

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) WITHDRAWAL OF
T-10455, Union County) PRELIMINARY DETERMINATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

TERRA MAGIC, INC.
PO BOX 3093
LA GRANDE, OREGON 97850

Findings of Fact

1. On September 5, 2007, Terra Magic, Inc. filed an application for additional points of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On September 4, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10455.
3. On November 3, 2008, the Department received a request from the applicant's agent, Peter Mohr, to withdraw the Preliminary Determination issued September 4, 2008. Well construction has revealed geologic data which requires a change to the conditions of approval of Transfer Application T-10455.

Now, therefore, it is ORDERED:

The Preliminary Determination issued for Transfer Application T-10455 on September 4, 2008, in the name of Terra Magic Inc., is withdrawn.

Dated at Salem, Oregon this 20 day of November 2008.


Phillip C. Ward, Director

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.