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Application for a Permit to Use **OCT 2 | 2022**  
**Surface Water**

OWRD



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

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

**Organization**

NAME HAMILTON FARMS LLC, ATTN: MATT HAMILTON			PHONE 503-559-4206	FAX
ADDRESS 14190 AIRLIE ROAD			CELL	
CITY MONMOUTH	STATE OR	ZIP 97361	E-MAIL * DELTAU257@HOTMAIL.COM	

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: KIMBERLY GRIGSBY			PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BLVD., SUITE 240			CELL	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM	

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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



	Matt Hamilton, Hamilton Farms LLC	10-03-2022
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access. **(Attachment D)**
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**Tax lot 102 (Map 2) Seth and Eric Crawford, 7744 NW Mint Avenue, Albany, OR 97321**  
**Tax lot 100 (Map 3) Similand, 10865 Brateng Road, Monmouth, OR 97361**

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. **Attachment B**

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Luckiamute River	Tributary to: Willamette River
TRSQQ of POD 1: T9S R5W Sec. 19, NESW, GLot 2	
Source 2: Luckiamute River	Tributary to: Willamette River
TRSQQ of POD 2: T9S R5W Sec. 19, NENE, DLC 55	
Source 3: Luckiamute River	Tributary to: Willamette River
TRSQQ of POD 3: T9S R5W Sec. 24, NENW, DLC 62	
Source 4: Little Luckiamute River	Tributary to: Luckiamute River
TRSQQ of POD 4: T9S R5W Sec. 6, NESW, DLC 51	
Source 5: Little Luckiamute River	Tributary to: Luckiamute River
TRSQQ of POD 5: T9S R5W Sec. 8, NESW, DLC 50	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

N/A

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**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in Section 3A above? N/A

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Yes.  No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.) N/A

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following: N/A

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

**Upper Columbia - OAR 690-033-0115 thru -0130**

Is the POD located in an area where the Upper Columbia Rules apply?

Yes  No

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia

River Basin Fish and Wildlife Program” adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

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If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

The Applicant will comply with any water use measurement and reporting conditions required by OWRD. The Applicant will only irrigate when necessary to promote ideal crop production.

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E)

fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Luckiamute River – POD 1 (Montez)	Irrigation	March 1-31	2.48 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 1 (Montez)	Irrigation	April 1-30	0.59 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 1 (Montez)	Irrigation	October 1-31	1.89 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 2 (Johnson)	Irrigation	March 1-31	2.00 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 2 (Johnson)	Irrigation	April 1-30	0.50 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 2 (Johnson)	Irrigation	October 1-31	1.50 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Luckiamute River – POD 3 (Rincon)	Irrigation	March 1-31 and October 1-31	0.79 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Little Luckiamute River – POD 4 (Marshall)	Irrigation	March 1-31	1.16 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Little Luckiamute River – POD 5 (Ratzlaff)	Irrigation	March 1-31	1.86 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 663.1 Acres                      Supplemental: 0 Acres                      Nursery Use: 0 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): N/A – The requested permit will not be supplemental to any of the certificates held by the Applicant authorizing irrigation of the same place of use, because there are no primary water rights for the proposed place of use during the season of use requested under this permit application, as described further in Section 10.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 831.4 AF (Note: this volume is based on diversion at the 1/80 cfs per acre rate requested during the requested shoulder season as described above. This is less than the standard duty of 2.5 acre-feet per acre, which could not be used during the short season of use requested.) This volume, in combination with the use under the existing water rights

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appurtenant to the same authorized places of use, would not exceed a total of 2.5 AF per acre annually, or a total of 1,657.75 AF.

- If the use is **municipal or quasi-municipal**, attach **Form M – N/A**
- If the use is **domestic**, indicate the number of households: **N/A**
- If the use is **mining**, describe what is being mined and the method(s) of extraction: **N/A**

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): The existing points of diversion have 30 to 75 HP centrifugal electric pumps installed.
- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be diverted at existing points of diversion using 30 to 75 HP centrifugal electric pumps and conveyed via buried PVC piping to the place of use.

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### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Water will be applied via wheel lines, travelers, and drip irrigation.

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The Applicant will only irrigate when necessary to promote ideal crop production. Water will be measured at the points of diversion if required by OWRD. Flow meters have been installed at POD 1 (Montez) and POD 2 (Johnson), and will be installed at the other points of diversion if required. No construction is needed because existing points of diversion and irrigation systems will be used. No discharge to surface water is contemplated, and no adverse effects to public uses of surface waters are anticipated.

## SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: POD 1 (Montez) and POD 2 (Johnson) have existing fish screens installed on the intakes as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions. Fish screens will be installed on the intakes of the other points of diversion if required.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: **N/A – existing infrastructure will be used, so no construction (excavation or bank clearing) will occur.**

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: **N/A – existing infrastructure will be used, so no construction will occur.**

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: **The Applicant will only irrigate when necessary to promote ideal crop production using the minimum quantity of water needed. This will prevent erosion, and no run-off of chemical products will occur.**

List other federal and state permits or contracts to be obtained, if a water right permit is granted. **N/A**

### SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Within 5 years of permit issuance
- b) Date construction will be completed: Within 5 years of permit issuance
- c) Date beneficial water use will begin: Within 5 years of permit issuance

### SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name N/A	Address	
City	State	Zip

### SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

The Applicant holds water right Certificates 22649, 22676, 26647, 31511, 37151, 37345, 42264, 45961, 57712, and 59102, which authorize irrigation of the proposed place of use during the irrigation season, which is identified in the Luckiamute Decree as April 1 through September 30. As a result of warmer and drier spring and fall weather, the Applicant is requesting to use water during the "shoulder season" months. For the place of use shared with Certificates 22649, 22676, 26647, 42264, and 45961, the Applicant is requesting to use water during March and October. For the place of use shared with Certificates 31511, 37151, 37345, 57712, and 59102, the Applicant is requesting to use water during March.

The Applicant also holds Certificate 91320, which authorizes irrigation from May 1 through June 30. The Applicant is requesting to use water during March and April for the portion of the place of use shared with Certificate 91320.

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Rev. 07/21

For Department Use: App. Number: \_\_\_\_\_

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Use of water under the requested permit, in combination with use under the existing water rights appurtenant to the proposed place of use, will not exceed a total of 2.5 AF per acre irrigated annually.

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## **Attachment A**

Land Use Information Form

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Application for a Surface Water Permit - Hamilton Farms LLC

# 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](http://www.oregon.gov/OWRD)

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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# Land Use Information Form

Applicant(s): Hamilton Farms LLC, Attn: Matt Hamilton

Mailing Address: 14190 Airlie Road

City: Monmouth

State: OR

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:
<u>Please see attached maps for proposed place of use</u>					<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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) Luckiamute River and Little Luckiamute River

Estimated quantity of water needed: 8.29   
 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:

The Applicant holds 11 water rights authorizing the irrigation of 663.1 acres in Polk County. Ten of these water rights authorize irrigation from April 1 through September 30, and one water right authorizes irrigation from May 1 through June 30. The Applicant is applying for a water right to extend the irrigation season by irrigating the same lands during the shoulder seasons, with a goal of allowing irrigation from March through October. This application does not expand the total acreage that is already irrigated. All lands included in the application are zoned EFU. All points of diversion are already in place and there will be no construction or impacts to riparian areas.

*pasture grasses, grass seed crops*



**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 136030CA
- 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

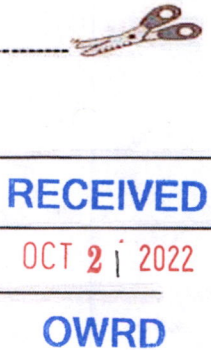
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

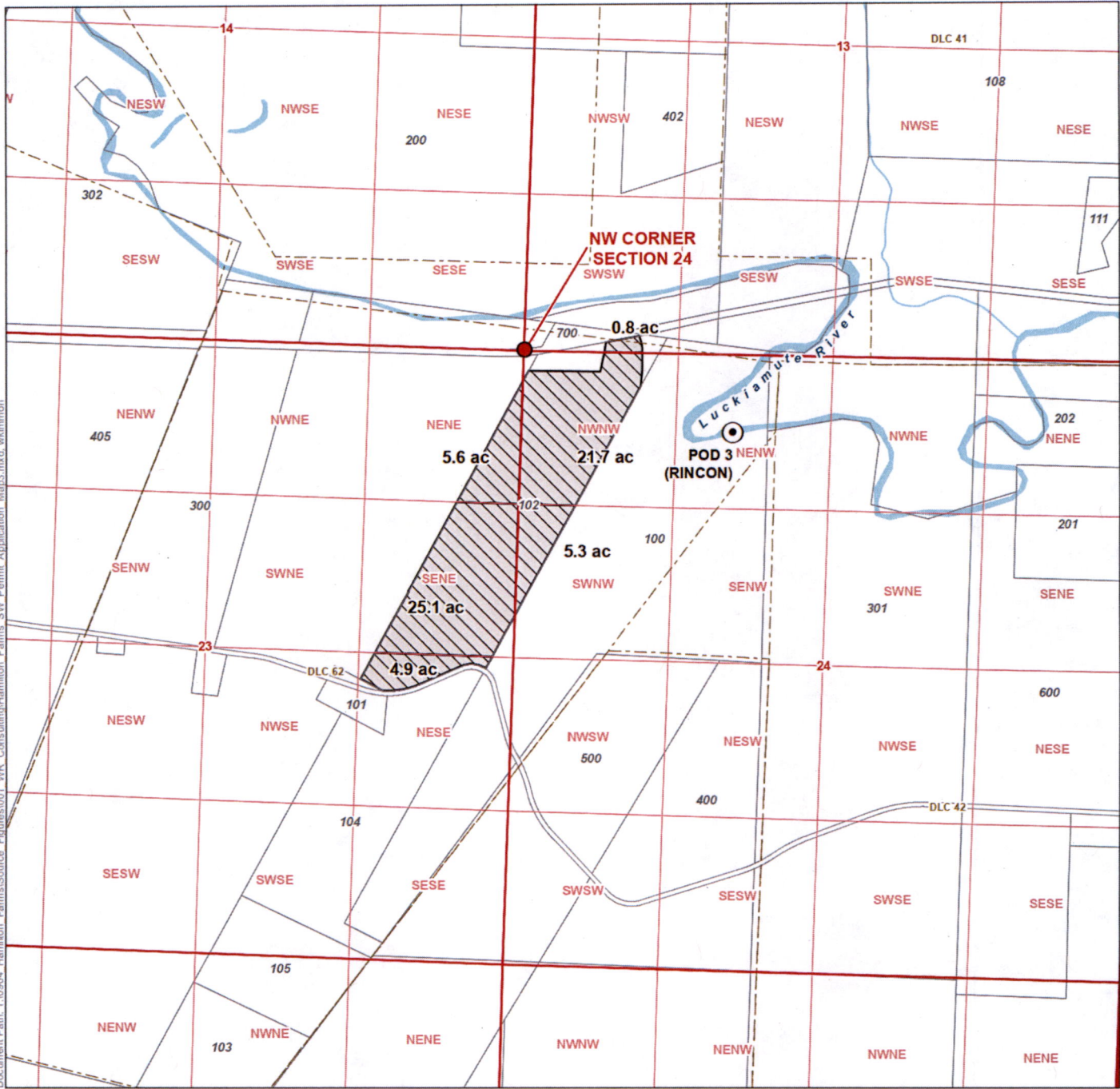
Name: Eric Knudson Title: Assistant Planner  
 Signature:  Phone: 503-623-9237 Date: 10/13/22  
 Government Entity: Polk County Community Development

**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: \_\_\_\_\_





Document Path: Y:\0964\_Hamilton\_Farms\Source\_Figures\001\_WR\_Consulting\Hamilton\_Farms\_SW\_Permit\_Application\_Map3.mxd\_wikimoon

**LEGEND**

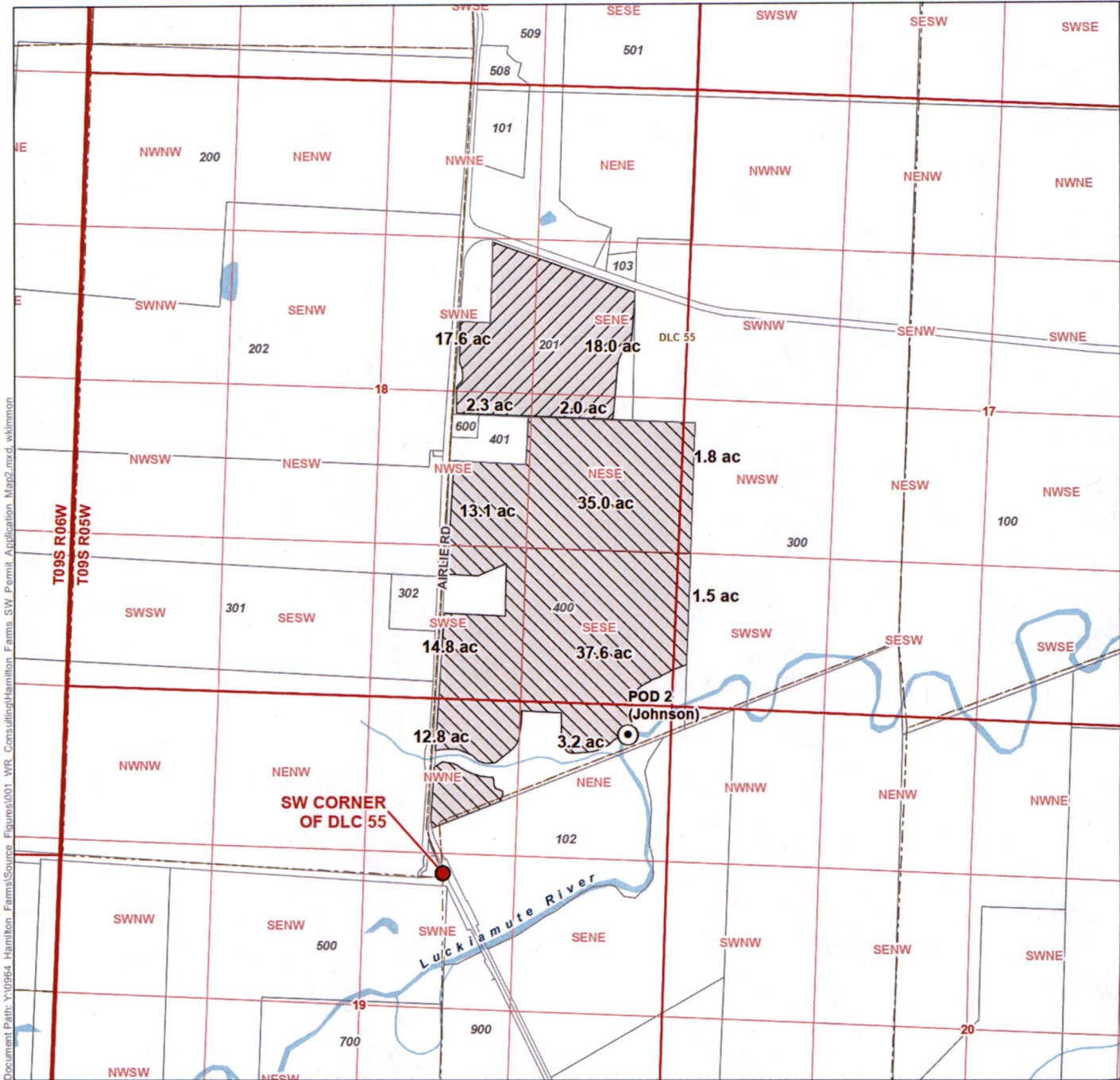
- Point of Diversion (POD)
- Proposed POU: March and October
- Tax Lot
- Government Lot (GL)
- Major Road
- Railroad
- Watercourse
- Waterbody

**Surface Water Permit Application  
for Hamilton Farms LLC (Map 3 of 5)**  
Township 9 South, Range 5 West (W.M.)  
Polk County

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**LOCATION DESCRIPTION**  
**POD 3 (Rincon)**  
Located 640 feet South and 1,760 feet East from the SW corner of section 24, Township 9 South, Range 5 West (W.M.)

**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
Date: August 30, 2022  
Data Sources: BLM, ESRI, OWRD, USGS



**LEGEND**

- Point of Diversion (POD)
- Proposed POU: March-April
- Proposed POU: March and October
- Tax Lot
- Government Lot (GL)
- Major Road
- Railroad
- Watercourse
- Waterbody

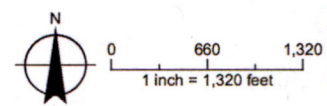
**Surface Water Permit Application  
for Hamilton Farms LLC (Map 2 of 5)**  
Township 9 South, Range 5 West (W.M.)  
Polk County

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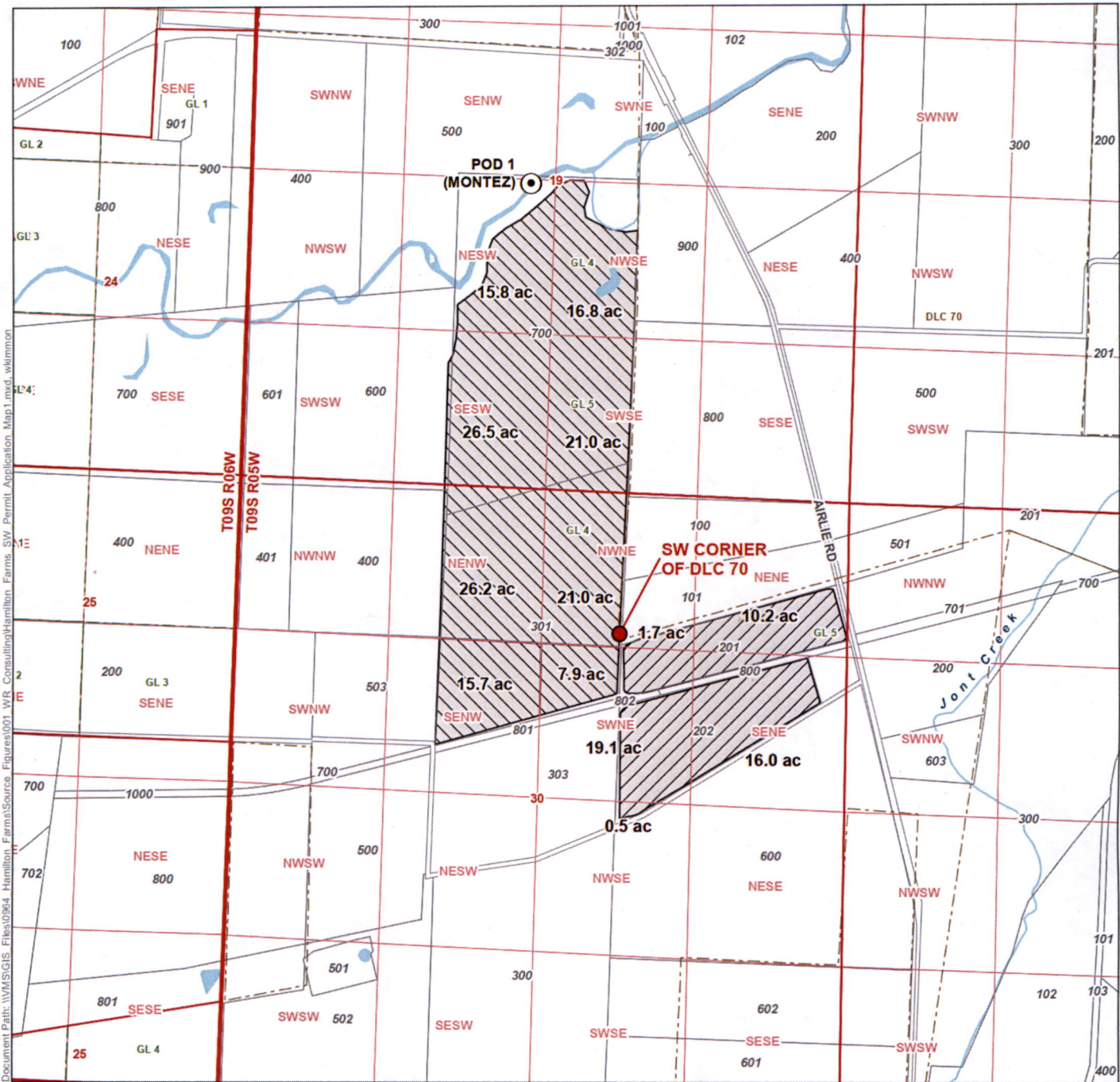
**LOCATION DESCRIPTION**  
POD 2 (Johnson)  
Located 910 feet North and 1,700 feet East from the SW corner of DLC 55, Township 9 South, Range 5 West (W.M.)

**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 9, 2022  
Data Sources: BLM, ESRI, OWRD, USGS



Document Path: Y:\0964\_Hamilton\_Farms\Source\_Figures\001\_WR\_Consulting\Hamilton\_Farms\_SW\_Permit\_Application\_Map2.mxd\_wkimmon



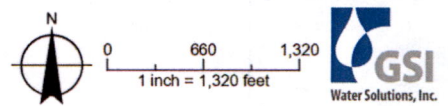
- LEGEND**
- Point of Diversion (POD)
  - ▨ Proposed POU: March-April
  - ▨ Proposed POU: March and October
  - Tax Lot
  - Government Lot (GL)
  - Major Road
  - Railroad
  - Watercourse
  - Waterbody

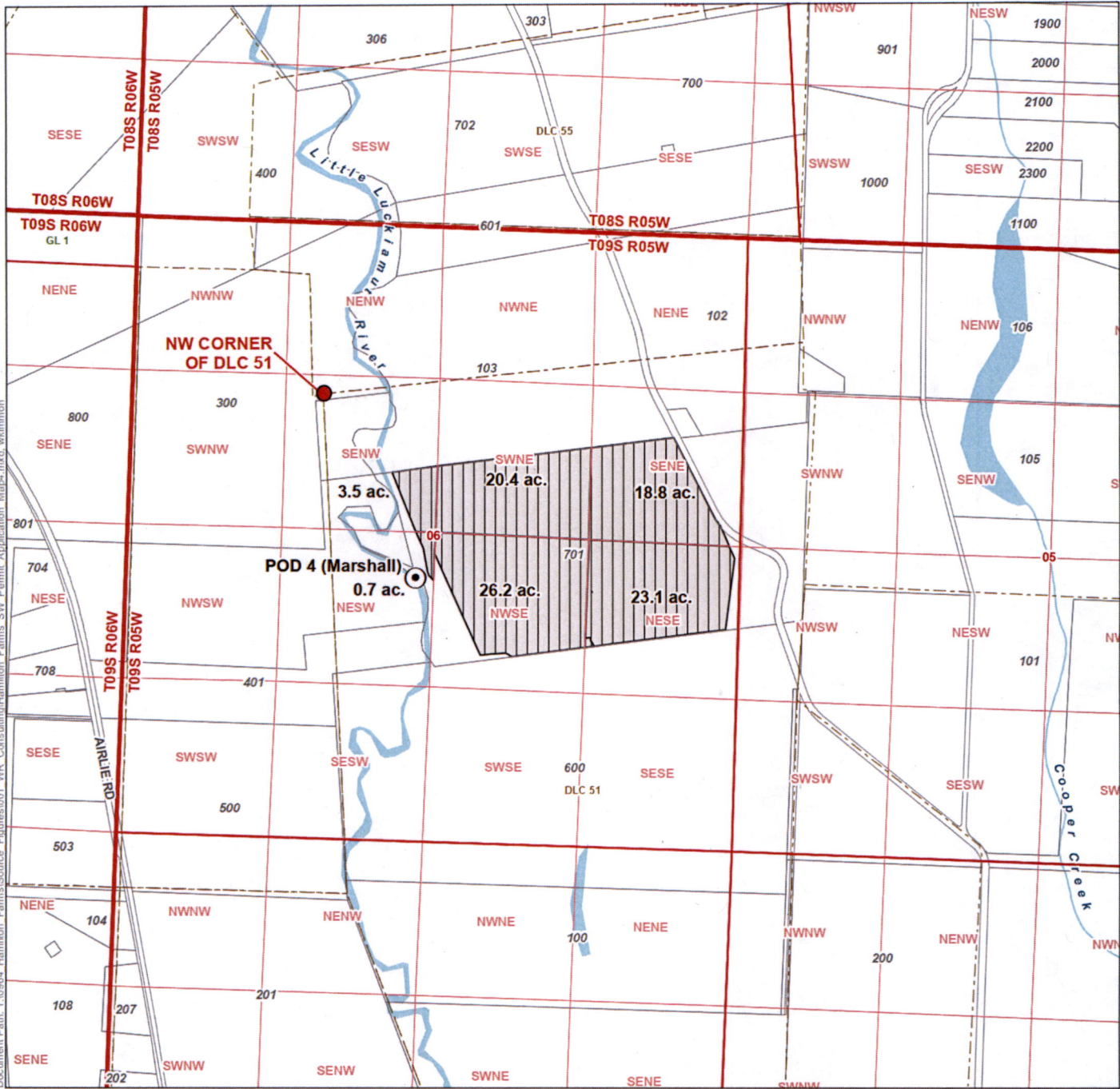
**Surface Water Permit Application  
for Hamilton Farms LLC (Map 1 of 5)**  
Township 9 South, Range 5 West (W.M.)  
Polk County

**RECEIVED**  
OCT 2 | 2022  
**OWRD**

**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
Date: August 30, 2022  
Data Sources: BLM, ESRI, OWRD, USGS

**LOCATION DESCRIPTION**  
**POD 1 (Montez)**  
Located 3,930 feet North and 840 feet West from the SW corner of DLC 70, Township 9 South, Range 5 West (W.M.)





Document Path: Y:\0964\_Hamilton\_Farms\Source\_Figures\001\_WR\_Consulting\Hamilton\_Farms\_SW\_Permit\_Application\_Map4.mxd\_wikimon

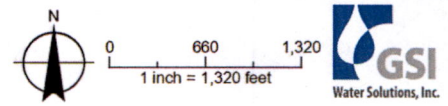
- LEGEND**
- Point of Diversion (POD)
  - Proposed POU: March
  - Tax Lot
  - Government Lot (GL)
  - Major Road
  - Railroad
  - Watercourse
  - Waterbody

**Surface Water Permit Application  
for Hamilton Farms LLC (Map 4 of 5)**  
Township 9 South, Range 5 West (W.M.)  
Polk County

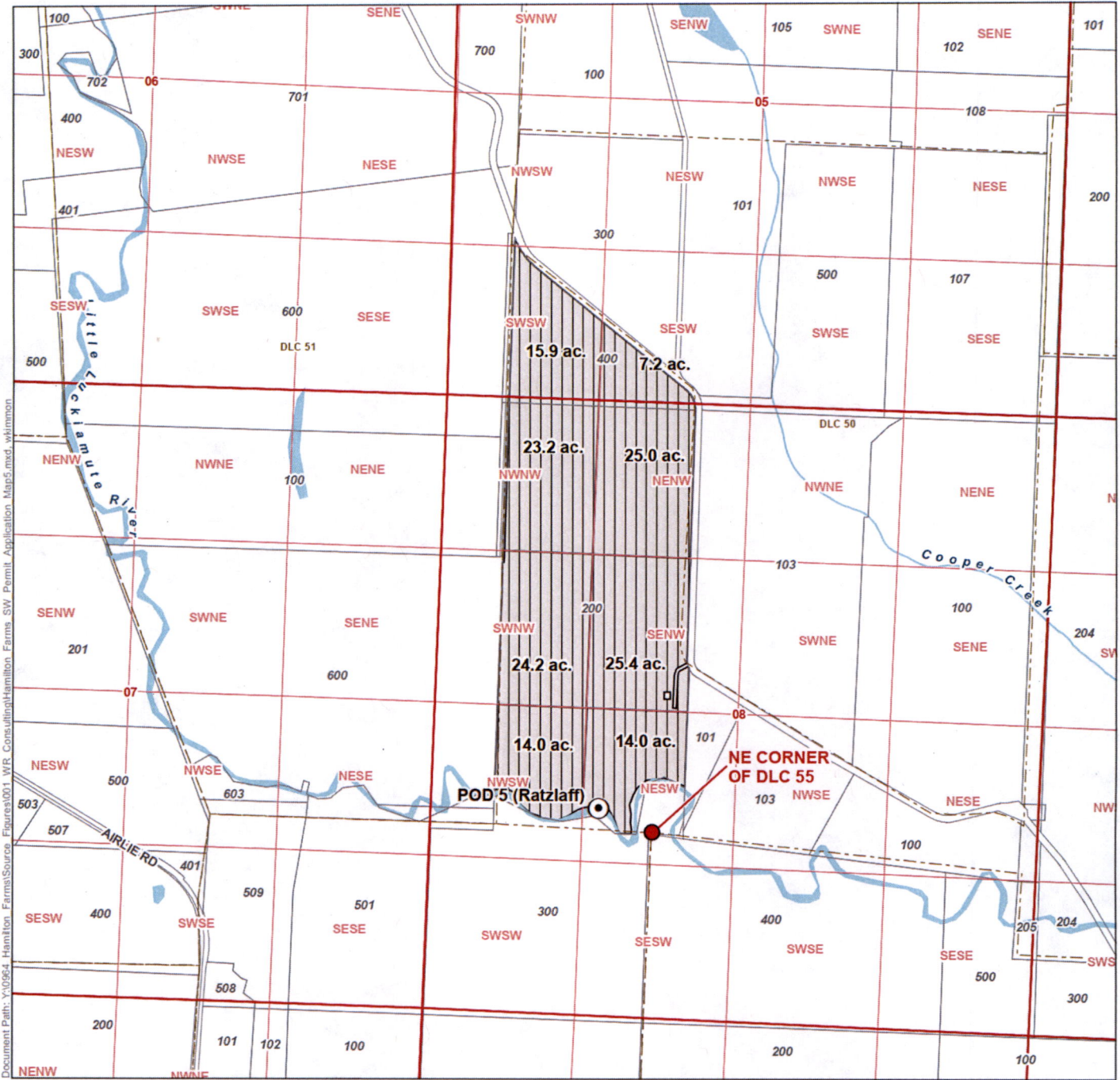
**RECEIVED**  
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**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
Date: August 30, 2022  
Data Sources: BLM, ESRI, OWRD, USGS

**LOCATION DESCRIPTION**  
**POD 4 (Marshall)**  
Located 1,560 feet South and 870 feet East from the NW corner of DLC 51, Township 9 South, Range 5 West (W.M.)







Document Path: Y:\0964\_Hamilton\_Farms\Source\_Figures\001\_WR\_Consulting\Hamilton\_Farms\_SW\_Permit\_Application\_Map5.mxd\_wkimmon

**LEGEND**

- Point of Diversion (POD)
- Proposed POU: March
- Tax Lot
- Government Lot (GL)
- Major Road
- Railroad
- Watercourse
- Waterbody

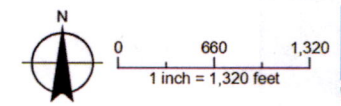
**Surface Water Permit Application**  
**for Hamilton Farms LLC (Map 5 of 5)**  
 Township 9 South, Range 5 West (W.M.)  
 Polk County

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**DISCLAIMER**  
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: August 18, 2022  
 Data Sources: BLM, ESRI, OWRD, USGS

**LOCATION DESCRIPTION**  
**POD 5 (Ratzlaff)**  
 Located 210 feet North and 470 feet West from the NE corner of DLC 555, Township 9 South, Range 5 West (W.M.)



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## **Attachment B**

Property Legal Descriptions

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Application for a Surface Water Permit – Hamilton Farms LLC

# Property Legal Descriptions

Tax Lot	Map	Document
95W30 201	1	1
95W30 202	1	
95W30 301	1	
95W19 700	1	
95W18 201	2	
95W18 400	2	
95W23 102	3	
95W06 701	4	2
95W05 400	5	
95W08 200	5	

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Legal Descriptions Maps 1 to 3

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2014-008805



\$66.00

00280215201400088050040047

10/21/2014 02:54:24 PM

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

WARRANTY DEED

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

SEE "EXHIBIT A" attached hereto

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

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

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

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

Dated this 15<sup>th</sup> day of October, 2014.

Steven L. Hamilton

Beverly L. Hamilton

STATE OF OREGON )  
 ) ss.  
County of Marion )

The forgoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2014, by Steven L. Hamilton and Beverly L. Hamilton, husband and wife.



Notary Public for Oregon  
My Commission expires: 4-19-15

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OCT 21 2014  
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AFTER RECORDING,  
RETURN TO:  
Churchill, Leonard  
PO Box 804  
Salem, OR 97308

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:  
Hamilton Farms, LLC  
14190 Airlie Rd.  
Monmouth, OR 97361

1/4

# Legal Descriptions Maps 1 to 3

## EXHIBIT A

### Parcel 1:

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

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

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

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

### Parcel 2:

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

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

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

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

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

### Parcel 3:

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

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

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

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

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## Legal Descriptions Maps 1 to 3

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

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

### Parcel 4:

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

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

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

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

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

### SUBJECT TO:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes and interest.

2. Easement, including the terms and provisions thereof, conveyed to Consumers Power, Inc., an Oregon corporation, by instrument recorded April 28, 1977, in Volume 103, Page 2437, Books of Records for Polk County, Oregon.

(Parcel #445122)

### Parcel 5:

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

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

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

Commencing at the intersection of the centerline of Airlie Road (M-7) and the Northerly right of way of Tarter Road, extended, said point is described as being North 72° East 1.03 chains and South 32-1/2° East 19.15 chains and North 56° East 24.88 chains from the Southwest corner of the Donation Land Claim of Rice W. Simpson No. 70 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, (said point of intersection being 2095.83 feet South 82° 07' 55" East by survey from said Donation Land Claim corner); the true point of beginning bears South 59° 41' 15" West 31.38 feet to the intersection of the Northerly and Westerly right of way lines of the aforementioned roads; thence along the Westerly right of way line of said Airlie Road, North 13° 16' 49" West 304.88 feet to the Southerly right of way line of the Valley and Siletz Railroad; thence along said Southerly right of way line, South 75° 45' 11" West 383.94 feet, thence South 15° 30' 22" East 411.42 feet to the Northerly right of way line of Tarter Road; thence along said right of way line, North 59° 41' 15" East 384.78 feet to the point of beginning.

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

(Parcel #447564)

## Legal Descriptions Maps 1 to 3

### Parcel 6:

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

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

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

### Parcel 7:

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

### Parcel 8:

That part of the this property located North of the abandoned Valley and Siletz Railroad right of way. Beginning 10.52 chains East of the Quarter Section corner on the line between Sections 30 and 31 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence North 84.16 chains; thence South 72° 30' West 25 chains; thence South 76.50 chains to the Section line between Sections 30 and 31; thence East with said line 24 chains to the place of beginning.

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

Subject to:

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

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

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

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

(Parcel #186334)

### Parcel 9:

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

(Parcel #529590)

Legal Descriptions Maps 4 and 5

RECORDING REQUESTED BY:



315 Commercial St SE, Ste 150  
Salem, OR 97301

AFTER RECORDING RETURN TO:

Matt Hamilton  
Hamilton Farms, LLC  
14190 Airlie Road  
Monmouth, OR 97361

SEND TAX STATEMENTS TO:

Hamilton Farms, LLC  
14190 Airlie Road  
Monmouth, OR 97361

174585, 174527 and 174556  
8915 Smith Road, Monmouth, OR 97361  
8085 Smith Road, Monmouth, OR 97361

RECORDED IN POLK COUNTY 2021-019954  
Valerie Unger, County Clerk 12/22/2021 03:12:00 PM  
REC-BS Cnt=1 Str=5 K. WILLIAMS  
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00 \$101.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Stanley O. Ratzlaff and Howard W. Ratzlaff, Trustees of the By-pass Trust created under the Orval C. Ratzlaff and Ethel J. Ratzlaff Living Trust, Grantor, conveys to Hamilton Farms, LLC, , Grantee, the following described real property, situated in the County of Polk, State of Oregon,

AMENDED LEGAL DESCRIPTION:

Parcel 1:

Beginning at a point 5.15 chains North from the Southwest corner of the Donation Land Claim of J.H. Smith and wife, Notification No. 2685, Claim No. 50, in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence running South 62°65' East 6.73 chains; thence South 82°35' East 3.04 chains; thence North 70° East 5.35 chains; thence South 52°30' East 4.53 chains; thence East 2.00 chains; thence North 9°15' East 6.90 chains; thence North 67°30' East 2.50 chains; thence South 25°50' East 3.10 chains; thence North 51.87 chains; thence North 53°00' 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.

Parcel 2:

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

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

The true consideration for this conveyance Two Million Sixty Thousand And No/100 Dollars (\$2,060,000.00). (See ORS 93.030).

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

TICOR TITLE 47182114305

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Legal Descriptions Maps 4 and 5

BARGAIN AND SALE DEED - STATUTORY FORM  
(continued)

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.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 12/20/2021

Stanley O. Ratzlaff and Howard W. Ratzlaff, Trustees of the By-pass Trust created under the Orval C. Ratzlaff and Ethel J. Ratzlaff Living Trust

BY: [Signature]  
Stanley O. Ratzlaff

Stanley O. Ratzlaff and Howard W. Ratzlaff, Trustees of the By-pass Trust created under the Orval C. Ratzlaff and Ethel J. Ratzlaff Living Trust

BY: [Signature]  
Howard W. Ratzlaff

Stanley O. Ratzlaff and Howard W. Ratzlaff, Trustees of the By-pass Trust created under the Orval C. Ratzlaff and Ethel J. Ratzlaff Living Trust

State of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public - State of Oregon  
My Commission Expires: \_\_\_\_\_

SEE ATTACHED CERTIFICATE

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Legal Descriptions Maps 4 and 5

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of FRESNO }
On DECEMBER 20, 2021 before me, JULIE SANFILIPPO ABATE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer
personally appeared STANLEY O. RATZLAFF
HOWARD W. RATZLAFF Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Julie Sanfilippo Abate
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: BARGAIN AND SALE DEED - STATUTORY FORM

Document Date: DECEMBER 20, 2021 Number of Pages: THREE

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:
Corporate Officer - Title(s): Corporate Officer - Title(s):
Partner - Limited General Partner - Limited General
Individual Attorney in Fact Individual Attorney in Fact
Trustee Guardian or Conservator Trustee Guardian or Conservator
Other: Other:
Signer is Representing: Signer is Representing:

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# Attachment C

Application Maps

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Application for a Surface Water Permit – Hamilton Farms LLC

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# Attachment D

Authorizations Permitting Access

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Application for a Surface Water Permit – Hamilton Farms LLC

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## Access Authorization Documents

Number	Tax Lot	Document	Point of Diversion	Map
1	100	Water System Easement from Similand (POD, Tax Lot 100) to Luis and Connie Rincon and their heirs and assigns (Proposed POU, Tax Lot 102)	POD 3 (Rincon)	3
2	100	Deed showing transfer of ownership of Tax Lot 102 from Luis and Connie Rincon to Steven and Beverly Hamilton		
3	100	Deed showing transfer of ownership of Tax Lot 102 from Steven and Beverly Hamilton to Hamilton Farms LLC		

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RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2009-005454

After recording return to:

Joseph E. Penna, P.C.  
207 W. Main St.  
Monmouth OR 97361



\$46.00

05/08/2009 11:26:36 AM

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

**WATER SYSTEM EASEMENT**

**Recital:** This agreement is hereby made on the 23rd day of April, 2009, between KENDRICK J. SIMILA, PATRICIA D. SIMILA and JAMES D. SIMILA, doing business as SIMILAND, a Co-partnership, their sucesors and assigns, as Grantor and LUIS E. RINCON and CONNIE M. RINCON, and their heirs and assigns as Grantee, for a water line easement.

**SECTION ONE: RIGHT OF WAY**

1.1 In consideration of the promises contained herein, Grantor herein grants and conveys to Grantee an easement 20 feet in width, the centerline of which is an existing water line described as follows:

Beginning at the Northeast corner of the Matthew M. Neally Donation Land Claim No. 62 in Township 9 South Range 5 West, of the Willamette Meridian, Polk County, Oregon; and running thence along the North line of said Donation Land Claim North 82°20'41" West 920.03 feet; thence South 28°50'02" West 950 feet to the true place of beginning; thence south 82°20'41" East to the low water line of the Luckiamute River.

The easement shall be used for the purposes of operating, inspecting, maintaining, repairing, replacing, or removing a water pipeline and a water pum.

This land is referred to in this agreement as the "premises"; the right-of-way is referred to as the "right-of-way".

1.2 The terms of this easement are as follows:

1.2.1 The Grantee, their successors, assigns, agents, independent contractors and invitees shall use the water system easement for operation, repair, replacement and maintenance of the water line and water pump only. Any replacement water line shall be buried more than plow deep.

1.2.2 Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement. Grantee assumes all risk arising out of its use of the easement, and Grantor shall have no liability to Grantee or others for any condition existing thereon.

1.2.3 This easement is exclusive and in gross to the Grantee and Grantee's successors and assigns.

1.2.4 This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of seven years, or if otherwise

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abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request execute a recordable document evidencing such expiration.

1.2.5 This easement is granted subject to all prior easements or encumbrances of record.

1.3 This easement is appurtenant to and for the benefit of the following described real property:

Beginning at the Southeast corner of the Matthew M. Neally Donation Land Claim No. 62 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; and running thence North 36°54'24" East 1880.00 feet; thence North 64°10' West 365.68 feet; thence North 28°50'02" East 5709.11 feet to the North of said claim; thence along said North line North 82°20'41" West 942.44 feet; thence South 28°50'02" West 3468.46 feet; thence South 62°25' East 260.50 feet; thence South 05°20'03" West 356.46 feet; thence North 62°25' West 402.67 feet; thence South 28°50'02" West 3674.54 feet to a point on the South line of said Neally claim which is 1864.50 feet South 76°08;35" East from the southwest corner of said claim; thence South 76°08'35" East 1014.43 feet to the place of beginning.

**SECTION TWO: CONSIDERATION**

2.1 The consideration for Grantor granting and conveying to Grantee, its successors and assigns these easement rights is the sum of \$10.00.

2.2 All work performed on the water system shall be done in a workman like manner so as not to disturb or interfere with Grantor's use and access to the premises.

**SECTION THREE: ADDITIONAL RIGHTS AND RESTRICTIONS OF GRANTEE**

3.1 Grantee shall have the right of ingress and egress to and from the premises for any and all purposes necessary or convenient for the operation, maintenance or replacement of the water line and water pump.

3.2 Grantee shall hold grantor harmless from any and all claims of injury or damage to Grantee, its agents, successors, assigns and employees, or any third persons acting on behalf of Grantee, from the condition, use and maintenance of both the water pipeline lines, and roadways surface used for purposes of ingress and egress to and from said pipe lines.

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**SECTION FOUR: RIGHT OF GRANTOR**

4.1 Grantor shall have the right to use and enjoy the premises as long as Grantor does not unreasonably interfere with the easements rights granted to Grantee.

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**SECTION FIVE: ASSIGNMENT**

5.1 The rights granted Grantee and Grantor in this agreement shall be assignable together or separately, and in whole or in part. Grantee shall have the right to transfer some or all of its rights to successors or assigns for water system activities.

**SECTION SIX: WARRANTY OF TITLE/EFFECT**

6.1 Grantor covenants that Grantor is either the owner of the premises, or has

the legal right, title or capacity to grant the easement granted in this agreement.

6.2 This agreement shall be binding on the heirs, legal representatives, successors and assigns of the parties.

**SECTION SEVEN: EXPENSES AND ATTORNEY FEES**

7.1 In the event that either party shall have to take action to enforce the terms of this contract, or if either party is forced to appear in any proceeding to protect and maintain their rights of title, the prevailing party shall be entitled to recover from the other all expenses which they may reasonably incur in taking such action, including but not limited to, costs incurred in searching records, the costs of title reports, surveyor reports, and their attorney fees, whether incurred in a suit or action or any appeal from judgment or decree therein or petition for review, or in connection with nonjudicial action.

**SECTION EIGHT: MISCELLANEOUS**

8.1 **APPLICABLE LAW:** This contract shall be governed by the laws of the State of Oregon.

8.2 **TIME OF THE ESSENCE:** Time is of the essence on this contract.

8.3 **SEVERABILITY:** If any portion of this contract shall be held invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not effect any other provisions of this contract, but this contract shall be construed as if the invalid, illegal or unenforceable provision had never been contained herein.

**SECTION NINE: ENTIRE AGREEMENT**


9.1 This contract is the entire agreement of the parties with respect to the matters covered and no other previous agreement, statement or promises made by any party to this contract which is not contained herein shall be binding.


IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

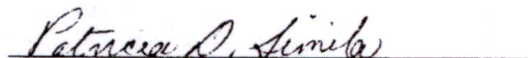
GRANTOR:

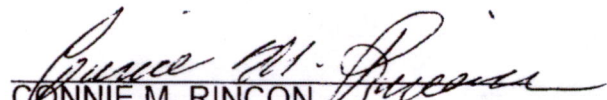
GRANTEE:

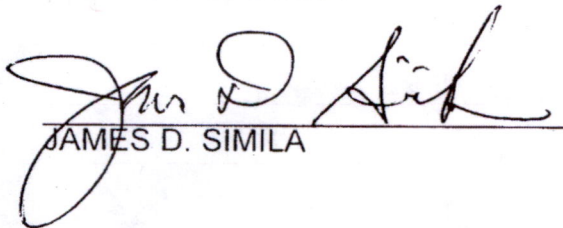
SIMILAND, A Co-Partnership

  
KENDRICK J. SIMILA

  
LUIS RINCON

  
PATRICIA D. SIMILA

  
CONNIE M. RINCON

  
JAMES D. SIMILA

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OCT 2 / 2022



STATE OF OREGON )  
                  Marion ) ss.  
County of Polk 24 )

The foregoing instrument was acknowledged before me this 23 day of April, 2009, by Kendrick J. Simila, Grantor.

*[Signature]*  
Notary Public for Oregon



STATE OF OREGON )  
County of Polk ) ss.

The foregoing instrument was acknowledged before me this 6 day of May, 2009, by James D. Simila, Grantor.

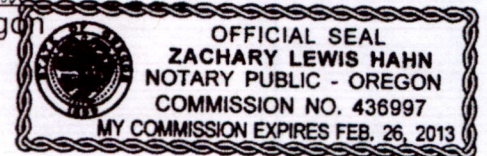
*[Signature]*  
Notary Public for Oregon



STATE OF OREGON )  
                  Marion 24 ) ss.  
County of Polk )

The foregoing instrument was acknowledged before me this 23 day of April, 2009, by Patricia D. Simila, Grantor.

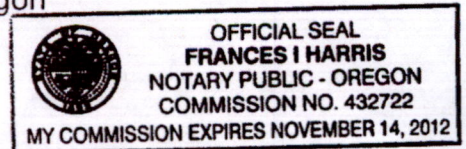
*[Signature]*  
Notary Public for Oregon



STATE OF OREGON )  
County of Polk ) ss.

The foregoing instrument was acknowledged before me this 24 day of April, 2009, by Luis Rincon, Grantee.

*[Signature]*  
Notary Public for Oregon



STATE OF OREGON )  
County of Polk ) ss.

The foregoing instrument was acknowledged before me this 30th day of April, 2009, by Connie M. Rincon, Grantee.



*[Signature]*  
Notary Public for Oregon

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OCT 21 2022  
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After recording return to:  
Steve L. Hamilton and Beverly L.  
Hamilton  
14200 Airlie Rd  
Monmouth, OR 97361

Until a change is requested all tax statements  
shall be sent to the following address:  
Steve L. Hamilton and Beverly L.  
Hamilton  
14200 Airlie Rd  
Monmouth, OR 97361

File No.: 7081-1410385 (ALS)  
Date: June 24, 2009

FIRST AMERICAN TITLE 1410385

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2009-007842



\$41.00

00216812200900078420030033

07/02/2009 12:19:20 PM

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

### STATUTORY WARRANTY DEED

**Luis E. Rincon and Connie M. Rincon, as tenants by the entirety**, Grantor, conveys and warrants to **Steve L. Hamilton and Beverly L. Hamilton, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$405,000.00**. (Here comply with requirements of ORS 93.030)

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APN: 341994

Statutory Warranty Deed  
- continuedFile No.: 7081-1410385 (ALS)  
Date: 06/24/2009**EXHIBIT A****LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:**THAT PORTION OF THE FOLLOWING DESCRIBED TRACT, WHICH LIES NORTH OF SIMPSON ROAD, POLK COUNTY ROAD #954, TO WIT:****BEGINNING AT THE SOUTHEAST CORNER OF THE MATTHEW M. NEALY DONATION LAND CLAIM NO. 62 IN TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; RUNNING THENCE NORTH 36°54'24" EAST 1880.00 FEET; THENCE NORTH 64°10' WEST 365.68 FEET; THENCE NORTH 28°50'02" EAST 5709.11 FEET TO THE NORTH LINE OF SAID CLAIM; THENCE ALONG SAID NORTH LINE, NORTH 82°20'41" WEST 942.44 FEET; THENCE SOUTH 28°50'02" WEST 3468.46 FEET; THENCE SOUTH 62°25' EAST 260.50 FEET; THENCE SOUTH 05°20'03" WEST 356.46 FEET; THENCE NORTH 62°25' WEST 402.67 FEET; THENCE SOUTH 28°50'02" WEST 3674.54 FEET TO A POINT ON THE SOUTH LINE OF SAID NEALLY CLAIM WHICH IS 1864.50 FEET SOUTH 76°08'35" EAST FROM THE SOUTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 76°08'35" EAST 1014.43 FEET TO THE PLACE OF BEGINNING.****SAVE AND EXCEPT THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PUBLIC ROADS, HIGHWAYS AND RAILROAD RIGHT OF WAYS.****NOTE:** This legal description was created prior to January 1, 2008.**Also:** An appurtenant easement 20 feet in width for a water pipeline, the centerline of which is more particularly described as follows: Beginning at the Northeast corner of the Matthew M. Neally Donation Land Claim No. 62 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence along the North line of said Donation Land Claim North 82°20'41" West 920.03 feet; thence South 28°50'02" West 950 feet to the true place of beginning; thence South 82°20'41" East to the low water line of the Luckiamute River, said easement being recorded May 8, 2009 in 2009-005454 Book of Records for Polk County, Oregon

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RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2014-008805



\$66.00

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10/21/2014 02:54:24 PM

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

WARRANTY DEED

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

SEE "EXHIBIT A" attached hereto

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

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

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

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

Dated this 15<sup>th</sup> day of October, 2014.

Steven L. Hamilton

Beverly L. Hamilton

STATE OF OREGON )  
 ) ss.  
County of Marion )

The forgoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2014, by Steven L. Hamilton and Beverly L. Hamilton, husband and wife.

Notary Public for Oregon  
My Commission expires: 4/19/15



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

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:  
Hamilton Farms, LLC  
14190 Airlie Rd.  
Monmouth, OR 97361

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EXHIBIT AParcel 1:

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

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

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

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

Parcel 2:

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

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

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

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

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

Parcel 3:

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

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

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

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

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

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

**Parcel 4:**

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

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

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

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

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

**SUBJECT TO:**

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes and interest.

2. Easement, including the terms and provisions thereof, conveyed to Consumers Power, Inc., an Oregon corporation, by instrument recorded April 28, 1977, in Volume 103, Page 2437, Books of Records for Polk County, Oregon.

(Parcel #445122)

**Parcel 5:**

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

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

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

Commencing at the intersection of the centerline of Airlie Road (M-7) and the Northerly right of way of Tarter Road, extended, said point is described as being North 72° East 1.03 chains and South 32-1/2° East 19.15 chains and North 56° East 24.88 chains from the Southwest corner of the Donation Land Claim of Rice W. Simpson No. 70 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, (said point of intersection being 2095.83 feet South 82° 07' 55" East by survey from said Donation Land Claim corner); the true point of beginning bears South 59° 41' 15" West 31.38 feet to the intersection of the Northerly and Westerly right of way lines of the aforementioned roads; thence along the Westerly right of way line of said Airlie Road, North 13° 16' 49" West 304.88 feet to the Southerly right of way line of the Valley and Siletz Railroad; thence along said Southerly right of way line, South 75° 45' 11" West 383.94 feet, thence South 15° 30' 22" East 411.42 feet to the Northerly right of way line of Tarter Road; thence along said right of way line, North 59° 41' 15" East 384.78 feet to the point of beginning.

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

(Parcel #447564)

**Parcel 6:**

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

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

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

**Parcel 7:**

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

**Parcel 8:**

That part of the this property located North of the abandoned Valley and Siletz Railroad right of way. Beginning 10.52 chains East of the Quarter Section corner on the line between Sections 30 and 31 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence North 84.16 chains; thence South 72° 30' West 25 chains; thence South 76.50 chains to the Section line between Sections 30 and 31; thence East with said line 24 chains to the place of beginning.

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

**Subject to:**

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

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

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

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

(Parcel #186334)

**Parcel 9:**

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

(Parcel #529590)



## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

**Include the following additional items:**

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **Attachment A**
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **Attachment B**
- Fees - Amount enclosed: \$7,030.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items: **Attachment C**
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

For Department Use: App. Number: \_\_\_\_\_

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OCT 21 2022

OWRD

Surface Water — Page 9

Rev. 07/21

**From:** LOVRIEN Corie L \* WRD <corie.lovrien@water.oregon.gov>  
**Sent:** Monday, October 17, 2022 1:15 PM  
**To:** Leah Cogan <lcogan@gsiws.com>  
**Subject:** RE: Hamilton Farms Permit Application

Hello,

Thanks for the revised map. OWRD has received and accepted the Surface Water e-application for **Hamilton Farms LLC**. The temporary application number is: **CL-10**

Please print this email and include a copy of it when mailing in the payment. The fees due for this application are: **\$6,420.00 (If opting to include recording fee: \$7,030.00)**

A copy of the fee calculator is included for your reference:

Base Application Fee		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	8.29	\$3,690.00
Number of proposed Use's for the appropriated water (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc.) *	1	
Number of proposed Surface Water points of diversions. **	5	\$1,640.00
Number of Acre Feet to be diverted from Stored Water (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$6,420.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$7,030.00

Take care,  
Corie

Corie Lovrien  
Customer Service Representative Water Right Services Division  
725 Summer Street NE Ste A  
Salem, Oregon 97301  
(503) 986-0801



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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**OCT 21 2022**

**OWRD**

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon - 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



RECEIVED  
OCT 2 | 2022  
OWRD

Via electronic mail

October 13, 2022

Katie Ratcliffe  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for a Surface Water Permit – Hamilton Farms LLC

Dear Ms. Ratcliffe:

GSI Water Solutions, Inc. is submitting the enclosed permit application to use surface water on behalf of Hamilton Farms LLC. The Applicant holds water right Certificates 22649, 22676, 26647, 31511, 37151, 37345, 42264, 45961, 57712, and 59102. These rights generally authorize irrigation "during the irrigation season," which is identified in the Luckiamute Decree as April 1 through September 30. In response to warmer and drier spring and fall weather, the Applicant is requesting authorization to use water during the "shoulder season" months of March and October on the place of use shared by the above-described water rights, as described further in Section 10 of the application. Hamilton Farms also holds Certificate 91320, which authorizes irrigation from May 1 through June 30. The Applicant is requesting to use water during March and April for the place of use shared with Certificate 91320.

The use of water under the requested permit, in combination with use under Certificates 22649, 22676, 26647, 31511, 37151, 37345, 42264, 45961, 57712, 59102, and 91320, will not exceed 2.5 acre-feet per acre. The rate requested is up to a total of 8.29 cfs from five points of diversion. (Due to the variation in seasons requested, as described above, the maximum rates requested from POD 1 and POD 2 varies by month, but the maximum combined rate requested from all points of diversion is 8.29 cfs.)

The permit application fee will be mailed to OWRD after we receive the temporary number for this application. The fee was calculated as follows:

- \$1,090 – surface water base application fee
- \$3,690 – \$410 per cfs or fraction thereof x 9 = \$3,690
- \$1,640 – \$410 for each additional point of diversion after the first x 4 = \$1,640
- \$610 – permit recording fee

Total = \$7,030

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

CC: Matt Hamilton, Hamilton Farms LLC

Enclosures: Permit Application and attachments