

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2010-004446



\$56.00

00229137201000044460030034

05/06/2010 12:00:31 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$15.00 \$5.00

**STATUTORY WARRANTY DEED  
PROPERTY LINE ADJUSTMENT**

**Grantor's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**Grantee's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**After recording return to:**

Evashevski, Elliott, Cihak &  
Hediger, PC  
Attorneys at Law  
PO Box 983  
Albany OR 97321-0369

**The true and actual  
consideration for this  
conveyance is \$ NONE**

**Until a change is requested  
all tax statements shall be  
sent to:**

Jenks Olsen Land Co.  
8930 Suver Road  
Monmouth OR 97361

**Tax Account Information:**

Tax Lots 600; 10s-5w; 10-503-00-00600; Account No. 223458

This property is conveyed in compliance with the Polk County, Oregon lot line  
adjustment case number LLA09-02. No new tax lot will be created.

**Conveyance**

Jenks Olsen Land Co., an Oregon partnership, Grantor, conveys and warrants to  
Jenks Olsen Land Co., an Oregon partnership, Grantee, the following described real  
property located in Polk County, Oregon, free of encumbrances except as specifically set  
forth herein:

**PROPERTY 2:**

All that land conveyed to Jenks-Olsen Farm described as Parcels I and II on  
Pages 1 and 2 of Exhibit "A" of Volume 210, Page 614, Polk County Book of Records,  
said land lying in the Southwest Quarter of Section 1, the South Half of Section 2, the  
Northeast, Southeast and Southwest Quarters of Section 3, the North Half of Sections  
10 and 11, and the Northwest Quarter of Section 12, Township 10 South, Range 5  
West, Willamette Meridian, Polk County, Oregon;

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Page 1/3 Statutory Warranty Deed - Resultant 600  
[HCN:bmt:olse01788.002.swd3/draft#1:08.05.09]

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S-8762

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APR 30 2010



**Water Solutions, Inc.**

February 14, 2014

Tim Wallin  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Water Right Application - Olsen Agricultural Enterprises/Jenks Olsen Land Co.

Dear Mr. Wallin:

The enclosed permit application to appropriate 24.9 acre-feet of stored surface water from an existing pond for supplemental irrigation is being submitted on behalf of Olsen Agricultural Enterprises/Jenks Olsen Land Co. Also enclosed is the required fee of \$1,505, which was calculated as follows:

\$ 450 - Base Fee  
\$ 600 - Rate Fee of \$30/acre-foot for 20 acre-feet  
\$ 5 - Rate Fee of \$1.00/acre-foot for 4.9 acre-feet  
\$ 450 - Permit Recording Fee

Total =\$1,505

The stored water to be appropriated is stored in the Kester Pond as authorized by water right certificate 40468. A transfer application for certificate 40468 is currently pending with OWRD (Transfer T-11741), which requests to change the character of use for this water right to storage of water only for irrigation. As we previously discussed, Olsen Agricultural Enterprises/Jenks Olsen Land Co currently holds secondary water right certificate 40469, which authorizes the use of the stored water from Kester Pond. The Applicant is willing to voluntarily cancel/voluntarily diminish this water right concurrently with the requested permit being issued. We will plan to work with you and your staff to complete those transactions at the appropriate time.

If you have any questions about the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Grigsby".

Kimberly Grigsby  
Senior Water Resources Consultant

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SALEM, OR

enclosure

# Application for a Permit to Use Surface Water



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

## 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 ([www.oregon.gov/owrd/law.our](http://www.oregon.gov/owrd/law.our)). 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 \$200. 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](http://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 \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% 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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|  |             |                       |          |
|--|-------------|-----------------------|----------|
| NAME<br>Olsen Agricultural Enterprises/Jenks Olsen Land Co.<br>Attn: Roger Olsen |             | PHONE<br>503-932-7307 | FAX      |
| ADDRESS<br>8930 Suver Rd.  |             |                       | CELL     |
| CITY<br>Monmouth   | STATE<br>OR | ZIP<br>97361          | E-MAIL * |

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

|   |             |                       |                                |
|---|-------------|-----------------------|--------------------------------|
| AGENT / BUSINESS NAME<br>KIM GRIGSBY, GSI WATER SOLUTIONS, INC. |             | PHONE<br>541-257-9004 | FAX<br>541-754-4211            |
| ADDRESS<br>1600 SW WESTERN BLVD., SUITE 240                     |             |                       | CELL                           |
| CITY<br>CORVALLIS   | STATE<br>OR | ZIP<br>97333          | E-MAIL *<br>KGRIGSBY@GSIWS.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 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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I 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.**

Roger Olsen  
Applicant Signature

Roger Olsen  
Permit Director  
Print Name and title if applicable

1/24/14  
Date

Applicant Signature

Print Name and title if applicable

Date

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SALEM, OR

S-87962

**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.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No A portion of the property on which Kester Pond is located is owned by Gerald and Barbara Taylor.
- I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - 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).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

| NAME                      | ADDRESS             | TOWNSHIP | RANGE | SECTION | ¼ ¼   |
|---------------------------|---------------------|----------|-------|---------|-------|
| Gerald and Barbara Taylor | 14035 DE Armond Rd. | 10 S     | 5 W   | 2       | NE SW |

***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. (See Attachment B(1) for the legal description of the Taylor's property, and Attachment B(2) for the legal description of land owned by Olsen Agricultural Enterprises/Jenks Olsen Land Co.)***

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

- Source 1: Kester Pond Tributary to: Berry Creek
- Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_
- Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_
- Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). **Cert. 40468 (See Attachment D) ( A transfer application to change the character of use was submitted to in February 2014.)**

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**B. Applications to Use Stored Water**

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

Yes. **The Applicant owns the majority of the land on which the reservoir is located and operates the reservoir.**

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.) **Gerald and Barbara Taylor own a portion of the property on which the reservoir is located. The Applicant provided the Taylors with notice of their intent to file this application. The Taylors provided written consent to the proposed use of stored water. Both letters are in Attachment E.**

If all sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

| SOURCE      | USE        | PERIOD OF USE     | AMOUNT  |
|-------------|------------|-------------------|---|
| Kester Pond | Irrigation | March 1 - Oct. 31 | 24.9 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 105 Acres                      Supplemental: 105 Acres

List the Permit or Certificate number of the underlying primary water right(s): Permit S-54219, which authorizes irrigation only during March and April. If Permit S-54219 is cancelled, the requested permit would become the primary water right throughout the irrigation season.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 24.9 acre-feet will be used during an irrigation season. Approximately one-third of the 105 acre proposed place of use is expected to be irrigated during each irrigation season.

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

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**SECTION 5: WATER MANAGEMENT****A. Diversion and Conveyance**

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

SALEM, OR

Pump (give horsepower and type): 30 horsepower diesel-powered centrifugal type.

Other means (describe): \_\_\_\_\_

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

The stored water will be conveyed through a 2,000 foot long, 6 inch diameter above ground aluminum pipe to the place of use.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Sprinklers on 1,000 feet of 3 inch diameter aluminum hand line will be used, as well as one-eighth mile long 4 inch diameter aluminum wheel line.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Use of the stored water is needed for irrigation of high-value organic crops during key periods of the irrigation season. The point of diversion will be equipped with a flowmeter to measure water being diverted from Kester Pond. The flowmeters will record the amount of water pumped in an effort to prevent waste.

**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: If the diversion requires fish screening, the applicant will install fish screening consistent with applicable requirements of the Oregon Department of Fish and Wildlife.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No excavation or bank clearing will be required. The applicant will use an existing point of diversion.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No operating of equipment in a water body will be required to complete construction or apply water to beneficial use.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Applicant does not incorporate chemicals or fertilizers into the irrigation water. Fertilizer is land applied and irrigation water is shut off prior to fertilizer treatment, which is then allowed to dry before water is once again used.

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Within 5 years from the date on which the permit is issued.

Date construction will be completed: Within 5 years from the date on which the permit is issued.

Date beneficial water use will begin: Within 5 years from the date on which the permit is issued.

**SECTION 8: WITHIN A DISTRICT**

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

|                          |         |     |
|--------------------------|---------|-----|
| Irrigation District Name | Address |     |
| City                     | State   | Zip |

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

Certificate 40469, which authorizes the use of stored water from Kester Pond, will be cancelled upon issuance of a water use permit as requested in this application.

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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.wrd.state.or.us

Applicant: Olsen Agricultural Enterprises/Jenks Olsen Land Company, Attn: Roger Olsen  
First Last

Mailing Address: 8930 Suver Rd.

Monmouth  
City

OR  
State

97361  
Zip

Daytime Phone: 503-932-7307

## 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: |
|----------|-------|---------|-------|-----------|---|--|--|--|--------------------|
| 10 S     | 5 W   | 2       | NW SW | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | NE SW | 300       | Exclusive farm use/EFU                          | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | NW SE | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | NE SE | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | SW SE | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | SE SW | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 2       | SW SW | 300       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 3       | NE SE | 600       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |
| 10 S     | 5 W   | 3       | SE NE | 600       | Exclusive farm use/EFU                          | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input checked="" type="checkbox"/> Used | Irrigation         |

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

Polk County

# Land Use Information Form



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

## 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 ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) 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**
  - d) 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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SALEM, OR

**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 Ground Water Registration Modification
- Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Kester Pond

Estimated quantity of water needed: 24.9     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:

The 24.9 acre-feet of stored water will be used to irrigate 105 acres from March 1 through Oct. 31 of each year. It is expected that only about one-third of the proposed place of use will be irrigated during any given irrigation season.



**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.

See bottom of Page 3. →

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SALEM, OH

FEB 20 2014

# For Local Government Use Only

SALEM, OR

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): PCZO 136.030(A)

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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> 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.

*Any earth moving including grading, paving, or vegetation removal may require additional permitting. Property is located in the floodplain and contains wetlands. In such case, please contact the Polk Co. Community Development Department*

Name: Jerry Sorke Title: Planning Manager  
 Signature: [Signature] Phone: 503-623-9237 Date: 12/16/13  
 Government Entity: Polk Co.

**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: \_\_\_\_\_

WARRANTY DEED

This Space Reserved for Recorder's Use

GRANTOR: Mike L. Kocyan  
GRANTEE: Gerald W. Taylor

Until a change is requested, all tax statements shall be sent to the following address:  
Gerald W. Taylor  
14035 Dearmond Road  
Monmouth, Oregon 97361

Escrow No. 82-397jas Title No. 00-55561-22-A

After recording return to:  
Gerald W. Taylor  
14035 Dearmond Road  
Monmouth, Oregon 97361

RECORDED IN POLK COUNTY  
LINDA DANSON, COUNTY CLERK

2001-010438



\$31.00

REC-MD Cntml Strml CAPTAIA  
\$10.00 \$10.00 \$11.00

08/09/2001 02:51:48 PM

42-397

STATUTORY WARRANTY DEED

MIKE L. KOCYAN and KELLY L. KOCYAN, husband and wife as tenants by the entirety Grantor, conveys and warrants to GERALD W. TAYLOR and BARBARA D. TAYLOR, husband and wife, as tenants by the entirety Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in POLK County, Oregon, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.0930. The said property is free from encumbrances except: 2001-2002 Real Estate Taxes, a lien not yet due or payable; Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways; Easements recorded in Book 91, page 544, Book 213, page 634, and Book 233, page 1015.

The true consideration for this conveyance is \$215,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 7<sup>th</sup> day of August, 20 01

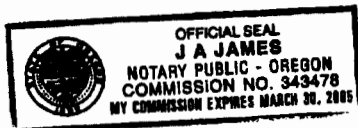
Mike L. Kocyan  
Mike L. Kocyan  
Kelly L. Kocyan  
Kelly L. Kocyan

State of Oregon, County of Benton  
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of August, 20 01  
by MIKE L. KOCYAN and  
KELLY L. KOCYAN

State of Oregon, County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_ President  
and \_\_\_\_\_ Secretary  
of \_\_\_\_\_  
a \_\_\_\_\_  
corporation, on behalf of the corporation.

[Signature]  
Notary Public for Oregon  
My commission expires: March 30, 2005

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_



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FEB 20 2014

SALEM, OR

S-87962

**EXHIBIT 'A'**

**LEGAL DESCRIPTION**

Beginning at an iron pipe on the West boundary of Polk County Road No. 957, which iron pipe is located South 89 degrees 53' East 2092.00 feet from the quarter corner which is common to Sections 2 and 3, in Township 10 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence South 5 degrees 00' West 400 feet along the boundary of said County Road to an iron pipe; thence North 89 degrees 53' West 218.00 feet to a point in a pond, from which an iron pipe bears South 89 degrees 53' East 150.00 feet; thence North 5 degrees 00' East 400 feet to an iron pipe; thence South 89 degrees 53' East 218.00 feet to the place of beginning.

~~SAVE AND EXCEPT~~ that portion thereof conveyed to Polk County Oregon, for road purposes by the United States of America, by Deed dated August 20, 1947.

BARGAIN AND SALE DEED

Carolyn A. Olsen, Grantor, conveys to Jenks-Olsen Farms, an Oregon partnership, Grantee, the following described real property:

See Exhibit A, attached hereto and by this reference made a part hereof as though fully set forth herein.

The true consideration for this conveyance is value or property other than money.

ORS 93.040 requires that the following statement be included in the body of an instrument transferring or contracting to transfer fee title to real property: "THIS INSTRUMENT WILL 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 APPROVED USES."

Dated this 22 day of December, 1987.

Carolyn A. Olsen  
Carolyn A. Olsen

STATE OF OREGON )  
County of Linn ) ss.



22 The foregoing instrument was acknowledged ~~before~~ this day of December, 1987, by Carolyn A. Olsen.

Jane Murray  
Notary Public for Oregon  
My commission expires: 4/30/91

After recording, return to:

Ben C. Fetherston, Jr.  
Clark, Lindauer, McClinton,  
Todd & Krueger  
PO Box 2206  
Salem, OR 97308

Send tax statements to:

Jenks-Olsen Farms  
124 Ferry SW  
Albany, OR 97321

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FEB 20 2014

SALEM, OR

S-87962

EXHIBIT A

KESTER FARM, consisting of approximately 713 acres, and legally described as follows:

That portion of the following described property lying in Polk County, Oregon.

PARCEL I

Beginning at a 1/2" pipe, the quarter Section corner between Section 2 and 3 in Township 10 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon; running thence north 89° 59' East along the subdivision line 62.943 chains to a 3/4" pipe; thence South 35° 38' East 17.254 chains to a 3/4" pipe, which is the Northeast corner of G. B. Smith Donation Land Claim No. 51; thence South 35° 38' East along the Northeast line of said Claim and extended 51.523 chains to a 1 1/4" pipe on the West line 16.757 chains South 18° 52' West of the Northwest corner of Claim No. 42; thence South 18° 52' West .942 chains to the center of the County Road; thence along the center of said road North 49° 30' West 1.482 chains to a point 20 feet South of the County line; thence along the center of said road and parallel with the County line South 89° 52' West 62.885 chains to a 3/4" pipe; thence North 48° 55' West along center of said road 14.374 chains to a 3/4" pipe; thence South 80° 16' West 36.417 chains to a 1" x 1" iron bar; thence South 71° 53' West 13.209 chains to a 3/4" pipe; thence North 29° 27' West 20.143 chains to a 3/4" pipe, which is 2.072 chains North 29° 27' West of the Southeast corner of the Thomas W. Berry Claim No. 52; thence South 60° 33' West 29.504 chains to a point .459 chains North 60° 33' East of a 3/4" pipe; thence North 21° 27' West 23.311 chains to a point .459 chains North 61° 31' East of a 3/4" pipe; thence North 61° 31' East 73.588 chains to a 3/4" pipe on the Section line; thence South 0° 15' East 3.022 chains to the place of beginning.

ALSO a strip of land 30 feet wide beginning at the Southwest corner of the tract of land conveyed to Ralph Victor Kester, et ux, recorded December 20, 1951 in Volume 146, Page 259, Deed Records, Polk County, Oregon, and running thence South 21° 27' East 22.708 chains to a 40 foot road; thence North 60° 33' East 0.459 chains; thence North 21° 27' West 22.703 chains to the South line of the above tract; thence South 61° 31' West 0.459 chains to the place of beginning.

SAVE AND EXCEPT therefrom the following: The right of way for County Road in Polk County, Oregon.



SAVE AND EXCEPT that portion of the herein described property conveyed to Polk County, Oregon for road purposes by the United States of America by deed dated August 20, 1947, and recorded August 23, 1947, in Volume 130, Page 87, Deed records for Polk County, Oregon.

ALSO SAVE AND EXCEPT: Beginning at an iron pipe on the West boundary of Polk County Road No. 957, which iron pipe is located South 89° 53' East 2092.00 feet from the 1/4 corner which is common to Sections 2 and 3, in Township 10 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence South 5° 00' West 400.00 feet along the boundary of said County Road to an iron pipe; thence North 89° 53' West 218.00 feet to a point in a pond, from which an iron pipe bears South 89° 53' East 150.00 feet; thence North 5° 00' East 400.00 feet, to an iron pipe; thence South 89° 53' East 218.00 feet to the place of beginning.

ALSO SAVE AND EXCEPT: Beginning at an iron pipe on the East boundary of Polk County Road No. 957, which iron pipe is located South 89° 53' East 2132.00 feet from the 1/4 corner which is common to Sections 2 and 3, in Township 10 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence South 5° 00' West 400.00 feet along the boundary of said County Road to an iron pipe; thence South 89° 53' East 546.00 feet to an iron pipe; thence North 5° 00' East 400 feet to an iron pipe; thence North 89° 53' West 546.00 feet to the place of beginning.

That Portion of the following described property lying in Polk County, Oregon.

PARCEL II

Beginning at a 3/4" pipe, the Southeast corner of Thomas W. Barry Donation Land Claim, Claim No. 52, Township 10 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and running thence North 29° 27' West 2.072 chains to a 3/4" pipe; thence South 60° 33' West 29.963 chains to a 3/4" pipe; thence South 21° 27' East 24.912 chains to a 3/4" pipe; thence North 51° 30' East 33.861 chains to a 3/4" pipe; thence North 29° 27' West 17.28 chains to the place of beginning.

That portion of the following described property lying in Benton County, Oregon.

PARCEL III

Beginning at a 3/4" pipe, the Southeast corner of Thomas W. Barry Donation Land Claim, Claim No. 52, Township 10 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and running thence North 29° 27' West 2.072 chains to a 3/4" pipe; thence South 60° 33' West 29.963 chains to a 3/4" pipe; thence South 21° 27' East 24.912 chains to a 3/4" pipe; thence North 51° 30' East 33.861 chains to a 3/4" pipe; thence North 29° 27' West 17.28 chains to the place of beginning.

EXHIBIT A  
Page 2 of 8

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S-87962

SALEM, OR

PARCEL I.

Beginning at the Northeast corner of the James O. Davidson Donation Land Claim, Notification No. 2281, Claim No. 51, in Section 36, Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, thence South 31.00 chains to the North boundary of Camp Adair; thence West 80.00 chains; thence North 31.00 chains to the North boundary of said claim No. 57; thence East 80.00 chains to the place of beginning, all in Polk County, State of Oregon.

PARCEL II.

Beginning 20.05 chains North of the Southeast corner of Section 36, in Township 8 South Range 5 West of the Willamette Meridian, thence South 33.83 chains; thence West 38.25 chains; thence North 33.83 chains; thence East 38.25 chains to the place of beginning. ALSO Beginning 7.06 chains North and 1.70 chains East of the Northeast corner of the Northwest quarter of Section 1, in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and of Donation Land Claim No. 43, Notification No. 2444 in said County; thence West 25.00 chains; thence South 20.00 chains; thence East 25.00 chains; thence North 20.00 chains to the place of beginning, said tract being on the East end of the North half of the North half of the Gabriel Hardison Donation Land Claim.

PARCEL III.

Beginning at an iron pipe on the South line of the Elijah Davidson Donation Land Claim No. 58 in Township 8 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon, at a point 81.97 chains East from the Southwest corner of said Donation Land Claim; and running thence East 22.90 chains along the South line of said Donation Land Claim, to the East line of Section 35 in said Township and range; thence South 31.00 chains; thence East 41.75 chains; thence South 13.00 chains to the South line of the James O. Davidson Donation Land Claim No. 57, in said Township and Range; thence West 64.75 chains along the South line of said Donation Land Claim No. 57 to an iron pipe; thence North 44.00 chains to the place of beginning.

PARCEL IV.

Beginning at an iron pipe 7.06 chains North and 23.27 chains West of the Northeast corner of the Northwest 1/4 of Section 1 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence West 14.5 feet to a fence corner; thence South 0° 09' West 20.00 chains along a fence; thence East 18.0 feet to an iron pipe; thence North 20.00 chains to the place of beginning. EXCEPTING therefrom the South 15.65 feet; reserved for County Road purposes.

PARCEL V.

Beginning at an iron pipe in the center of the County Road on the South boundary of the William Myers (Meyers) Donation Land Claim Notification 1638 Claim No. 61, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon, which point is 22.55 chains North 89° 26' West of the Southeast corner of said claim No. 61, thence North 89° 26' West 17.58 chains to an iron pipe in the County Road; thence North 25' East 33.32 chains to an iron pipe; thence South 89° 25' East 2.184 chains to an iron pipe; thence North 20' East 2.86 chains to an iron pipe; thence North 89° 57' East 15.15 chains to an iron pipe; thence South 3' East 36.14 chains to place of beginning.

PARCEL VI.

Beginning at an iron pipe on the North Boundary of the Wm. Myers (Meyer) Donation Land Claim Notification No. 1638, Claim No. 61, in Township 8 South, Range 4 West of the Willamette Meridian, which pipe is North 89° 14' West 11.39 chains from the Northeast corner of said claim No. 61; thence South 31' West 25.11 chains to an iron pipe; thence West 2.51 chains to an iron pipe; thence South 26' West 19.40 chains to an iron pipe; thence North 89° 57' West 23.75 chains to an iron pipe; thence North 20' East 6.81 chains to an iron pipe; thence North 89° 25' West 6.36 chains to an iron pipe; thence North 28' East 11.71 chains to an iron pipe; thence South 89° 18' East 3.93 chains to an iron pipe; thence North 10' East 26.24 chains to an iron pipe on the North boundary of said Claim No. 61; thence South 89° 14' East 28.85 chains to the place of beginning, all in the County of Polk and State of Oregon.

EXHIBIT A  
Page 4 of 8

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FEB 20 2014

S-87962

SALEM, OR

PARCEL VII.

Beginning at an iron pipe in the center of the County Road on the South boundary of the Wm. Myers (Meyer) Donation Land Claim No. 61, in Township 2 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which pipe is North 89° 26' West 40.13 chains from the Southeast corner of said Claim No. 61; thence North 89° 26' West 9.01 chains to an iron pipe in the County Road; thence North 25' East 33.32 chains to an iron pipe; thence South 89° 25' East 9.01 chains to an iron pipe; thence South 25' West 33.32 chains to the place of beginning.

PARCEL VIII.

Beginning at an iron pipe on the North boundary of said Wm. Meyers (Meyer) Donation Land Claim, which pipe is North 89° 14' West 40.24 chains from the Northeast corner of said Claim No. 61; thence South 10' West 26.24 chains to an iron pipe; thence North 89° 18' West 12.52 chains to an iron pipe; thence North 26.24 chains to an iron pipe on the North boundary of said claim No. 61; thence South 89° 14' East 12.51 chains to the place of beginning.

SAVE AND EXCEPT all that portion of the above tract conveyed to Polk County by instrument recorded January 14, 1969 in Book 215, page 284, Deed Records of Polk County, Oregon.

SUBJECT TO:

- (1) The rights of the public in and to that portion of the above property lying within the limits of roads and/or highways.
- (2) As disclosed by Certificate recorded July 26, 1971 in Book 19, page 549, Deed Records of Polk County, Oregon, the premises herein described have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statute, an additional tax may be levied for the last five or lesser number of years in which the land was subject to the special land use assessment.
- (3) Exceptions and reservations of fissionable materials and rights as set out in that certain Deed given by United States of America to Thomas N. Edwards, et ux by instrument recorded March 23, 1948 in Book 133, page 489, Deed Records of Polk County, Oregon (PARCEL II).

(4) Conditions and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms thereof, recorded March 23, 1948 in Book 133, page 489, Deed Records of Polk County, Oregon. (PARCEL II).

(5) Sixty foot right-of-way granted to Oregonian Railway Company Ltd., recorded August 17, 1883, in Book 16, page 71, Deed Records of Polk County, Oregon. (PARCEL II).

(6) Reservations of all mineral and water rights and right-of-way for canals and ditches as set forth in Deed from United States of America to John W. Lamers, recorded July 13, 1948, in Book 135, page 407, Deed Records of Polk County, Oregon. (PARCEL III).

(7) Conditions and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms thereof, recorded July 13, 1948, in Book 135, page 407, Deed Records of Polk County, Oregon. (PARCEL III).

(8) An easement, created by instrument, including the terms and provisions thereof, dated December 16, 1947, and recorded January 27, 1948, in Book 132, page 430, Deed Records of Polk County, Oregon, in favor of the adjacent property owner for a roadway over and across the roadway leading from the Southeast corner of Tax Lot 100 2-9-5 to the Old Pacific Highway (U. S. 99W). (PARCEL II).

(9) Reservations contained in that certain Deed dated December 16, 1947, and recorded January 27, 1948, Reception No. 54850 given by the United States of America to Charles S. Bowman and Golda V. Bowman, as follows:

All uranium, thorium, and all other material determined pursuant to Section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

EXHIBIT A  
Page 6 of 8

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SALEM, OR

S-87962

(10) An easement created by instrument, including the terms and provisions thereof, dated October 26, 1955, recorded November 30, 1955, in book 159, page 80, Deed Records of Polk County, Oregon, in favor of Pacific Power and Light Company for poles and anchor. (PARCEL IV).

(11) An easement created by instrument, including the terms and provisions thereof, dated August 30, 1971, recorded September 9, 1971, Book of Records 21, page 666, Deed Records of Polk County, Oregon, in favor of City of Monmouth for an electric distribution line over Tax Lot 1100 - 1200 30-8-4. (PARCELS VI AND VIII).

Beginning at a rock in the center of the County Road on the South boundary of the William Myers Donation Land Claim No. 61 in Township 8 South, Range 4 West of the Willamette Meridian, which rock is 12.41 chains South 89'26' East of the Southwest corner of said Claim No. 61; thence North 25' East 33.32 chains to an iron pipe; thence South 89'25' East 18.87 chains to an iron pipe; thence South 25' West 33.32 chains to an iron pipe in the County Road; thence North 89'26' West 18.87 chains to the place of beginning.

SUBJECT TO the existence of the County Road along the South line of the herein described premises.

ALSO beginning at an iron pipe in the south fork of Ash Creek at the northwest corner of the land formerly owned by J. R. Craven as recorded on page 479 of Volume 73, Deed Records of Polk County, Oregon, which iron pipe is 12.41 chains south 89 deg. 26' east and 33.32 chains north 0 deg. 25' east from the southwest corner of the Wm. Meyer D.L.C. Claim No. 61 in Section 31 of T 8 S. R. 4 W. of the Willamette Meridian in Polk County, Oregon, thence south 0 deg. 25' west 4.21 chains to an iron pipe in a drain ditch; thence west 1.70 chains to an iron pipe on the east boundary of the new state highway, 99 W; thence north 0 deg. 25' east 4.21 chains along the east boundary of said highway to an iron pipe; thence east 1.70 chains to the place of beginning.

190

STATE OF OREGON )  
County of Polk ) ss.

318580

FILED  
POLK COUNTY OREGON

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

88 JAN -7 PM 1:53

B.O.R. 210 Page 614

LINDA DAWSON  
COUNTY CLERK

BY DL DEPUTY

Exhibit A  
Page 8 of 8

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FEB 20 2014

SALEM, OR

S-87962

BARGAIN AND SALE DEED

JENKS-OLSEN FARMS, an Oregon partnership, Grantor, conveys to JENKS-OLSEN LAND CO., an Oregon partnership, Grantee, the following described real property:

The real property described by that certain Bargain and Sale Deed dated December 22, 1987 and recorded on January 7, 1988 at B.O.R. 210, Page 614, Polk County, Oregon.

The true consideration for this conveyance is \$ none.

ORS 93.040 requires that the following statement be included in the body of an instrument transferring or contracting to transfer fee title to real property: "THIS INSTRUMENT WILL 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 APPROVED USES."

Dated this 19<sup>th</sup> day of February, 1988.

Carolyn A. Olsen  
Carolyn A. Olsen

Robin G. Olsen  
Robin G. Olsen

Roger P. Olsen  
Roger P. Olsen

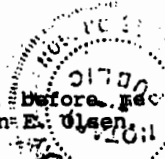
James E. Olsen  
James E. Olsen

Eric R. Olsen  
Eric R. Olsen

STATE OF OREGON }  
County of Lin } ss.

19<sup>th</sup> The foregoing instrument was acknowledged before me this day of February, 1988, by Carolyn A. Olsen.

[Signature]  
Notary Public for Oregon  
My commission expires: 5/1/91



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FEB 20 2014

SALEM, OR

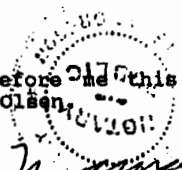
S-87762



STATE OF OREGON )  
County of Linn ) ss.

19 The foregoing instrument was acknowledged before me this day of February, 1988, by Robin G. Olsen.

Sue M. [Signature]  
Notary Public for Oregon  
My commission expires: 5/1/91



STATE OF OREGON )  
County of Linn ) ss.

19 The foregoing instrument was acknowledged before me this day of February, 1988, by Roger P. Olsen.

Sue M. [Signature]  
Notary Public for Oregon  
My commission expires: 5/1/91



STATE OF OREGON )  
County of Linn ) ss.

19 The foregoing instrument was acknowledged before me this day of February, 1988, by James E. Olsen.

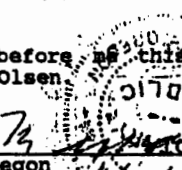
Sue M. [Signature]  
Notary Public for Oregon  
My commission expires: 5/1/91



STATE OF OREGON )  
County of Linn ) ss.

19 The foregoing instrument was acknowledged before me this day of February, 1988, by Eric R. Olsen.

Sue M. [Signature]  
Notary Public for Oregon  
My commission expires: 5/1/91



After recording, return to:

Ben C. Fetherston, Jr.  
Clark, Lindauer, McClinton,  
Todd, Krueger & Fetherston  
PO Box 2206  
Salem, OR 97308

Send tax statements to:

Sue M. Olsen Land Co  
124 Ferry SW  
Albany OR 97321

319411

STATE OF OREGON )  
County of Polk ) ss.

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

B.O.R. 211 Page 522

FILED  
POLK COUNTY OREGON

88 FEB 24 AM 11:41

LINDA DAWSON  
COUNTY CLERK

BY LD DEPUTY



RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2010-004445



\$58.00

00228136201000044450030037

05/06/2010 12:00:23 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$15.00 \$5.00

**STATUTORY WARRANTY DEED  
PROPERTY LINE ADJUSTMENT**

**Grantor's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**Grantee's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**After recording return to:**

Evashevski, Elliott, Cihak &  
Hediger, PC  
Attorneys at Law  
PO Box 983  
Albany OR 97321-0369

**The true and actual  
consideration for this  
conveyance is \$ NONE**

**Until a change is requested  
all tax statements shall be  
sent to:**

Jenks Olsen Land Co.  
8930 Suver Road  
Monmouth OR 97361

**Tax Account Information:**

Tax Lots 300; 10502-00-00300; Account No. 223362

This property is conveyed in compliance with the Polk County, Oregon lot line adjustment case number LLA09-02. No new tax lot will be created.

**Conveyance**

Jenks Olsen Land Co., an Oregon partnership, Grantor, conveys and warrants to Jenks Olsen Land Co., an Oregon partnership, Grantee, the following described real property located in Polk County, Oregon, free of encumbrances except as specifically set forth herein:

**PROPERTY 1:**

A tract of land in the South Half of Section 2 and the East Half of Section 3, Township 10 South, Range 5 West, Willamette Meridian, Polk County, Oregon, said tract being a portion of that land conveyed to Jenks-Olsen Farms per Volume 210, Page 614, Polk County Book of Records, and being more specifically described as follows:

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SALEM, OR

RECEIVED APR 30 2010

S-87962

Beginning at the Quarter Corner common to Sections 2 and 3 in said Township and Range; thence along the East-West centerline of said Section 2, N 89°51'22" E 1880.89 feet to the West line of that tract conveyed to Gerald and Barbara Taylor by Deed recorded as Document 2001-010438, Polk County Records; thence along the line common to said Jenks-Olsen Farms and Taylor tracts, S 05°28'01" W 401.41 feet to the Southwest corner of said Taylor tract; thence continuing along said common line, and the line common to said Jenks-Olsen tract and that tract conveyed to Teryl Odell by Deed recorded as Volume 300, Page 1660, Polk County Book of Records, S 89°20'18" E 803.48 feet to a ¾" iron pipe at the Southeast corner of said Odell tract; thence continuing along the line common to said Jenks-Olsen Farms and Odell tracts, N 05°32'25" E 400.02 feet to a ¾" iron pipe; thence continuing N 05°32'25" E 8.73 feet to a said East-West centerline of Section 2; thence along said Section centerline, S 89°51'22" E 1390.79 feet to a 5/8" iron rod; thence continuing along said Section centerline, S 89°51'22" E 9.67 feet to the center of a creek channel; thence Southwesterly along the center of the creek channel, 4,350 feet, more or less, to a point from which a 5/8" iron rod lies N 33°51'00" W 15.00 feet; thence N 33°51'00" W 2160.35 feet to a 5/8" iron rod on the North line of said Jenks-Olsen Farms tract; thence along said North line, N 61°35'43" E 600.38 feet to a ¾" iron pipe; thence S 00°13'28" E 199.51 feet to the point of beginning; containing 121.45 acres, more or less.

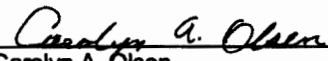
Subject to and excepting:

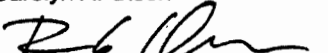
Encumbrances of Record.

**THIS TRANSACTION IS NOT INTENDED TO CONSOLIDATE ANY OF THE INDIVIDUALLY DESCRIBED PARCELS OR TAX LOTS FOR LAND USE, TAX LOTS, OR ANY OTHER PURPOSE.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424 OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11 CHAPTER 424, OREGON LAWS 2007.

Dated this 8 day of APRIL, 2010.

  
Carolyn A. Olsen

  
Robin G. Olsen

  
James E. Olsen

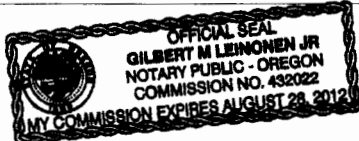
Roger P. Olsen  
Roger P. Olsen

STATE OF OREGON )  
County of ~~Wasco~~ Polk ) ss.

Date: April 8, 2009

Personally appeared the above-named Carolyn A. Olsen, and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:



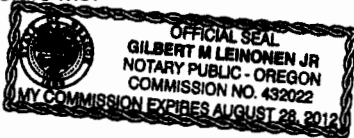
Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

STATE OF OREGON )  
County of ~~Wasco~~ Polk ) ss.

Date: April 8, 2009

Personally appeared the above-named Robin G. Olsen, and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:



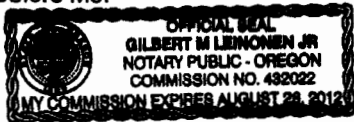
Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

STATE OF OREGON )  
County of ~~Wasco~~ Polk ) ss.

Date: April 8, 2009

Personally appeared the above-named James E. Olsen, and acknowledged the foregoing instrument to be his voluntary act and deed on the date written above.

Before Me:



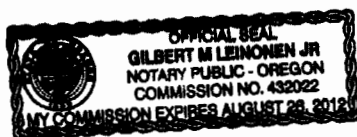
Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

STATE OF OREGON )  
County of ~~Wasco~~ Polk ) ss.

Date: April 8, 2009

Personally appeared the above-named Roger P. Olsen, and acknowledged the foregoing instrument to be his voluntary act and deed on the date written above.

Before Me:



Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

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FEB 20 2014

5-87962

SALEM, OR

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2010-004446



\$56.00

05/06/2010 12:00:31 PM

REC-WD Cnt=1 Str=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$15.00 \$5.00

**STATUTORY WARRANTY DEED  
PROPERTY LINE ADJUSTMENT**

**Grantor's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**Grantee's Name and Address:**  
Jenks Olsen Land Co., an Oregon  
partnership  
8930 Suver Road  
Monmouth OR 97361

**After recording return to:**

Evashevski, Elliott, Cihak &  
Hediger, PC  
Attorneys at Law  
PO Box 983  
Albany OR 97321-0369

**The true and actual  
consideration for this  
conveyance is \$ NONE**

**Until a change is requested  
all tax statements shall be  
sent to:**

Jenks Olsen Land Co.  
8930 Suver Road  
Monmouth OR 97361

**Tax Account Information:**

Tax Lots 600; 10s-5w; 10-503-00-00600; Account No. 223458

This property is conveyed in compliance with the Polk County, Oregon lot line adjustment case number LLA09-02. No new tax lot will be created.

**Conveyance**

Jenks Olsen Land Co., an Oregon partnership, Grantor, conveys and warrants to Jenks Olsen Land Co., an Oregon partnership, Grantee, the following described real property located in Polk County, Oregon, free of encumbrances except as specifically set forth herein:

**PROPERTY 2:**

All that land conveyed to Jenks-Olsen Farm described as Parcels I and II on Pages 1 and 2 of Exhibit "A" of Volume 210, Page 614, Polk County Book of Records, said land lying in the Southwest Quarter of Section 1, the South Half of Section 2, the Northeast, Southeast and Southwest Quarters of Section 3, the North Half of Sections 10 and 11, and the Northwest Quarter of Section 12, Township 10 South, Range 5 West, Willamette Meridian, Polk County, Oregon;

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Page 1 / 3 Statutory Warranty Deed - Resultant 600  
[HCN:bmf:01788.002.swd3/dra#1:08.05.09]

FEB 20 2014

P-8762

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APR 30 2010

SAVE AND EXCEPT the following-described portion thereof:

Beginning at the Quarter Corner common to Sections 2 and 3 in said Township and Range; thence along the East-West centerline of said Section 2, N 89°51'22" E 1880.89 feet to the West line of that tract conveyed to Gerald and Barbara Taylor by Deed recorded as Document 2001-010438, Polk County Records; thence along the line common to said Jenks-Olsen Farms and Taylor tracts S 05°28'01" W 401.41 feet to the Southwest corner of said Taylor tract; thence continuing along said common line, and the line common to said Jenks-Olsen tract and that tract conveyed to Teryl Odell by Deed recorded as Volume 300, Page 1660, Polk County Book of Records, S 89°20'18" E 803.48 feet to a ¾" iron pipe at the Southeast corner of said Odell tract; thence continuing along the line common to said Jenks-Olsen Farms and Odell tracts, N 05°32'25" E. 400.02 feet to a ¾" iron pipe; thence continuing N 05°32'25" E 8.73 feet to said East-West centerline of Section 2; thence along said Section centerline, S 89°51'22" E 1390.79 feet to a 5/8" iron rod; thence continuing along said Section centerline, S 89°51'22" E 9.67 feet to the center of a creek channel; thence Southwesterly along the center of the creek channel, 4,350 feet, more or less, to a point from which a 5/8" iron rod lies N 33°51'00" W 15.00 feet; thence N 33°51'00" W 2160.35 feet to a 5/8" iron rod on the North line of said Jenks-Olsen Farms tract; thence along said North line, N 61°35'43" E 600.38 feet to a ¾" iron pipe; thence S 00°13'28" E 199.51 feet to a point of beginning; containing 121.45 acres, more or less.

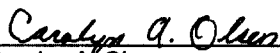
Subject to and excepting:

Encumbrances of Record.

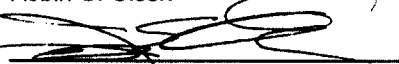
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Dated this 8 day of APRIL, 2010

  
\_\_\_\_\_  
Carolyn A. Olsen

  
\_\_\_\_\_  
Robin G. Olsen

  
\_\_\_\_\_  
James E. Olsen

Roger P. Olsen  
Roger P. Olsen

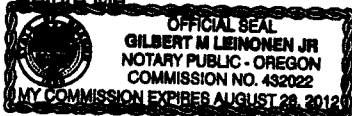
STATE OF OREGON )

County of ~~Linn~~ Polk ) ss.

Date: April 8, 2010

Personally appeared the above-named Carolyn A. Olsen, and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:



Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

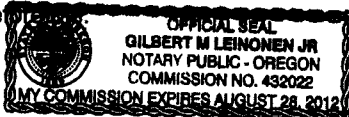
STATE OF OREGON )

County of ~~Linn~~ Polk ) ss.

Date: April 8, 2010

Personally appeared the above-named Robin G. Olsen, and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:



Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

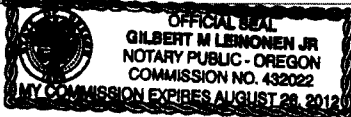
STATE OF OREGON )

County of ~~Linn~~ Polk ) ss.

Date: April 8, 2010

Personally appeared the above-named James E. Olsen, and acknowledged the foregoing instrument to be his voluntary act and deed on the date written above.

Before Me:



Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

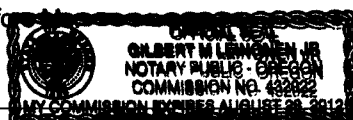
STATE OF OREGON )

County of ~~Linn~~ Polk ) ss.

Date: April 8, 2010

Personally appeared the above-named Roger P. Olsen, and acknowledged the foregoing instrument to be his voluntary act and deed on the date written above.

Before Me:



Gilbert M. Leinonen Jr.  
Notary Public for Oregon  
My Commission Expires: August 28, 2012

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RALPH & OPAL KESTER

of Route 1, Box 190, Monmouth, State of Oregon 97361, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of Berry Creek, tributary of Soap Creek, appropriated under Application number 47419, Permit number 35533 in Kester Pond

for the purposes of Irrigation, fish culture, and recreation under Reservoir Permit No. R-5715 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 17, 1970

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 24.9 acre feet, being 6.0 acre feet for irrigation and 18.9 acre feet for recreation and fish culture. The reservoir is located in

NE 1/4 SW 1/4  
NW 1/4 SW 1/4  
Section 2  
T. 10 S., R. 5 W., W. M.

Reservoir diversion point located: NE 1/4 SE 1/4, Section 3, T. 10 S., R. 5 W., W. M., 970 feet South and 240 feet West from E 1/4 Corner, Section 3.

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SALEM, OR

WITNESS the signature of the State Engineer, affixed this date. June 12, 1974

Chris L. Wheeler  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 32, page 40468

S-87962



STATE OF OREGON  
COUNTY OF POLK  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RALPH & OPAL KESTER** 97361

of **Route 1, Box 190, Monmouth**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Berry Creek and reservoir constructed under Application number R-47418, Permit number R-5715** a tributary of **Soap Creek** for the purpose of **fish culture, recreation, and supplemental irrigation of 3.9 acres**

under Permit No. **35533** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **August 17, 1970**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.10 cubic foot per second from Berry Creek and reservoir for fish culture and recreation and 6.0 acre feet stored water from reservoir for supplemental irrigation** or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE 1/4 SE 1/4, Section 3, T. 10 S., R. 5 W., W. M., 970 feet South and 240 feet West from E 1/4 Corner, Section 3.**

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 ~~of one cubic foot per second per acre.~~ **a diversion of 2 1/2 acre feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,**

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

**Fish Culture, Recreation, and 3.9 acres NE 1/4 SW 1/4  
Fish Culture and recreation NW 1/4 SW 1/4  
Section 2  
T. 10 S., R. 5 W., W. M.**

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FEB 20 2014  
SALEM, OR

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

WITNESS the signature of the State Engineer, affixed this date. **June 12, 1974**

.....**Chris L. Wheeler**.....  
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40469**

**5-87706 5-87767**

Gerald and Barbara Taylor  
14035 De Armond Rd.  
Monmouth, OR 97361

January 15, 2013

Dear Gerald and Barbara,

This letter is to let you know that we will be submitting to the Oregon Water Resources Department an application for a new permit to use the stored water in Kester Pond. The permit application will request the use of the 24.9 acre-feet of stored water to irrigate 105 acres. The requested permit will replace our existing water right certificate 40469, which authorizes irrigation of 3.9 acres.

Since you own a portion of the land on which Kester Pond is located, this letter is a required component of our permit application. Please let me know if you have any concern about our proposed use of stored water from the pond.

Sincerely,



Roger Olsen

Olsen Agricultural Enterprises

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FEB 20 2013

SALEM, OR

5-87962

Gerald and Barbara Taylor  
14035 De Armond Rd.  
Monmouth, OR 97361

January 15, 2014

Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, OR 97301

To Whom It May Concern:

We own a small portion of the property on which Kester Pond is located. We are aware that Roger Olsen, on behalf of Olsen Agricultural Enterprises, is filing a permit application to use the 24.9 acre-feet of stored water in Kester Pond to irrigate 105 acres. We do not have any concerns about this proposed use of stored water from the pond.

We can be reached at 503-302-6268 if you need any further information.

Sincerely,

*Barbara Taylor*  
*Barbara Taylor on behalf of Gerald Taylor*  
Gerald and Barbara Taylor

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FEB 20 2014

SALEM, OR

5-87962