

To Appropriate the Public Waters of the State of Oregon

I, DESERT MAGIC, INC. (Name of applicant)

of P. O. Box 216, Boardman, Oregon 97818 (Mailing address)

State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

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

May 12, 1971 - Oregon

1. The source of the proposed appropriation is Columbia River (Name of stream)

, a tributary of

2. The amount of water which the applicant intends to apply to beneficial use is 140.2 ^{2.2} ~~104.8~~

cubic feet per second. for primary use and 35.4 ^{pl} ~~cubic feet per second~~ for supplementary use (If water is to be used from more than one source, give quantity from each)

*3. The use to which the water is to be applied is irrigation and supplemental (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 268 ft. N and 2647 ft. W from the SE corner of Section 35, Township 5 North, Range 25, East (Section or subdivision)

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

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

being within the SE 1/4 SW 1/4 of Sec. 35, Tp. 5 North, R. 25 East, W. M., in the county of Morrow (Give smallest legal subdivision) (N. or S.)

5. The See map & Remarks to be See map & Remarks (Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the See map & Remarks of Sec. See map & Remarks, Tp. See map & Remarks, R. See map & Remarks, W. M., the proposed location being shown throughout on the accompanying map. (Smallest legal subdivision) (N. or S.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam See map & Remarks feet, length on top See map & Remarks feet, length at bottom See map & Remarks feet; material to be used and character of construction See map & Remarks (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate See map & Remarks (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Four 800 h.p. and one 400 h.p. electric motors. 30,000 g.p.m. at 400 T.D.H. (Size and type of pump) (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

DESERT MAGIC, INC.

EXHIBIT A

LOCATION OF AREA TO BE IRRIGATED

~~Primary~~ Surface Right

Township and Range	Section	Forty-Acre Tract	No. of Acres to be Irrigated			
			* Prim	Suppl		
T4N R25 E.W.M.	1	Northwest Quarter, Northwest Quarter	40.0	X		
		Northeast Quarter, Northwest Quarter	40.0			
		Southwest Quarter, Northwest Quarter	40.0			
		Southeast Quarter, Northwest Quarter	40.0			
		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, Southwest Quarter	40.0			
		Northeast Quarter, Southwest Quarter	40.0			
		Southwest Quarter, Southwest Quarter	40.0	40.0		
		Southeast Quarter, Southwest Quarter	40.0	40.0		
		Northwest Quarter, Southeast Quarter	40.0			
		Northeast Quarter, Southeast Quarter	40.0			
		Southwest Quarter, Southeast Quarter	40.0	40.0		
		Southeast Quarter, Southeast Quarter	40.0			
T4N R25 E.W.M.	2	Southeast Quarter, Northwest Quarter	20.0	20.0		
		Northwest Quarter, Northeast Quarter	28.0			
		Northeast Quarter, Northeast Quarter	40.0			
		Southwest Quarter, Northeast Quarter	40.0	40.0		
		Southeast Quarter, Northeast Quarter	40.0			
		Northeast Quarter, Southwest Quarter	40.0	40.0		
		Southeast Quarter, Southwest Quarter	7.1 40.0	22.9		
		Northwest Quarter, Southeast Quarter	11.2 40.0	38.8		
		Northeast Quarter, Southeast Quarter	6.5 40.0	33.5		
		Southwest Quarter, Southeast Quarter	1.5 40.0	38.5		
Southeast Quarter, Southeast Quarter	40.0	40.0				
T4N R26 E.W.M.	4	Northwest Quarter, Southwest Quarter	31.7			
		Northeast Quarter, Southwest Quarter	36.5			
		Southwest Quarter, Southwest Quarter	40.0			
		Southeast Quarter, Southwest Quarter	40.0			
		Northwest Quarter, Southeast Quarter	8.1			
		Southwest Quarter, Southeast Quarter	39.0			
		Southeast Quarter, Southeast Quarter	37.1			
		Southeast Quarter, Northwest Quarter	3.5			
		T4N R26 E.W.M.	5	Northwest Quarter, Northwest Quarter	40.0	
				Northeast Quarter, Northwest Quarter	40.0	
Southwest Quarter, Northwest Quarter	40.5					
Southeast Quarter, Northwest Quarter	40.5					

Application No. 48824
 Permit No. 35694

1444.9

EXHIBIT A CONTINUED

<u>Township and Range</u>	<u>Section</u>	<u>Forty-Acre Tract</u>	<u>No. of Acres to be Irrigated</u>		
T4N R26 E.W.M.	5	Northwest Quarter, Northeast Quarter	40.0		
		Northeast Quarter, Northeast Quarter	40.0		
		Southwest Quarter, Northeast Quarter	40.5		
		Southeast Quarter, Northeast Quarter	40.5		
		Northwest Quarter, Southwest Quarter	40.5		
		Northeast Quarter, Southwest Quarter	40.5		
		Southwest Quarter, Southwest Quarter	40.5		
		Southeast Quarter, Southwest Quarter	40.0		
		Northwest Quarter, Southeast Quarter	40.5		
		Northeast Quarter, Southeast Quarter	36.5		
		Southwest Quarter, Southeast Quarter	33.1		
		Southeast Quarter, Southeast Quarter	38.7		
T4N R26 E.W.M.	6	Northwest Quarter, Southwest Quarter	42.8		
		Northeast Quarter, Southwest Quarter	41.3		
		Southwest Quarter, Southwest Quarter	42.8		
		Southeast Quarter, Southwest Quarter	41.3		
		Northwest Quarter, Southeast Quarter	41.3		
		Northeast Quarter, Southeast Quarter	41.3		
		Southwest Quarter, Southeast Quarter	41.3		
		Southeast Quarter, Southeast Quarter	41.3		
		T4N R26 E.W.M.	8	Northwest Quarter, Northwest Quarter	37.6
				Northeast Quarter, Northwest Quarter	33.9
				Southwest Quarter, Northwest Quarter	39.0
				Southeast Quarter, Northwest Quarter	41.3
Northwest Quarter, Northeast Quarter	41.2				
Southwest Quarter, Southwest Quarter	12.1				
Southeast Quarter, Southwest Quarter	24.5				
Northwest Quarter, Southeast Quarter	41.3				
Northeast Quarter, Southeast Quarter	41.3				
Southwest Quarter, Southeast Quarter	41.3				
Southeast Quarter, Southeast Quarter	41.3				
T4N R26 E.W.M.	9			Northwest Quarter, Northwest Quarter	40.0
		Northeast Quarter, Northwest Quarter	40.0		
		Southwest Quarter, Northwest Quarter	40.0		
		Southeast Quarter, Northwest Quarter	40.0		
		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, Southwest Quarter	40.0		
		Northeast Quarter, Southwest Quarter	40.0		
		Southwest Quarter, Southwest Quarter	40.0		
		Southeast Quarter, Southwest Quarter	40.0		
		Northwest Quarter, Southeast Quarter	40.0		
		Northeast Quarter, Southeast Quarter	40.0		
		Southwest Quarter, Southeast Quarter	40.0		
		Southeast Quarter, Southeast Quarter	40.0		

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 Permit No. 35694

16275

EXHIBIT A CONTINUED

Township and Range	Section	Forty-Acre Tract	No. of Acres to be Irrigated	
			Prim	Suppl
T4N R25 E.W.M.	12	Northwest Quarter, Northwest Quarter	23.2	23.2
		Northeast Quarter, Northwest Quarter	34.8	34.8
		Southeast Quarter, Northwest Quarter	1.0	
	12	Northwest Quarter, Northeast Quarter	40.0	40.0
		Northeast Quarter, Northeast Quarter	40.0	
		Southwest Quarter, Northeast Quarter	8.0	
		Southeast Quarter, Northeast Quarter	23.9	
T5N R26 E.W.M.	31	Northeast Quarter, Northwest Quarter	10.3	
		Northwest Quarter, Northeast Quarter	33.5	
		Northeast Quarter, Northeast Quarter	41.7	
T5N R26 E.W.M.	32	Northwest Quarter, Northwest Quarter	41.4	
		Northeast Quarter, Northwest Quarter	41.4	
		Southwest Quarter, Northwest Quarter	41.4	
		Southeast Quarter, Northwest Quarter	41.4	
	32	Northwest Quarter, Northeast Quarter	41.4	
		Northeast Quarter, Northeast Quarter	41.4	
		Southwest Quarter, Northeast Quarter	41.4	
		Southeast Quarter, Northeast Quarter	41.4	
	32	Northwest Quarter, Southwest Quarter	41.4	
		Northeast Quarter, Southwest Quarter	41.4	
		Southwest Quarter, Southwest Quarter	41.4	
		Southeast Quarter, Southwest Quarter	41.4	
	32	Northwest Quarter, Southeast Quarter	41.4	
		Northeast Quarter, Southeast Quarter	41.4	
		Southwest Quarter, Southeast Quarter	41.4	
		Southeast Quarter, Southeast Quarter	41.4	

~~4,163.2~~
4,203.2

All in Morrow County, Oregon

Application No. 48821
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DESERT MAGIC, INC.

EXHIBIT B

LOCATION OF AREA TO BE IRRIGATED

Supplemental Surface Right

<u>Township and Range</u>	<u>Section</u>	<u>Forty-Acre Tract</u>	<u>No. of Acres to be Irrigated</u>
T4N R26 E.W.M.	3	Northwest Quarter, Northwest Quarter	9.9
		Northeast Quarter, Northwest Quarter	5.1
T4N R26 E.W.M.	4	Northwest Quarter, Northwest Quarter	40.0
		Northeast Quarter, Northwest Quarter	40.0
		Southwest Quarter, Northwest Quarter	38.0
		Southeast Quarter, Northwest Quarter	14.4
T5N R26 E.W.M.	33	Northwest Quarter, Northeast Quarter	26.2
		Northeast Quarter, Northeast Quarter	3.0
		Northwest Quarter, Southwest Quarter	4.3
		Northwest Quarter, Northwest Quarter	40.5
		Northeast Quarter, Northwest Quarter	40.5
		Southwest Quarter, Northwest Quarter	40.5
		Southeast Quarter, Northwest Quarter	40.5
		Northwest Quarter, Northeast Quarter	40.5
		Northeast Quarter, Northeast Quarter	40.5
		Southwest Quarter, Northeast Quarter	40.5
		Southeast Quarter, Northeast Quarter	40.5
		T5N R 26 E.W.M.	34
Northeast Quarter, Southwest Quarter	40.5		
Southwest Quarter, Southwest Quarter	40.5		
Southeast Quarter, Southwest Quarter	40.5		
Northwest Quarter, Southeast Quarter	40.5		
Northeast Quarter, Southeast Quarter	40.5		
Southwest Quarter, Southeast Quarter	40.5		
Southeast Quarter, Southeast Quarter	32.2		
Northwest Quarter, Northwest Quarter	40.9		
Northeast Quarter, Northwest Quarter	40.9		
Southwest Quarter, Northwest Quarter	40.9		
Southeast Quarter, Northwest Quarter	39.9		
T5N R 26 E.W.M.	34	Northwest Quarter, Northeast Quarter	40.9
		Northeast Quarter, Northeast Quarter	35.4
		Southwest Quarter, Northeast Quarter	33.5
		Southeast Quarter, Northeast Quarter	39.8
T5N R 26 E.W.M.	34	Northwest Quarter, Southwest Quarter	37.7
		Northeast Quarter, Southwest Quarter	34.0
		Southwest Quarter, Southwest Quarter	36.3
		Southeast Quarter, Southwest Quarter	40.9
T5N R 26 E.W.M.	34	Northwest Quarter, Southeast Quarter	40.9
		Northeast Quarter, Southeast Quarter	40.9
		Southwest Quarter, Southeast Quarter	34.1
		Southeast Quarter, Southeast Quarter	20.8

1,418.4
 4200.2
 5621.6

All in Morrow County, Oregon

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10. (a) To supply the city of

..... County, having a present population of
(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ See Remarks.....
- 12. Construction work will begin on or before 9-1-71.....
- 13. Construction work will be completed on or before 5 years after the date this application is approved
- 14. The water will be completely applied to the proposed use on or before 5 years after the date this application is approved

Rex Greer
Rex Greer (Signature of applicant) Vice-President

Remarks: A. The distribution system for the primary right is shown on the map. Center pivot circular, wheel move & hand lines will complete the system for the primary right with the hand lines to be used in the corners.

B. A portable system (hand line and wheel move) connected to the nearest mainline will complete the system for the supplemental right. The primary right is being applied for in a separate ground water application filed at this time.

Cost of pump station and delivery system computed for the above described land and additional land in a separate application for a total surface system cost of approximately one and a half 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

PERMIT

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

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 140.2 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Columbia River

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

If for irrigation, this appropriation shall be limited to 1/40 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 4 1/2 acre feet per acre 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 be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is November 5, 1971

Actual construction work shall begin on or before February 1, 1973 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973.

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

WITNESS my hand this 1st day of February, 1972.

Extended to Oct. 1 1974 Extended to Oct. 1977 Extended to Oct 1 1975
Extended to Oct. 1977 Extended to Oct 1 1975

Chris L. Wheeler
STATE ENGINEER

Application No. 48521
Permit No. 35694

PERMIT
TO APPROPRIATE THE PUBLIC
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: February 1, 1972
Recorded in book No. of
Permits on page 35694

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 7 page 26
Fees 12.17
Refund 7.20