

Karen M. Starin
Senior Paralegal
karen.starin@oregonmetro.gov

August 27, 2015

Oregon Water Resources Dept.
725 Summer Street NE, Ste A
Salem OR 97301

Re: Water Rights Certificate 16717
Aus Farm, Ltd. to Metro; Metro File No. 12.007
15926 S. Hattan Road, Oregon City, OR 97045
23E30B 00100 and 00102, Clackamas County

Enclosed is documentation evidencing Metro's ownership of the above-referenced property with associated water rights as referenced above. Metro intends to preserve the water rights for use in its management of the Property as a natural area. If you have any questions, please call me at (503) 797-1557.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Starin', written over a horizontal line.

Karen M. Starin
Senior Paralegal

Enclosures

cc. Amy Kim, District 20 Watermaster
ec. Shannon Leary, Metro property management

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

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): Aus Farm, Ltd (ms. Julia Bochsler, pres.)
First Last
 Mailing Address: P.O. Box 441
Stayton OR 97383
City State Zip
 Phone: 503-871-6764
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Metro, an Oregon municipal corporation
First Last
 Mailing Address: 600 NE Grand Avenue
Portland OR 97232
City State Zip
 Phone: 503-797-1557
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary): see deed parcel 2

County: Clackamas Township: 2S Range: 3E Section: 30B
 Tax Lot Number(s): 00102

Street address of water right property: 5 Hattan Rd

Water Right Information (attach copy of water right permit or certificate & final proof map):
 Application #: 20226 Permit #: 15808 Certificate or Page #: 16717

Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Karen M. Starin Phone: 503-797-1557

Signature: [Signature] Date: 8-26-15

Please be sure to attach a copy of your property deed or legal description of the property.

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Clackamas County Official Records Sherry Hall, County Clerk	2015-047757
	07/21/2015 12:23:27 PM
D-D Cnt=1 Str=6 KARLYN	
\$25.00 \$16.00 \$10.00 \$20.00 \$22.00	\$93.00

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
Aus Farm, Ltd., an Oregon corporation
PO Box 441
Stayton, OR 97383

GRANTEE:
Metro, an Oregon municipal corporation
600 NE Grand Avenue
Portland, OR 97232

SEND TAX STATEMENTS TO:
Metro, an Oregon municipal corporation
Parks & Nature
600 NE Grand Avenue
Portland, OR 97232-2736

AFTER RECORDING RETURN TO:
Metro, an Oregon municipal corporation
Office of Metro Attorney
600 NE Grand Avenue
Portland, OR 97232-2736

Escrow No: 20100009203-FTPOR01

23E30B00100 & 102 68.21 acres
OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Fidelity National Title of Oregon -01-20100009203C

STATUTORY WARRANTY DEED

Aus Farm, Ltd., an Oregon corporation, Grantor, conveys and warrants to
Metro, an Oregon municipal corporation, Grantee, the following described real property, free and clear of
encumbrances except as specifically set forth below, situated in the County of Clackamas, State of
Oregon:

PARCEL 1A:

That portion of the following described property lying East of the center line of Clear Creek,
described as: . . .

Part of the Mark Hattan and wife Donation Land Claim No. 53, Township 2 South, Range 3 East
of the Willamette Meridian, Clackamas County, Oregon, described as:

Beginning at the Northwest corner of the Mark Hattan Donation Land Claim No. 53, Township 2
South, Range 3 East of the Willamette Meridian, Clackamas County, Oregon; thence East, on the
claim line, 3201.0 feet to an iron pipe; thence South 976.8 feet to an iron pipe; thence South
78°30' West 3366 feet to the West boundary line of said claim; thence North 17°00' West 366.96
feet to angle corner; thence North 9°00' East 1234.2 feet to the place of beginning.

PARCEL 1B:

A portion of Sections 19 and 30, in the Mark Hattan Donation Land Claim No. 53 Township 2
South, Range 3 East of the Willamette Meridian, Clackamas County, Oregon, described as
follows:

Beginning at the Northwest corner of that tract conveyed to Alfred E. Aus and Esther Aus,
husband and wife, in deed recorded January 9, 1970 as Recorders No. 70 585, said Northwest
corner being on the North line of the Mark Hattan Donation Land Claim No. 53; thence East,

20100009203-FTPOR01
Deed (Warranty-Statutory)

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along said North line, 49.3 feet, more or less, to the Northwest corner of that tract described in deed to Mark John Hattervig, recorded April 28, 1994, as Recorders No. 94 33267; thence South, along the West line of the Hattervig tract to the South line of the Alfred Aus, et ux, tract; thence West 49.3 feet, more or less, to the Southwest corner of said Aus tract; thence North, along the West line of said Aus tract to the point of beginning.

PARCEL 2:

A portion of Sections 19 and 30, in the Mark Hattan Donation Land Claim No. 53, Township 2 South, Range 3 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of said Hattan Donation Land Claim; thence, along Westerly line of said Donation Land Claim, South 09°00' West 990.12 feet to the Southwest corner of the parcel described in Warranty Deed to Harry A. Danielson and Beverly A. Danielson, recorded August 30, 1976, as Fee No. 76 30201, Clackamas County Records, and the true place of beginning of the parcel being herein described; thence, along the Southerly line of said Danielson parcel, North 78°30' East 915.38 feet to the Southeast corner thereof; thence, along the East line of said Danielson parcel, North 430.0 feet to the South line of the parcel described in Warranty Deed to Judith Allen, Trustee for Aus Trust A, recorded October 6, 1981, as Fee No. 81 34613, Clackamas County Records; thence, along said Allen South line, East 350 feet, more or less, to the center line of Clear Creek; thence Southeasterly, along said Clear Creek center line, to the Southeasterly line of the parcel described in Warranty Deed to Alfred E. Aus and Esther W. Aus, recorded April 24, 1950, in Book 430, Page 400, Clackamas County Deed Records; thence, along said Aus Southeasterly line, South 78°30' West 2100 feet, more or less, to the Easterly line of the parcel described in Warranty Deed to Andersen C. Adams, recorded December 5, 1979, as Fee No. 79 54038, Clackamas County Records; thence, along said Adams Easterly line, North 17°00' West 320.00 feet to the most Northerly corner thereof; thence, along the Northerly line and the Southwesterly extension of the Northerly line of said Adams parcel, 460 feet, more or less, to the Westerly line of said Hattan Donation Land Claim; thence, along said Westerly Donation Land Claim line, North 17°00' West to an angle corner therein; thence North 09°00' East 244.08 feet to the true place of beginning.

PARCEL 3:

An easement for ingress and egress as reserved in "Warranty Deed", recorded October 6, 1981, recorder's no. 81 34613, 60 feet in width along the South property line.

PARCEL 4:

An easement as reserved in "Memorandum of Contract", recorded May 20, 1981, recorder's no. 81 17480, more particularly described therein.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$755,000.00. (See ORS 93.030)

Subject to and excepting:

See Attached Exhibit "A"

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: 7/21/15

Aus Farm Ltd, an Oregon corporation

BY: *Julia L. Bochsler*

Julia L. Bochsler, President

STATE OF OREGON
COUNTY OF Clatsop

This document was acknowledged before me on this 21 day of July, 2015, by Julia L. Bochsler as President of Aus Farm Ltd., an Oregon corporation.

Lori E Medak

Notary Public for Oregon

Commission Expiration: 11-15-2015



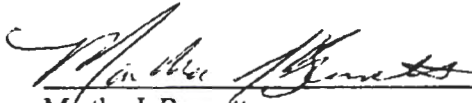
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This conveyance is approved as to form and content and accepted by Metro, an Oregon municipal corporation, as of the date set forth above.

Metro,
an Oregon municipal corporation

By: 
Martha J. Bennett
Chief Operating Officer

State of Oregon
County of Multnomah

This instrument was acknowledged before me on July 17, 2015, by
Martha J. Bennett as Chief Operating Officer of Metro, an Oregon municipal corporation.


Notary Public - State of Oregon



Exhibit "A"

Rights associated with Clear Creek, including the terms and provisions thereof, granted in Deed from Alfred E. Aus and Esther W. Aus, grantors, to Harry Danielson and Beverly A. Danielson, grantees,
Recording Date: August 30, 1976
Recording No.: 76 30201

Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed by a document:
Purpose: Telephone line
Recording Date: October 15, 1984
Recording No: 84 35771
Affects: Location not specified

Rights and Responsibilities as set forth in the State of Oregon Well Ownership Information Form
Executed by: Aus Farms, Ltd.
Recorded : May 3, 2001
Recorders No.: 2001-032374

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2015-2016.

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE W. CHAPPELL

of Rt. 2, Box 217, Oregon City, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hattan Creek

a tributary of Clear Creek for the purpose of irrigation

under Permit No. 15808 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 29, 1944

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.237 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on the Mark Hattan D.L.C. No. 53, Section 19, Township 2 South, Range 3 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

15.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on the Mark Hattan D.L.C. No. 53
0.6 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on the Mark Hattan D.L.C. No. 53
Section 19

2.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on the Mark Hattan D.L.C. No. 53
Section 30

T. 2 S., R. 3 E., W. M.

Land on which water is to be used is a part of the property more explicitly described by the appropriator as follows: A part of the Mark Hattan and wife D.L.C. No. 53, Tp. 2 s. R. 3 E. of the W. M., described as: Beginning at the northwest corner of the Mark Hattan D.L.C. No. 6833, T. 2 S. R. 3 E. of the Willamette Meridian; thence east on the claim line 48.50 chains to an iron pipe; south 14.80 chains to an iron pipe; S. 78° 30' West 51.00 chains to west boundary line; thence N. 17° 00' West 5.56 chains to angle corner; thence N. 9° 00' east 18.70 chains to beginning, containing 92.00 acres, more or less; except public roads.

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

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WITNESS the signature of the State Engineer, affixed

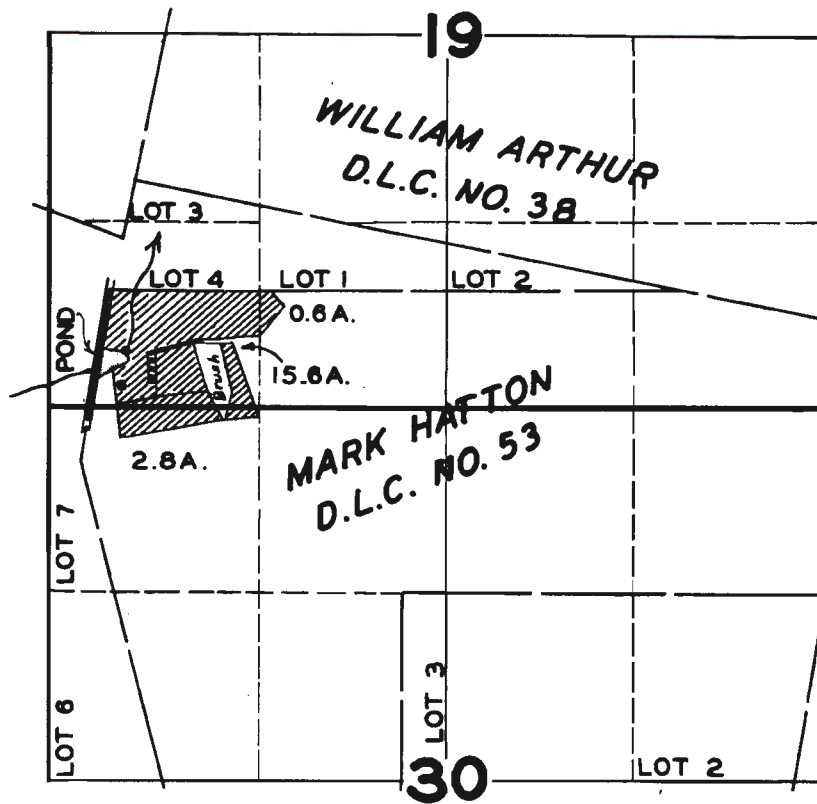
AUG 31 2015

this 30th day of December, 1949

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CHAS. F. STRICKLE
State Engineer

T.2S.R.3E.W.M.



FINAL PROOF SURVEY UNDER

Application No. ~~20226~~ Permit No. ~~15808~~
IN NAME OF

GEORGE W. CHAPPELL

Surveyed ~~SEP. 3~~ 1948, by ~~JAS. E. BUNNELL~~

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* APPLICATION FOR A PERMIT CERTIFICATE NO. 16717

To Appropriate the Public Waters of the State of Oregon

I, George W. Chappell (Name of applicant) of Rt. 2, Box 217, Oregon City (Post office), County of Clackamas, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is no name (Series of springs originating on land of applicant & across road /, adjacent a tributary of Clear Creek

2. The amount of water which the applicant intends to apply to beneficial use is 1/2 cubic feet per second.

**3. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 60 ft. N and 300 ft. E from the NW corner of Sec. 30, T. 2. S., R. 3. E., W. M. (Section or subdivision)

(If preferable, give distance and bearing to section corner)

being within the SE 1/4 SW 1/4 of Sec. 30, Tp. 2 S, R. 3 E, W. M., in the county of Clackamas (springs break out mostly in Sec. 19, but perhaps some in Sec. 30)

5. The pipeline to be 990 feet in length, terminating in the SE 1/4 SW 1/4 of Sec. 19, Tp. 2S, R. 3 E, W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 8 feet, length on top 80 feet, length at bottom 70 feet; material to be used and character of construction Dirt. Dam now in operation on my farm.

(b) Description of headgate open springs

(c) If water is to be pumped give general description 5 H.P. Gould Elec. Pump Pump 125 gal. per min. also some gravity use from dam.

* A different form of application is provided where storage works are contemplated.

** Applications for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

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Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
2 S	3 E	19	SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected	12
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected	10
		30	NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected	5
			NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected	5

A part of the Mark Hattan and wife D. L. C. No. 53, Tp. 2. s. R. 3 E. of the W. M., described as: Beginning at the northwest corner of the Mark Hattan D. L. C. No. 6833, Tp. 2 S. R. 3 E. of the Willamette Meridian; thence east on the claim line 48.50 chains to an iron pipe; south 14.80 chains to an iron pipe; S. 78°30' West 51.00 chains to west boundary line; thence N. 17°00' West 5.56 chains to angle corner; thence N. 9°00' east 18.70 chains to beginning, containing 92.00 acres, more or less; except public roads.

(If more space required, attach separate sheet)

(a) Character of soil Sandy loam

(b) Kind of crops raised various

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 19

(b) If for domestic use state number of families to be supplied
(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 1020.00
- 12. Construction work will begin on or before this summer 1944
- 13. Construction work will be completed on or before this fall 1944
- 14. The water will be completely applied to the proposed use on or before 1945

..... G. W. Chappell
(Signature of applicant)
..... George W. Chappell

Signed in the presence of us as witnesses:

- (1)
(Name) (Address of witness)
- (2)
(Name) (Address of witness)

Remarks: This water is all to be used on my farm on which dam, works, and point
of diversion and application are located.
.....
.....
.....
.....
.....
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.....
.....
.....

STATE OF OREGON, }
County of Marion, } ss

This is to certify that I have examined the foregoing application, together with the accompanying
maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with
corrections on or before June 9, 1944

WITNESS my hand this June 23 44
10th day of May, 1944

CHAS. E. STRICKLIN
STATE ENGINEER

by
ED K. Humphrey, Assistant

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SALEM, OR

Application No. 20226
Permit No. 15808

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

Division No. District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon
on the 9th day of May
1944, at 8:30 o'clock A. M.

Returned to applicant:
May 10, 1944 May 22, 1944

Corrected application received:
May 20, 1944 June 29, 1944

Approved:
September 15, 1944

Recorded in book No. 39 of
Permits on page 15808

CHAS. E. STRICKLIN
STATE ENGINEER

Drainage Basin No. 2 Page 10 B.
Fees Paid \$9.30

STATE OF OREGON
County of Marion, } ss

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same,
SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use
and shall not exceed 0.40 cubic feet per second measured at the point of diversion from the
stream, or its equivalent in case of rotation with other water users, from Unnamed Stream

The use to which this water is to be applied is Irrigation.

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per
second or its equivalent for each acre irrigated and shall be further limited to a
diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during
the irrigation season of each year,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is June 29, 1944

Actual construction work shall begin on or before September 15, 1945 and shall
thereafter be prosecuted with reasonable diligence and be completed on or before
October 1, 1946

Complete application of the water to the proposed use shall be made on or before

October 1, 1947

WITNESS my hand this 15th day of September, 1944.

CHAS. E. STRICKLIN
STATE ENGINEER