

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310.
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

NOV 20 1976

State Well No.

State Permit No.

SALEM, OREGON

(10) LOCATION OF WELL:

County Polk Driller's well number

$\frac{1}{4}$ $\frac{1}{4}$ Section 19 T. 6S R. 6W W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 62 ft.

Static level 14 ft. below land surface. Date 11-17-76

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6 ft.

Depth drilled 242 ft. Depth of completed well 242 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil	0	2	
CLAY	2	8	
SANDSTONE GRAY	8	121	
BASALT	121	242	

Work started 11-11 1976 Completed 11-15 1976

Date well drilling machine moved off of well 11-16 1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Robert H. Beaulieu Date 11-17, 1976
(Drilling Machine Operator)

Drilling Machine Operator's License No. 789

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Robinson Folk Drilling
(Person, firm or corporation) (Type or print)

Address 4510 DALLAS HWY. SALEM, OR

[Signed] George H. Robinson
(Water Well Contractor)

Contractor's License No. 13 Date 11-22, 1976

(1) OWNER:

Name Harry Wright
Address RT 2 Box 245 F
Shelburne Oregon

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒

2" Diam. from 0+1 ft. to 19 ft. Gage .250

 " Diam. from ft. to ft. Gage

 " Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

" " " "

Water test 2 gal./min. with 220 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 19 ft.

Diameter of well bore to bottom of seal 10 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 5 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons

of water _____ lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

POLK COUNTY ENVIRONMENTAL HEALTH DIVISION

STANDARD SUBSURFACE SEWAGE DISPOSAL
SITE EVALUATION APPLICATION

NOT A PERMIT

FEE \$25.00 - NOT REFUNDABLE

FEE NO. 25-
DATE 5-3-76
RCPT. NO. 6074
RCVD. BY PC

SECTIONS ONE AND TWO TO BE FILLED OUT COMPLETELY BY APPLICANT.

1. PROPERTY OWNER'S NAME: John Z. Kaufman
MAILING ADDRESS: Rt. 1, Box 206, Shandon, Oregon
REQUESTED BY: John Z. Kaufman
DATE: 5-3-76 PHONE: 843-3502 NUMBER OF ACRES: 23
LOCATION OF PROPERTY: RURAL ROUTE Rt. 1, Shandon
DIRECTIONS TO PROPERTY: _____

WATER SOURCE (check one); DRILLED WELL (), BORE HOLE (), SPRING (X), COMMUNITY ()

PROPOSED LAND USE: COMMERCIAL - TYPE OF BUSINESS _____
PARTITION - NO. _____ PROPOSED USE _____
SINGLE-FAMILY DWELLING - NUMBER OF BEDROOMS 3
MULTIPLE UNITS - NUMBER OF UNITS _____
OTHER - SPECIFY _____

2. COMPLETE ATTACHED PLOT PLAN.

IT IS UNDERSTOOD THAT THE SIGNATURE ON THIS APPLICATION AUTHORIZES THE ENVIRONMENTAL HEALTH DIVISION TO ENTER UPON THE ABOVE-DESCRIBED PROPERTY TO GATHER ANY AND ALL INFORMATION PERTINENT TO THIS REQUEST FOR APPROVAL.

John Z. Kaufman
SIGNATURE OF PROPERTY OWNER OR AUTHORIZED REP.

3. Two holes approximately 100 feet apart and measuring approximately four feet deep by two feet square are to be provided by the applicant in the area or areas of a proposed drain-field in which the applicant wishes an evaluation. Approval or denial for a lot or parcel concerning suitability for a subsurface disposal field will be based upon the test holes provided for our inspection. If the applicant has some questions as to the suitability of a particular set of test holes, additional holes may be provided for our inspection. All holes which the applicant has to present for our review are to be located on the site and are to have the locations marked on the attached plot plan. On only those areas where test holes are provided will we make an evaluation.

4. The attached evaluation is a statement of a preliminary nature which is addressed to the approval or denial of a specific location for a proposed subsurface disposal system. This does not eliminate the need for septic permits, building permits, or Planning Commission review and approval if required.

Southeast Corner
James Wooden
DLC No. 72

Northwest Corner
William Hall
DLC No. 44

800

900

801

802

402

902

401

901

700

403

400

50

COAST HWY.

1/4 Corner

corner post

quarry

44-2

County Rd. 100

19 20
30 29

SCANNING DOCUMENT IDENTIFICATION RECORD

DOCUMENT ID: Septic 6-6-20-400
DATE: 8-3-79
NAMES: Lawrence Wright

TOWNSHIP 6 RANGE 6 SECTION 20 TAXLOT 400

TOWNSHIP _____ RANGE _____ SECTION _____ TAXLOT _____

TOWNSHIP _____ RANGE _____ SECTION _____ TAXLOT _____

TOWNSHIP _____ RANGE _____ SECTION _____ TAXLOT _____

TOWNSHIP _____ RANGE _____ SECTION _____ TAXLOT _____

NOTES:

Folk Co. Septic Installation Permit

This permit expires one year after date issued.

Date of Application 8-16-76
 Date Permit Issued 8-20-76
 Permit Issued To: Lawrence Wright

Permit \$50 - Repair \$15
 Non Refundable
 (NON-TRANSFERABLE)
 Permit No. 27- 640
 Number of Acres 78
 Blk 1 Add. 246 F. Sheridan

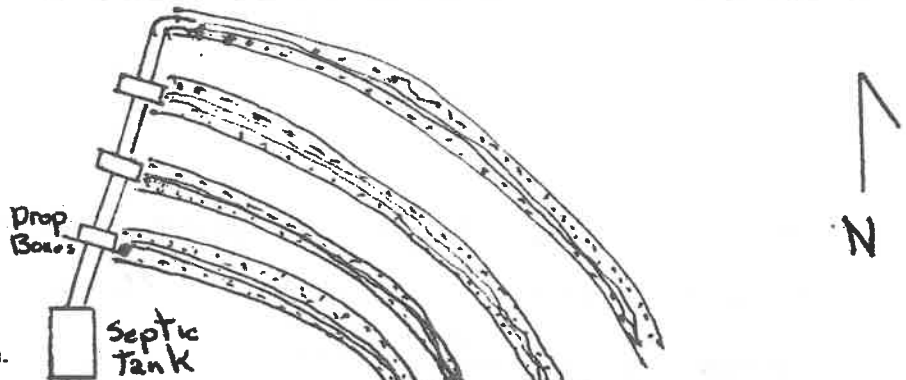
Property Address 6675 Ridgeway Rd.
 Sec. 20, T 6, R 6, Tax Lot pt 400
 Permit Use: 3 bdrm; MH - new
 Septic tank: Minimum liquid capacity with distribution box 900 Gals.
 Subsurface Disposal Field required yes Lin ft. 420 Width of trench 24 inches sq. ft. 840
 To be installed according to state code. System to be inspected and approved by sanitarian before covering and before dwelling occupied.
 Other Requirements: Hold trench depth at 24 inches. First lateral to begin at contour marked by orange flagging.

Signature: x Lawrence Wright Issued by: Rick Partipilo Sanitarian
RECORD OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM

2 TO BE COMPLETED BY INSTALLER AND RETURNED TO SANITATION OFFICE

INSTALLERS NAME L.H. Wright Phone No. 876-7413 Address 6675 Ridgeway Rd.
 Total number: Living units 3 Bedrooms 3 Baths 1 Basement: Yes ☐ No ☒
 Water supply: Public system No Individual well Yes Community system No
 Septic tank: Distance from well 150 feet. Material Steel No. of compartments
 Total liquid capacity 1000 gal. Inside length ft. inside width ft.
 Diameter ft. Liquid depth ft.
 Tile disposal field: Distribution box? Yes ☐ No ☒ Other Drop boxes (3)
 Length of each line 100 110 110 ft.
 Total length of all lines 420 ft. Distance from: Well 170 ft.
 Width of trench 24 ft. Nearest Lot line: Front ☐ Side ☒ Rear ☐ ft. 150
 Total square footage 840 sq. ft. Foundation ft.
 Distance between lines 10 ft.
 Type of filter material: Gravel: No. 2 Round Other Depth beneath tile 6 inches.
 Depth of filter material over tile 2 inches. Depth of tile below original ground surface 14 inches.

Sketch of installation.



Note: Indicate Northerly direction.

Inspection will not be made until completed form is returned to the (DEQ or Contract Agent)

DATE July 28, 1979 Signature of Installer Lawrence Wright
 (for DEQ or Agent use only)

3 System complies with ☒ Does not comply with () current regulations, and is therefore approved ☒ disapproved ()
 Remarks

Date 8-6-79 Rick Partipilo R.S.
 (SANITARIAN)



ENVIRONMENTAL
HEALTH
DIVISION

ROOM 203, COURTHOUSE, DALLAS, OREGON 97338
PHONE: (503) 623-8171, 838-0580, 363-2353 Ext. 354

August 3, 1979

Larry Schurr
Department of Environmental Quality
Enforcement
P.O. Box 1760
Portland, Oregon 97207

Re: Lawrence Wright
Rt. 1 Box 245F, Sheridan, OR
Use of a Septic System without
Certificate of Satisfactory
Completion.

Dear Mr. Schurr:

Lawrence Wright has satisfactorily completed his septic system installation and received a Certificate of Satisfactory Completion from our office. No further enforcement proceeding will be necessary.

Sincerely,

Rick Partipilo R.S.
S.R. Partipilo, R.S.
Sanitarian

SRP:sj

cc: Tom Fisher - DEQ - Salem

In the matter of a proposed
method for subsurface sewage
disposal on real property
located at:

T 6 R 6 Sec 20
Tax Lots 400 (por.)
23 acres

POLK COUNTY ENVIRONMENTAL HEALTH DIVISION
Room 10, Courthouse
Dallas, Oregon 97338
623-8171, Ext. 36, 37

CERTIFICATE OF FAVORABLE SITE EVALUATION
TO: Mr. John Z. Kaufman
Route 1 Box 206
Sheridan, Oregon 97378

You have applied for an approval from this office for a proposed method of subsurface sewage disposal; namely a septic tank with subsurface disposal field, at the above-mentioned location.

On-site evaluation found the property suitable for development of a subsurface sewage disposal system in accordance with O.R.S. 454.605 through 454.755 and administrative rules of the Environmental Quality Commission promulgated thereunder. The specific area is described below, as well as on the attached plot plan. This evaluation is applicable until such time as the conditions of the application are changed or the approved area is modified or destroyed.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit under the statutes and rules noted above. Any such subdivision, partitioning or alteration voids this certificate.

Location of approved area:

The approved drainfield area is located on the terrace approximately 400 feet above the northwest corner post of originally proposed parcel, and just north of the access road as marked on the plot plan. Area shown to Larry Wright and flagged at the site.

Comments:

Approval based on procurement of additional 250 feet of width to the north of originally proposed parcel: see enclosed plot plan.
280 square feet of absorption area per bedroom.
Protect area from vehicular traffic and excavation.

This certificate of approval runs with the land and should be delivered to the buyer at the time of sale of the property.

This certificate of approval needs to be presented to the Environmental Health Office when you have all necessary building plans prepared and you are ready to apply for your Septic Installation and Building Permits.

Dated: July 2, 1976

BY

S. R. Partipilo
Sanitarian



**OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW
OF MEASURE 37 CLAIM**

Preliminary Evaluation

March 3, 2010

STATE ELECTION NUMBER: E130630A¹

CLAIMANTS: Lawrence and Kathleen Wright
6645 Ridgeway Road
Sheridan, OR 97378

**MEASURE 37 PROPERTY
IDENTIFICATION:** Township 6S, Range 6W
Section 19, Tax lot 814
Section 20, Tax lot 413
Polk County

I. ELECTION

The claimants, Lawrence and Kathleen Wright, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on November 8, 2006, for property located at 6675 Ridgeway Road, near Sheridan, in Polk County. ORS 195.300 to ORS 195.336 (Measure 49), entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimants have elected supplemental review of their Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.

II. SUMMARY OF PRELIMINARY EVALUATION

Based on the department's preliminary analysis, it appears that the claimants are qualified for up to three home site approvals on the Measure 37 claim property. The claimants' property, including both the Measure 37 claim property and all contiguous property in the same ownership, currently appears to consist of two lots or parcels, which are developed with one dwelling. After taking into account the number of lots, parcels and dwellings currently located on the Measure 37 claim property and the contiguous property under the same ownership, it appears that the home site approvals will allow the claimants to establish one additional lot or parcel and up to two additional dwellings on the Measure 37 claim property.

¹ Claim E130630 has been divided into two claims because the claim includes multiple tax lots or parcels that are not in the same ownership. E130630A refers to tax lots 413 and 814, and claimants Lawrence and Kathleen Wright. E130630B refers to tax lots 414 and 816, and claimant Kathleen Wright.

According to the land sale contracts submitted by the claimants, Lawrence and Kathleen Wright are the purchasers under recorded land sale contracts in force for the property and, therefore, are owners of the property under Measure 49.

(b) All Owners of the Property Have Consented in Writing to the Claim

It appears that the claimants are the sole owners of the property. Therefore, no additional consent is required.

(c) The Measure 37 Claim Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City

The Measure 37 claim property is located in Polk County, outside the urban growth boundary and outside the city limits of the nearest city, Sheridan.

(d) One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling

As stated in Section III above, the claimants may qualify for up to three home site approvals.

The property is currently zoned Farm Forest (FF) by Polk County, in accordance with Goals 3 and 4, as implemented by OAR 660-006-0050. State land use regulations, including applicable provisions of ORS chapter 215 and OAR 660, divisions 6 and 33, generally prohibit the establishment of a lot or parcel less than 80 acres in size in a mixed farm/forest zone and regulate the establishment of dwellings on new or existing lots or parcels. Under ORS 215.780(2)(a), counties may adopt minimum lot sizes smaller than 80 acres, subject to approval by the Land Conservation and Development Commission (the Commission). The Commission has approved Polk County's FF zone, which requires a minimum lot size of 40 acres.

The claimants' property consists of 47.19 acres. Therefore, state land use regulations prohibit the claimants from establishing on the Measure 37 claim property the three home sites the claimants may qualify for under Section 6 of Measure 49.

(e) The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or
- (d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

The Measure 37 claim property consists of 47.19 acres. Therefore, based on the analysis under SB1049 (2010), the claimants were lawfully permitted to establish three home sites on the Measure 37 claim property on their date of acquisition.

2. Preliminary Conclusion

Based on the preliminary analysis, it appears that the claimants, Lawrence and Kathleen Wright, qualify for up to three home site approvals under Section 6 of Measure 49.

V. NUMBER OF LOTS, PARCELS OR DWELLINGS ON OR CONTAINED WITHIN THE PROPERTY

The number of lots, parcels or dwellings that a claimant is authorized to establish pursuant to a home site authorization is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. However, if a claimant otherwise qualifies for relief under Section 6 of Measure 49, the claimant will be able to establish at least one additional lot, parcel or dwelling, regardless of the number of lots, parcels or dwellings currently in existence.

Based on the documentation provided by the claimants and information from Polk County, the Measure 37 claim property appears to currently include two lots or parcels and one dwelling. There is no contiguous property under the same ownership. Therefore, the three home site approvals the claimants appear to qualify for under Section 6 of Measure 49 will allow the claimants to establish one additional lot or parcel and up to two additional dwellings on the Measure 37 claim property. Each dwelling must be on a separate lot or parcel, and must be contained within the Measure 37 claim property.

VI. PRELIMINARY STATEMENT OF PROPOSED LIMITATIONS AND CONDITIONS ON THE NUMBER AND SCOPE OF HOME SITE APPROVALS

The department has identified the following limitations and conditions that may affect the number or scope of the home site approvals that the claimants would otherwise be entitled to under Section 6 of Measure 49. This list may not be comprehensive and does not preclude the possibility that other considerations, not yet identified by the department, may affect the establishment of a land division or dwelling authorized by a home site approval.

1. The establishment of a land division or dwelling based on a Measure 49 home site authorization must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.

8. The claimants may not implement the relief described in a Measure 49 home site authorization if a claimant has been determined to have a common law vested right to a use described in a Measure 37 waiver for the property. Therefore, if a claimant has been determined in a final judgment or final order that is not subject to further appeal to have a common law vested right as described in Section 5(3) of Measure 49 to any use on the Measure 37 claim property, then any Measure 49 Home Site Authorization for the property will be void. However, so long as no claimant has been determined in such a final judgment or final order to have a common law vested right to a use described in a Measure 37 waiver for the property, a use that has been completed on the property pursuant to a Measure 37 waiver may be converted to an authorized home site.
9. A home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimants may be required to alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the property on which the claimants are eligible for Measure 49 relief, pursuant to a home site approval, is sited on a separate lot or parcel.
10. Because the property is located in a mixed farm and forest zone, the home site authorization will not authorize new lots or parcels that exceed five acres. However, existing or remnant lots or parcels may exceed five acres. Before beginning construction in one of these zones, the owner must comply with the requirements of ORS 215.293. Further, the home site authorization will not authorize new lots or parcels that exceed two acres if the new lots or parcels are located on high-value farmland, on high-value forestland or on land within a ground water restricted area. However, existing or remnant lots or parcels may exceed two acres.
11. Because the property is located in a mixed farm and forest zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site approvals to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.
12. Once the department issues a final home site authorization, a home site approval granted under that authorization will run with the property and will transfer with the property. A home site approval will not expire, except that if a claimant who received a home site authorization later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on the home site authorization will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further

divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.

VII. NOTICE OF OPPORTUNITY TO COMMENT

A claimant or a claimant's authorized agent, a county and any third party may submit written comments, evidence and information in response to the preliminary evaluation. The comments, evidence and information must be filed with the department no more than twenty-eight (28) calendar days after the date this evaluation is mailed to the claimants and the claimants' agent and notice of this evaluation is mailed to third parties.

The department will mail a copy of all materials timely filed by a county or a third party with the department to the claimants and the claimants' agent. A claimant or a claimant's authorized agent may then file written comments, evidence or information in response to the materials filed by the third party or county. That response must be filed no more than twenty-one (21) calendar days after the date the department mails the materials to the claimants and the claimants' authorized agent.

All comments, evidence and information in response to the preliminary evaluation and all responses to materials filed by a third party or a county shall be delivered to Supplemental Measure 49 Claim Review, 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540 and will be deemed timely filed either (1) if actually delivered to the department before the close of business on the final eligible calendar day, or (2) if mailed on or before the final eligible calendar day.

Note: Please reference the claim number and claimant name and clearly mark your comments as "Preliminary Evaluation Comments." Comments must be submitted in original written form only. Comments submitted electronically or by facsimile will not be accepted.

2. A home site authorization will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed.
4. The number of lots, parcels or dwellings a claimant may establish under a Measure 49 home site authorization is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If, based on the information available to the department, the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or contiguous property under the same ownership, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site authorization must be adjusted according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. Statements in this preliminary evaluation regarding the number of lots, parcels or dwellings currently existing on the Measure 37 claim property and contiguous property are not a determination on the current legal status of those lots, parcels or dwellings.
5. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimants may choose to convert any temporary dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site pursuant to a Measure 49 home site approval. Otherwise, any temporary dwelling is subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.
6. A home site approval only authorizes the establishment of a new lot, parcel or dwelling on property on which the claimants are eligible for Measure 49 relief. No additional development is authorized on contiguous property for which no Measure 37 claim was filed or on Measure 37 claim property on which a claimant is not eligible for Measure 49 relief. A lot or parcel established pursuant to a home site approval must either be the site of a dwelling that is currently in existence or be the future site of a dwelling that may be established pursuant to the home site approval.
7. The claimants may use a home site approval to convert a lot, parcel or dwelling currently located on the property on which the claimants are eligible for Measure 49 relief to an authorized home site. If the number of lots, parcels or dwellings existing on the property on which the claimants are eligible for Measure 49 relief exceeds the number of home site approvals the claimants qualify for under a home site authorization, the claimants may select which existing lots, parcels or dwellings to convert to authorized home sites; or may reconfigure existing lots, parcels or dwellings so that the number is equivalent to the number of home site approvals.

Based on the documentation submitted by the claimants, it does not appear that the establishment of the three home sites for which the claimants may qualify on the property would be prohibited by land use regulations described in ORS 195.305(3).

(f) On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

Polk County deed records indicate that the claimants acquired portions of tax lot 413 and tax lot 814 on September 30, 1976, and the remaining portions of tax lot 413 and tax lot 814 on June 14, 1977.

The claimants acquired the Measure 37 claim property after adoption of the statewide planning goals, but before the Land Conservation and Development Commission (the Commission) acknowledged Polk County's comprehensive plan and land use regulations to be in compliance with those goals pursuant to ORS 197.250 and 197.251. At that time, the Measure 37 claim property was zoned Acreage Residential - 5 (AR-5) by Polk County. Polk County's AR-5 zone included a fixed minimum acreage standard of five acres. However, the Commission had not acknowledged that zone for compliance with the goals. When the claimants acquired the property on September 30, 1976, and June 14, 1977, the statewide planning goals, and in particular Goal 3, and ORS chapter 215 applied directly to the Measure 37 claim property.

On April 22, 1988, the Commission acknowledged the application of Polk County's Farm Forest (FF) zone to the Measure 37 claim property. The Commission's acknowledgement of Polk County's FF zone confirmed that zone's compliance with Goals 3 and 4, and ORS chapter 215. Polk County's acknowledged FF zone required 40 acres for the creation of a new lot or parcel on which a dwelling could be established. The claimants' property consists of 47.19 acres and is developed with a dwelling. Therefore, on the claimants' acquisition date, they could not have established any additional home sites in the zone that was ultimately acknowledged to comply with the statewide planning goals and implementing regulations.

However, because of uncertainty during the time period between adoption of the statewide planning goals in 1975 and each county's acknowledgment of its plan and land use regulations regarding the factual and legal requirements for establishing compliance with the statewide planning goals, the 2010 Legislative Assembly amended Measure 49. Senate Bill (SB)1049 (2010) specifies the number of home sites considered lawfully permitted, for purposes of Measure 49, for property acquired during this period unless the record for the claim otherwise demonstrates the number of home sites that a claimant would have been lawfully permitted to establish. Those amendments provide, in relevant part, that subject to consistency with local land use regulations in effect when they acquired the Measure 37 claim property, claimants whose property consists of at least 40 acres were lawfully permitted to establish three home sites.

III. THE MAXIMUM NUMBER OF HOME SITE APPROVALS FOR WHICH THE CLAIMANTS MAY QUALIFY

Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimants have requested review under Section 6 of Measure 49 in the election material. The Measure 37 waiver issued for this claim describes 13 home sites.² Therefore, the claimants may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

IV. PRELIMINARY ANALYSIS OF QUALIFICATION FOR HOME SITE APPROVAL

1. Preliminary Analysis

To qualify for a home site approval under Section 6 of Measure 49, a claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

The claimants, Lawrence and Kathleen Wright, filed a Measure 37 claim, M130630, with the state on November 8, 2006. The claimants filed a Measure 37 claim, M06-17, with Polk County on May 8, 2006. The state claim was filed prior to December 4, 2006.

It appears that the claimants timely filed a Measure 37 claim with both the state and Polk County.

In addition to filing a claim with both the state and the county in which the property is located, to qualify for a home site approval under Section 6 of Measure 49 the claimants must establish each of the following:

(a) The Claimant is an Owner of the Property

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

² The Measure 37 waiver described the property and provided relief for both tax lot 413 and 814, the property addressed in this report, and tax lots 414 and 816, which are addressed in the companion report, E130630B.

**OPINION OF FAIR MARKET VALUE OF
MERCHANTABLE TIMBER
FOR**

MR. DAVID HAFLIGER/LAWRENCE WRIGHT PROPERTY

LOCATED IN POLK COUNTY, OREGON

Valuation Date: June 29, 2021

Report Date: July 21, 2021

By

Duke's Timber Services

Dennis A Duke

490 Snead Dr N

Keizer, OR 97303

503-474-7927

July 21, 2021

Mr. Dave Hafliger

935 SW Hill DR

Willamina, OR 97396

Dear Mr. Hafliger,

At your request I have cruised and appraised the merchantable timber on the subject tract located 5 miles Southeast of Willamina, Oregon. The date of this valuation is June 29, 2021. This opinion of fair market value includes the merchantable timber located on the subject property. The subject tract is located on Tax Lot 814, in Section 19, Township 6 South, Range 6 West, in Polk County, Oregon. Herein, the above described, property will be referred to throughout this report as the subject property. The merchantable timber is appraised as an unencumbered fee simple interest. My opinion of the fair market value of the merchantable timber as of June 29, 2021 is:

Two Hundred Thirty Four Thousand Dollars

\$234,000

(Rounded)

Net Stumpage \$498

I have obtained information regarding Log markets, logging costs, and reforestation costs from individuals and firms familiar with operations in this general area. I have relied on my 29 years of experience relating to timber cruising, timber appraising, log buying, and logging.

This letter serves to introduce the appraisal report that follows.

Sincerely,



Dennis A. Duke

Forester

Timber Cruise Method and Results:

The subject property was cruised using a variable plot method and a 100% cruise. The variable plot cruise method used a 46.94 BAF @ 4' and measured every plot. A total of 17 plots averaging a plot per 6 tenths of an acre was used in the 45 year old Douglas-fir plantation almost eleven acres in size. The 100% cruise was used in a small stand of 75 year old Douglas-fir that has an average DBH of 33" and merchantable bole height of 99 feet. Below are the results of the cruise. MBF is thousand board feet.

Species	Sort	Percentage	MBF Volume
Douglas-fir	Domestic 2 Saw	15	71
Douglas-fir	Domestic 3 Saw	79	371
Douglas-fir	Domestic 4 Saw	6	28
		Total MBF	470

Timber Cruise Description:

Cruise tree diameters were measured at 4 feet using a Spencer diameter tape or relaskop. Tree heights were measured to a fixed top using an impulse laser. Most visible deductions were taken in the field and the total volume was reduced by a percentage for hidden defect and breakage. All conifer sawlogs were cruised in lengths suitable for any sawmills. West side scaling rules in conformance with the northwest Log Rules Advisory group were used. Volumes were calculated using Atterbury Consultants, Inc Super Ace 2008 cruise program.

Timber Description:

The timber on the subject property is considered fair to good quality domestic valley fir by industry standards. The average tree in the Douglas-fir plantation has a DBH of 13.5" and a merchantable bole height of 71'.

Current log Markets:

Lumber markets started the month at unprecedented highs but due to salvage efforts from the 2020 Labor Day fires and the 2021 ice storm logs are readily available and the sawmills are not paying the usual log, lumber conversion rates. Currently lumber markets are softening and log markets in most instances trend with the lumber markets. As of this date (July 28,2021) 8"+ log prices are going up. In this appraisal I only considered one sawmill that fit the parameters of the merchantable timber on the subject property. I received log prices from Hampton Tree Farms located in Willamina, OR. I used Hampton Tree Farms July, 2021 log price matrix to determine the gross timber value of the subject property. Hampton tree Farms maximum butt diameter is 34". When merchandising the larger trees I long butted (cruise software) the oversize trees until they fell under Hampton's 34" maximum butt size. The most active oversize log purchasers are located near Eugene which would add considerable amount of trucking cost verses utilization.

Gross Timber and Stumpage Value

The estimated **gross timber and gross stumpage** value using Hampton Tree Farm log values is **\$764** per MBF:

Three Hundred fifty Nine Thousand Dollars

\$359,000 (Rounded)

Logging and Trucking Costs:

The optimal logger for the subject property is equipped with a mechanical feller buncher, processor, dozer, and log loader. Typically, these contractors will sub out the trucking. The dozer is used to build and maintain roads, log short steep pitches, and assist in piling slash.

Logging Cost: OBT (On board Truck) \$180 per mbf x 470 mbf = \$84,600

Trucking Cost: \$46 Per mbf x 470 mbf = \$21,620

Total \$106,200

Reforestation and Harvest Tax: (rounded)

Slash Piling: \$300 per acre x 12 acres = \$3,600

Seedlings and Planting \$500 per acre x 12 acres = \$6,000

Site Prep and Weed control herbicide spray \$138 per acre x 12 acres = \$1,700

Harvest Tax \$4.13 X 445 mbf = \$1,800

Total \$13,100

Total Costs plus 5% Profit and Risk:

\$125,000 or \$266 per MBF

Net Stumpage Value: \$498

Certification

The undersigned does hereby certify that, except as otherwise noted in this appraisal report:

I have no present or contemplated future interest in the real estate that is in the subject of this report.

I have no personal interest or bias with respect to the subject matter of this appraisal report or the parties involved.


To the best of my knowledge and belief, the statements of fact contained in this appraisal report upon which the analysis, opinions, and conclusions expressed herein are based, are true and correct.

The appraisal report sets forth all of the limiting conditions (imposed by the terms of my assignment) affecting the analysis, conclusions, and conditions contained in this report.

No one other than the undersigned prepared the analysis, conclusions, and opinions concerning the real estate that are set forth in this report.

My compensation is not contingent on an action or event resulting from the analysis, opinion or conclusions in, or the use of this report.

I have made a personal inspection of the property that is the subject of this report.



Dennis A. Duke, Cruiser/Appraiser



Date

RECEIVED

POLK 51234

OCT 03 2000

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 690.005)

Instructions for completion are on the last page of this form.

WELL I.D. # 39761
START CARD # 132888

(1) OWNER: Well Number 1
Name LARRY + Kathy Wright
Address 6645 Ridgeway Rd.
City Sheridan State Ore Zip 97378

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 163 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
10"	0	38 1/2	bedrock	0	38 1/2	15
6"	38 1/2	163				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other poured dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	0	38 1/2	.20	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4"	163	163	#10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 39'

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
123	163	6"	50	1/8"	4"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

<input type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Flowing
Yield gal/min	Drawdown	Drill stem at	Time
180*	145	163	1 hr.

Temperature of water 51° Depth Artesian Flow Found _____
Was a water analysis done? ☒ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: conductivity was 250 uS.

(9) LOCATION OF WELL by legal description:
County Polk Latitude _____ Longitude _____
Township 6 N or S Range 6 E or W M.
Section 20 SW 1/4 SW 1/4
Tax Lot 414 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 6645 Ridgeway Rd

(10) STATIC WATER LEVEL:
18 ft. below land surface. Date 9-21-00
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 19'

From	To	Estimated Flow Rate	SWL
19	20	Trace	—
29	30	Trace	—
136	156	180* gpm	18

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Shale - brown	0	13	—
Claystone - Gray - hard	13	29	—
Claystone - Gray - Medium	29	35	—
Claystone - Gray - Hard	35	42	—
Limestone - white - hard	42	72	—
Sandstone - gray - hard	72	96	—
Basalt, Black	96	99	—
Sandstone - Gray - w/ green	99	125	—
Sandstone - Gray - w/ quartz	125	130	—
Basalt - Black	130	136	—
Sandstone - gray w/ quartz	136	143	18
Basalt - Black - fractured	143	163	18

Dickerson Well Drilling, Inc.
pH # 1-800-310-2664
503-623-2664

Date started 9-20-00 Completed 9-21-00
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WWC Number _____
Signed _____ Date _____
(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1571
Signed William A. Blair Date 9-21-00

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

STATE OF OREGON

(Please type or print)

(Do not write above this line)

~~SALEM, OREGON~~

State Well No.

State Permit No.

Name Harry Wright
Address RT 1 Box 245 F
Shelburne Oregon

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

Rotary	<input checked="" type="checkbox"/>	Driven	<input type="checkbox"/>
Cable	<input type="checkbox"/>	Jetted	<input type="checkbox"/>
Dug	<input type="checkbox"/>	Bored	<input type="checkbox"/>

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

Threaded ☐ Welded ☒

" Diam. from 0+1 ft. to 19 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations	in. by	in.
perforations from	ft. to	ft.
perforations from	ft. to	ft.
perforations from	ft. to	ft.

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield:	gal./min. with	ft. drawdown after	hrs.
	"	"	"
	"	"	"
Water test	2 gal./min. with	220 ft. drawdown after	1 hrs.
Artesian flow	g.p.m.		

Temperature of water Depth artesian flow encountered ft.

Well seal—Material used Cement Grout

Well sealed from land surface to 19 ft.

Diameter of well bore to bottom of seal 6¹⁰ in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 5 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons
of water _____ lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

County P.O.K. Driller's well number _____
 1/4 1/4 Section 19 T. 6S R. 6W W.M. _____
 Bearing and distance from section or subdivision corner _____

Depth at which water was first found 62 ft.
Static level 14 ft. below land surface. Date 11-12-26
Artesian pressure _____ lbs. per square inch. Date _____

Diameter of well below casing 6

Depth drilled 242 ft. Depth of completed well 242 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

[illegible]

Work started 11-11 1976 Completed 11-15 1976

Date well drilling machine moved off of well 11-16 1926

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] James H. Kamolz Date 11-17, 1976
(Drilling Machine Operator)

Drilling Machine Operator's License No. 789**Water Well Contractor's Certification:**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Robinson EOLA Drilling
(Person, firm or corporation) (Type or print)

Address 4510 DALLAS HWY, SALEM OR

[Signed] George H. Colman
(Water Well Contractor)

Contractor's License No. 13 Date 11-22 1976

