



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

Application to Split A Permit and Request for Issuance of Replacement Permits (ORS 537.225)

Part 1 of 5 – Minimum Requirements Checklist

This application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application.

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Application with non-refundable \$125.00 Application Fee, Applicant(s) Information and Signature(s).
- Part 4 – Other Landowner Information and proportionate rate(s).
- Part 5 – Water Right Permit Information. List the permit number to be assigned here: G-16156.

Attachments:

- Completed application map prepared by Certified Water Right Examiner (CWRE).
- Completed Affidavit(s) from the applicant(s):
 - Certifying the permit has not been conveyed or withheld, and remains appurtenant to the applicant’s land.
 - Certifying the applicant has read the permit.
- Copy(s) of current recorded deed(s) showing that the applicant(s) is/are an owner of the land(s) to which the permit is appurtenant.

INSTRUCTIONS for editing the Application Form

Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g., Page 5 6 of 9 10).

You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

For Staff Accounting Purposes Only – PCA #46110 Object # _____

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Part 2 of 5 –Application Map Checklist

This application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit is based upon the original water right application map or permit amendment map and includes all the items listed below and meets the requirements of OAR 690-325-0050. Check all boxes that apply.

The map shall not include any unauthorized change to the authorized place of use outside of its original perimeters as exhibited on the original water right application map or approved permit amendment map nor any unauthorized change to the location of the point(s) of diversion or appropriation as exhibited on the original water right application map or approved permit amendment map.

- Certified Water Right Examiner (CWRE) Stamp and Signature. For a list of CWRE's, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one additional paper copy and an electronic copy in a .pdf, .tiff or .jpg format is required.
- A north arrow, a legend, and scale. The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- The place of use of each applicant's portion of the water right permit shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- The place of use of any part of the permit **not** being assigned shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- Each applicant's portion of the permit shall be referenced, by either alphabet letter or number, to each applicant(s) listed in the application form.
- The rate and any applicable acre-feet allowance of water use under the permit for each applicant's portion of the permit shall be clearly labeled on the map.
- The location of each authorized point of diversion or appropriation.

Please use additional pages as needed

Part 3 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MLM Property LLC			MAP ID (LETTER OR NUMBER) A	PHONE NO. 541-205-1191	ADDITIONAL CONTACT NO.
ADDRESS PO Box 195					FAX NO.
CITY MERRILL	STATE OR	ZIP 97633	E-MAIL MIKEMCKOEN@GMAIL.COM		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.					

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

AGENT/BUSINESS NAME ADKINS CONSULTING ENGINEERING, LLP			PHONE NO. 541-884-4666	ADDITIONAL CONTACT NO.	
ADDRESS 1435 ESPLANADE AVE.				FAX NO.	
CITY KLAMATH FALLS	STATE OR	ZIP 97601	E-MAIL DSCALAS@ADKINSENGINEERING.COM		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.					

ORS 536.050(1)(aa) authorizes the Oregon Water Resources Department (OWRD) to collect fees based upon the actual cost of work to process an application under ORS 537.225.

I (we) understand the following:

- Upon receipt of my complete application and the non-refundable application fee in the amount of \$125.00, OWRD will, within fifteen (15) days, notify me in writing of the estimate of the cost of work.
- The non-refundable \$125.00 fee covers the cost of OWRD's staff to evaluate and provide the cost of work estimate for processing the application.
- Upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost of work in advance to initiate the processing of the application.
- If I decline to enter into a formal contract, OWRD will close my application.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- OWRD does not guarantee a favorable review of the application.

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I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.

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




Applicant signature

Mike McKoen – Owner of MLM Property LLC
Name (and title if applicable) (print)

Date

Please use additional pages as needed

Part 4 of 5 – Other Landowner Information

Please list the owner(s) of land under the permit who are not submitting the assignment and request for issuance of replacement water right permit.

Landowner Information

LANDOWNER/BUSINESS NAME DANIEL CHIN / WONG POTATOES INC.		MAP ID (LETTER OR NUMBER) B	
MAILING ADDRESS 17817 CHEYNE RD.	CITY KLAMATH FALLS	STATE OR	ZIP 97603
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 81.5	PROPORTIONATE RATE 1.05 CFS		

Landowner Information

LANDOWNER/BUSINESS NAME GREGORY DREW HEATON		MAP ID (LETTER OR NUMBER) C	
MAILING ADDRESS PO BOX 210	CITY MERRILL	STATE OR	ZIP 97633
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 119.4	PROPORTIONATE RATE 1.49 CFS		

Landowner Information

LANDOWNER/BUSINESS NAME SCOTT BEDFORD		MAP ID (LETTER OR NUMBER) D	
MAILING ADDRESS 1231 TULLOCH DR.	CITY TRACY	STATE CA	ZIP 95377
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 56.65	PROPORTIONATE RATE 0.71 CFS		

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Part 5 of 5 – Permit Information

PERMIT # G-16156

Completion date of the permit: 10/1/2024

Name(s) currently appearing on permit: DANIEL CHIN, WONG POTATOES INC., MLM PROPERTY LLC, GREGORY DREW HEATON, & SCOTT BEDFORD

Type(s) of use as listed on permit: SUPPLEMENTAL IRRIGATION

Note: Type of use must be one or more of the following uses approved for assignment under ORS 537.225(1) and OAR 690-325-0010: irrigation, nursery, temperature control, stock watering, or agricultural water use.

Table 1. Location of Authorized Point(s) of Diversion (POD) or Appropriation (POA)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	KLAM 53043	41	S	11	E	7	SW	NE	100	1360' South & 1860' West from the Northeast Corner of Section 7
Well 2	KLAM 10518	40	S	10	E	29	SW	NW	300	1420' South & 20' East from the Northwest Corner of Section 29

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Please use additional pages of Table 2 as needed

Table 2. Description of Permit # G-16156.

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each ¼ ¼, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.

Description of Permitted Lands												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)		
2	S	9	E	15	NE	NW	100		15.0	IR	POD #1	"A"
2	S	9	E	15	NE	NW	200		4.0	NU	POD #2	"B"
↑EXAMPLE↑												
41	S	11	E	16	NE	NE	600	1	7.4	Supplemental Irrigation	Well 1	A
41	S	11	E	16	NE	NE	600	6	7.8	Supplemental Irrigation	Well 1	A
41	S	11	E	16	NW	NE	600	2	4.6	Supplemental Irrigation	Well 1	A
41	S	11	E	16	NW	NE	600	9	1.8	Supplemental Irrigation	Well 1	A
41	S	11	E	16	SW	NE	600	9	1.7	Supplemental Irrigation	Well 1	A
41	S	11	E	16	SE	NE	600	10	32.7	Supplemental Irrigation	Well 1	A
41	S	11	E	16	NE	SE	1501	11	1.5	Supplemental Irrigation	Well 1	A
41	S	11	E	11	SW	SW	900		7.2	Supplemental Irrigation	Well 1	B
41	S	11	E	14	NW	NW	500	4	16.8	Supplemental Irrigation	Well 1	B
41	S	11	E	14	NW	NW	500		12.2	Supplemental Irrigation	Well 1	B
41	S	11	E	14	NE	NW	500	3	19.6	Supplemental Irrigation	Well 1	B
41	S	11	E	14	NE	NW	500		14.5	Supplemental Irrigation	Well 1	B
41	S	11	E	14	SW	NW	500		5.6	Supplemental Irrigation	Well 1	B
41	S	11	E	14	SE	NW	500		5.6	Supplemental Irrigation	Well 1	B
41	S	11	E	15	NE	NW	800	2	0.6	Supplemental Irrigation	Well 1	C
41	S	11	E	15	NE	NW	800	6	12.8	Supplemental Irrigation	Well 1	C
41	S	11	E	15	NW	NW	800	3	3.9	Supplemental Irrigation	Well 1	C
41	S	11	E	15	NW	NW	800	7	9.4	Supplemental Irrigation	Well 1	C
41	S	11	E	15	SW	NW	800	8	37.2	Supplemental Irrigation	Well 1	C
41	S	11	E	15	SE	NW	800	9	37.7	Supplemental Irrigation	Well 1	C
41	S	11	E	15	NE	SW	800		7.9	Supplemental Irrigation	Well 1	C

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41	S	11	E	15	NW	SW	800	15	9.9	Supplemental Irrigation	Well 1	C
40	S	10	E	7	NE	NW	400	1	14.55	Supplemental Irrigation	Well 2	D
40	S	10	E	7	NW	NW	400		10.3	Supplemental Irrigation	Well 2	D
40	S	10	E	7	SW	NW	400		10.2	Supplemental Irrigation	Well 2	D
40	S	10	E	7	SE	NW	400		21.6	Supplemental Irrigation	Well 2	D
TOTAL ACRES									315.05			

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Check the appropriate box, if applicable:

Check here if any portion of the permit is located within an irrigation or other water district.

IRRIGATION DISTRICT NAME Tulelake Irrigation District	ADDRESS 2717 Havlina Rd.	
CITY Tulelake	STATE CA	ZIP 96134

IRRIGATION DISTRICT NAME Klamath Irrigation District	ADDRESS 6640 Kid Ln.	
CITY Klamath Falls	STATE OR	ZIP 97603

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Additional Remarks:

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THIS SPACE RESERVED FOR

2017-004165
Klamath County, Oregon
04/21/2017 10:27:00 AM
Fee: \$47.00

After recording return to:
MLM Property LLC, an Oregon Limited Liability
Company
PO Box 195
Merrill, OR 97633

Until a change is requested all tax statements
shall be sent to the following address:
MLM Property LLC, an Oregon Limited Liability
Company
PO Box 195
Merrill, OR 97633
File No. 163324AM

SPECIAL WARRANTY DEED

Northwest Farm Credit Services, PCA,

Grantor(s) hereby conveys and specially warrants to

MLM Property LLC, an Oregon Limited Liability Company,

Grantee(s) and grantee's heirs, successors and assigns the following described real property free of encumbrances created or suffered by the Grantor, except as specifically set forth herein, situated in the County of **Klamath** and State of Oregon, to wit:

That portion of Government Lot 1 lying South of J canal; that portion of Government Lot 2 lying South of J canal and Easterly of the State Highway; and that portion of Government Lots 9 and 10 lying Easterly of the State Highway and all of Government Lot 6 all in Section 16, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon

SAVING AND EXCEPTING therefrom any portion thereof in any canals, roads or highways

The true and actual consideration for this conveyance is **\$.320,000.00**

Grantor is lawfully seized in fee simple on the above granted premises and SUBJECT TO: all those items of record, if any, as of the date of this deed and those shown below, if any:

SPECIAL EXCEPTION: Title to the described real property being sold is only warranted for the period of time Grantor has held and does hold fee title. There are no warranties or representations made by the Grantor behind those expressed herein. Grantee has made its own investigation and accepts the property in its present condition free of representations and warranty by the Grantor.

and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor except those claiming under the above described encumbrances.

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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 18th day of April, 2017

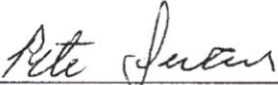
Northwest Farm Credit Services, PCA

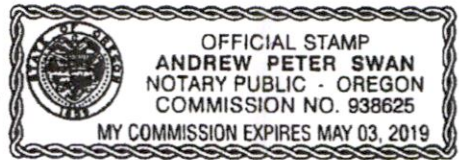
By: 
Emily Duerst, Relationship Manager II/AVP

State of Oregon } ss
County of Marion }

On this 18th day of April, 2017, before me, Andrew Peter Swan a Notary Public in and for said state, personally appeared Emily Duerst, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Oregon
Residing at: Salem, Oregon
Commission Expires: 5/3/2019



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00195243201600122540030030

11/16/2016 02:08:32 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

Parks & Ratliff, P.C.
620 Main Street
Klamath Falls OR 97601

GRANTOR'S NAME AND ADDRESS:

Diane P. McKoen, Successor Trustee of the
Leo F. McKoen, Jr., Living Trust,
UAD 07-09-13
18412 O'Keefe Rd.
Tulelake, CA 96134

GRANTEE'S NAME AND ADDRESS:

Michael J. McKoen
P. O. Box 195
Merrill, OR 97633

SEND TAX STATEMENTS TO:

Michael J. McKoen
P. O. Box 195
Merrill, OR 97633

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BARGAIN AND SALE DEED

DIANE P. McKOEN, SUCCESSOR TRUSTEE OF THE LEO F. McKOEN, JR., LIVING TRUST, U.A.D. 07-09-13, hereinafter referred to as grantor, conveys to **MICHAEL J. McKOEN**, hereinafter referred to as grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by this reference.)

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration; i.e., distribution of the assets of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13

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

IN WITNESS WHEREOF, the grantor has executed this instrument this 1 day of November, 2016.

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, SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

LEO F. McKOEN, JR., LIVING TRUST, U.A.D. 07-09-13

By: *Diane P. McKoen*
Diane P. McKoen, Successor Trustee

STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 1 day of NOV., 2016, by Diane P. McKoen as Successor Trustee of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13.

Kay Heath
NOTARY PUBLIC FOR OREGON
My Commission expires: 9-24-18



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EXHIBIT "A"

(Attached to and made a part of Bargain and Sale Deed wherein Diane P. McKoen, Successor Trustee of the Leo F. McKoen, Jr., Living Trust, U.A.D. 07-09-13, is Grantor, and Michael J. McKoen is Grantee, dated the 1 day of NOV, 2016.)

REAL PROPERTY DESCRIPTION

PARCEL 1:

A parcel of land in Government Lot 11, Section 16, T. 41 S., Range 11, E.W.M., Klamath County, Oregon, being more particularly described as follows:

Beginning at the intersection of the East line of said Section 16 with the Northeasterly right of way line of Oregon Highway No. 39; thence N. 39°38'52" W, along said right of way line a distance of 712.19 feet to a 5/8" iron pin on the North line of said Lot 11; thence leaving said right of way line N. 89°59'44" E. a distance of 454.39 feet to the East line of Section 16; thence S. 0°00'16" E. along said Section line a distance of 548.41 feet to the point of beginning. LESS AND EXCEPTING the East 30 feet thereof contained in the right of way of the USRS No. 42 Drain theretofore conveyed by Dora Pope, *et vir*, to the United States by deed recorded in Volume 69, page 151, records of Klamath County, Oregon. The above described tract contains 2.50 acres, more or less.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R879799

Map Tax Lot #: R-4111-01600-01501-000

(KID)

PARCEL 2:

Lots 16 and 17 and all that part of Lots 15 and 18, lying West of a line running North and South and distant 1049 feet West of the East line of said Lots 15 and 18 all in Section 16, Township 41 South, Range 11, EWM.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R107208

Map Tax Lot #: R-4111-01600-01200-000

(TID # 4039-1)

PARCEL 3:

Farm Unit "A", according to the Farm Unit plat, or Lot 11 of Section 17, Township 41 South, Range 11 EWM.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes, plus interest in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

Property ID #: R107217

Map Tax Lot #: R-4111-01700-00400-000

(TID # 4030)

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**SPLIT A PERMIT and REQUEST FOR ISSUANCE
OF REPLACEMENT PERMITS**

APPLICANT'S AGREEMENT

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **MLM Property LLC** hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Program Analyst Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266 Phone: 503 986-0886 Fax: 503 986-0901 Email: arla.l.davis@oregon.gov	Name: MLM Property LLC Contact: Mike McKoen, Owner Address: PO Box 195 Merrill, OR 97633 Phone: 541-205-1191 Email: mikemckoen@gmail.com	Name: Adkins Consulting Engineering, LLP Contact: Address: 1435 Esplanade Ave Klamath Falls, OR 97601 Phone: 541-884-4666 Email: dscalas@adkinsengineering.com

Purpose The purpose of this Agreement is to process the **Split a Permit Application. (Permit Number: G-16156)**

1. **Authority** The OWRD has been authorized pursuant to ORS 537.225 to receive and review application for assignment of all or part of the water right permit and for the issuance of a replacement water right permit that reflects that assignment. In addition OAR 690-325-0010 through 0110 establishes the requirements and procedures for evaluating the application. In making this agreement, OWRD shall require the applicant to pay the full cost of evaluating the application.
2. **Restrictions.** **MLM Property LLC**, and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
5. **Consideration.**
 - a. **MLM Property LLC**, shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1050.00**. **MLM Property LLC**, agrees to pay the full amount of **\$1050.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.

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6. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
7. **Confidentiality.** MLM Property LLC, agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
8. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
9. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant will refund any unspent balance after paying the contractor for the work done.
10. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
11. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
12. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, statutory waiting periods, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
13. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
14. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
15. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Min Tom President
Name/Title:

2/17/2020
Date

For OWRD: _____
Dwight French – Administrator WRSD

Date

Mail signed Agreement to:

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

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Exhibit A

Statement of Work

OWRD

Permit Number: G-16156

Name of Applicant: MLM Property LLC

Split a Permit Process
Itemized Estimate Sheet
For
Permit Application

Action Item	Est. Time (hr.)
Review Application for Completeness	1.5
Verify mailing address of each owner of the authorized place of use	0.5
Verify deed(s) match(es) properties proposed for assignment	2.0
Verify most recent water use under the permit has been exercised within relevant terms and conditions of permit	0.5
Assess application for enlargement of the original permit and injury to other water right holders	1.0
Review and prepare draft documents	6.0
Peer review, issue, mail, and publish draft PFO	2.0
Peer review, issue, mail, and publish PFO	2.0
Peer review, issue and mail Final Order	2.0
Total hours	17.5

Total estimated cost is 17.5 hours at \$60.00* per hour, totaling \$1050.00.

* - This figure is representative of the average compensation for staff time, with benefits and overhead, for the staff persons working on this file. You may request a detailed accounting upon completion of this project.

Completion of Draft Proposed Final Order: March 30, 2020

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

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FEB 24 2020 3 of 3

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Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

RECEIVED

FEB 24 2020

OWRD

January 27, 2020

MLM Property LLC
PO Box 195
Merrill, OR 97633

RE: Split a Permit Application

We are in receipt of your application to Split a Permit and Request for Issuance of Replacement Permits. Our Receipt #131732 for your \$125.00 for the estimated cost to process our application is enclosed.

Also enclosed is the Applicant's Agreement which includes the estimated cost of the work to be performed. In order to commence work, the Agreement must be signed and accompanied with the full payment of the estimated maximum cost.

Please read the Agreement thoroughly and follow the instructions to proceed with the process. Please mail the signed contract and check in the amount of \$1050.00 prior to **February 27, 2020**, to:

Oregon Water Resources Department
Attn: Arla L Davis
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

If you have any questions, please contact me at (503) 986-0806 or via e-mail at arla.l.davis@oregon.gov

Sincerely,

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: Adkins Consulting Engineering, LLP, agent *(via email)*
Dani Watson, District 17 Watermaster *(via email)*

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STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL CHIN
17817 CHEYNE RD
KLAMATH FALLS, OR 97603

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16400

SOURCE OF WATER: WELL 1 (KLAM 53043) IN DODDS HOLLOW BASIN; WELL 2 (KLAM 10518) IN LOST RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 315.05 ACRES

MAXIMUM RATE: 3.94 CUBIC FEET PER SECOND (CFS), BEING 3.23 CFS FROM WELL 1 FOR SUPPLEMENTAL IRRIGATION ON 258.4 ACRES AND 0.71 CFS FROM WELL 2 FOR SUPPLEMENTAL IRRIGATION ON 56.65 ACRES

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 1, 2005

WELL LOCATIONS:

WELL 1 (KLAM 53043) - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 7, T41S, R11E, W.M.; 1360 FEET SOUTH & 1860 FEET WEST FROM NE CORNER, SECTION 7

WELL 2 (KLAM 10518) - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 29, T40S, R10E, W.M.; 1420 FEET SOUTH & 20 FEET EAST FROM NW CORNER, SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

LOT 1 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14.55 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.3 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 21.6 ACRES
 SECTION 7

TOWNSHIP 40 SOUTH, RANGE 10 EAST, W.M.

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THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

	SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.2	ACRES
	SECTION 11		
LOT 3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.6	ACRES
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.5	ACRES
LOT 4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.8	ACRES
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	12.2	ACRES
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.6	ACRES
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.6	ACRES
	SECTION 14		
LOT 6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.4	ACRES
LOT 7	NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.3	ACRES
LOT 8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.2	ACRES
LOT 9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	37.7	ACRES
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.9	ACRES
LOT 15	NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.9	ACRES
	SECTION 15		
LOT 6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.2	ACRES
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.4	ACRES
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.7	ACRES
LOT 10	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.7	ACRES
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.5	ACRES
	SECTION 16		
	TOWNSHIP 41 SOUTH, RANGE 11 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water levels shall be measured **between March 15 and April 15**. Reports shall be submitted to the Department within 30 days of measurement. The reference levels against which future annual measurements will be compared have been established by measurements made in April 2004. These reference levels are 47.57 feet below land surface datum for Well 1 and 55.32 feet below land surface datum for Well 2.

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or

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- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 15, 2007



Phillip C. Ward, Director
Water Resources Department

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Letter of Transmittal

To: OWRD
725 Summer St. NE Ste A
Salem, OR 97301

Date: January 13, 2020

RE: Permit G-16156

We are sending you:

- Attached
Shop Drawings
Prints
Plans
Samples
Pay
Requests
Specifications
Submittals
Change orders
Sign & Return
Other

Table with 3 columns: Copies, Date, Description. Rows include Permit Application and Fee Check #11706 \$125.00.

These are transmitted as checked below:

- For approval
For your use
As requested
Approved as submitted
Approved as noted
Returned for corrections

Sincerely,

Handwritten signature of Deirdre Horton

Deirdre Horton
Front Office Manager

RECEIVED

JAN 14 2020

OWRD

CC: 3217-02
Delivered via: UPS

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1435 Esplanade Ave, Klamath Falls, OR 97601

541.884.4666 / 541.884.5335 / AdkinsEngineering.com