



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

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 JUN 11 2021

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

OWRD

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

**Use a separate form for each reservoir**

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

**1. APPLICANT INFORMATION**

Applicant: Port of Portland, ATTN: Stan Jones  
First Last  
 Mailing Address: 7200 NE Airport Way  
Portland OR 97218  
City State Zip  
 Phone: \_\_\_\_\_ 503-415-6679 \_\_\_\_\_  
Home Work Other  
 Fax: \_\_\_\_\_ E-Mail Address\*: Stan.Jones@portofportland.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: GSI Water Solutions, Inc. ATTN: Ted Ressler  
First Last  
 Mailing Address: 55 SW Yamhill St., Suite 300  
Portland OR 97204  
City State Zip  
 Phone: \_\_\_\_\_ 971-200-8509 \_\_\_\_\_  
Home Work Other  
 Fax: \_\_\_\_\_ E-Mail Address\*: tressler@gsiws.com

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

**3. LOCATION AND SOURCE**

A. Reservoir Name: West Sundial Wetlands  
 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: Runoff/Overland-Flow Tributary to: Salmon Creek  
 C. County in which diversion occurs: Multnomah

App. No. _____	<b>For Department Use</b>	
	Permit No. _____	Date _____

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1N	3E	22/23	See Attachment C	303, 100

**E. Dam:** Maximum height of dam: 6.5 ft 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: 157 AF      Acre-feet =  $(\text{Average Length})(\text{Average Width})(\text{Average Depth})$   
43,560

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**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.

Wetland Enhancement

**5. PROPERTY OWNERSHIP**

Please provide a copy of the recorded deed(s). See Attachment E

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:

N/A



**6. ENVIRONMENTAL IMPACT**

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- 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.

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See Attachment F - Agency Contacts

**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 Multnomah County Drainage District's (MCDD) Sandy Drainage Improvement Company (SDIC)		Address 1880 NE Elrod Drive	
City Portland	State OR	Zip 97211	

**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 Port of Portland (Port) is in the process of redeveloping the Troutdale Reynolds Industrial Park property (TRIP). The TRIP redevelopment project is located in the Salmon Creek watershed and is also within the Multnomah County Drainage District's (MCDD) Sandy Drainage Improvement Company (SDIC) boundaries. Adjacent to the TRIP property, Salmon Creek and its tributary Arata Creek are heavily urbanized streams that have been modified and channelized over the years to provide surface water and storm water conveyance and flood control. As part of redevelopment, the Port is enhancing and developing new wetland areas near the end of Salmon Creek's highly manipulated/channelized flow path within the TRIP property, which includes the wetland that is the subject of this storage permit application. The source of water for the wetland is direct precipitation and runoff (overland flow and flood flow from Salmon Creek) during the winter months. The amount of water retained in the wetland and the outflow from the wetland is managed by the Port and SDIC, with SDIC operating the outlet control structure (SDIC Outlet). During higher water levels in the wetlands, water also drains from the wetland at the inlet channel to the wetland at the east end of the wetlands (Inlet Channel to Wetland). Both the SDIC Outlet and the Inlet Channel to Wetland drain to Salmon Creek.

The wetland receives water only by runoff (overland flow and/or high flows from Salmon Creek) during precipitation events which are coincident with the months when storage will occur. Accordingly, there will be no 'live' flow to pass outside of the storage season. In addition, the wetland is a created and enhanced feature located adjacent to, but off the channel of Salmon Creek.

Please note that during large storm events, SDIC has the authority to respond and operate their outlet control structure as needed to manage storm water flows. The storm water retained and managed by SDIC during these events is temporary water detention that is separate from the water storage proposed by this storage permit application.

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 Attachment G - Weir Design Drawings


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**9. SIGNATURE**

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


5/4/2021

Applicant Signature
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.



# 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

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### This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

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



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Applicant(s): Port of Portland, ATTN: Dorothy Sperry

Mailing Address: 7200 NE Airport Way

City: Portland

State: Oregon Zip Code: 97218

Daytime Phone: 503-415-6642

## 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>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNW</u>	<u>303</u>	<u>FUD</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SEnw</u>	<u>303</u>	<u>FUD</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNE</u>	<u>303</u>	<u>FUD</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNE</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SENE</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>23</u>	<u>SWNW</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>23</u>	<u>SEnw</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Troutdale,  
City of Fairview

## 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) Surface Runoff/Overland-Flow

Estimated quantity of water needed: 157   
 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 Wetland Enhancement

Briefly describe:

The Port of Portland is developing a wetland as part of the Troutdale Reynolds Industrial Park Redevelopment project. The source of water for the wetland is direct precipitation and runoff/overland-flow.

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

See bottom of Page 3. →



# For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- 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:	
Site Development Review	TDC Chapter 8	<input checked="" 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.

This application is in fulfillment of a larger site development application and final plat that involved wetland mitigation efforts. This application fulfills conditions of approval.

Name: Chris Damgen Title: Community Development Dir.

Signature:  Phone: 503-674-7228 Date: 4/24/20

Government Entity: City of Troutdale

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



**Receipt for Request for Land Use Information**

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

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

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

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Attachment A

Watermaster Review Form

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland



# 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: Port of Portland

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

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Explain:

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

If YES, which conditions are recommended:

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster printed name: Amy Landvoigt, D. 20

Watermaster signature: Amy Landvoigt                      Date: 5/7/2020

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

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

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Attachment B

ODFW Review Form

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland



# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Port of Portland, Attn: Stan Jones

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Address: 7200 Airport Way, Portland, OR 97218

JUN 11 2021

Phone/Email: 503-415-6679; Stan.Jones@portofportland.com

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Reservoir Name: West Sundial Wetlands

Volume (AF): 157

Source: Runoff/overland flow

Basin Name: Salmon Creek

in-channel

Twp Rng Sec QQ: 1N 3E 22,23

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) staff.**

1) Is the proposed project and AO<sup>1</sup> off channel?.....  YES\*  NO  
(if yes then proceed to #4; if no then proceed to #2)

*\*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

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

3) If NMF are or were historically present:

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

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

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

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

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

Any diversion or appropriation of water for storage during the period type here through type here 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

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

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



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.

ESA-listed fish (Coho Salmon and winter steelhead) and Oregon sensitive species (Coastal Cutthroat Trout, Brook and Pacific lamprey) are or were historically present in Salmon Creek. The proposed use could diminish physical habitat and alter the flow regime to which fish are naturally adapted. These changes could negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use may impair or be detrimental to a fishery resource and/or their habitat without appropriate conditions and/or mitigation.

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

- NO (explain)       YES

**Passage:** The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585) without obtaining approval for the artificial obstruction from the Oregon Department of Fish and Wildlife (ODFW).

The permittee shall submit a proposal for fish passage to ODFW or apply for a fish passage waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption shall be obtained prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow. The permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption prior to diversion of water.

The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) as per the approved plan, waiver, or exemption. If ODFW determines adequate passage of native migratory fish is not being provided, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that adequate fish passage is being provided. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

**Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

**On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

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ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 11/12/20

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



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Attachment C  
Application Map

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland

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Attachment D

Land Use Information Form

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Applicant(s): Port of Portland, ATTN: Dorothy Sperry

Mailing Address: 7200 NE Airport Way

City: Portland

State: Oregon Zip Code: 97218

Daytime Phone: 503-415-6642

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Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNW</u>	<u>303</u>	<u>FUD</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SENE</u>	<u>303</u>	<u>FUD</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNE</u>	<u>303</u>	<u>FUD</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SWNE</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>22</u>	<u>SENE</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>23</u>	<u>SWNW</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>
<u>1N</u>	<u>3E</u>	<u>23</u>	<u>SENE</u>	<u>100</u>	<u>IH</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wetland Enhancement</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Troutdale,  
City of Fairview

## 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) Surface Runoff/Overland-Flow

Estimated quantity of water needed: 157     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 Wetland Enhancement

Briefly describe:

The Port of Portland is developing a wetland as part of the Troutdale Reynolds Industrial Park Redevelopment project. The source of water for the wetland is direct precipitation and runoff/overland-flow.

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

See bottom of Page 3. →



# For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

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

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

Name: ALLAN BERRY Title: PUBLIC WORKS DIRECTOR  
 Signature: [Signature] Phone: 503-674-6235 Date: 04/28/2020  
 Government Entity: CITY OF FAIRVIEW.

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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Attachment E

Property Deed

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland



555016403 ce  
262 059

Chicago Title

Recorded in MULTNOMAH COUNTY, OREGON  
C. Swick, Deputy Clerk  
A37 29 ATMCS  
Total : 161.00

2007-216750 12/21/2007 10:56:19am

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After Recording, Return Document To:  
The Port of Portland  
121 N.W. Everett St.  
Portland, Oregon 97209  
Attn.: Corporate Real Estate Manager

Send Tax Statements To:  
The Port of Portland  
121 N.W. Everett St.  
Portland, Oregon 97209  
Attn.: Corporate Real Estate Manager

**SPECIAL WARRANTY DEED**

REYNOLDS METALS COMPANY, a Delaware corporation, (hereinafter "Grantor"), conveys and specially warrants to THE PORT OF PORTLAND, a port district of the state of Oregon (hereinafter "Grantee"), the real property described on Exhibit "A," attached hereto and incorporated herein (hereinafter the "Property"), which Property is free of encumbrances created or suffered by Grantor except as specifically set forth herein.

The true, actual, and whole consideration for the transfer is SEVENTEEN MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$17,375,000.00) and other good and valuable consideration.

The above-described Property is conveyed subject only to the exceptions, exclusions, encumbrances, and stipulations which are ordinarily part of an owner's extended policy of title insurance and subject only to the special exceptions shown in the attached **Exhibit B** (collectively referred to as "Permitted Encumbrances").

Grantor shall retain a right of access to the Property for as long as is required in order for Grantor to comply with its obligations with respect to the Property pursuant to its agreements with the United States of America and the State of Oregon relating to the environmental condition of the Property. Such access shall be without charge to Grantor and Grantor agrees that such entry by Grantor shall be governed by the requirements for entry set forth in Section 9(d) of the Agreement to Purchase and Sell Real Estate entered into between Grantor and Grantee dated September 8, 2004, which requirements are set forth in **Exhibit C** attached hereto. References therein to "Buyer" shall mean "Grantor" and references to Reynolds shall mean "Grantee" for purposes of this access right. Grantor agrees to execute the document required in order to remove this access right from the Property at such time as Grantor no longer needs the right of access for the purpose described herein.

1 - Special Warranty Deed

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29



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

IN WITNESS HEREOF, Grantor has caused this Deed to be signed by MARK A. STIFFLER, its ATTORNEY-IN-FACT, who by signing below is representing and warranting that he/she is authorized to sign this Special Warranty Deed on behalf of Reynolds Metals Company and that Reynolds Metals Company shall be bound hereby.

EFFECTIVE DATE: December 21, 2007

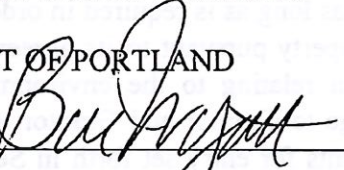
GRANTOR: REYNOLDS METALS COMPANY

By: 

As Its: ATTORNEY-IN-FACT

ACCEPTED BY GRANTEE:

PORT OF PORTLAND

By: 

As Its: Executive Director

[acknowledgments on following page]

2 - Special Warranty Deed

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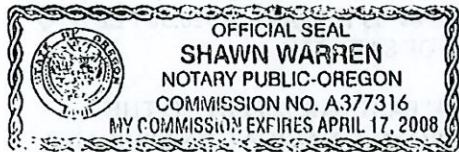
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STATE OF Oregon )  
County of Multnomah ) ss.

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This instrument was acknowledged before me on this 19 day of December, 2007, by Mark Stiffler as the Attorney-In-Fact of Reynolds Metals Company.



Shawn Warren  
Notary Public for the state of Oregon  
My Commission Expires April 17, 2008

STATE OF Oregon )  
County of Multnomah ) ss.

This instrument was acknowledged before me on this 19 day of December, 2007, by Bill Wyatt as the Executive Director of the Port of Portland.



Shawn Warren  
Notary Public for the state of Oregon  
My Commission Expires April 17, 2008

3 - Special Warranty Deed

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**EXHIBIT A**  
**Property Description – Tract A, Tract B and Tract C**

**TRACT A**

A TRACT OF LAND LOCATED IN SECTIONS 22 AND 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC SOUTH 89°53'17" EAST, 1,320.38 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID DLC;

THENCE SOUTHERLY ALONG SAID DIVISION LINE SOUTH 00°11'29" EAST, 218.52 FEET TO THE NORTHERN RIGHT-OF-WAY OF THE OREGON WASHINGTON RAILROAD & NAVIGATION SPUR AND A POINT OF NON-TANGENT CURVATURE WITH A 766.34 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 23°54'11" EAST;

THENCE ALONG SAID RIGHT-OF-WAY CURVE, BEING 50.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, THROUGH A CENTRAL ANGLE OF 23°38'43" (THE CHORD BEARS NORTH 77°55'11" EAST, 314.02 FEET) AN ARC DISTANCE OF 316.26 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 89°44'32" EAST, 2,285.62 FEET TO THE WESTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD BEING 25.00 FEET WESTERLY OF THE CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO;

THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 749.18 FEET TO THE SOUTHERN LINE OF THAT PROPERTY DEEDED TO PORTLAND GENERAL ELECTRIC (PGE) DATED MAY 17, 1948 AS RECORDED ON BOOK 1265, PAGE 229 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHERN LINE SOUTH 89°43'17" WEST, 250.00 FEET;

THENCE ALONG THE WESTERN LINE OF SAID PGE PROPERTY AND ITS EXTENSION NORTH 00°16'42" WEST, 450.00 FEET TO THE SOUTHWESTERN LINE OF THAT PROPERTY DEEDED TO PACIFIC POWER AND LIGHT (PP&L) ON BOOK 637 PAGE 1597 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHWESTERN LINE NORTH 43°16'43" WEST, 540.76 FEET;

THENCE ALONG THE WESTERN LINE OF SAID PP&L PROPERTY NORTH 02°14'57" EAST, 62.63 FEET TO A POINT 62.50 FEET NORTHERLY, WHEN MEASURED AT RIGHT-ANGLES THERETO, OF THE CENTERLINE OF THAT TRANSMISSION LINE EASEMENT RECORDED ON BOOK 1960, PAGE 517, DEED RECORDS OF MULTNOMAH COUNTY, OREGON;

THENCE PERPENDICULAR TO THE SOUTHERN LINE OF THAT BONNEVILLE POWER ADMINISTRATION TRANSMISSION LINE EASEMENT RECORDED ON BOOK 704, PAGE 367, DEED RECORDS OF MULTNOMAH COUNTY, OREGON, NORTH 07°06'03" EAST, 80.40 FEET TO A POINT ON SAID LINE BEING 107.45 SOUTHEASTERLY FROM AN ANGLE POINT ON SAID LINE;



THENCE ALONG SAID EASEMENT LINE SOUTH 82°53'57" EAST, 615.73 FEET TO THE SAID WESTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 380.98 FEET TO THE CENTERLINE OF A DRAINAGE DIKE;

THENCE ALONG THE CENTERLINE OF SAID DRAINAGE DIKE THE FOLLOWING COURSES;

THENCE NORTH 89°07'07" WEST, 157.40 FEET;

THENCE SOUTH 83°52'53" WEST, 544.17 FEET;

THENCE SOUTH 88°11'56" WEST, 649.79 FEET;

THENCE SOUTH 88°13'17" WEST, 706.60 FEET;

THENCE SOUTH 88°21'34" WEST, 392.14 FEET;

THENCE SOUTH 85°14'34" WEST, 334.20 FEET;

THENCE SOUTH 81°40'34" WEST, 299.90 FEET;

THENCE SOUTH 84°22'04" WEST, 529.10 FEET;

THENCE SOUTH 80°43'34" WEST, 599.51 FEET;

THENCE SOUTH 87°25'04" WEST, 301.36 FEET;

THENCE SOUTH 88°52'34" WEST, 326.20 FEET;

THENCE SOUTH 79°34'34" WEST, 699.00 FEET;

THENCE SOUTH 83°22'34" WEST, 819.52 FEET TO THE CENTERLINE OF VACATED NW CAMPBELL ROAD;

THENCE LEAVING THE SAID DIKE ALONG THE CENTERLINE OF CAMPBELL ROAD SOUTH 00°10'23" EAST, 1,755.02 FEET TO A POINT IN A DRAINAGE FEATURE;

THENCE CONTINUING IN SAID DRAINAGE FEATURE NORTH 89°49'27" EAST, 291.16 FEET;

THENCE CONTINUING IN SAID DRAINAGE FEATURE NORTH 68°41'27" EAST, 300.00 FEET TO A POINT IN THE CENTER OF SALMON CREEK;

THENCE ALONG THE CENTERLINE OF SALMON CREEK THE FOLLOWING COURSES;

THENCE NORTH 69°15'27" EAST, 92.00 FEET;

THENCE NORTH 65°49'27" EAST, 100.00 FEET;

THENCE NORTH 72°07'27" EAST, 200.00 FEET;

THENCE NORTH 82°49'27" EAST, 252.00 FEET;

THENCE SOUTH 89°23'33" EAST, 102.00 FEET;

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THENCE SOUTH 83°46'33" EAST, 102.00 FEET;

THENCE SOUTH 86°36'33" EAST, 100.00 FEET;

THENCE SOUTH 70°06'33" EAST, 100.00 FEET;

THENCE SOUTH 75°11'33" EAST, 100.00 FEET;

THENCE SOUTH 80°54'33" EAST, 100.00 FEET;

THENCE SOUTH 84°54'33" EAST, 100.00 FEET;

THENCE SOUTH 82°20'33" EAST, 87.00 FEET;

THENCE SOUTH 84°52'33" EAST, 200.00 FEET;

THENCE SOUTH 79°09'33" EAST, 100.00 FEET;

THENCE SOUTH 83°09'33" EAST, 100.00 FEET;

THENCE NORTH 87°09'27" EAST, 100.00 FEET;

THENCE NORTH 71°51'27" EAST, 110.00 FEET;

THENCE NORTH 53°49'27" EAST, 58.00 FEET TO THE WESTERN LINE OF THE EAST ONE-HALF OF THE FEZETT DLC LINE;

THENCE ALONG SAID WESTERN LINE NORTH 00°15'03" WEST, 249.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC SOUTH 89°53'17" EAST, 1,320.38 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID DLC;

THENCE NORTH 45°38'31" EAST, 2,393.77 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 05°41'05" WEST, 65.00 FEET;

THENCE NORTH 84°18'55" EAST, 65.00 FEET;

THENCE SOUTH 05°41'05" EAST, 65.00 FEET;

THENCE SOUTH 84°18'55" WEST, 65.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL OF THAT LAND FALLING WITHIN THE RIGHT-OF-WAY OF NORTH MARINE DRIVE.

SAID TRACT CONTAINS 258.592 ACRES MORE OR LESS.



**TRACT B**

A TRACT OF LAND LOCATED IN SECTIONS 14 AND 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17" EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;

THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 1,901.10 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY EXTENSION OF SAID CENTERLINE NORTH 00°16'42" WEST, 1,655.39 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE COLUMBIA RIVER;

THENCE ALONG THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE COLUMBIA AND SANDY RIVERS FOLLOWING COURSES;

THENCE SOUTH 78°23'17" EAST, 191.56 FEET;

THENCE SOUTH 70°23'26" EAST, 97.42 FEET;

THENCE NORTH 89°07'37" EAST, 103.02 FEET;

THENCE SOUTH 75°51'20" EAST, 148.58 FEET;

THENCE SOUTH 78°14'13" EAST, 157.43 FEET;

THENCE SOUTH 74°18'33" EAST, 104.34 FEET;

THENCE NORTH 63°01'48" EAST, 153.81 FEET;

THENCE SOUTH 68°54'19" EAST, 116.32 FEET;

THENCE SOUTH 85°06'24" EAST, 127.65 FEET;

THENCE SOUTH 80°10'53" EAST, 111.57 FEET;

THENCE SOUTH 83°31'21" EAST, 140.91 FEET;

THENCE SOUTH 75°45'30" EAST, 125.40 FEET;

THENCE SOUTH 77°57'29" EAST, 164.44 FEET;

THENCE SOUTH 83°59'15" EAST, 169.31 FEET;

THENCE SOUTH 75°53'29" EAST, 253.98 FEET;

THENCE SOUTH 79°45'27" EAST, 157.48 FEET;

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THENCE SOUTH 74°49'55" EAST, 126.98 FEET;  
THENCE SOUTH 72°25'31" EAST, 138.38 FEET;  
THENCE SOUTH 61°31'41" EAST, 55.35 FEET;  
THENCE SOUTH 55°10'27" EAST, 314.18 FEET;  
THENCE SOUTH 29°33'26" EAST, 94.23 FEET;  
THENCE SOUTH 36°03'27" EAST, 93.83 FEET;  
THENCE SOUTH 31°16'02" EAST, 82.56 FEET;  
THENCE SOUTH 31°19'16" EAST, 110.34 FEET;  
THENCE SOUTH 26°25'50" EAST, 119.34 FEET;  
THENCE SOUTH 30°58'43" EAST, 159.29 FEET;  
THENCE SOUTH 23°31'40" EAST, 74.72 FEET;  
THENCE SOUTH 23°58'13" EAST, 107.25 FEET;  
THENCE SOUTH 40°37'19" EAST, 144.39 FEET;  
THENCE SOUTH 31°45'00" EAST, 127.55 FEET;  
THENCE SOUTH 34°34'58" EAST, 184.20 FEET;  
THENCE SOUTH 49°50'19" EAST, 78.77 FEET;  
THENCE SOUTH 23°31'12" EAST, 91.68 FEET;  
THENCE SOUTH 19°57'32" EAST, 90.48 FEET;  
THENCE SOUTH 44°44'38" EAST, 114.57 FEET;  
THENCE SOUTH 41°25'49" EAST, 181.78 FEET;  
THENCE SOUTH 58°31'02" EAST, 133.94 FEET;  
THENCE SOUTH 60°44'50" EAST, 114.64 FEET;  
THENCE SOUTH 61°04'38" EAST, 128.57 FEET;  
THENCE SOUTH 59°36'02" EAST, 104.04 FEET;  
THENCE SOUTH 64°38'22" EAST, 119.90 FEET;  
THENCE SOUTH 22°24'10" EAST, 14.71 FEET;  
THENCE SOUTH 73°00'27" EAST, 133.20 FEET;  
THENCE SOUTH 69°02'00" EAST, 101.69 FEET;

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THENCE SOUTH 73°30'35" EAST, 113.77 FEET;  
THENCE SOUTH 69°40'45" EAST, 88.85 FEET;  
THENCE SOUTH 62°00'47" EAST, 111.76 FEET;  
THENCE SOUTH 66°48'46" EAST, 66.04 FEET;  
THENCE SOUTH 48°29'12" EAST, 47.31 FEET;  
THENCE SOUTH 66°43'55" EAST, 73.06 FEET;  
THENCE SOUTH 66°21'47" EAST, 105.58 FEET;  
THENCE SOUTH 75°27'39" EAST, 104.66 FEET;  
THENCE SOUTH 65°51'52" EAST, 108.50 FEET;  
THENCE SOUTH 61°33'26" EAST, 74.21 FEET;  
THENCE SOUTH 79°00'30" EAST, 263.47 FEET;  
THENCE SOUTH 71°58'26" EAST, 105.86 FEET;  
THENCE SOUTH 63°15'46" EAST, 119.41 FEET;  
THENCE SOUTH 63°14'28" EAST, 113.60 FEET;  
THENCE SOUTH 61°44'34" EAST, 95.56 FEET;  
THENCE SOUTH 52°45'12" EAST, 77.18 FEET;  
THENCE SOUTH 39°24'54" EAST, 68.91 FEET;  
THENCE SOUTH 11°20'39" EAST, 71.86 FEET;  
THENCE SOUTH 23°55'47" EAST, 188.62 FEET;  
THENCE SOUTH 20°58'08" EAST, 76.12 FEET;  
THENCE SOUTH 27°34'57" EAST, 92.61 FEET;  
THENCE SOUTH 31°02'32" EAST, 106.73 FEET;  
THENCE SOUTH 16°10'57" EAST, 123.86 FEET;  
THENCE SOUTH 02°48'42" EAST, 9.82 FEET;  
THENCE SOUTH 01°31'27" WEST, 116.76 FEET;  
THENCE SOUTH 10°16'14" WEST, 117.10 FEET;  
THENCE SOUTH 07°25'59" WEST, 120.94 FEET;

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THENCE SOUTH 23°48'28" WEST, 110.89 FEET;

THENCE SOUTH 29°28'12" WEST, 86.70 FEET;

THENCE SOUTH 27°49'21" WEST, 90.37 FEET;

THENCE SOUTH 36°07'42" WEST, 79.98 FEET;

THENCE SOUTH 58°17'25" WEST, 154.28 FEET;

THENCE SOUTH 56°34'39" WEST, 87.36 FEET;

THENCE SOUTH 46°58'28" WEST, 174.77 FEET;

THENCE SOUTH 37°12'56" WEST, 205.06 FEET;

THENCE SOUTH 25°54'58" WEST, 126.21 FEET;

THENCE SOUTH 18°38'11" WEST, 106.49 FEET;

THENCE SOUTH 27°44'12" WEST, 105.77 FEET;

THENCE SOUTH 22°48'50" WEST, 111.04 FEET;

THENCE SOUTH 21°51'20" WEST, 154.55 FEET TO THE NORTHERN LINE OF THAT PROPERTY DEEDED TO THE PORT OF PORTLAND ON BOOK 2192, PAGE 268 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE LEAVING SAID MEAN HIGH WATER ALONG SAID NORTHERN LINE SOUTH 89°51'07" WEST, 534.10 FEET TO THE SOUTHERN EXTENSION OF THE EASTERN RIGHT-OF-WAY LINE OF NW GRAHAM ROAD;

THENCE ALONG SAID EXTENSION NORTH 00°14'57" WEST, 159.96 FEET TO THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT 1990-23;

THENCE ALONG THE SOUTHERN LINE OF SAID PARCEL 1 NORTH 89°38'49" EAST, 144.95 FEET;

THENCE ALONG THE SOUTHEASTERN LINE OF SAID PARCEL 1 NORTH 36°49'23" EAST, 271.82 FEET;

THENCE ALONG THE EASTERN LINE OF SAID PARCEL 1 NORTH 00°17'05" WEST, 303.16 FEET TO THE NORTH LINE OF SAID PARTITION PLAT;

THENCE NORTH 89°45'27" EAST, 256.74 FEET TO A FOUND BRASS CAP MONUMENT AT THE SOUTHEAST CORNER OF TRACT 2 OF THAT PROPERTY LINE ADJUSTMENT DEPICTED ON RECORD OF SURVEY 57,142, MULTNOMAH COUNTY SURVEYOR'S RECORDS;

THENCE ALONG THE EASTERN LINE OF SAID TRACT 2 NORTH 36°48'24" EAST, 252.79 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 820.00 FEET RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 37°01'30" (THE CHORD BEARS NORTH 18°17'39" EAST, 520.72 FEET) AN ARC DISTANCE OF 529.89 FEET;

THENCE ALONG THE NORTH LINE OF SAID TRACT 2 SOUTH 88°28'25" WEST, 943.52 FEET;

THENCE ALONG THE WEST LINE OF SAID TRACT 2 SOUTH 00°14'57" EAST, 96.07 FEET TO THE

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EASTERLY EXTENSION THE NORTHERN LINE OF PARCEL 1 OF THAT PROPERTY DEEDED TO REYNOLDS METALS ON BOOK 2358, PAGE 846 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID NORTHERN LINE PARALLEL TO THE CENTERLINE OF GRAHAM ROAD SOUTH 89°44'17" WEST, 257.51 FEET;

THENCE ALONG SAID EASTERN LINE OF SAID REYNOLDS PROPERTY SOUTH 00°14'57" EAST, 401.33 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF NW GRAHAM ROAD;

THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE, BEING NORTH 30.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES THERETO, SOUTH 89°44'17" WEST, 931.81 FEET;

THENCE SOUTH 89°45'15" WEST, 3,087.24 FEET TO THE WESTERN LINE OF TRACT 2 OF THAT PROPERTY LINE ADJUSTMENT DEPICTED ON RECORD OF SURVEY 57,530, MULTNOMAH COUNTY SURVEYOR'S RECORDS;

THENCE ALONG SAID WESTERN LINE NORTH 00°16'37" WEST, 185.00 FEET;

THENCE ALONG THE NORTHERN LINE OF TRACTS 2 AND 1 OF SAID PROPERTY LINE ADJUSTMENT SOUTH 89°45'15" WEST, 572.88 FEET TO THE EASTERN RIGHT-OF-WAY LINE OF NW SUNDIAL ROAD, BEING A POINT OF NON-TANGENT CURVATURE WITH A 830.00 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS NORTH 80°15'58" WEST;

THENCE ALONG SAID RIGHT-OF-WAY CURVE, BEING 30.00 FEET EASTERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, THROUGH A CENTRAL ANGLE OF 10°00'44" (THE CHORD BEARS NORTH 04°43'40" EAST, 144.86 FEET) AN ARC DISTANCE OF 145.04 FEET;

THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°43'18" WEST, 5.00 FEET TO A POINT 25.00 FEET EASTERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 00°16'42" WEST, 1,636.60 FEET TO THE SOUTHERN LINE OF THE BONNEVILLE POWER ADMINISTRATION (BPA) SUBSTATION AS DEPICTED ON BPA DRAWING 166-01340-02;

THENCE ALONG SAID SOUTHERN LINE NORTH 89°43'18" EAST, 1585.97 FEET TO THE EASTERN LINE;

THENCE ALONG SAID EASTERN LINE NORTH 00°16'42" WEST, 431.52 FEET TO THE NORTHERN LINE;

THENCE ALONG SAID NORTHERN LINE NORTH 82°53'57" EAST, 455.29 FEET TO AN ANGLE POINT;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°43'18" WEST, 1134.45 FEET TO THE RIGHT-OF-WAY LINE OF SAID NW SUNDIAL ROAD;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 00°16'42" WEST, 551.51 FEET;

THENCE SOUTH 89°43'18" WEST, 25.00 FEET TO THE POINT OF BEGINNING.

**EXCEPTING THEREFROM THE FOLLOWING:**

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17" EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;

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THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 804.59 FEET;

THENCE NORTH 89°43'18" EAST, 2,020.97 FEET TO THE BONNEVILLE POWER ADMINISTRATION  
BASELINE ORIGIN, A FOUND BOLT IN CONCRETE ENCLOSED IN A MONUMENT WELL;

THENCE NORTH 35°24'47" WEST, 664.70 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 82°54'22" WEST, 240.00 FEET;

THENCE NORTH 07°05'38" EAST, 160.00 FEET;

THENCE SOUTH 82°54'22" EAST, 240.00 FEET;

THENCE SOUTH 07°05'38" WEST, 160.00 FEET TO THE POINT OF BEGINNING.

**ALSO EXCEPTING THEREFROM THE FOLLOWING:**

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE FEZETT DONATION  
LAND CLAIM NO. 47 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID DLC AND ITS EXTENSION SOUTH 89°53'17"  
EAST, 3,938.11 FEET TO THE CENTERLINE OF NW SUNDIAL ROAD;

THENCE NORTHERLY ALONG SAID CENTERLINE NORTH 00°16'42" WEST, 804.59 FEET;

THENCE NORTH 89°43'18" EAST, 2,020.97 FEET TO THE BONNEVILLE POWER ADMINISTRATION  
BASELINE ORIGIN, A FOUND BOLT IN CONCRETE ENCLOSED IN A MONUMENT WELL;

THENCE NORTH 62°06'07" WEST, 1,277.17 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°43'18" WEST, 200.00 FEET;

THENCE NORTH 00°16'42" WEST, 150.00 FEET;

THENCE NORTH 89°43'18" EAST, 200.00 FEET;

THENCE SOUTH 00°16'42" EAST, 150.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 438.920 ACRES MORE OR LESS.

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## TRACT C

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE NORTH 89°44'45" EAST, 1,331.08 FEET TO THE NORTHERLY NORTHEAST CORNER OF THE BUXTON DLC NO. 59;

THENCE NORTH 00°15'15" WEST, 45.00 FEET TO THE NORTHERN RIGHT-OF-WAY OF HARLOW ROAD AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY, BEING 25.00 FEET NORTHERLY OF CENTERLINE WHEN MEASURED AT RIGHT-ANGLES THERETO, SOUTH 89°44'45" WEST, 83.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 235.50 FEET RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 26°47'15" (THE CHORD BEARS NORTH 76°51'38" WEST, 109.10 FEET) AN ARC DISTANCE OF 110.10 FEET TO THE SOUTHERLY EXTENSION OF THE EASTERN RIGHT-OF-WAY OF GRAHAM ROAD;

THENCE ALONG SAID SOUTHERLY EXTENSION NORTH 00°15'15" WEST, 230.37 FEET TO THE SOUTHERN LINE OF THAT PROPERTY DEEDED TO THE PORT OF PORTLAND ON BOOK 2192, PAGE 268 DEED RECORDS OF MULTNOMAH COUNTY;

THENCE ALONG SAID SOUTHERN LINE NORTH 89°51'07" EAST, 446.93 FEET TO THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE SANDY RIVER;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 14°02'26" WEST, 87.20 FEET;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 13°58'53" WEST, 81.20 FEET;

THENCE ALONG SAID MEAN HIGH WATER LINE SOUTH 04°34'48" EAST, 113.48 FEET;

THENCE SOUTH 89°46'17" WEST, 93.31 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF SAID HARLOW ROAD BEING A POINT OF NON-TANGENT CURVATURE WITH A 120.50 FEET RADIUS CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 34°30'31" WEST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°45'45" (THE CHORD BEARS NORTH 72°52'22" WEST, 71.99 FEET) AN ARC DISTANCE OF 73.11 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89°44'45" WEST, 62.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.50 ACRES MORE OR LESS.

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**EXHIBIT B  
PERMITTED ENCUMBRANCES**

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.  
(Affects 1N3E22-00200; 1N3E22-00300; 1N3E22-00301; 1N3E22-00302; 1N3E23-00100; 1N3E23B-00200; 1N3E24-00300; 1N3E24C-01200; 1N3E24C-01400; and 1N3E24C-01602.)
2. Regulations, including levies, liens, assessments, rights of way, and easements of Multnomah Drainage District #1.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Columbia River, the Columbia River Slough or the Sandy River.
4. Any adverse claims based upon the assertion that the Columbia River, the Columbia River Slough or the Sandy River has changed in location.
5. Any adverse claim based on the assertion that any portion of said land has been created by artificial means or has accreted to such portions so created.
6. Rights established pursuant to ORS 274.905, et seq to all or any portion of the herein described premises created by artificial means.
7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
8. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Salmon Creek.
9. Any adverse claims based upon the assertion that Salmon Creek has changed in location.
10. An easement created by instrument, including terms and provisions thereof;
 

Dated:	December 30, 1912
Recorded:	February 11, 1913
Book:	608
Page:	297
In Favor Of:	Northwestern Electric Company
For:	Transmission Lines
Affects:	Tax Lots 200, 300 and 302 in Section 22 and Tax Lot 200 in Section 23 (Tract A)

Said interest was assigned by instrument;  
 Recorded: May 15, 1989  
 Book: 2203  
 Page: 4



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To: Crown Zellerbach Corporation

11. An easement created by instrument, including terms and provisions thereof;

Dated: August 4, 1932  
Recorded: November 2, 1933  
Book: 229  
Page: 403  
In Favor Of: Game Commission of the State of Oregon  
For: Right-of-way  
Affects: Tract B, exact location not disclosed

12. An easement created by instrument, including terms and provisions thereof;

Dated: June 20, 1939  
Recorded: July 24, 1939  
Book: 506  
Page: 95  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: Westerly portion of Tax Lot 1200 in Section 24 (Tract C)

13. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940  
Recorded: August 6, 1940  
Book: 561  
Page: 301  
In Favor Of: Sandy Drainage District  
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
Affects: Tax Lots 200, 300 and 400 in Section 24 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940  
Book: 572  
Page: 326  
To: United States of America

14. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940  
Recorded: August 6, 1940  
Book: 561  
Page: 304  
In Favor Of: Sandy Drainage District  
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
Affects: Tax Lots 200, 300 and 400 in Section 24 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940  
Book: 572  
Page: 326

To: United States of America

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15. An easement created by instrument, including terms and provisions thereof;

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Dated: June 22, 1940  
Recorded: August 6, 1940  
Book: 561  
Page: 307  
In Favor Of: Sandy Drainage District  
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
Affects: Tax Lots 300, 301 and 302 in Section 22 and Tax Lot 400 in Section 23 (Tract A)

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Said interest was assigned by instrument;

Recorded: October 18, 1940  
Book: 572  
Page: 326  
To: United States of America

16. An easement created by instrument, including terms and provisions thereof;

Dated: July 18, 1940  
Recorded: August 6, 1940  
Book: 561  
Page: 311  
In Favor Of: Sandy Drainage District  
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)

Said interest was assigned by instrument;

Recorded: October 18, 1940  
Book: 572  
Page: 326  
To: United States of America

17. An easement created by instrument, including terms and provisions thereof;

Dated: June 19, 1940  
Recorded: August 6, 1940  
Book: 561  
Page: 320  
In Favor Of: Sandy Drainage District  
For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
Affects: Tax Lot 100 in Section 14 and Tax Lots 100 and 400 in Section 23 (Tract B)

Said interest was assigned by instrument;

Recorded: October 18, 1940  
Book: 572  
Page: 326



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To: United States of America

18. An easement created by instrument, including terms and provisions thereof;  
 Dated: June 26, 1940  
 Recorded: August 6, 1940  
 Book: 561  
 Page: 323  
 In Favor Of: Sandy Drainage District  
 For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
 Affects: Tax Lot 100 in Section 14 and Tax Lots 100, 400 and 500 in Section 23 (Tract B)

Said interest was assigned by instrument;  
 Recorded: October 18, 1940  
 Book: 572  
 Page: 326  
 To: United States of America

19. An easement created by instrument, including terms and provisions thereof;  
 Dated: July 9, 1940  
 Recorded: August 16, 1940  
 Book: 562  
 Page: 588  
 In Favor Of: Sandy Drainage District  
 For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
 Affects: Tax Lots 1200, 1400 and 1602 in Section 24 (Tracts B and C)

Said interest was assigned by instrument;  
 Recorded: October 18, 1940  
 Book: 572  
 Page: 326  
 To: United States of America

20. An easement created by instrument, including terms and provisions thereof;  
 Dated: October 2, 1940  
 Recorded: October 18, 1940  
 Book: 572  
 Page: 280  
 In Favor Of: Sandy Drainage District  
 For: Levees, embankments, revetments, canals and any incidental works appurtenant thereto for flood purposes  
 Affects: Tax Lots 1200, 1400 and 1602 in Section 24 (Tracts B and C)

Said interest was assigned by instrument;  
 Recorded: October 18, 1940  
 Book: 572  
 Page: 326  
 To: United States of America

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21. An easement created by instrument, including terms and provisions thereof;  
Dated: July 29, 1942  
Recorded: September 2, 1942  
Book: 704  
Page: 367  
In Favor Of: Defense Plant Corporation  
For: Right-of-way  
Affects: 250 foot wide strip through Tax Lots 100 and 200 in Section 23  
(Tract A)
22. An easement created by instrument, including terms and provisions thereof;  
Dated: June 19, 1945  
Recorded: July 17, 1945  
Book: 950  
Page: 168  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: Easterly portion of Tax Lot 1602 in Section 24 (Tract B)
23. An easement created by instrument, including terms and provisions thereof;  
Dated: July 29, 1946  
Recorded: July 31, 1946  
Book: 1083  
Page: 418  
In Favor Of: Northwestern Electric Company  
For: Right-of-way  
Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)
24. An easement created by instrument, including terms and provisions thereof;  
Dated: September 12, 1946  
Recorded: October 10, 1946  
Book: 1109  
Page: 11  
In Favor Of: Northwestern Electric Company  
For: Right-of-way  
Affects: Tax Lots 300 and 302 of Section 22 (Tract A)
25. An easement created by instrument, including terms and provisions thereof;  
Dated: October 25, 1947  
Recorded: December 4, 1947  
Book: 1226  
Page: 36  
In Favor Of: Adjoining property owners  
For: Roadway  
Affects: 16 foot wide strip through the Westerly portions of Tax Lots 300 and  
301 of Section 22 (Tract A)

And also disclosed by instrument;  
Dated: October 25, 1947



Recorded: December 22, 1947  
Book: 1230  
Page: 400

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26. An easement created by instrument, including terms and provisions thereof;  
Dated: May 17, 1948  
Recorded: May 19, 1948  
Book: 1265  
Page: 255  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: 100 foot wide strip through the Northerly portion of Tax Lot 200 and the Easterly portion of Tax Lot 300 (Tract A)
27. An easement created by instrument, including terms and provisions thereof;  
Dated: February 10, 1949  
Recorded: February 15, 1949  
Book: 1319  
Page: 403  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: 100 foot wide strip running east-west through the central portion of Tax Lot 200 in Section 23 (Tract A)
28. An easement created by instrument, including terms and provisions thereof;  
Dated: February 10, 1949  
Recorded: February 15, 1949  
Book: 1319  
Page: 409  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: 100 foot wide strip running east-west through the central portions of Tax Lots 300 and 302 in Section 22 (Tract A)
29. An easement created by instrument, including terms and provisions thereof;  
Dated: June 9, 1949  
Recorded: June 14, 1949  
Book: 1341  
Page: 439  
In Favor Of: Pacific Power and Light Company  
For: Right-of-way  
Affects: Tax Lot 200 in Section 22 and Tax Lot 200 in Section 23 (Tract A)
30. An easement created by instrument, including terms and provisions thereof;  
Dated: September 30, 1952  
Recorded: October 2, 1952  
Book: 1561  
Page: 434  
In Favor Of: United States of America  
For: Transmission line

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Affects: 250 foot wide strip through a northerly portion of Tract B

31. An easement created by instrument, including terms and provisions thereof;  
 Dated: April 22, 1954  
 Recorded: May 12, 1954  
 Book: 1658  
 Page: 578  
 In Favor Of: Portland General Electric Company  
 For: Electric power lines  
 Affects: Strips of land 10 feet in width in the southeasterly portion of Tract A

32. An easement created by instrument, including terms and provisions thereof;  
 Dated: June 4, 1958  
 Recorded: June 10, 1958  
 Book: 1901  
 Page: 442  
 In Favor Of: Pacific Power and Light Company  
 For: Right-of-way  
 Affects: 125 foot wide strip through Tax Lots 200 and 300 in Section 22 and through Tax Lot 200 in Section 23 (Tract A)

33. An easement created by Judgment of the Declaration of Taking and Order of Immediate Possession, including terms and provisions thereof;  
 Recorded: May 27, 1959  
 Book: 1957  
 Page: 161  
 In Favor Of: United States of America  
 For: Electric power transmission structures  
 Affects: 325 foot wide strip through Tax Lot 100 in Section 23 (Tract B)

34. An easement created by instrument, including terms and provisions thereof;  
 Dated: June 10, 1959  
 Recorded: June 18, 1959  
 Book: 1960  
 Page: 517  
 In Favor Of: Pacific Power and Light Company  
 For: Right-of-way  
 Affects: 125 foot wide strip through Tax Lot 200 of Section 23 (Tract A)

35. Right-of-Way Agreement, including the terms and provisions thereof;  
 Dated: March 8, 1960  
 Recorded: March 24, 1960  
 Book: 2001  
 Page: 40  
 By and Between: James H. and Daisy E. Graham and El Paso Natural Gas Company  
 For: Pipe line and appurtenances  
 Affects: A strip of land 50 feet in width across Tax Lot 300 in Section 24 (Tract B)

The terms and provisions of said Agreement were modified by instrument;



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Dated: June 25, 1992  
 Recorded: August 3, 1992  
 Book: 2572  
 Page: 492

36. Right-of-Way Agreement, including the terms and provisions thereof;

Dated: March 29, 1960  
 Recorded: April 4, 1960  
 Book: 2002  
 Page: 582  
 By and Between: Reynolds Metals Co. and El Paso Natural Gas Company  
 For: Pipe line and appurtenances  
 Affects (as amended): A strip of land 50 feet in width across Tax Lot 500 in Section 23 and Tax Lot 400 in Section 24 (Tract B)

The terms and provisions of said Agreement were modified by instrument;

Dated: June 2, 1960  
 Recorded: June 13, 1960  
 Book: 2013  
 Page: 438

The terms and provisions of said Agreement were modified by instrument;

Dated: June 25, 1992  
 Recorded: August 3, 1992  
 Book: 2572  
 Page: 490

37. An easement created by Judgment in Condemnation on Declaration of Taking No. 2, including terms and provisions thereof;

Filed: November 30, 1960  
 Suit No.: Civil No. 146-59, United States District Court for the District of Oregon  
 In Favor Of: United States of America  
 For: Discharge Pipe  
 Affects: Tract B

For: Sanitary Sewer  
 Affects: Tract B

For: Electric power transmission structures and appurtenances and the right to clear "danger trees"

Affects: Tract B

38. An easement created by instrument, including terms and provisions thereof;

Dated: March 15, 1962  
 Recorded: June 4, 1962  
 Book: 2119  
 Page: 29  
 In Favor Of: United States of America  
 For: Right-of-way  
 Affects: 14 foot wide strips through Tax Lot 100 in Section 23 (Tract B)

39. An easement created by instrument, including terms and provisions thereof;
- Dated: November 5, 1963  
 Recorded: December 6, 1963  
 Book: 2198  
 Page: 254  
 In Favor Of: Multnomah County  
 For: Drainage facilities  
 Affects: Easterly portion of Tax Lot 301 in Section 22 (Tract A)
40. Easements for existing public utilities in vacated street area and the conditions imposed thereby,  
 Disclosed by Ordinance No.: 3825
- Entered: August 23, 1966  
 Recorded: September 1, 1966  
 Book: 524  
 Page: 434  
 Affects: Westerly portions of Tax Lots 300 and 301 in Section 23 (Tract A)
41. An easement created by instrument, including terms and provisions thereof;
- Dated: September 9, 1966  
 Recorded: November 22, 1966  
 Book: 535  
 Page: 1464  
 In Favor Of: Pacific Power and Light Company  
 For: Transmission lines  
 Affects: Northerly portion of Tax Lot 200 of Section 23 (Tract A)
- Said interest was assigned by instrument;
- Recorded: July 25, 1983  
 Book: 1679  
 Page: 847  
 To: Crown Zellerbach Corporation
42. An easement created by instrument, including terms and provisions thereof;
- Dated: September 11, 1968  
 Recorded: September 19, 1968  
 Book: 641  
 Page: 48  
 In Favor Of: Pacific Power and Light Company  
 For: Transmission lines  
 Affects: 40 foot wide strip through the Westerly portion of Tax Lot 100 in Section 23 (Tract B)
43. An easement created by instrument, including terms and provisions thereof;
- Dated: August 3, 1970  
 Recorded: August 7, 1970  
 Book: 746  
 Page: 284  
 In Favor Of: United States of America  
 For: Transmission line



- Affects: Tax Lot 300 in Section 24 (Tract B)
44. An easement created by instrument, including terms and provisions thereof;  
Dated: October 1, 1970  
Recorded: April 18, 1972  
Book: 851  
Page: 554  
In Favor Of: United States of America  
For: Transmission line  
Affects: Tax Lot 100 in Section 23 (Tract B)
45. An easement created by instrument, including terms and provisions thereof;  
Dated: June 11, 1974  
Recorded: June 21, 1974  
Book: 992  
Page: 1637  
In Favor Of: United States of America  
For: Transmission line  
Affects: Strip through the Westerly portion of Tax Lot 100 (Tract B) and the  
Northeasterly portion of Tax Lot 300 (Tract A) in Section 23
46. An easement created by instrument, including terms and provisions thereof;  
Dated: February 27, 1975  
Recorded: July 1, 1975  
Book: 1048  
Page: 1823  
In Favor Of: Portland General Electric Company  
For: Right-of-way  
Affects: Strips of land through Tract A
47. An easement created by instrument, including terms and provisions thereof;  
Dated: January 5, 1976  
Recorded: February 5, 1976  
Book: 1086  
Page: 1173  
In Favor Of: Northwest Natural Gas Company, an Oregon corporation  
For: Gas pipe line and appurtenances  
Affects: Tract B
48. An easement created by instrument, including terms and provisions thereof;  
Dated: May 28, 1985  
Recorded: August 8, 1985  
Book: 1842  
Page: 1030  
In Favor Of: Portland General Electric Company  
For: Underground distribution line  
Affects: 6 foot wide strip through the Northwesterly portion of Tax Lot 200 in  
Section 23 (Tract A)

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49. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Quitclaim Deed

Recorded: February 2, 1987  
Book: 1977  
Page: 904 (Affects Tax Lot 200 in Section 24 - Tract B)

50. An easement created by instrument, including terms and provisions thereof;

Dated: March 8, 1988  
Recorded: April 21, 1988  
Book: 2096  
Page: 2369  
In Favor Of: Port of Portland  
For: Storm drainage ditch  
Affects: Westerly portion of Tax Lot 500 in Section 23 (Tract B)

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51. An easement created by instrument, including terms and provisions thereof;

Dated: February 15, 1989  
Recorded: April 12, 1989  
Book: 2193  
Page: 457  
In Favor Of: Northwest Pipeline Corporation  
For: Right-of-way and facilities  
Affects: A 50 foot by 200 foot strip through the Southeasterly portion of Tax Lot 500 in Section 23 (Tract B)

52. An easement created by instrument, including terms and provisions thereof;

Dated: June 1, 1994  
Recorded: November 9, 1995  
Recorder's Fee No.: 95-139867  
In Favor Of: Multnomah County  
For: Storm sewer pipeline  
Affects: Two 15 foot by 33 foot sites in the Southwesterly portion of Tax Lot 400 in Section 23 (Tract B)

53. An easement created by instrument, including terms and provisions thereof;

Recorded: June 6, 1996  
Recorder's Fee No.: 96-086410  
In Favor Of: Portland General Electric Company  
For: Electric powerline  
Affects: Southwesterly portion of Tax Lot 301 in Section 22 (Tract A)

54. An easement created by instrument, including terms and provisions thereof;

Dated: August 30, 1996  
Recorded: September 24, 1996  
Recorder's Fee No.: 96-145080  
In Favor Of: Pacificorp  
For: Electric powerline  
Affects: Northerly portions of Tax Lot 200 in Section 23 (Tract A)



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55. An easement created by instrument, including terms and provisions thereof;  
Dated: August 19, 1998  
Recorded: October 2, 1998  
Recorder's Fee No.: 98-177997  
In Favor Of: Portland General Electric Company  
For: Electric transmission line  
Affects: 100 foot wide strip through the Southerly portion of Tax Lot 300 in Section 22 (Tract A)
56. An easement created by instrument, including terms and provisions thereof;  
Dated: August 19, 1998  
Recorded: October 2, 1998  
Recorder's Fee No.: 98-177998  
In Favor Of: Portland General Electric Company  
For: Electric transmission line  
Affects: 75 foot wide strip through the Northeasterly portion of Tax Lot 200 (Tract A) and the Westerly portion of Tax Lot 100 (Tract B) in Section 23
57. An easement created by instrument, including terms and provisions thereof;  
Dated: February 17, 2000  
Recorded: June 5, 2000  
Recorder's Fee No.: 2000-077519  
In Favor Of: Metro  
For: Ingress and egress  
Affects: North 7.5 feet of Tax Lot 300 in Section 22 (Tract A)
58. An easement created by instrument, including terms and provisions thereof;  
Dated: June 29, 2000  
Recorded: August 3, 2000  
Recorder's Fee No.: 2000-106820  
In Favor Of: City of Troutdale  
For: Pipeline  
Affects: 10 foot wide strip through the Southwesterly portion of Tax Lot 1200 in Section 24 (Tract C)
59. State of Oregon Well Ownership Information Form, including the terms and provisions thereof;  
Recorded: December 18, 2000  
Recorder's Fee No.: 2000-171685  
(Affects Tax Lot 100 in Section 14, Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)
60. An easement created by instrument, including terms and provisions thereof;  
Dated: September 16, 2002  
Recorded: November 15, 2002  
Recorder's Fee No.: 2002-208845  
In Favor Of: Sandy Drainage Improvement Company  
For: Pump station, pipes and lines  
Affects: Northwesterly portion of Tax Lot 300 in Section 22 (Tract A)

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61. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Unilateral Administrative Order for Remedial Design and Remedial Action U.S. EPA Docket No. CERCLA 10-2003-0115

Recorded: August 15, 2003  
Recorder's Fee No.: 2003-191152

62. State of Oregon Well Information Form, including the terms and provisions thereof;

Recorded: August 15, 2003  
Recorder's Fee No.: 2003-191153

(Affects Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)

The above document was re-recorded by instrument,

Recorded: February 20, 2004  
Recorder's Fee No.: 2004-026306

63. State of Oregon Well Information Form, including the terms and provisions thereof;

Recorded: November 19, 2004  
Recorder's Fee No.: 2004-210177

(Affects Tax Lots 100, 400 and 500 in Section 23 and Tax Lot 400 in Section 24 - Tract B)

64. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in Unilateral Administrative Order for Remedial Design and Remedial Action U.S. EPA Docket No. CERCLA 10-2005-0217

Recorded: September 20, 2005  
Recorder's Fee No.: 2005-179932

65. Notice to Successors in Title, including the terms and provisions thereof;

Recorded: December 11, 2007  
Recorder's Fee No.: 2007-211249

66. Easement and Equitable Servitudes, including the terms and provisions thereof;

Recorded: December 21, 2007  
Recorder's Fee No.: 2007- 216745

67. Conservation Easement, including the terms and provisions thereof;

Recorded: December 21, 2007  
Recorder's Fee No.: 2007- 216746

68. Agreement to Terminate and Release Easement, including the terms and provisions thereof;

Recorded: December 21, 2007  
Recorder's Fee No.: 2007- 216747

69. Amendment to Right-of-Way and Easement Facility, including the terms and provisions thereof;



Recorded: December 21, 2007  
Recorder's Fee No.: 2007- 216749

~~70. Amendment to Right-of-Way and Easement Contract, including the terms and provisions thereof;~~

~~Recorded: \_\_\_\_\_, 2007  
Recorder's Fee No.: 2007~~

- (i) Grantor or its representative shall not be liable for any damage to the property or for any cost of investigation or remediation resulting from any activities conducted on the property by Grantor or its representative.
- (ii) Grantor shall notify Grantee at least 45 days prior to any use of the property to conduct such activity.
- (iii) All activities undertaken by Grantor must comply with any applicable law, including laws relating to water safety and to proper disposal of any wastes generated, samples taken, and any soil or water generated during the investigation or during the process of taking the samples, and Grantee will provide Grantee the opportunity to collect eight samples of all soil, air or water samples as follows:
- (iv) Grantee is permitted to have a representative present during all such investigations and may receive upon request a copy of the results of on-site testing and visual inspection, and will have access to all sample results and boring records;
- (v) Grantee shall take all actions and implement all protocols necessary to ensure that actions taken, equipment and equipment, materials, and substances generated, used or brought onto the property pose no threat to the safety or health of persons on the environment, and cause no damage to the property of Grantee or of any other person, and Grantee is solely responsible for the proper disposal of all substances generated by Grantee's activities consistent with all applicable laws;
- (vi) Grantee is solely responsible for the security of the activities that Grantee conducts on the property and for equipment and materials brought on the property by Grantee;
- (vii) Grantee for itself, its agents, successors and assigns, covenants and agrees that except for situations contemplated by Grantee's non-disclosure of a hazardous substance release it shall, to the extent permitted by Oregon law, indemnify and save harmless Grantee, its successors and assigns, from and against any and all legal liability and all claims, damages, fees, costs, expenses and environmental costs resulting from, incident to or in any way arising out of the entry onto the property or any other act done pursuant to the rights, privileges and authority hereby granted. Grantee shall reimburse Grantee for actual damage to the property resulting from said activities.

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## EXHIBIT C

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Grantor's right to enter the Property to comply with its obligations with respect to the Property pursuant to its agreements with the United States of America and the State of Oregon is subject to the following restrictions:

- (i) Grantor's or its representative's activities may not unreasonably interfere with normal operation of the Property;
- (ii) Grantor shall notify Grantee at least 48 hours prior to entry onto the Property to conduct such activity;
- (iii) All activities undertaken by Grantor must fully comply with any applicable law, including laws relating to worker safety and to proper disposal of any wastes generated, samples taken, and any soil or water generated during the investigations or in the process of taking the samples, and Grantor will provide Grantee the opportunity to collect split samples of all soil, air or water samples so taken;
- (iv) Grantee is permitted to have a representative present during all such investigations, and may receive, upon request, a copy of the results of on-site testing and visual inspections, and will have access to all sample test results, and boring records;
- (v) Grantor shall take all actions and implement all protections necessary to ensure that actions taken hereunder and equipment, materials, and substances generated, used or brought onto the Property pose no threat to the safety or health of persons or the environment, and cause no damage to the property of Grantee, or of any other person, and Grantor is solely responsible for the proper disposal of all substances generated by Grantor's activities consistent with all applicable laws;
- (vi) Grantor is solely responsible for the security of the activities that Grantor conducts on the Property and for equipment and materials brought on the Property by Grantor;
- (vii) Grantor for itself, its agents, successors and assigns, covenants and agrees that, except for situations contributed to by Grantee's non-disclosure of a hazardous substance release, it shall, to the extent permitted by Oregon law, indemnify and save harmless Grantee, its successors and assigns, from and against any and all loss or liability, and all claims, damages, fees, costs, expenses and environmental costs resulting from, incident to or in any way arising out of the entry onto the Property, or any other act done pursuant to the rights, privileges and authority hereby granted. Grantor shall reimburse Grantee for actual damage to the Property resulting from said activities;



- (viii) Without limiting the effect of the last clause, Grantor shall require that any party performing services hereunder waive all rights to assert any lien or claim against Grantee or the Property arising out of services performed hereunder and provide insurance against injury and damage to Grantee or any other person, in coverage amounts and terms satisfactory to Grantee, and must obtain Grantee's written approval of such coverage prior to that party's first entry onto the Property; and
- (ix) Grantor, and its representatives, shall comply with all governmental laws and regulations and all policies and regulations of Grantee in effect at such time, including, but not limited to, those relating to health and safety and the taking of pictures, and with such special regulations, rules or policies as may be considered appropriate by Grantee under the circumstances, and Grantee has the right to refuse initial or continued access to the Property to any person when it determines that such action is necessary or desirable.

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Attachment F  
Agency Contacts

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland



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DSL

Melinda Butterfield, PWS  
Aquatic Resource Coordinator – Metro Region Team Lead  
Oregon Department of State Lands  
503-986-5202 (Mon & Wed) 503-507-6286 (Tue & Thur)  
[melinda.butterfield@state.or.us](mailto:melinda.butterfield@state.or.us)

ODFW

Susan Barnes  
Regional Conservation Biologist, West Region  
Oregon Department of Fish and Wildlife  
971-673-6010  
[susan.p.barnes@state.or.us](mailto:susan.p.barnes@state.or.us)

US Corps of Engineers

Brad Johnson  
U.S. Army Corps of Engineers, Portland Regulatory  
503-808-4383  
[brad.a.johnson2@usace.army.mil](mailto:brad.a.johnson2@usace.army.mil)

DEQ

Steve Mrazik  
Water Quality Manager, Northwest Region  
503-229-5379  
[Mrazik.Steve@deq.state.or.us](mailto:Mrazik.Steve@deq.state.or.us)

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Attachment G

Weir Design Drawings

Application for a Permit to Store Water in a Reservoir (Alternate Review) – Port of Portland





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June 3, 2021

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for a Permit to Store Water in a Reservoir (Alternate Review)  
Port of Portland

Dear Application Caseworker,

On behalf of the applicant, Port of Portland, please find enclosed an Application for a Permit to Store Water in a Reservoir accompanied by the required fee of \$6,425. The application requests to store 157 acre-feet of runoff in the West Sundial Wetlands (a wetland mitigation project associated with the Port of Portland's Troutdale Reynolds Industrial Park Redevelopment project).

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in blue ink that reads "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE  
GSI Water Solutions, Inc.

Enclosures: Application for a Permit to Store Water in a Reservoir (Alternate Review)  
Check #461603 in the amount of \$6,425

CC: Stan Jones - Port of Portland  
Carrie Butler - Port of Portland