

**CLAIM OF
BENEFICIAL USE
for Transfers changing
Character of Use Only**



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

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A fee of \$230 must accompany this form for any transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

One of the water rights involved in the transfer has a priority date of 1993; the \$230 fee is included.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

"Section 6" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in character of use.

YES NO

If additional changes were authorized, you will need to select a different form.

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1. File Information

APPLICATION # T-12149

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Hamilton Farms, LLC; c/o Matt Hamilton		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 14190 Airlie Road			
CITY Monmouth	STATE OR	ZIP 97361	E-MAIL deltau257@hotmail.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Hamilton Farms, LLC; c/o Steve Hamilton		
ADDRESS 14190 Airlie Rd		
CITY Monmouth	STATE OR	ZIP 97361

4. Date of Site Inspection:

September 8, 2022

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Matt Hamilton	9/8/2022	Owner

6. County:

Polk

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD Not Applicable		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Robyn Cook, GSI Water Solutions, Inc.		PHONE NO. 971-200-8505	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill Street, Suite 300			
CITY Portland	STATE OR	ZIP 97204	E-MAIL rcook@gsiws.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Matt Hamilton	Owner	<i>Oct. 1st, 2022</i>

SECTION 3

EXTENT OF CHANGE COMPLETED

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change in Character of Use

- 1. Claim Summary – Authorized Use(s): Stock, Livestock, Fire Protection, and Flood Control

Provide the new use(s) authorized by the transfer final order:

NEW USE(S) AUTHORIZED
Multipurpose

- 2. Variations:

Were all the uses developed from what was authorized by the transfer final order? YES NO

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

**SECTION 4
CONDITIONS**

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All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGE WAS COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	Sept. 16, 2016	
COMPLETENESS DATE FROM ORDER (C)	Oct. 1, 2017	Prior to October 1, 2017

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES **NO**

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO

3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device?

YES **NO**

If "NO", items b through f relating to this section may be deleted. Items b through f were deleted.

4. Other conditions required by the transfer final order:

a. Other conditions?

YES **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 5
ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Maps
Attachment 2	Water Right Information

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Attachment 1

Maps

Claim of Beneficial Use - T-12149

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

A Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the use does not require a new survey. The location identified on the Claim map should be based on the original right of record at the time the transfer final order was issued.

If the transfer final order did not require the installation of a meter/measuring device or fish protection devices, it may be possible to obtain a waiver, under OAR 690-014-0170(7), from providing a new map with the Claim. Any request for a mapping waiver must be in writing in the form of an e-mail or a letter.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- N/A Locations of meters and/or measuring devices in relationship to point of diversion
- N/A Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Transfer application number
- North arrow
- Legend
- CWRE stamp and signature

Robyn Cook

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Thursday, September 15, 2022 6:51 PM
To: Robyn Cook
Subject: RE: Map waiver for T-12149

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Robyn,

Your request for a waiver from submitting a new Claim map is approved. You can submit a paper copy of the application map for the Transfer. Here is a link to that map:

https://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=TRMap&transfer_char=T&transfer_nbr=12149&transfer_map_id=12616

Please attach a copy of this waiver approval to your Claim. Also, please put a sticky note on the map that references the waiver approval so that the CSG Staff does not accidentally return the Claim.

Please let me know if you have any additional questions.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Robyn Cook <rcook@gsiws.com>
Sent: Thursday, September 15, 2022 2:15 PM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Map waiver for T-12149

Hello Gerry,

Instead of submitting a new map along with the COBU for T-12149 (which changes the character of use only), I'm wondering if we could obtain a waiver for submitting a map and instead use the map included with original right of record?

Thank you for your consideration,
Robyn



Robyn Cook, RG, PG, CWRE

Supervising Hydrogeologist

direct: 971.200.8505 | mobile: 503.930.3382
55 SW Yamhill Street, Suite 300, Portland, OR 97204
GSI Water Solutions, Inc. | www.gsiws.com

T9S & T10S, R5W, WM

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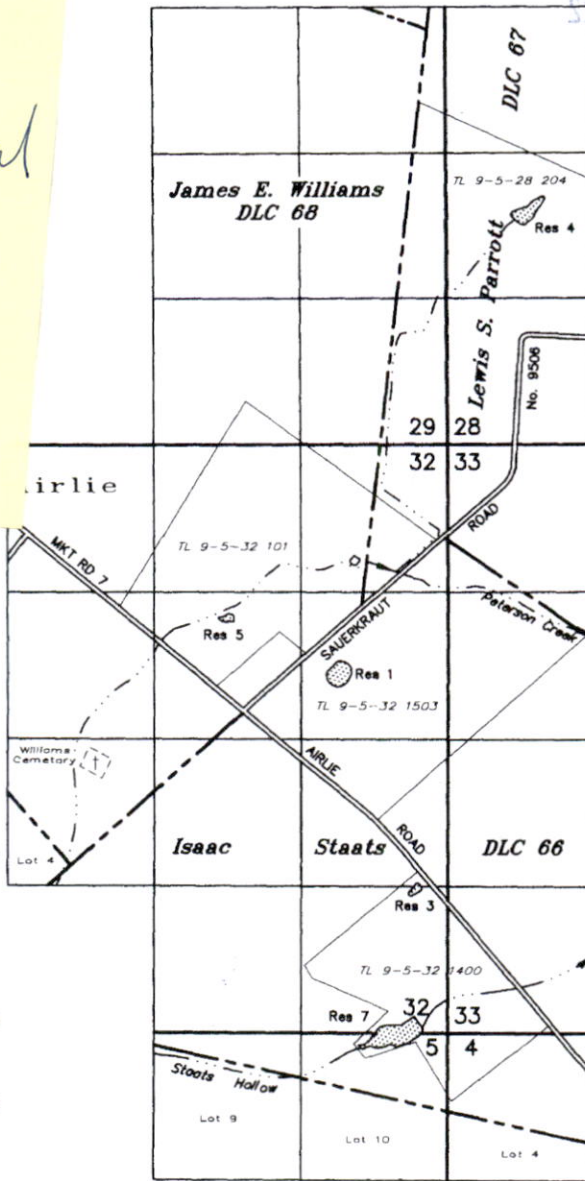
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Please see
Waiver approval
for existing
survey map.

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POD'S

RES 1:
1145' S & 855' W
N'y COR STAATS DLC 66

RES 3:
1320' N & 240' W
SE COR SEC 32

RES 4:
2860' N & 660' E
N'y COR STAATS DLC 66

RES 5:
735' S & 1880' W
N'y COR STAATS DLC 66

RES 7:
90' N & 255' W
SE COR SEC 32

CERTIFICATES DO NOT
LIST POD'S, ONLY
RESERVOIR LOCATIONS

APPLICATION TO TRANSFER WATER RIGHT

CHARACTER OF USE

IN THE NAME OF

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Hamilton Farms, LLC

AUG 31 2015

WATER RESOURCES DEPT
SALEM, OREGON

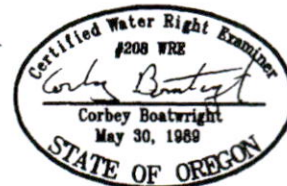
Certificate No. 81452

41746
41747

Transfer No. T-

August 8, 2015

SCALE: 1" = 1320'



NOTE: This map is not intended to
provide legal dimensions or locations
of property ownership lines.

1 12140

EXPIRES 12-31-15

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Google earth

feet 1000
meters 500

Date of Photograph: 7-14-2014

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Google earth

feet 3000
 meters 900



T 12149

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AUG 31 2015

Date of Photograph 7-14-2014

WATER RESOURCES DEPT
SALEM, OREGON

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Google earth

feet
meters

2000

900



Date of Photograph: 7-14-2014

T 12149

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AUG 31 2015

WATER RESOURCES DEPT
SALEM, OREGON

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Attachment 2

Water Right Information

Claim of Beneficial Use - T-12149

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BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12149, Polk County) CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

HAMILTON FARMS, LLC
C/O STEVE HAMILTON
14190 AIRLIE RD,
MONMOUTH, OR 97361

Findings of Fact

1. On August 31, 2015, HAMILTON FARMS LLC filed an application to change the character of use under Certificates 41746, 41747, and 81452. The Department assigned the application number T-12149.
2. Notice of the application for transfer was published on September 1, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 2, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12149 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 5, 2016, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On July 22, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12149 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 26, 2016, and in the Polk Itemizer-Observer newspaper on August 3 and 10, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

5. The portion of the first right to be transferred is as follows:

Certificate: 41746 in the name of LOUIS HAMILTON (perfected under Permit R-5616)
Use: STOCK
Priority Date: MARCH 31, 1970
Limit/Duty: The amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 7.8 ACRE-FEET (AF), being 6.0 AF in Reservoir No. 1 and 1.8 AF in Reservoir 3.
Source: Two unnamed drainageways, tributaries of SOAP CREEK

The Reservoirs are Located in:

Twp	Rng	Mer	Sec	Q-Q	DLC	Reservoir
9 S	5 W	WM	32	SE NE	66	No. 1
9 S	5 W	WM	32	SE SE	66	No. 3

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6. Certificate 41746 does not provide measured distances for the location of the point of the reservoir, however the Certified Water Right Examiner (CWRE) has provided information further describing the locations as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	32	SE NE	66	RESERVOIR NO. 1: 1145 FEET SOUTH AND 855 FEET WEST FROM THE NORTHERLY CORNER OF STAATS DLC 66
9 S	5 W	WM	32	SE SE	66	RESERVOIR NO. 3: 1320 FEET NORTH AND 240 FEET WEST FROM THE SE CORNER OF SEC 32

7. Transfer Application T-12149 proposes to change the character of use to multipurpose, including but not limited to, stock.

8. The second right to be transferred is as follows:

Certificate: 41747 in the name of LOUIS HAMILTON (perfected under Permit R-5617)
Use: STOCK
Priority Date: MARCH 31, 1970
Rate: 3.0 AF
Limit/Duty: The amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 3.0 AF.
Source: An unnamed drainageway, tributary of SOAP CREEK

The Reservoir is Located in:

Twp	Rng	Mer	Sec	Q-Q	Reservoir
9 S	5 W	WM	28	NW SW	No. 4

9. Certificate 41747 does not provide measured distances for the location of the point of the reservoir, however the CWRE has provided information further describing the location as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	5 W	WM	28	NW SW	RESERVOIR NO. 4: 2860 FEET NORTH AND 660 FEET EAST FROM THE NORTHERLY CORNER OF STAATS DLC 66

10. Transfer Application T-12149 proposes to change the character of use to multipurpose, including but not limited to, stock.

11. The portion of the third right to be transferred is as follows:

Certificate: 81452 in the name of LOUIS HAMILTON (perfected under Application R-75387)

Use: LIVESTOCK, FIRE PROTECTION and FLOOD CONTROL

Priority Date: JANUARY 1, 1993

Limit/Duty: The amount of water entitled to be stored and used each year under this right is not more than 3.0 ACRE-FEET, being 1.0 AF in Hamilton 5 Reservoir and 2.0 AF in Hamilton 7 Reservoir.

Source: UNNAMED STREAMS, tributaries of BERRY CREEK

The Reservoirs are Located in:

Twp	Rng	Mer	Sec	Q-Q	Reservoir
9 S	5 W	WM	32	SW NE	Hamilton 5 Reservoir
9 S	5 W	WM	32	SE SE	Hamilton 7 Reservoir
10 S	5 W	WM	5	NE NE	Hamilton 7 Reservoir

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12. Certificate 81452 does not provide measured distances for the location of the point of the reservoir, however the CWRE has provided information further describing the locations as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	5 W	WM	32	SW NE	HAMILTON RESERVOIR 5: 735 FEET SOUTH AND 1880 FEET WEST FROM THE NORTHERLY CORNER OF STAATS DLC 66
9 S	5 W	WM	32	SE SE	HAMILTON RESERVOIR 7: 90 FEET NORTH AND 255 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 32

13. Transfer Application T-12149 proposes to change the character of use to multipurpose, including but not limited to, livestock, fire protection and flood control.

Transfer Review Criteria [OAR 690-380-4010(2)]

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

15. The proposed change would not result in enlargement of the rights.

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16. The proposed change would not result in injury to other water rights.

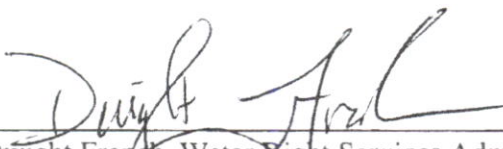
Conclusion of Law

The change in character of use proposed in Transfer Application T-12149 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-12149 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 41746, 41747, 81452, and any related decree.
3. Water right Certificates 41746, 41747, and 81452 are canceled. New certificates will be issued describing that portion of the rights not affected by this transfer.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 16 day of September, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: 9/30/16