Application for Water Right Temporary or Drought Temporary Transfer

Part 1 of 5 - Minimum Requirements Checklist



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900 www.oregon.gov/OWRD

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This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

Chec	k all item	ns included with this application. (N/A = Not Applicable)	2021
		Part 1 – Completed Minimum Requirements Checklist.	.061
		Part 2 – Completed Temporary Transfer Application Map Checklist.	
		Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, are completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator.	nd
		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about Transferred Water Rights: How many water rights are to be transferred? 2 List them here: 22676 & 26647	
		Please include a separate Part 5 for each water right. (See instructions on page 6)	
	□ N/A	For standard Temporary Transfer (one to five years) Begin Year: 2021 End Year: 2026.	
	N/A	Temporary Drought Transfer (Only in counties where the Governor has declared drought)	
Atta	chments:		
		Completed Temporary Transfer Application Map.	
		Completed Evidence of Use Affidavit and supporting documentation.	
		Current recorded deed for the land from which the authorized place of use is temporarily being moved.	
	⊠ N/A	Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)	
	⊠ N/A	Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.	
	□ N/A	Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if <u>all</u> of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.	al
	⊠ N/A	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).	I
	WE AR Ap La	RE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): pplication fee not enclosed/insufficient Map not included or incomplete and Use Form not enclosed or incomplete dditional signature(s) required Part is incomplete /Explanation Phone: Date:	

Part 2 of 5 – Temporary Transfer Application Map Checklist

JUN 1 8 2021

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

	N/A	If more than three water rights are involved, separate maps are needed for each water right.
\boxtimes		Permanent quality printed with dark ink on good quality paper.
\boxtimes		The size of the map can be $8\% \times 11$ inches, $8\% \times 14$ inches, 11×17 inches, or up to 30×30 inches. For 30×30 inch maps, one extra copy is required.
\boxtimes		A north arrow, a legend, and scale.
\boxtimes		The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
\boxtimes		Township, Range, Section, $\frac{1}{4}$, DLC, Government Lot, and other recognized public land survey lines.
\boxtimes		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
\boxtimes		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
\boxtimes	□ N/A	Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
\boxtimes		Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
	□ N/A	If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example $-42^{\circ}32'15.5''$) or degrees-decimal with five or more digits after the decimal (example -42.53764°).

Part 3 of 5 - Fee Worksheet

rai	t 3 Of 5 — Fee Worksneet		
	FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS		
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
	Number of water rights included in transfer: 2 (2a)		
	Subtract 1 from the number in 3a above: 1 (2b) If only one water right this will be 0		
2	Multiply line 2b by \$260.00 and enter » » » » » » » » » » » »	2	260
	Do you propose to change the place of use for a non-irrigation use?		RECEIV
	No: enter 0 on line 3 » » » » » » » » » » » » » » » » » »		
	☐ Yes: enter the cfs for the portions of the rights to be transferred:(3a)		JUN 18 2
	Subtract 1.0 from the number in 3a above:(3b)		
	If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »		OWR
	If 3b is greater than 0, round up to the nearest whole number:(3c) and		
3	multiply 4c by \$200.00, then enter on line 3	3	0
	Do you propose to change the place of use for an irrigation use?		
	☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » »		
	Yes: enter the number of acres in the footprint of the place of use for the		
	portions of the rights to be transferred: 62.69 (4a)		
4	Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	144.19
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,214.19
	Is this transfer:		
	necessary to complete a project funded by the Oregon Watershed		
	Enhancement Board (OWEB) under ORS 541.932?		
	endorsed in writing by ODFW as a change that will result in a net benefit to		
	fish and wildlife habitat?		
	If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »		
6	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » »	6	NA
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	1,214.19

	FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS		
1	1	\$200.00	
	Enter the cfs for the portions of the rights to be transferred (see example below*):		
	(2a)		
	Subtract 1.0 from the number in 2a above: (2b)		
	If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » »		
	If 2b is greater than 0, round up to the nearest whole number:(2c) and		
2	multiply 2c by \$50, then enter on line 2 » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » Transfer Fee:	3	NA

^{*}Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

^{1.} Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs \div 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 cfs).

^{2.} If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)

^{3.} Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Hamilton Farms LLC				
ADDRESS				FAX NO.
14190 Airlie RD				
CITY	STATE	ZIP	E-MAIL	
Monmouth	OR	97361		
By PROVIDING AN E-MAI	L ADDRESS, CONSE	NT IS GIVEN TO RE	CEIVE ALL CORRESPONDE	NCE FROM THE DEPARTMENT
ELECTRONICALLY. COPIES				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

Agent innormation and age				
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRES ELECTRONICALLY. COPIES OF THE F				ICE FROM THE DEPARTMENT
Explain in your own words we Move irrigation rights over to			nplish with this	transfer application and why:
If you need additional space, cont	tinue on a s	separate piece of pa	per and attach to th	ne application as "Attachment 1".

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

Applicant signature	Matthew Lowistamilton Print Name (and Title if applicable)	<u>(-10-2)</u> Date
Applicant signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?

☐ Yes ☐ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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☐ Check here if any of the water right by an irrigation or other water district Supplemental Form D.)			
DISTRICT NAME	ADDRESS		
NA			
CITY	STATE	ZIP	
☐ Check here if water for any of the r contract for stored water with a fe			
ENTITY NAME	ADDRESS		
NA			
CITY	STATE	ZIP	



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME	ADDRESS		
Polk County	850 Main St		
CITY	STATE	ZIP	
Dallas	OR	97338	

	ENTITY NAME	ADDRESS	
	NA		
	CITY	STATE	ZIP
1			

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form. RECEIVED Water Right Certificate # 26647 JUN 1 8 2021 **Description of Water Delivery System** System capacity: _____ cubic feet per second (cfs) OR OWRD 325 gallons per minute (gpm) Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 75hp fomp w/8" \$ 6" mainline Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.) Is this POD/POA If POA, Tax Lot, POD/POA Authorized on **OWRD Well** Measured Distances DLC or Log ID# (or Name or the Certificate (from a recognized Twp Rng Sec 1/4 1/4 Gov't Well ID Number or is it survey corner) Lot Tag # L-___) Proposed? □ Authorized **DLC 62 POD #1** NA 9 S 5 W 24 NE W □ Proposed ☐ Authorized 100' N & 1,740' W from SE S **POD #2** 9 S NA 5 W SE 16 **Corner Section 16** W □ Proposed ☐ Authorized ☐ Proposed ☐ Authorized ☐ Proposed Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses): Appropriation/Well (POA) \boxtimes Place of Use (POU) \boxtimes Point of Diversion (POD) Additional Point of Appropriation (APOA) Additional Point of Diversion (APOD) Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses): Point of Appropriation/Well (POA) Place of Use (POU) Character of Use (USE) Additional Point of Appropriation (APOA) Additional Point of Diversion (APOD) Point of Diversion (POD) Will all of the proposed changes affect the entire water right? Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the Yes "CODES" listed above to describe the proposed changes. Complete all of Table 2 to describe the portion of the water right to be changed.

⊠ No

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.

Contact the Department at 503-986-0900 and ask for Transfer Staff. Do you have questions about how to fill-out the tables?

Table 2. Description of Temporary Changes to Water Right Certificate # 22676

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

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Proposed			Priorit Date		1901	1901	1949	1949	1949	1949	1949					
Proposed		ANGES	DD(s)/ A(s) to e used from lble 1)		S# QC	9# QC	DD #2	2# dc	2# dc	2# dc	2# QC					
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Proposed	" or "or	FTER PI de.	Acres		10.0	5.0	2.8	7.6	16.2	9.65	9.3					45.55
Proposed	e "to	ear A	Gvt Lot or DLC		1											CRES
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Proposed		listin	Sec		1	2	15	22	21	21	21					
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Figure 2 Figure 2 Figure 3			1,000						0,000		200000					
Part			Twp													
Part		Proposed Changes (see	"CODES" from previous page)	EXAMPLE	POU/POD	"	POU/POD	POU/POD	POU/POD	POU/POD	POU/POD					
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AUTHORIZED (the "from" or The listing that appears on the Certificate Bills only that part or portion of the water rate of the sater rate	"off" lands)	EFORE PROP	Type of USE listed on Certificate		Irrigation	EXAMPLE	Irrigation	Irrigation	Irrigation	Irrigation	Irrigation					
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The listing that appears on the List only that part or portion List only that part or portion List only that part or portion Rng Sec % % Lot Lot Lot S 9 E 15 NE NW NW 9 S 5 W 24 NW NW 9 S 5 W 24 SW NW 9 S 5 W 24 SW NW 9 S 5 W 23 SE NE 11	he "f	Certif of the	Gvt ot or DLC			"										RES
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Additional remarks:_

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Please use and attach additional pages of Table 2 as needed.

Do you have questions about how to fill-out the tables?

Contact the Description at ED9 00E DOOR and all for Tennefor Ctaff

Table 2. Description of Temporary Changes to Water Right Certificate # 26647

List only the part of the right that will be changed. For the acreage in each ¼¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

	Priority Date		1901	1901	1954	1954	1954						
PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.	POD(s)/ POA(s) to be used (from Table 1)		POD #5	9# QOA	POD #2	POD #2	POD #2						
	New Type b of USE		4	4	Irrigation P	Irrigation P	Irrigation P						
PROPOSED (the "to" or "on" lands) is it would appear AFTER PROPOSEI are made.	Acres		10.0	5.0	8.2	7.34	1.6						17.14
the "to" or opear AFTE are made.	Gvt Lot or / DLC		1										\vdash
D (the	Tax L		200	200									TOTAL ACRES
)POSE would			NN	NN	NE	N N	NE						TOT
PRC g as it	х х		MN	SW	N N	NE	SW						
listing	Sec		1	2	21	21	21						
The	Rng		Ш	E .	3	3	5 W						
			8	5 9	5 5	5 5	S						
	Тмр		2	2	6	6	6						
Proposed	"CODES" from previous page)	EXAMPLE	POU/POD	и	POU/POD	POU/POD	POU/POD	POU/POD					
GES	Priority Date		1901	"	1954	1954	1954						
AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.	POD(s) or POA(s) (name or number from Table 1)		POD #1 POD #2	n	POD #1	POD #1	POD #1						
AUTHORIZED (the "from" or "off" lands) isting that appears on the Certificate BEFORE PROPOSED CHAN List only that part or portion of the water right that will be changed.	Type of USE listed on Certificate		Irrigation	EXAMPLE	Irrigation	Irrigation	Irrigation						
om" or icate Bl water r	Acres		15.0	и	9.7	7.34	0.1						17.14
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	Twp		7	"	6	6	6						

Additional remarks:_

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Temporary Transfer Application - Page 1 of 2

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Water Right Certificate # 22676 & 26647

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? \square Yes \square No
If YES, list the certificate, water use permit, or ground water registration numbers:
Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.
If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:
Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip : You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)
AND/OR
Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a proposed well(s) not yet constructed or built, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.
a 2 Construction of Point(s) of Appropriation

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
NA										
									R	ECEIVE
									Jt	N 1 8 202

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STATE OF OREGON

COUNTY OF POLK

JUN 18 2021

CERTIFICATE OF WATER RIGHT

OWAD

This Is to Certify, That E. H. LORENCE

of Route 1. Box 240. Kommouth , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Luckdamute River

a tributary of Willamette River irrigation of 47.31 acres.

for the purpose of

under Permit No. 22946 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from Kay 24. 1954.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.58 cubic foot per second.

or its equivalent in case of rotation, reasured at the point of diversion from the stream. The point of diversion is located in the NET NWT as projected within Meally DLC 462. Section 24. Township 9 South, Range 5 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightleth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

10.7 acres SEt NE as projected within Neally DLC #62
10.0 acres NE SEt as projected within Neally DLC #62
0.1 acre NW SEt as projected within Neally DLC #62
Section 23
7.8 acres SW NW as projected within Neally DLC #62
4.6 acres Lot 3 (SW NW)
6.61 acres Lot 2 (SET NW)
7.5 acres NW SW as projected within Neally DLC #62
Section 24

Township 9 South, Range 5 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date.

13741

LEWIS A. STANLEY

State Engineer

STATE OF OREGON

COUNTY OF POLK RECEIVED

JUN 1 8 202

CERTIFICATE OF WATER RIGHT

OWRE

This Is to Certify, That B. H. LORENCE

, has made proof Oregon . of Route 1, Box 2h0, Monmouth , State of to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Luckiamute River

Willamette River a tributary of

for the purpose of

irrigation

under Permit No. 19640 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby December 9, 1949 confirmed dates from

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.26 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NEINWI, as projected within Neally DLC #62, Section 21, Township 9 South, Range 5 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 22 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is

appurtenant, is as follows:

0.6 acres in the SW4SW4, as projected within Neally DLC #62 Section 13

5.6 acres in the NEARA, as projected within Neally DIC #62 15.2 acres in the N 3/4 SETNET, as projected within Neally DLC #62 Section 23

2.4 acres in Lot I (NEANWA).

3.2 acres in the NEANWA, as projected within Neally DLC #62

31.0 acres in the NY/NW4, as projected within Neally DLC #62
25.2 acres in the N 3/4 SW4NW4, as projected within Neally DLC #62
2.4 acres in the N 3/4 Lot 3 (SW4NW4)
13.79 acres in the N 3/4 Lot 2 (SE4NW4)

1.4 acres in the SETNIA, as projected within Neally DLC #62 Section 24

Tomship 9 South, Range 5 West, W. M.

100.79

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 12th day of

June

, 1957 .

LEVIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16 , page 22676.

JUN 18 2021

OWRD

RECORDED IN POLK COUNTY Valerie Unger, County Clerk

2014-008805



\$66.00

00290215201400088050040047

10/21/2014 02:54:24 PM

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

WARRANTY DEED

Steven L. Hamilton and Beverly L. Hamilton (who may have taken title as Steven Hamilton and Beverly Hamilton), husband and wife, Grantors, convey and warrant to Hamilton Farms, LLC, an Oregon limited liability company, Grantee, the following described real property:

SEE "EXHIBIT A" attached hereto

Tax Account Nos. 186245, 480495, 341994, 445122, 447534, 447564, 174556, 186331, and 529590.

The true and actual consideration for this conveyance is other property or value given or promised.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE AMOUNT, NATURE AND TERMS OF ANY RIGHT OR INDEMNIFICATION AVAILABLE TO GRANTORS UNDER ANY TITLE INSURANCE POLICY, AND GRANTORS SHALL HAVE NO LIABILITY OR OBLIGATION EXCEPT TO THE EXTENT THAT REIMBURSEMENT FOR SUCH LIABILITY OR OBLIGATION IS AVAILABLE TO GRANTORS UNDER ANY SUCH TITLE INSURANCE POLICY.

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 15th day of October, 2014.

Steven L. Hamilton

STATE OF OREGON

) SS

The forgoing instrument was acknowledged before me this day of October, 2014, by Steven L. Hamilton and Beverly L. Hamilton, husband and wife.

OFFICIAL SEAL
VICKI A PETERSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 456627
MY COMMISSION EXPIRES APRIL 19, 2015

AFTER RECORDING, RETURN TO: Churchill, Leonard PO Box 804 Salem, OR 97308

County of Marion

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

Notary Public for Oregon

My Commission expires:

Hamilton Farms, LLC 14190 Airlie Rd. Monmouth, OR 97361

Page 1 - WARRANTY DEED

aws 11938 deed 201 1 3 7 4 1

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EXHIBIT A

Parcel 1:

A portion of the Donation Land Claim of David R. Lewis, Notification No. 2453, Claim No. 55, in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, as follows, to-wit:

Beginning at the Southwest corner of said Claim; thence North 1° 24' East 54.25 chains; thence East 31.42 chains to a point 1 chain East of the Section line between Sections 17 and 18; thence South 39.56 chains to the South line of said Lewis Donation Land Claim; thence South 67° West about 36.30 chains along the said South line of said Donation Land Claim to the place of beginning.

EXCEPTING THEREFROM the following: Beginning at a planted stone 16 inches long and 10 inches in diameter, 54.25 chains North 1° 24' East from the Southwest corner of the David R. Lewis and wife's Donation Land Claim, Notification No. 2453, Claim No. 55 in Section 19, Township 9 South, Range 5 West of the Willamette Meridian; thence running East 13 1/3 rods; thence South 12 rods; thence West 13 1/3 rods, more or less, to the West line of said Claim; thence North on said line to the place of beginning.

ALSO SAVE AND EXCEPT a tract of land conveyed to Jeffery A. Jackets, et ux, by deed recorded September 9, 1971, in Book 21, Page 655, Book of Records, and re-recorded in Book 22, Page 727, Polk County, Oregon. (Parcel #186245)

Parcel 2:

Beginning at a stone a distance of 54.25 chains North 1°24' East from the Southwest corner of the Donation Land Claim of D. R. Lewis, Notification No. 2453, Claim No. 55 in Township 9 South, Range 5 West of the Willamette Meridian, and running thence East a distance of 23.16 chains to a stone; thence North a distance of 4.75 chains to a stone; thence West a distance of 23.07 chains to the West line of said Lewis Donation Land Claim; thence South 1°24' West a distance of 4.75 chains to the place of beginning.

ALSO, beginning at a point a distance of 59.00 chains North 1°24' East from the Southwest corner of said D. R. Lewis Donation Land Claim; thence East a distance of 23.07 chains to a rock; thence North a distance of 7.26 chains; thence West a distance of 23.07 chains to the East boundary line of the John Lewis Donation Land Claim; thence South 1°24' West along the John Lewis Donation Land Claim East boundary line to the place of beginning.

ALSO, beginning at a point a distance of 66.26 chains North 1°24' East from the Southwest corner of the D. R. Lewis Donation Land Claim, Notification No. 2453, Claim No. 55 in Township 9 South, Range 5 West of the Willamette Meridian, thence East a distance of 23.07 chains; thence North a distance of 5.26 chains to a rock in the center of the County Road to Independence; thence North 73°30' West a distance of 23.97 chains to the Northwest corner of that property described in Warranty Deed recorded November 16, 1990, in Book 236, Page 2160, Book of Records for Polk County, Oregon; thence South 1°24' West along the West boundary of the said D. R. Lewis Donation Land Claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point a distance of 66.26 chains North 1°24' East from the Southwest corner of the D. R. Lewis Donation Land Claim, Notification No. 2453, Claim No. 55 in Township 9 South, Range 5 West of the Willamette Meridian, and running thence East a distance of 4.14 chains; thence North a distance of 11.87 chains; thence North 73°30' West a distance of 4.182 chains; thence South 1°24' West along the West line of the said D. R. Lewis Donation Land Claim a distance of 12.06 chains to the place of beginning.

FURTHER EXCEPTING THEREFROM any portion lying within the boundaries of roads and/or highways. (Parcel #480495)

Parcel 3:

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

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT, WHICH LIES NORTH OF SIMPSON ROAD, POLK COUNTY ROAD #954, TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE MATTHEW M. NEALY DONATION LAND CLAIM NO. 62 IN TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; RUNNING THENCE NORTH 36°54'24" EAST 1880.00 FEET; THENCE NORTH 64°10' WEST 365.68 FEET; THENCE NORTH 28°50'02" EAST 5709.11 FEET TO THE NORTH LINE OF SAID CLAIM; THENCE ALONG SAID NORTH LINE, NORTH 82°20'41" WEST 942.44 FEET; THENCE SOUTH 28°50'02" WEST 3468.46 FEET; THENCE SOUTH 62°25' EAST 260.50 FEET; THENCE SOUTH 05°20'03" WEST 356.46 FEET; THENCE NORTH 62°25' WEST 402.67 FEET; THENCE SOUTH 28°50'02" WEST 3674.54 FEET TO A POINT ON THE SOUTH LINE OF SAID NEALLY CLAIM WHICH IS 1864.50 FEET SOUTH 76°08'35" EAST FROM THE SOUTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 76°08'35" EAST 1014.43 FEET TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PUBLIC ROADS, HIGHWAYS AND RAILROAD RIGHT OF WAYS.

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NOTE: This legal description was created prior to January 1, 2008.

Also: An appurtenant easement 20 feet in width for a water pipeline, the centerline of which is more particularly described as follows: Beginning at the Northeast corner of the Matthew M. Neally Donation Land Claim No. 62 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence along the North line of said Donation Land Claim North 82°20'41'' West 920.03 feet; thence South 28°50'02'' West 950 feet to the true place of beginning; thence South 82°20'41'' East to the low water line of the Luckiamute River, said easement being recorded May 8, 2009 in 2009-005454 Book of Records for Polk County, Oregon (Parcel #341994)

Parcel 4:

All of the following described tract of land lying North of the Valley and Siletz Railroad, more particularly described as follows, to-wit:

Beginning at a point North 72° East 1.03 chains from the Southwest corner of the Donation Land Claim of Rice W. Simpson No. 70 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and running thence South 32 1/2° East 19.15 chains to the North line of the County Road; thence North 56° East along the North side of said Road, 24.88 chains to the center of the County road leading from Lewisville to Airlie; thence North 16° West along the center of said road, 12.93 chains to the South line of said Donation Land Claim of Rice W. Simpson No. 70; thence South 72° West 28.64 chains along said line to the place of beginning.

ALSO: Beginning at the Southwest corner of the Rice W. Simpson Donation Land Claim in Section 30 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 23.22 chains; thence North 56° East 13.22 chains; thence North 32 1/2° West 19.15 chains to the South line of said Donation Land Claim; and thence South 72° West 1.03 chains along said Claim line to the place of beginning.

SAVE AND EXCEPT the right-of-way of the Valley and Siletz Railroad Company.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

SUBJECT TO:

- 1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes and interest.
- Easement, including the terms and provisions thereof, conveyed to Consumers Power, Inc., an Oregon
 corporation, by instrument recorded April 28, 1977, in Volume 103, Page 2437, Books of Records for Polk County,
 Oregon.

(Parcel #445122)

Parcel 5:

Beginning at a point North 72° East 1.03 chains from the Southwest corner of the Donation Land Claim of Rice W. Simpson No. 70 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 32-1/2° East 19.15 chains to the North line of the County Road; thence North 56° East along the North side of said road, 24.88 chains to the center of the County Road leading from Lewisville to Airlie; thence North 16° West along the center of said road, 12.93 chains to the South line of said Donation Land claim of Rice W. Simpson No. 70; thence South 72° West 28.64 chains along said line to the place of beginning.

Also: Beginning at the Southwest corner of the Rice W. Simpson Donation Land Claim in Section 30, Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 23.22 chains, thence North 56° East 13.22 chains; thence North 32-1/2° West 19.15 chains to the South line of said Donation Land Claim; thence South 72° West 1.03 chains along said Claim line to the place of beginning.

Save and except that portion thereof conveyed to Steven L. Hamilton and Beverly L. Hamilton, which said portion is described in that certain Warranty Deed recorded November 13, 1985 in Book of Records 190, Page 1511, and further saving and excepting therefrom the following described tract of land:

Commencing at the intersection of the centerline of Airlie Road (M-7) and the Northerly right of way of Tarter Road, extended, said point is described as being North 72° East 1.03 chains and South 32-1/2° East 19.15 chains and North 56° East 24.88 chains from the Southwest corner of the Donation Land Claim of Rice W. Simpson No. 70 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, (said point of intersection being 2095.83 feet South 82° 07' 55" East by survey from said Donation Land Claim corner); the true point of beginning bears South 59° 41' 15" West 31.38 feet to the intersection of the Northerly and Westerly right of way lines of the aforementioned roads; thence along the Westerly right of way line of said Airlie Road, North 13° 16' 49" West 304.88 feet to the Southerly right of way line of the Valley and Siletz Railroad; thence along said Southerly right of way line, South 75° 45' 11" West 383.94 feet, thence South 15° 30' 22" East 411.42 feet to the Northerly right of way line, South 75° 45' 11" West 383.94 feet, thence South 15° 30' 22" East 411.42 feet to the Point of beginning.

Further saving and excepting therefrom the right of way of the Valley and Siletz Railroad Company; and further saving and excepting therefrom that portion of the hereinabove described tract of land lying within the boundaries of public roads and highways.

(Parcel #447564)

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Parcel 6:

All of the following described property lying in Polk County, Oregon, to-wit: All that portion of the following described property lying West of the County Road No. 9515, also known as Smith Road: Beginning at a point in the main channel of the Little Luckiamute River 681.18 feet, South 5°33' East and 7.17 chains North 82°15' East of the Northwest corner of the Sarah A. Bowman Donation Land Claim No. 51, Notification No. 2807, in Section 6, Township 9 South, Range 5 West, of the Willamette Meridian in Polk County, Oregon; and running thence North 82°15' East 56.18 chains, more or less, to the East line of said Claim No. 51; thence South 25.29 chains along the East Claim line to an anchor post at the Northeast corner of a tract of land conveyed to Laird W. Kaup, et ux, and described in Book 134, Page 397, Deed Records for Polk County, Oregon; thence South 82°15' West along the North line of said Kaup parcel 47.51 chains to the center of the channel of the Little Luckiamute River; thence up the said channel along the line of the tract sold to Wm. A.J. Hoisington, and to his son, to the place of beginning.

SAVE AND EXCEPT: Beginning at a point in the center of the Little Luckiamute River which is 681.12 feet South 5°56'35" East 545.91 feet North 81°51'25" East and 360.69 feet South 21°12'09" East from the Northwest corner of the Sarah Bowman Donation Land Claim No. 51 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence along the center of said channel South 25°31'23" West 184.92 feet; thence South 76°48'35" West 60.25 feet; thence North 20°59'26" West 219.67 feet; thence South 85°08'29" West 196.48 feet; thence South 39°47'14" West 116.10 feet; thence South 53°35'00" East 130.00 feet; thence South 24°53'28" East 157.37 feet; thence South 65°43'15" East 544.10 feet; thence along the center of a constructed channel North 18°53'49" West 554.95 feet to the place of beginning.

SUBJECT TO: FARM AND FOREST DEFERRAL; EASEMENTS AND RESTRICTIONS OF RECORD. (Parcel #174556)

Parcel 7:

Beginning 24.18 chains North of the Southwest corner of the Rice Simpson Donation Land Claim in Township 9 South, Range 5 West of the Willamette Meridian, running thence North on the West line of said Rice Simpson Donation Land Claim 36.58 chains thence West 24 chains; thence South to a division corner established between Henry Tarter and Robert Tarter's land; thence North 72° 30' East of said division line between Henry and Robert Tarter's land 25 chains to the place of beginning.

Parcel 8:

That part of the this property located North of the abandoned Valley and Siletz Railroad right of way.

Beginning 10.52 chains East of the Quarter Section corner on the line between Sections 30 and 31 in Township 9

South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence North 84.16 chains; thence South 72° 30' West 25 chains; thence South 76.50 chains to the Section line between Sections 30 and 31; thence East with said line 24 chains to the place of beginning.

SAVE AND EXCEPT that portion included within the boundaries of public roads and highways.

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River.

- Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of Luckiamute River.
- b. Any adverse claim based on the assertion that:
- i. Some portion of said land has been created by artificial means, or has accreted to such portion so created.
- Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Luckiamute River or has been formed by accretion to such portion.
 (Parcel #186334)

Parcel 9:

A strip of land for railroad purposes 60 feet in width, being 30 feet on each side of and parallel with the center line of Valley and Siletz Railroad Company, as the same is now or may hereafter be located and staked out over and across and upon the following described real estate in Polk County, Oregon: Beginning at the Southwest corner of the Donation Land Claim of Rice W. Simpson and wife, Notification No. 2692, Claim No. 70, in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence South, 23.22 chains; thence North 56° East, 13.22 chains along the North side of the County Road; thence North 32 1/2° West, 19.15 chains to the South line of the Rice W. Simpson Donation Land Claim; thence South 72° West, 1.03 chains along said claim to the place of beginning. (Parcel #529590)

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Application for Water Right Transfer

Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900 www.wrd.state.or.us

Evidence of Use Affidavit

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State o	of Oregon)) ss					DEC	CEIVE
County	y of POLK)) 33					NEC	JEIVE
I, Mat	hers Louis Harith	in my capa	city as Own	Marge	<u>_</u> ,			JUN	1 8 202
	ig address 1419							0	WRD
teleph	one number (503)4106,	being first	duly swo	orn depos	se and say:			
1. M	y knowledge o	of the exerci	ise or status	of the w	ater righ	it is based o	n (check one	e):	
	⊠ Perso	onal observa	ation		Profess	ional exper	tise		
2. I at	ttest that:								
	Water was u Certificate #	22676 & 266	47; OR			•		in the last five ve	orc:
							Gov't Lot	Acres	
	Certificate #	Township	Range	Mer	Sec	1/4 1/4	or DLC	(if applicable)	
									_
									_
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OR									
	Confirming	Certificate #	# has	been issu	ed withi	n the past f	ive years; O	R	
	instream lea	se number i	s: (No	te: If the	e entire r	ight propose	ed for	t five years. The not leased instrea	m.); OR
	The water ri	Table 2000	-				at a presum	otion of forfeiture	for
	Water has be			-				for more than	
				continues	on rever	se side)		13741	

3. The water right was used for: (e.g., crops, pasture, etc.):

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

<u>Ce-11-21</u> Date

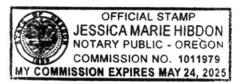
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JUN 1 8 2021

Signature of Affiant

OWRD

Signed and sworn to (or affirmed) before me this \(\frac{1}{4}\text{N} \) day of \(\frac{1}{2}\text{Quipe} \), 20\(\frac{2}{2}\text{L} \).



Wiles Masie Pubdon
Notary Public for Oregon

My Commission Expires: May 24th 2025

Supporting Documents	Examples				
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date				
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use				
	 Fertilizer or seed bills related to irrigated crops 				
	Farmers Co-op sales receipt				
Records such as FSA crop reports, irrigation	District assessment records for water delivered				
district records, NRCS farm management plan, or records of other water suppliers	Crop reports submitted under a federal loan agreement				
records of other water suppliers	Beneficial use reports from district				
	IRS Farm Usage Deduction Report				
	Agricultural Stabilization Plan				
	CREP Report				
Aerial photos containing sufficient detail to	Multiple photos can be submitted to resolve different areas of a				
establish location and date of photograph	water right. If the photograph does not print with a "date stamp" or without				
	the source being identified, the date of the photograph and				
	source should be added.				
	Sources for aerial photos:				
	OSU –www.oregonexplorer.info/imagery				
	OWRD – www.wrd.state.or.us				
	Google Earth – earth.google.com				
	TerraServer – www.terraserver.com				
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number				
within the fast 5 years					

= 13741 _ --



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(541) 929-3124 • (800) 872-9036

91 1 SP 0.460 RAINBOW HILL RANCH 14190 AIRLIE RD MONMOUTH OR 97361-9763

C-1 P-1

Account Number 9354910 Statement Date 10/09/2017

Due Date 10/30/2017

Billing Summary								
LAST MONTH'S BILL	\$0.00							
NO PAYMENTS RECEIVED	\$0.00							
BALANCE FORWARD	\$0.00							
Current Charges	\$1,471.72							
Account Balance	\$1,471.72							

Page 1 of 1

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JUN 18 2021

Sigtreval

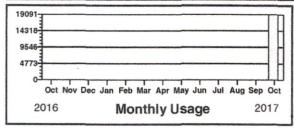
OWRD

Messages

Looking for a better heating system or ways to lower your monthly bill? Check out this month's Ruralite and our website for information on CPI's energy efficiency program. One of the many services that CPI offers to help you manage your electric usage!

Location SIMPSON ROAD - IRRIGATION

Meter	From	Through	Days	Туре	End Read	Start Read	Mult	Usage	Code	Rate
1600430	08/31/17	09/30/17	30	KWH	19091	0	1	19091		034
1600430	08/31/17	09/30/17	30	KW	48.880		1	48.880		034



Average KWH per Day: 636 This Month Last Year: 0

Detail of	Charges -	Electric

Basic Service Charge \$55.50
KWH Revenue \$1221.82
KW Revenue \$194.40
Load Factor - 54%
Total This Service \$1471.72

Please Return This Stub With Your Payment Please do not staple or paperclip

Cycle: 06

Account:

9354910

Due Date for Current Bill:

10/30/2017

Credit Card - Do Not Pay

= 13741

RAINBOW HILL RANCH 14190 AIRLIE RD MONMOUTH OR 97361-9763 CONSUMERS POWER, INC. PO BOX 1180 PHILOMATH OR 97370-1180

ակոյիցուրեկայիկարգիկիրիեցիների

