

Application for a Permit to Use Groundwater



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 HANS COON			PHONE (HM)
PHONE (WK) 541-231-2558	CELL		FAX
ADDRESS 31310 PEORIA RD.			
CITY SHEDD	STATE OR	ZIP 97377	E-MAIL* HANS@OAKPARKFARMS.COM

Organization

NAME OAK PARK FARMS			PHONE 541-231-2558	FAX
ADDRESS 31310 PEORIA RD.			CELL	
CITY SHEDD	STAT E OR	ZIP 97377	E-MAIL*	

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

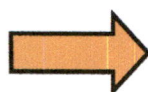
AGENT / BUSINESS NAME JD MCGEE, INC.			PHONE (541) 929-4226	FAX (541) 929-4227
ADDRESS 1215 MAIN STREET			CELL	
CITY PHILOMATH	STATE OR	ZIP 97370	E-MAIL* JOHNMC GEE@JDMCGEE.COM	

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 use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get 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 get water to which they are entitled.



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

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Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

Hans Coon

Hans Coon Manager

1/5/22

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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.

As noted on
deed

☐ NO, I have a recorded easement or written authorization permitting access.

☐ 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*).

N/A

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: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	OWL CREEK	3258 FT	22 FT
1	UNNAMED INTERMITTENT TRIBUTARY	530 FT	14 FT
1	UNNAMED INTERMITTENT TRIBUTARY	1590 FT	18 FT

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

THE UNNAMED TRIBUTARY IS A DRAINAGE DITCH IN THE CULTIVATED FIELD.

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 1.81 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	P R O P O S E D	E X I S T I N G	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	F L O W I N G A R T E S I A N	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE- FEET)
WELL 1	☒	☐	N/A	☐	Unknown	Unknown	Unknown	Unknown	Unknown	SAND AND GRAVEL	120'	812	362
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

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For Department Use: App. Number: _____

- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
- ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
- *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: _____

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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA 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 POA is located, please call the customer service desk at (503) 986-0801.

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

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified 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

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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, you will be required to provide the following information, if applicable.

☒ 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:
Irrigation will be scheduled and monitored to ensure the irrigation system only runs when water is needed.

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Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 – October 31	362.0

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 144.79 Acres **Supplemental:** Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 362.0

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: ____ (Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and type): TBD
☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The well pump will discharge water through a buried mainline to service a drip irrigation system.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Drip Irrigation

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

Irrigation will be monitored to ensure water is provided for the depth of the root zone only.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: April 1 2023
- Date construction will be completed: April 15th 2023
- Date beneficial water use will begin: May 1st 2023

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: The irrigation system will be regulated to prevent runoff and if any chemical products are injected into the irrigation system, a back-flow prevention system will be used.
- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. **Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

There will be no construction or clearing of streamside riparian areas.

- ☐ Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List:

SECTION 9: WITHIN A DISTRICT

- ☐ Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	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*).

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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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

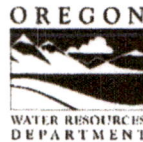
The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.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

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
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Applicant

NAME HANS COON			PHONE (HM)		
PHONE (WK) 541-231-2558		CELL		FAX	
ADDRESS 31310 PEORIA RD.					
CITY SHEDD		STATE OR	ZIP 97377	E-MAIL* HANS.COON@GMAIL.COM	

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:
12S	4W	16	NENW	400	EFU	☒ Diverted	☐ Conveyed	☐ Used	Farming
12S	4W	17	NENW	100	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	17	SENE	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming
12S	4W	17	NWNE	100	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	17	SWNE	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming
12S	4W	17	NENE	100	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	17	SENE	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming
12S	4W	16	NWNW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	16	SWNW	300	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming
12S	4W	16	NENW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	16	SENE	300	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming

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

LINN COUNTY

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Groundwater Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Groundwater ☐ Surface Water (name) _____

Estimated quantity of water needed: 1.81 ☒ 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:

One well will be constructed on tax lot 400 (Tax map 12S04W09) for the purpose of irrigating hazelnut trees on the other two properties.



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.

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SALEM, OREGON**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): LCC 928.310(B)(1)

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

--

NAME <u>Kate Bentz</u>		TITLE: <u>Assistant Planner</u>
SIGNATURE <u>K Bentz</u>	PHONE: <u>541.967.3816</u>	DATE: <u>2/2/23</u>
GOVERNMENT ENTITY <u>Linn County</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: _____

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

LINN COUNTY, OREGON

2016-15215**C-CONMEM**

Str=0 K. PETERSON

09/06/2016 09:46:44 AM

\$35.00 \$10.00 \$20.00 \$19.00

\$84.00

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk

AFTER RECORDING RETURN TO:

Law Office of David A. Rhoten

494 State Street, Suite 230

Salem, OR 07301

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SALEM, OREGON**

- 1) **TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)
MEMORANDUM OF CONTRACT OF SALE

- 2) **DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160
Hamilton Homestead, LLC

- 3) **INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160
Coon Family Farms, LLC

- 4) **TRUE AND ACTUAL CONSIDERATION**
ORS 93.030(5) – Amount in dollars or other

\$ 1,240,528.00

☐ Other

- 5) **SEND TAX STATEMENTS TO:**
NO CHANGE

- 6) **SATISFACTION of ORDER or WARRANT**
ORS 205.125(1)(e)

CHECK ONE: ☐ FULL
(If applicable) ☐ PARTIAL

- 7) **The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125(1)(c)

\$

- 8) **If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF** _____ **TO CORRECT** _____
Fidelity National Title
The Legal Description
PREVIOUSLY RECORDED IN BOOK N/A AND PAGE N/A, OR AS FEE
NUMBER 2016-03562."

Fidelity National Title # FT150054032

Fidelity National Title # FT150054032

After recording, return to:
Law Office of David A. Rhoten
494 State Street, Suite 230
Salem, OR 97301

Send tax statements to:
Coon Family Farms LLC
31316 Peoria Road
Shedd, Oregon 97377

LINN COUNTY, OREGON		2016-03562
C-CONMEM	03/04/2016 02:27:23 PM	
Str=8 K. ADAMS		
\$20.00 \$11.00 \$10.00 \$19.00 \$20.00	\$80.00	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Steve Druckenmiller - County Clerk		

MEMORANDUM OF CONTRACT OF SALE

RECEIVED
FEB 16 2023
OWRD
SALEM, OREGON

BETWEEN: Hamilton Homestead, LLC
223 S Ninth Street
Independence, OR 97351

SELLER

AND Coon Family Farms LLC
31316 Peoria Road
Shedd, Oregon 97377

PURCHASER

Pursuant to a Contract of Sale dated March 3rd, 2016, Seller sold to Purchaser the following described real property located in Linn County, Oregon, more particularly described in Exhibit A attached hereto.

The true and actual consideration paid for this conveyance is \$1,240,528.00.

The terms and conditions of said sale are fully set forth in the Contract of Sale and reference thereto is hereby made.

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.

CLERK LINN COUNTY
I have verified that this is a true and correct copy of the original instrument as recorded in my office.
STEVE DRUCKENMILLER
County Clerk
150054032
STATE OF OREGON

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FEB 16 2023

OWRD
SALEM, OREGON

SELLER:

Hamilton Homestead, LLC

Dated: March 3, 2016.

Allen E. Lindskog
Allen E. Lindskog, Member

PURCHASER:

Coon Family Farms LLC

Dated: March 3, 2016.

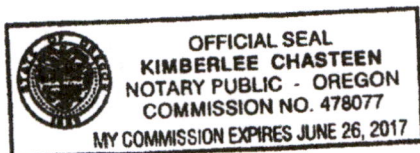
Hans D. Coon
Hans D. Coon, Member

STATE OF OREGON

County of Marion

} ss.

This instrument was acknowledged before me on March 3, 2016,
by Allen E. Lindskog as a member of Hamilton Homestead, LLC.



Kimberlee Chasteen
Notary Public for Oregon

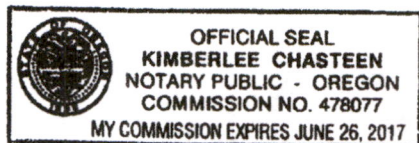
My Commission Expires: 62617

STATE OF OREGON

County of Marion

} ss.

This instrument was acknowledged before me on March 3, 2016,
by Hans D. Coon as a member of Coon Family Farms LLC.



Kimberlee Chasteen
Notary Public for Oregon

My Commission Expires: 62617

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EXHIBIT A

PARCEL I:

Lot 1 in Section 9, Lot 1 in Section 10, Lot 1 in Section 16 and the fractional Northwest one-quarter of the Northwest one-quarter of Section 15, Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon.

SAVE AND EXCEPT any portion thereof lying Easterly of the West line of Oakville Road.

PARCEL II:

Beginning at the Northwest Corner of the David Irvine Donation Land Claim No. 55, in Township 12 South, Range 4 West of the Willamette Meridian; thence East 20 chains; thence South 29.50 chains; thence West 20 Chains; thence North 29.50 chains to the place of beginning, in Linn County, Oregon.

PARCEL III:

The North half of the South half of the Donation Land Claim of Joseph Hamilton, Claim No. 53 in Township 12 South, Range, 4 West, Willamette Meridian in Linn County, Oregon.

EXCEPT the following:

Beginning at a point on the East right of way line of Market Road No. 2 in Linn County, Oregon, said point being 30 feet East of the Southwest corner of the North half of the South half of the Donation Land Claim of Joseph Hamilton, Claim No. 53 in Township 12 South of Range 4 West of the Willamette Meridian, Oregon, and running thence North along said right of way line of said road a distance of Four (4) chains; thence East Five (5) chains; thence South 4 chains; thence West Five (5) chains to the place of beginning, situated in Linn County, State of Oregon.

SAVE AND EXCEPT Beginning at a 1/2" iron rod in the North line of and South 89° 07' East 964.65 feet from the Northwest corner of the South half of the Jos. Hamilton Donation Land Claim No. 53 in Township 12 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; and running thence South 89° 07' East along the North line of the South half of said claim 190.0 feet; thence South 6° 34' West 296.20 feet to the center line of said County Road; thence North 68° 45' West along the center line of said County Road 23.10 feet; thence North 65° 40' West along the center line of said County Road 203.55 feet to a point which bears South 13° 57' West of the place of beginning; thence North 13° 57' East 211.16 feet to the point of beginning.

ALSO SAVE AND EXCEPT Beginning at a 1/2 inch iron pipe on the North line of and South 89° 07' East 385.8 feet from the Northwest corner of the South half of the Joseph Hamilton Donation Land Claim No. 53 in Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said 1/2 inch iron pipe being in the centerline of a County Road; and running thence South 79° 25' East along the centerline of said road 95.40 feet to a 1/2 inch iron rod; thence South 65° 40' East along the centerline of said road 476.35 to a 1/2 inch iron rod; thence North 13° 57' East 211.16 feet to a 1/2 inch iron rod to the North line of the South half of said Donation Land Claim No. 53; thence North 89° 07' West 578.85 feet to the place of beginning.

ALSO SAVE AND EXCEPT Beginning on the North line of and South 89° 07' East 1154.65 feet from the Northwest corner of the South half of the Jos, Hamilton D.L.C. 53 in Township 12 South, Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence South 89° 07' East along the North line of the South half of said Claim 372.15 feet to the center of Owl Creek; thence South 49° 21' East 127.31 feet up the center of said Owl Creek; thence South 0° 22' East 388.98 feet to the centerline of the County Road; thence North 72° 43' West along the centerline of said County Road 175.5 feet; thence North 68° 45' West along the centerline of said County Road 362.10 feet to a point which bears South 6° 34' West of the place of beginning; thence North 6° 34' East 296.20 feet to the place of beginning.

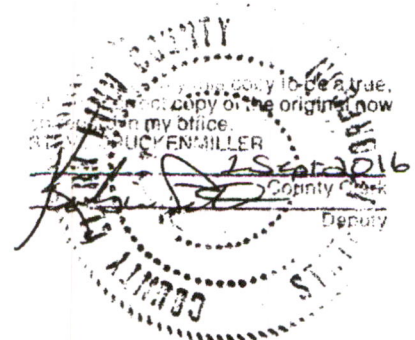
ALSO SAVE AND EXCEPT Beginning in the center of Owl Creek South 49° 21' East 127.31 feet from a point on the North line of and South 89° 07' East, 1526.80 feet from the Northwest corner of the South half of the Jos. Hamilton D.L.C. No. 53 in Township 12 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon; and running thence up the center of said Owl Creek as follows: South 49° 21' East 147.19 feet and South 33° 24' East, 416.7 feet to the centerline of the County Road; thence leaving said Owl Creek and running North 85° 09' West along the centerline of said County Road 223.6 feet; thence North 72° 43' West along the center of said County Road, 121.40 feet to a point which bears South 0° 22' East of the place of beginning; thence North 0° 22' West, 388.98 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion conveyed to Linn County by deed recorded September 10, 2003 in Volume 1485, Page 200, Deed Records for Linn County, Oregon.

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Order No.: FT150054032-FTMWV01

CORRECTED
EXHIBIT "A"

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EXHIBIT "A"
(Continued)

North 72° 43' West along the centerline of said County Road 175.5 feet; thence North 68° 45' West along the centerline of said County Road 362.10 feet to a point which bears South 6° 34' West of the place of beginning; thence North 6° 34' East 296.20 feet to the place of beginning.

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LETTER OF TRANSMITTAL



Engineering & Surveying
Land Use Planning

"Solving Problems for You"

Phone: (541) 929-4226

Fax: (541) 929-4227

E-mail: jmcgee@actionnet.net

PO Box 1472

Philomath, OR 97370

TO:	Oregon Water Resources Department
	725 Summer St. NE, Suite A
	Salem, OR 97301

Job No: 18-41 B
Project: Coon – Water Rights
Date: 2/13/2023
From: JD McGee, Inc.
Via: USPS

COPIES	DATE	DESCRIPTION
1	1/5/2022	Application for a permit to use Groundwater
1	1/5/2022	Attachment 1: Checklist & Processing information
1	2/2/2023	Attachment 2: Land Use Information Form
1	1/31/2023	Groundwater Application Exhibit Map
1	12/19/2022	Legal description of property - Deed 2016-15215
1	2/8/2023	Check # 43093 for Payment to OWRD

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW OR OTHERWISE NOTED

- | | | | |
|---|--|--|---|
| ☐ Approved as Submitted | ☐ Rejected | ☒ For Approval | ☐ For Distribution |
| ☐ Approved as Noted | ☐ Resubmit for Approval | ☐ For Your Use | ☐ As Indicated Below |
| ☐ Returned with Comments | ☐ As Requested | ☐ For Review and Comment | |

REMARKS:

These applications are submitted on behalf of Hans Coon of Oak Park Farms, Inc.

cc: _____

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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: Well Development
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Project Schedule
- ☒ SECTION 8: Resource Protection
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ 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: \$ 3,000
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)

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Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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