

ASSIGNED

Name John R. Koos and Sons
By
Address 30929 Seven Mile Lane
Tangent, OR 97389

Application No. 64170
Permit No. 47116
Certificate No.

Stream Index, Page No. 2-3 E

Date filed September 23, 1982
Priority SEPTEMBER 23, 1982
Action suspended until SIN 8

Return to applicant
Date of approval NOV 23 1982

CONSTRUCTION

Date for beginning NOV 23 1983
Date for completion OCT 1 1984
Extended to

Date for application of water OCT 1 1985
Extended to 10-1-86 10-1-88

PROSECUTION OF WORK

Form "A" filed started
Form "B" filed November 21, 1984
Form "C" filed NOV. 28, 1988

FINAL PROOF

Blank mailed
Proof received
Date certificate issued

FPS map needs to be drafted 4/15/09

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
1-19-2024	Pimm Farms, Inc.	29085 Potter Rd. Halsey, OR 97348		

REMARKS

CARD FOR B OCT 24 1984

Card for C OCT 15 1985

Card for C NOV 26 1986

CARD FOR C OCT 25 1988

Form 128 sent DEC 6 1988

FEES PAID

Date	Amount	Receipt No.
9-23-82	282.00	32969
12-14-2023	\$170.00	142103

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
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Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 64170

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, John R. Koos & Sons, the holder of Permit No. 47116

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 19th day of September, 1986.

Remarks: MAXIMUM Acreage of 115 Acres. Have Not been Able to Irrigate any Additional acreage under the Extension.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of November, 1988

LeRoy E Koos (partner) 30929-7 Mile Lane, Tugent, OR 97389
(Signature of Applicant) (Address)

Form B (690-9-77)

Application No. 64170

NOTICE OF COMPLETION OF CONSTRUCTION

I, John R. Koos & Sons, the holder of Permit No. 47116

to appropriate the public waters of the state of Oregon, completed the construction of the works described in the permit on the _____ day of May, 1984.

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of Nov, 1984

LeRoy E Koos (partner) 30929 Seven Mile Lane Tugent, OR 97389
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

RECEIVED

NOV 21 1984

WATER RESOURCES DEPT
SALEM, OREGON

NOV 28 1988

WATER RESOURCES DEPT
SALEM, OREGON

OK
LHN

OK
JLN

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 142103

INVOICE # _____

RECEIVED FROM: Pimm Farms Inc.

BY: _____

APPLICATION	564170
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 13447 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$120.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE	\$
0203 GROUND WATER	\$	0204		\$

0205 TRANSFER	\$
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WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE	\$
LANDOWNER'S PERMIT	\$	0220		\$

0250 OTHER (IDENTIFY) Assignment \$120.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#	
0210 MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: 142103

DATED: 12-14-23 BY: B

PIMM FARMS INC

13447

Oregon Water Resources Department
6740 — Other Taxes & Licenses

12/11/2023

120.00

RECEIVED

DEC 14 2023

OWRD

US Bank Checking

120.00



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

January 19, 2024

Pimm Farms, Inc.
29085 Potter Rd
Halsey, OR 97348

Reference: Application S-64170, Permit S-47116

The assignment from John R. Koos and Sons to Pimm Farms, Inc. has been recorded in the records of the Water Resources Department.

The Departments records will now show Pimm Farms, Inc. as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 142103 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 142103

cc: Roger Koos, John R. Koos & Sons – 2828 Horn Lane, Albany, OR 97322
Data Center, OWRD (cover letter & request)
File



Request for Assignment

OREGON



WATER RESOURCES
DEPARTMENT

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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Roger Koos, PRES. FOR JOHN R. KOOS & SONS
(Name of Current Holder of Record)
2828 Horn Lane Albany OR 97322 541-990-2143
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # S-64170; Permit # S47116; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

Pimm Farms, Inc.
(Name of New Owner)
29085 Potter Rd Halsey OR 97348 541-580-4091
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

CK I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 24 day of October, 2023.
(Day) (Month) (Year)

Signature of Current Holder of Record

Roger Koos

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 142103

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

RECEIVED

DEC 14 2023

WR

Assign-Approve
MFB
1-22-2024

FARM LEASE

PARTIES: Debora Lynn Shandy
650 Spicer Wayside SE
Albany OR 97322

and

Sheryl A. Pfeiffer
676 La Cresta Dr. SE
Salem, OR 97306

LANDLORD

Pimm Farms, Inc., an Oregon corporation
29085 Potter Rd
Halsey, OR 97348

TENANT

The parties agree as follows:

SECTION 1. LEASE OF REAL AND PERSONAL PROPERTY

1.1 Real Property. Landlord leases to Tenant all that real property more particularly described in Exhibit A and by this reference incorporated herein comprising 277 tillable acres, or thereabouts, as indicated on the map attached hereto as Exhibit B on the terms and conditions set forth herein:

1.2 Additional Rights. Landlord also leases to Tenant such easements access, water and irrigation rights or water memberships which are necessary to use of the leased premises as a farm.

SECTION 2. TERM

2.1 Original Term. The term of this lease shall commence September 1, 2023 and continue through August 31, 2043. If Tenant holds over with Landlord approval this lease shall continue year to year.

2.2 Continuous Occupancy. Tenant shall occupy the premises continuously during the term of this lease.

SECTION 3. RENT

3.1 Tenant shall pay to Landlord as cash-rent the sum of \$115.00 per tillable acre per annum, for a total cash rent of Thirty-One Thousand, Eight Hundred Fifty-Five Dollars (\$31,855.00) per annum through 2026. Rent shall increase 5% starting in 2027 and continue to do so every five years from then.

3.2 Rent shall be payable on the first day of November of each year in arrears at the address of Landlord indicated below or at such other place as may be designated by Landlord by written notice to Tenant.

SECTION 4. USE OF THE PREMISES

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4.1 The premises shall be used only for agricultural and related purposes.

4.2 Tenants shall cultivate the property and grow crops thereon.

SECTION 5. TAXES

5.1 Landlord shall pay all property taxes relating to the property.

SECTION 6. WATER RIGHTS

6.1 Tenant shall have all assignment rights and usage under Oregon Water Resources Department permit #S47116.

SECTION 7. MAINTENANCE OF THE PROPERTY; WASTE

7.1 Tenant shall farm the property in accordance with the principles of good husbandry, shall conserve its resources and shall maintain it in a high state of cultivation.

7.2 Tenant shall perform plowing, seeding, cultivating, and harvesting in an efficient manner consistent with the conservation of the property.

7.3 Tenant shall cultivate the property in a manner which will avoid erosion and will not interfere with any existing subsurface drainage systems.

7.4 Tenant shall not suffer or commit any waste to the property.

SECTION 8. INDEMNITY AND INSURANCE

Tenant agrees to indemnify and save harmless the Landlord against any and all claims arising from any conduct or thing whatsoever done in or about the demised premises during the lease term or arising from any acts or negligence of the Tenant or any of Tenant's agents or employees and against all costs, fees, expenses and liabilities incurred directly or indirectly therefrom. In case any action or proceeding is brought against the Landlord by reason of any such claim, the Tenant, on notice from Landlord, shall resist or defend such action or proceeding by counsel satisfactory to Landlord.

Tenant agrees to maintain liability insurance on the leased premises insuring against liability for injury, death or property damage sustained by others thereon, with limits of not less than \$1,000,000.00 aggregate personal injury and property damage combined limit. The policy or policies of insurance shall contain cross liability endorsements for all parties to this agreement as insureds. The party responsible for obtaining the insurance shall provide written evidence of such insurance to the other party. Such endorsement shall contain the requirement that not less than ten days' written notice be given to all parties prior to cancellation by the carrier. Each party waives the right to recover from the other any loss or damage caused by any

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peril or hazard covered by fire and extended coverage insurance policies or extensions thereof, on the building or its contents, and waives the right of subrogation as to the other party.

Tenant shall be responsible for any insurance Tenant may wish to purchase covering any loss which may be occasioned to Tenant's livestock or crops upon the property subject to this lease. Landlord shall be responsible for any insurance Landlord may wish to purchase covering liability for Landlord's acts and any loss which may be occasioned to the property subject to this lease

SECTION 9. ASSIGNABILITY

This lease is entered into in part because of the mutual respect and trust the parties have for each other. Tenant shall not, without Landlord's written consent, assign, sublet or permit any other person or persons to occupy or use the premises which consent shall not be unreasonably withheld or delayed.

SECTION 10. DEFAULT

10.1 Should the Tenant fail to do anything required by this agreement, the Landlord may terminate this lease by giving Tenant notice in writing specifying the Tenant's default. If the Tenant shall not cure that default within 90 days, the lease shall automatically be terminated, and the Landlord may rent the property and take possession of it and remove all persons and things from the property. If the default is of a nature that it cannot be completely remedied within 90 days, Tenant shall not be in default if Tenant commences to remedy the default within the 90-day period and thereafter proceeds with reasonable diligence and in good faith to cure the default as soon as practicable; provided, however, that the Landlord shall not be obligated to give notice more than once in any consecutive twelve (12) months for the same or similar failure of performance.

10.2 The right of termination and repossession given Landlord by this agreement shall be in addition to all other rights the Landlord may have by law, including Landlord's right to declare all rents for the entire period due in full, and the right to sue for specific performance of the terms of this agreement. The Landlord may proceed with more than one remedy at the same time and if Landlord selects one remedy it shall not preclude the choice of another remedy.

SECTION 11. NOTICE

Any notice given with respect hereto, whether or not required to be given shall be deemed given and received when delivered in person or within seventy-two (72) hours after the date when deposited in the United States registered or certified mails, return receipt requested, or sent by generally recognized overnight carrier providing proof of delivery, in an envelope addressed as set forth below or to such other address as either party hereafter specifies by notice to the other.

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SECTION 12. ATTORNEY FEES

In the event either party retains an attorney to enforce this agreement or files a suit or action to enforce rights arising as a result of this agreement, including any efforts relating to issues peculiar to federal bankruptcy law, or upon arbitration, the losing party shall pay such reasonable attorney and paralegal fees of the prevailing party in such suit or action or arbitration, and on any appeal therefrom. Those fees shall be fixed by the court or arbitrator therein if suit or arbitration is commenced or by arbitration for the purpose of determining the reasonableness of claimed fees if no suit or arbitration of the merits of a dispute is commenced. Such sums shall include an amount estimated by the court or the arbitrator as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise in enforcing any order, judgment or decree entered in such suit, action, arbitration or other proceeding.

SECTION 13. ARBITRATION

Any dispute or claim that arises out of or that relates to this agreement or to the interpretation or breach thereof shall be resolved by arbitration in accordance with the then effective arbitration rules of Arbitration Service of Portland Inc. or such other arbitration procedures as shall be mutually agreed and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. The parties acknowledge that mediation usually helps parties to settle their dispute. Therefore, any party may propose mediation whenever appropriate through the Arbitration Service of Portland Inc. or any other mediation process or mediator as the parties may agree on. Any arbitration or mediation in accordance with section shall occur in Linn County, Oregon.

Dated this 21st day of November 2023.

LANDLORD

BY: Debora L Shandy
Debora Lynn Shandy
650 Spicer Wayside SE
Albany OR 97322
Phone: (541) 220-9111

BY: Sheryl A. Pfeiffer
Sheryl A. Pfeiffer
676 La Cresta Dr. SE
Salem, OR 97306
Phone: (503) 616-8095

TENANT

BY: Eric A. Pimm
Eric A. Pimm, President
Pimm Farms, Inc
29085 Potter Rd
Halsey, OR 97348
Phone: (541) 974-4501

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EXHIBIT "A"

LEGAL DESCRIPTION

Beginning in the county road at the most northerly Northeast corner of the Donation Land Claim of John H. Bateman and Phebe Bateman, his wife, Not. 2153, Claim 53 in Township 13 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running from thence South 89°31' East 20.06 chains; thence South 10.05 chains; thence North 89°56' East 20.03 chains; thence South 29.95 chains to the South boundary of Section 22 in said township and range; thence on Section line South 89°06' West 20.23 chains to the Southwest corner of said Section 22 and being to an East boundary of said Donation Land Claim; thence South on said line of said DLC 40.00 chains, more or less, to the center of the main channel of the Calapooia River as the same now flows across said DLC; thence down the center of said river as the same now flows to its intersection with the North boundary of said DLC; and thence East along the North boundary of said DLC to the place of beginning.

Linn County Assessor Account: No. 289153 – 82.17 acres

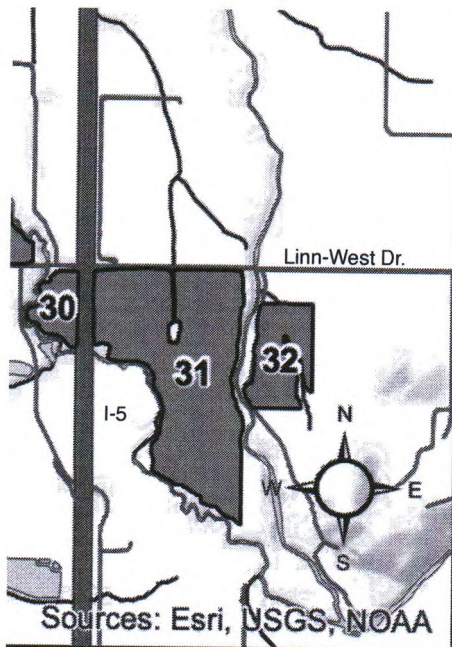
Linn County Assessor Account: No. 288122 - 242.44 acres
(Bateman Place)

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DEC 14 2023

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Exhibit B



RECEIVED

DEC 14 2023

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STATE OF OREGON

COUNTY OF LINN

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN R. KOOS AND SONS
30929 SEVEN MILE LANE
TANGENT, OREGON 97389

DRAFT

confirms the right to use the waters of CALAPOOIA RIVER, a tributary of WILLAMETTE, for IRRIGATION.

This right was perfected under Permit 47116. The date of priority is SEPTEMBER 23, 1982. This right is limited to 1.28 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 27, T 13 S, R 3 W, W.M.; 1130 FEET NORTH AND 1480 FEET EAST FROM THE SW CORNER OF SECTION 24.

The amount of water used for irrigation 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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 1.6 ACRES
SE 1/4 SW 1/4 .7 ACRE
BOTH AS PROJECTED WITHIN DLC 53

NE 1/4 SE 1/4 14.5 ACRES
NW 1/4 SE 1/4 12.6 ACRES
SW 1/4 SE 1/4 21.8 ACRES
BOTH AS PROJECTED WITHIN DLC 53

SE 1/4 SE 1/4 13.1 ACRES
SECTION 21

NE 1/4 NE 1/4 29.7 ACRES
NW 1/4 NE 1/4 10.2 ACRES
SW 1/4 NE 1/4 0.6 ACRE
SE 1/4 NE 1/4 17.5 ACRES
BOTH AS PROJECTED WITHIN DLC 53
SECTION 28
TOWNSHIP 13 SOUTH, RANGE 3 WEST, W.M.

122.3

DRAFT

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

DRAFT

STATE OF OREGON

COUNTY OF LINN

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN R. KOOS AND SONS
30929 SEVEN MILE LANE
TANGENT, OREGON 97389

confirms the right to use the waters of CALAPOOIA RIVER, a tributary of WILLAMETTE, for IRRIGATION.

This right was perfected under Permit 47116. The date of priority is SEPTEMBER 23, 1982. This right is limited to 1.28 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

AS PROJECTED W/IN DEC 54

The point of diversion is located as follows:

~~use Div. Pt. of Sedum Ditch~~

~~NW 1/4 SW 1/4, SECTION 22, T 13 S, R 3 W, W.M.; 980 FEET SOUTH AND 25 FEET EAST FROM THE EAST 1/4 CORNER OF SECTION 21.~~

~~SE 1/4 SW 1/4 SECTION 22, T 13 S, R 3 W, W.M.; 1130 FEET NORTH AND 1480 FEET E FROM THE SW CORNER SECTION 21.~~
The amount of water used for irrigation 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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

✓ NE 1/4 SW 1/4 1.6 ACRES BOTH AS PROJECTED W/IN
✓ SE 1/4 SW 1/4 .7 ACRE DLC 53
✓ NE 1/4 SE 1/4 14.5 ACRES
✓ NW 1/4 SE 1/4 12.6 ACRES BOTH AS PROJECTED W/IN
✓ SW 1/4 SE 1/4 21.8 ACRES DLC 53
SE 1/4 SE 1/4 13.1 ACRES
SECTION 21

✓ NE 1/4 NE 1/4 29.7 ACRES
✓ NW 1/4 NE 1/4 10.2 ACRES
✓ SW 1/4 NE 1/4 0.6 ACRE ALL AS PROJECTED W/IN
✓ SE 1/4 NE 1/4 17.5 ACRES DLC 53
SECTION 28

TOWNSHIP 13 SOUTH, RANGE 3 WEST, W.M.

DRAFT

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

66L 56

Abstract of Permit

This is to certify that I have examined APPLICATION 64170 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to John R. Koos and Sons of 30929 Seven Mile Lane, Tangent, Oregon 97389, phone 928-9058, for the use of the waters of Calapooia River, for the PURPOSE of irrigation; that the PRIORITY OF THE RIGHT dates from September 23, 1982, and is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~2.5~~^{2.8} cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users. THIS TO WILLAMETTE

The POINTS OF DIVERSION are to be LOCATED: ⁹⁸⁰ ~~350~~ feet South and ²⁵ ~~1,330~~ feet West from the ~~Center of Section 21~~^{E 1/4 CORNER SECTION 21}, being within the NW 1/4 SW 1/4 of Section ~~21~~²²; ~~Diversion 2 - 160 feet South and 1,580 feet West from the Southeast Corner of Section 21, being within the NW 1/4 NE 1/4 of Section 28; Diversion 3 - 800 feet North and 2,350 feet West from the Southeast Corner of Section 21, being within the SW 1/4 SE 1/4 of Section 21; and Diversion 4 - 2,050 feet North and 4,050 feet West from the Southeast Corner of Section 21, being within the NW 1/4 SW 1/4 of Section 21, all being within Township 13 South, Range 3 West, WM, in the County of Linn.~~

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 13 South	Range 3 West, WM	Section 21	NE 1/4	SW 1/4	23.51 acres	1.6
			NW 1/4	SW 1/4	1.10 acres	0
			SE 1/4	SW 1/4	2.54 acres	0.7
			NE 1/4	SE 1/4	38.02 acres	14.5
			NW 1/4	SE 1/4	39.56 acres	12.6
			SW 1/4	SE 1/4	22.52 acres	21.8
		Section 28	SE 1/4	SE 1/4	35.59 acres	13.1
			NE 1/4	NE 1/4	18.21 acres	29.7
			NW 1/4	NE 1/4	40.11 acres	10.2
			SW 1/4	NE 1/4	0.62 acre	0.6
SE 1/4	NE 1/4		17.52 acres	17.5		
					237.30	122.3
					231.30	

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 1/80 of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before November 23, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985.

WITNESS my hand this 23rd day of November, 1982.

WATER RESOURCES DIRECTOR

INFO: LEROY KOOS IRRIGATION AS APPLIED NOT MUCH OF
LAND WAS NOT DEVELOPED BECAUSE SOIL WAS POOR

SOURCE: SODOM DITCH

DIV PT: SUCTION INTO DITCH → BOOST PUMP → DDC

MOTOR: ① 2150 WHITE DIESEL - PTO

② WISCONSIN 16 HP 1750 RPM BOOSTER FOR LIFT FROM STREAM (GAS)

PUMP: ① 4x6 BERKLEY DDC FROM PTO

② 6x6 GOULD DDC

PIPE: 10000 FT 6" MAIN
300 FT 4" FLEX HOSE

SPRINK: RAIN GUN 1.45

500 GPM MAX
@ 100 LBS

USE: IRR MARION BLUE GRASS

LIFT: + 20 SUCTION

+ 5 DISCHARGE

TIE: SURVEY FROM PHOTO TRANSFERRED
TO APP MAP T.

Keith L. Chasen
LRI 3/27/91

$$575 = 448.8 \div 1.28 \text{ CFS}$$

SPRINK

$$122.3 \times .0125 = 1.53$$

ACRE

DRAFTING NOTES

PHOTO (ALTHOUGH FAR FROM GREAT) GAVE
THE MOST ACCURATE INFO ABOUT WHAT
WAS IRRIGATED W/IN THE TERMS
OF THE PERMIT. THE PHOTO WAS NOT
ONE OF OURS BUT WAS SUPPLIED BY
THE PERMIT HOLDER.

JOHN R. KOOS & SONS

SECTIONS 21 & 28 T.13S., R.3W., W.M.

LINN COUNTY, OREGON

Scale: 1" = 400'

November 25, 1981

Alt# 64170

100' W 1988

MARION BLUE GRASS

6" MIN 10000 FT

2150 WHITE PTD 4X6 BARLEY 500 GPM MAX

WISCONSIN 16 HP 1750 TO BOOST FROM DITCH

300' OF FLEX PIPE

RAINGUN 1.45 100 lbs

20 FT LIFT

Application No. 64170

Permit No. 47116

- Indicates Section Corner
- Indicates 1/4 Corner
- Indicates 1/6 Corner

FINAL PROOF SURVEY

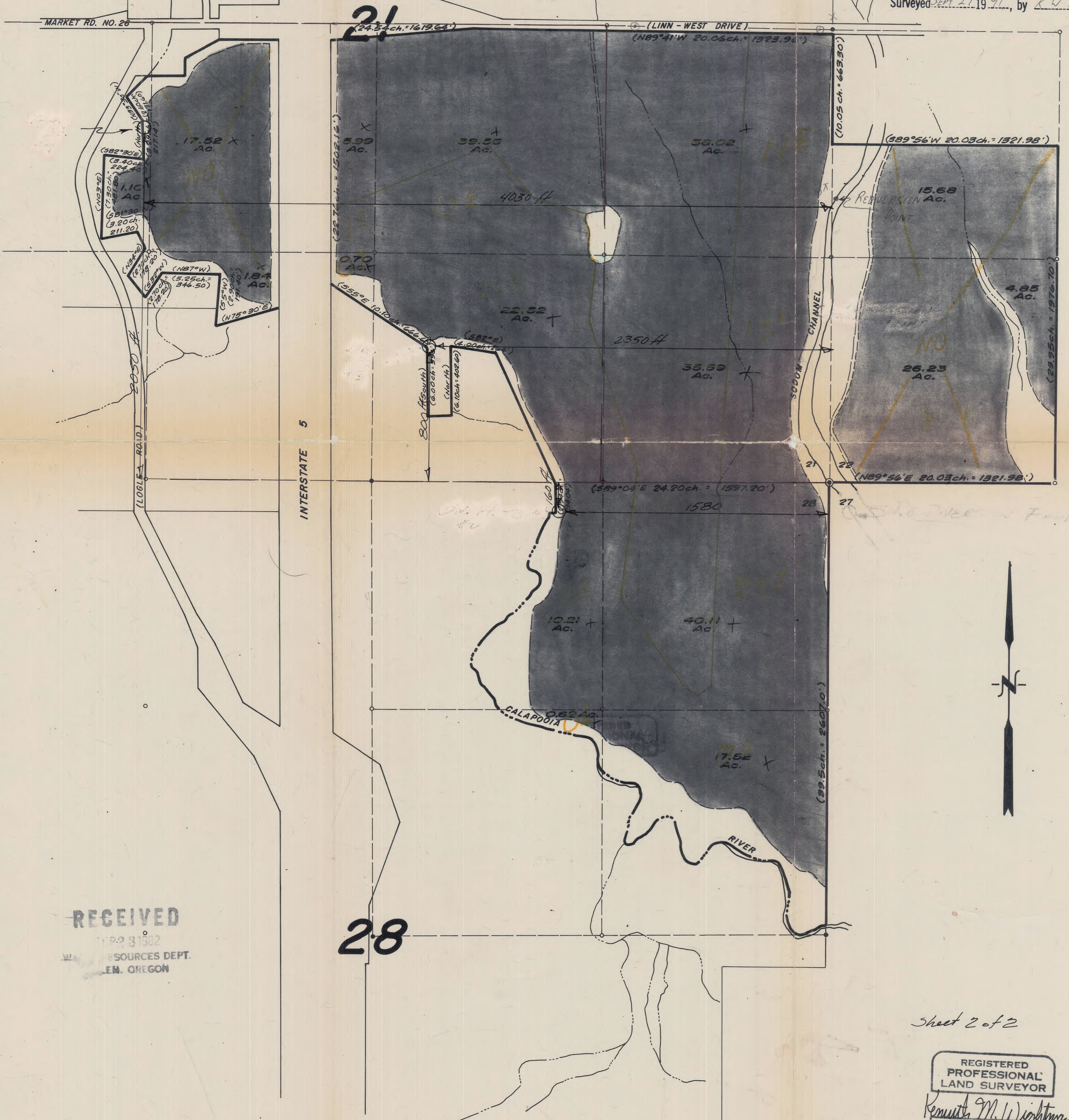
UNDER

Application No. 64170..Permit No. 47116

IN NAME OF

John R. Koos & Sons

Surveyed Sept. 27, 1991, by R. V. Klassen



RECEIVED

NOV 30 1982
RESOURCES DEPT.
EM. OREGON

Sheet 2 of 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Kenneth M. Wightman
OREGON
JULY 17, 1970
KENNETH M. WIGHTMAN II
942

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SEP 21 3 1982

Sheet 1 of 2

N H. WATER RESOURCES DEPT.
SALEM, OREGON

22

T.13S R.3W.

Application No. 64170
Permit No. 47116

SILAS POWELL C

Trough
Spring

Spring

Spring

28

ELIAS KEENEY CL 54

27

Div #1

CALAPOOYA

THOMA

RIVER

95 20 117
175 78 300
140

33

34

CHARLES RICE CL. 47

Winey
Creek

ALFORD CL 43

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SEP 21 3 1982

N. H. WATER RESOURCES DEPT.
SALEM, OREGON

Sheet 1 of 2

22

T.13 S. R.3 W.

Application No. 64170
Permit No. 47116

SILAS POWELL C

Trough Spring

Spring

Spring

28

ELIAS KEENEY CL 54

27

Div #1

CALAPOOYA

THOMA

RIVER

95 29 117
175 78 309

140

CHARLES RICE CL 47

33

34

Lot 1

Lot 2

Lot 2

Lot 1

Lot 3

Lot 2

Lot 2

04

Wiley Creek



STATE OF OREGON

LINN COUNTY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 64170 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to John R. Koos and Sons of 30929 Seven Mile Lane, Tangent, Oregon 97389, phone 928-9058, for the use of the waters of Calapooia River, for the PURPOSE of irrigation; that the PRIORITY OF THE RIGHT dates from September 23, 1982, and is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.89 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users.

The POINTS OF DIVERSION are to be LOCATED: Diversion 1 - 350 feet South and 1,330 feet West from the Center of Section 27, being within the NW 1/4 SW 1/4 of Section 27; Diversion 2 - 160 feet South and 1,580 feet West from the Southeast Corner of Section 21, being within the NW 1/4 NE 1/4 of Section 28; Diversion 3 - 800 feet North and 2,350 feet West from the Southeast Corner of Section 21, being within the SW 1/4 SE 1/4 of Section 21; and Diversion 4 - 2,050 feet North and 4,030 feet West from the Southeast Corner of Section 21, being within the NW 1/4 SW 1/4 of Section 21, all being within Township 13 South, Range 3 West, WM, in the County of Linn.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 13 South Range 3 West, WM	Section 21	NE 1/4 SW 1/4	23.51 acres
		NW 1/4 SW 1/4	1.10 acres
		SE 1/4 SW 1/4	2.54 acres
		NE 1/4 SE 1/4	38.02 acres
		NW 1/4 SE 1/4	39.56 acres
	Section 28	SW 1/4 SE 1/4	22.52 acres
		SE 1/4 SE 1/4	35.59 acres
		NW 1/4 NE 1/4	10.21 acres
		NE 1/4 NE 1/4	40.11 acres
		SW 1/4 NE 1/4	0.62 acre
	SE 1/4 NE 1/4	19.52 acres	

233.3
acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 1/80 of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before November 23, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985. Extended to Oct. 1, 1986 Extended to October 1, 1988

WITNESS my hand this 23rd day of November, 1982.

/s/ JAMES E. SEXSON

WATER RESOURCES DIRECTOR

APPLICATION 64170

PERMIT 47116

for and in consideration of the sum of Ten Dollars and other valuable consideration to DOF paid, in & bargained and sold, and by these presents DOF grant, bargain, sell and convey unto EDWARD W. POLAND and ELAINE E. POLAND, as tenants in common, to each an undivided one-half interest, this heirs and assigns, the following described premises, situated in Linn County, Oregon, to-wit:

Beginning in the county road at the most northerly Northeast corner of the Donation Land Claim of John H. Bateman and Phoebe Bateman, his wife, Not 2153, Claim 53 in Township 13 South or Range 3 West of the Willamette Meridian in Linn County, Oregon; and running from thence South 89°41' East 20.06 chains; thence South 10.05 chains; thence North 89°56' East 20.03 chains; thence South 29.95 chains to the South boundary of Section 22 in said township and range; thence on Section line South 89°06' West 20.23 chains to the Southwest corner of said Section 22 and being to an East boundary of said Donation Land Claim; thence South on said line of said D.L.C. 40.00 chains, more or less, to the center of the main channel of the Calapooia River as the same now flows across said D.L.C.; thence down the center of said river as the same now flows to its intersection with the North boundary of said D.L.C.; and thence East along the North boundary of said D.L.C. to the place of beginning and containing 364 acres, more or less, in Linn County, Oregon.

(Consideration less than \$100. No I.R.S. stamps required.)

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantee & t heir heirs and assigns forever. And the said grantor DOF hereby covenant to and with the said grantee & their heirs and assigns, that she is the owner in fee simple of said premises; that they are free from all incumbrances.

and that she will warrant and defend the same from all lawful claims whatsoever.

RECEIVED

SEP 29 1982

WATER RESOURCES DEPT.
SALEM, OREGON

I, JESSIE M. RISSMAN have hereunto set my hand and seal this 29 day of JUNE 1956

Jessie M. Rissman (SEAL)

(SEAL)

STATE OF OREGON

SS.

County of Linn

On this 29 day of June, A.D. 1956, before me a notary public the undersigned officer, personally appeared the within named JESSIE M. RISSMAN who is known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF I have hereunto set my hand and notarial seal the day and year last abovewritten.

My Commission Expires January 13, 1958

Corne H. Thompson
Notary Public for Oregon

Application No. 64170

Permit No. 47116

WEATHERSFORD & THOMPSON

Notary

Recorder of Deeds

County

Record

Book

A D 19 5

day

month

SS

notary

EDWARD W. POLAND

et ux

JESSIE M. RISSMAN

WARRANTY DEED

132-18

December 22, 1982

John R. Koos and Sons
30929 Seven Mile Lane
Tangent, OR 97389

64170

47116



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
or
1-800-452-7813
(message line)

September 27, 1982

John R. Koos and Sons
30929 Seven Mile Lane
Tangent, OR 97389

Dear Mr. Koos:

REFERENCE: File 64170

We have received your application for use of water for irrigation puposes along with the supporting data and fees. Your application has been filed and assigned number 64170.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application will be subject to the Water Policy Review Board's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

2134B/1
2759B

COPY



Approx 115ac irr under
permit 47116

981

926

725

992

1145

1700

1526

2551

2289

3870

3815

2453

2409

3325

1890

200

$$\begin{array}{r} 440 \\ 300 \\ \hline 740^{00} \end{array}$$

$$\begin{array}{r} 300^{00} \\ 180 \\ \hline \end{array}$$

0 0 S

0 0 T

2	3	3	3	3	1	4	1
5	5	5	5	5	2	1	5
1	2	2	2	2	1	2	8

2 3 1.3 0 S

2 3 1.3 0 T

50

0 0 T

$$\begin{array}{r} 232 \\ 50 \\ \hline 9282 \end{array}$$

Application for Extension of Time **RECEIVED**

TO THE WATER RESOURCES DIRECTOR OF OREGON

OCT 21 1985

WATER RESOURCES DEPT
SALEM, OREGONI, John R. Koos & Sons

Name

30929 Seven Mile Lane

Mailing Address

Tangent

City

OR

State

97389

Zip

record owner of water permit No. 47116, do hereby request that the time in which to:

- ☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__;
and/or the time in which to
- ☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1985, be extended to October 1, 1986.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year we have Equipment to irrigate but did not because we did not think it would be necessary after some heavy showers hit that area - crops bluegrass-ryegrass

(2) prior to this past year _____

_____;

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) probably irrigate next season if crop demands it

(If additional space is required, attach separate sheet)

John R. Koos & Sons
By Selby E. Koos
(If signing for a corporation please identify your title)

Dated 10-21-85

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

C? 10-1-86
HAE

10-24-85
\$100.00
Rec. 47843

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, John R. Koos & Sons
Name
30929 Seven Mile Lane
Mailing Address
Tangent, OR 97389
City State Zip

record owner of water permit No. 47116, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__;
 and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1986, be extended to October 1, 1988

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year irrigated over 100 acres

(2) prior to this past year none

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) over 100 acres

(If additional space is required, attach separate sheet)

LeRoy E. Koos (partner)
(If signing for a corporation please identify your title)

Dated 11-28-86

MAIL COMPLETED APPLICATION AND STATUTORY FEE
 OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
 3850 Portland Road N.E.
 Salem, Oregon 97310

Receipt
 handed to

11-28-86

100.00

50876

Clast
 10-1-88
 BAE

C

STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

According to the terms of Permit No. 47116, the water should have been completely applied to the proposed use on or before October 1, 1986. A blank (Form C) upon which to notify this office of the complete application of water to the proposed use is attached to your permit. If the water was so applied, or all you intend to develop, you should promptly fill out and file this notice. If all the water has not been applied and you intend to fully utilize the same, an application for extension of time should be made. If you have abandoned the development, notice to this effect with authority to cancel the permit would be greatly appreciated.

WATER RESOURCES DEPT.
3850 PORTLAND ROAD N.E.
SALEM, OREGON 97310



John R. Koos and Sons
30929 Seven Mile Lane
Tangent, OR 97389

I am enclosing a form for use in making application for an extension of time limits under Permit

The Water Resources Director is permitted by law to extend the time for completion of a project only upon a showing of reasonable diligence by the permittee. Therefore, you should fill out this application carefully and completely describing what has been accomplished.

The application must be submitted to this office with the statutory filing fee in the amount of \$100 for each permit.

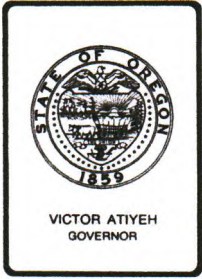
Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. Estes", with a stylized flourish at the end.

BRUCE A. ESTES, Supervisor
Survey/Certificate Section

BAE:wpc

690-10-115
6164A



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

December 10, 1985

John R. Koos and Sons
30929 Seven Mile Lane
Tangent, OR 97389

Dear Mr. Koos:

REFERENCE: File 64170

Your application for an extension of the time limit in which to make complete application of water under the terms of your Permit Numbered 47116 has been received. We also have your check in the amount of \$100.00.

The Water Resources Director is authorized to allow an extension of the time limits only upon a showing by the holder of the permit that reasonable diligence has been exercised toward completion of the project within the time limits allowed.

From the information given in your application, it is questionable whether sufficient diligence has been shown to justify the requested extension. However, you are being given the benefit of the doubt and the time limit to MAKE COMPLETE APPLICATION OF WATER is being extended to October 1, 1986, to allow you the opportunity to complete the appropriation.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificates Section

BAE:cle

Application No. 64170

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED

SEP 23 1982

WATER RESOURCES DEPT.

SALEM, OREGON

I, John R Koos & sons

(Name of Applicant)

of 30929 seven mile lane

(Mailing Address)

Tangent

(City)

State of Oregon

(Zip Code)

Phone No. 928-9058

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Calapooya River

a tributary of Calapooya River

2. The point of diversion is to be located #1-350 ft. S. and 1330 ft. W.

(N. or S.)

(E. or W.)

from the center corner of section 27, NW 1/4 SW 1/4 section 27

(Public Land Survey Corner)

#2-160 FT S 91580 FT W; #3-800 FT N 92350 FT W; #4-2050 FT N 94030 FT W;

(If there is more than one point of diversion, each must be described)

All from the S E corner section 21; #2 within the NW 1/4 NE 1/4 section 28; #3 within the SW 1/4 SE 1/4 section 21; #4 within the NW 1/4 SW 1/4 section 21

being within the 1/4 of the 1/4 of

Sec. 13 S. R. 3 W., W. M., in the county of Linn

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
13S	3 W	21	NE 1/4 of SW 1/4	5.99 23.51 -
			NW 1/4 of SE 1/4	39.56 -
			NE 1/4 of SE 1/4	38.02 -
			SE 1/4 of SW 1/4	5.09 2.54 -
			SW 1/4 of SE 1/4	22.52 -
			SE 1/4 of SE 1/4	35.59 -
13S	3 W	28	NW 1/4 of NE 1/4	10.21 -
			NE 1/4 of NE 1/4	40.11 -
			SW 1/4 of NE 1/4	.62 -
			SE 1/4 of NE 1/4	19.52 -

4. The amount of water which the applicant intends to apply to beneficial use is 2.89

cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Irrigation

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

will Irrigate with a tractor driven pto pump
& wheel lines

If for domestic use state number of families to be supplied.....

7. Construction work will begin on or before Has begun

8. Construction work will be completed on or before Summer of 1984

9. The water will be completely applied to the proposed use on or before Summer of 1985

Application No. 64170

Permit No.

RECEIVED

Application No. 64170

Permit No.

PC
NCR

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.89 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Calapooga River

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/30 of one cubic foot per second or its equivalent for each acre irrigated 2 1/2

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

The priority date of this permit is September 23, 1982

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19

Complete application of the water to the proposed use shall be made on or before October 1, 19

WITNESS my hand this day of, 19

RAK B

Remarks:.....
.....
.....
.....
.....
.....
.....
.....
.....

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant

Leroy E. Kase (Partner)

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of....., 19.....

Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
23rd day of *September*, 19*82*, at *10:40* o'clock
A.M.

Application No. *64170*

Permit No.

January 16, 1987

John R. Koos & Sons
30929 Seven Mile Lane
Tangent, OR 97389

Dear Mr. Koos:

REFERENCE: File 64170

Your application for an extension of the time limits in which to complete construction and make complete application of water under the terms of your Permit 47116 was received. We also have your check in the amount of \$100.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limit to make complete application of water is being extended to October 1, 1988.

You should make every attempt to complete your project on or before that date because it is doubtful if any further extensions can be granted.

Sincerely,

BRUCE A. ESTES
Survey/Certificate Section

BAE:jw

Enclosures

5520D

SM
9/23/82

Application No.

Permit No.

64170

47116

Name John R. Koos and Sons

Address 30929 Seven Mile Lane; Tangent, OR 97389

Assigned

Address

Beginning construction

NOV 23 1983

Completion of construction

OCT 1 1984

Extended to

Complete application of water

OCT 1 1985

Extended to

10-1-86

10-1-88

November 25, 1981

APR # 64170

Application No. 64170
Permit No. 47116

- ⊙ Indicates Section Corner
- Indicates $\frac{1}{4}$ Corner
- Indicates $\frac{1}{16}$ Corner



RECEIVED

SEP 23 1982

WATER RESOURCES DEPT.
EM, OREGON

Sheet 2 of 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Remond M. Wrightman

OREGON
JULY 17, 1970
KENNETH M. WIGHTMAN II
942

Timberland
ENGINEERS - SURVEYORS



McCullough

1010 Airport Road, S.E. • P.O. Box 668 • Albany, OR 97321