

Permit No. G-4934

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

We, DESERT MAGIC, INC. and BURLINGTON NORTHERN
P.O. Box 216, Boardman, Oregon 97818
of 176 E. 5th St., St. Paul, Minnesota 55101 county of

state of Oregon & Minnesota, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

Desert Magic, Inc. - Oregon, 5-12-71; Burlington Northern - Delaware

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Columbia River

tributary of

2. The amount of water which the applicant intends to apply to beneficial use is See Exhibit A cubic feet per second or gallons per minute.

3. The use to which the water is to be applied is irrigation

4. The well or other source is located ft. and ft. from the corner of See Exhibit B

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the of Sec., Twp., R., W. M., in the county of Morrow

5. The See Remarks to be miles in length, terminating in the of Sec., Twp., R., W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Desert Magic & Burlington Northern Wells No. 1, 2, 2C, 11 and 1S and Desert Magic Wells No. 3 and 4

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of 6 drilled wells and 1 dug well having a diameter of 16 inches and an estimated depth of 125 feet. It is estimated that 125 feet of the well will require steel casing. Depth to water table is estimated 70

The dug well has 120 inch steel casing. Depth is 40 feet and depth to water table is 10 feet.

DESERT MAGIC, INC.  
and  
BURLINGTON NORTHERN

EXHIBIT A

Primary Right

Desert Magic and  
Burlington Northern  
Well No.

Acres

Cubic Feet per Second

Gallons per Minute

1	164.0	4.10	1,836.80
2	164.0	4.10	1,836.80
2C	240.0	6.00	2,688.00
11	155.4	3.80	1,702.40
1S	446.6	11.16	4,999.68

Desert Magic  
Well No.

3	82.0	2.05	918.40
4	<u>82.0</u>	<u>2.05</u>	<u>918.40</u>
	1334.0	33.26	14,900.48

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DESERT MAGIC, INC.  
and  
BURLINGTON NORTHERN

EXHIBIT B  
Primary Right  
LOCATION OF WELLS

Desert Magic and  
Burlington Northern  
Well No.

Location

- |   |  |
|---|--|
| <p>1. <i>SN/26-27Hab</i></p> <p>2. <i>SN/26-27ba</i></p> <p>20. <i>SN/26-35ab</i></p> <p>11. <i>SN/26-35abb</i></p> <p>18. <i>SN/26-31bdc</i></p> | <p>1320 feet West and 10 feet South of the Quarter corner common to Sections 26 and 27, Township 5 North, Range 26, E.W.M., being in the Northeast Quarter of the Southeast Quarter of Section 27.</p> <p>1320 feet East and 10 feet South of the Quarter corner common to Sections 27 and 28, Township 5 North, Range 26, E.W.M., being in the Northwest Quarter of the Southwest Quarter of Section 27.</p> <p>2500 feet West and 50 feet South of the Northeast corner of Section 35, Township 5 North, Range 26, E.W.M., being in the Northwest Quarter of the Northeast Quarter of Section 35.</p> <p>660 feet South and <del>10</del> <sup>100</sup> feet East of the Northwest corner of Section 35, Township 5 North, Range 26, E.W.M., being in the Northwest Quarter of the Northwest Quarter of Section 35. <i>100 Ltr 11-18-71</i></p> <p>1900 feet East and 560 feet North of the Quarter corner common to Sections 31 and 36, Township 5 North, Range 26, E.W.M., being in the Southeast Quarter of the Northwest Quarter of Section 31.</p> |
|---|--|

Desert Magic  
Well No.

- |   |  |
|---|--|
| <p>3. <i>SN/26-34aba</i></p> <p>4. <i>SN/26-34bba</i></p> | <p>1395 feet West and 50 feet South of the Northeast corner of Section 34, Township 5 North, Range 26, E.W.M., being in the Northwest Quarter of the Northeast Quarter of Section 34.</p> <p>1320 feet East and 50 feet South of the Northwest corner of Section 34, Township 5 North, Range 26, E.W.M. being in the Northwest Quarter of the Northwest Quarter of Section 34.</p> |
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9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, ..... ft.; size at intake ..... in.; in size at ..... ft. from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? ..... Estimated capacity, ..... sec. ft.

10. If pumps are to be used, give size and type ..... 12 inch turbine pumps in each well, except three pumps in 1S.

Give horsepower and type of motor or engine to be used ..... 100 h.p. electric motors for each pump.

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use ..... See Exhibit C

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

Character of soil ..... loamy sand  
Kind of crops raised ..... alfalfa, pasture, potatoes and corn

DESERT MAGIC, INC.  
and  
BURLINGTON NORTHERN

EXHIBIT C

Primary Right

DESCRIPTION OF AREA TO BE IRRIGATED  
ALL LAND IS IN TOWNSHIP 5 NORTH, RANGE  
26, E.W.M.

Desert Magic and Burlington Northern Well No.	Section	Forty-Acre Tract	No. of Acres to be Irrig.
1. 164	27	Northwest Quarter, Southeast Quarter	41.0
		Northeast Quarter, Southeast Quarter	41.0
		Southwest Quarter, Northeast Quarter	41.0
		Southeast Quarter, Northeast Quarter	41.0
2. 164	27	Northwest Quarter, Southwest Quarter	41.0
		Northeast Quarter, Southwest Quarter	41.0
		Southwest Quarter, Northwest Quarter	41.0
		Southeast Quarter, Northwest Quarter	41.0
2C. 240	35	Northwest Quarter, Northeast Quarter	40.0
		Northeast Quarter, Northeast Quarter	40.0
		Southwest Quarter, Northeast Quarter	40.0
		Southeast Quarter, Northeast Quarter	40.0
		Northwest Quarter, Southeast Quarter	40.0
		Northeast Quarter, Southeast Quarter	40.0
11. 1554	35	Northwest Quarter, Northwest Quarter	35.4
		Northeast Quarter, Northwest Quarter	40.0
		Southwest Quarter, Northwest Quarter	40.0
		Southeast Quarter, Northwest Quarter	40.0
18. 446.6	31	Southeast Quarter, Northwest Quarter	38.0
		Northwest Quarter, Southwest Quarter	39.6
		Northeast Quarter, Southwest Quarter	41.0
		Southwest Quarter, Southwest Quarter	41.0
		Southeast Quarter, Southwest Quarter	41.0
		Southwest Quarter, Northeast Quarter	41.0
		Southeast Quarter, Northeast Quarter	41.0
		Northwest Quarter, Southeast Quarter	41.0
		Northeast Quarter, Southeast Quarter	41.0
		Southwest Quarter, Southeast Quarter	41.0
Southeast Quarter, Southeast Quarter	41.0		
Desert Magic Well No.	3	Southwest Quarter, Southeast Quarter	41.0
		Southeast Quarter, Southeast Quarter	41.0
4. 82	27	Southwest Quarter, Southwest Quarter	41.0
		Southeast Quarter, Southwest Quarter	41.0
			<u>1,334.0</u>

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All in Morrow County, Oregon

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ See Remarks.
- 15. Construction work will begin on or before 9-1-71
- 16. Construction work will be completed on or before 2 years from date of this application being approved
- 17. The water will be completely applied to the proposed use on or before 2 years from date of this application being approved
- 18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. NONE

Desert Magic, Inc. By Rex Greer (Signature of applicant) Vice-President

Remarks: All irrigation will be by center pivot circular sprinklers with hand line in corners.

Cost of wells, pumps and delivery system computed for above described land and additional land in a separate application for a total ground water system cost of approximately one million dollars.

STATE OF OREGON, }  
County of Marion, } ss.

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 State Engineer, with corrections on or before \_\_\_\_\_, 19\_\_\_\_\_

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

STATE ENGINEER  
By \_\_\_\_\_ ASSISTANT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS 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 16.68 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from Desert Magic & Burlington Northern Wells 1, 2, 2C, 11 & 1S and Desert Magic Wells 3 and 4.

The use to which this water is to be applied is irrigation being 2.05 cfs from 1, 2.05 cfs from 2, 3.00 cfs from 2C, 1.94 cfs from 11, 5.58 cfs from 1S, 1.03 cfs from 3 and 1.03 cfs from 4.

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; The depth of each well shall be limited to the depth of the alluvial deposits and shall not penetrate the basalts.

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is November 5, 1971

Actual construction work shall begin on or before December 20, 1972 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973. Extended to Oct. 1 1977 Extended to Oct. 1 1975

Complete application of the water to the proposed use shall be made on or before October 1, 1974. Extended to Oct. 1 1974

WITNESS my hand this 20th day of December 1971. Extended to Oct. 1 1975 Extended to Oct. 1 1977

*Chris L. Wheeler*

STATE ENGINEER

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PERMIT  
TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 5 day of November, 1971, at 2:51 o'clock P.M.

Returned to applicant:

Approved: December 20, 1971

Recorded in book No. of Ground Water Permits on page G-4934

CHRIS L. WHEELER  
STATE ENGINEER

Drainage Basin No. 7 page 69

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