

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TERRA MAGIC INC.
PO BOX 3093
LA GRANDE OR 97850

confirms the right to the use of water perfected under the terms of Permit G-2739. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the wells. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: WELL NO. 3 AND EMERGENCY USE ONLY FROM WELL NO. 1, TRIBUTARIES OF SLIDE CREEK (GRANDE RONDE RIVER)

PURPOSE OR USE: IRRIGATION OF 400.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 54.9 ACRES

MAXIMUM RATE: 5.6 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO NO MORE THAN 2.8 CFS FROM WELL NO. 3 AND 5.6 CFS FROM WELL NO. 1 as described below:

The quantity of water diverted from the additional point of appropriation (Well No. 3) is limited to 2.8 cfs from the volcanic and volcanoclastic aquifer of the Powder River Volcanics. The quantity of water diverted from Well No. 1 shall not exceed a cumulative total of 2.8 cfs from the volcanic and volcanoclastic aquifer and 2.8 cfs from the alluvial aquifer, however, any withdrawal from Well No. 1 shall be for emergency use only should Well No. 3 become inoperable to the extent that the applicant is unable to withdraw ground water.

DATE OF PRIORITY: AUGUST 12, 1964

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	3	SW SE	WELL NO. 1 (ORIGINAL) - 10 FEET NORTH AND 2460 FEET WEST FROM SE CORNER, SECTION 3
2 S	38 E	WM	3	SW SE	WELL NO. 3 (ADDITIONAL) - 40 FEET NORTH AND 2460 FEET WEST FROM SE 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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre 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.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	2	SW SW	40.0
2 S	38 E	WM	2	SE SW	39.1
2 S	38 E	WM	3	SW SW	40.0
2 S	38 E	WM	3	SE SW	39.5
2 S	38 E	WM	3	SW SE	1.6
2 S	38 E	WM	3	SE SE	38.5
2 S	38 E	WM	4	SE SE	12.3
2 S	38 E	WM	9	NE NE	12.4
2 S	38 E	WM	10	NE NE	39.1
2 S	38 E	WM	10	NW NE	36.2
2 S	38 E	WM	10	NE NW	23.2
2 S	38 E	WM	10	NW NW	39.1
2 S	38 E	WM	11	NW NW	39.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	3	SW SE	36.4
2 S	38 E	WM	3	SE SE	1.5
2 S	38 E	WM	10	NW NE	2.0
2 S	38 E	WM	10	NE NW	15.0

The additional point of appropriation shall acquire water from only a single aquifer and therefore be limited to development of the volcanic and volcanoclastic aquifer of the Powder River Volcanics below the clay unit. The well shall be cased and sealed to a minimum depth of 10.0 feet into the clay unit to ensure that water is developed only from underlying volcanic and volcanoclastic aquifer.

Prior to any groundwater withdrawal from Well No. 1, the water user shall notify the local Watermaster in writing.

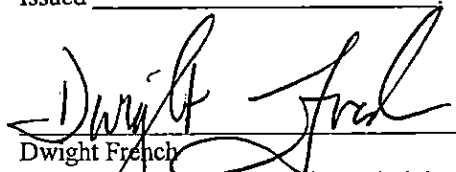
Well No. 1 shall not be used more than 30 days for emergency purposes only during the irrigation season of each year, absent obtaining further written approval from the Watermaster with such approval not to be unreasonably withheld based on considerations of hardship. Emergency use of Well No. 1 shall be implemented only when pump failure, power failure, well collapse, or other well failure occurs.

The water user shall maintain an in-line totalizing flow meter or other suitable measuring device on each well for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring devices as required by the Department.

The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 34399 and any related decree.

This certificate is issued to confirm AN ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered June 15, 2009, at Special Order Volume 78, Page 118, approving Transfer Application T-10455, and supercedes Certificate 34399, State record of Water Right Certificates.

Issued MAR 16 2018

A handwritten signature in cursive script, appearing to read "Dwight French", written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department