DEEDED TO THE GENERAL PUBLIC AS RECORDED IN VOLUME 69, PAGE 9, DEED RECORDS FOR POLK COUNTY, OREGON; THENCE NORTH 73° WEST 40 LINKS ALONG SAID ROADWAY; THENCE NORTH 64° WEST 5.50 CHAINS ALONG SAID ROADWAY; THENCE WEST 2.97 CHAINS TO THE EAST LINE OF THE DONATION LAND CLAIM OF RICHARD MCMAHAN, NO. 40; THENCE SOUTH 24.75 CHAINS; THENCE EAST 2.50 CHAINS TO THE PLACE OF BEGINNING.

PARCEL 3:

BEGINNING AT A POINT 30.00 CHAINS SOUTH AND 5.97 CHAINS EAST OF THE 1/4 SECTION CORNER ON THE LINE BETWEEN SECTIONS 3 AND 10 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, STATE OF OREGON; AND RUNNING THENCE EAST 4.03 CHAINS; THENCE NORTH 11.20 CHAINS; THENCE NORTH 73° WEST 4.03 CHAINS; THENCE SOUTH 12.25 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT A STRIP OF LAND 8-1/4 FEET WIDE ACROSS THE NORTH END OF THE ABOVE DESCRIBED PREMISES RESERVED FOR ROAD PURPOSES.

PARCEL 4:

BEGINNING 80 RODS WEST OF THE 1/4 SECTION CORNER BETWEEN SECTIONS 10 AND 11 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE RUNNING NORTH 79 RODS; THENCE NORTH 70° WEST 1 ROD; THENCE WEST 21 RODS; THENCE NORTH 73° WEST 18 RODS; THENCE SOUTH 84 RODS; THENCE EAST 40 RODS TO THE PLACE OF BEGINNING.

PARCEL 5:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

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SAVE AND EXCEPT: BEGINNING AT A 1/2 INCH IRON PIPE MARKING THE SOUTHEASTERLY CORNER OF TRACT NO. 2 AS DESCRIBED IN THAT DEED RECORDED IN VOLUME 201, PAGE 469, POLK COUNTY RECORD OF DEEDS, SAID 1/2 INCH IRON PIPE BEARS NORTH 89° 26' 43" WEST 660.32 FEET FROM THE 1/4 CORNER BETWEEN SECTIONS 10 AND 11 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; AND RUNNING THENCE NORTH 0° 21' 53" WEST 1308.18 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT NO. 2; THENCE WEST 360.00 FEET; THENCE CONTINUING WEST 473.57 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF THE SECOND PARCEL OF LAND DESCRIBED IN POLK COUNTY BOOK OF RECORDS 27, PAGE 313, TO A 1/2 INCH IRON PIPE; THENCE SOUTH 08° 45' 15" EAST 215.65 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 89° 59' 30" EAST 79.04 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 04° 25' 40" EAST 144.17 FEET TO A 1/2 INCH IRON PIPE; THENCE NORTH 85° 34' 20" EAST 44.63 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 01° 22' 37" EAST 410.47 FEET TO A 1/2 INCH IRON PIPE; THENCE NORTH 88° 37' 24" EAST 45.53 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 0° 38' 43" WEST 544.60 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 89° 54' 52" EAST 624.92 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

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