



**Oregon Water Resources Department
Surface Water Application**

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Today's Date: Wednesday, December 19, 2018

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.4	\$350.00
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. **	3	\$700.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	184.53	\$898.00
Permit Recording Fee. ***		\$520.00
* 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		\$3,398.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-98685

Application for a Permit to Use
Surface Water

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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 KELLY FARMS C/O TOM KELLY			PHONE	FAX
ADDRESS 2211 RIVER ROAD NE			CELL (503) 932-1958	
CITY SAINT PAUL	STATE OR	ZIP 97137	E-MAIL * TOMKELLY9400@GMAIL.COM, JACEKELLY45@YAHOO.COM	

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

AGENT / BUSINESS NAME DOANN HAMILTON / PACIFIC HYDRO-GEOLOGY, INC.			PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946	
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGDMH@GMAIL.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.

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



Kelly Farms Inc By Thomas W Kelly *THOMAS W KELLY VP* *11-10-18*
Applicant Signature Print Name and Title if applicable Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: S-88685

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. TL 4 2W 18 400, 1000 and TL 4 2W 19AA 600
- NO, I have a recorded easement or written authorization permitting access. TL 4 2W 17 200, TL 4 2W 18 500
- 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.

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*).

- a) TL 4 2W 17 200
Daniel and Kathryn Williamson Family Trust
20672 River Road NE
St. Paul, OR 97137
Phone number: (503) 333-1671
- b) TL 4 2W 18 500
Thomas Kelly Trust
20801 River Road NE
St. Paul, OR 97137
Phone number: (503) 932-1958

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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.

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: Mission Creek Reservoir Authorized under Certificate 40691	Tributary to: Champoeg Creek
TRSQQ of POD: Tom's House POD (NE, SW) T.4S., R.2W., Section 17, Lot 7: 1,250 feet south and 1,390 feet west from the SE corner, DLC 67.	

Nick & Tina's POD (SW, SW) T.4S., R.2W., Section 17: 2,610 feet south and 2,730 feet west from the SE corner, DLC 67.

Feedlot POD (NW, NW) T.4S., R.2W., Section 20, Lot 2: 2,820 feet south and 2,500 feet west from the SE corner, DLC 67.

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).

B. Applications to Use Stored Water

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

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Yes. **Part owner of Mission Creek Reservoir Company.**

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.)

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:

- 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_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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

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

Yes No

For Department Use: App. Number: 5-88685

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.

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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.

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

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

Yes No

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:
Water will be applied when the grass seed and or row crops need and using the best management practices for irrigation efficiency.

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

For Department Use: App. Number: 5-88685

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
Mission Creek Reservoir	Irrigation	March 1 through October 31	184.53 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 229.9 Acres Supplemental: 0 Acres
 If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): NA
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 184.53 AF

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

SECTION 6: WATER MANAGEMENT

A.

Diversion and Conveyance

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

- Pump (give horsepower and type): Turbine
Tom’s House POD – 60 Hp
Nick & Tina’s POD -60 Hp
Feedlot POD – 40 Hp

Other means (describe): _____

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

Water is conveyed from the POD through buried mainline with hydrants.

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B.

Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Portable handlines equipped with impact sprinklers are attached to the mainline hydrants, or a large volume hard hose traveler can be attached to irrigate grass seed or row crops.

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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.

Water will be applied to crops when needed. The most water efficient method of irrigation will be used for the crop being irrigated.

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: If ODFW determines a fish screen is needed we will attached the screen to the pumps in the reservoir

- 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: The point of diversion for the proposed use has a concrete landing pad for the pump to avoid erosion.

- 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: No equipment will be operated in the stream
- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: Best management practices will be followed to prevent erosion and run-off of waste or chemical products.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: As soon as the permit is issued

Date construction will be completed: Within one year after the permit is issued

Date beneficial water use will begin: Within five years after the permit has been issued

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SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name NA	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*).

Determination of Place of Use

The objective for this application is to make it possible for the applicant to irrigate everywhere on their property from three PODs on Mission Creek Reservoir. An agreement that the applicant has with the Mission Creek Reservoir Company (attached to this application) allocates a total of 221.29 acre feet of the total 940.0 acre feet of stored water authorized under Certificate 40691 for their use.

There are three water rights covering, to varying extent, the place of use proposed in this application:

1. GR-3299 is for the use of ground water for primary irrigation that covers most of the place of use proposed for this surface water application.
2. Certificate 21098 is for the use of live flow in Mission Creek for primary irrigation covering 30.0 acres. The primary use authorized under this certificate does not appear to overlap with any of the primary use registered under GR-3299.
3. Certificate 41010 is for both primary and supplemental irrigation from live flow in Mission Creek and from stored water in Mission Creek Reservoir authorized under Certificate 40691. This includes 4.9 acres of primary irrigation from both live flow and stored water, 12.8 acres of supplemental irrigation from live flow and stored water, and 28.1 acres of supplemental irrigation from stored water only.

As described above, a portion of the applicant's property is currently covered by primary irrigation from live flow under Certificate 21098, along with the overlying, layered supplemental irrigation from stored water under Certificate 41010. This application attempts to exclude that area, because it is already authorized for irrigation, one way or another, from one of the proposed three PODs. The place of use proposed in this application is intended to cover the entire place of use for GR-3299, and any other areas on the property not currently covered by any water right. It should be noted at this point that the intent is for the use proposed in this application to be for primary irrigation and to diminish the conflicting portions of GR-3299 to supplemental irrigation upon approval of this application.

Determination of the intended place of use for this application was made difficult because of several mapping discrepancies associated with all three of the existing water rights: The available map for GR-

3299 is crude and it appears the property boundaries do not line up with the quarter-quarter sections as currently shown by existing tax assessor's maps. The Final Proof Survey map for Certificate 21098 shows 26.8 acres in the NW SW (Section 17), but the certificate authorizes only 19.4 acres in this quarter-quarter section; therefore, the Final Proof Survey map is not consistent with the certificate. The Final Proof Survey map for Certificate 41010 shows the supplemental acres for each quarter-quarter section but does not show how these acres are divided among the separate uses authorized from the "creek and reservoir" and from the "reservoir only." In addition, we believe there is a scrivener's error on Certificate 41010 because the description for the purpose of the right states it is for primary irrigation of 4.9 acres and supplemental irrigation of 40.9 acres, but the table only lists 40.7 acres of supplemental use. We believe the error is in the 2.0 acres listed for the SE SW, which should be 2.2 acres, as shown on the Final Proof Survey map.

To establish the place of use for this application we relied mostly on information from Certificate 41010 and associated Final Proof Survey map. We assumed that the "Supplemental Creek and Reservoir" acres corresponded with primary coverage under GR-3299, and the "Supplemental Reservoir Only" acres corresponded with primary coverage under Certificate 21098. However, the Final Proof Survey map for Certificate 41010, as mentioned above does not differentiate the locations for these separate uses within each quarter-quarter section -- it simply lists the acreage for each. For example, in the NW SW of Section 17, the Final Proof Survey map indicates that 8.3 acres are covered by supplemental water from the creek and reservoir, and 19.4 acres are covered by supplemental water from the reservoir only, but it does not show the separate locations. In addition, there does not appear to be any other information available in the files for the existing water rights to clarify the locations. Thus, we were left to make our best interpretation of the existing maps to determine the areas within the applicant's property that should be excluded from the place of use proposed in this application.

Determination of Requested Volume of Stored Water

As mentioned above, the applicant is entitled by agreement with the Mission Creek Reservoir Company to use of a total of 221.29 AF from the reservoir annually. Certificate 41010 variously authorizes use from the creek and reservoir, or from the reservoir only, for primary or supplemental irrigation on different portions of the authorized place of use, totaling 45.8 acres. Certificate 41010 specifies a rate of 0.57 cfs (which is the full rate, at 1/80 cfs per acre, for 45.8 acres) from live flow, but does not list a specific volume of stored water. The applicant intends to apply the full allocation of 221.29 AF evenly across the entire farm. The acreage to be covered by the stored water allocation is equal to the number of acres proposed in this application (229.9 acres) plus the acres authorized under Certificate 41010 (45.8 acres), for a total of 275.7 acres. This gives an average stored water allocation of about 0.803 AF per acre, which yields stored annual volume allocations for Certificate 41010 and for this application of 36.76 AF and 184.53 AF, respectively. The applicant believes these amounts will be sufficient because in any given irrigation season their crop rotation schedule typically limits the area irrigated to no more than 120 acres.

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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

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$ 1,418
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - 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)

Land Use Information Form



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

Applicant

NAME KELLY FARMS C/O TOM KELLY		PHONE (HM)	
PHONE (WK)	CELL (503) 932-1958	FAX	
ADDRESS 22111 RIVER ROAD NE			
CITY SAINT PAUL	STATE OR	ZIP 97137	E-MAIL *

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:
4S	2W	17		200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
4S	2W	18		400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
4S	2W	18		500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
4S	2W	18		1000	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
4S	2W	19AA		600	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR

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

Marion County

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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 Groundwater Registration Modification
- Limited Water Use License Allocation of Conserved Water Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Mission Creek Reservoir

Estimated quantity of water needed: 184.53 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:

New surface water application to apply water to irrigate grass seed and row crops from Mission Creek Reservoir.



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.

5-88685

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): MCC 17.136
- 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

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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 <u>LISA MILLIMAN</u>	TITLE: <u>ASSOCIATE PLANNER</u>
SIGNATURE <u>Lisa Milliman</u>	PHONE: <u>503 588 5038</u>
GOVERNMENT ENTITY <u>MARION COUNTY</u>	DATE: <u>12/19/18</u>

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: _____

S-88685

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SPACE ABOVE RESERVED FOR RECORDER'S USE

AmenTitle A110242

After recording return to: (Name, Address, Zip)
Dan A. Williamson and Kathryn M. Williamson 20672 River Rd. NE St. Paul, OR 97137
Until requested otherwise, send all tax statements to: (Name, Address, Zip)
Danlel A. Williamson and Kathryn M. Williamson 20672 River Rd. NE St. Paul, OR 97137

**BARGAIN AND SALE DEED
(Individual Grantor)**

Daniel A. Williamson and Kathryn M. Williamson Grantor, conveys to Daniel A. Williamson and Kathryn M. Williamson, Trustees of the Daniel A. Williamson and Kathryn M. Williamson Family Trust dated February 28, 2008, Grantee, the following described real property: situated in Marion County, State of Oregon, to-wit:

See Legal Description attached hereto as Exhibit 'A'

93.040 Mandatory statements for sales agreements, earnest money receipts or other instruments for conveyance of fee title to real property; liability of drafter and recorder. (1) The following statement shall be included in the body of an instrument transferring or contracting to transfer fee title to real property except for owner's sale agreements or earnest money receipts, or both, as provided in subsection (2) of this section: "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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

The true and actual consideration for this conveyance is \$0.00. (Here, comply with the requirements of ORS 93.030.)

Dated this 4 day of October, 2010.

Daniel A. Williamson
Daniel A. Williamson

Kathryn M. Williamson
Kathryn M. Williamson

RECEIVED
DEC 19 2018
OWRD

STATE OF OR }
County of Marion } SS.
Clackamas

This instrument was acknowledged before me on this 4th day of October, 2010 by Daniel A. Williamson and Kathryn M. Williamson

Before me: [Signature]
Notary Public for OR
My commission expires: 6-26-11



S-08605

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NOV 20 2018

**Exhibit A
LEGAL DESCRIPTION**

OWRD

A part of the W. L. White Donation Land Claim No. 61 in Sections 17 & 18 of Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, and more particularly described as follows:

Beginning at a point that is North 89° 45' East 68.170 chains and South 31.560 chains and North 4.880 chains from the Northeast corner of the Williams Classen Donation Land Claim No. 72, in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; said point being the Northeast corner of a tract of land conveyed to Kelly Farms, Inc. by deed recorded on September 26, 1998 in Reel 646, Page 322, Deed Records for Marion County; thence along the North line of said Reel 646, Page 322, North 89°47'13" West 2,297.95 feet to an iron rod and the true point of beginning.

Thence South 22°58'15" West 623.95 feet to an iron rod; thence North 67°01'45" West 320.28 feet to the center of Market Road 13 (passing on iron rod at 285.28 feet); thence along the centerline of Market Road 13, North 27°21'15" East 119.88 feet to an angle point in said centerline; thence continuing on said centerline, North 22°58'15" East 373.82 feet to the North line of said Reel 646, Page 322; thence along the North line of said Reel 646, Page 322, South 89°47'13" East 337.37 feet (passing an iron rod at 32.53 feet) to the true point of beginning.

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DEC 19 2018

OWRD

S-88685

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NOV 20 2018

REEL: 3226

OWRD
PAGE: 210

October 21, 2010, 03:39 pm.

CONTROL #: 281731

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 46.00

BILL BURGESS
COUNTY CLERK

RECEIVED
DEC 19 2018
OWRD

THIS IS NOT AN INVOICE.

5-88625

WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

THOMAS J. KIRK Grantor,
conveys and warrants to KELLY FARMS, INC. Grantee, the following described real property
free of encumbrances except as specifically set forth herein situated in Marion County, Oregon, to-wit:

TRACT 1:
Beginning at a county monument marking the Northeast corner of the William Classen Donation Land Claim No. 72 in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence South 88°41'48" East along the South line of the Robert Keating Donation Land Claim, a distance of 554.34 feet to a county monument marking the Southwest corner of the Patrick D. Hickey Donation Land Claim No. 67; thence North 89°55'50" East along the South line of said Hickey Claim, a distance of 1609.52 feet to an iron pipe on the Easterly line of Market Road No. 13; thence South 4°45'16" West along the Easterly line of said Market Road, a distance of 497.08 feet to an iron pipe marking the Southwest corner of that tract of land described in Volume 679, (continued on reverse hereof)

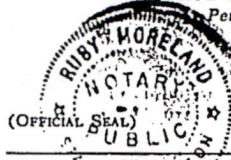
The said property is free from encumbrances except Rights of the public in and to that portion lying within roads and roadways; Easement set forth in Volume 442, Page 735 Deed Records for Marion County, Oregon

The true consideration for this conveyance is \$341,180.00. (Here comply with the requirements of ORS 93.030)

Dated this 1 day of Feb, 1979...

Thomas J. Kirk

STATE OF OREGON, County of Marion) ss. February 1, 1979.
Personally appeared the above named Thomas J. Kirk
and acknowledged the foregoing instrument to be his voluntary act and deed.
Before me: Ruby Moreland
Notary Public for Oregon—My commission expires: 1/19/81



WARRANTY DEED
Thomas J. Kirk GRANTOR
Kelly Farms, Inc. GRANTEE
GRANTEE'S ADDRESS, ZIP
After recording return to:
Kelly Farms, Inc.
Rt. 1, Box 225
Banks, OR 97106
NAME, ADDRESS, ZIP
Until a change is requested, all tax statements shall be sent to the following address:
Kelly Farms, Inc.
Rt. 1, Box 225
Banks, OR 97106
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON } ss.
County of _____ }
I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/roll number _____, Record of Deeds of said County.
Witness my hand and seal of County affixed.
Recording Officer
By _____ Deputy

RECEIVED
DEC 19 2018
OWRD

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NOV 20 2018
OWRD

S-88685

03818

REEL 156 PAGE 445

Page 587 Marion County Record of Deeds thence South 89°46'11" East along the South line of said tract of land described in Volume 679, Page 587 and the Easterly extension thereof, a distance of 2375.16 feet to a point on the East line of Parcel No. 4 as described in Volume 483, Page 753, Marion County Record of Deeds; thence South 00°55'22" West along the East line of said Parcel No. 4, a distance of 1267.60 feet to an iron pipe marking the Southeast corner thereof; thence North 89°47'13" West along the South line of said Parcel No. 4, a distance of 2635.07 feet to a point in the center of Market Road No. 13; thence North 22°58'15" East along the center line of said Market Road, a distance of 86.22 feet to an angle point in said center line; thence North 11°38'15" East along said center line, a distance of 520.87 feet; thence North 72°25'45" West 678.50 feet to an iron pipe; thence South 16°44' West 471.00 feet to an iron pipe on the South line of said Parcel No. 4 as described in Volume 483, Page 753; thence North 89°47'13" West along said South line, a distance of 1930.04 feet to an iron pipe on the West line of the W. L. White Donation Land Claim No. 61; thence North 27°12'45" East along the West line of said White Claim, a distance of 1599.79 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress and egress over and across the following described real properties:

The most Westerly thirty feet (30') of the property described as: Beginning at the Southwest corner of the Donation Land Claim No. 60 in Township 4 South, Range 2 West, and running thence North 39.28 chains; thence West 1.62 chains; thence South 39.28 chains; thence East 1.62 chains to the place of beginning.

The most Easterly thirty feet (30') and also the Southerly thirty feet (30') of the most Easterly 107.00 feet of the real property described in Reel 113, Page 1259 Marion County Records.

The most Easterly thirty feet (30') of the following: Beginning at a point which is 68.170 chains North 89°45' East and 31.560 chains South from the Northeast corner of the William Classen Donation Land Claim No. 72 in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 4.880 chains; thence South 89°45' West, 40.00 chains to a point in the center of the County Road; thence South 22°30' West along the center of said County Road, 5.282 chains; thence North 89°45' East 42.020 chains to the place of beginning.

03818 }
STATE OF OREGON } ss.
County of Marion }

I hereby certify that the within was received and duly recorded by me in Marion County records:

Reel 156 Page 444

FEB 7 2 24 PM '79
EDWIN P. MORGAN
MARION COUNTY CLERK
BY *[Signature]* RFPITY
6-D

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DEC 19 2018
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NOV 20 2018
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S-88685

THIS SPACE RESERVED

Reel 3079 Page 42

C

After recording return to:
Thomas W. Kelly Living Trust

Ch. Amended
Assess # 110 Blk. Cg
91306

Reel 3080 Page 105

Until a change is requested all tax statements shall be sent to the following address:

Kelly Farms Inc
Ch. Amended No change

Escrow No. 12-411006
Title No. _____
BSIDENT

RECEIVED
DEC 19 2018
OWRD

Re-Recording to correct legal

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That Larry W. Kelly and Janice C. Kelly, herein called grantor, for the consideration herein stated, does hereby grant, bargain, sell and convey unto Thomas W. Kelly, Trustee of the Thomas W. Kelly living Trust dated May 13, 2005, herein called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to wit:

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. 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.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$to clear title _____.

However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 25th day of June 2009; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

Signature:

Larry W. Kelly
Larry W. Kelly
Janice C. Kelly
Janice C. Kelly

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NOV 20 2018

OWRD

STATE OF Oregon)
County of marion) ss.

This instrument was acknowledged before me on June 25, 2009

by Larry W. Kelly and Janice C. Kelly.

Donna M Robinson
Notary Public of OR
My commission expires 7/7/12



AmeriTitle ACCU 411006

6/30/09

S-88685

EXHIBIT A
TO
MORTGAGE

Legal Description

Parcel 1:

Beginning at a county monument marking the Northeast corner of the William Classen Donation Land Claim No. 72, in Township 4 South, Range 2 West of the Willamette meridian in Marion County, Oregon; thence South 88°41'48" East along the south line of the Robert Keating Donation Land claim, a distance of 554.34 feet to a county monument marking the Southwest corner of the Patrick D. Hickey Donation Land Claim No. 67; thence North 89°55'50" East along the south line of said Hickey claim, a distance of 1,609.52 feet to an iron pipe on the easterly line of Market Road No. 13; thence South 4°45'16" West along the easterly line of said Market Road, a distance of 497.08 feet to an iron pipe marking the southwest corner of that tract of land described in Volume 679, Page 587, Marion County Deed Records; thence South 89°46'11" East, along the south line of said tract of land described in Volume 679, Page 587, and the easterly extension thereof, a distance of 2,375.16 feet to a point on the east line of Parcel no. 4, as described in Volume 483, Page 753, Marion County Deed Records; thence South 00°55'22" West along the East line of said parcel No. 4, a distance of 1,267.60 feet to an iron pipe marking the southeast corner thereof; thence North 89°47'13" West along the south line of said parcel No. 4, a distance of 2,635.07 feet to a point in the center of Market Road No. 13; thence North 22°58'15" East along the center line of said Market Road, a distance of 86.22 feet to an angle point in said center line; thence North 11°38'15" East along said center line, a distance of 520.87 feet; thence North 72°25'45" West, 678.50 feet to an iron pipe; thence South 16°44' West, 471.00 feet to an iron pipe on the South line of said parcel no. 4, as described in volume 483, Page 753; thence North 89°47'13" West along said south line, a distance of 1,930.04 feet to an iron pipe on the west line of the W. L. White Donation Land Claim No. 61; thence North 27°12'45" East along the west line of said White Claim, a distance of 1,599.79 feet to the point of beginning.

Parcel 2:

Beginning at a point South 88°22' East, 4.92 chains and North 24°33' East 13.97 chains from the Northwest corner of the Charles Plant Donation Land Claim in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, State of Oregon, being the most Northerly Northwest corner of the tract of land conveyed to Milo O. and Rita b. Schneider by deed recorded, April 8, 1947 in Volume 367, Page 162, Deed Records for Marion County, Oregon; thence North 24°33' East, 7.70 chains to the southerly corner of the property conveyed to John L. and Ann C. Marxer by deed recorded May 14, 1955 in Volume 475, Page 489, Deed Records for Marion County, Oregon; thence North 8°06 East along the easterly line of said tract, 13.45 chains; thence North 42°10' East along said Marxer tract, 12.31 chains to the most easterly southeast corner of said Marxer Tract; thence South 30°15' East along the Northeasterly line of property conveyed to John N. and Anna Schneider by deed recorded, April 18, 1919 in Volume 149, Page 143, Deed Records for Marion County, Oregon, 83.73 chains to an angle iron in the center of the county road; thence South 43°37' West, 23.52 chains to the most easterly northeast corner of the property conveyed to Milo O. and Rita B. Schneider by deed recorded, April 8, 1947, in Volume 367, Page 162, Deed Records for Marion County, Oregon; thence North 56°13' West along the Northeasterly line of said Schneider tract, 74.13 chains to the point of beginning.

Also:

PortIncl-2527561.1 0021392-00101

Exhibit A, page 1

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DEC 19 2018

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OWRD

S-88685

Beginning at a stone on the line between Sections 5 and 6, 13.83 chains South of the quarter section corner between Sections 5 and 6, Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 88°45' East, 12.55 chains to a railroad iron; thence South 50°45' East, 73.68 chains to a stone in the South boundary line of the Peter Minard Donation Land claim and in the center of the St. Paul and Champoeg County Road; thence South 47°30' West, 15.23 chains to a point in the middle of the county road on the south line of the 225.75 acre tract described in deed recorded in Volume 125, Page 493, Deed Records; thence North 50° West, 88.35 chains to the North line of the Peter Minard Donation Land Claim; thence North 89°30' East, 9.60 chains along the north boundary line of the Peter Minard Donation Land claim to the place of beginning.

Save and Except: Beginning on the North line of the Peter Minard Donation Land Claim No. 70, in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, at a point, which is South 87°45' East, 30.25 chains and North 43°40' East, 36.71 chains and North 50° West 88.35 chains from the most northerly northwest corner of the Patrick D. Hickey Donation Land claim No. 67, in said Township and Range, said point of beginning being the most Northerly Northeast corner of a tract of land conveyed to John N. Schneider by deed recorded in Book 149, Page 143, Deed Records for said County and State; thence North 89°30' East, 6.015 chains; thence South 34°49' West, 3.932 chains to the Northerly line of said tract; thence North 50°15' West along the northerly line of said tract, 4.990 chains to the place of beginning.

Parcel 3:

Beginning at the intersection on the centerline of Market Road No. 13, with the south line of Section 18 in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence Easterly along the south line of said Section 17 and 18 in said Township and Range, 3,177 feet, more or less, to the east line of the W. L. White Donation Land Claim No. 61; thence North 00°43'35" East along the east line of said claim, 860.64 feet to a one-half inch iron pipe marking the southeast corner of that tract of land described in Volume 463, Page 322, Marion County Deed Records; thence North 89°47'13" West, along the south line of said tract of land, 2,766.75 feet to a point in the center of said Market Road No. 13; thence North 22°58'15" East along the centerline of said Market Road, 435.44 feet to an angle point in said centerline; thence North 11°38'15" East along said centerline, 266.70 feet to a point; thence North 89°47'13" West, 2,661.23 feet to an iron pipe on the west line of said White Donation Land claim; thence South 27°12'45" West along the West line of said White Donation Land Claim, 382.63 feet to a County Monument marking the Northeast corner of the Michael Accott Donation Land Claim No. 73; thence South 26°48'17" West continuing along said westerly line, 767.73 feet to an iron pipe in the center of County Road No. 401, said point marks the most westerly southwest corner of a tract of land described in deed to Peter Kirk by deed recorded in Volume 12, Page 2, Marion County Deed Records; thence South 66°01'23" East along the centerline of said County Road, 2,172.45 feet to a point marking the southwest corner of that tract of land described in deed to Peter N. Kirk by deed recorded in Volume 375, Page 376, Marion County Deed Records; thence North 27°21'15" East along the West line of said Peter N. Kirk tract, 300.00 feet to an iron pipe; thence South 66°01'23" East along the northerly line of said Peter N. Kirk tract, 300 feet to a point in the center of Market Road No. 13; thence North 27°21'15" East along said centerline, 217 feet more or less, to the point of beginning.

Together with an easement for ingress and egress, as set forth in instrument, Recorded: February 7, 1979 in Reel 156, page 444 and Modified by instrument, Recorded: July 25, 2001 in Reel 1813, Page 494, Records for Marion County, Oregon.

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NOV 20 2018

OWRD

S-88685

Save and except:

A part of the W. L. White Donation Land Claim No. 61 in Sections 17 and 18 of Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, and more particularly described as follows:

Beginning at a point that is North 89°45' East 68.170 chains and South 31.560 chains and North 4.880 chains from the Northeast corner of the William Classen Donation Land Claim No. 72, in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; said point being the Northeast corner of a tract of land conveyed to Kelly Farms, Inc. by deed recorded on September 26, 1988 in Reel 646, Page 322, Deed Records for Marion County; thence along the North line of said Reel 646, Page 322, North 89°47'13 West 2,297.95 feet to an iron rod and the true point of beginning.

Thence South 22°58'15" West 623.95 feet to an iron rod; thence North 67°01'45" West 320.28 feet to the center of Market Road 13 (passing an iron rod at 285.28 feet); thence along the centerline of Market Road 13, North 27°21'15" East 119.88 feet to an angle point in said centerline; thence continuing on said centerline, North 22°58'15" East 373.82 feet to the North line of said Reel 646, Page 322; thence along the North line of said Reel 646, Page 322, South 89°47'13" East 337.37 feet (passing an iron rod at 32.53 feet) to the true point of beginning.

Parcel 4:

Beginning at an iron pipe on the South line of Parcel No. 4 as described in Volume 483, Page 753, Marion County Record of Deeds, which point bears South 27°12'45" West 1599.79 feet and South 89°47'13" East 1930.04 feet from the Northeast corner of the William Classen Donation Land Claim No. 72 in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 16°44' East 471.00 feet to an iron pipe; thence South 72°25'45" East 678.50 feet to a point in the center of Market Road No 13; thence South 11°38'15" West along the center line of said Market Road, a distance of 254.17 feet to an iron pipe; thence North 89°47'13" West 731.19 feet to the point of beginning.

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OWRD

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NOV 20 2018
OWRD

S-88685

REEL:3079

PAGE: 42

June 29, 2009, 10:37 am.

CONTROL #: 251358

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 41.00

BILL BURGESS
COUNTY CLERK

RECEIVED
DEC 19 2018
OWRD

THIS IS NOT AN INVOICE.

RECEIVED
NOV 20 2018
OWRD

S-88685

REEL:3080

PAGE: 105

July 01, 2009, 10:32 am.

CONTROL #: 251540

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 46.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

RECEIVED

DEC 19 2018

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RECEIVED

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OWRD

S-88685

WASHINGTON TITLE

525978

40071

WARRANTY DEED

REEL 150 PAGE 39

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TI

MARGARET ANN KIRK, BERNICE M. SMITH, DAVID LOREN KIRK and CONSTANCE ELIZABETH KIRK, Grantors, convey to KELLY FARMS, INC., an Oregon corporation, Grantee, free of encumbrances except as specifically set forth herein, all of that real property described in Exhibit A attached hereto.

Subject to and excepting:

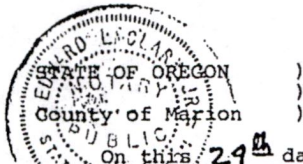
- 1) 1978-79 taxes.
- 2) Burdens, if any, for taxes deferred by exclusive farm use.
- 3) Rights of the public in and to any portion of the premises lying within the boundaries of roads or highways.
- 4) Easement to Portland General Electric Company recorded July 11, 1974, in Book 782, Page 609.

The true and actual consideration for this conveyance is \$225,000.

Until a change is requested, all tax statements are to be sent to the following address:

Dated this 29 day of November, 1978.

Margaret Ann Kirk
Bernice M. Smith
David L. Kirk
Constance Elizabeth Kirk



On this 29th day of November, personally appeared the above-named MARGARET ANN KIRK, BERNICE M. SMITH, DAVID LOREN KIRK and CONSTANCE ELIZABETH KIRK, and acknowledged the foregoing instrument to be their voluntary act.

Before me:

Send tax statements to:
Kelly Farms, Inc.
Route 1, Box 225
Banks, Oregon 97106

1-2

Edward H. Clark, Jr.
Notary Public for Oregon
My commission expires Jan. 17, 1980

RECEIVED
DEC 19 2018
OWRD

RECEIVED

NOV 20 2018

OWRD

5-88685

157340 DEC 13 1978

2, 4, Sec 18, 4-2w
5, Sec 17, 4-2w
3 Paul Catholic Mission 4-3w

40071

EXHIBIT "A"

REEL 150 PAGE 40

PARCEL VIII:

Beginning at the interesection of the centerline of Market Road No. 13 with the South line of Section 18 in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence Easterly along the South line of said Section 18 and the South line of Section 17 in said Township and Range, 3177 feet, more or less, to the East line of the W. L. White Donation Land Claim No. 61; thence North 00°43'35" East along the East line of said Claim, 860.64 feet to a one-half inch iron pipe marking the Southeast corner of that tract of land described in Volume 463, page 322, Marion County Records of Deeds; thence North 89°47'13" West along the South line of said tract of land, 2766.75 feet to a point in the center of said Market Road No. 13; thence North 22°58'15" East along the centerline of said Market Road, 435.44 feet to an angle point in said centerline; thence North 11°38'15" East along said centerline, 266.70 feet to a point; thence North 89°47'13" West, 2661.23 feet to an iron pipe on the West line of said White Donation Land Claim; thence South 27°12'45" West along the West line of said White Donation Land Claim, 382.63 feet to a County Monument marking the Northeast corner of the Michael Accotti Donation Land Claim No. 73; thence South 26°48'17" West continuing along said Westerly line, 676.73 feet to an iron pipe in the center of County Road No. 401, said point marks the most Westerly Southwest corner of a tract of land described in deed to Peter Kirk by deed recorded in Volume 12, page 2, Marion County Records of Deeds; thence South 66°01'23" East along the centerline of said County Road, 2172.45 feet to a point marking the Southwest corner of that tract of land described in deed to Peter N. Kirk by deed recorded in Volume 375, page 376, Marion County Record of Deeds; thence North 27°21'15" East along the West line of said Peter N. Kirk Tract, 300.00 feet to an iron pipe; thence South 66°01'23" East along the Northerly line of said Peter N. Kirk Tract, 300.00 feet to a point in the center of Market Road No. 13; thence North 27°21'15" East along said centerline, 217 feet, more or less to the point of beginning.

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NOV 20 2018

OWRD

S-88685

40071
STATE OF OREGON }
County of Marion } ss.

REEL 150 PAGE 41

I hereby certify that
the within was received
and duly recorded by me
in Marion County records:

Reel 150 Page 39

DEC 13 11 46 AM '78

EDWIN P. MORGAN
MARION COUNTY CLERK

BY ca DEPUTY

6.00

RECEIVED
DEC 19 2018
OWRD

E



After recording return to:
Kelly Farms, Inc.
22111 River Road NE
St Paul, OR 97137

Until a change is requested all tax
statements shall be sent to:
Kelly Farms, Inc.
22111 River Road NE
St Paul, OR 97137

File No.: 1032-2408175 (CCB)
Date: March 30, 2015

REEL 3685 PAGE 341
MARION COUNTY
BILL BURGESS, COUNTY CLERK
04-01-2015 11:44 am.
Control Number 381418 \$ 51.00
Instrument 2015 00011612

RECEIVED
DEC 19 2018
OWRD

FATCO 2408175

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE made this **Thirtieth day of March, 2015** by and between **Mary L. Sowa** the duly appointed, qualified and acting personal representative of the estate of **Bernice M. Smith**, deceased, hereinafter called the first party and **Kelly Farms, Inc. , an Oregon Corporation**, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of **Marion**, State of Oregon, described as follows, to-wit:

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

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$20,000.00**.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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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.

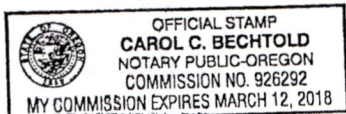
Dated this 31st day of March, 2015.

Mary L. Sowa P.R.
Mary L. Sowa

STATE OF Oregon)
)ss.
County of Marion VanHill)

This instrument was acknowledged before me on this 31st day of March, 2015 by Mary L. Sowa.

Carol C. Bechtold



Notary Public for Oregon
My commission expires: 3/12/18

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Marion, State of Oregon, described as follows:

BEGINNING AT A POINT IN CENTER OF COUNTY ROAD LEADING FROM ST. PAUL TO NEWBERG, WHERE CENTER LINE OF SAID COUNTY ROAD WOULD BE INTERSECTED BY THE CENTER LINE IF EXTENDED EASTERLY, OF ANOTHER COUNTY ROAD LEADING WESTWARD FROM ST. PAUL TO THE OLD MISSION LANDING; SAID BEGINNING POINT BEING SITUATED IN THE ST. PAUL MISSION DONATION LAND CLAIM NO. 75, TOWNSHIP 4 SOUTH RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SOUTH 66°15' EAST 37.25 CHAINS FROM THE MOST WESTERLY SOUTHWEST CORNER OF THE ORIGINAL PETER KIRK FARM AS DESCRIBED IN DEED RECORDED SEPTEMBER 12, 1930 IN VOLUME 207 PAGE 605 DEED RECORDS FOR MARION COUNTY, OREGON; SAID BEGINNING POINT ALSO BEING THE MOST SOUTHERLY CORNER OF THAT 145 ACRE TRACT OF LAND CONVEYED TO THE GRANTOR HEREIN BY THE ABOVE DESCRIBED DEED; RUNNING THENCE NORTHERLY ALONG THE CENTER OF SAID ST. PAUL TO NEWBERG ROAD AND ALONG AN EASTERLY LINE OF SAID 145 ACRE TRACT 300 FEET; THENCE WESTERLY PARALLEL WITH SAID MISSION LANDING ROAD AND PARALLEL WITH SOUTHWESTERLY LINE OF SAID 145 ACRE TRACT 300.00 FEET; THENCE SOUTHERLY PARALLEL WITH SAID ST. PAUL TO NEWBERG ROAD 300.00 FEET TO THE CENTER OF SAID MISSION LANDING ROAD AND TO THE SOUTHWESTERLY LINE OF SAID 145 ACRE TRACT; THENCE EASTERLY ALONG THE CENTER LINE OF SAID MISSION LANDING ROAD AND ALONG SAID SOUTHWESTERLY LINE OF SAID 145 ACRE TRACT TO THE POINT OF BEGINNING.

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

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5-88685

REEL: 3685

PAGE: 341

April 01, 2015, 11:44 am.

CONTROL #: 381418

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 51.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

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