

# 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

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**MAY 13 2021**

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME <b>ATTHEJOY, LLC ANDY LYTLE, MEMBER</b>		PHONE (HM)	
PHONE (WK) <b>503.705.4884</b>	CELL	FAX	
ADDRESS <b>1213 38<sup>TH</sup> AVENUE E</b>			
CITY <b>SEATTLE</b>	STATE <b>WASHINGTON</b>	ZIP <b>98112</b>	E-MAIL * <b>amlytle@me.com</b>

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### 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 <b>JEANNE BOATWRIGHT</b>		PHONE <b>503.363.9225</b>	FAX
ADDRESS <b>BOATWRIGHT ENGINEERING, INC. 2613 12<sup>TH</sup> STREET SE</b>			CELL
CITY <b>SALEM</b>	STATE <b>OREGON</b>	ZIP <b>97302</b>	E-MAIL * <b>jeanne@boatwrightengr.com</b>


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.)

### 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.

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

  
Applicant Signature

**Andy Lytle, member, AtTheJoy, LLC**  
Print Name and Title if applicable

**5/5/21**  
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. **For Irrigation Area**
- 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. **For Reservoir & Pipeline Crossing on Private Property & For Pipeline Crossing Public Right-of-Way**
- 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).*

**See Attached Comment Sheet**

**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.

**See Attached Comment Sheet and Deed Copies**

**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: <b>Windfall Reservoir (Permit R- 15444)</b>	Tributary to: <b>Ash Swale</b>
TRSQQ of POD: <b>T6S, R4W, 22, NW-SW</b>	
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.

For Department Use: App. Number: \_\_\_\_\_

(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/](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:

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**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.

**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
Windfall Reservoir (Permit R- 15444)	Irrigation	March 1- October 31	27.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: **121.7** 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: **27.0**

- 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**

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**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): **To be Determined**  
 Other means (describe): \_\_\_\_\_

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

**Water will be pumped from the northwest corner of Windfall Reservoir and transferred, through a buried pipeline, north to the irrigation site.**

**B. Application Method**

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

**Application to the vineyard will be by drip irrigation.**

**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.

**The amount of water requested is the amount allowed under the storage permit (R-15444) for Windfall Reservoir. The 27.0 ac-ft would provide 0.22 ac-ft/acre (2.64-inches) if traditional application methods were used to irrigate the entire site. For the initial proposed use, water will be applied to a vineyard using drip application. The development plans are for 61,000 plant stocks which will use approximately 20 gallons per stock per year. This calculates to a use of about 3.75 acres of water per season. Applying water through drip irrigation at the individual plant location prevents waste, erosion and run-off. With no run-off, there is no expectation of damage to any surface waters.**

**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:

**The diversion structure for the source water to Windfall Reservoir is screened with ODFW approved fish screens.**

**The diversion from the reservoir to the transmission piping will also be screened to prevent uptake of fish, other aquatic life, and debris in the off-channel reservoir, but does not require ODFW review.**

- 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:

**No riparian or streamside area will be disturbed to develop the irrigation system.**

**A DEQ 1200-C permit was issued for the construction of the source reservoir and maintained through the reestablishment of groundcover. The permit was cancelled by DEQ on January 22, 2021**

- 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:

**No in-water operating equipment will be necessary to construct or operate this system. A private, off-channel reservoir is the water source. The outlet for the irrigation water was constructed at the time of the reservoir construction.**

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

**No erosion or run-off of waste or chemical products will be allowed due to use of a drip application protocol.**

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

**None**

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**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: **Spring 2021**
- b) Date construction will be completed: **Permit date + 2 years**
- c) Date beneficial water use will begin: **Permit date**

**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	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. *(Attach additional sheets if necessary).*  
**The property is located within the permit boundary of the Perrydale Domestic Water Association. However, the Association is not a District and does not provide water service to the property, nor does it supply agricultural quantities of irrigation water to any of its members.**

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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

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### 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: \$ **1,748.40**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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)

For Department Use: App. Number: \_\_\_\_\_



Application for a Permit to  
**Use Surface Water**  
(Alternate Review)

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**APPLICANT:** AtTheJoy, LLC, Andy Lytle, Member

APPLICATION SECTION 5:  
Other Property Owners

*Donald Scott Powell, Trustee  
Powell Family Living Trust dated March 22, 2004  
6750 Bethel Road  
Rickreall, Oregon 97371*

*Mark W. Olson, Trustee  
Mark W. Olson Family Trust dated August 17, 2004  
8750 Oak Grove Road  
Rickreall, Oregon 97371*

*Philip R. & Gretchen Olson, Co-Trustees  
Olson Living Trust dated March 28, 2007  
23725 SE Old Bethel Road  
Amity, Oregon 97101*

*Bethel Road Right-of-Way  
Polk County*

A Permit has been obtained from Polk County to install a pipeline casing beneath Bethel Road to accommodate the water transmission pipe. *See Attached Permit Packet*

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**Boatwright Engineering, Inc.**

2613 12th Street SE Salem, Oregon 97301

civil engineers • land surveyors • water rights  
503.363.9225

**Letter of Transmittal**

Date **May 10, 2021** Job No

**TO: Oregon Water Resources Dept.  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266**

Attention:  
**Water Rights Section**  
Re:  
**Surface Water Permit Application  
Stored Water Only  
Expedited Secondary**

WE ARE SENDING YOU:	<input checked="" type="checkbox"/>	Attached	Under Separate cover via the following items:		
Shop drawings	<input type="checkbox"/>	Prints	Plans	Samples	Specifications
Copy of letter	<input type="checkbox"/>	Change order	<input checked="" type="checkbox"/>	Application Packet	

COPIES	DATE	NO.	DESCRIPTION
1	3-12-2021	1	Application Map
1	5-05-2021	9	Application for a Permit to Use Surface Water (stored water only)
1	3-16-2021	4	Land Use Information Form
1	7-15-2019	5	Statutory Warranty Deed - Polk County 2019-007318
1	11-23-2011	4	Bargain and Sale Deed – Polk County 2011-010858
1	1-08-2021	1	Written Notification to Reservoir Owner
1	3-30-2021	10	Polk County Public Works Utility Permit 2021-C-0035 <i>with email correspondence between Boatwright Engineering, Inc. and Polk County Public Works.</i>
1	5-10-2021	1	OWRD Fee Calculator for Surface Water Stored Water Only
1	3-17-2021	1	Results Partners LLC Check No. 37530 for \$1,748.40 for filing & recording fee

THESE ARE TRANSMITTED as checked below:

<input checked="" type="checkbox"/>	For approval	<input type="checkbox"/>	Approved as submitted	<input type="checkbox"/>	Resubmit ___ copies for approval
<input type="checkbox"/>	For your use	<input type="checkbox"/>	Approved as noted	<input type="checkbox"/>	Submit ___ copies for distribution
<input type="checkbox"/>	As requested	<input type="checkbox"/>	Returned for corrections	<input type="checkbox"/>	Return ___ corrected copies
<input type="checkbox"/>	For review and comment				
<input type="checkbox"/>	FOR BIDS DUE				

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REMARKS:

**MAY 13 2021**

COPY TO: Andy Lytle, AtTheJoy, LLC and Luke Pedotti, Results Partners, LLC

SIGNED:

*Jeanne Boatwright*  
**Jeanne Boatwright**

**OWRD**

# 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

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**Applicant**

NAME <b>ATTHEJOY, LLC ANDY LYTLE, MEMBER</b>		PHONE (HM) <b>OWRD</b>	
PHONE (WK) <b>503.705.4884</b>	CELL	FAX	
ADDRESS <b>1213 38<sup>TH</sup> AVENUE E</b>			
CITY <b>SEATTLE</b>	STATE <b>WASHINGTON</b>	ZIP <b>98112</b>	E-MAIL * <b>andy@atthejoy.com</b>

**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:
		<b>See</b>	<b>Attached</b>	<b>Sheet</b>		<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	
						<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 County**

**B. Description of Proposed Use**

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

- Permit to Use or Store Water  
  Water Right Transfer  
  Permit Amendment or 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: **27.0**    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:

**Water from Windfall Reservoir (Permit R-15444) will be used to drip irrigate a vineyard.**



**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.

## 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.

**WRD**

**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): *PC20 36.030(A) "Farm Use"*  
*PC20 138.040(A)*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

*\* See attached reservoir authorized by CU 19-12*

NAME <i>Miranda Mutter</i>	TITLE: <i>Associate Planner</i>
SIGNATURE <i>Miranda Mutter</i>	PHONE: <i>503.623.9237</i>
GOVERNMENT ENTITY <b>POLK COUNTY COMMUNITY DEVELOPMENT, PLANNING DIVISION</b>	DATE: <i>3/16/21</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: \_\_\_\_\_

A. Land and Location

Planning Official's Initials

MM

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential / RR-5)	Water to be:			Proposed Land Use
6S	4W	15	SW-SW	6.4.15 500	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	15	SE-SW	6.4.15 500	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	NE-NW	6.4.22 301	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	NE-NW	6.4.22 301	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	NW-NW	6.4.22 301	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	SW-NW	6.4.22 301	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	SE-NW	6.4.22 301	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	FARMING
6S	4W	22	SW-NW	6.4.22 300	FF/FFO	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	FARMING
6S	4W	22	NW-SW	6.4.22 400	FF/FFO	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	FARMING
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
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\*The subject properties contain wetlands identified on the NWI map. According to the SRA map the wetlands are not inventoried as being fish bearing, however this serves as notification to the property owners of the presence of wetlands. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Land (DSL) and Oregon Department of Fish and Wildlife (ODFW).

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**MAY 13 2021**

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TL 6.4.15 500

TL 6.4.22 301

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After recording return to:  
AtTheJoy, LLC  
7600 NE 41st Street Suite 110  
Vancouver, WA 98662

Until a change is requested all tax  
statements shall be sent to the  
following address:

AtTheJoy, LLC  
7600 NE 41st Street Suite 110  
Vancouver, WA 98662

File No.: 1031-3112529 (MWG)  
Date: July 1, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

**2019-007318**

07/15/2019 12:50:00 PM

REC-WD      Cnt=1 Stn=5 K. WILLIAMS  
\$25.00 \$11.00 \$10.00 \$60.00 \$5.00

**\$111.00**

FIRST AMERICAN TITLE

### STATUTORY WARRANTY DEED

**Donald Scott Powell, Trustee of the Powell Family Trust Dated December 27, 2007, and Mark W. Olson, Trustee of the Mark W. Olson Family Trust Dated August 17, 2004, and Philip R. Olson and Gretchen H. Olson, Co-Trustees of the Olson Living Trust Dated March 28, 2007, as tenants in common, each as to an undivided one third interest, Grantor, conveys and warrants to AtTheJoy, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

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

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2019-2020** Taxes, a lien not yet payable.
3. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
4. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

The true consideration for this conveyance is **\$1,390,000.00**. (Here comply with requirements of ORS 93.030)

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MAY 13 2021

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APN: 576412

Statutory Warranty Deed  
- continued

File No.: 1031-3112529 (MWG)

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

Dated this 12 day of July, 2019.

Powell Family Trust

Donald S. Powell Trustee  
Donald Scott Powell, Trustee

Mark W. Olson Family Trust

Mark W. Olson TRUSTEE  
Mark W. Olson, Trustee

Olson Living Trust

Philip R. Olson - Trustee  
Philip R. Olson, Trustee

Gretchen H. Olson Trustee  
Gretchen H. Olson, Trustee

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MAY 13 2021

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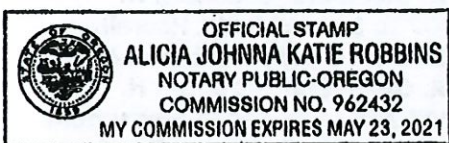
APN: 576412

Statutory Warranty Deed  
- continued

File No.: 1031-3112529 (MWG)

STATE OF Oregon )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 12 day of July, 2019  
by Mark W. Olson

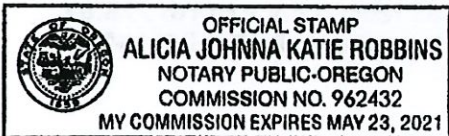


*[Signature]*

Notary Public for Oregon  
My commission expires: May 23, 2021

STATE OF Oregon )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 12 day of July, 2019  
by Philip Olson and Gretchen Olson



*[Signature]*

Notary Public for Oregon  
My commission expires: May 23, 2021

STATE OF Oregon )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 12 day of July, 2019  
by Donald Sue Powell



*[Signature]*

Notary Public for Oregon  
My commission expires: May 23, 2021

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MAY 13 2021

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APN: 576412

Statutory Warranty Deed  
- continued

File No.: 1031-3112529 (MWG)

**EXHIBIT A**

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

**A tract of land in Sections 15 and 22, Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, being that tract of land described in deed from Donald Scott Powell, trustee of the Powell family trust dated April 22, 2004, Mark W. Olson, trustee of the Mark W. Olson family trust dated August 17, 2004, and Philip R. Olson and Gretchen H. Olson, co-trustees of the Olson living trust dated March 28, 2007 to Donald Scott Powell, trustee of the Powell family trust dated December 27, 2007, Mark W. Olson, trustee of the Mark W. Olson family trust dated August 17, 2004, and Philip R. Olson and Gretchen H. Olson, co-trustees of the Olson living trust dated March 28, 2007 and recorded in instrument No. 2014-006810 (labeled resulting legal description for TL 300/500), Polk County Deed Records, and being more particularly described as follows:**

**All that portion of said Powell and Olson tracts lying Northerly of Bethel road and Westerly of the following described line: Beginning in the center of Bethel road at a point that bears North 28°36'17" West 2313.28 feet from the Southeast corner of the Amos Harvey Donation Land Claim #44 (basis of bearing is South 89°56'49" East 5287.56 from the Southwest corner of the Amos Harvey Donation Land Claim #44 to the Southeast corner of said Harvey Donation land claim, and North 03°15'22" east 4234.25 feet from Southeast corner of said Harvey Donation Land Claim to the North quarter corner of Section 22); thence North 25°43'14" East 346.05 feet; thence North 14°59'25" West 378.12 feet; thence North 15°54'45" East 457.42 feet; thence North 25°25'09" East 1517.63 feet; thence North 778.07 feet more or less to the North line of said Powell and Olson tract, as shown by Exhibit "B" in said Instrument No. 2014-006810.**

**Land Survey Unit #1:**

**Beginning at the Northeast corner of the Amos Harvey and wife Donation Land Claim Not. No. 264, Claim No. 44 in said Township and Range; thence West 35.85 chains; thence South 40.10 chains, thence East 31.01 chains; thence North 23.90 chains to the Section line between Sections 15 and 22; thence East 9.14 chains; thence North 16.20 chains; thence West 4.30 chains to the point of beginning.**

**Land Survey Unit #2:**

**Beginning South 23.75 chains of the Northwest corner of said Section 22; thence East 17 chains; thence South 20 chains; thence West 17 chains; thence North 20 chains to the point of beginning.**

**Land Survey Unit #3:**

**Beginning at a point marked with an iron gas pipe which is 40.00 chains North and 12.70 chains West of the Southeast corner of the Amos Harvey and wife Donation Land Claim No. 44, in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon;**

APN: 576412

Statutory Warranty Deed  
- continued

File No.: 1031-3112529 (MWG)

thence running South 22°15' West 11.00 chains to an iron gas pipe (from which a double oak tree 2/24 inches bears North 73°31' East 1.69 chains); thence South 20.62 chains to a point in the center of the ditch (from which a double Ash tree bears North 86° West 3.80 chains; a gas pipe is set on each bank of the ditch opposite this point); thence North 85°3' West in the center of the ditch 19.17 chains to a point in the center of the ditch; thence North 9.30 chains; thence East 17.00 chains; thence North 20.00 chains; thence East 6.00 chains to the point of beginning.

**Land Survey Unit #4:**

Beginning at a point 16.20 chains South of the northeast corner of the Amos Harvey and wife Donation Land Claim Not. No. 264, Claim No. 44, thence West 4.84 chains; thence South 23.90 chains; thence East 4.84 chains; thence North 23.90 chains to the point of beginning.

**Land Survey Unit #6:**

Beginning at a point in the center of the County Road, 8.79 chains North of the Southeast corner of the Amos Harvey and wife Donation Land Claim No. 44, in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, running thence North 31.21 chains; thence West 12.70 chains to a point marked with an iron gas pipe; thence South 22°15' West 11.00 chains to an iron gas pipe (from which a double oak tree 12 x 14 inches bears North 73°31' East 1.69 chains); thence South 20.62 chains to a point in the center of a ditch (from which a double Ash tree bears North 86° West 3.80 chains; a gas pipe is set on each bank of the ditch opposite this point); thence South 85°5' East 6.00 chains to a point in the ditch marked with an iron gas pipe; (from which a double Ash tree bears North 85°30' West 2.20 chains); thence East 10.57 chains to the place of beginning.

**EXCEPTING THE FOLLOWING DESCRIBED TRACT OF LAND:**

Beginning in the center of Bethel Road at a point that bears North 30°30'54" West 2491.51 feet from the Southeast corner of the Amos Harvey Donation Land Claim #44 (basis of bearing is South 89°56'49" East 5287.56 feet from the Southwest corner of the Amos Harvey Donation Land Claim #44 to the Southeast corner of said Harvey Donation Land Claim, and North 03°15'22" East 4234.25 feet from Southeast corner of said Harvey Donation Land Claim to the North quarter corner of Section 22); thence North 19°34'47" East 30.01 feet to an iron rod; thence North 19°34'47" East 143.63 feet to an iron rod; thence South 65°09'45" East 126.51 feet to an iron rod; thence continuing South 65°09'45" East 5.88 to the center of a creek; thence Northerly along the center of said creek the following courses, North 37°27'27" East 7.90 feet, North 07°21'35" East 31.19 feet; North 06°07'47" West 102.57 feet, North 20°28'12" East 253.74 feet, North 09°55'24" West 67.62 feet to the Westerly line of that tract of land described in Instrument No. 2014-006810 (labeled Resulting Legal Description for TL 200); thence South 14°59'25" East 378.12 feet along said Westerly line; thence South 25°43'14" West 346.05 feet along said Westerly line to the center of Bethel Road; thence Northwesterly along the center of Bethel Road to the point of beginning.

TL 6.4.22 300  
TL 6.4.22 400

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2011-010858



\$61.00

11/23/2011 09:14:42 AM

REC-COR Cnt=1 Stn=1 K. WILLIAMS  
\$20.00 \$10.00 \$11.00 \$15.00 \$5.00

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MAY 13 2021

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After recording return to:  
Donald Powell  
6750 Bethel Rd.  
Rickreall, OR 97371

Until a change is requested, all tax statements  
shall be sent to the following address:  
Donald Powell  
6750 Bethel Rd.  
Rickreall, OR 97371

**BARGAIN AND SALE DEED (to correct legal description and grantee/grantor)**  
Individual Grantors *to correct 2011-009701*

Donald Scott Powell, Trustee of the Donald Powell Trust dated April 22, 2004, Mark W. Olson, Philip R. Olson, and Gretchen Olson, convey to (1) Donald S. Powell, Trustee of the Donald S. Powell Revocable Living Trust dated April 22, 2004; (2) Mark W. Olson; and (3) Philip R. Olson and Gretchen Olson, husband and wife, as tenants by the entirety, as tenants in common, each as to an undivided one third interest, Grantees, real property situated in Polk County, Oregon, more particularly described on the attached Exhibit "A."

The true consideration for this conveyance is \$0 and to correct the grantees ownership interests shown in BOR 250, Page 948, et seq.

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 19<sup>th</sup> day of November, 2011.

Donald Scott Powell, Trustee of the Donald Powell Trust, dated April 22, 2004

STATE OF OREGON, )  
                                  )     ss.  
County of Polk        )

Personally appeared the above named grantor, Trustee Donald Scott Powell, and acknowledged the foregoing instrument to be his voluntary act and deed on November 19<sup>th</sup>, 2011.



Steve F. Mannenbach  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 08/24/2012

MAY 13 2021

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Dated this 23rd day of November, 2011.

*Mark W. Olson*  
Mark W. Olson

STATE OF OREGON, )  
County of Polk ) ss.

Personally appeared the above named grantor, Mark W. Olson, and acknowledged the foregoing instrument to be his voluntary act and deed on November 23, 2011.



*Steve F. Mannenbach*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8/24/2012

Dated this 22nd day of November, 2011.

*Philip R. Olson*  
Philip R. Olson

STATE OF OREGON, )  
County of Polk ) ss.

Personally appeared the above named grantor, Philip R. Olson, and acknowledged the foregoing instrument to be his voluntary act and deed on November 22, 2011.



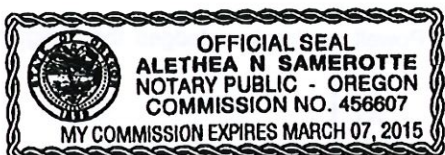
*Alethea N. Samerotte*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/7/15

Dated this 22nd day of November, 2011.

*Gretchen Olson*  
Gretchen Olson

STATE OF OREGON, )  
County of Polk ) ss.

Personally appeared the above named grantor, Gretchen Olson, and acknowledged the foregoing instrument to be her voluntary act and deed on November 22, 2011.



*Alethea N. Samerotte*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/7/15

EXHIBIT AParcel 1:

Beginning at the Northeast corner of the Donation Land Claim of Amos Harvey and wife Not. No. 264, Claim No. 44 in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence West 35.85 chains; thence South 40.10 chains; thence East 31.01 chains; thence North 23.90 chains to the Section line between Sections 15 and 22; thence East 9.14 chains; thence North 16.20 chains; thence West 4.30 chains to the place of beginning.

ALSO: Beginning 23.75 chains South of the Northwest corner of Section 22, Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence East 17 chains; thence South 20 chains; thence West 17 chains; thence North 20 chains to the place of beginning.

ALSO: Beginning at a point marked with an iron gas pipe which is 40.00 chains North and 12.70 chains West of the Southeast corner of the Donation Land claim of Amos Harvey and wife, Not. No. 264, Claim No. 44 in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence running South 22°15' West 11.00 chains to an iron gas pipe (from which a double oak tree 2/24 inches bears North 73°31' East 1.69 chains); thence South 20.62 chains to a point in the center of the ditch (from which a double ash tree bears North 86° West 3.80 chains; a gas pipe is set on each bank of the ditch opposite of this point); thence North 85°3' West in the center of the ditch 19.17 chains to a point in the center of said ditch; thence North 9.30 chains; thence East 17.00 chains; thence North 20.00 chains; thence East 6.00 chains to the place of beginning.

Parcel 2:

Beginning at a point 16.20 chains South of the Northeast corner of the Donation Land Claim of Amos Harvey and wife, Not. No. 264, Claim No. 44, in Township 6, South Range 4 West of the Willamette Meridian, in Polk County, Oregon, running thence West 4.84 chains; thence South 23.90 chains, thence East 4.84 chains, thence North 23.90 chains to the place of beginning.

ALSO: Lots 1 and 2 of Section 22, in Township 6 South, Range 4 West of Willamette Meridian, and excepting and reserving therefrom a strip of land 15 feet wide off the South end of Lot No. 2.

ALSO: Beginning at a point in the center of County road, 8.79 chains North of the Southeast corner of the Donation Land Claim of Amos Harvey and wife, Claim No. 44, in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; running thence North 31.21 chains; thence West 12.70 chains to a point marked with an iron gas pipe; thence South 22°15' West 11.00 chains to an iron gas pipe (from which a double oak tree 12. x 24 inches bears North 73°31' East 1.69 chains); thence South 20.62 chains to a point in the center of the ditch (from which a double Ash tree bears North 86° West 3.80 chains; a gas pipe is set on each bank of the ditch opposite this point); thence South 85°5' East 6.00 chains to a point in the ditch marked with an iron gas pipe; (from which a double Ash tree bears North 85°30' West 2.20

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MAY 13 2021  
OWRD  
chains); thence East 10.57 chains to the place of beginning.

Parcel 3:

Beginning at an iron pipe on the North line of the Sear's County Road at a point 37.96 chains East and 40.0 feet North from the Southwest corner of the Amos Harvey Donation Land Claim No. 44, in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; and running thence North 786.98 feet to an iron pipe; thence West 7.03 chains to an iron pipe; thence North 16° West 5.87 chains to an iron pipe; thence North 60° West 2.86 chains to an iron pipe; thence North 47° West 1.40 chains to an iron pipe; thence East 18.60 chains; thence South 9.95 chains; thence South 85°30' East 25.17 chains; thence East 10.57 chains to a point on the East line of said Donation Land Claim, thence South 1° 5½' East 130.48 feet to a point from which an iron pipe bears North 86°12' West 20.07 feet; thence North 86°12' West 608.0 feet along the North line of said Sear's County road to an iron pipe; thence along the arc of a 901.54 foot radius curve to the left (the long chord of which bears South 84°43' West 284.65 feet) to an iron pipe; thence along the arc of 656.67 foot radius curve to the left (the long chord of which bears South 61°49' West 313.65 feet) to an iron pipe; thence South 48° West 198.47 feet to an iron pipe; thence along the arc of a 553.00 foot radius curve to the right (the long chord of which bears South 69° West 396.36 feet) to an iron pipe; thence West 1097.7 feet to the place of beginning.

EXCEPTING therefrom that portion conveyed to Polk County for road purposes, described in deed recorded August 19, 1959 in Volume 171, Page 551, Deed Records for Polk County, Oregon.

Corrects and supercedes 2011-009701

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January 8, 2021

Donald Scott Powell, Trustee  
Powell Family Trust dated March 22, 2004  
6750 Bethel Road  
Rickreall, Oregon 97371



**Boatwright Engineering Inc.**

2613 12th ST SE, SALEM, OREGON 97302  
civil engineers • land surveyors

503 363-9225 FAX 363-1051

Mark W. Olson, Trustee  
Mark W. Olson Family Trust dated August 17, 2004  
8750 North Oak Grove Road  
Rickreall, Oregon 97371

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Phillip R. Olson, Co-Trustee  
Gretchen H. Olson, Co-Trustee  
Olson Living Trust dated March 28, 2007  
23725 Old Bethel Road  
Amity, Oregon 97101

**Re: Application for a Water Right Permit to Use Surface Water (Windfall Reservoir)  
Irrigation from Windfall Reservoir (Polk County Tax Lot 6.4.22 400)  
Water Transmission Pipeline (Polk County Tax Lot 6.4.22 300)**

Dear Mr. Powell, Mr. Mark Olson, Mr. Phillip Olson, and Mrs. Gretchen Olson,

Per Oregon Water Resources Department (WRD) requirements, this written notification is being sent to you to inform you, as owners of the land on which the Windfall Reservoir (WRD Permit R-15444) is constructed, that AtTheJoy, LLC is preparing to file an *Application for a Permit to Use Surface Water*.

The application requests use of the 27.0 acre feet of stored water that is permitted in the Windfall Reservoir for the irrigation of a vineyard on the land owned by AtTheJoy located on the north side of Bethel Road. The vineyard is located on Polk County Tax Lots 6.4.22 301 and 6.4.15 500.

At this time, no action is required from you.

If you have any questions, please feel free to contact me at the phone number above, or the email below.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Boatwright".

Jeanne Boatwright  
jeanne@boatwrightengr.com

CC: Andy Lytle, AtTheJoy, LLC  
Luke Pedotti, Results Partners, LLC  
Oregon Water Resources Department (to be filed with application submittal)





# Polk County Public Works

820 SW Ash Street Dallas, OR. 97338-2151  
(503) 623-9287 \* FAX (503) 623-0897

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**Utility Permit Number 2021-C-0035**  
**Issue Date: Tuesday, March 30, 2021**  
**Water Utility Permit**

**Issued To:** Results Parnters, LLC  
1213 38th Ave. E  
Seattle. WA. 98112  
Luke Pedotti (503) 437-5068

**Subcontractor:**

<b>Road Name:</b>	Bethel RD			
<b>Road Number:</b>	6523			
<b>Milepost:</b>	4.57			
<b>Side:</b>	Across & Parallel	T 6S	R 4W	SECTION 22
<b>Work Order #</b>	Tax Lot 300			
<b>Utility Installed:</b>	Underground Utility			

This permit is issued to Results Parnters, LLC of 1213 38th Ave. E, Seattle. WA. 98112 for utility construction on Bethel RD from milepost 4.57. The utility construction shall be performed in accordance with the following:

- 1) Department of Public Works General Provisions.
- 2) Submitted plans with changes required by the Engineer.
- 3) Special Provisions **SEE ATTACHED SPECIAL PROVISIONS**
- 4) **Notify the Department of Public Works at (503) 623-9287**
  - a) **24 hours prior to commencing work.**
  - b) **48 hours after completion of work.**
- 5) Traffic control shall conform to the requirement of the Manual on Uniform Traffic Control Devices.
- 6) All work must conform to the current Polk County Public Works Road Standards available at: [www.co.polk.or.us/PublicWorks.htm](http://www.co.polk.or.us/PublicWorks.htm)
- 7) A copy of this permit and a set of construction plans shall be at the site during construction.
- 8) Call for utility location at 1-800-332-2344 before you dig.
- 9) **This permit will expire 90 days from issue date.**

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x

Signature

Kristi Eriksen

Eng/Tech Aide

## Water Utility Permit Special Provisions

Underground Utility placed across & parallel a gravel road.

1. **Location of** Bethel RD(6523) Across & Parallel 6750 Bethel Rd
2. **Scope of Work:** Install 60' of 4" HDPE Irrigation Pipeline under road.
3. **Location of** Pipe: Approximate MP 4.57 to Approximate MP 4.57
4. Cutting a trench in the Gravel portion of Bethel RD **is not** permitted. At any County road crossings the pipe shall be placed using either the boring, jacking, or driving method. The use of any other method to place the conduit requires the permission of the Polk County Public Works Director.
5. **Within the Right-of-Way for County Roads the top of the conduit must be 36" lower than:**
  - a) The edge of Gravel ( if located inside the roadway). The roadway includes traffic lanes and shoulders.
  - b. The bottom elevation of the roadside ditch (if located within the ditch section or if perpendicular of the roadway).
6. **If excavation is required:**
  - a. Comply with Oregon excavation laws as set forth in ORS 757.542 through 757.562. **Remember to notify all utilities before excavating (See paragraph 7 of your permit application)!**
  - b. Within the roadway, backfill material shall be 1"-0 crushed aggregate. Outside the roadway, native material is permitted as backfill material.
  - c. Compact backfill of excavated areas according to Oregon Standard Specifications for Highway Construction, paragraph 00405.46
  - (c). **Rule of thumb: There should be NO yielding under the compaction equipment. All backfill shall be guaranteed against settlement for one year.**
7. ROW width within the work area is 40.00
8. For overhead crossings: The minimum height from the roadway surface to the cable is 18'.
9. Remove all waste or extraneous material produced by the project from within the Right-Of-Way or as directed by Public Works.
10. Public Works shall inspect the completed project within 1 month of completion. **Please notify Public Works upon completion.** The applicant shall be notified of any deficiencies and shall make the appropriate corrections.

Contact Public Works (503) 623-9287 if you have any problems with achieving any of the above listed Special Provisions.

**Note:**

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# POLK COUNTY

PUBLIC WORKS

820 S.W. ASH STREET o DALLAS, OREGON 97338-2112  
503-623-9287 o FAX 503-623-0897

## CONSTRUCTION WORK IN RIGHT-OF-WAY APPLICATION FOR PERMIT

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### INSTRUCTIONS:

Fill out the below section labeled "APPLICANT INFORMATION" being sure to mark the appropriate spaces when indicated. If all areas in the applicant block are not filled out, it may delay processing of the permit. Please sign on the reverse side of this form where indicated.

The following does not become an approved permit until signed on the reverse side by an authorized agent of the utility company and authorized by a representative of Public Works. If a certificate of insurance is not already on file with the Public Works, it must be provided before a permit can be issued. Please provide one set of construction plans with the completed permit application.

**Permit Processing Time:** Approximately 7-10 days from the date received.

### \*\*\* APPLICANT INFORMATION \*\*\*

BUSINESS/ORGANIZATION: AtTheJoy, LLC Owner of north property (not addressed)

MAILING ADDRESS: 1213 38th Avenue E. Seattle, WA 98112

CONTACT PERSON: Luke Pedotti Results Partners, LLC project manager

BUSINESS PHONE: 503.437.5068 24 HRS EMERGENCY PHONE NUMBER: 503.437.5068

PROPOSED START DATE: April or May COMPLETION DATE: < 1 week after start

PROJECT LOCATION: TOWNSHIP: 6S RANGE: 4W SECTION: 22

PROJECT ADDRESS: 6750 Bethel Road South property address

PROJECT DESCRIPTION: Installation of a 4" HDPE irrigation pipeline beneath Bethel Road using a boring, jacking or driving method.

ONE SET OF CONSTRUCTION PLANS SUBMITTED:  Yes  No

WORK BEING PERFORMED BY:  UTILITY COMPANY  CONTRACTOR  OTHER \_\_\_\_\_

CONTRACTING FIRM NAME: To be determined PHONE NUMBER: \_\_\_\_\_

### Type of work (check all that apply)

Utility Trenching

Excavation/Fill

Vegetation Management

Culvert/Storm Drain

Structure (mailbox, bus stop, etc)

Wood Collection

Grading/Surfacing

Fencing

Other Private Irrigation Pipeline

For driveways, use the Driveway Access Permit. For other permits, it is the landowner's responsibility to obtain all Federal, State and Local agency permits required to complete the project.

## GENERAL PROVISIONS

1. CONTACT THE ENGINEERING TECHNICIAN AT (503) 623-9287, TWO BUSINESS DAYS PRIOR TO BEGINNING OF PROJECT.
2. Traffic control shall conform to the requirements of the Manual of Uniform Traffic Control Devices.
3. Pavement cutting will not be allowed without prior approval. Approval will be given on a case by case basis only.
4. Open cuts of pavement within travel lanes shall be patched with cold mix or covered with steel plates to accommodate traffic overnight or until the final hot patch is constructed.
5. All trenching and pavement cuts shall be guaranteed against settlement for a period of 12 months.
6. A copy of an approved permit and construction drawing must be on the job at all times that work is being performed.
7. OREGON STATE LAW REQUIRES that excavators give notification to all underground utilities two business days prior to the commencement of any underground excavation (1-800-332-2344).

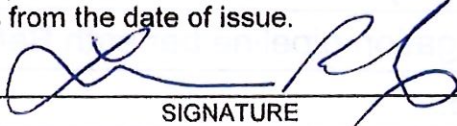
## HOLD HARMLESS/INDEMNITY

The Applicant shall indemnify and save harmless Polk County, its Counsel, its Board of Commissioners, its officers and employees from all suits and actions, claims of any character brought because of any injuries or damages received or sustained by any person, or property on account of the said Applicant, his Subcontractors or the employees of either; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct.

## REPLACEMENT/REPAIR OF SURVEY MONUMENTS AND MARKERS

Pursuant to ORS 209.150 the undersigned shall replace and/or repair (at the discretion of the County surveyor) any and all survey monuments, pins, or markers which are destroyed or damaged as a result, directly or indirectly, of work resulting from, arising out of, or relating to the activities, actions, or inaction's of the undersigned or its officer's, employees, subcontractors, or agents within any public right of way.

The applicant accepts and approves the terms and provisions contained and attached hereto, including the special provisions and Polk Counties adopted Design Standards. Permits for construction expire three (3) months from the date of issue.



SIGNATURE

3-18-21

DATE

VP Results Partners

TITLE

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\*\*\*POLK COUNTY PUBLIC WORKS USE\*\*\*\*

INSURANCE CERTIFICATION:

Yes

No

ATTACHED STANDARD DRAWINGS:

Yes

No

SPECIAL PROVISIONS: see attached...

## Jeanne Boatwright

---

**From:** Eriksen, Kristi <eriksen.kristi@co.polk.or.us>  
**Sent:** Wednesday, March 31, 2021 10:54 AM  
**To:** Jeanne Boatwright  
**Cc:** Corbey Boatwright; Luke.Pedotti@resultspartners.com  
**Subject:** Re: Bethel Road Permit - AtTheJoy, LLC

Hi Jeanne,

Thank you so much for noticing my sticky fingers. I have corrected the information in our system, and as far as the permit goes, it won't make a difference on the paper form since I've updated it in our system. I do appreciate the updates!

The permit is posted on Bethel Rd for work to be completed by 6.30.2021. Should you require an extension, feel free to let me know as I can extend expirations up to one year from the time the application was received.

Thanks again and have a wonderful day!

Kristi Eriksen  
**Polk County Public Works**  
820 SW Ash Street, Dallas, OR 97338  
503.623.9287 - Fax: 503.623.0897

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On Wed, Mar 31, 2021 at 8:25 AM Jeanne Boatwright <[jeanne@boatwrightengr.com](mailto:jeanne@boatwrightengr.com)> wrote:

Good Morning, Kristi,

Thanks for processing this permit so quickly. A couple of notes:

1. The "Partners" in Results Partners, LLC is misspelled. I'm not too concerned about that, if you aren't.
2. Results Partners mailing address is –

10525 OR-99W

McMinnville, OR 97128

The address on the permit is for the property owner.

If you don't want to edit the permit, that is fine. At least you will have the contact address in your file.

Jeanne Boatwright

**Boatwright Engineering, Inc.**

2613 12th Street SE

Salem, Oregon 97302

ph: 503-363-9225

**From:** Eriksen, Kristi <[eriksen.kristi@co.polk.or.us](mailto:eriksen.kristi@co.polk.or.us)>  
**Sent:** Wednesday, March 31, 2021 7:14 AM  
**To:** Jeanne Boatwright <[jeanne@boatwrightengr.com](mailto:jeanne@boatwrightengr.com)>  
**Cc:** Corbey Boatwright <[corbey@boatwrightengr.com](mailto:corbey@boatwrightengr.com)>; [Luke.Pedotti@resultspartners.com](mailto:Luke.Pedotti@resultspartners.com)  
**Subject:** Fwd: Bethel Road Permit - AtTheJoy, LLC

Good morning,

Fred forwarded your permit request to me. I have attached your permit for the work to be done on (or under) Bethel Road. If you could send the insurance information along with who will be performing the work and let us know when work begins and ends, that would be great!

Thank you,

Kristi Eriksen

**Polk County Public Works**

820 SW Ash Street, Dallas, OR 97338

503.623.9287 - Fax: 503.623.0897

----- Forwarded message -----

**From:** Lowe, Fred <[lowe.fred@co.polk.or.us](mailto:lowe.fred@co.polk.or.us)>  
**Date:** Tue, Mar 30, 2021 at 7:18 AM  
**Subject:** Fwd: Bethel Road Permit - AtTheJoy, LLC  
**To:** Kristi Eriksen <[eriksen.kristi@co.polk.or.us](mailto:eriksen.kristi@co.polk.or.us)>

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From: **Jeanne Boatwright** <[jeanne@boatwrightengr.com](mailto:jeanne@boatwrightengr.com)>

Date: Mon, Mar 29, 2021 at 5:22 PM

Subject: Bethel Road Permit - AtTheJoy, LLC

To: Fred Lowe ([lowe.fred@co.polk.or.us](mailto:lowe.fred@co.polk.or.us)) <[lowe.fred@co.polk.or.us](mailto:lowe.fred@co.polk.or.us)>

Cc: Luke Pedotti <[Luke.Pedotti@resultspartners.com](mailto:Luke.Pedotti@resultspartners.com)>, Corbey Boatwright <[corbey@boatwrightengr.com](mailto:corbey@boatwrightengr.com)>

Hi Fred,

I have attached a **Construction Work in Right-of-Way Application for Permit**, along with a site plan and a crossing profile in the packet, for the installation of an irrigation transmission line across Bethel Road, about 0.5 mi north of its intersection with Zena Road.

The contractor has not yet been determined, so that information and insurance documentation will come later.

AtTheJoy owns the property on the north side of the road and is planting a vineyard there. They are filing a water right permit to use water from a reservoir that they constructed last year (under a Polk County CU approval and a Water Resources Dept. Storage Right Permit) on the neighbors' ownership (Powell & Olson's) down along Zena Road.

Luke Pedotti, Results Partners, LLC, is the agent for AtTheJoy and will be coordinating and managing the work. His proposed construction window is not nailed down, but he is aiming for sometime in April or May.

Please let me know if you need any other information or documents.

Jeanne Boatwright

**Boatwright Engineering, Inc.**

2613 12th Street SE

Salem, Oregon 97302

ph: 503-363-9225

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Fred Lowe

Engineering/Survey Tech

Ph. (503) 623-9287

Cell (503) 931-1181

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Oregon Water Resources Department  
Stored Water Only Applications - Expedited Secondary

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Today's Date: Monday, May 10, 2021

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	27.0	\$708.40
Subtotal:		\$1,228.40
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.		<input type="button" value="Recalculate"/>
Estimated cost of Permit Application		\$1,748.40

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