

Lake Oswego
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver
1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend
360 SW Bond St., Suite 510
Bend, OR 97702
541-550-7900

November 2, 2016

Oregon Public Utility Commission
Attention: Filing Center
PO Box 1088
Salem, OR 97308-1088

Re: **Docket No. UM1769**
In the Matter of Mountain Home Water District, Application to Abandon Water Service and Abandon Water Utility
Our File No. 53364-74986

To Whom it May Concern:

Enclosed for electronic filing are the following exhibits:

- Reply Testimony of John Lambie on behalf of Intervenors (Exhibit 100)
- Exhibits 101-103 supporting Exhibit 100
- Reply Testimony of Mel Kroker on behalf of Intervenors (Exhibit 200)
- Exhibits 201-208 supporting Exhibit 200

Sincerely,

JORDAN RAMIS PC

Peter D. Mohr
Admitted in Oregon, Washington, and Colorado
Peter.Mohr@jordanramis.com
OR Direct Dial (503) 598-5529

Enclosures

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

In the Matter of

MOUNTAIN HOME WATER
DISTRICT,

Application to Abandon Water Service
And Abandon Water Utility

UM 1769

Reply Testimony of John Lambie
on Behalf of
Intervenors Mel and Connie Kroker

November 2, 2016

1 **Q: Please State Your Name, Business Address, And Occupation.**

2 A. My name is John Lambie and I am a Principal Groundwater Hydrologist of E-PUR,
3 LLC, an engineering and scientific consultancy. My business address is 4061 SW
4 Chesapeake Avenue, Portland, OR 97239.

5 **Q. On Whose Behalf Are You Testifying in This Docket?**

6 A. I am testifying on behalf of Intervenors Mel and Connie Kroker.

7 **Q: Please Briefly Describe Your Education And Experience.**

8 A: In 1983, I received a BS in Earth & Planetary Sciences at the Massachusetts Institute
9 of Technology, and in 1984 received an MS in Sediment Mechanics also at the
10 Massachusetts Institute of Technology. Since earning my MS, I have received
11 additional professional level training in groundwater modeling, risk assessment,
12 decision benefit analysis, and data statistics and interpretation. I possess more than 30
13 years of experience providing analyses, opinions and recommendations as a licensed
14 professional engineer, geologist, and engineering geologist on projects throughout the
15 United States and specifically in Oregon for the past 17 years of my professional
16 career. My experience includes evaluation and modeling of water resources,
17 groundwater hydrology, aquifer testing and well analysis, engineering-evaluation and
18 design of water-resources projects, engineering cost-benefit analysis, subsurface
19 chemical transport, engineering cost-benefit analysis, and water demand and
20 conservation. I have evaluated water availability and water use at the basin scale and
21 site scale for a wide variety of water resource projects. The groundwater resource
22 projects have included domestic wells, municipal and industrial supply planning and
23 evaluation, agricultural water supply from groundwater and water supply for habitat
24 areas. My Witness Qualifications Statement is found at Exhibit Kroker/101.

25 ////

1 **Q: Have You Previously Submitted Testimony Before The Public Utility**
2 **Commission Of Oregon (“The Commission”)?**

3 A: No.

4 **Q: Have You Previously Submitted Testimony Before Any Other Type Of**
5 **Tribunal?**

6 A: Yes. I have been retained as an expert on a variety of legal cases. I have testified on
7 cases before both state and federal courts. In addition to courtroom testimony, I have
8 provided written opinions and had my deposition taken on a number of matters that
9 settled before trial. I have testified in court proceedings at least nine (9) times and
10 have been deposed no less than 21 times.

11 **Q: In Those Proceedings, Were You Asked To Testify On Groundwater**
12 **Hydrology?**

13 A: Yes.

14 **Q: Were You Asked To Testify On The Groundwater Conditions That Would**
15 **Determine The Production Of A Well Or Many Wells?**

16 A: Yes.

17 **Q: Have You Testified Before On The Interrelationships Between Different Wells?**

18 A: Yes

19 **Q: What Types Of Conditions Lead To Well Interference Among Different Wells?**

20 A: Principally three things, (1) completion of the wells in the same aquifer and aquifer
21 zone, (2) proximity of the wells to one another, and (3) the rate of extraction from the
22 wells.

23 **Q: Is Well Interference Always Detrimental?**

24 A: No. If there is a highly productive aquifer such as the Columbia River Basalt Group
25 (“CRBG”) then the hydraulic well interference is minimal and there are no

1 detrimental effects from mutual well interference(s).

2 **Q: Can You Please Explain?**

3 A: The lowering of groundwater pressure during extraction (drawdown) decreases with
4 increases in the aquifer transmissivity. Because the CRBG aquifer zones have such
5 high transmissivity the resulting drawdown for each water supply well is very, very
6 small causing no discernible interference.

7 Also if the aquifer has a sufficient source of recharge annually to meet the local demands, as
8 evidenced by a record of stable annual groundwater levels, then there is no
9 cumulative detrimental effect from water supply wells extracting from the same zones
10 in the same aquifer.

11 **Q: Can One Determine How Resilient The Water Supply Is In An Aquifer By
12 Looking At Wells?**

13 A: Yes. The best evidence for this is the historic record of groundwater-pressure
14 elevations over time in an aquifer.

15 **Q: What Type Of Information Would Lead One To Conclude From A Number Of
16 Wells That A Particular Aquifer Is Healthy?**

17 A: The fluctuation of groundwater hydraulic heads fits a seasonal and longer
18 term pattern of declines in hydraulic head during summer months and annual or longer
19 drought periods and increases in hydraulic head during winter months and annual or longer
20 periods of normal and above normal precipitation.

21 **Q: What Type Of Information Would Lead One To Conclude From A
22 Number Of Wells That A Particular Aquifer Is Being Used At A Rate That Is Resulting
23 In The Increasing Reduction Of Available Ground Water Supply?**

24 A: A chronic lowering of hydraulic heads over time from year to year as measured
25 during the same season of each year.

1 **Q: Are You Providing Any Exhibits With Your Testimony?**

2 A: Yes.

3 **Q: What Is The Purpose Of Your Testimony?**

4 A: The purpose of my testimony is to discuss my analysis of a total of six (6) water
5 supply wells located within and around the Mountain Home Water District (the
6 “District”), that (a) have historically and currently provide water to the water system
7 of the District, or (b) are nearby wells not part of the water system.

8 **Q: Could You Please Provide A Summary of Your Analyses To The Commission?**

9 A: I assessed the water wells of the Mountain Home Water District for their current and
10 future utility as water supply sources for the District.

11 The Mountain Home Water District has effectively replaced Well 3 with Well 5 after their
12 well driller (Olsen-Pulliam Well Drilling, Inc.) damaged Well 3 after repairing the
13 borehole and then improperly attempting to case or line the borehole out of
14 accordance with Oregon Well Construction Standards.

15 It is possible that Well 3R can be rehabilitated using a 4-inch pump protecting well liner if
16 damage to the borehole by Olsen-Pulliam Well Drilling can be overcome. Repair of
17 Well 3R may be of benefit to the District in providing a safer and more reliable
18 supply of water than in the past.

19 The District has previously relied upon Well 2 to provide water to the District’s pump house
20 and this practice should be discontinued absent extensive testing of water quality
21 from Well 2 and a video logging of Well 2 to attempt to ascertain its construction and
22 suitability for domestic water supply.

23 Extraction of groundwater over the past 43 years by the District’s wells and those other wells
24 nearby have not lowered groundwater pressures and thus water is and should remain
25 available to all current users of groundwater in the area.

1 **Q: What Is The Type And Source Of Information You Relied On In Preparing**
2 **Your Analysis And Testimony?**

3 A: My assessment and testimony is based on information I acquired through my
4 completion of a site visit to see and consider a total of six wells in question as well as
5 through my review of information provided by Intervenors, documents of public
6 record maintained by the Oregon Water Resources Department that document the
7 construction and performance of the wells, and information provided by the District
8 in response to data requests. I completed the site visit on Friday October 28, 2016.
9 During that portion of the site visit to assess the District's wells and water system, I
10 was accompanied by counsel for Intervenors Mel and Connie Kroker, Intervenor Mel
11 Kroker, counsel for Keith Ironside, and Mr. Keith Ironside.

12 **Q: What Were The Wells That You Considered In Completing Your Assessment Of**
13 **The Water System?**

14 A: I assessed a total of six (6) wells which I will refer to as "Well 1," "Well 2," "Well
15 3," and "Well 3R" (both of which refer to Well 3, however, the reference to "3R" is
16 made to acknowledge that this well was later subject to alteration by the District thus
17 requiring the submittal of a new OWRD Water Supply Well Report and assignment
18 of a new OWRD Well ID), "Well 4," "Well 5," and "Well 6." A plat map that has
19 been edited to show the general location of each of the wells is attached as Exhibit
20 101. This map is used for illustrative purposes only and Intervenor Mel Kroker
21 prepared it and provided it to me.

22 **Q: Could You Describe Each Of The Districts Wells You Assessed?**

23 A: In consideration of counsel for the District's letter dated April 29, 2016 providing the
24 Mountain Home Water Districts responses to Staff Data Request Nos. 01-13, which
25 was provided to me by Intervenor Mel Kroker at the request of his counsel, each of

1 the following four wells is listed as part of the District's water system in the
2 information provided: Well 2, Well 3, Well 3R, and Well 5. Under Item 5 of the April
3 29, 2016 letter, a collapsed well is discussed. Based on my site visit, Well 3 is the
4 well that the District alleges collapsed. The District owns a total of three
5 wells/boreholes: "Well 2," "Well 3/3R" (Well 3 was altered to "Well 3R" and is
6 currently a well borehole and not a water supply well), and "Well 5."

7 (Well 2)

8 This well has no Water Supply Well Report on file with OWRD. It is located on the
9 property at 2351 SW Buckman Road, which property I understand belongs to Mr.
10 Keith Ironside. The completion of Well 2 predates June 1973 based upon the map of
11 the Belford Subdivision Water System Design – Distribution (Kent W. Cox,
12 Consulting Engineer Sheet 1 of 3, June 1973). Because there was no Water Supply
13 Well Report available and it was not part of the scope for my site visit on October 28,
14 2016, I cannot make a determination as to the depth of the borehole.

15 (Well 3)

16 Well 3 was completed in 1973 as shown on OWRD Water Supply Well
17 Report CLAC_03814, a true and correct copy of which report is attached as Exhibit
18 102. The well was drilled through 8 feet of topsoil, then broken rock to 85 feet, and
19 lastly thru 515 feet of relatively competent basalt bedrock to a total depth of 600 feet
20 as described in Exhibit B. Well 3 was completed with an 8-inch casing down to 91
21 feet bgs. Static water level in Well 3 in 1973 was found to be 352 feet below ground
22 surface (bgs). Well 3 is listed as part of the District's water system in the information
23 provided to me (Jennie Bricker letter dated April 29, 2016 in response to PUC Staff
24 Data Request Nos. 01-13). Under Item 5 of the April 29, 2016, Well 3 is identified

25

1 as the collapsed well with some apparent confusion as to who owns the well (I have
2 been provided no records indicating Keith Ironside is the owner of the well).

3 (Well 3R)

4 Well 3 was altered on March 15, 2016 by Vance Wagner of Olsen-Pulliam Well
5 Drilling as shown on OWRD Water Supply Well Report CLAC_72134, a true and
6 correct copy of which is attached as Exhibit 102. The well casing was marked as
7 Well #L118524. Water Supply Well Report CLAC_72134 denotes that the 8-inch
8 diameter borehole during alteration was drilled out and cleared to 600 feet. It notes
9 that the borehole had caved at 385 feet prior to alteration. It then states that a well
10 casing with a 6.5-inch outer diameter (OD). This is a 6-inch inner diameter (ID)
11 casing of 0.25-inch thick steel walls for a total OD of 6.5 inches. This casing is listed
12 on the Water Supply Well Report as being outfitted with a drive shoe attached on the
13 inside. The report for Well 3R states that this casing got lodged at a depth of 340 feet
14 in the 8-inch diameter borehole, reportedly due to the borehole being crooked. Other
15 facts on the log demonstrate that the 6.5-inch OD casing was cutoff at a depth of 220
16 feet. The Water Supply Well Report states that alteration work was then abandoned
17 on March 15, 2016. It also states that a new well was drilled.

18 (Well 5)

19 Well 5 is a new well started on March 15, 2016 and completed by Olsen-Pulliam
20 Well Drilling on March 31, 2016 as described on Water Supply Well Report
21 CLAC_72170, a true and correct copy of which is attached as Exhibit 102. The well
22 has been given OWRD Well # L118525. Well 5 is located roughly 5 feet laterally
23 from Well 3/3R and is 600 feet deep. Well 5 borehole was drilled through basalt
24 material that appears to be essentially the same as that on Water Supply Report for
25

1 CLAC_03814 for Well 3 (Exhibit 102). Static water level in Well 5 was 355.7 feet
2 bgs on March 31, 2016.

3 **Q: Could You Please Describe The Other Nearby Wells Which Are Not A Part Of**
4 **The District's Water System?**

5 A. I identified three additional wells within a 400 foot radius of the District's wells. I
6 will refer to these additional wells as "Well 1," "Well 4," and "Well 6."

7 (Well 1)

8 An existing well at 2505 SW Buckman Road. Like the District's Well 2, this well
9 does not have Water Supply Well Reports filed with the OWRD and its completion
10 predates June 1973 based upon the map of the Belford Subdivision Water System

11 Design – Distribution (Kent W. Cox, Consulting Engineer Sheet 1 of 3, June 1973).

12 (Well 4)

13 Well 4 was drilled on September 7, 2000 and is located at 2450 SW Buckman Road
14 which is indicated on its Water Supply Well Report CLAC_56106 (Exhibit 102) as
15 owned by a Bill Renz. Ownership and location of the well was confirmed in the field
16 by Intervenor Mel Kroker.

17 (Well 6)

18 Well 6 was drilled on June 20, 2016 and is located at 2391 SW Buckman Road. I was
19 told by Intervenor Mel Kroker that the well is owned by the Belridge Water LLC, an
20 entity created by the Don Rushmer. The ownership and construction of the well is
21 confirmed by Water Supply Well Report CLAC_72275 (Exhibit 102).

22 Each of the wells with well completion logs (Well Nos. 3/3R, 4, 5, and 6) is described
23 as being completed into basalt with notations of grey/brown coloration, some bands
24 as porous (taken as porphyritic basalt with closed vesicles rather than porous as
25 interconnected pores are not found in basalt bedrock), and internal fractured zones

1 within the basalt which are characteristic of water producing intervals in the basalt
2 aquifers of the Columbia River Basalt Group. Static water levels in each of these
3 wells were measured between 352 feet bgs to 370 feet bgs when they were
4 constructed according their respective Water Supply Well Reports.

5 **Q: What Were The Results Of Your Site Visit On October 28, 2016?**

6 A: I was able to take a physical inventory of the number, types and general conditions of
7 the Mountain Home Water District's Wells and Pump House (a pump house is the point from
8 which water supply is controlled and distributed to a water-supply system as contrasted to a
9 well house holding a well and that well's power supply). A description of my findings
10 follows.

11 (Well 3R)

12 Well 3R was found to be located in a roofed, access controlled, pump-house for the
13 Mountain Home Water District that is roughly 10 feet by 16 feet in dimension with a
14 poured concrete floor. Well 3R is located approximately 1-foot inside an exterior wall
15 of the District's pump-house. At the surface Well 3R has an 8-inch ID thin-walled
16 steel casing rising approximately 15 inches above the concrete floor (see photos in
17 Exhibit 103). The wellhead was found to be outfitted with a well-casing adapter
18 consisting of two semi-circular steel plates top and bottom with a rubber bushing
19 between them. Upon inspection air was found to be rushing out of the wellhead
20 through the openings in the adapter. The adapter has a ½ inch diameter threaded
21 opening that had no bolt or cap on or in it that day. This well-casing adapter was
22 seated in the riser pipe but was found to be not tightened down to engage the rubber
23 bushing that day. This wellhead casing adapter was removed for my inspection of
24 Well 3R. The inspection consisted of lowering a clean well-depth sounding probe
25 twice, the first time to measure the static water level and the second to identify the

1 total depth of the well. Water level was measured using blue carpenter's chalk on the
2 sounding probe cable; static water level in Well 3R was measured at 362.1 feet below
3 top of casing (TOC). The total depth of Well 3R was then sounded by lowering the
4 weighted cable, marked in 0.25-foot increments, until tension decreased and then
5 raising the cable gently to feel the transition of the weight lifting off the bottom and
6 the corresponding increase in tension. Depth of Well 3R was estimated to be 600.15
7 feet below TOC. In addition observations were made during the well depth sounding
8 of changes in the tension on the weighted sounding probe cable; one decrease in
9 tension was noted during cable descent at 372 feet below TOC and then increases in
10 cable tension were noted during sounding cable removal at depths of 476 feet below
11 TOC and then continuously from 337 where cable tension increased and remained
12 until 202 feet below TOC where the cable tension decreased notably.

13 (Mountain Home Water District Pump House)

14 The pump house for the Mountain Home Water District contains two pressure-
15 regulation tanks that are configured to the original outbound water pipe along with
16 two new outbound pipes which Mr. Ironside reported are for new home-service
17 connections. These pressure regulation tanks are connected by electronic pressure
18 gauge to a well pump-controller. The pump controller is currently connected to Well
19 5 and appears to turn Well 5 on when water is needed to maintain system pressure
20 (Well 5 cycled on and off during my time in the pump house). Well 5 is piped into the
21 pump house to the pressure regulation tanks which control the pressure of the water in
22 the District's water distribution system . See photos in Exhibit 103. Relic traces of the
23 original tank concrete saddles were observed on the floor which confirmed the
24 location of the original 2-inch steel vertical outlet line shown on the Plan drawing
25 entitled Belford Subdivision Water System Design – Details (Kent W. Cox,

1 Consulting Engineer Sheet 3 of 3, June 1973). That active 2-inch vertical steel pipe
2 porting through the floor is shown on the system plan drawings as connecting to a 6-
3 inch diameter supply line for the Mountain Home Water District. Two additional 2-
4 inch diameter PVC sleeves porting through the floor were noted that correspond to
5 points on this same plan drawing sheet 3 of 3 for future water system connections.

6 (Well 5)

7 Well 5 was found to be located approximately 3 feet outside the wall for the District's
8 pump house on the same wall as Well 3R, placing it approximately 5 feet from Well
9 3R. Well 5 is installed using a pitless adapter rising perhaps 2-feet above ground
10 surface. As noted previously Well 5 is controlled by the pump system inside the
11 building that was reportedly used for Well 3 prior to its alleged collapse and
12 subsequent alteration to Well 3R. A photo of the Well 5 wellhead is provided in
13 Exhibit 103.

14 (Well 2)

15 Well 2 was located in the yard of 2351 SW Buckman Road. The wellhead is located
16 perhaps 75 feet east-southeast of the District's pump-house and appeared to be
17 completed with a modern pitless adapter at the ground surface. A long section of 1.5
18 inch ID PVC piping, perhaps 70 feet in length, was observed laying in the yard of
19 2351 SW Buckman Road between the Well 2 well head and pump house that was not
20 in use but reportedly had been used to act as an intertie to the District's pump house
21 by tying into the plumbing at a separate pump house for Well 2 to meet the pressure
22 regulation demands of the District's distribution system. On the day of inspection
23 Well 2 was configured to supply water out a separate supply line to an unidentified
24 water use.

25 (Other Observations During the Site Visit)

1 The wellheads for Well 4 and Well 6 were observed as a matter of record during my
2 site visit. Each well is outfitted with a pitless adaptor. In addition the location of the
3 Well 6 pump house was noted and the alignment of the piping from it that currently
4 serves the homes at 2425 and 2395 SW Buckman Road which were reported to have
5 been previously served by the Mountain Home Water District.

6 **Q: What Is The Significance, If Any Regarding Your Assessment Of Each Well?**

7 A: (Well 3/3R)

8 Well 3R was found to be open over the entire interval of the original borehole. Minor
9 obstructions were denoted by the behavior of the sounding tape. The drag felt on the
10 sounding tape from 337 feet to 202 feet may be due to the bottom weight dragging
11 along the sidewall of the 6.5-inch OD steel casing that is reportedly jammed into the
12 original borehole at an angle due to the borehole having irregular vertical alignment.
13 It is our professional opinion that the Well 3R alteration work conducted by Olsen-
14 Pulliam Well Drilling on March 15, 2016 was not in accord with Oregon well
15 construction standards¹ and ended up compromising the utility of the well borehole
16 unnecessarily. Furthermore attempting to install a heavy-gauge steel liner of 6.5-inch
17 OD into a 600-foot deep 8-inch ID borehole was inappropriate as it lacked reasonable
18 lateral tolerances and predictably did not meet with success. Further the 6.5-inch OD
19 steel well casing appears to have been cutoff at a depth greater than 200 feet based on
20 our field findings and Water Supply Well Report CLAC 72134 with its drive shoe left
21 in place.

22

23 ¹ Oregon Administrative Rules (OAR) 690-210-0155 (1) - Additional Standards for Artesian
24 Water Supply Wells calls for a borehole to be 4-inches larger than the nominal diameter of
25 the permanent well casing and the attempt made used a borehole only 2-inches larger than
the nominal diameter and due to the heavy wall of the casing used the borehole was only 1.5-
inches larger than the casing outer diameter.

1 Despite these mistakes by Olsen-Pulliam Well Drilling it may still be possible to
2 construct an operable well into the borehole for Well 3R by installing a 4-inch
3 diameter PVC liner to act as a pump protector within the open borehole below the
4 groundwater table. However, the overall suitability of Well 3R to act as a water
5 supply well cannot be determined without a video logging of the borehole. It is likely
6 that video logging of Well 3R could reasonably be accomplished to assess the
7 possibility of bringing the well into service by installing an appropriate liner for pump
8 protection and using the borehole for an 8-inch diameter well.

9 (Well 5)

10 Well 5 as configured is serving as a replacement for Well 3/3R in supplying water for
11 the customers of the Mountain Home Water District. Our field findings for Well 5
12 and its configuration to the water-supply pump house for the Mountain Home Water
13 District and electronic controllers indicate that it is a suitable replacement. The Water
14 Supply Well Report CLAC_72170 indicates that the well borehole is capable of
15 producing upwards of 100 gallons per minute with the proper pump system. Notably
16 Well 5 is constructed to Oregon Well Construction Standards by placing a 6-inch
17 nominal diameter pipe in a 10-inch diameter borehole. In my professional opinion
18 Well 5 is the functional equivalent of Well 3 and thus the only benefit to
19 rehabilitating Well 3R to function as a supply well would be to enhance water-supply
20 reliability for the District. Should one or other of Wells 5 or Well 3R need to be taken
21 out of service for subsequent maintenance or repairs.

22 (Well 2)

23 Well 2 is a non-conforming well and should not be used for water supply without
24 extensive and repeated testing for water quality. Without demonstration of how the
25 well is constructed (which may be possible using video logging tools), the water

1 quality in the well should be considered at risk of contamination. Fecal bacteria or
2 other pathogens could enter the borehole, and given the observed configuration of the
3 wellhead and pressure tanks, backflow preventers would need to be installed in the
4 supply lines.

5 (Ground water source: Well Nos. 3/3R, 4, 5, and 6)

6 It is my professional opinion that each of the 4 existing wells, 3R, 4, 5, and 6 with
7 well logs are completed in the same confined artesian basalt aquifer within the
8 Columbia River Basalt Group beneath Pete's Mountain. The static groundwater
9 elevation I measured in Well 3R on October 28, 2016 of 362.1 feet below TOC is
10 quite similar to the 352 feet bgs measured in June 1973. Thus the aquifer does not
11 appear to have been over-pumped for the past 43 years.

12 **Q: Do You Have Any Other Opinions Regarding The District's Use Of**
13 **Groundwater Wells? Are Your Summary Recommendations For The District**
14 **Operational?**

15 A: (Alteration of Well 3R and Completion of Well No. 5)

16 As to the steps to be taken in regard to Wells 3R and Well 5, I make no specific
17 recommendations, but offer those observations provided above that Well 5 can serve
18 the District in the same way as Well 3 did and that rehabilitating Well 3R back to a
19 legal and functioning well would provide the District with greater supply certainty
20 during maintenance periods. The potential liability for the needless damage done by
21 Olsen-Pulliam Drilling when attempting an improper alteration to then Well 3 is a
22 matter to be addressed by the District and District's legal counsel.

23 **Q: Does This Conclude Your Testimony?**

24 A: Yes.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the date shown below, I filed the original and one (1) copy of the foregoing **Testimony of John Lambie** by electronic transmission and first class mail, postage prepaid, on:

Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
PUC.FilingCenter@state.or.us

I further hereby certify that on the date shown below, I served a true and correct copy of the foregoing **Testimony of John Lambie** by first class mail, postage prepaid, on:

Jennie L. Bricker
Jennie Bricker Land & Water Law
818 SW Third Ave, PMB 1517
Portland, OR 97204

Celeste Hari
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

Sommer Moser
PUC Staff – Department of Justice
1162 Court St. NE
Salem, OR 97301

- by first class mail, postage prepaid.
- by facsimile transmission and first class mail, postage prepaid.
- by electronic transmission.
- by electronic transmission and first class mail, postage prepaid.

DATED: November 2, 2016.

/s/ Peter D. Mohr
Peter D. Mohr, OSB # 013556
Attorney for Mel and Connie Kroker,
Intervenors

CERTIFICATE OF SERVICE

WELL 3R

Intervenors / 102
Lambie / 2
CLAC 72134

CLAC 72134

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 118524
START CARD # 1029859
ORIGINAL LOG # CLACKAMAS 3814

(1) LAND OWNER
Owner Well I.D. _____
First Name KEITH Last Name IRONSIDE
Company _____
Address 2323 SW BUCKMAN ROAD
City WEST LINN State OR Zip 97068

(2) TYPE OF WORK
 Alteration (complete 2a & 10) Abandonment (complete 5a)
 New Well Deepening Conversion

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing: 8 1 91 250
Material From To Amt sacks/lbs
Seal: Cement 0 89 34 Sacks

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other

(4) PROPOSED USE
 Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 600 ft. Special Standard (Attach copy)

BORE HOLE SEAL sacks/lbs
Dia From To Material From To Amt lbs
12 0 89 Cement 0 89 34 S
Calculated

How was seal placed: Method A B C D E
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
6 220 340 250
Shoe Inside Outside Other Location of shoe(s) 340
Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____
Perf/S Casing/ Screen Scrm/slot Slot # of Tele/ green Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Temperature _____ °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County CLACKAMAS Twp 2 S N/S Range 1 E E/W WM
Sec 33 NW 1/4 of the NW 1/4 Tax Lot 2100
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
 Street address of well Nearest address

2323 SW BUCKMAN ROAD WEST LINN OR 97068

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration 06-16-1973 350
Completed Well 03-15-2016 350
Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found
SWL Date From To Est Flow SWL(psi) + SWL(ft)

(11) WELL LOG
Ground Elevation _____
Material From To
CLEANED HOLE OUT, WAS CAVED IN AT
385 FEET HOLE WAS ORIGINALLY DRILLED
CROOKED AND 6" CASING WOULD NOT GO
PAST 340 FEET
ABANDONED ALTERATION AND DRILLED
A NEW WELL.
ORIGINAL STATE NO. WAS 2S/1E-33
CLACK #03814
OWNER: DALE BELFORD
RECEIVED BY OWRD
RECEIVED BY OWRD
APR 18 2016
MAY 16 2016
SALEM, OR
SALEM, OR

Date Started 03-07-2016 Completed 03-15-2016
(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.
License Number _____ Date _____
Signed _____

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.
License Number 1738 Date 04-12-2016
Signed James Wagner
Contact Info (optional) OLSEN-PULLIAM WELL DRLG 503-665-3353

STATE OF OREGON
WATER SUPPLY WELL REPORT
 (as required by ORS 537.765)

WELL 4 SEP 6 2000 CLACKAMAS 56106
 WATER RESOURCES DEPT.
 SALEM, OREGON

Intervenors / 102
 WELL ID # 41395
Lambie / 3
 (START CARD) # 133795

(1) OWNER: Well Number: 01
 Name **Bill Renz**
 Address **2385 SW Buckman Rd.**
 City **West Linn** State **OR** Zip **97068**

(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 **480** ft.
 Explosives used Yes No Type _____ Amount _____

| HOLE | | SEAL | | Amount | |
|----------|----------|-----------|---------|-----------------|---------|
| Diameter | From To | Material | From To | sacks or pounds | |
| 10 | 0 18.5 | Bentonite | 18.5 | 0 | 8 sacks |
| 6 | 18.5 480 | | | | |

How was seal placed: Method A B C D E
 Other **poured**
 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 | +1.5 18.5 | .250 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Liner: 4 | 6 480 | 160# | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Final location of shoe(s) **None**

(7) PERFORATIONS/SCREENS:

| From | To | Slot size | Number | Diameter | Tele/pipe size | Casing | Liner |
|------|-----|-----------|--------|----------|----------------|--------------------------|-------------------------------------|
| 461 | 479 | 1/8x3 | 80 | | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X Perforations Method **Saw**
 Screens Type _____ Material _____

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
 Yield gal/min **30** Drawdown _____ Drill stem at **475** Time **1 hr.**

Temperature of Water **57.2** 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: _____

(9) LOCATION OF WELL by legal description:
 County **Clackamas** Latitude _____ Longitude _____
 Township **2SOUTH** N or S. Range **1EAST** E or W. of WM.
 Section **33** NW NW 1/4 NW 1/4
 Tax lot **2104** Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) **2450 SW Buckman Rd., West Linn, OR**

(10) STATIC WATER LEVEL:
370 ft. below land surface. Date **9/1/00**
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found **395**

| From | To | Estimated Flow Rate | SWL |
|------|-----|---------------------|-----|
| 395 | 473 | 30 | 370 |

(12) WELL LOG:

| Material | From | To | SWL |
|---------------------------------|------|-----|-----|
| Soil, Brown | 0 | 6 | |
| Basalt, Brown & Gray Soft | 6 | 11 | |
| Basalt, Gray w/ Brown @ times | 11 | 75 | |
| Basalt, MC, Porous & Fractured | 75 | 86 | |
| Basalt, Gray | 86 | 135 | |
| Basalt, Gr.&Br, Fractured | 135 | | |
| w/semi-broken | | 156 | |
| Basalt, Gray w/ Brown @ Times | 156 | 170 | |
| Basalt, Gray & Brown | 170 | 188 | |
| Basalt, Gray w/ Brown @ Times | 188 | 266 | |
| Basalt, Gray & Brown, Fractured | 266 | 280 | |
| Basalt, Gray & Brown | 280 | 310 | |
| Basalt, Gray & Brown, Porous | 310 | 318 | |
| Basalt, Gray & Brown | 318 | 395 | |
| Basalt, MC, Porous | 395 | 422 | 370 |
| Basalt, Gray & Brown, Fractured | 422 | 431 | 370 |
| Basalt, Gray, Semifractured | 431 | 437 | 370 |
| Basalt, MC, Fractured | 437 | 446 | 370 |
| Basalt, MC, Porous | 446 | 468 | 370 |
| Basalt, Gray & Brown, Fractured | 468 | 473 | 370 |
| Basalt, Gray w/ Brown @ Times | 473 | 480 | |

Date started **8/30/00** Completed **9/1/00**

(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 my best knowledge and belief.
 Signed *[Signature]* WWC Number **1601** Date **9/7/2000**

(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.
 Signed *[Signature]* WWC Number **1592** Date **9-7-2000**

WELL 5

CLAC 72170

Intervenor / 102
Lambie / 4

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# L 118525
START CARD # 201805
ORIGINAL LOG #

OLAC 72170

(1) LAND OWNER
Owner Well I.D. _____
First Name KEITH Last Name IRONSIDE
Company _____
Address 2323 SW BUCKMAN ROAD
City WEST LINN State OR Zip 97068

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing: _____
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
Depth of Completed Well 593 ft.
BORE HOLE
Dia From To Material SEAL From To Amt sacks/lbs

| | | | | | | | | |
|----|---|-----|-----------|--------|---|-----|------------|-----|
| 10 | 0 | 593 | Bentonite | 0 | 4 | 4 | S | |
| | | | | | | | Calculated | 4 |
| | | | | Cement | 4 | 490 | 118 S | |
| | | | | | | | Calculated | 110 |

How was seal placed: Method A B C D E
 Other POURED IN
Backfill placed from 490 ft. to 593 ft. Material PEA GRAVEL
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

| Casing | Liner | Dia | + | From | To | Gauge | Stl | Plstc | Wld | Thrd |
|-------------------------------------|-------------------------------------|-----|---|------|-----|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 6 | | 2 | 593 | .250 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Shoe Inside Outside Other Location of shoe(s) 593
Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method AIR KNIFE
Screens Type _____ Material _____

| Perf/S | Casing/Screen | Scrn/slot | Slot | # of | Tele/ | |
|--------|---------------|-----------|----------------------|-------|-----------|-----|
| Perf | Casing | Dia | From To width length | slots | pipe size | |
| | 6 | 520 | 593 | .125 | 2 | 400 |

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

Pump Bailer Air Flowing Artesian

| Yield gal/min | Drawdown | Drill stem/Pump depth | Duration (hr) |
|---------------|----------|-----------------------|---------------|
| 100 | | 590 | 2 |

Temperature 53 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount 114

| From | To | Description | Amount | Units |
|------|----|-------------|--------|-------|
| | | | | |

(9) LOCATION OF WELL (legal description)
County CLACKAMAS Twp 2 S N/S Range 1 E E/W WM
Sec 38 NW 1/4 of the NW 1/4 Tax Lot 2100
Tax Map Number _____ Lot _____
Lat _____ or _____ DMS or DD
Long _____ or _____ DMS or DD
 Street address of well Nearest address
2323 SW BUCKMAN ROAD WEST LINN OR 97068

(10) STATIC WATER LEVEL

| Existing Well / Pre-Alteration | Date | SWL(psi) | + SWL(ft) |
|--------------------------------|------------|----------|-----------|
| Completed Well | 03-31-2016 | | 355.7 |

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 490

| SWL Date | From | To | Est Flow | SWL(psi) | + SWL(ft) |
|----------|------|-----|----------|----------|-----------|
| 3/21/16 | 490 | 600 | 100 | | 355.7 |

(11) WELL LOG Ground Elevation _____

| Material | From | To |
|--------------------------------------|------|-----|
| TOP SOIL | 0 | 1 |
| BROWN CLAY | 1 | 13 |
| BROKEN GRAY BASALT | 13 | 87 |
| MEDIUM HARD GRAY BASALT | 87 | 115 |
| MEDIUM HARD BLACK BASALT | 115 | 127 |
| SOFT GRAY BASALT W/SEAMS OF RED CLAY | 127 | 142 |
| MEDIUM HARD GRAY BASALT | 142 | 178 |
| MEDIUM HARD GRAY BASALT WITH SEAMS | 178 | |
| OF GRAY CLAY | | 267 |
| HARD GRAY BASALT | 267 | 370 |
| HARD GRAY BASALT FRACTURED AT TIMES | 370 | 490 |
| GRAYISH GREEN BASALT | 490 | 570 |
| HARD GRAY BASALT RECEIVED BY OWRD | 570 | 600 |

MAY 18 2016

SALEM, OR

Date Started 03-15-2016 Completed 03-31-2016

(unbonded) Water Well Constructor Certification RECEIVED BY OWRD
I certify that the work I performed on the construction, deepening, 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.
License Number _____ Date _____
Signed _____ SALEM, OR

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.
License Number 1738 Date 04-15-2016
Signed *Vince Wagner*
Contact Info (optional) OLSEN-PULLIAM WELL DRLG 503-665-3353

WELL 6

CLAC 72275

Westerberg Drilling, Inc.
36720 S. Kropf Rd.
Molalla, OR 97038

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 1 120278
START CARD # 213213
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. _____
First Name _____ Last Name _____
Company Belridge Water LLC
Address 2391 SW Buckman Rd.
City West Linn State OR Zip 97068

(2) TYPE OF WORK

New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing: _____
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____
(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other Shared Well

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 545 ft. Special Standard (Attach copy) _____
BORE HOLE SEAL
Dia From To Material From To Amt sacks/lbs
10 0 240 Bentonite 0 25 13 S
6.25 240 545 Calculated 10.5
Cement 25 240 70 S
Calculated 60

How was seal placed: Method A B C D E
 Other Bentonite Paired & Probed
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds
(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
6 1.25 240 .250
4.5 5 545 200pp
Shoe Inside Outside Other Location of shoe(s) 240
Temp casing Yes Dia 10 From +1 To 8

(7) PERFORATIONS/SCREENS

Perforations Method Saw
Screens Type _____ Material _____
Perf/S Casing/ Screen Sem/slot Slot # of Tele/
creen Liner Dia From To width length slots pipe size
Perf Liner 4.5 505 545 .25 3 240 4.5

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

Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
30 _____ 545 1

RECEIVED BY OWRD

Temperature 56 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount 152 ppm
From To JUN 20 2016 Amount Units

(9) LOCATION OF WELL (legal description)

County CLACKAMAS Twp 2 S N/S Range 1 E E/W WM
Sec 33 NW 1/4 of the NW 1/4 Tax Lot 1604
Tax Map Number _____ Lot _____
Lat _____ or _____ DMS or DD
Long _____ or _____ DMS or DD
 Street address of well Nearest address
Next to 2395 SW Buckman Rd, West Linn, OR 97068

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration _____
Completed Well 06-15-2016 _____ 359.2
Flowing Artesian? Dry Hole?
WATER BEARING ZONES Depth water was first found 110
SWL Date From To Est Flow SWL(psi) + SWL(ft)
110 115 Dribble
185 195 Dribble
06-15-2016 441 457 3-4
06-15-2016 470 515 30 359.2

(11) WELL LOG

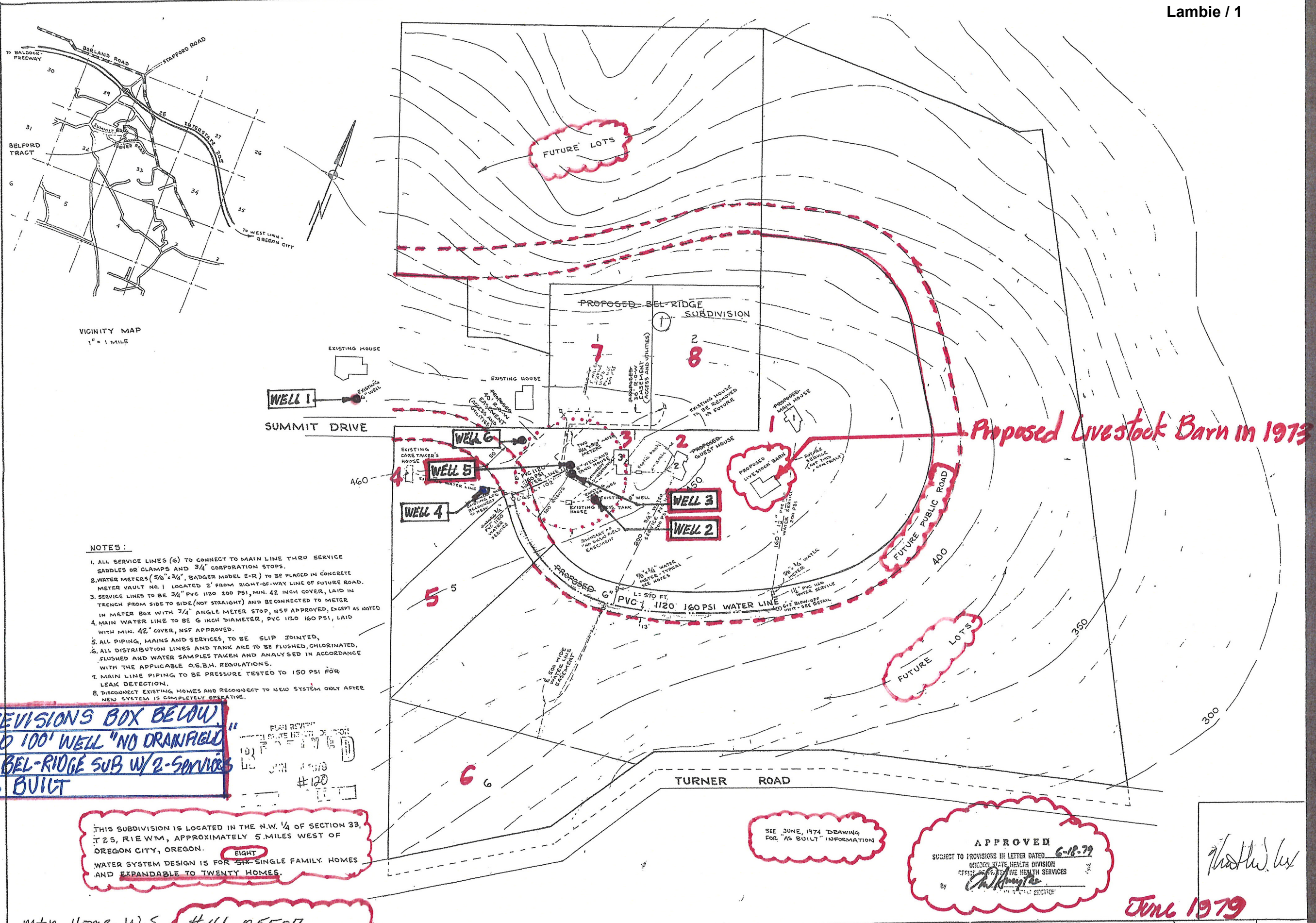
Ground Elevation _____
Material From To
Soil 0 1
Clay Brown Firm 1 8
Weathered & Broken Rock Brown & Red 8 12
Basalt Weathered & Fractured Grey & Brown 12 65
Cinders Red & Brown 65 87
Basalt Grey & Brown 87 172
Basalt Grey Broken with Large Fractures 172 176
Basalt Grey & Brown Hard with Fractures 176 185
Basalt Brown More Weathered Medium 185 210
Basalt Grey & Brown Medium Hard 210 235
Basalt Grey & Brown Hard 235 320
Basalt Grey with Green & Brown Medium Hard 320 365
Basalt Grey & Brown Weathered Medium Hard 365 418
Basalt Grey Hard 418 441
Basalt Grey & Brown Weathered & Poursous 441 457
Basalt Very Weathered Brown 457 466
Basalt Grey & Brown 466 500
Basalt Grey & Brown Weathered 500 525
Basalt Grey Mildly Fractured 525 531

Date Started 06-10-2016 Completed 06-15-2016

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.
License Number 858 Date 06-15-2016
Signed *Byron B. Stuck*

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.
License Number 988 Date 06-20-2016
Signed *Shawn M. Stuck*
Contact Info (optional) _____

SALEM, OR ORIGINAL - WATER RESOURCES DEPARTMENT



- NOTES:
1. ALL SERVICE LINES (6") TO CONNECT TO MAIN LINE THRU SERVICE SADDLES OR CLAMPS AND 3/4" CORPORATION STOPS.
 2. WATER METERS (5/8" x 3/4", BADGER MODEL E-R) TO BE PLACED IN CONCRETE METER VAULT NO. 1 LOCATED 2' FROM RIGHT-OF-WAY LINE OF FUTURE ROAD.
 3. SERVICE LINES TO BE 3/4" PVC 1120 200 PSI, MIN. 42" INCH COVER, LAID IN TRENCH FROM SIDE TO SIDE (NOT STRAIGHT) AND BE CONNECTED TO METER IN METER BOX WITH 3/4" ANGLE METER STOP, NSF APPROVED, EXCEPT AS NOTED.
 4. MAIN WATER LINE TO BE 6" INCH DIAMETER, PVC 1120 160 PSI, LAID WITH MIN. 42" COVER, NSF APPROVED.
 5. ALL PIPING, MAINS AND SERVICES, TO BE SLIP JOINTED.
 6. ALL DISTRIBUTION LINES AND TANK ARE TO BE FLUSHED, CHLORINATED, FLUSHED AND WATER SAMPLES TAKEN AND ANALYSED IN ACCORDANCE WITH THE APPLICABLE O.S.B.H. REGULATIONS.
 7. MAIN LINE PIPING TO BE PRESSURE TESTED TO 150 PSI FOR LEAK DETECTION.
 8. DISCONNECT EXISTING HOMES AND RECONNECT TO NEW SYSTEM ONLY AFTER NEW SYSTEM IS COMPLETELY OPERATIVE.

Proposed Livestock Barn in 1973

TEXT IN REVISIONS BOX BELOW
 11-3-73 ADD 100' WELL "NO DRAINFIELD"
 4-16-73 ADD BEL-RIDGE SUB W/ 2-SERVICES
 5-31-79 AS BUILT

THIS SUBDIVISION IS LOCATED IN THE N.W. 1/4 OF SECTION 33, T2S, R1E W.M., APPROXIMATELY 5 MILES WEST OF OREGON CITY, OREGON.
 EIGHT WATER SYSTEM DESIGN IS FOR SIX SINGLE FAMILY HOMES AND EXPANDABLE TO TWENTY HOMES.

SEE JUNE, 1974 DRAWING FOR "AS BUILT" INFORMATION

APPROVED
 SUBJECT TO PROVISIONS IN LETTER DATED 6-18-79
 OREGON STATE HEALTH DIVISION
 OFFICE OF PUBLIC HEALTH SERVICES
 By *[Signature]*
 HEALTH OFFICER

June 1979

| | | | |
|-------------|--|-------|------------|
| DESIGNED BY | KWC | DATE | JUNE, 1973 |
| DRAWN BY | KWC | SCALE | 1" = 100' |
| REVISIONS | 11-3-73 ADD "NO DRAINFIELD" 4-16-73 ADD BEL-RIDGE SUB W/ 2-SERVICES 5-31-79 AS BUILT | | |

KENT W. COX
 CONSULTING ENGINEER
 P.O. BOX 671
 GRESHAM, OREGON 97030 668-5134
 ROUTE 2 BOX 1112
 SANDY, OREGON 97055

**PHOTOS FROM SITE VISIT TO
2351 SW BUCKMAN ROAD, WEST LINN, OREGON
OCTOBER 28, 2016**

WELL 3R WELLHEAD SURROUNDED BY SYSTEM PIPING



WATER SYSTEM PRESSURE REGULATING TANKS

**(NOTE ORIGINAL WATER EXIT LINE THRU FLOOR IN
LOWER LEFT,**

PRESSURE GAUGE BETWEEN TANKS WAS READ AT 70 PSI



WELL HOUSE PUMP CONTROLLER FOUND TO CONTROL PUMP IN WELL 5 ON SITE VISIT OCTOBER 28, 2016



CLOSE UP VIEW OF ELECTRONIC PUMP CONTROLLER



WELL 5 POWER SUPPLY FROM INSIDE PUMP HOUSE VIA WELL CONTROLLER AND INBOUND WATER LINE TO PUMP HOUSE



WELL 5 NEW OUTBOUND WATER-LINES AND FLOOR PENETRATIONS

(NOTE PIPELINE FLOW IS LEFT TO RIGHT,
PIPELINE EXISTING PHOTO TO THE RIGHT GOES TO
ORIGINAL SUPPLY SYSTEM PIPING AND PRESSURE
REGULATION TANKS)



WELL 5 PITLESS ADAPTER WELLHEAD



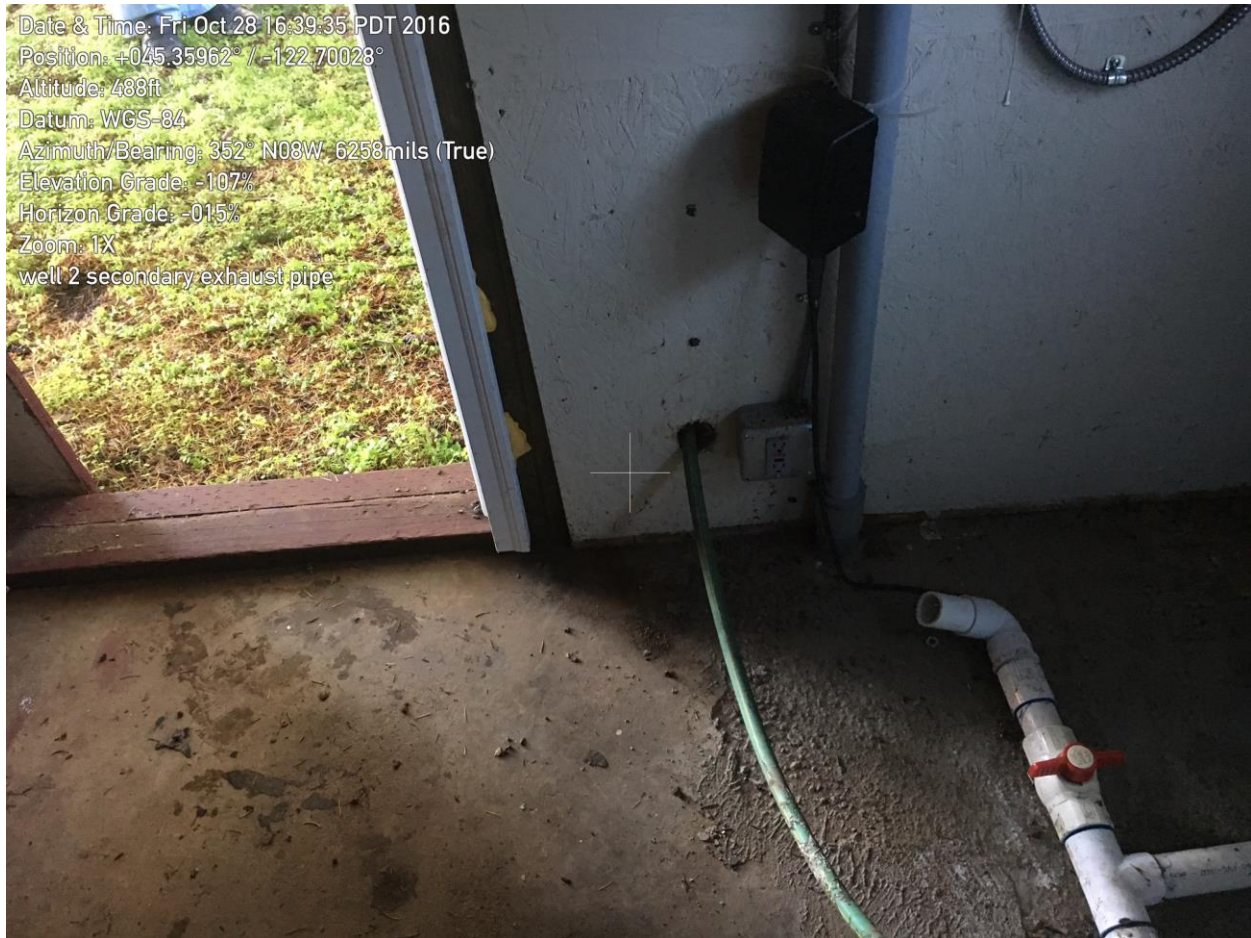
WELL 2 PUMP HOUSE INLET LINE AND OUTLET LINES

**(NOTE RED BALL VALVE TO ABANDONED TEMPORARY
LINE,**

**LONG LENGTH OF 1.5 INCH ID PVC LINE WAS NOTED IN
YARD THAT REPORTEDLY INTERTIED WELL 2 TO WELL 3
DISTRIBUTION SYSTEM)**



WELL 2 PUMP HOUSE OUTLET LINE
(NOTE GARDEN HOSE EXITS VIA HOLE IN WALL
REPORTEDLY USED
FOR TEMPORARY INTERTIE TO WELL 3)



BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1769

In the Matter of

MOUNTAIN HOME WATER
DISTRICT,

Application to Abandon Water Service
And Abandon Water Utility

Reply Testimony of Mel Kroker

on behalf of

Mel and Connie Kroker, Intervenors

November 2, 2016

1 **Q: Please state your name and address.**

2 A. My name is Mel Kroker. My address is 2333 SW Turner Road, West Linn, OR.

3 **Q. On whose behalf are you testifying for in this proceeding?**

4 A. I am testifying on behalf myself and my wife, Connie Kroker, as Intervenors.

5 **Q: What is your occupation and educational background?**

6 A: I have been a registered Architect in the State of Oregon for 45 years. My experience
7 over these years spans thousands of projects in City Planning, College Campus Master
8 Plans, neighborhood scale Planned Unit Developments, Schools at all levels, high rise
9 office buildings, large apartment complexes, homes for the richest man in the State of
10 Oregon and home plans for hundreds of single family residences. From 2006 to today I
11 have been employed as a Technical Consultant for The Façade Group, a local company
12 with offices on both the East and West coasts. My most recent project is the review of
13 thousands of pages of drawings and documents for the ongoing additions to the Nike
14 World Campus in Beaverton, Oregon.

15 I designed the preliminary land plan Dale Belford used to assemble the proposed 20 lot,
16 25 acre subdivision in 1973 and all six of the homes that were connected to the Mountain
17 Home Water Utility on the day the Application for Abandonment was filed April 01,
18 2016.

19 **Q. What are your interests in this proceeding?**

20 A: We intervened in the present action as long-standing customers of the water system under
21 threat of losing our water supply. We purchased our property in 1974 to allow
22 construction of our home in 1976 and have an enforceable right to receive water from the
23 water system, previously referred to as the Bel-Ridge Water Utility. We could not have
24 received a building permit to construct our home without a connection to this specific
25 public water system. My property has received water from the water system for 42 years.

1 **Q: What is the purpose of your reply testimony?**

2 A: My testimony addresses the proposed abandonment of the public water system,
3 ownership of the water system and related interests, property, and my knowledge of the
4 history of the water system. I respond to portions of the Mountain Home Water District's
5 Application.

6 **Q: Petitioner alleges in its Application that the name of the owner or officer of the**
7 **Mountain Home Water District is Keith Ironside. Does the Petitioner's Application**
8 **express some justification for making such a determination?**

9 A: No. I was in disagreement with this statement of ownership and felt it was unclear who
10 the owner of the District and water system was.

11 **Q: Since it was unclear to you who the owner of the District and water system was, did**
12 **you pursue this matter via a data request in order to attempt to obtain more**
13 **information?**

14 A: Yes. We analyzed the issue through our Data Request 2. A true copy of the District's
15 Responses to Intervenors Data Requests 1-21 is attached hereto as Exhibit 201.

16 **Q: What was asked and how was it answered?**

17 A: The question: "Documents confirming the District's title ownership in and to the
18 District's 'water system' (as such term is defined under OAR 860-036-0010(28))".

19
20 Petitioner's answer:

21 "The Company has located no documents directly responsive to this request.
22 However, the Company's property tax returns for tax years 2009, 2010, 2011 (we
23 were unable to locate the form for this year), 2012, 2013, and 2014 are attached as
24 Exhibit 27. In addition, deeds filed in the Clackamas County Records in the chain
25 of title for the property at 2323 SW Buckman Road, which are publically

1 available, state that “This property includes the Bel-Ridge Water Utility.” Keith
2 Ironside and the Gladys Beddoe Credit Shelter Trust are the owners of the
3 property, not the District. “

4 **Q: Do you agree with that answer?**

5 **A:** The last sentence should be clarified. Otherwise I disagree.

6 **Q: Would you please explain how it should be clarified and your disagreement?**

7 **A:** My right to use the first public water system, which was the Bel-Ridge Water Utility, was
8 conveyed to me from Dale Belford in 1974 by Deed 74-35545. A true copy of this Deed
9 is attached hereto as Exhibit 202. The water was sourced from the original well into pipes
10 installed along a portion of a 50 foot wide access drive and across land owned by Dale
11 Belford through easement No. 74-6127. A true copy of this easement is attached hereto
12 as Exhibit 203. The District’s original well (well “3”) is identified in the OWRD Records
13 under water supply record CLAC 03814 and the location of which is identified as Well 3
14 on that map attached hereto as Exhibit 204. The attached map was prepared by me for
15 illustrative purposes only. Mr. Belford constructed the Bel-Ridge Water Utility in 1973.
16 On March 23, 1979 and June 25, 1979, many acres of land and the Bel-Ridge Water
17 Utility were sold to Gladys Beddoe and Keith Ironside through numerous contracts and
18 deeds.. On April 15, 2013, Keith Ironside filed Partition Plat Number 2013-015 in
19 compliance with Conditions of Approval for Clackamas County Planning File No.
20 Z0245-11-M completed on August 09, 2011. A true copy of this partition plat is attached
21 hereto as Exhibit 205. This partition plat changed ownership of the District property into
22 two parcels – Parcel 1 and Parcel 2. Parcel 1 remains as Tax Lot 2100, which is half
23 owned by the Gladys Beddoe Credit Shelter Trust and half owned by Keith Ironside
24 individually. It retains the Tax Account #00395539 at 2323 SW Buckman Road, West
25 Linn, OR 97068. However, the new configuration of Tax Lot 2100 now contains 95% of

1 the MHWD water distribution system. The remaining portion of this water system
2 consisting of the District's original well (well "3") and the replacement well which is
3 identified in the OWRD records under water supply report CLAC 72134 (which is
4 identified as "well 5" on the Exhibit 204) is located on Parcel 2 of Partition Plat Number
5 2013-015. Parcel 2 becomes Tax Lot 2107, half owned by the Gladys Beddoe Credit
6 Shelter Trust and half owned by Keith Ironside individually. Therefore, the pumphouse
7 for the District's original well and the newly completed replacement well is now located
8 on Tax Lot 2107. Tract "A" remains as Tax Lot 1604, half owned by the Gladys Beddoe
9 Credit Shelter Trust and half owned by Keith Ironside individually.

10 Then it appears on April 22, 2013, in Deed 2013-027244, Keith Ironside as Trustee of the
11 Gladys Beddoe Credit Shelter Trust, conveyed the Trust's half interest in Parcel 1,
12 Partition Plat No. 2013-015, to himself, thereby making him full owner of Parcel 1. A
13 true copy of Deed 2013-027244 is attached hereto as Exhibit 206. As a result, Tax Lots
14 2100 and 1603 at 2323 SW Buckman Road, West Linn, OR became owned 100% by
15 Keith Ironside. However, on the same date, April 22, 2013, in Deed 2013-027245, Keith
16 Ironside conveyed his 100% ownership of Parcel 1, Partition Plat No. 2013-015 to his
17 daughter, Valerie Meyer. A true copy of Deed 2013-027245 is attached hereto as Exhibit
18 207.

19 It appears that after this deed transfer, Valerie Meyer now owns 95% of the water
20 distribution system, and Keith Ironside and the Gladys Beddoe Credit Shelter Trust own
21 Tax Lot 2107 where the Pump house, the well (well "2") constructed prior to the original
22 well, well 3, and the new replacement for well 3 are located. See map attached as Exhibit
23 204 which is offered for illustrative purposes only. Hence, title interests in and to the
24 water system has occurred with no notice to or consideration by the PUC and well prior
25 to the application for abandonment.

1 **Q: You state that “Mr. Belford constructed the Bel-Ridge Water Utility in**
2 **1973.” Please explain your knowledge of the construction of this utility.**

3 I am an architect and was a part of the Architectural Partnership, Meyers and Kroker
4 (“Partnership”), which designed a proposed 25 lot subdivision which the Bel-Ridge
5 Water Utility was constructed to serve. The Partnership also designed a home for Mr.
6 Belford and his daughter. The Bel-Ridge Water Utility also served two lots in the Bel-
7 Ridge replat No. 2035 in 1974.

8 In 1979, Petitioner purchased Mr. Belford's property which included the Bel-Ridge Water
9 Utility's well pump house with equipment and the distribution system. The purchase
10 conveyed an equal right to use the water produced by the Bel-Ridge Water Utility to the
11 Petitioner's two houses along with 4 other customers. The original Bell-Ridge Water
12 Utility had 6 connections that were expanded to 7 when the original drawings were
13 submitted to the State Health Department in 1974. The Bel-Ridge Water Utility later
14 became the Mountain Home Water District in 1979 with a doing business as (DBA) filed
15 in 1980.

16 **Q: Earlier you stated that you have an “enforceable right to receive water from the**
17 **water system.” Please explain how you came to understand that you have this right?**

18 A: My wife and I signed a real estate contract with G. Dale Belford to purchase the property
19 for our home on December 01, 1974 which was recorded December 24, 1974 at number
20 74-35545 in Clackamas County. Upon our completion of performance of the contract,
21 we expressly acquired the right to receive water from the Bell-Ridge Water which was
22 also owned by the seller, G. Dale Belford. A true and correct copy of the contract is
23 attached hereto as Exhibit 208. In addition, a true and correct copy of the deed to our
24 property is attached hereto as Exhibit 202. The purpose of the well was to supply the
25 water to the proposed 25 lot Subdivision being developed by Mr. Belford along with a

1 smaller 2 lot Subdivision to the North named “The Bel-Ridge Subdivision.” The original
2 2 lots of the Bel-Ridge Subdivision are now owned by Robert Wiest at 2375 SW
3 Buckman Road and Don Rushmer at 2395 SW Buckman Road.

4 Each lot in the proposed subdivision was going to be approximately one acre. Our lot was
5 larger at 1.945 acres and is accessed from the bottom of the hill from SW Turner Road.

6 As part of the sale, Mr. Belford granted a restrictive easement through his land for the
7 water line serving our property from a 6” water main location in the 50 foot wide private
8 access drive. The easement was recorded on March 14, 1974 in the Clackamas County
9 records number 74-6127. The restrictive easement also includes a water line easement
10 across Mr. Belford’s property he acquired in bargain and sale deed recorded at 73-39756.

11 Part of that property is now owned by Elizabeth Kelley at 2385 SW Buckman Road.

12 While many elements of the Mountain Home Water District’s system has changed over
13 time, well 3, the water main, the restrictive easement, the water line and the basic source
14 of the water in the system remains today as does our legal right to use such water based
15 on our original contract with G. Dale Belford.

16 **Q: Petitioner alleges in its Application that the well has “failed and cannot be**
17 **repaired.” Does the Petitioner’s Application express justification for making such a**
18 **determination?**

19 A: The Petitioner states that the water system experienced a loss of water pressure; however
20 no information has been provided confirming the extent of any loss in water pressure and
21 whether the well actually failed on its own. Nor has Petitioner shown the original well to
22 this day as inoperational.

23 **Q: Since it was unclear to you, did you pursue this matter via a data request in order to**
24 **attempt to obtain more information?**

25

1 **A:** Yes. We analyzed the issue through our Data Requests 3(c), (d), 6 and 7. See Exhibit
2 201.

3 **Q: What was asked in Data Request 3(c) and how was it answered?**

4 **A:** The question: In reference to paragraph (d) of the District's Application for Termination,
5 dated April 1, 2016, and submitted to the PUC, please provide: documents relating to the
6 District's allegation that "in the summer of 2015, the [District's water] system
7 experienced a loss of water pressure."

8

9 Petitioner's answer:

10 The company has located no documents responsive to this request.

11 **Q: Do you agree with that answer?**

12 **A:** No. It does not appear feasible that the District would not have records of testing for
13 water pressure in summer of 2015 when it alleged a loss of water pressure in the system.

14 **Q: What was asked in Data Request 3(d) and how was it answered?**

15 **A:** The question: In reference to paragraph (d) of the District's Application for Termination,
16 dated April 1, 2016, and submitted to the PUC, please provide: Documents relating to the
17 testing of the water pressure of the Districts' water system since 1973 including, but not
18 limited to, where the pressure was tested and by whom.

19

20 Petitioner's answer:

21 The Company objects to this request as duplicative, overbroad, and unduly
22 burdensome. Without waiving the objection, the Company responds that it has no
23 direct knowledge of the operation of the water system before 1979, when Keith
24 Ironside purchased his property. In response to Staff Data Request Nos. 15-21, the

25

1 Company provided Exhibit 20, Advanced Leak Detection Invoice No. 1539. In
2 addition, the Company attaches a receipt dated October 15, 2007, as Exhibit 28.

3 **Q: Do you agree with that answer?**

4 A: No, as it does not provide documents relating to testing of the water pressure. Further, in
5 response to my Data Request 3(f), (g) and (h), the District failed to produce any
6 documentation confirming the existence of a “new well” having an adverse effect or
7 impact on the District’s water system, or any other wells in the vicinity which may have
8 contribute to the loss of water pressure in well 3 at the time of the alleged loss of water
9 pressure. See Exhibit 201.

10 **Q: What was asked in Data Request 6 and how was it answered?**

11 A: The question: Please explain the District’s allegation that the [original] Well has “failed
12 and cannot be repaired,” and provide all documents relating to such allegation.

13
14 Petitioner’s answer:

15 The Company objects to this request as duplicative. Without waiving the
16 objection, the Company responds that it abandoned attempts to clear the well at
17 the recommendation of the well driller. The documents referenced in and
18 attached to the response to DR No. 5, above, are responsive to this request.

19 **Q: Do you agree with that answer?**

20 A: No. The District’s allegation that well 3 had “failed and cannot be repaired” is not
21 supported by the District’s response. Please see the testimony of John Lambie on behalf
22 of Mel and Connie Kroker, Intervenors, confirming that well 3 did not “fail” and was and
23 remains available for future operations.

24 **Q: Would you please explain your disagreement?**

25

1 A: In 1973 the original 600 foot deep well was tested at 75 gallons a minute with a static
2 water level of 352 feet. On March 31, 2016, the Petitioner replaced the original well with
3 a new one only a few feet away in the same aquifer down to the same 600 foot level and
4 connected it to the existing water distribution system in use for 42 years. The new well
5 tested at 100 gallons a minute with a static water level of 355 feet. The District's water
6 system was fully operational on the date the Application for abandonment was filed with
7 the PUC on April 1, 2016.

8 Pursuant to its response to Data Requests, the Petitioner constructed a "replacement well"
9 for the water system. I should be able to continue to receive water from this replacement
10 well as it was constructed as a "replacement well" for the original well (well "3") that had
11 allegedly "failed." Well 3 has yet to be abandoned and the new replacement well (well
12 "5" on the map attached as Exhibit 204) was completed to replace the District's original
13 well 3. Therefore, ownership and control of the new well must remain with the District
14 for the exclusive benefit of water customers such as myself still entitled to water from the
15 District.

16 **Q: What was asked in Data Request 7 and how was it answered?**

17 A: The question: Please explain the District's allegation that the Well is no longer
18 "operational," and provide all documents relating to such allegation.

19

20 Petitioner's answer:

21 The Company objects to this request as duplicative. Without waiving the
22 objection, the Company responds that it abandoned attempts reinstall a pump in
23 the well at the recommendation of the well driller. The documents referenced in
24 and attached to the response to DR No. 5, above, are responsive to this request.

25 **Q: Do you agree with that answer?**

1 A: The original well (well “3”) is an operational well and could be made operational again.

2 **Q: Petitioner also alleges in its Application that customers have many alternative**
3 **options, including drilling one or more shared wells, or arranging water delivery**
4 **from an existing well on adjacent property. Do you agree that these other options**
5 **are viable?**

6 A: Yes, although with clarifications. Two of the 4 affected customers have elected to
7 construct a shared well that required the purchase of additional land outside of their lots
8 from the Petitioner. Each of the affected customers 4 lots contain natural features such as
9 steep slopes, storm water drainage systems several structures, septic sewer systems with
10 primary and alternate drain fields and a host of setback limitations for locating a well
11 clear of all of these elements. Many of these same elements exist on adjacent properties
12 which further limit the location of a new well regardless of property size. Well drilling
13 trucks weighing 63,000 lbs. or more cannot be moved up or down steep slopes in natural
14 terrain or around tight corners in side yard setbacks to access open spaces below existing
15 homes situated next to the street on the high side of the property.

16 Further the cost of this process would cost my wife and me upwards of \$75,000 which is
17 far greater than paying a share of the cost for repair of well 3. My wife and I should not
18 have to pay for the cost of the replacement well (well “5”) as the completion of such well
19 was not necessary. For further discussion of the continued usability of well 3, please see
20 the testimony of John Lambie on behalf of Mel and Connie Kroker, Intervenors.

21 **Q: Please explain further the cost of repair or replacement of the existing water system.**

22 **A:** The cost for replacement of the water system’s well was \$69,000. I would have been
23 happy to spend 1/6th that amount to stay on the water system. Petitioner stated that the
24 District is unable to financially continue to fund the operation and maintenance of the
25 water system due to customers being in arrears. I have always paid bills as requested and

1 on time. Any financial constraint on the part of the Petitioner appears to be from
2 mismanagement of the District, something which should not be the cause for approval for
3 abandonment of the water system.

4 **Q: Are you providing any exhibits with your testimony?**

5 A: Yes

6 **Q: Does this complete your reply testimony?**

7 A: Yes.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the date shown below, I filed the original and one (1) copy of the foregoing **Testimony of Mel Kroker** by electronic transmission and first class mail, postage prepaid, on:

Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
PUC.FilingCenter@state.or.us

I further hereby certify that on the date shown below, I served a true and correct copy of the foregoing **Testimony of Mel Kroker** by first class mail, postage prepaid, on:

Jennie L. Bricker
Jennie Bricker Land & Water Law
818 SW Third Ave, PMB 1517
Portland, OR 97204

Celeste Hari
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

Sommer Moser
PUC Staff – Department of Justice
1162 Court St. NE
Salem, OR 97301

- by first class mail, postage prepaid.
- by facsimile transmission and first class mail, postage prepaid.
- by electronic transmission.
- by electronic transmission and first class mail, postage prepaid.

DATED: November 2, 2016.

/s/ Peter D. Mohr
Peter D. Mohr, OSB # 013556
Attorney for Mel and Connie Kroker,
Intervenors

**Jennie Bricker
Land & Water Law**

818 SW Third Avenue, PMB 1517
Portland, Oregon 97204

Email: jennie@jbrickerlaw.com
Telephone: 503-928-0976

October 24, 2016

Peter D. Mohr
Jordan Ramis PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035

**Re: UM 1769
Response to Data Request Nos. 1-19**

Following are responses by the Mountain Home Water District (the “District,” or the “Company”) to Data Request Nos. 1-19, dated October 10, 2016, from intervenors Mel and Connie Kroker.

1. Formation and operating documents for Mountain Home Water District.

Company Response: Mountain Home Water District was registered as an assumed business name in 1980. We are not in possession of the registration document, but a copy is publically available at the Corporation Division of the Oregon Secretary of State, Registry Number 197578-55. A copy of the emergency response plan for the water system is attached as **Exhibit 26**. Operating instructions for the well and pump are housed inside the pump house. If you would like to inspect those documents, we will make arrangements for access.

2. Documents confirming the District's title ownership in and to the District's "water system" (as such term is defined under OAR 860-036-0010(28)).

Company Response: The Company has located no documents directly responsive to this request. However, the Company's property tax returns for tax years 2009, 2010, 2011 (we were unable to locate the form for this year), 2012, 2013, and 2014 are attached as Exhibit 27. In addition, deeds filed in the Clackamas County Records in the chain of title for the property at 2323 SW Buckman Road, which are publically available, state that "This property includes the Bel-Ridge Water Utility." Keith Ironside and the Gladys Beddoe Credit Shelter Trust are the owners of the property, not the District.

3. In reference to paragraph (d) of the District’s Application for Termination, dated April 1, 2016, and submitted to the PUC, please provide:
- a. Documents relating to the construction of the well (hereinafter, the “Well”) described in the first sentence as the “well serving the District’s customers [which allegedly] failed and cannot be repaired;”

Company Response: The Company objects to this request as overbroad and duplicative. Without waiving the objection, the Company responds that, in response to Staff Data Request Nos. 01-13, it provided **Exhibit 2**, the 1973 Water Well Report for the original well.

- b. Documents relating to the District’s allegation that the “original drillers installed 90 feet of casing, leaving the Well open from 90 to 600 feet;”

Company Response: The Company objects to this request as duplicative. Without waiving the objection, the Company responds that the documents referenced in and attached to the response to DR No. 5, below, are responsive to this request.

- c. Documents relating to the District’s allegation that “in the summer of 2015, the [District’s water] “system experienced a loss of water pressure;”

Company Response: The Company has located no documents responsive to this request.

- d. Documents relating to the testing of the water pressure of the Districts’ water system since 1973 including, but not limited to, where the pressure was tested and by whom;

Company Response: The Company objects to this request as duplicative, overbroad, and unduly burdensome. Without waiving the objection, the Company responds that it has no direct knowledge of the operation of the water system before 1979, when Keith Ironside purchased his property. In response to Staff Data Request Nos. 15-21, the Company provided **Exhibit 20**, Advanced Leak Detection Invoice No. 1539. In addition, the Company attaches a receipt dated October 15, 2007, as **Exhibit 28**.

- e. **Documents the District possessed as of April 1, 2016 confirming the existence of a “new well” (as alleged in the application) in the vicinity of the existing Well that supplied water to the District’s water system;**

Company Response: The Company has located no documents responsive to this request.

- f. **Documents relating to the District’s allegation that the referenced “new well” had an adverse effect or impact on the District’s water system, resulting in a “loss of water pressure;”**

Company Response: The Company has located no documents responsive to this request.

- g. **Documents the District possessed as of April 1, 2016 confirming the existence of “other wells” (as alleged in the application) in the vicinity of the Well;**

Company Response: The Company has located no documents responsive to this request.

- h. **Documents relating to the District’s allegation that the referenced “other wells” had an adverse effect or impact on the water system, resulting in a “loss of water pressure;”**

Company Response: The Company has located no documents responsive to this request.

4. Documents relating to Steve's Pump Service's service, inspection and work performed on the Well which shall include, but not be limited to, all documentation relating to Steve's Pump Service's recommendation that the pump in the Well be lowered from 397 feet below ground surface ("BGS") to 405 feet BGS.

Company Response: The Company objects to this request as overbroad and duplicative.

Without waiving the objection, the Company responds that in response to Staff Data Request Nos. 15-21, it provided **Exhibit 16**, an invoice from Steve's Pump Service.

5. Documents relating to Olsen Well Drilling's service, inspection and work performed on the Well which shall include, but not be limited to, all documents relating to Olsen's:
 - a. Clearing of the alleged cave-in of the Well;
 - b. Attempted installation of the 6-inch steel casing;
 - c. Determination of the angle of the initial construct of the Well;
 - d. Attempted re-drilling of the Well; and
 - e. Opinions and recommendations including cost analyses of drilling a new well.

Company Response: The Company objects to all parts of this request as overbroad and duplicative. Without waiving the objection, the Company responds that, in response to Staff Data Request Nos. 01-13, it provided **Exhibit 4**, the statement of well driller Vance Wagner; and **Exhibit 6**, page 1, the cost estimate and proposal from Ted Pulliam (Olsen's) Well Drilling for drilling a new well. Further, in response to Staff Data Request Nos. 15-21, the Company provided **Exhibit 13**, a statement from Ted Pulliam (Olsen's) Well Drilling; **Exhibit 14**, Invoice #829 from Ted Pulliam (Olsen's); and **Exhibit 15**, Invoice #828 from Ted Pulliam (Olsen's). In addition, the Company attaches the Water Supply Well Report, Start Card No. 1029859, as **Exhibit 29**.

6. Please explain the District’s allegation that the Well has “failed and cannot be repaired,” and provide all documents relating to such allegation.

Company Response: The Company objects to this request as duplicative. Without waiving the objection, the Company responds that it abandoned attempts to clear the well at the recommendation of the well driller. The documents referenced in and attached to the response to DR No. 5, above, are responsive to this request.

7. Please explain the District’s allegation that the Well is no longer “operational,” and provide all documents relating to such allegation.

Company Response: The Company objects to this request as duplicative. Without waiving the objection, the Company responds that it abandoned attempts reinstall a pump in the well at the recommendation of the well driller. The documents referenced in and attached to the response to DR No. 5, above, are responsive to this request.

8. Documents relating to water pressure in the District's water system from when the Well was completed in 1973 to the date of this request.

Company Response: The Company objects to this request as vague, overbroad, duplicative, unduly burdensome, and not relevant to any issue in this proceeding. Without waiving the objection, the Company responds that the documents referenced in and attached to the response to DR No. 3.d, above, are responsive to this request.

9. Documents relating to the referenced “smaller, private well located on the owner’s property[,]” including, but not limited to, documents confirming the location, dimensions, static water level, current production capacity, future production capacity, and inspections of said well.

Company Response: The Company has located no documents responsive to this request.

10. Documents confirming the number of houses served by the Well.

Company Response: The property tax returns attached as **Exhibit 27** include statements of the “number of current users” of the water system. The number of current users has been reported as either 6 (2009, 2010, and 2012) or 4 (2011, 2013, 2014). To clarify, the Company’s view is that the system has six *users* and four *customers*. The customers have for many years included the houses at 2391 SW Buckman Road, 2375 SW Buckman Road, 2385 SW Buckman Road, and 2333 SW Turner Road. The two additional users on the system are the houses located at 2323 SW Buckman Road and 2351 SW Buckman Road, a division of the property acquired by Keith Ironside and Gladys Beddoe in 1979. As of September 2016, the customers located at 2391 SW Buckman Road and 2375 SW Buckman Road have drilled their own, shared well and are no longer receiving water service from the Company.

11. Documents confirming the location of houses served by the Well.

Company Response: Please refer to the Company's response to DR No. 10, above. In addition, the documents referenced in the response to DR No. 16, below, are responsive to this request.

- 12. Please explain the District’s allegation that each residential customer’s property is capable of carrying an individual well of sufficient flow rate to meet the domestic water needs of such property, and provide all documents relating to such allegation.**

Company Response: The Company’s statement was based on conversations with the well driller, who did not provide a formal statement or other document, except the statement that the Company produced as **Exhibit 4** in its responses to Staff Data Request Nos. 1-13.

13. Please explain the District's allegation that the completion of a new well assuming a depth of 500 feet and a flow rate of approximately 20 gallons per minute would cost approximately \$30,000.00, and provide all documents relating to such allegation including, but not limited to, Olsen Well Drilling's estimate.

Company Response: The Company's statement was based on conversations with the well driller, who did not provide a formal estimate or other document. However, after the application was filed the Company obtained a drilling estimate from Westerberg Drilling Inc. for construction of a well at 2385 SW Buckman Road; that document is attached as **Exhibit 30**.

14. Documents confirming the total number, location, and well logs of all wells used by the District or its predecessors since 1963 to provide water to District customers.

Company Response: The Company objects to this request as vague, overbroad, duplicative, unduly burdensome, and not relevant to any issue in this proceeding. Without waiving the objection, the Company responds that it has no direct knowledge of the operation of the water system before 1979, when Keith Ironside purchased his property. In its response to Staff Data Request Nos. 1-13, the Company produced the water well report for Well No. 03814 as **Exhibit 2**; the Company believes this well was the only source of supply for the water system until its failure in March 2016. The Company explained the use of the second, temporary well, which provided water to customers while the replacement well was under construction, in its response to Staff Data Request No. 2. In its response to Staff Data Request Nos. 15-21, the Company produced the water well report for Well I.D. No. L-118525, the replacement well, as **Exhibit 19**. In addition, materials confirming registration of the replacement well with the Department of Water Resources are attached as **Exhibit 31**.

15. Documents related to all water test and/or reports, well inspection reports and repair schedules, and water meter test records related to the water system.

Company Response: The Company objects to this request as overbroad, unduly burdensome, and not relevant to any issue in this proceeding. Without waiving the objection, the Company attaches **Exhibit 32**, documents related to water quality testing. The most recent test report is attached as **Exhibit 1** to the Company's responses to Staff Data Request Nos. 01-13.

16. Documents describing and locating the entire water system plant.

Company Response: Keith Ironside purchased his property in 1979, after the water system was in place. Intervenor Mel Kroker, an architect, purchased his property in 1976 and was, Keith Ironside believed, in possession of the only known as-built plans for the water system. However, despite Keith Ironside's repeated requests for the plans, Mr. Kroker only produced them during the meeting convened on May 23, 2016 in this proceeding. Therefore, please refer to the plans marked "Bel-Ridge Water System As Built Plan," dated June 1974 (1 sheet), and the "Belford Subdivision Water System Design," dated June 1973 (3 sheets), contained in the package produced by Mel Kroker on May 23, 2016.

17. Documents relating to communications with customers regarding water quality or water pressure and any corrective actions taken.

Company Response: The Company has located no documents responsive to this request.

- 18. Documents relating to communications with customers regarding operation of the water system including, but not limited to, wells identified and used as a backup water supply.**

Company Response: The Company has located no documents responsive to this request.

- 19. Please provide copies of your responses to Staff Request No. 14, as well as your responses to any subsequent data requests from PUC Staff in this proceeding, excepting responses to PUC Staff Requests Nos. 15-21. This is an ongoing request.**

Company Response: No “Staff Request No. 14” exists—Staff’s data requests skipped from No. 13 to No. 15. The Company will electronically serve all future responses to the UM 1769 service list.

/s/ Jennie L. Bricker

Jennie L. Bricker, OSB No. 975240
Attorney for Mountain Home Water District

Direct Telephone: 503-928-0976

E-Mail: jennie@jbrickerlaw.com

818 SW Third Avenue, PMB 1517
Portland, OR 97204

cc: UM 1769 Service List (electronic only)

**Jennie Bricker
Land & Water Law**

818 SW Third Avenue, PMB 1517
Portland, Oregon 97204

Email: jennie@jbrickerlaw.com
Telephone: 503-928-0976

October 26, 2016

Peter D. Mohr
Jordan Ramis PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035

**Re: UM 1769
Response to Data Request Nos. 20-21**

Following are Mountain Home Water District's responses to Data Request Nos. 20 and 21, each dated October 18, 2016, from intervenors Mel and Connie Kroker.

20. Please explain when the District proposes to complete abandonment of the well, which the District has alleged has failed on page 2, paragraph (d), in its Application for Termination, dated April 1, 2016, and provide all documents relating to such abandonment.

Company Response: As required under OAR 690-220-0035, the District will complete abandonment of the original well within one year of the date the replacement well became functional, on or about May 1, 2016. The District has no documents relating to such abandonment, but has requested a proposal from Olsen's Well Drilling and will provide that document to the parties when the District receives it.

- 21. Intervenors request permission for entry upon all lands necessary in order to inspect the water system including, but not limited to:**
- 1. The “smaller, private well” referenced on page 2, paragraph (e), of the District’s Application for Termination, dated April 1, 2016 (“Application”);**
 - 2. The well the District alleges has failed on page 2, paragraph (d) of the Application;**
 - 3. The “replacement well,” as referenced in the District’s response to Staff Request No. 4.**

Company Response: Intervenors have requested an inspection date of October 28, 2016, “at any time between the hours of 8:00 a.m. and 5:00 p.m.,” for a minimum of two hours. The District will accommodate the request. Specifically, the District will make the water system available for inspection from 3:00 p.m. to 5:00 p.m. on October 28, 2016, provided that Intervenors’ attorney is present. PUC Staff is also welcome to attend.

/s/ Jennie L. Bricker
Jennie L. Bricker, OSB No. 975240
Attorney for Mountain Home Water District

Direct Telephone: 503-928-0976
E-Mail: jennie@jbrickerlaw.com
818 SW Third Avenue, PMB 1517
Portland, OR 97204

cc: UM 1769 Service List (electronic only)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That G. Dale Belford

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Melvin R. and Connie M. Kroker, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

A tract of land located in the Northwest one-quarter of Section 33, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, being in Lot 11 of the "Mapleheights" Subdivision, more particularly described as follows:

Beginning at the Southwest corner of said Lot 11; thence North 18° 03' 00" West 299.62 feet along the West line of said Lot 11; thence North 84° 31' 50" East 491.47 feet more or less to an angle point in Turner Road which bears South 72° 20' 00" West 166.33 feet from the Southeasterly corner of said Lot 11; thence from said angle point along the centerline of said Turner Road and the South line of said Lot 11, being one and the same; thence South 36° 48' 00" West 216.50 feet to an angle point in the centerline of said Turner Road; thence South 59° 18' 00" West 310.18 feet to the Point of Beginning. Containing therein 1.945 Acres.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$9,500.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 30th day of April, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

G. Dale Belford

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,)
County of Multnomah) ss.
April 30, 1976

STATE OF OREGON, County of) ss.
19

Personally appeared the above named G. Dale Belford

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

and acknowledged the foregoing instrument to be his voluntary act and deed.

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: *Patricia L. Oliver*

Before me:

(OFFICIAL SEAL) Notary Public for Oregon
My commission expires: 3/6/78

(OFFICIAL SEAL) Notary Public for Oregon
My commission expires:

G. Dale Belford
4131 S. W. Hillsdale
Portland, Oregon 97201
GRANTOR'S NAME AND ADDRESS

Melvin R. and Connie M. Kroker
30 N. W. 23rd Place
Portland, Oregon 97210
GRANTEE'S NAME AND ADDRESS

After recording return to:
G. Dale Belford
4131 S. W. Hillsdale
Portland, Oregon 97201
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following add:
Melvin R. and Connie M. Kroker
30 N. W. 23rd Place
Portland, Oregon 97210
NAME, ADDRESS, ZIP

STATE OF OREGON)
County of Clackamas) ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

76 MAY 5 AM 11:08



Witness my hand and seal affixed. GEORGE D. POPPEN, County Clerk Deputy.

Recording Certificate 76 14236

76 14236

WARRANTY DEED

4-30-76

5-5-76

76-1423C

DECLARATION OF CONDITIONS AND RESTRICTIONS

DECLARATION made this 14 day of March, 1974, by G. DALE BELFORD, as owner in fee simple of that certain real property described in Instrument No. 73-39756, Recording Department, Clackamas County Courthouse. The purpose of this declaration is to subject said real property to a fifty foot wide easement, and a five foot wide water line easement, as follows:

A strip of land 50.00 feet in width, over a portion of the Northwest one-quarter of Section 33, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, the centerline of said strip being 25.00 feet on each side and described as follows:

Beginning at the Northwest corner of Lot 11 of the "Mapleheights" Subdivision; thence along the line between said Lot 11 and Lot 6 of same said subdivision North $71^{\circ} 56' 57''$ East 60.00 feet to the beginning of a tangent 175.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 238.24 feet through a central angle of $78^{\circ} 00' 00''$ to a point of reverse curvature with the arc of a 200.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 225.15 feet through a central angle of $64^{\circ} 30' 00''$ to a point of compound curvature with the arc of a 835.00 foot radius curve to the left; thence Easterly along the arc of said curve 411.70 feet through a central angle of $28^{\circ} 15' 00''$ to a point of compound curvature with the arc of a 250.00 foot radius curve to the left; thence Northerly along the arc of said curve 373.06 feet through a central angle of $85^{\circ} 30' 00''$; thence North $28^{\circ} 18' 03''$ West 163.47 feet to the beginning of a 215.00 foot radius curve to the left; thence Northwesterly along the arc of said curve 253.12 feet through a central angle of $67^{\circ} 27' 13''$; thence South $84^{\circ} 14' 45''$ West 132.16 feet to the terminus point of said centerline of said strip, said point also being on the East line of said Lot 6 of said subdivision, bearing North $18^{\circ} 03' 00''$ West 360.00 feet from the Southeast corner of said Lot 6.

For purposes of ingress and egress.

For a 5.00 foot wide water line easement, being 2.5 feet on each side of the following described centerline:

Beginning at the Northwesterly corner of Lot 11, "Mapleheights", a subdivision of record located in the Northwest one-quarter of Section 33, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon; thence along the North line of said Lot 11 North $71^{\circ} 57' 00''$ East 380.92 feet; thence South $18^{\circ} 03' 00''$ East 317.38 feet to the TRUE POINT OF BEGINNING; thence South $00^{\circ} 56' 40''$ East 4.63 feet; thence South $07^{\circ} 26' 50''$ West 120.90

LAW OFFICE OF
DUFFY, STOUT, GEORGESON & LAHL
1404 STANDARD PLAZA
PORTLAND, OREGON 97204
1 - Declaration

74 6127

feet; thence South 21° 27' 50" West 20.00 feet;
thence South 27°13'24" West 20.05 feet; thence South
39° 41' 04" West 26.06 feet; thence South 05° 28' 10"
East 56.39 feet to the terminus point of the centerline
of said 5 foot wide easement which bears South
18° 03' 00" East 470.00 feet; thence North 84° 11' 50"
East 272.78 feet from the Northwest corner of said
Lot 11, "Mapleheights".

IN WITNESS WHEREOF, G. Dale Belford has executed this
declaration the day and year first above written

G. Dale Belford
G. Dale Belford

State of Oregon)
County of *Multnomah*) ss.

March 14, 1974

Personally appeared the above named G. Dale Belford
and acknowledged the foregoing instrument to be his voluntary
act and deed.

Before me:

Marilyn J. Scruvina
Notary Public for Oregon
My commission expires: 5-18-75



74 6127

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

I, George D. Poppen, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at

1974 MAR 14 PM 12 28

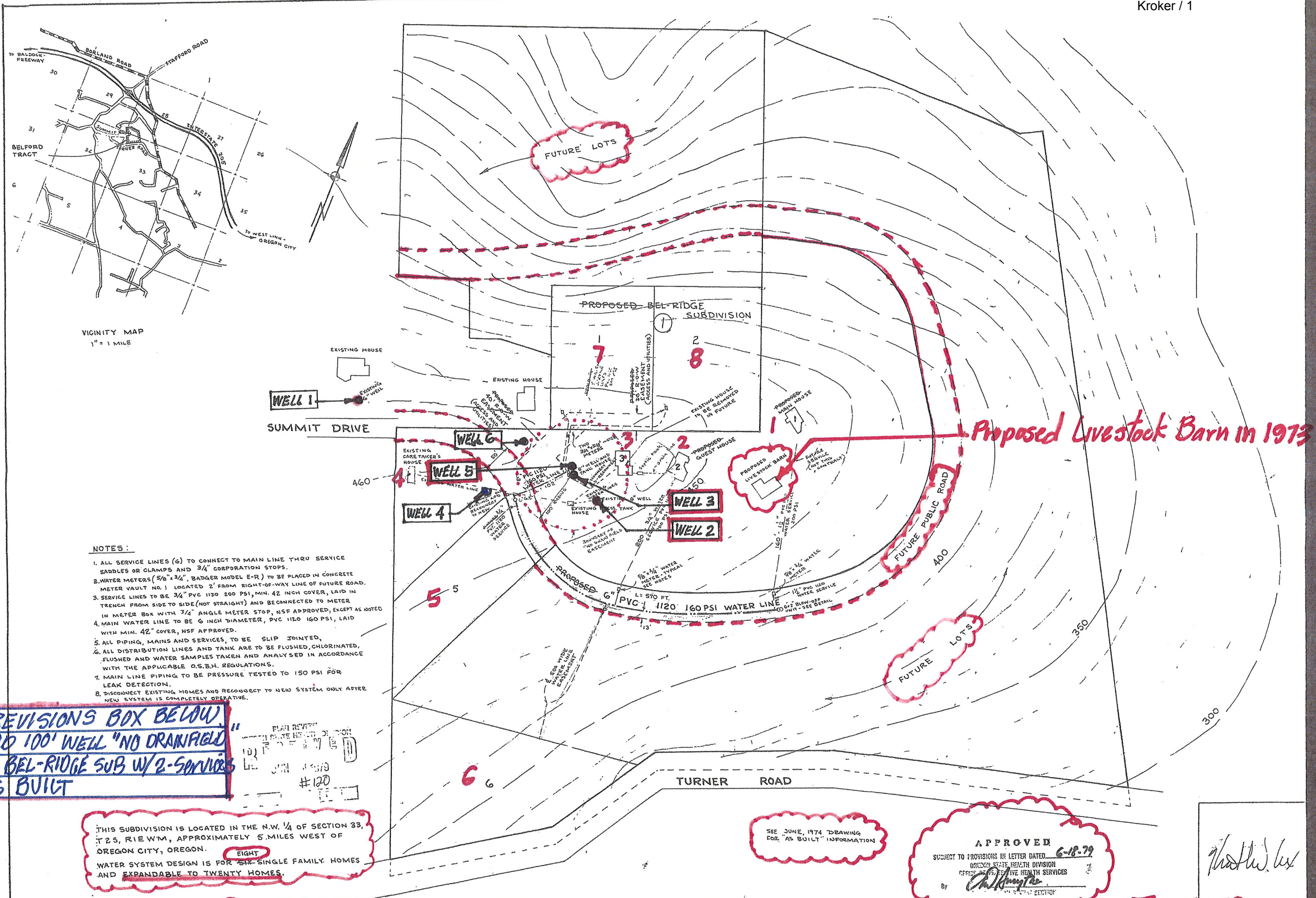
DEED

WIT my hand and seal affixed
GEORGE D. POPPEN
County Clerk,
George D. Poppen
Deputy,
Recording
CLACKAMAS COUNTY, OREGON

LAW OFFICE OF
DUFFY, STOUT, GEORGESEN & DAHL
1404 STANDARD PLAZA
PORTLAND, OREGON 97204

2 - Declaration

2



NOTES:

1. ALL SERVICE LINES (6") TO CONNECT TO MAIN LINE THRU SERVICE SADDLES OR CLAMPS AND 3/4" CORPORATION STOPS.
2. WATER METERS (5/8" x 3/4", BADGER MODEL E-R) TO BE PLACED IN CONCRETE METER VAULT NO. 1 LOCATED 2' FROM RIGHT-OF-WAY LINE OF FUTURE ROAD.
3. SERVICE LINES TO BE 3/4" PVC 1120 200 PSI, MIN. 42" INCH COVER, LAID IN TRENCH FROM SIDE TO SIDE (NOT STRAIGHT) AND BE CONNECTED TO METER IN METER BOX WITH 3/4" ANGLE METER STOP, NSF APPROVED, EXCEPT AS NOTED.
4. MAIN WATER LINE TO BE 6" INCH DIAMETER, PVC 1120 160 PSI, LAID WITH MIN. 42" COVER, NSF APPROVED.
5. ALL PIPING, MAINS AND SERVICES, TO BE SLIP JOINTED.
6. ALL DISTRIBUTION LINES AND TANK ARE TO BE FLUSHED, CHLORINATED, FLUSHED AND WATER SAMPLES TAKEN AND ANALYSED IN ACCORDANCE WITH THE APPLICABLE O.S.B.H. REGULATIONS.
7. MAIN LINE PIPING TO BE PRESSURE TESTED TO 150 PSI FOR LEAK DETECTION.
8. DISCONNECT EXISTING HOMES AND RECONNECT TO NEW SYSTEM ONLY AFTER NEW SYSTEM IS COMPLETELY OPERATIVE.

TEXT IN REVISIONS BOX BELOW
 11-3-73 ADD 100' WELL "NO DRAINFIELD"
 4-16-73 ADD BEL-RIDGE SUB W/ 2-SERVICES
 5-31-79 AS BUILT

THIS SUBDIVISION IS LOCATED IN THE N.W. 1/4 OF SECTION 33, T2S, R1E W.M., APPROXIMATELY 5 MILES WEST OF OREGON CITY, OREGON.
 EIGHT WATER SYSTEM DESIGN IS FOR SIX SINGLE FAMILY HOMES AND EXPANDABLE TO TWENTY HOMES.

SEE JUNE, 1974 DRAWING FOR "AS BUILT" INFORMATION

APPROVED
 SUBJECT TO PROVISIONS IN LETTER DATED 6-18-79
 OREGON STATE HEALTH DIVISION
 OFFICE OF PUBLIC HEALTH SERVICES
 By *[Signature]*
 HEALTH OFFICER

June 1979

| | | | |
|-------------|--|-------|------------|
| DESIGNED BY | KWC | DATE | JUNE, 1973 |
| DRAWN BY | KWC | SCALE | 1" = 100' |
| REVISIONS | 11-3-73 ADD 100' WELL #41-05507 4-16-73 ADD BEL-RIDGE SUB W/ 2-SERVICES 5-31-79 AS BUILT | | |

KENT W. COX
 CONSULTING ENGINEER
 P.O. BOX 671 GRESHAM, OREGON 97030 668-5134
 ROUTE 2 BOX 1112 SANDY, OREGON 97055

BELFORD SUBDIVISION
 WATER SYSTEM DESIGN - DISTRIBUTION SHEET 1/3

Clackamas County Official Records
Sherry Hall, County Clerk

2013-025702



\$88.00

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04/15/2013 3:15:33 PM

PD-PAR Cnt=1 Stn=11 TINAJAR
\$45.00 \$16.00 \$17.00 \$10.00

PARTITION PLAT

OWNER: KEITH L IRONSIDE JR
KEITH L IRONSIDE JR-TRUSTEE
GLADYS BEDDOE CREDIT SHELTER-TRUST

CONSENT: N/A

DATE: April 15, 2013

PARTITION NUMBER: 2013-015

SURVEYOR'S CERTIFICATE

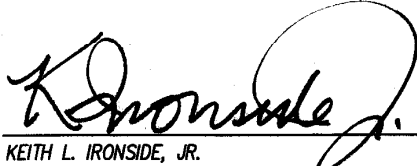
I, MICHAEL A. RADEMACHER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, CERTIFY AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, THE BOUNDARY BEING DESCRIBED AS FOLLOWS:

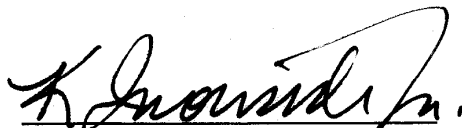
A REPLAT OF A PORTION OF LOT 11, "MAPLEHEIGHTS", PLAT NO. 286, AND OTHER PROPERTY, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND THE NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 5/8" DIAMETER IRON ROD AT THE MOST EASTERLY CORNER OF TRACT "A", "BEL-RIDGE", A SUBDIVISION PLAT OF RECORD (NO. 2035) IN SAID CLACKAMAS COUNTY; THENCE ALONG THE SOUTH LINE OF "BEL-RIDGE", N71°57'00"E 243.28 FEET TO THE WESTERLY POINT OF THAT TRACT OF LAND DESCRIBED IN DEED TO KEITH L. IRONSDIE, JR., AND GLADYS M. BEDDOE, RECORDED MARCH 15, 1988, IN DOCUMENT NO. 88-09825, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHERLY LINE THEREOF, N60°28'58"E 75.61 FEET TO THE EAST LINE OF LOT 2, "BEL-RIDGE"; THENCE ALONG SAID EAST LINE AND ITS NORTHERLY EXTENSION, N18°05'00"W, 319.43 FEET TO THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED AS PARCEL II IN DEED TO KEITH L. IRONSDIE, JR., TRUSTEE OF THE GLADYS BEDDOE CREDIT SHELTER TRUST, RECORDED SEPTEMBER 29, 2005, IN DOCUMENT NO. 2005-095825, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE BOUNDARY OF SAID PARCEL II THE FOLLOWING EIGHT COURSES: N84°14'47"E 126.86 FEET; THENCE 223.68 FEET ALONG THE ARC OF A 190.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 67°27'13" (THE LONG CHORD BEARS S62°01'37"E 210.99 FEET); THENCE S28°18'00"E, 163.47 FEET; THENCE 335.76 FEET ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 85°30'00" (THE LONG CHORD BEARS S14°27'00"W 305.46 FEET); THENCE S32°48'00"E 50.00 FEET; THENCE 424.02 FEET ALONG THE ARC OF A 860.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28°15'00" (THE LONG CHORD BEARS S71°19'30"W 419.75 FEET); THENCE 253.29 FEET ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 64°30'00" (THE LONG CHORD BEARS N62°18'00"W 240.13 FEET); THENCE 39.37 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15°02'13" (THE LONG CHORD BEARS N37°34'07"W 39.25 FEET) TO THE MOST SOUTHERLY CORNER OF SUMMIT ROAD (50.00 FEET WIDE); THENCE ALONG SAID SUMMIT ROAD N44°54'47"E 50.00 FEET TO THE MOST SOUTHERLY CORNER OF TRACT "A", "BEL-RIDGE"; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT "A", N29°03'32"E 123.55 FEET TO THE INITIAL POINT. CONTAINING 288,477 SQUARE FEET (6.62 ACRES) MORE OR LESS.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENT THAT KEITH L. IRONSDIE, JR. AND KEITH L. IRONSDIE, JR., TRUSTEE OF THE GLADYS BEDDOE CREDIT SHELTER TRUST, OWNERS OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION PLAT OF SAID PROPERTY AND THAT HE HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED INTO PARCELS WITH EASEMENTS, GRANTED AS SHOWN, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES. THE PLATTED PROPERTY HEREON IS SUBJECT TO RESTRICTIONS AS NOTED HEREON. THE DECLARANT MAKES NO CLAIM TO LAND BEYOND THE BOUNDARY AS PLATTED AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE.


KEITH L. IRONSDIE, JR.


KEITH L. IRONSDIE, JR., TRUSTEE
GLADYS BEDDOE CREDIT SHELTER TRUST

NARRAT

- 1) CLIENT:
- 2) THE PUR IN DEED DOCUM NO. 88-09825, PLANNING FILE
- 3) BASIS OF FOUND 1/2" DI "MAPLE HEIGHT" FOR THIS MAP.
- 4) THE SUB. S.N. 15351. TH SURVEYOR, BEL CLIENT OR NAR
- RECORD R. PROPERTY, GIVING S.N.
- SEVERAL I DISTINCT I MAP INDIC CAPPED W PARCELS I
- 5) A RANDI SUBJECT TRAC THE BOUNDARY
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- 6) THE FIFT BOUNDARY OF
- A PORTIO 97-0908 THE END FACE OF
- 7) THE DAY

Clackamas County Official Records
Sherry Hall, County Clerk

2013-027244

After Recording Return To:
Leanne M. Bowker, Esq.
Harris & Bowker, LLP
10300 SW Greenburg Rd., Suite 530
Portland, OR 97223-5486



\$48.00

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D-D Cnt=1 Stn=2 CONNIEBRO
\$5.00 \$10.00 \$16.00 \$17.00

Send Tax Statements To:
Keith L. Ironside
2323 Buckman Road
West Linn, OR 97068

STATUTORY BARGAIN AND SALE DEED

Keith L. Ironside, Jr., Trustee of the Gladys Beddoe Credit Shelter Trust, Grantor, conveys to Keith L. Ironside, Jr., Grantee, all of the Grantor's 50% undivided interest in the real property and improvements located in Clackamas County, Oregon commonly known as 2323 Buckman Road, West Linn, OR 97068 and legally described as follows:

Parcel 1, Partition Plat No. 2013-015, County of Clackamas and State of Oregon.

The true consideration for this conveyance is \$0.00. Grantor is making an authorized distribution of trust property.

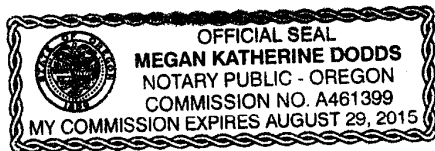
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2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

DATED this 18 day of April, 2013.

Keith L. Ironside, Jr., Trustee, Grantor

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on April 18, 2013, by Keith L. Ironside, Jr., Trustee of the Gladys Beddoe Credit Shelter Trust.



Notary Public for Oregon
My Commission Expires: 8/29/2015

Clackamas County Official Records
Sherry Hall, County Clerk

2013-027245



\$48.00

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04/22/2013 2:07:15 PM

D-D Cnt=1 Stn=2 CONNIEBRO
\$5.00 \$10.00 \$16.00 \$17.00

After Recording Return To:
Leanne M. Bowker, Esq.
Harris & Bowker, LLP
10300 SW Greenburg Rd., Suite 530
Portland, OR 97223-5486

Send Tax Statements To:
Valerie I. Meyer
2323 Buckman Road
West Linn, OR 97068

STATUTORY BARGAIN AND SALE DEED

Keith L. Ironside, Jr., Grantor, conveys to Valerie I. Meyer, Grantee, all of the Grantor's interest in the real property and improvements located in Clackamas County, Oregon commonly known as 2323 Buckman Road, West Linn, OR 97068 and legally described as follows:

Parcel 1, Partition Plat No. 2013-015, County of Clackamas and State of Oregon.

The true consideration for this conveyance is love and affection.

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

DATED this 18 day of April, 2013.

Keith L. Ironside, Jr., Grantor

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on April 18, 2013, by Keith L. Ironside, Jr.



Notary Public for Oregon
My Commission Expires: 8/29/2015

CONTRACT—REAL ESTATE

THIS CONTRACT, Made this 1st day of December, 1974, between
G. DALE BELFORD, hereinafter called the seller,
and MELVIN R. KROKER AND CONNIE M. KROKER, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Clackamas County, State of Oregon, to-wit:

A tract of land located in the Northwest one-quarter of Section 33, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, being in Lot 11 of the "Mapleheights" Subdivision, more particularly described as follows:

Beginning at the Southwest corner of said Lot 11; thence North 18° 03' 00" West 299.62 feet along the West line of said Lot 11; thence North 84° 31' 50" East 491.47 feet more or less to an angle point in Turner Road which bears South 72° 20' 00" West 166.33 feet from the Southeasterly corner of said Lot 11; thence from said angle point along the centerline of said Turner Road and the South line of said Lot 11, being one and the same; thence South 36° 48' 00" West 216.50 feet to an angle point in the centerline of said Turner Road; thence South 59° 18' 00" West 310.18 feet to the Point of Beginning.

Containing therein 1.945 Acres.

for the sum of ***NINE THOUSAND FIVE HUNDRED*** Dollars (\$9,500.00) (hereinafter called the purchase price) on account of which ***TWO THOUSAND*** Dollars (\$2,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller), and the remainder to be paid to the order of the seller at the times and in amounts as follows, to-wit:

On the first day of January, 1975 and on the first day of each succeeding month thereafter, the buyers will pay to the seller the amount of \$100.00 to be applied first to the payment of interest at the rate of 10% per annum (computed on the then principal balance on a 365-day basis), the remainder to be applied to principal until fully paid. The buyers, at their option, may pay the then balance, in full, on the first day of any month.

The buyer warrants to and covenants with the seller that the real property described in this contract is (A) primarily for buyer's personal, family, household or agricultural purposes, (B) for an organization or (even if buyer is a natural person) is for business or commercial purposes other than agricultural purposes.

All of said purchase price may be paid at any time; all delinquent balances of said purchase price shall bear interest at the rate of ten (10) per cent per annum from (as described above) until paid, interest to be paid and being included in the minimum regular payments above required. Taxes on said premises for the current tax year shall be prorated between the parties hereto as of the date of this contract. The buyer shall be entitled to possession of said lands on December 1, 1974, and may retain such possession so long as he is not in default under the terms of this contract. The buyer agrees that at all times he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens; that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due; that at buyer's expense, he will insure and keep insured all buildings now or hereafter erected on said premises against loss or damage by fire (with extended coverage) in an amount not less than Not applicable. The seller agrees that at his expense and within days from the date hereof, he will furnish unto buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. Seller also agrees that when said purchase price is fully paid and, upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since said date placed, permitted or arising by, through or under seller, excepting, however, the said easements and restrictions and the taxes, municipal liens, water rents and public charges so assumed by the buyer and further excepting all liens and encumbrances created by the buyer or his assigns.

(Continued on reverse)

*IMPORTANT NOTICE: Delete, by lining out, whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable and if the seller is a creditor, as such word is defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures; for this purpose, use Stevens-Neess Form No. 1308 or similar unless the contract will become a first lien to finance the purchase of a dwelling in which event use Stevens-Neess Form No. 1307 or similar.

G. Dale Belford
4131 S. W. Hillsdale Avenue
Portland, Oregon 97201
SELLER'S NAME AND ADDRESS

Melvin R. Kroker and Connie M. Kroker
30 N. W. 23rd Place
Portland, Oregon 97210
BUYER'S NAME AND ADDRESS

After recording return to:
G. Dale Belford
4131 S. W. Hillsdale Avenue
Portland, Oregon 97201
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:
Melvin R. Kroker and Connie M. Kroker
30 N. W. 23rd Place
Portland, Oregon 97210
NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.
County of }
I certify that the within instrument was received for record on the day of , 19, at o'clock, M., and recorded in book on page or as file/reel number. Record of Deeds of said county. Witness my hand and seal of County affixed.

By Recording Officer Deputy

Dec. 1, 1974

74 35545 (1)

Recorded by Pioneer National Title Insurance Company

74-35595 (1)

Dec 1, 1979

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and rest in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this contract and such payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 9,500.00 (However, the actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)) (None)

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the buyer agrees to pay such sum as the court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action and if an appeal is taken from any judgment or decree of the trial court, the buyer further promises to pay such sum as the appellate court shall adjudge reasonable as plaintiff's attorney's fees on such appeal.

In construing this contract, it is understood that the seller or the buyer may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have executed this instrument in duplicate; if either of the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal affixed hereto by its officers duly authorized thereunto by order of its board of directors.

G. Dale Belford
G. Dale Belford

Melvin R. Kroker
Melvin R. Kroker
Connie M. Kroker
Connie M. Kroker

NOTE—The sentence between the symbols (), if not applicable, should be deleted. See ORS 93.030.

STATE OF OREGON,
County of Multnomah } ss.
Dec. 20, 1974

STATE OF OREGON, County of _____) ss.
_____, 19____
Personally appeared _____ and _____

Personally appeared the above named *G. Dale Belford*, *Melvin R. Kroker*, and *Connie M. Kroker*

_____ who, being duly sworn, each for himself and not one for the other, did say that the former is the _____ president and that the latter is the _____ secretary of _____

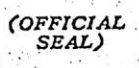
and acknowledged the foregoing instrument to be _____ voluntary act and deed.

_____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
Paulina J. Scivens
Paulina J. Scivens
Notary Public for Oregon
My commission expires 3-19-75

Before me:

Notary Public for Oregon
My commission expires: _____



(DESCRIPTION CONTINUED)

It is further agreed that the seller will subrogate his interest in the subject property in favor of a mortgagee at such time as the buyers construct a family home on the property, provided seller shall have the option, with the knowledge and consent of the mortgagee, to reacquire the property by assuming the mortgage and acquiring the buyer's equity in the improved property (by negotiation if possible, otherwise by arbitration) in the event of the default of the buyer of the mortgage terms.

Seller warrants that he is the owner of the Bel-Ridge Water System, approved as to design and quality to satisfy all known existing regulations, from which the buyer will be supplied water, on demand at going rates, from any day on or after the date of this contract and that such water service will continue for so long as the well supplying the system, the well being a part of the system, continues to be adequate for such supply.

The parties hereto understand that the seller has granted a five-foot wide water line easement through his contiguous property to that being sold, which assures uninterrupted water line access to the property herein described. The contiguous property is described in deed identified on Clackamas County records as number 73 39756; the restrictive easement is established by declaration filed March 14, 1974, Clackamas County recorded number 74 6127.

Handwritten notes and signatures on the left margin.

STATE OF OREGON, }
County of Clackamas, } ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

1974 DEC 24 PM 2 04



74-35545 (2)

74 35545

74 35545 (2)

Dec 24, 1974

Dec 1, 1974