

T-14326

Temporary

T-14326

Name Hamilton Farms LLC
Matt Hamilton
 Address 14190 aurum rd
monmouth Oregon 97361

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Little Luckiamute
 Trib. of Luckiamute

Use Domestic, Irrigation County Polk
 Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App#	Per #	Cert #	PR Date
<u>535212</u>	<u>527546</u>	<u>33103</u>	
<u>538152</u>	<u>528442</u>	<u>37345</u>	
App# _____	Per # _____	Cert # _____	PR Date _____
App# _____	Per # _____	Cert # _____	PR Date _____
App# _____	Per # _____	Cert # _____	PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>9-13-23</u>	<u>1,510.29</u>	<u>141614</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Change in POD POD
 Date Filed 9/13/2023
 Initial notice date 9/19/2023
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 3/6/2024 Vol 129 Page 882-886

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

FEES REFUNDED		
Date	Amount	Receipt #
_____	_____	_____
_____	_____	_____
_____	_____	_____

Assignments: _____

Irrigation District _____

Agent Kenne Boatwright

CWRE _____
 CC's list Polk County Community development

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

March 6, 2024

Matthew Hamilton
14080 Airlie Rd
Monmouth, OR 97361

REFERENCE: District Temporary Transfer Application T-14326

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the 2023 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2023 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Jeanne Boatwright, Agent
Polk County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14326, Polk County)	CHANGES IN PLACES OF USE AND POINTS
)	OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

HAMILTON FARMS, LLC
C/O MATTHEW HAMILTON
14080 AIRLIE RD
MONMOUTH, OR 97361

Findings of Fact

1. On September 13, 2023, HAMILTON FARMS, LLC C/O MATTHEW HAMILTON filed an application to temporarily change the places of use and to change the points of diversion to serve the proposed place of use under Certificates 33103 and 37345 for a period of 1 year. The Department assigned the application number T-14326.
2. Notice of the application for transfer was published on September 19, 2023, pursuant to OAR 690-380-4000.
3. The portion of the first right to be temporarily transferred is as follows:
Certificate: 33103 in the name of MATTIE JANE OSBORN (perfected under Permit S-27546)
Use: IRRIGATION of 16.0 ACRES
Priority Date: JULY 18, 1961

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Rate: 0.08 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: LITTLE LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	5 W	WM	8	SE SE	OSBORN 1 - 700 FEET SOUTH AND 2460 FEET EAST FROM THE NW CORNER OF SMITH DLC 56

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	17	NE NE	56	10.0
9 S	5 W	WM	17	NW NE	56	6.0
					Total	16.0

4. Temporary Transfer Application T-14326 proposes to temporarily change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	6	NE SE	51	16.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14326 proposes to move the authorized point of diversion approximately 1.83 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	6	NE SW	51	HAMILTON 1 - 1560 FEET SOUTH AND 870 FEET EAST FROM THE NW CORNER OF BOWMAN DLC 51

6. The second right to be temporarily transferred is as follows:

Certificate: 37345 in the name of H. H. RATZLAFF (perfected under Permit S-28442)

Use: IRRIGATION of 76.7 ACRES

Priority Date: OCTOBER 4, 1962

Rate: 0.96 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: LITTLE LUCKIAMUTE RIVER, a tributary of LUCKIAMUTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	8	NE SW	50	RATZLAFF 1 - 210 FEET NORTH AND 470 FEET WEST FROM THE NE CORNER OF LEWIS DLC 55

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	5	SW SW	50	15.9
9 S	5 W	WM	5	SE SW	50	7.2
9 S	5 W	WM	8	NE NW	50	25.0
9 S	5 W	WM	8	NW NW	50	23.2
9 S	5 W	WM	8	SW NW	50	2.6
9 S	5 W	WM	8	SE NW	50	2.8
Total						76.7

7. Temporary Transfer Application T-14326 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	6	SW NE	51	17.9
9 S	5 W	WM	6	SE NE	51	15.6
9 S	5 W	WM	6	SE NW	51	3.5
9 S	5 W	WM	6	NE SW	51	0.7
9 S	5 W	WM	6	NE SE	51	7.9
9 S	5 W	WM	6	NW SE	51	31.1
Total						76.7

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14326 proposes to move the authorized point of diversion approximately 1.3 mile upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	6	NE SW	51	HAMILTON 1 - 1560 FEET SOUTH AND 870 FEET EAST FROM THE NW CORNER OF BOWMAN DLC 51

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

11. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

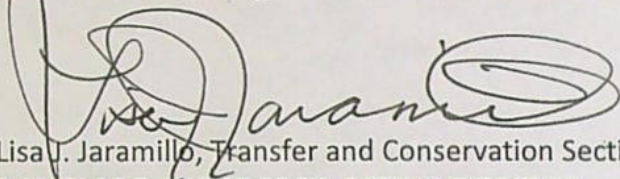
The temporary changes in places of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14326 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use and change in points of diversion convey water to the temporary places of use proposed in Temporary Transfer Application T-14326 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2023 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season. The authorization to use the additional points of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificates 33103 and 37345 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 33103 and 37345.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water rights described by Certificates 33103 and 37345 shall continue to be in accordance with the terms and conditions of Certificates 33103 and 37345.

Dated in Salem, Oregon on **MAR 6 - 2024**

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a circular stamp or seal.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAR 7 - 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14326

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: MATTHEW HAMILTON 14080 AIRLIE RD MONMOUTH, OR 97361	Agent: JEANNE BOATWRIGHT 2613 12TH ST SE SALEM, OR 97302	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Polk County Planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>	S35212	S27546	33103
<input type="checkbox"/>	S38152	S28442	37345
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: September 13, 2023	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1510.29	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 9/19/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: POLK
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>2/13/24</u> Initials: <u>Scott</u>	Date: <u>2/14/24</u> Initials: <u>Joan</u>	Date: <u>2/23/24</u> Initials: <u>PKS</u>	Date: <u>3/4/24</u> Initials: <u>Scott</u>	Date: <u>3/4/24</u> No. of docs for sig: <u>1</u> WM Sheet <input type="checkbox"/>	Date: <u>3/6/24</u>

Special Issues: _____

Special Order Volume: Vol. 129 Pages 882-886

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14326

Review Due Date:

Applicant Name: Hamilton Farms LLC

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Joel Plahn

Date of Review: 09/27/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
 be required to be installed **prior to diversion of water**, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **OR**

☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

September 19, 2023

HAMILTON FARMS LLC
MATTHEW HAMILTON
14080 AIRLIE RD
MONMOUTH, OR 97361

Reference: Application T-14326

On September 13, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1510.29. Receipt number 141614 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Polk County Community Development
Jeanne Boatwright, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

141614

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM:

Rainbow Hill Ranch, Inc.

BY:

APPLICATION

PERMIT

TRANSFER

T-14306

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

18994

☐

TOTAL REC'D

\$ 1,510.29

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,510.29

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

**RECEIVED
OVER THE COUNTER**

RECEIPT:

141614

DATE: 7-13-2007

BY:

MCALIST

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

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

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ 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: CERTIFICATES 33103 & 37345**
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: 2023 End Year: 2023**.
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ 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 all 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.
- ☐ ☒ 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).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

RECEIVED
SEP 13 2023
OWRD

14326

Part 2 of 5 – Temporary Transfer Application Map Checklist

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.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ 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.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ 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.
- ☒ 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.
- ☒ ☐ 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.
- ☒ 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°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>92.7 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	250.29
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,510.29
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> 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 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » Transfer Fee:	7	\$1,510.29

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: center;">_____ (2a)</div> 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 multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
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).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Hamilton Farms, LLC c/o Matt Hamilton		PHONE NO. 503.559.4206	ADDITIONAL CONTACT NO.
ADDRESS 14190 Airlie Road		FAX NO.	
CITY Monmouth	STATE Oregon	ZIP 97361	E-MAIL deltau257@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

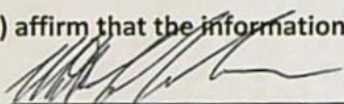
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Jeanne Boatwright		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS Boatwright Engineering, Inc. 2613 12th Street SE		FAX NO.	
CITY Salem	STATE Oregon	ZIP 97302	E-MAIL jeanne@boatwrightengr.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
Our planted and irrigated farm field has been regulated off of use on the Little Luckiamute River. We need to transfer older irrigation rights in order to bring the crop to maturity and harvest.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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



Applicant signature

Matthew Hamilton, Manager

Print Name (and Title if applicable)

9-13-23

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.

Tax Lot 9.5.17 200

Certificate: 33103

Wayne L. Osborn Trust, dated July 27, 2000

Mitchell L. Osborn, Trustee

14395 Elkins Road

Monmouth, Oregon 97361

See Attached Affidavit of Consent

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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
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 Community Development Dept, Planning Division	850 Main Street	
CITY	STATE	ZIP
Dallas	Oregon	97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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.

Water Right Certificate # **33103**

Description of Water Delivery System

System capacity: **0.515** cubic feet per second (cfs) OR
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. **15 hp Berkley Centrifugal pump, hand lines, impact sprinklers**

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.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Osborn 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	9 S	5 W	8	SE SE	TL 9.5.8 400 DLC 56	700' S & 2460' E OF NW COR SMITH DLC 56
Hamilton 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	9 S	5 W	6	NE SW	TL 9.5.6 701 DLC 51	1560' S & 870' E OF NW COR BOWMAN DLC 51
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- ☒ Place of Use (POU)
- ☐ Appropriation/Well (POA)
- ☒ 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):

- ☐ Place of Use (POU)
- ☐ Point of Appropriation/Well (POA)
- ☐ Character of Use (USE)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 33103

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.

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.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
9	S	5	W	8	SE	SE	400	56	NA	IR	Osborn 1	1961	POD	9	S	5	W	6	NE	SW	701	51	NA	SAME	Hamilton 1	1961
9	S	5	W	17	NE	NE	200	56	10.0	IR	Osborn 1	1961	POU	9	S	5	W	6	NE	SE	701	51	16.0	SAME	Hamilton 1	1961
9	S	5	W	17	NW	NE	200	56	6.0	IR	Osborn 1	1961	POU													
TOTAL ACRES							16.0																			

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Additional remarks: _____

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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? ☐ Yes ☒ 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.

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

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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.

Water Right Certificate # 37345

Description of Water Delivery System

System capacity: **0.96** cubic feet per second (cfs) OR
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. **75 hp pump, 2700' buried 8" mainline, 1300' above ground 6" mainline, four to five simultaneous 5" dia. wheel lines with output of 650 gpm*, or, 1 big gun with booster pump and 1" nozzle at 325 gpm.**

***2nd water right on the south end of the property has a rate of .71 cfs. Together the rates = 750 gpm.**

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.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Ratzlaff 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	9 S	5 W	8	NE SW	TL 9.5.8 200 DLC50	210' N & 470' W OF NE COR LEWIS DLC 55
Hamilton 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	9 S	5 W	6	NE SW	TL 9.5.6 701 DLC 51	1560' S & 870' E OF NW COR BOWMAN DLC 51

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

Will all of the proposed changes affect the entire water right?

- ☒ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 37345

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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.

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.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POD	9	S	5	W	8	NE	SW	200	50	NA	SAME	HAMILTON 1	1962
													POU	9	S	5	W	6	SW	NE	701	51	17.9	SAME	HAMILTON 1	1962
																		SE	NE	701	51	15.6	SAME	HAMILTON 1	1962	
																		SE	NW	701	51	3.5	SAME	HAMILTON 1	1962	
																		NE	SW	701	51	0.7	SAME	HAMILTON 1	1962	
																		NE	SE	701	51	7.9	SAME	HAMILTON 1	1962	
																		NW	SE	701	51	31.1	SAME	HAMILTON 1	1962	
TOTAL ACRES														TOTAL ACRES							76.7					

Additional remarks: _____

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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? ☐ Yes ☒ 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.

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

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of Polk) ss

I, **Matthew Hamilton, Manager, Hamilton Ag Properties, LLC**, in my capacity as **Owner**,
mailing address **14190 Airlie Road Monmouth, Oregon 97361**
telephone number **503.559.4206**, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # **37354**; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

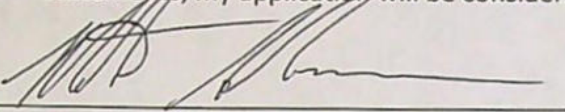
(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): turf tall fescue and red clover

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.

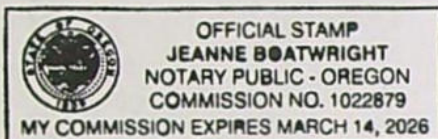


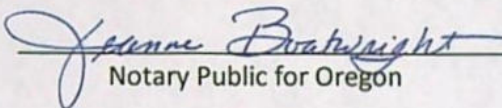
Signature of Affiant

9-13-23

Date

Signed and sworn to (or affirmed) before me this 13th day of September 2023.




Notary Public for Oregon

My Commission Expires: March 14, 2026

Supporting Documents	Examples
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a 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.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

SEP 13 2023

OWRD 26 TACS



CONSUMERS POWER INC.

Office Hours: Monday - Thursday 7:00 a.m. to 5:30 p.m.

Contact us: 541-929-3124 or 1-800-872-9036 Hours: 24/7

www.cpi.coop

Member Name: RAINBOW HILL RANCH

Account #:

Statement Date: 08/10/2021

AUTOPAY
AMOUNT

\$387.89

CREDIT CARD WILL
DRAFT ON 09/01/21

Member Monthly Message

***Auto-Pay - For questions, contact office within 10 days.
AMOUNT DUE WILL BE POSTED TO VISA ACCT ON 1ST MONTH.
The annual meeting is coming up. Join us Saturday, September 11th. Doors open at 9 AM. To RSVP please call 541-929-3124. For more information see the August Ruralite.

Previous Account Activity

Previous Balance	\$893.86
Payments Received - Thank You	-\$893.86
Balance Before Current Charges	\$0.00
Account Balance	\$387.89

Rate Description: IRRIGATION

Service Address: IRRIGATION - ORVAL

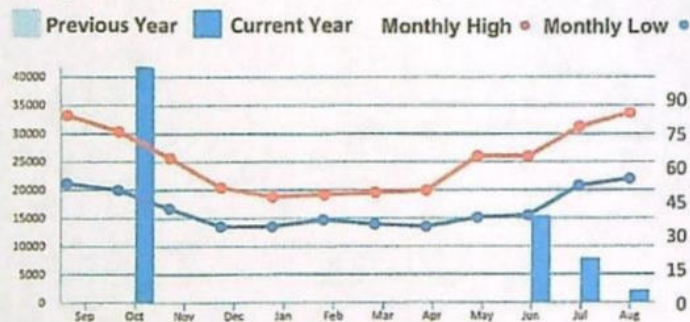
Meter #	Type	Days	Services		Readings		Metered Usage	Meter Multiplier	Rate
			From	To	Previous	Present			
1605007NH	KWH	36	06/25/2021	07/31/2021	23223	25398	2175	1	034
1605007NH	KW	36	06/25/2021	07/31/2021	0	41.904	41.904	1	034
1605007NH	KVAR	36	06/25/2021	07/31/2021	0	0	0.000	1	034

Current Activity

Basic Service Charge		\$63.00
KWH Revenue	2,175 kWh @ .0687	\$149.42
KW Revenue	31.904 kW @ 5.5000	\$175.47
Load Factor - 6%		
Total Current Activity		\$387.89

Usage History

Temp



COMPARISONS	Days	kWh	Avg Temp	Avg kWh
Current Month	36	2175	71	60
Previous Month	25	7804	66	312
Same Last Year	31	0	68	0

Avg Cost Per Day: \$10.77

Any BALANCE FORWARD is subject to DISCONNECTION of services.

Please return this stub with your payment. Please do not staple, paperclip, or tape.



CONSUMERS POWER INC.
P.O. BOX 1180
6990 WEST HILLS ROAD
PHILOMATH, OR 97370

ACCOUNT #

SERVICE ADDRESS: IRRIGATION - ORVAL

Total Due: \$387.89

Payment is due by 09/01/21

Credit Card Draft - Do Not Pay



One-Time Operation Roundup Donation:

\$

☐ Sign Up For Monthly Round Up

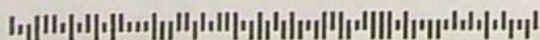
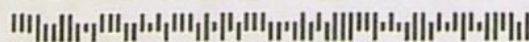
RAINBOW HILL RANCH
14190 AIRLIE RD
MONMOUTH OR 97361-9763

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SEP 13 2023

OWRD

CONSUMERS POWER, INC.
PO BOX 1180
PHILOMATH OR 97370-1180



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14326



CONSUMERS POWER INC.

Office Hours: Monday - Thursday 7:00 a.m. to 5:30 p.m.

Contact us: 541-929-3124 or 1-800-872-9036 Hours: 24/7

www.cpi.coop

Member Name: RAINBOW HILL RANCH

Account #: [REDACTED]

Statement Date: 08/10/2021

AUTOPAY
AMOUNT

\$387.89

CREDIT CARD WILL
DRAFT ON 09/01/21

Member Monthly Message

***Auto-Pay - For questions, contact office within 10 days.

AMOUNT DUE WILL BE POSTED TO VISA ACCT ON 1ST MONTH.

The annual meeting is coming up. Join us Saturday, September 11th. Doors open at 9 AM. To RSVP please call 541-929-3124. For more information see the August Ruralite.

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Balance Before Current Charges	\$0.00
Account Balance	\$387.89

Rate Description: IRRIGATION

Service Address: IRRIGATION - ORVAL

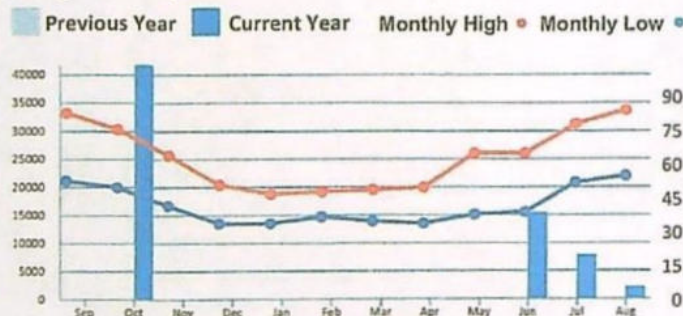
Meter #	Type	Days	Services		Readings		Metered Usage	Meter Multiplier	Rate
			From	To	Previous	Present			
1605007NH	KWH	36	06/25/2021	07/31/2021	23223	25398	2175	1	034
1605007NH	KW	36	06/25/2021	07/31/2021	0	41.904	41.904	1	034
1605007NH	KVAR	36	06/25/2021	07/31/2021	0	0	0.000	1	034

Current Activity

Basic Service Charge		\$63.00
KWH Revenue	2,175 kWh @ .0687	\$149.42
KW Revenue	31.904 kW @ 5.5000	\$175.47
Load Factor - 6%		
Total Current Activity		\$387.89

Usage History

Temp



COMPARISONS	Days	kWh	Avg Temp	Avg kWh
Current Month	36	2175	71	60
Previous Month	25	7804	66	312
Same Last Year	31	0	68	0

Avg Cost Per Day: \$10.77

Any BALANCE FORWARD is subject to DISCONNECTION of services.

Please return this stub with your payment. Please do not staple, paperclip, or tape.



CONSUMERS POWER INC.
P.O. BOX 1180
6990 WEST HILLS ROAD
PHILOMATH, OR 97370

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SEP 13 2023
OWRD

ACCOUNT # [REDACTED]

SERVICE ADDRESS: IRRIGATION - ORVAL

Total Due: \$387.89

Payment is due by 09/01/21

Credit Card Draft - Do Not Pay



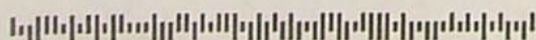
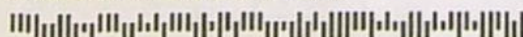
One-Time Operation Roundup Donation

\$ _____

☐ Sign Up For Monthly Round Up

RAINBOW HILL RANCH
14190 AIRLIE RD
MONMOUTH OR 97361-9763

CONSUMERS POWER, INC.
PO BOX 1180
PHILOMATH OR 97370-1180



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14326

Ratzlaff - 37345

07-13-2022

Google Earth

Fishback Rd

Smith Rd

Cooper Hollow

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SEP 13 2023
OWRD



1000 ft

Ratzlaff - 37345

08-12-2020

37345

14026

Smith Rd

RECEIVED

SEP 13 2023

CWRD

Google Earth

300 ft



Ratzlaff - 37345

08-12-2020

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OWRD

Google Earth

100 ft



ARTICLES OF ORGANIZATION



Corporation Division
www.filinginoregon.com

E-FILED

Jun 27, 2022

OREGON SECRETARY OF STATE

REGISTRY NUMBER

198304991

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

HAMILTON AG PROPERTIES, LLC

2. MAILING ADDRESS

PO BOX 804
SALEM OR 97308 USA

3. PRINCIPAL PLACE OF BUSINESS

14190 AIRLIE RD
MONMOUTH OR 97361 USA

4. NAME & ADDRESS OF REGISTERED AGENT

42229393 - REGISTERED AGENT SERVICE COMPANY, LLC

2017 STATE ST
SALEM OR 97301 USA

5. ORGANIZERS

DAVID H LEONARD

PO BOX 804
SALEM OR 97308 USA

6. INDIVIDUALS WITH DIRECT KNOWLEDGE

STEVE HAMILTON

14200 AIRLIE RD
MONMOUTH OR 97361 USA

MATT HAMILTON

14190 AIRLIE RD
MONMOUTH OR 97361 USA

7. INITIAL MEMBERS/MANAGERS

MANAGER
MATT HAMILTON

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14190 AIRLIE RD
MONMOUTH OR 97361 USA

MANAGER

STEVE HAMILTON

14200 AIRLIE RD
MONMOUTH OR 97361 USA

8. DURATION

PERPETUAL

9. MANAGEMENT

This Limited Liability Company will be manager-managed by one or more managers

10. OPTIONAL PROVISIONS

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160 to 63.170.

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DAVID H. LEONARD

TITLE

LAWYER

DATE

06-26-2022

After Recording, Return To:
Hamilton AG Properties, LLC
14190 Airlie Rd,
Monmouth, Oregon 97361

Send Tax Statements to:
UNCHANGED

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2022-013130



\$101.00

00426367202200131300030032

12/21/2022 04:10:13 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$15.00 \$10.00 \$11.00 \$60.00 \$5.00

WARRANTY DEED

Hamilton Farms, LLC, an Oregon limited liability company, Grantors, hereby convey and warrant the following described real property located in Polk County, Oregon, free of encumbrances except for easements and other restrictions of public record, to Hamilton AG Properties, LLC, an Oregon limited liability company, Grantee;

See EXHIBIT A, attached hereto and incorporated by this reference.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEES AND GRANTEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD OR EXTENDED POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. IT IS THE INTENTION OF THE GRANTORS TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true consideration for this conveyance is other value given or received.

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 as of the 21 day of December, 2022.

RECEIVED

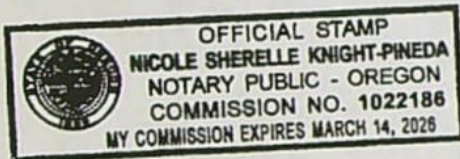
14326 SEP 13 2023
OWRD

HAMILTON FARMS, LLC

By: [Signature]
Steve Hamilton, Manager

STATE OF OREGON)
)
COUNTY OF POLK) ss.

The foregoing instrument was acknowledged before me this 24 day of December, 2022, by Steve Hamilton, Manager of Hamilton Farms, LLC, an Oregon limited liability company, to be its voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission expires: 3/14/2026

EXHIBIT A:
Legal Description of Real Property

Beginning at point 5.15 chains North for the Southwest corner of the D.L.C. of J.H. Smith, and wife. Notification No. 2685, Claim No. 50, in Township 9 South, Range 5 West of the W.M. Polk County, Oregon: thence running South 62 degrees, 65 minutes East 6.73 chains; thence South 82 degrees 35 minutes East 3.04 chains; thence North 70 degrees East 5.35 chains; thence South 52 degrees 30 minutes East 4.53 chains; thence East 2.00 chains; thence North 9 degrees 15 minutes East 6.90 chains; thence North 67 degrees 30 minutes East 2.50 chains; thence South 25 degrees 50 minutes East 3.10 chains; thence North 51.87 chains; thence North 53 degrees 00 minutes West 31.40 chains to the West boundary line of said Claim; thence South along said West line of said Claim 71.35 chains to the place of beginning, all in Polk County, Oregon.

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of Polk)

I, **Mitch Osborn**, in my capacity as **son of the property owner**
mailing address **16925 Shady Lane Road, Monmouth OR 97361**
telephone number **503.623.8878**, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for
Certificate # ; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☒ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: **IL-1876** (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

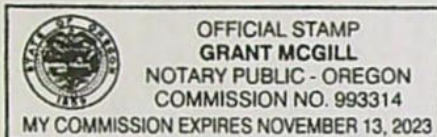
(continues on reverse side)

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.

Matthew J. Quinn
Signature of Affiant

9-12-23
Date

Signed and sworn to (or affirmed) before me this 12th day of **September, 2023**



Grant McGill
Notary Public for Oregon

My Commission Expires: 11/13/2023

Supporting Documents	Examples
<input type="checkbox"/> 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
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a 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.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

SEP 13 2023 6

OWRD

TACS

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease IL-1876
Polk County

)
) : : FINAL ORDER TERMINATING
INSTREAM LEASE

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Wayne Osborn
249 NW Jasper St. #2305
Dallas, OR 97338

Findings of Fact

1. On May 27, 2021, Wayne Osborn filed an application to lease the entirety of Certificate 33103 for instream use. The Department assigned the application number IL-1876.
2. The lease application requested to protect water instream for five years, terminating on September 30, 2023. A Final Order approving this lease was issued by the Department on July 23, 2021, as evidenced by Special Order Volume 121, Page 143.
3. The final order contained a condition allowing the Lessor to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
4. On March 14, 2023, the Department received a request from Mitch Osborn to terminate the lease prior to the 2023 instream use period.
- 3.. The lease was exercised during the 2021 and 2022 water use periods ending on September 30, 2022.

Conclusions of Law

The Department concludes that terminating the lease in advance of the 2023 instream use period is consistent with OAR 690-077.

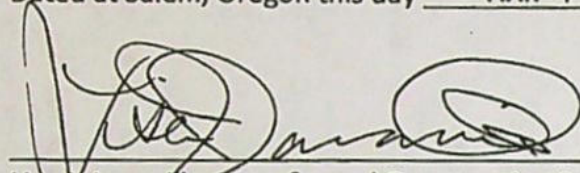
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this day MAR 15 2023.



Lisa J. Jaramilla, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: MAR 16 2023

*This document was prepared by Sarah
Henderson. If you have any questions,
please call 503-979-9872.*

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14326

(BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Lease Application) DETERMINATION and FINAL ORDER ON
IL-1876, Polk County) PROPOSED INSTREAM LEASE

Authority

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Wayne Osborn
249 NW Jasper St. #2305
Dallas, OR 97338
mitch.osborn@yahoo.com

Findings of Fact

1. On May 27, 2021, Wayne Osborn filed an application to lease the entirety of Certificate 33103 for instream use. The Department assigned the application number IL-1876.
2. The right to be leased is as follows:

Certificate: 33103 in the name of Mattie Jane Osborn (perfected under Permit S-27546)
Use: Irrigation of 96.2 acres
Priority Date: July 18, 1961
Quantity: **Rate:** 0.515 Cubic Foot per Second (CFS)
Volume: 240.50 Acre-Feet (AF)
Limit: One-eightieth CFS per acre, not to exceed 2.5 AF per acre per year
Source: Little Luckiamute River, tributary to Luckiamute River

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Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	5 W	WM	17	SE SE	700 FEET SOUTH AND 2460 FEET EAST FROM NW CORNER OF SECTION 17

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	5 W	WM	8	SE SW	14.0
9 S	5 W	WM	8	SW SE	29.6
9 S	5 W	WM	8	SE SE	9.6
9 S	5 W	WM	17	NE NE	16.6
9 S	5 W	WM	17	NW NE	13.6
9 S	5 W	WM	17	SW NE	3.2
9 S	5 W	WM	17	SE NE	9.6
Total Acres					96.2

3. Certificate 33103 does not specify the irrigation season. However, the Luckiamute River Decree establishes the irrigation season for the area as April 1 through September 30.
4. Certificate 33103 is a deficient water right. If water were diverted simultaneously to all authorized lands described in the right at the maximum rate and duty allowed (described in Finding of Fact No. 2), the maximum rate and seasonal volume for the water right would be exceeded. Therefore, the quantities shown below are the amounts that will also be protected instream.

Instream Rate (CFS)	Instream Volume (AF)
0.515	240.50

5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use is as follows:
Little Luckiamute River, tributary to Luckiamute River

Instream Reach: From the POD (as described in Finding of Fact No. 2) to the Mouth of Luckiamute River

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
33103	July 18, 1961	0.515	240.50	April 1 – September 30

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows within the proposed reach is appropriate, considering:
- The instream water use begins at the recorded point of diversion;
 - The location of confluences with other streams downstream of the point of diversion.

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SEP 13 2023

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- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
9. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
10. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach do not exceed the estimated average natural flow.
11. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
12. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
13. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
14. The Lessor has requested that the lease terminate on September 2025. The lease may commence on the date this final order is signed.
15. The Lessor has requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

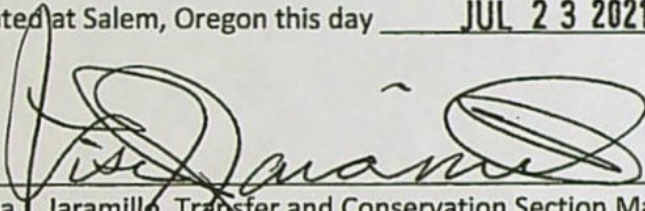
Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.

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2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on September 30, 2025. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (April 1 through September 30) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this day JUL 23 2021.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: JUL 26 2021

*This document was prepared by Stacy
Phillips. If you have any questions,
please call 503-986-0898.*

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RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-022068



\$31.00

00147889200500220880020022

12/28/2005 03:55:43 PM

REC-COR Cnt=1 Stn=1 D. LESLIE
\$10.00 \$10.00 \$11.00

RECORDED IN OFFICIAL POLK COUNTY RECORDS
LINDA DAWSON, COUNTY CLERK



31.00

00014388200012203002

200012203 4:05:04 PM 11/07/2000
RECORDING MD 1 - 1 CAPTAIN
10 00 10 00 11 00

AFTER RECORDING RETURN TO:

Mr. & Mrs. Wayne L. Osborn
c/o Mr. Lane P. Shetterly
P. O. Box 105
Dallas, OR 97338

SEND TAX STATEMENTS TO:

No Change

CONSIDERATION: \$0.00

Re-recorded to correct grantee.

SPECIAL WARRANTY DEED

Wayne L. Osborn, grantor, conveys and warrants to The Wayne L. Osborn Trust dated July 27, 2000, grantee, the following described real property, free of encumbrances except as specifically set forth herein, to-wit: * Wayne L. Osborn & Adoline Grace Osborn, Trustees. *W.L.O. A.G.O.*

Beginning at the Northwest corner of the Donation Land Claim of James Smith and Elizabeth M. Smith, his wife, Notification No. 2696, Claim No. 56 in Township 9 South, Range 5 West of the Willamette Meridian, and running thence South along the West boundary line of said Claim, 53.69 chains to the center line of State Highway No. 224, leading from Monmouth to Kings Valley; thence South 86° East following the center line of the Highway 24 chains; thence South 88°5' East following said center line 9.40 chains; thence 81°35' East following said center line 5.87 chains; thence North 54.30 chains to the North boundary line of said Claim; and thence North 85°14' West 39.09 chains to the place of beginning.

SUBJECT TO an easement and right of way deeded to Mountain States Power Company by Tracy Staats and wife, by deed recorded June 17, 1942 in Deed Book 110 at Page 493.

SUBJECT TO rights of the public in and to any portion of said property lying within the boundaries of roads and highways.

The property above-described and hereby conveyed is otherwise known as Camp Adair, Oregon, Tract A-64.

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance

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coverage.

This instrument will 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 approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

There is no consideration for this conveyance.

DATED this 6 day of Nov, 2000.

Wayne L. Osborn
Wayne L. Osborn

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

The foregoing instrument was acknowledged before me this 6th day of November, 2000, by Wayne L. Osborn.



Susan M Brungardt
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-03-01

2\L\Misc\OsbornSpecialWarrantyDeed2

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-022069



\$31.00

00147870200500220890020027

12/28/2005 03:56:20 PM

REC-COR Cnt=1 Stn=1 D. LESLIE
\$10.00 \$10.00 \$11.00

AFTER RECORDING RETURN TO:

Mr. & Mrs. Wayne L. Osborn
c/o Mr. Lane P. Shetterly
P. O. Box 105
Dallas, OR 97338

SEND TAX STATEMENTS TO:

No Change

CONSIDERATION: \$0.00

RECORDED IN OFFICIAL POLK COUNTY RECORDS
LINDA DAWSON, COUNTY CLERK



31.00

00014389200012204002

200012204

4:05:15 PM 11/07/2000

RECORDING WD 1 - 10 00 10 00 11 00

1 CAPTAIN

Re-recorded to correct grantee

SPECIAL WARRANTY DEED

Adoline Grace Osborn, grantor, conveys and warrants to The Adoline Grace Osborn Trust dated July 27, 2000, grantee, the following described real property, free of encumbrances except as specifically set forth herein, to-wit: *Adoline Grace Osborn & Wayne L. Osborn, Trustees. *W.F.O. A.H.O.*

Beginning at the Northwest corner of the Donation Land Claim of James Smith and Elizabeth M. Smith, his wife, Notification No. 2696, Claim No. 56 in Township 9 South, Range 5 West of the Willamette Meridian, and running thence South along the West boundary line of said Claim, 53.69 chains to the center line of State Highway No. 224, leading from Monmouth to Kings Valley; thence South 86° East following the center line of the Highway 24 chains; thence South 88°5' East following said center line 9.40 chains; thence 81°35' East following said center line 5.87 chains; thence North 54.30 chains to the North boundary line of said Claim; and thence North 85°14' West 39.09 chains to the place of beginning.

SUBJECT TO an easement and right of way deeded to Mountain States Power Company by Tracy Staats and wife, by deed recorded June 17, 1942 in Deed Book 110 at Page 493.

SUBJECT TO rights of the public in and to any portion of said property lying within the boundaries of roads and highways.

The property above-described and hereby conveyed is otherwise known as Camp Adair, Oregon, Tract A-64.

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance

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coverage.

This instrument will 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 approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

There is no consideration for this conveyance.

DATED this 6 day of Nov, 2000.

Adoline Grace Osborn
Adoline Grace Osborn

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

The foregoing instrument was acknowledged before me this 6th day of NOVEMBER, 2000, by Adoline Grace Osborn.



Susan M Brungardt
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-03-01

2\LA\Misc\OsbornSpecialWarrantyDeed3



Adeline Grace Osborn

June 25, 1937 - November 13, 2014

ADELINE GRACE OSBORN passed away Thursday night, November 13th at the age of 77. Known by all as "Grace," she was a beloved wife, mother and grandmother.

Grace was born June 25th, 1937 in her grandparent's home in Warren, OR, near St. Helens. Grace started and went to school in a two room school house near Carlton, OR, called "White Cloud". At Christmas break she moved to Warren Grade School where she attended until 3rd grade. She then went to Bachelor Flats, another two room school house, near where the Columbia County Fairgrounds are located. During her time at Bachelor Flats, Grace played the role of Santa Claus during the annual Christmas play, since as she put it, "no boy would do it." Grace then transferred to Westport Middle School and attended Westport High School. Her class was the last graduating class of Westport High School before it was consolidated with Clatskanie High School. Grace graduated from high school in 1955 and attended OCE, (currently Western Oregon University), in Monmouth. She graduated from OCE in 1959 with an Elementary Education Degree.

While attending OCE, she met Wayne Osborn her freshman year. Wayne and Grace were married the following summer on July 1st, 1956, and spent the next 58 years happily married. Wayne and Grace moved to the family farm on the Monday after their marriage and have lived and maintained it ever since.

During Grace's second year of teaching at Morrison Elementary School in Dallas, she became pregnant with their first child Mitchell. He was born November 18th, 1961. Grace retired from teaching after only two years, as she wanted to raise a family. They welcomed their second son Phillip, on May 6th, 1964 and their daughter, Kellie, born August 15th, 1967.

Grace began substitute teaching when her daughter, Kellie, entered kindergarten. Grace also continued to help Wayne in taking care of the many chores on the farm such as driving tractor, cutting and baling hay, driving the truck to town with wheat, and helping to take care of the sheep and cattle. She planted many flowers, but as she stated, "gardening was not my favorite thing to do!" In her later years, she enjoyed teaching all the grandchildren how to drive the "Mule," and would always have hearty meals for the family to eat, with everyone's favorite food.

Grace always enjoyed the annual summer fishing trips to East Lake, Oregon, where Grace enjoyed boat rides, making big breakfasts for the family while they were out fishing, having the annual "fish fry" dinner, many nightly games of pinochle in the earlier years, and many games of dominoes that were played in the last years.

There was no greater joy for Grace than her grandchildren. Whether it be a band or choir concert, theatre productions, volleyball, basketball, softball, baseball, cross country, swimming, or track... at any level, Grace and Wayne were always there with love and support.

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Grace is preceded in death by her father Earl Quinn, her mother Lottie (Miller) Quinn, her brother Jim, and sister, Fay. Grace is survived by her husband of 58 years, Wayne Osborn. She is also survived by her children Mitch Osborn, Phil Osborn and Kellie (Osborn) Ackerman, all living in the Dallas area, as well as, seven grandchildren, Aaron, Matthew, Luke, Dani, Michael, Maci and Ellie.

Viewing will be from 2:00 to 7:00pm Friday, November 21st in the Dallas Mortuary Tribute Center. A memorial service will begin at 2:00pm Saturday, November 22nd in the Salt Creek Baptist Church in Dallas. She will be buried in the Dallas Cemetery. Memorial contributions are suggested to the church building fund.

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Polk County
2023 Real Property Assessment Report
 Account 364573
 NOT OFFICIAL VALUE

Map 09508-00-00400
 Code - Tax ID [REDACTED]

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing OSBORN WAYNE L, TRUST ETAL
 OSBORN WAYNE L, TR
 249 NW JASPER ST 2305
 DALLAS OR 97338

Deed Reference # 2005-22069
 Sales Date/Price 11-06-2000 / See Record
 Appraiser HEATER, RANDY

Property Class 550 MA SA NH
 RMV Class 500 05 26 000

Site Situs Address	City
--------------------	------

		Value Summary			
Code Area		RMV	MAV	AV	RMV Exception CPR %
0227	Land	544,670		Land	0
	Impr	0		Impr	0
Code Area Total		544,670	233,700	62,927	0
Grand Total		544,670	233,700	62,927	0

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
0227	0	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	109	1.48 AC	B7	006*	2,090
	0	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	109	15.44 AC	K3	006*	146,420
	0	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	109	30.00 AC	K3B	006*	327,000
	0	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	109	7.33 AC	K5	006*	23,170
	0	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	109	32.45 AC	K7	006*	45,990
Code Area Total							86.70 AC			544,670

Improvement Breakdown									
Code Area	Year ID #	Stat Built	Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

Exemptions / Special Assessments / Notations

Notations

- FP/RFPD OVERLAP ZONE - NO CODE SPLIT
- FARM POT'L ADD'L TAX LIABILITY
- BOPTA CHANGE 309.120 ADDED 2000
- 100 YEAR FLOOD PLAIN

Contig Accts 186146

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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

Consent by Deeded Landowner

State of Oregon)
County of Polk)ss
)

I, **Wayne L. Osborn** in my capacity as

Trustee of the Wayne L. Osborn Trust, dated July 27, 2000,

mailing address **249 NW Jasper Street #2305 Dallas OR 97338,**

telephone number (503) 623-3010, duly sworn depose and say that I

consent to the proposed changes to Water Right Certificate Number **33103**

described in a Water Right Transfer Application (T- *Unknown at this time*),
(transfer number, if known)

submitted by **Hamilton Farms, LLC**

on the property in tax lot number **200**, Section **17**, Township **9 South**, Range **5 West**, W.M.,

located at **14395 Elkins Road, Monmouth OR 97361.**
(site address)

Wayne Osborn
Signature of Affiant

September 12, 2023
Date

Subscribed and Sworn to before me this 12th day of **September, 2023.**



Grant McGill
Notary Public for Oregon

My commission expires 11/13/2023.

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Land Use Information Form



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

Applicant(s): **Hamilton Farms, LLC**

Mailing Address: **14190 Airlie Road**

City: **Monmouth**

State: **Oregon** Zip Code: **97361**

Daytime Phone: **503.559.4206**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
9S	5W	6	SW-NE SE-NE SE-NW NE-SW NW-SE NE-SE	9.5.6 701	Agriculture/EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	FARMING

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

Polk County

B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) **Little Luckiamute River**

Estimated quantity of water needed: **1.16** ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Temporary move of water rights for the remainder of the 2023 season

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC20 136.030(A) "Farm Use"
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

*See attached

Name: Michael Burns Title: Associate Planner
 Signature: Michael C. Burns Phone: 503-623-9237 Date: 9/1/2023

Government Entity: Polk County Community Development – Planning Division

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Polk County Planning Comments:

The subject property contains wetlands identified on the National Wetlands Inventory (NWI) Map. According to the Polk County Significant Resource Areas (SRA) Map, some of these wetlands are associated with inventoried fish bearing streams. Therefore, the standards listed in Polk County Zoning Ordinance (PCZO) Chapter 182 are applicable. This serves as notice to the property owners of the presence of wetlands on the property. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW).

A portion of the subject property is located within the regulated floodplain. Any structural or non-structural development within the floodplain such as mining, dredging, excavation, filling, etc. would require a land use permit pursuant to Polk County Zoning Ordinance (PCZO) 178.060.

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That MATTIE JANE OSBORN

of Route 1, Box 67, Gervais, 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 Little Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 96.2 acres and domestic use of one family

under Permit No. 27546 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 July 18, 1961

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 0.515 cubic foot per second, being 0.51 c.f.s. for irrigation and 0.005 c.f.s. for domestic

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Smith DLC 56, Section 8, T. 9 S., R. 5 W., W. M. Diversion point located 700 feet South and 2460 feet East from the NW Corner, Smith DLC 56.

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 2 $\frac{1}{2}$ 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:

14.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
29.6 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
9.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
all as projected within Smith DLC 56
Section 8
16.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
13.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
3.2 acres and Domestic SW $\frac{1}{4}$ NE $\frac{1}{4}$
9.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
all as projected within Smith DLC 56
Section 17
T. 9 S., R. 5 W., 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. April 8, 1966

CHRIS L. WHEELER

State Engineer

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. H. RATZLAFF

of 111 Miller Avenue, Dallas, 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 Little Luckiamute River

a tributary of Luckiamute River for the purpose of irrigation of 76.7 acres

under Permit No. 28442 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 October 4, 1962

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 0.96 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within John Smith DLC 50 Section 8, T. 9 S., R. 5 W., W. M. Diversion point located: 210 feet North and 470 feet West from NE Corner, Lewis DLC 55.

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 $2\frac{1}{2}$ 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:

15.9 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
7.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
both as projected within John Smith DLC 50
Section 5

25.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
23.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
2.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
2.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
all as projected within John Smith DLC 50
Section 8
T. 9 S., R. 5 W., 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. February 10, 1971

CHRIS L. WHEELER

State Engineer

OREGON SECRETARY OF STATE
Corporation Division

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Business Entity Data

09-14-2023

13:22

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
001643-92	DLLC	ACT	OREGON	01-31-2001	01-31-2024	
Entity Name	HAMILTON FARMS, LLC					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	14190 AIRLIE RD			
Addr 2				
CSZ	MONMOUTH	OR	97361	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	02-27-2013	Resign Date	
Of Record	422293-93	REGISTERED AGENT SERVICE COMPANY, LLC				
Addr 1	2017 STATE ST					
Addr 2						
CSZ	SALEM	OR	97301	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	14190 AIRLIE RD			
Addr 2				
CSZ	MONMOUTH	OR	97361	Country UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	STEVE	HAMILTON			
Addr 1	14200 AIRLIE RD				
Addr 2					
CSZ	MONMOUTH	OR	97361	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	MATT	HAMILTON			
Addr 1	14190 AIRLIE RD				

14326

Addr 2					
CSZ	MONMOUTH	OR	97361	Country	UNITED STATES OF AMERICA





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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
HAMILTON FARMS, LLC	EN	CUR	01-31-2001	

Please [read](#) before ordering [Copies](#).[New Search](#)[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	12-16-2022		FI		
	AMENDED ANNUAL REPORT	02-01-2022		FI		
	ANNUAL REPORT PAYMENT	12-29-2020		SYS		
	ANNUAL REPORT PAYMENT	12-23-2019		SYS		
	ANNUAL REPORT PAYMENT	01-10-2019		SYS		
	ANNUAL REPORT PAYMENT	12-28-2017		SYS		
	ANNUAL REPORT PAYMENT	01-04-2017		SYS		
	ANNUAL REPORT PAYMENT	12-23-2015		SYS		
	AMENDED ANNUAL REPORT	01-21-2015		FI		
	ANNUAL REPORT PAYMENT	12-31-2013		SYS		
	ANNUAL REPORT	02-27-2013		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	02-27-2013		FI	Agent	
	ANNUAL REPORT PAYMENT	01-30-2012		SYS		
	ANNUAL REPORT PAYMENT	01-13-2011		SYS		
	ANNUAL REPORT PAYMENT	01-06-2010		SYS		
	ANNUAL REPORT PAYMENT	01-06-2009		SYS		
	ANNUAL REPORT PAYMENT	01-08-2008		SYS		

Temporary Transfer Application Intake Checklist

Transfer # T- 14326

Reviewer Nick	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>		
Date 9/14/2023	<input type="checkbox"/> POU	<input checked="" type="checkbox"/> POU/POD	<input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$1510.29		Fee Received \$1510.29	
Certificate(s): 33103, 37345		Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notes:			

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Map included and meets mapping requirements?
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		Map Waiver? The map waiver must be issued by the Department
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Evidence of Use included, signed, & notarized w/supporting documentation?
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		Affidavit of Consent from Landowner(s) described on the deed?
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		Land Use Form included and signed by the County?
8.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District
9.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		For changes in POA/APOA – are the well logs included?
10.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		For change in POU within Umatilla County, Supplemental Form U included?

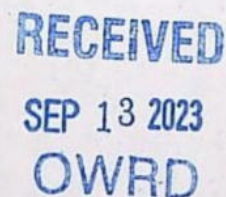
<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Page 1 of 3

POD & POU

CERTIFICATE: 37345

RATZLAFF 1 POD: 210' N & 470' W OF NE COR LEWIS DLC 55



Applicant: HAMILTON FARMS, LLC


Application No. 38152... Permit No. 28442.
IN NAME OF
H. H. RATZLAFF

Surveyed March 10, 1969, by L. E. Gould

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

August 30, 2023

SCALE: 1" = 1320'

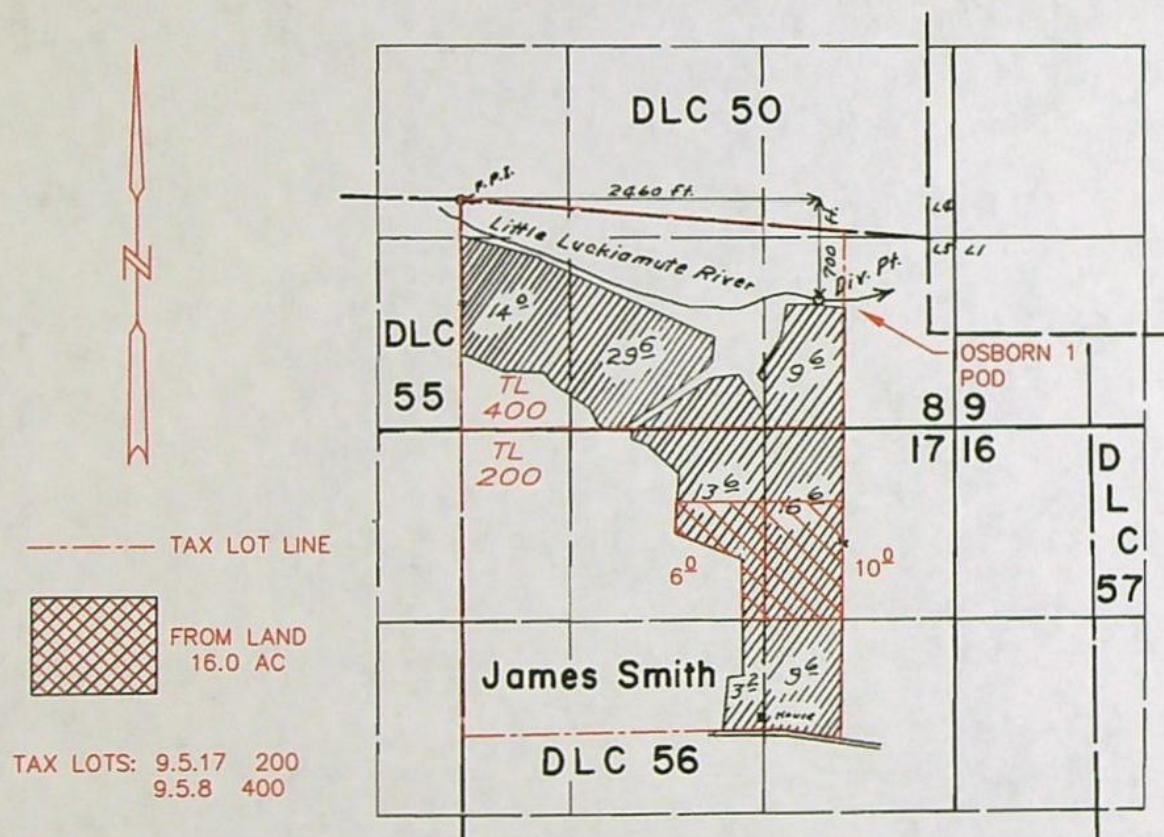


Renews: December 31, 2023

DFP-2P-9

~~14326~~

T.9S.R.5W. W.M.



Application for a Water Right Temporary Transfer

POD & POU

CERTIFICATE: 33103

~~FINAL PROOF SURVEY~~
~~UNDER~~

Applicant: HAMILTON FARMS, LLC

Application No. 35212 Permit No. 27546...

IN NAME OF

MATTIE JANE OSBORN

Surveyed August 17, 1965, by Clayton J. Gardner

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

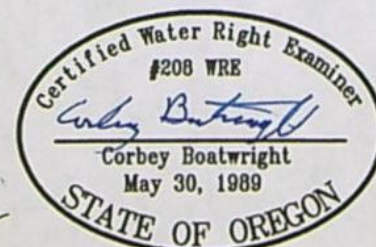
August 30, 2023

SCALE: 1" = 1320'

RECEIVED

SEP 13 2023

OWRD

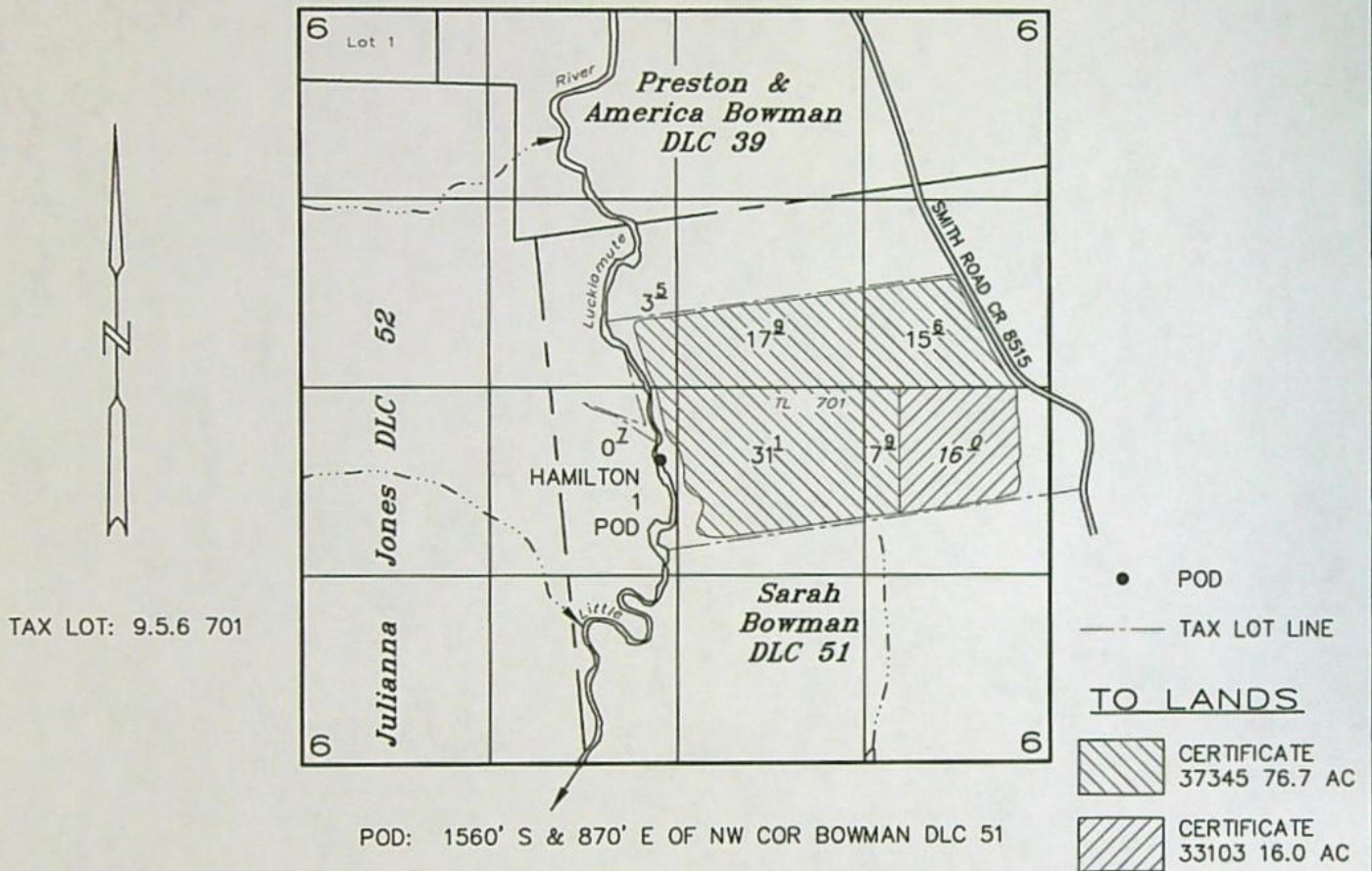


Renews: December 31, 2023

1965-0

T9S R5W, WM

POLK COUNTY



APPLICATION FOR A WATER RIGHT TEMPORARY TRANSFER

POD & POU

CERTIFICATES: 37345 & 33103

Transfer No. T-

Hamilton Farms LLC

August 30, 2023

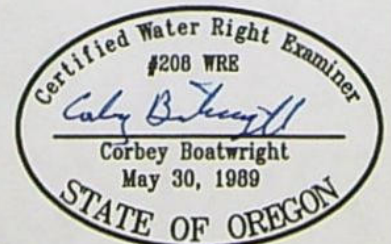
SCALE: 1" = 1320'

RECEIVED

SEP 13 2023

OWRD

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



14326 Renew: December 31, 2023



RECEIVED

SEP 13 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Hamilton Farms LLC 14190 Arlie Road
Monmouth OR 97361

Transaction Type: Temp Transfer

Fees Received: \$ 1510.29

☐ Cash

☒ Check

Check No.

18994

Name(s) on Check:

Rainbow Hill Ranch Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Nick Reece

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of the Safe.

14326