

the proposed well or wells become inoperable. The condition also requires that prior to withdrawing water from Well No 1, the applicant shall notify in writing the local Watermaster.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect. *If protests... add*

- add → If Transfer App*
1. The additional points of appropriation proposed in application T-10455 are approved.
 2. Water right Certificate 34399 is cancelled.
 3. 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.
 4. Water from the new wells shall be acquired from only a single aquifer. If the new wells develop the basalt aquifer, they shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent basalt, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event a water-bearing zone is encountered in the upper 20 feet of basalt, the applicant or driller shall immediately contact the Department's groundwater section.
 5. The quantities of water diverted at the new wells are limited to 2.8 cfs from the basalt aquifer and/or 2.8 cfs from the alluvial aquifer. Further, when both the new and original wells are operated at the same time, the quantity of water diverted shall not exceed a cumulative total of 2.8 cfs from the basalt aquifer and 2.8 cfs from the alluvial aquifer.
 6. Prior to diverting water, the water user shall install an in-line 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.
 7. Groundwater withdrawal from Well No. 1 shall be limited to emergency use only under those circumstances where Well No. 2 or Well No. 3 as described in findings of fact 7 and 8, become inoperable to the extent that the applicant is unable to withdraw ground water.
 8. Prior to any groundwater withdrawal from Well No 1, the applicant shall notify the local Watermaster in writing.
 9. 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, or basalt well collapse occurs.

- 10. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 11. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

Phillip C. Ward, Director

This Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1266.

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10455, Union County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

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

Background

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 November 15, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The right to be transferred is as follows:

Certificate: 34399 in the names of Sylvan B. and Martha Joy Rassmussen (perfected under Permit G-2739)

Use: Irrigation of 400.1 acres and supplemental irrigation of 54.9 acres

Priority Date: August 12, 1964

Rate: 5.6 cubic feet per second (cfs)

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: Well 1 (UNIO 325) in the Grande Ronde River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	Well 1 - 10 feet North and 2460 feet West from the SE Corner of Section 3

Authorized Place of Use:

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
Total					400.1

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
Total					54.9

7. The applicant proposes to deepen and alter a well identified by well log number (UNIO 51475), also known as Well No. 2, in order to develop water from only the basalt aquifer. Transfer Application T-10455 proposes to add Well No.2 to this water right:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	Well 2 - 79 feet North and 2548 feet West from the SE Corner of Section 3.

8. The applicant also proposes to construct an additional well completed in the basalt aquifer located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	Well 3 - 40 feet North and 2460 feet West from the SE Corner of Section 3.

9. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

10. There is not sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.
12. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result, the alluvial and underlying aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
13. Based on information available, the department finds that the well UNIO 325 developed 2.8 CFS from the alluvial aquifer and 2.8 CFS from the basalt aquifer.
14. Developing more water from the basalt aquifer ^{than} was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if condition ⁵ below is met.
15. The proposed change would not result in injury to other water rights.
16. The issuance of a final order approving this transfer does **not** relieve the applicant from complying with the requirements for construction standards for all wells, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.
17. The applicant requested that the completion deadline be extended until 2013.
18. On April 11, 2008, the Department mailed the applicant and agent a copy of the Preliminary Determination proposing to approve Transfer Application T-10455. The Preliminary Determination set forth a deadline of May 7, 2008, for the applicant to respond. The authorized agent responded and submitted an amendment to the application and map and provided an ownership and lien report on May 19, 2008.
19. On June 24, 2008, the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. ~~(or amended the application or did not respond by the deadline).~~
20. On May 15, 2008, the applicant requested a condition regarding the use of the authorized well known as Well No 1, ^{first} and is described in ^{finding of fact} number 6. The condition will require that Well No 1 shall be dedicated as an "emergency use" or "back-up well" where the proposed well or wells become inoperable. The condition also requires that prior to

→ withdrawing water from Well No. 1, the applicant shall notify in writing the local Watermaster.

Determination and Proposed Action

→ The additional points of appropriation proposed in Transfer Application T-10455 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10455 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-10455 are approved.*
2. *Water right certificate 34399 is cancelled.*
3. *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.*
4. *Water from the new wells shall be acquired from only a single aquifer. If the new wells develop the basalt aquifer, they shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent basalt, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event a water-bearing zone is encountered in the upper 20 feet of basalt, the applicant or driller shall immediately contact the Department's groundwater section.*
5. *✓ Different from DPD*
So total Q can be 2.8 cfs or 5.6 cfs?
The quantities of water diverted at the new wells are limited to 2.8 cfs from the basalt aquifer and/or 2.8 cfs from the alluvial aquifer. Further, when both the new and original wells are operated at the same time, the quantity of water diverted shall not exceed a cumulative total of 2.8 cfs from the basalt aquifer and 2.8 cfs from the alluvial aquifer.
6. *Prior to diverting water, the water user shall install an in-line 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.*
7. *→ Groundwater withdrawal from Well No. 1 shall be limited to emergency use only under those circumstances where Well No. 2 or Well No. 3 as described in findings of fact #7 and #8, become inoperable to the extent that the applicant is unable to withdraw ground water.*
8. *Prior to any groundwater withdrawal from Well No. 1, the applicant shall notify the local Watermaster in writing.*

9. *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, or basalt well collapse occurs.*
10. *The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2013. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
11. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

Phillip C. Ward, Director

This Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.



Oregon

Theodore R. Kulongoski, Governor

RA

MZ

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson (ery)
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 9-18-07

FROM:

 WATERMASTER, DISTRICT #
 X GROUNDWATER SECTION

(SIGNATURE) Mike Zwart date signed 10/3/2007
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10455

A change in: POU POD (A POA) USE of water.

In the name(s) of Terra Magic Inc / An Oregon Corp.

In my opinion (assuming the right is valid), the proposed change

☒ MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: November 8, 2007
From: Michael J. Zwart
Subject: Application Review: T-10455, Terra Magic, Inc.

This application proposes an additional POA. However, it was not clear regarding the proposed construction of the additional POA. I spoke with Watermaster Shad Hattan and the applicant's agent, Peter Mohr, several times on 10/3/07, and can now complete my review. It may be appropriate to have the applicant amend the application regarding the proposed construction of well #2.

Water Right Certificate 34399 authorizes use of well #1 (UNIO 325). This well was originally 1061 feet deep and developed both basalt of the Columbia River Basalt Group and overlying alluvial deposits. It therefore commingled two aquifers within the well bore and did not meet construction standards. The top of basalt was reported to be at 770 feet below land surface.

This well was repaired in 2003 (UNIO 51447). The repair was done to stop uncontrolled artesian flow. The bottom of the well was found to be caved in to a depth of 669 feet. The well bore was plugged with cement grout from that depth to land surface, but a 4-inch casing was installed to the bottom and is able to produce water. The application proposes to continue to use well #1, but only as an emergency or back up well to well #2. The well bore below the cement plug is still open to both the alluvial and basalt aquifers and therefore continues to commingle the two aquifers. This well should be properly abandoned as a condition of approval of this transfer.

Well #2 (UNIO 51475) was constructed in 2003 following repair of well #1. As currently constructed, well #2 develops the alluvial aquifer. However, the application appears to propose that well #2 will develop the basalt aquifer. The construction information provided (page 5) reflects the current alluvial well. The applicant's agent confirmed that the intent is to deepen well #2 to produce only from the basalt. He indicated that the well was constructed to produce from the alluvial aquifer as a result of a lack of funds to construct a deep basalt well at the time. The application could more clearly indicate that a basalt well is intended by proposing construction information for the well following its proposed deepening instead of as it is currently built.

The right of record authorizes both alluvial and basalt sources of ground water. The Department has historically treated rights subject to transfer that authorize appropriation from more than one aquifer in a manner that would limit the rate of appropriation to a percentage of the total allowed rate from each aquifer. In this case, the certificate was issued prior to recognition of a well-construction problem and therefore it authorizes a combined rate (as if only one aquifer was developed). Approval of this transfer should therefore limit the rate allowed for the basalt aquifer. Both alluvial and basalt wells would be required to approve a transfer of the entire 5.6 cfs. Since the current proposal is for one basalt well, the rate should be limited to less than the total rate. The original well log does not provide guidance as to the respective percent contribution of the basalt and alluvial aquifers developed. Absent the ability to now collect site-specific information at the original well #1, I recommend that the transfer limit the rate allowed from proposed well #2 to 2.8 cfs.

I find that the proposed change may be made without injury provided the following:

- Well #1 is properly abandoned.
- The rate allowed for proposed well #2 is limited to 2.8 cfs.
- The proposed construction of well #2 is clearly stated.
- The right is valid and the Watermaster can approve the proposal.

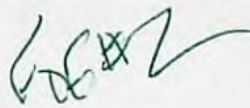
**Notice of Preliminary Determination for
Water Right Transfer T-10455**

T-10455 filed by Terra Magic Inc., P.O. Box 3093, La Grande, Oregon 97850, proposes additional points of appropriation under Certificate 34399. The right allows the use of 5.6 cfs (priority date AUGUST 12, 1964) from a well in Sec. 3, T 2 S, R 38 E, W.M. (Grande Ronde Basin) for IRRIGATION and SUPPLEMENTAL IRRIGATION in Sec. 2, 3, 4, 10, 11. The applicant proposes additional points of appropriation approximately 50 feet (Sec. 3, T 2 S, R 38 E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Carrie Jones

From: Carrie Jones
 Sent: Thursday, November 15, 2007 11:13 AM
 To: 'pdm@mohrwater.com'
 Cc: Ivan Gall
 Attachments: application.jpg; application map.jpg



Peter;

I have completed a cursory review of the transfer for Terra Magic (t-10455) and found a few discrepancies that I would like to go over with you.

- 1) The secretary of State, corporation division, lists Debra Powell, 19311 E Tufts Circle, Aurora Co., as the president of the corporation. No Vice President is listed.
 **Dennis Rasmussen, Vice Pres., signed the application. I found nothing that gives him authority to make these decisions. Do you have something that gives Dennis this authority?

The link below will take you to the information described above:
http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_detl?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE

The other items are the map and application deficiencies that can be addressed now or when the draft preliminary determination is issued.

- 1) The application says that the entire certificate is included in this transfer. This is located on page 4 of Supplemental Form A which is attached for your convenience.
 **The Map shows a 12.4 Acre Piece in the NE¼ NE¼, of Section 9, that is not shown to be affected by the transfer. These contradict one another. This can be found the marked up map which is also attached and labeled as #5.
- 2) Certificate 34399 lists supplemental acres as well as primary acres. These are not delineated on the application map and are labeled as numbers 1,2,6,7.
- 3) The Tax Lot numbers are not listed on the map and are labeled as number 3 & 4 on the attached map.
- 4) The Primary and Supplemental Lands as well as the Certificate number need to be hachured accordingly and are labeled as #8 on the attached map.

The draft preliminary determination will be issued shortly after the issue of Dennis Rasmussen's decision making authority is resolved. Please call me as soon as possible. I would be happy to discuss the other items with you at that time as well or we can discuss them after the preliminary determination is issued.

Sincerely,

Carrie Jones	Water Resources Department
Transfer Specialist	1995 3rd Street
541-523-8224 Ext 36	Baker City, OR 97814
carrie.r.jones@wrdd.state.or.us	www.wrdd.state.or.us

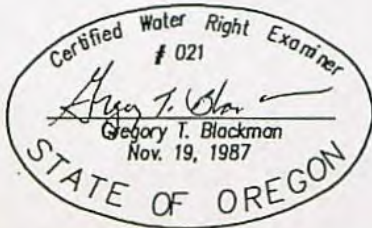
11/15/2007

T 2 S R 38 E



SCALE: 1"=1320'

Well #2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.



NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

(9)

TRANSFER APPLICATION
September 5, 2007

For AN ~~FINAL PROOF MAP FOR~~
~~WATER RIGHTS FROM A~~
ADDITIONAL POINT OF APPROPRIATION
FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

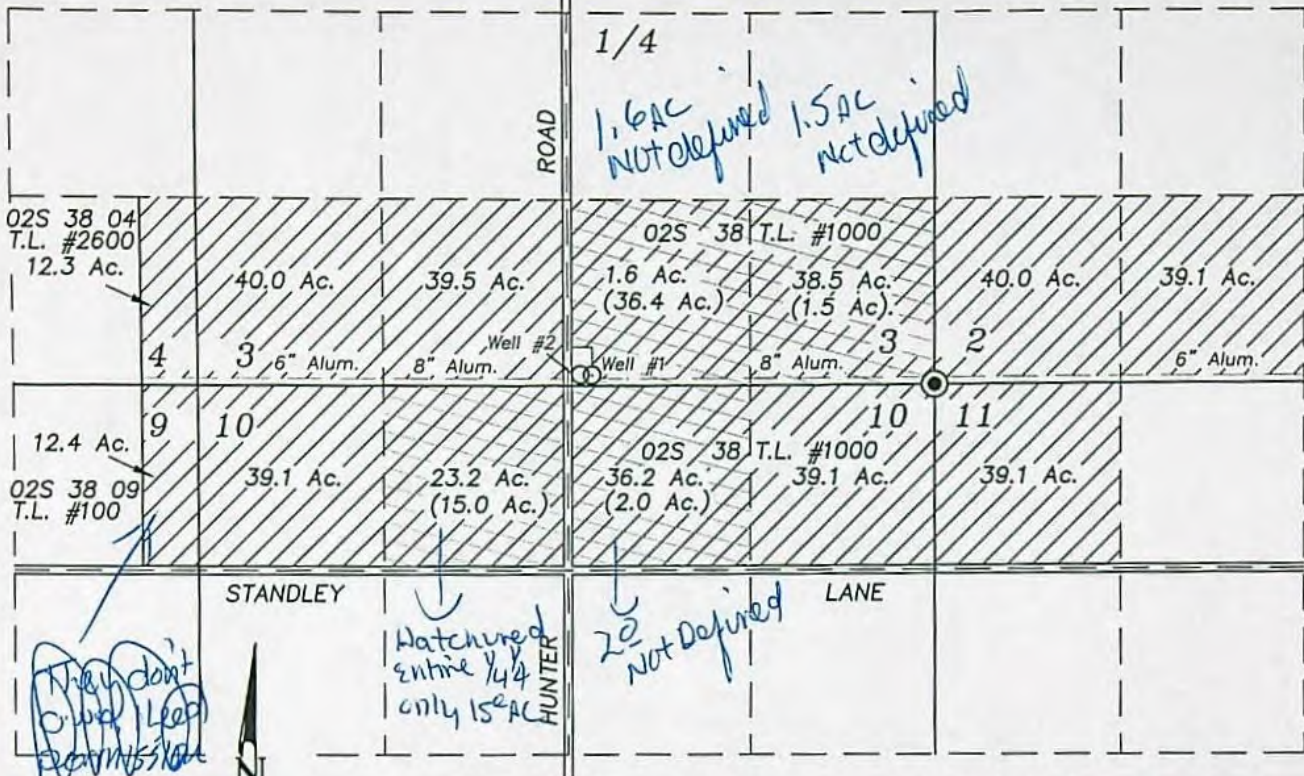
Application No. _____
Permit Number _____

RECEIVED

WATER RESOURCES DEPT
SALEM, OREGON

T 10455

T 2 S R 38 E



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



Lands with Primary and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

25.7

Primary Acreage

(12.0)

Supplemental Acreage



Transfer App
January 24, 2008

FINAL PROOF MAP FOR
AN ADDITIONAL POINT OF
APPROPRIATION
FOR
TERRA MAGIC INC.

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

Application No. T- 10455

Permit Number T- 10455

HOME

OREGON SECRETARY OF STATE
► **Corporation Division**

business information center **business name search** oregon business guide

referral list business registry/renewal forms/fees notary public

uniform commercial code uniform commercial code search documents & data services

Business Name Search

New Search		Printer Friendly		Business Entity Data		11-13-2007 07:57	
Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date	
114286-12	DBC	ACT	OREGON	03-15-1976			
Entity Name		TERRA-MAGIC, INC.					
Foreign Name							

New Search		Printer Friendly		Associated Names	
Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	10805 ISLAND AVE				
Addr 2					
CSZ	ISLANDCITY OR		Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	03-19-2002	Resign Date	
Name	JOHN D PARSONS					
Addr 1	1030 SW MORRISON					
Addr 2						
CSZ	PORTLAND OR	97205	Country	UNITED STATES OF AMERICA		

Type	PREPRESIDENT				Resign Date	
Name	DEBRA R POWELL					
Addr 1	19331 E TUFTS CIRCLE					
Addr 2						
CSZ	AURORA	CO	80015	Country	UNITED STATES OF AMERICA	

Type	SEC/SECRETARY			Resign Date
Name	MARTHA	J	RASMUSSEN	
Addr 1	PO BOX 3093			
Addr 2				
CSZ	LA GRANDE	OR	97850	Country UNITED STATES OF AMERICA

New Search

Printer Friendly

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
TERRA-MAGIC, INC.	EN	CUR	03-15-1976	

Please read before ordering Copies.

New Search	Printer Friendly	Summary History				
Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
04-30-2007	ANNUAL REPORT PAYMENT	04-30-2007	04-27-2007	SYS		
03-16-2007	NOTICE LATE ANNUAL	03-16-2007		SYS		
03-16-2007	NOTICE LATE ANNUAL	03-16-2007		SYS		
05-18-2006	CHANGE OF REGISTERED AGENT/ADDRESS	05-18-2006		FI		
04-27-2006	ANNUAL REPORT PAYMENT	04-27-2006	04-25-2006	SYS		
03-17-2006	NOTICE LATE ANNUAL	03-17-2006		SYS		
07-06-2005	REINSTATEMENT STRAIGHT	07-06-2005		FI		
05-13-2005	ADMINISTRATIVE DISSOLUTION	05-13-2005		SYS		
03-18-2005	NOTICE LATE ANNUAL	03-18-2005		SYS		
02-04-	ANNUAL REPORT					

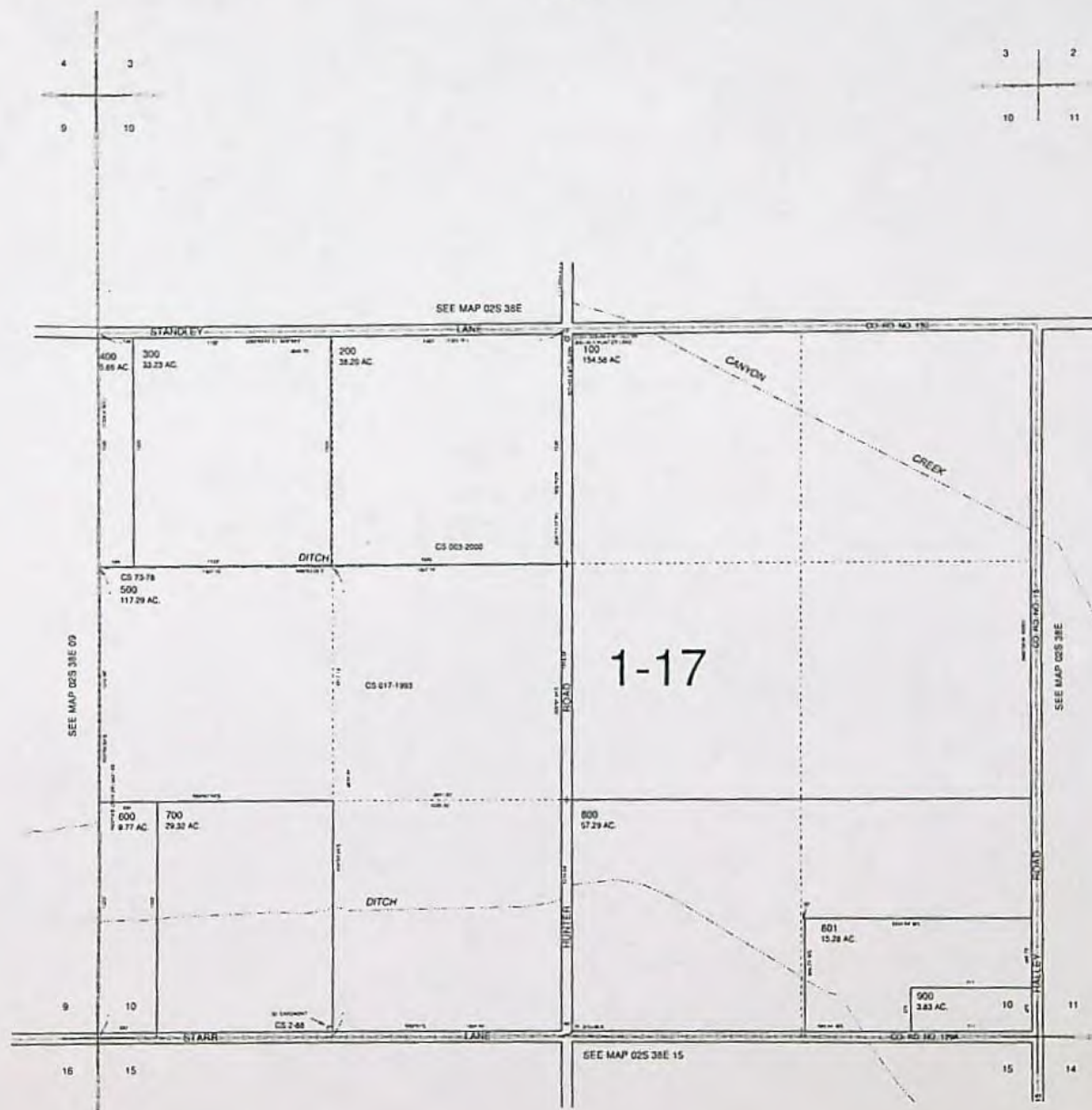
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 10 T.02S. R.38E. W.M.

UNION COUNTY

02S 38E 10

1" = 400'



Revised 9C
4/5/2004

02S 38E 10

Summary of Comments on C:\Land Projects 2008\WATER RIGHTS\Rasmussen WWR \dwg\Rassmssn\Well try2 Layout1 (1)

Page: 1

Author: jonesr

Subject: Note

Date: 1/28/2008 10:22:59 AM

Greg: The entire 1/4 is hatched for the 1.6 Acres (Pri), 1.5 Acres (Sup), 15.0 Ac (S), 2.0 Ac (S). Hatching does not reflect accurate acreage. The landowner will have to decide where the acreage lies if it is not clear on the final proof maps.

Author: jonesr

Subject: Note

Date: 1/28/2008 10:09:59 AM

TRANSFER APPLICATION T-10455



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



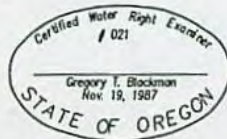
Lands with Primary and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

25.7

Primary Acreage

(12.0)

Supplemental Acreage



NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

January 24, 2008

FINAL PROOF MAP FOR
AN ADDITIONAL POINT OF
APPROPRIATION
FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

Application No. T- 10455

Permit Number T- 10455

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Tuesday, December 18, 2007 3:37 PM
To: Carrie Jones
Cc: Colton Rasmussen
Subject: Terra-Magic / T-10455 / By-laws

FOF #3

Attachments: T-Magic By Laws - 2001.pdf



**T-Magic By
Laws - 2001.pdf (**

Carrie,

As we discussed yesterday, please find attached a copy of Terra-Magic's By-laws. In particular, you'll want to look at Sections 1 and 2 of Article IV which delineate the scope of responsibilities exclusive to the President as well duties to be assumed by the Vice President.

You'll notice that under Section 1, only the President may execute certain documents with all others subject to her supervision, but not requiring her signature. Hence, outside of this limited universe, other documents involving third party contracts, permit applications, and other matters do not require the President's signature. Further, you'll see under Section 2 that the Vice President may execute documents in the absence of the President. While Terra-Magic is an Oregon corporation with its operations outside of La Grande, its President is often out of state and was not available at the time to sign the application. Hence, the Vice President can also execute the permit application on Terra-Magic's behalf under Section 2.

Finally, as we also discussed, as soon as I receive a revised map from the CWRE, I'll forward it on to you.

Please feel free to contact me with any questions.

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

NOTICE: THE INFORMATION CONTAINED IN THIS COMMUNICATION AND ITS ATTACHMENTS MAY BE PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS

COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR E-MAIL, AND DELETE IT FROM YOUR COMPUTER. THANK YOU.

TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

BY - LAWS
OF
TERRA-MAGIC, INC.

ARTICLE 1
SHAREHOLDERS

Section 1. -- Place

Shareholders' meetings shall be held in La Grande, Oregon, at 10805 Island Avenue, Island City, Oregon 97850 unless a different place shall be designated in the call and notice.

Section 2. -- Annual Meeting.

There shall be an annual meeting of the shareholders of this corporation which shall be held between December 25th and January 31st of each year, beginning with the year 1998, at which meeting there shall be elected by the shareholders of the corporation a board of three directors for the ensuing year, and at which meeting the shareholders shall transact such other business as shall properly come before them.

Section 3. -- Special Meetings.

Special meetings of the shareholders may be called by the President, the Vice President, a majority of the directors, or the holders of at least one-half of the outstanding shares.

Section 4. -- Notices.

Written or printed notice stating the place, day, and hour of the meeting, and in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) days nor more than twenty (20) days before the date of the meeting, either personally or by mail, by or at the direction of the President, the Secretary, or the officer or person calling the meeting, to each shareholder of record, entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the shareholder at his address as it appears on the stock transfer books of the corporation with postage thereon paid.

Section 5. -- Quorum.

The holders of a majority of the shares issued and outstanding, whether present in person or by proxy, shall constitute a quorum for the transaction of any business at any meeting of the shareholders, unless a larger number is required by statute.

Section 6. -- Adjourned Meetings.

If a quorum be not present at an annual or special meeting, the shareholders present, in person or by proxy, may adjourn to such time and place as may be decided upon by the holders of the majority of the stock present, and notice of such adjournment shall be given in accordance with section 4 of this article, but if a quorum be present, adjournment may be taken from day to day or to such time and place as may be decided by the holders of the majority of the stock present, and no notice of such adjournment need be given. No business shall be transacted at an adjourned meeting that could not have been transacted at the meeting from which the adjournment was taken.

Section 7. -- Voting.

Each shareholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, whether represented and present in person or by proxy.

Section 8. -- Proxies.

All proxies shall be in writing and signed by the shareholder giving the same.

ARTICLE II.

Directors

Section 1. -- In General.

The business and affairs of the corporation shall be managed by a Board of Directors consisting of three members. The members of the first Board of Directors shall hold office until the first annual meeting of the shareholders and until their successors shall have been elected. Thereafter the term of each Director shall begin upon his election and shall continue until the next succeeding annual meeting, and until his successor shall have been elected.

Section 2. -- Vacancies.

Vacancies in the Board of Directors by reason of death, resignation or other cause, shall be filled by the remaining directors choosing a person to fill the unexpired term. During the existence of any vacancy or vacancies, surviving or remaining directors, though less than

they quorum, shall possess and may exercise all the powers vested in the Board of Directors.

Section 3. -- Regular meeting.

There shall be a regular annual meeting of the Board of Directors, which shall be held immediately after the annual meeting of the shareholders and at the same place.

Section 4. -- Special meeting.

Special meetings may be called from time to time by the President or any one of the directors. Any business may be transacted at any special meeting.

Section 5. -- Quorum.

A majority of the directors shall constitute a quorum.

Section 6. -- Notices.

Notice of all directors' meetings shall be given in accordance with the provisions of Article I, section 4, so far as practical except that notice shall be sufficient if given not less than three days prior to the meeting and except that the purpose of the special meetings need not be stated in the notice and no notice need to be given for any annual meeting of the Board of Directors. The directors may adjourn from any directors' meeting from day to day.

Section 7. -- Compensation.

By resolution of the Board of Directors, each director may be paid his expenses, if any, of attendance at each meeting of the Board of Directors and may be paid a stated salary as a director of a fixed sum for attendance at each meeting of the Board of Directors or both. No such payment shall preclude any director from serving the corporation in any other capacity and receiving compensation therefore.

Section 8. -- Removal of Directors.

All or any number of the directors may be removed with or without cause at a meeting expressly called for that purpose by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

Section 9. -- Presumption of Assent.

A director of the corporation who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken, unless his dissent shall be entered in the minutes of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

ARTICLE III

Officers and Agents -- General Provisions

Section 1 -- Number, Election and Term.

The officers of this company shall consist of a President, Vice President, and Secretary / Treasurer, with certain duties for each. The said officers shall be elected by the Board of Directors at its first meeting, and at each regular annual meeting of the Board of Directors thereafter. Each officer shall hold office until the next succeeding annual meeting of the directors and until his successor shall be elected and qualified. Any one person may hold more than one office if it is deemed advisable by the Board of Directors.

Section 2. -- Additional Officers and Agents.

In addition to the foregoing officers, the Board of Directors may appoint and create such officers and agents as may be deemed advisable and prescribe their duties.

Section 3. -- Removal.

An officer of the corporation may be removed from office, for cause, by a majority vote of the directors at any regular meeting or any special meeting called for that purpose.

Section 4. -- Vacancies.

Vacancies in any office, caused by any reason, shall be filled by the Board of Directors at any regular meeting or special meeting called for that purpose, by selecting a suitable and qualified person to act during the unexpired term.

Section 5. -- Salaries.

The salaries of all the officers, agents, and other employees of this corporation shall be fixed by the Board of Directors and may be changed from time to time by a majority vote of the board.

ARTICLE IV.

Duties of the Officers

Section 1 -- President

The President shall preside at all meetings of the shareholders, and shall have general charge and control of the affairs of the corporation; he shall perform all the duties required of him by the by-laws of this corporation and such as shall be assigned to him from time to

time by the Board of Directors; he shall sign the certificates of stock of this corporation and all deeds, mortgages, and contracts in anyway affecting real property or any right or interest therein, he shall supervise the making of all other contracts and instruments necessary in the general conduct of the business and affairs of this corporation, and he shall make such reports to the Board of Directors and shareholders as may be required.

Section 2. -- Vice President.

The Vice President shall perform such duties as shall be assigned to him by the Board of Directors, and in the case of death, disability or absence of the President, the Vice President shall perform and be vested with all the duties and powers of the President, until a President's successor is selected.

Section 3. - Secretary / Treasurer.

The Secretary / Treasurer shall keep a record of the proceedings at the meetings of the Shareholders and the Board of Directors and shall give notice as is required in these by-laws of all such meetings; he shall have custody of all the books, records and papers of the company, except such as shall be in charge of some other person authorized to have custody and possession thereof by resolution of the Board of Directors; he shall, with the President, sign all certificates of stock of this corporation and all deeds, mortgages, and contracts in anyway affecting real property or any right or interest therein and shall affix the seal of the corporation to all such documents as required to be under seal, but he shall not affix the seal of this corporation to any documents, except certificates of stock of this corporation, unless authorized by the Board of Directors; he shall from time to time make such reports to the officers, Board of Directors and shareholders as may be required, and shall perform such other duties as the Board of Directors from time to time shall delegate to him.

The Secretary / Treasurer shall keep account of all the money of the company, received or dispersed; and shall deposit all the money in the name of and to the credit of the company in such banks and depositories as the Board of Directors shall designate, subject to withdrawal in the manner to be determined by the Board of Directors, and subject to the Board of Directors, shall safely keep all the securities and valuables of this corporation; he shall from time to time make such reports to the officers, Board of Directors and shareholders as may be required, and shall perform such other duties as the Board of Directors shall from time to time delegate to him.

ARTICLE V

Stock

Section 1 -- Certificates.

The shares of stock of this corporation shall be represented by stock certificates, which shall be in a form adopted by the Board of Directors, provided all such stock certificates shall be consecutively numbered, and shall express upon their face the number thereof, the date of issuance, the number of shares for which and the person to whom issued, and all such stock certificates shall be signed by the President or Vice President and by the Secretary and the seal of the corporation affixed.

Section 2. -- Transfer of Certificates.

All certificates of stock transferred by endorsement shall be surrendered, canceled and new certificates issued to the purchaser or assignee.

Section 3. -- Transfer of Shares.

Shares of stock shall be transferred only on the books of the corporation by the holder thereof, in person or by his attorney, and no transfers of certificates of stock shall be binding upon this corporation until after there shall have been compliance with this section and section 2 of this article.

Section 4. -- Lost Certificates.

In case of loss, mutilation or destruction of a certificate of stock, a duplicate certificate may be issued upon such terms, as the Board of Directors shall prescribe.

ARTICLE V I

Execution of Instruments

All deeds, mortgages, contracts and other instruments under seal, or required to be under seal, shall be signed by the President, or in his absence or when so ordered by the Board of Directors, by the Vice President, and any and all such instruments shall also be signed or attested by the Secretary. Other instruments shall be signed as the Board of Directors may from time to time prescribe.

ARTICLE VII

Indemnification of Directors and Officers

Each director and an officer of the corporation now or hereafter in office and his heirs, administrators, executors and each director and officer of the corporation and his heirs, executors and administrators who now acts, or shall hereafter act at the request of the corporation as director or officer of another company controlled by the corporation, shall be indemnified by the corporation against all costs, expenses and amounts or liability

Carrie Jones

From: Carrie Jones
Sent: Monday, March 03, 2008 10:21 AM
To: 'Peter Mohr'
Cc: 'Greg Blackman Jr. - BGB Inc.'
Subject: RE: Application T-10455 / Terra-Magic

FOF # 4

Attachments: RassmssnWell try3.pdf



**RassmssnWe
try3.pdf (91 K)**

Peter;

I received the voice mail message you sent me. Attached is the document that I sent to Greg. I am currently looking for our e-mail correspondence.

Greg;

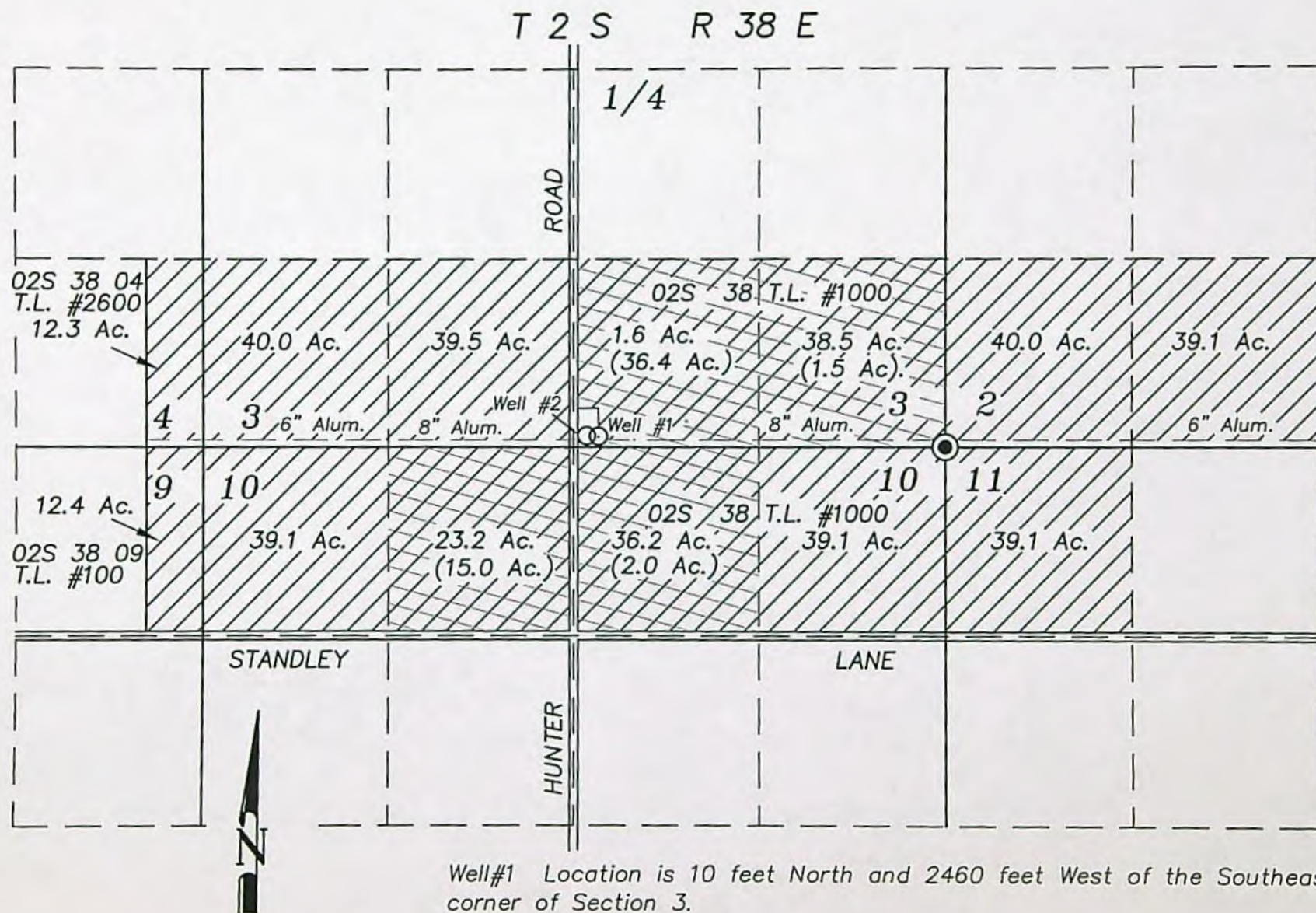
I'm sending this to you as well. I hadn't talked to you after I sent the e-mail on or around 1/28/08. Peter called me this morning inquiring on the status. It occurred to me that since we had not talked that perhaps you didn't receive it.

Both of you are welcome to give me a call if there is anything you would like to go over. I will be in the office until 4 p.m.

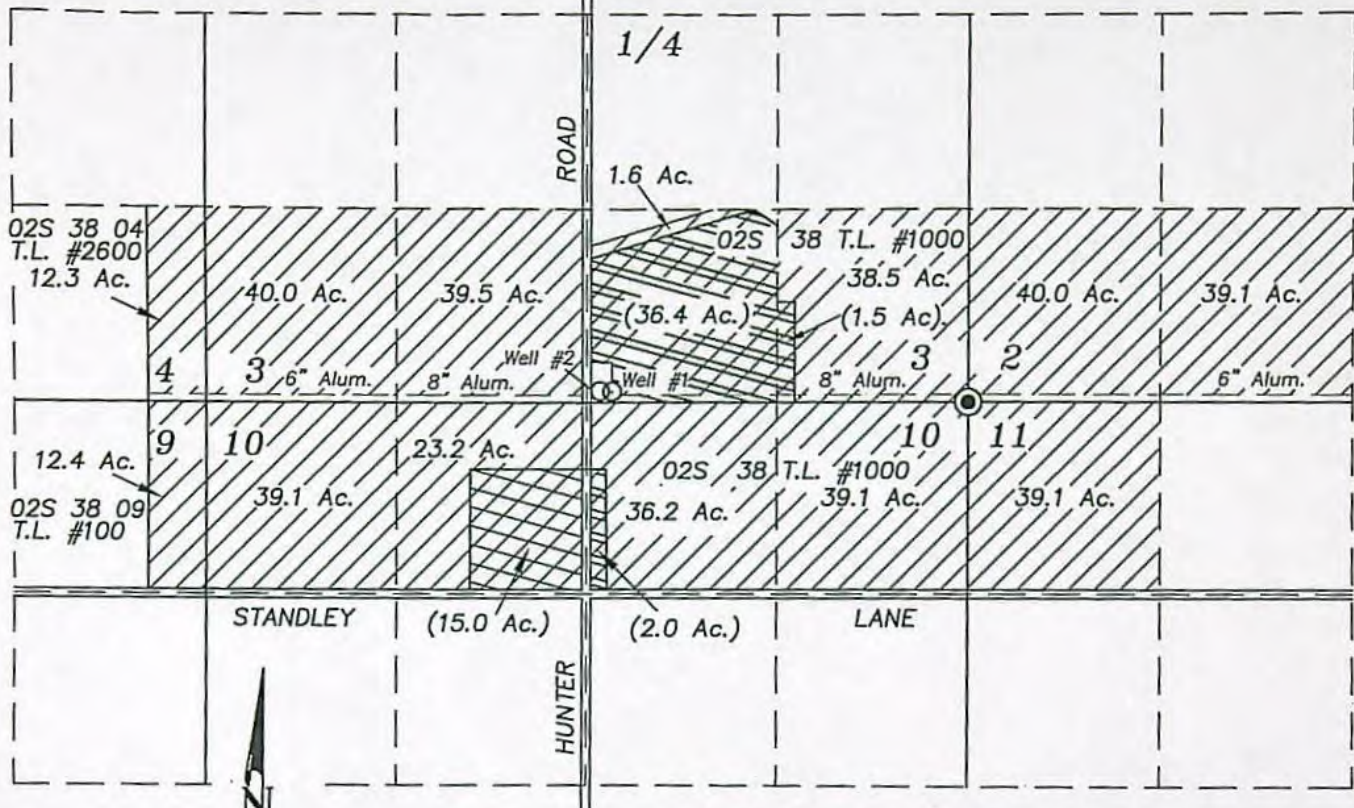
Thanks,

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
carrie.r.jones@ wrd.state.or.us

Water Resources Department
1995 3rd Street
Baker City, OR 97814
www.wrd.state.or.us



T 2 S R 38 E



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

- 25.7 Primary Acreage
- (12.0) Supplemental Acreage



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

Lands with Primary rights under Certificate 6541 (1869) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

Lands with Primary rights under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



January 24, 2008

APPLICATION MAP FOR
AN ADDITIONAL POINT OF
APPROPRIATION
FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

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APR 01 2008

WATER RESOURCE DEPT.
EASTERN REGION

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. T- 10455

Permit Number T- 10455



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	X Other

2. APPLICANT INFORMATION

NAME: Terra-Magic, Inc., an Oregon corporation President Debra Powell
First Last
Address: P.O. Box 3093, 1621 North Spruce Street
La Grande OR 97850
City State Zip
Phone: (541) 963-2443
Home Work Other
Fax: E-Mail address:

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

NAME: Peter Mohr **RECEIVED**
First Last
Address: One SW Columbia Street, Suite 1110 SEP 05 2007
Portland OR 97258 WATER RESOURCES DEPT
City State Zip SALEM, OREGON
Phone: (503) 221-5222
Home Work Other
Fax: E-Mail address: pdm@mohrwater.com

- If an agent is listed above, please check one of the following:
X Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10455

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		G-2739	34399
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☐ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation (POA, or well) ☒ Additional POA
 - ☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
 - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
 - ☐ Historic POD change ☐ Other
- Reason(s) for change(s): [PLEASE SEE ATTACHED EXHIBIT A]

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

[PLEASE SEE ATTACHED EXHIBIT A]

- System capacity: approx. 5.6 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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WATER RESOURCES DEPT
SALEM, OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Union County

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WATER RESOURCES DEPT
SALEM, OREGON

9. LAND OWNERSHIP

- Does the applicant own the lands FROM which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)).

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands TO which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

[PLEASE SEE ATTACHED EXHIBIT A for requested terms and conditions to be included in any subsequent permit and certificate]

T 10455 _____

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WATER RESOURCES DEPT
SALEM, OREGON

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- X A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- X At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- X The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

X Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

- ☐ Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- X The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream transfers a Land Use Information Form is not required.)

For All Other Transfers:

- X Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Fees:

- X Amount enclosed: \$ 400.00
- See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

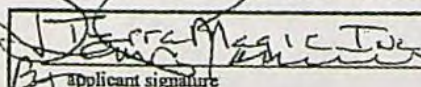
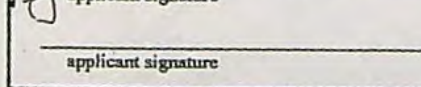
- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

- X In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Dennis Rasmussen, Vice Pres. name and title if applicable (print)	8-31-07 date
 applicant signature	Debra Prowell President name and title if applicable (print)	 date

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WATER RESOURCES DEPT
SALEM, OREGON

Exhibit A to Terra-Magic, Inc.'s
Application for Transfer (for an Additional POA)

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WATER RESOURCES DEPT
SALEM, OREGON

Application Question 4. Proposed Change(s) to Water Rights

* * *

Reason(s) for change(s):

Terra-Magic, Inc. currently owns 2 wells located on the affected property: Well No. 1, which was originally completed in November 1964 (UNIO 325) and subsequently repaired in October 2003 (UNIO 51447), and Well No. 2 which was completed in October 2003 (UNIO 51475). Well No. 1 is the well currently approved for the withdrawal of groundwater pursuant to Certificate No. 34399. This application is submitted to achieve two specific objectives: (a) to further confirm the right to complete Well No. 2 as an additional Point of Appropriation (POA) under Certificate No. 34399; and (b) following any Department approval and completion of Well No. 2 as an additional POA, to limit future use of Well No. 1 as an "emergency" or "back-up" well only, with any such use to be limited to those circumstances if and when Well No. 2 becomes inoperational and would otherwise prohibit Terra-Magic from placing water to beneficial use to the extent provided under any subsequent permit or certificate as may be issued under this application.

Although Well No. 1 functions properly to this day, Well No. 2 was completed in order to ensure the continued appropriation of ground water given the prior difficulties and limited capacity associated with Well No. 1. Well No. 2 was completed subject to the direct oversight of Bob Maynard of the Department. Upon its completion, Well No. 2 well was completed to a depth of only 436 feet. This application is submitted in part to further complete Well No. 2 in the same strata/source as Well No. 1 as originally completed.

OAH Case No. PC 09-06

These objectives are also sought to ensure satisfaction of terms and conditions contained in a settlement agreement entered into in OAH Case No. PC 09-06. This case arose from assertions of neighboring property owners that Certificate No. 34399 should be subject to forfeiture. Following the amicable resolution of all issues in OAH Case No. PC 09-06 among Terra-Magic, Inc. and all adverse parties of record, which included the affiants' subsequent withdrawal of their affidavits of non-use, the Department withdrew this case from the OAH on August 6, 2007. The provisions referred to below in response to **Question 10** of this application are specifically requested in response to an express condition of the parties' settlement in OAH Case No. PC 09-06.

Application Question 5. Water Delivery System

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

Response:

The current delivery system used to apply water to lands specified under the water right is described as follows:

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WATER RESOURCES DEPT
SALEM, OREGON*Well No. 1 and Well No. 2.*

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands specified under Certificate No. 34399. Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as following equipment:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4 inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road *via* the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25-inch nozzle. Both pivots operate at approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

Application Question 10. Other Remarks (optional)

Terra-Magic, Inc. specifically requests that any permit and subsequent certificate as may be issued in response to this application shall expressly state:

- a. That any future use of Well No. 1 shall be limited to use as an "emergency" or "back-up well" and as a result Well No. 1 shall only be used under those circumstances where Well No. 2 becomes inoperable to the extent that Terra-Magic is unable to withdraw ground water pursuant to this [permit / certificate]; and

- b. Prior to any withdrawal of ground water by Well No. 1 as an "emergency" or "back-up" well, Terra-Magic shall inform the local watermaster of its intentions to utilize Well No. 1 for such purpose.

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: Cert. No. 34399

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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SALEM, OREGON

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	34399 Certificate Number	G-2739 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

▪ Name on Permit, Certificate, or Decree: Sylvan B. and Martha Joy Rasmussen

▪ County: Union

▪ Authorized Use(s) to be Affected by Transfer: Irrigation / Supplemental Irrigation

▪ Priority Date(s): August 12, 1964

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

▪ Source(s) of Water to be Affected by Transfer: Ground water from basalt aquifer in Slide Creek basin

Tributary to: N/A

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

▪ Are there Other Water Rights, Permits or Ground Water Registrations associated with this land?

☐ Yes ☐ No ☒ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

▪ Certificate Number or other identifying number: Cert. No. 34399

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The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
UNIO 325 UNIO 51447 (See Attch)	Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	10 feet North and 2460 feet West from the SE Corner ✓

- Does the water right being transferred involve a ground water source(s)?
☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No., as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

- Certificate Number or other identifying number: Cert. No. 34399

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	79 feet North and 2548 feet West from the SE Corner

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>): PLEASE SEE ATTACHED WELL LOG. WELL WAS CONSTRUCTED PER OWRD APPROVAL BUT REQUIRES DEEPENING

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	UNIO 51475 (See Attch)	16"	16"	436	Screened from 200' to 430'	28'	45'	200'	3" Tube	436'

- Certificate Number or other identifying number: Cert. No. 34399

~~Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A Instream Water Right Transfer~~
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM 10, OREGON
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

WATER RESOURCES DEPT

SALEM, OREGON 97331-3100

State Permit No. _____

(1) OWNER:

Name S.B. RASMUSSEN
Address ISLAND CITY HIGHWAY
LA GRANDE, OREGON

(2) LOCATION OF WELL:

County Union Driller's well number 119
NW 1/4 SE 1/4 Section 3 T. 2 S R. 38 E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandonment ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☒ Driven ☐
Irrigation ☒ Test Well ☐ Other ☐ Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(5) TYPE OF WELL:

(6) CASING INSTALLED: Threaded ☐ Welded ☒
14" Diam. from 0 ft. to 366 ft. Gage 2.50
10" Diam. from 366 ft. to 710 ft. Gage 3.16
8 1/2" Diam. from 710 ft. to 1061 ft. Gage 3.16

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used Roscoe Moss and Touchcut
Size of perforations 1/4" in. by 3 in. (covered)
perforations from 0 ft. to 366 ft.
perforations from 366 ft. to 710 ft.
perforations from 710 ft. to 1061 ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No
Manufacturer's Name Perforated casing as above Set
with 1/4" slot as limited No. inside of 14"
Slot size 1/4" Set from 0 ft. to 366 ft.
Slot size 1/4" Set from 366 ft. to 1061 ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Cement grout
Depth of seal 0-40 ft. Was a packer used? No
Diameter of well bore to bottom of seal 24" in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth _____
Was a drive shoe used? ☐ Yes ☒ No
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8"
Gravel placed from 40 ft. to 710 ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level ARTESIAN Flow ft. below land surface Date 12/10/64
Artesian pressure _____ lbs per square inch Date _____

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? OWNER
Yield: 800 gal./min. with 180 ft. drawdown after 16 hrs.
(Test made while well at 710' drilled depth)
" Pump test to be made in Feb. 1965 to test "
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow 40 g.p.m. Date 12/10/64
Temperature of water 66 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 9 1/2"
Depth drilled 1061 ft. Depth of completed well 1061 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
CLAY DARK BROWN	0	34
GRAVEL SMALL (IN CLAY)	34	36
CLAY BLUE	36	94
GRAVEL LARGE IN BLUE CLAY	94	100
CLAY BLUE SANDY	100	387
SAND COARSE TO GRAVEL LARGE	387	430
(ARTESIAN FLOW NOTED IN DRILLING FLUID AT 387')		
SAND STRAITS BLUE CLAY	430	450
SAND (HARD FINE)	450	460
SAND MED. AND BROKEN ROCK	460	500
SANDY BLUE & BROWN CLAYS	500	530
Boulders broken small to med.	530	570
CLAY BLUE	570	575
Boulders broken + SAND MED.	575	705
SANDSTONE HARD	705	750
CLAY BLUE SANDY	750	770
BASALT WITH STRAITS CLAY	770	780
BASALT HARD	780	880
" with STRAITS SANDY CLAY	880	920
GRAVEL COARSE	920	950
BASALT HARD	950	960
GRAVEL COARSE	960	1010
BASALT Red Cinders	1010	1030

Work started 7/17/64 19 _____ Completed 11/25/1964
Date well drilling machine moved off of well 12/20 1964

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME OTTO ELLSWORTH
(Person, firm or corporation) (Type or print)
Address P.O. Box 471 Island City, OREGON

Drilling Machine Operator's License No. 282

[Signed] OTTO ELLSWORTH
(Water Well Contractor)

Contractor's License No. 398 Date 12/10 1965

WELL I.D. # L 66077
START CARD # 158903

(1) LAND OWNER

Name Teresa M. G. C. L. Web Number _____
Address P.O. Box 3692
City La Jolla State Calif Zip 92036

☐ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☒ Abandonment

☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other _____

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

Special Construction approval ☐ Yes ☐ No Depth of Completed Well _____ ft.
Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Drive Shoe used ☐ Inside ☐ Outside ☐ None
Final location of shoe(s) _____

☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

☐ Pump	☐ Bailor	RECEIVED	☐ Flowing
☐ Artesian			
Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

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Temperature of water _____ Depth Arterial Flow Found _____
Was a water analysis done? ☐ Yes By whom _____

County _____ Latitude _____ Longitude _____
Township 2 N or S Range 38 E or W WM.
Section 3 NW 1/4 SE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Hunter Rd

_____ ft. below land surface. Date 12.11.11
Artesian pressure 42 lb. per square inch Date _____

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL

Ground Elevation _____

Material	From	To	SWL
Reinforce Iron	Install	1	2
Lines In well To bottom, 66 ft.			
One 4" & One 3" to pump			
Cement grout in from bottom			
to top. We pumped in			
68 yards of cement			
grout			
Amend.			
4" Pipe was left in for adhesion			
Flow for customer to keep, as water			
supply			

Date started 8-20-03 Completed 10-1-03

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Kevin Carter WWC Number 11013
Date _____

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # 66026
START CARD # 158917

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER: Terra Magic Inc Well Number _____
Address P.O. Box 3093
City LaGrande State Ore. Zip 97850

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other Reverse Rotary

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 436'
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
2.8"	0	495'	Acetate	0	28'	2500/lb	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other Overburden & pour
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 28' ft. to 495' ft. Size of gravel 3/8"

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16"	220'	200'	.375	☒	☐	☒	☐
16"	270'	280'	.375	☒	☐	☒	☐
16"	350'	370'	.375	☒	☐	☒	☐
16"	390'	410'	.375	☒	☐	☒	☐
16"	430'	440'	.375	☒	☐	☒	☐

Drive Shoe used ☐ Inside ☐ Outside ☒ None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method Johnson Wire Wf.
☒ Screens Type Wire Wf. Material M.S.

From	To	Slot size	Number	Diameter	Tele. size	Casing	Liner
200'	270'	.035		16"		☒	☐
280'	350'	.035		16"		☒	☐
370'	390'	.035		16"		☒	☐
410'	430'	.035		16"		☒	☐

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Flowing Time
2006.PA	45'	160'	3 hr.

Need Pump test to confirm Max

Temperature of water 59° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Union Latitude _____ Longitude _____
Township 2 N of Range 38 E of W. WM.
Section 3 NW 1/4 SE 1/4
Tax Lot 1000 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Hunter Rd.

(10) STATIC WATER LEVEL:

45' ft. below land surface. Date 10-28-03
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
<u>All Sands & Gravels below</u>			
<u>45'</u>			

(12) WELL LOG:

Material	From	To	SWL
<u>Dark Top Soil</u>	<u>0</u>	<u>3'</u>	
<u>Ben loam</u>	<u>3'</u>	<u>12'</u>	
<u>Gravel</u>	<u>12'</u>	<u>14'</u>	
<u>Ben Sticky Clay</u>	<u>14'</u>	<u>38'</u>	
<u>Sand & Gravel clay</u>	<u>38'</u>	<u>66'</u>	
<u>Med Sand, Clay & shs</u>	<u>66'</u>	<u>433'</u>	
<u>Grey Clay</u>	<u>433'</u>	<u>495'</u>	

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SALEM, OREGON

Date started 10-9-03 Completed 10-29-03

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Kevin Chastain WWC Number _____ Date 11-3-03

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1506 Date 11-4-03

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

T-10455

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Tuesday, June 24, 2008 11:01 AM
To: Carrie Jones
Cc: John D. Rasmussen
Subject: Re: Revised DPD T-10455

#05A19

Carrie,

In response to our conversation of this morning, I am writing to confirm that the applicant Terra-Magic is in agreement with the final changes to the DRAFT PD as presented under your e-mail below of June 20th.

Thank you again for your efforts on this. Please feel free to contact me with any additional questions.

Regards,

Peter

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

Carrie Jones wrote:

>
> Good morning Peter;
>
>
>
> Ivan and Debbie had an opportunity to go over the language you and I
> discussed. Attached is the revised document. Please take a look at
> it and if you have questions, give me a call.
>
>
>
>
>
> **Carrie Jones**
>
> **Transfer Specialist**
>
> 541-523-8224 Ext 36
>
> Fax: 1-866-214-3493
>
> carrie.r.jones@ wrd.state.or.us <mailto:carrie.r.jones@ wrd.state.or.us>
>
>
>
> Water Resources Dept.
>
> Eastern Region
>
> 1995 3rd Street, Suite 180
> Baker City, OR 97814
>
> _www.wrd.state.or.us <http://www.wrd.state.or.us>_
>
>
>

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com] *FOE# 20*
Sent: Thursday, May 15, 2008 3:28 PM
To: Carrie Jones
Subject: T-10455 / Terra-Magic Transfer Applic, as amended

Attachments: T-10455 - Amend Supp'l Form A - Page 5.pdf; T-10455 - Amend Ex A to Applic.pdf; T-10455 Lot Book Report (Incl Wtr Rts Agrs) - D042808.pdf; T-10455 - Notice to Lien Hldr.pdf



**T-10455 - T-10455 - T-10455 Lot T-10455 -
id Supp'l Formd Ex A to Appk Report (Incdce to Lien Hlr**

Carrie,

As we discussed, I am writing to provide you with various documents to support Terra-Magic's request to amend its application T-10455. As you know, the purpose of the amendment is to include the completion of an additional well as an alternate POA which will be referred to as "Well No. 3". With this amendment, Terra-Magic therefore seeks the right to (a) deepen Well No. 2 into the basalt, (b) complete newly proposed Well No. 3 into the basalt, and (c) reduce original Well No. 1 to limited use as an "emergency" or "back-up" well.

The attached documents submitted in support of this request to amend application T-10455 consist of the following:

- a. Supplemental Form A, Page 5, as amended;
- b. Exhibit A to the Application, as amended;
- c. A Lot Book Report completed for Terra-Magic's property which additionally confirms that there are no water rights conveyancing documents of public record affecting the subject water right; and
- d. A letter to Farm Plus Financial as confirmation of notice to record lien holder Zion's National Bank together with an e-mail confirmation of receipt.

Regarding the map, I just received confirmation from the CWRE Greg Blackman that he has both mailed you the signed original and e-mailed you a copy of the revised map showing the location of the newly proposed Well No. 3.

Finally, I would request that Terra-Magic be allowed an initial period of five (5) years from the date of any permitted approval to construct Well No. 3 and deepen Well No. 2 and to apply the water and water right to beneficial use.

Thank you again for your time and efforts on this. Please feel free to contact me with any comments or questions.

*MOST
Recent
map*

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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3. PROPOSED CHANGES TO THE WATER RIGHT AS AMENDED*

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	Section	Tax Lot or DLE or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	79 feet North and 2548 feet West from the SE Corner (Well No. 2)
*Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	40 feet North and 2460 feet West from the SE Corner (Well No. 3)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes (Well No. 2-to be deepened) ☒ No (Well No. 3)

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>): SEE ATTACHED WELL LOG UNIO 51475 (Well No. 2).

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No / Well will be deepened Well #2	UNIO 51475 (See Attch)	16" (current) Proposed: 16" - 18"	Steel 1/8-3/8" Per regs	436 (current) 1300' (est.)	200-430' (current) 1100-1300' (est.)	28'	alluv. 45' Basalt **0' (est.)	alluv. 200' Basalt 1100' (est.)	3" Tube	436' curr. 1300 (est.)
No / Well #3	—	18"	Steel 1/8-3/8"	1300' (est.)	1100-1300' (est.)	28' (est.)	**0' BASALT (est.)	BASALT 1100' (est.)	3" Tube	1300 (est.)

- Certificate Number or other identifying number: Cert. No. 34399

** REFLECTS POTENTIAL FOR ARTESIAN FLOWS

AGENT'S INITIALS: TPV

Amended App Map



ABSTRACT & TITLE COMPANY

1430 Washington / P.O. Box 489, La Grande, OR 97850 • ph. (541) 963-7127 or fax (541) 963-0433

LOT BOOK REPORT

Our Order No. 46226

Date: April 28, 2008

Peter D. Mohr, Attorney at Law
One SW Columbia Street, Suite 1110
Portland, OR 97258

We have searched our Tract indices as to the following described property:

IN TOWNSHIP 2 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

- Section 2: The south half of the southwest quarter;
- Section 3: The south half of the south half;
- Section 4: The southeast quarter of the southeast quarter, EXCEPTING THEREFROM the west 894 feet;
- Section 9: The northeast quarter of the northeast quarter, EXCEPTING THEREFROM the west 894 feet;
- Section 10: The north half of the north half, EXCEPTING on square acre out of the southwest corner of the northwest quarter of the northeast quarter;
- Section 11: The northwest quarter of the northwest quarter

SITUATE IN the County of Union, State of Oregon

and as of April 22, 2008 at 8:00 AM, we find that the last deed of record runs to:

TERRA-MAGIC, INC., an Oregon corporation

We also find the following apparent encumbrances within the ten years prior to the effective date hereof:

1. Mortgage and Fixture Filing, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Mortgagor: Terra-Magic, Inc., an Oregon corporation
Mortgagee: Zions First National Bank
Dated: June 22, 2007
Recorded: June 25, 2007
Document No.: 20073373-74
Amount: \$2,500,000.00
Includes additional land

We have also search our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

1. NONE

We also find the following unpaid taxes and city liens:

1. 2007-2008 taxes (fiscal year ending June 30, 2008) are paid in full:

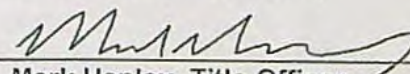
Amount: \$1,627.65
--Code 1-6 02S3809 100 APN 5391
1-22 02S3804 2600 APN 7461
1-17 02S38 1000 APN 7240
1-18 02S38 1000 APN 7365--

NOTES

1. We find no agreements in the public records regarding the conveyance of water rights

This is not a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore, above listings do not include additional matters which might have been disclosed by an examination of the record title. The liability in connection with this Lot Book Service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Abstract & Title Company


Mark Henley, Title Officer

MH/mh

T.02S. R.38E. W.M.
UNION COUNTY

1" = 2000'

MAP 01S 38E

SEE MAP

SEE MAP

02S 38E 04

02S 38E 03

1-18



1000
431.85 AC.

CO RD 14

900
275.47 AC.

SLIDE

CREEK

700
255.47 AC.
700U1 THRU U5

CO. RD. NO. 10

1000
39.09 AC.

1600
39.09 AC.

1700
38.09 AC.

1900
38.20 AC.

1800
1.00 AC.

SEE MAP

SEE MAP

02S 38E 09

02S 38E 10

1-17
11

CANYON

2100
79.09 AC.

2200
78.20 AC.

SEE DETAIL
MAP NO. 1

F.P. 1999-12

SEE MAP

SEE MAP

02S 38E 16

02S 38E 15

CREEK

3800
115.49 AC.

3900
235.49 AC.

4200
119.09 AC.

6600
198.63 AC.

6500
119.54 AC.

3600

3701

3700
34.68 AC.

4000
39.98 AC.

4100
38.18 AC.

3400

1-7

23

4500
157.27 AC.

ORDELL

4501
238.18 AC.

21

CS 58-77

4400
117.27 AC.

4300
117.27 AC.

22

DOBBIN

CS 35-62

DITCH

DITCH

02S 38E 17

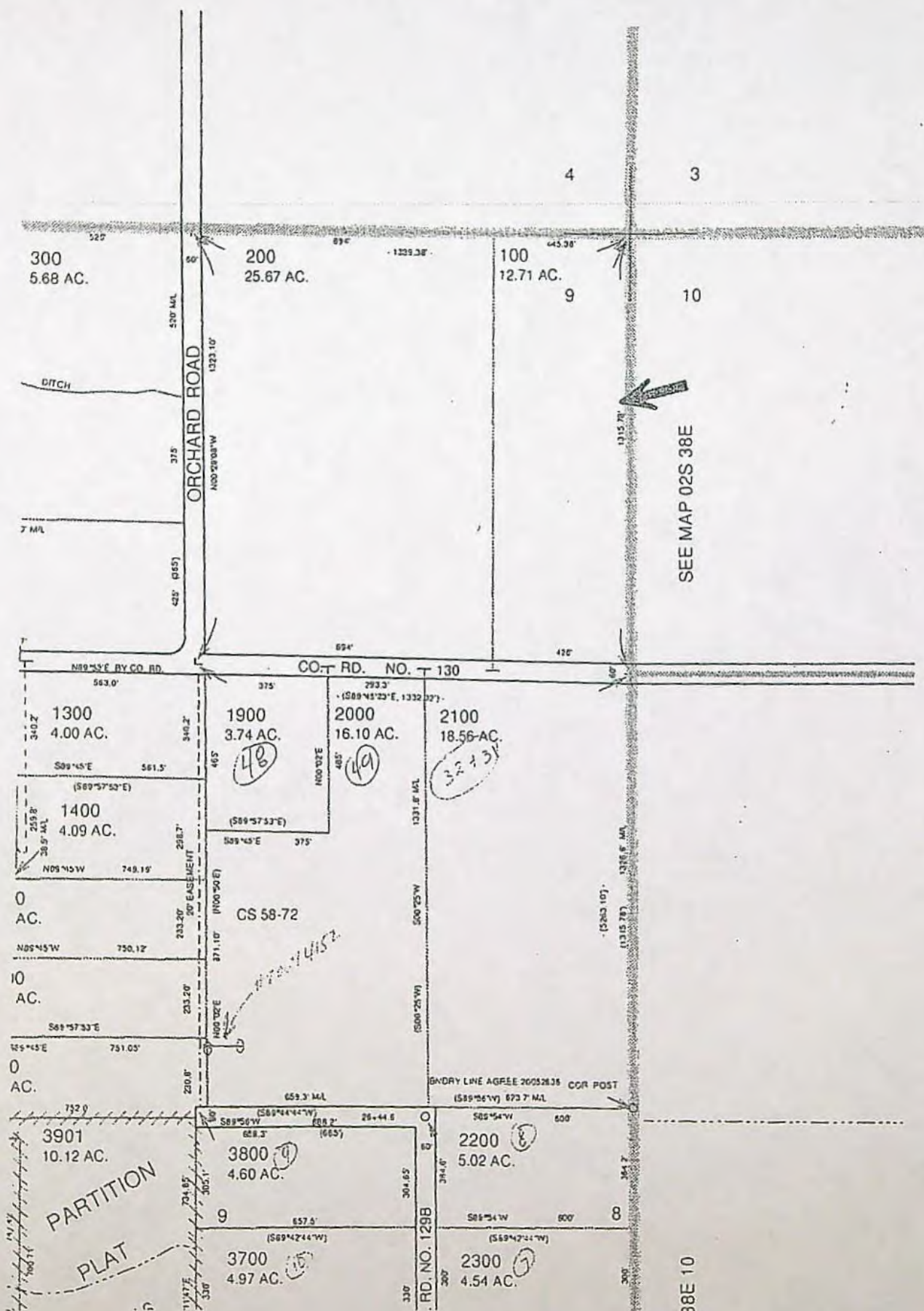
02S 38E 21B

02S 38E 23

SEE MAP 02S 38E 03

02S 38E 04

1001



PETER D. MOHR
ATTORNEY AT LAW

Admitted in Colorado
and Oregon

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
WWW.MOHRWATER.COM

May 12, 2008

Via Facsimile (970) 797-2032 / Original by U.S. Mail

Gregory Van Thuyne
Farm Plus Financial
1044 W. Drake Rd, Suite 202
Fort Collins, CO 80526

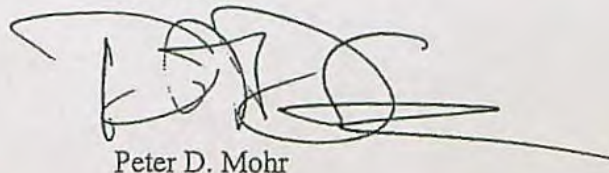
Re: Application T-10455 / Terra-Magic, Inc. Applic. for Additional Points of Appropriation

Dear Greg:

On behalf Terra-Magic, Inc. ("Terra-magic"), I am writing this letter to place Farm Plus Financial and the underlying lender Zions First National Bank on notice of Terra-Magic's above-referenced application to drill up to two new ground water wells to be located on a portion of its property located outside of La Grande, Oregon. Zions First National Bank's documents identifying its security interest in Terra-Magic's farmlands and other property are recorded at Document No. 20073373-74 in the real property records of Union County, Oregon. As we discussed during our conversation of April 30, 2008, with this application, Terra-Magic proposes to drill the additional wells to further enhance its water supply for irrigation purposes. These additional wells will simply act as alternate points from which Terra-Magic may withdraw ground water under its existing water right.

Should you have any questions or comments regarding the application, please do not hesitate to contact me. Finally, I would appreciate it if you would provide confirmation of your receipt of this letter via facsimile or e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Mohr', with a long horizontal flourish extending to the right.

Peter D. Mohr

cc: Client

Subject: Terra Magic
From: "Greg Van Thuyne" <greg@farmplusfinance.com>
Date: Wed, 14 May 2008 16:02:55 -0600
To: <pdm@mohrwater.com>

Peter,

I am confirming that I have received your fax regarding the drilling of new wells on the Terra Magic property.

Let me know if you have any questions.



Greg Van Thuyne
Agricultural Specialist
1004 West Drake Road
Fort Collins, CO 80526
(970) 461-8212 Main Office
(970) 372-2882 Direct
(970) 797-2032 Fax
<http://www.FarmPlusFinancial.com>

The information in this transaction may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Exhibit A to Terra-Magic, Inc.'s
Application for Transfer (for an Additional POA), As Amended

Application Question 4. Proposed Change(s) to Water Rights

* * *

Reason(s) for change(s):

Terra-Magic, Inc. currently owns 2 wells located on the affected property: Well No. 1, which was originally completed in November 1964 (UNIO 325) and subsequently repaired in October 2003 (UNIO 51447), and Well No. 2 which was completed in October 2003 (UNIO 51475). Well No. 1 is the well currently approved for the withdrawal of groundwater pursuant to Certificate No. 34399. This application is submitted to achieve ~~two~~ three specific objectives: (a) to confirm the right to complete Well No. 2 as an additional Point of Appropriation (POA) under Certificate No. 34399; (b) to obtain the right to complete an additional well ("Well No. 3") as an additional POA under Certificate No. 34399; and (c) following any Department approval and completion of Well No. 2 or Well No. 3 as an additional POAs, to limit future use of Well No. 1 as an "emergency" or "back-up" well only, with any such use to be limited to those circumstances if and when Well No. 2 or Well No. 3 becomes inoperational and would otherwise ~~prohibit~~ only allow Terra-Magic ~~from~~ to placing water to beneficial use to the extent provided under any subsequent permit or certificate as may be issued under this application.

Although Well No. 1 functions properly to this day, Well No. 2 was completed in order to ensure the continued appropriation of ground water given the prior difficulties and limited capacity associated with Well No. 1. Well No. 2 was completed subject to the direct oversight of Bob Maynard of the Department. Upon its completion, Well No. 2 well was completed to a depth of only 436 feet. This application is submitted in part to further complete Well No. 2 in the same strata/source as Well No. 1 as originally completed.

OAH Case No. PC 09-06

These objectives are also sought to ensure satisfaction of terms and conditions contained in a settlement agreement entered into in OAH Case No. PC 09-06. This case arose from assertions of neighboring property owners that Certificate No. 34399 should be subject to forfeiture. Following the amicable resolution of all issues in OAH Case No. PC 09-06 among Terra-Magic, Inc. and all adverse parties of record, which included the affiants' subsequent withdrawal of their affidavits of non-use, the Department withdrew this case from the OAH on August 6, 2007. The provisions referred to below in response to **Question 10** of this application are specifically requested in response to an express condition of the parties' settlement in OAH Case No. PC 09-06.

Application Question 5. Water Delivery System

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

Response:

The *current* delivery system used to apply water to lands specified under the water right is described as follows:

Well No. 1 and Well No. 2.

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands specified under Certificate No. 34399. Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as following equipment:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4 inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road *via* the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25-inch nozzle. Both pivots operate at approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

Application Question 10. Other Remarks (optional)

Terra-Magic, Inc. specifically requests that any permit and subsequent certificate as may be issued in response to this application shall expressly state:

- a. That any future use of Well No. 1 shall be limited to use as an "emergency" or "back-up well" and as a result Well No. 1 shall only be used under those circumstances where Well No. 2 or Well No. 3 becomes inoperable to the extent that Terra-Magic is unable to withdraw ground water pursuant to this [permit / certificate]; and
- b. Prior to any withdrawal of ground water by Well No. 1 as an "emergency" or "back-up" well, Terra-Magic shall inform the local watermaster of its intentions to utilize Well No. 1 for such purpose.

* Question well NO 1 possible abandonment
 Language that factors that possibility
 A) ————— after 2 & 3 done then well #1 goes
 B) ————— * #2 Annual NOT USED till
~~abandoned~~ deepened (Agreement)

*

Well #1 backup until 2 & 3 are done
 however they want to leave room
 in case something goes wrong

*

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

This Is To Certify, That SYLVAN B. and MARTHA JOY RASMUSSEN

of Route 1, Box 338, La Grande, 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 Well No. 1

a tributary of Slide Creek (Grande Ronde River) for the purpose of irrigation of 400.1 acres and supplemental irrigation of 54.9 acres

under Permit No. G-2739 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 12, 1964

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 5.60 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 2 S., R. 38 E., W. M. Well located 10 feet North and 2460 feet West from the 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 acre feet per acre for each acre irrigated during the irrigation season of each year;

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:

Supplemental

Primary

	-40.0 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	-39.1 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
		Section 2
	-40.0 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	-39.5 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	-1.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
-36.4 acres	-38.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
-1.5 acres		Section 3
	-12.3 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	12.4 acres	Section 4
		NE $\frac{1}{4}$ NE $\frac{1}{4}$
		Section 9
	-39.1 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$
-2.0 acres	-36.2 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
-15.0 acres	-23.2 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	-39.1 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
		Section 10
	-39.1 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
		Section 11

T. 2 S., R. 38 E., W. M.

Not Broken down on map

Not Broken down

G-34399

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 24 day of October , 1967.

CHRIS L. WHEELER
State Engineer

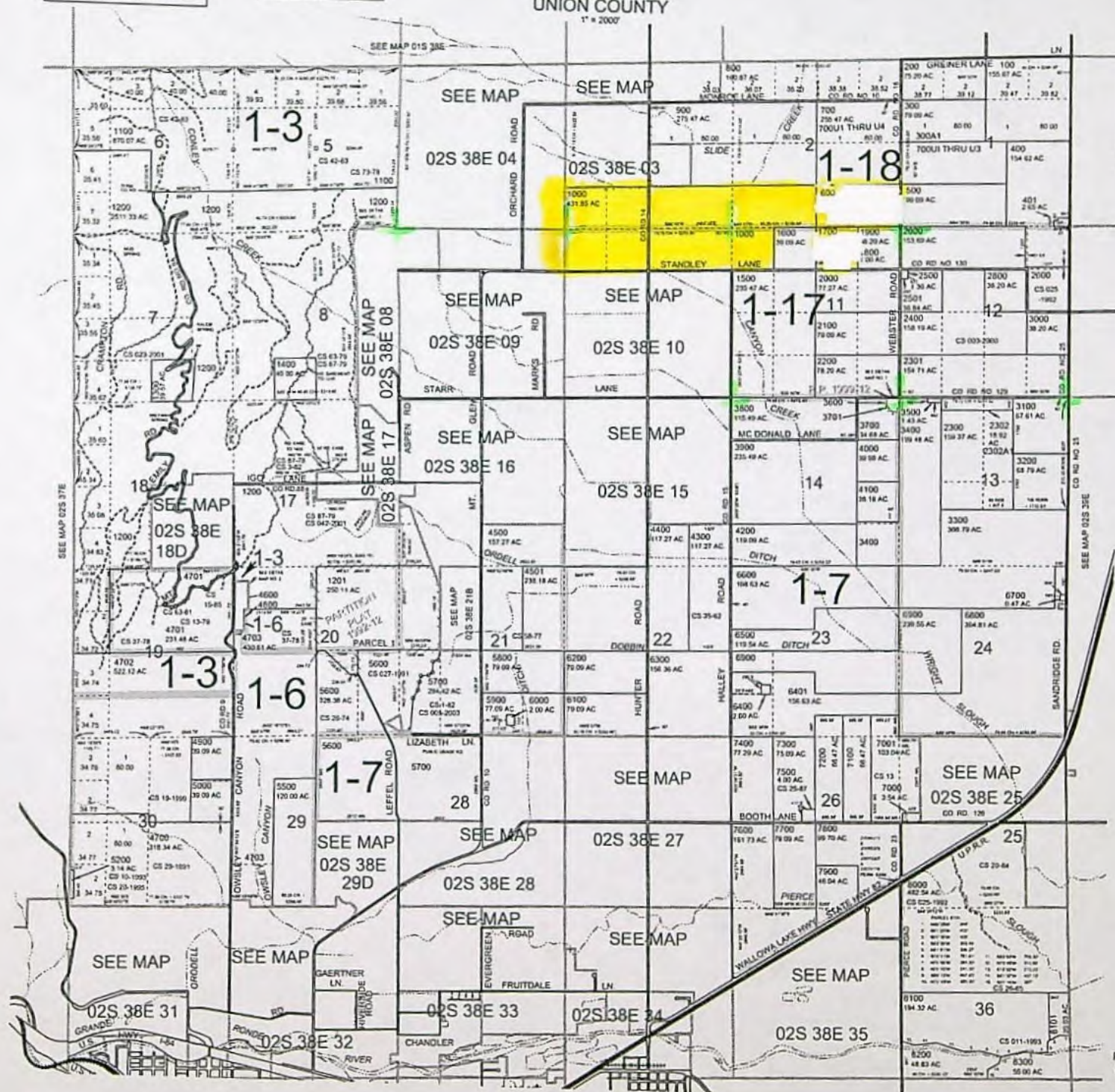
Recorded in State Record of Water Right Certificates, Volume 26 , page 34399

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 1,000 2,000 4,000 Feet
1" = 2000'

T.02S. R.38E. W.M.
UNION COUNTY
1" = 2000'

02S 38E
CANCELED
23001 & 02
70004
70005
12000A1
2300A1
2301
2700
2701
2900
4000A1
4000A2
5100
5300
5400
5500A1
5501A1
5100A1 & L2

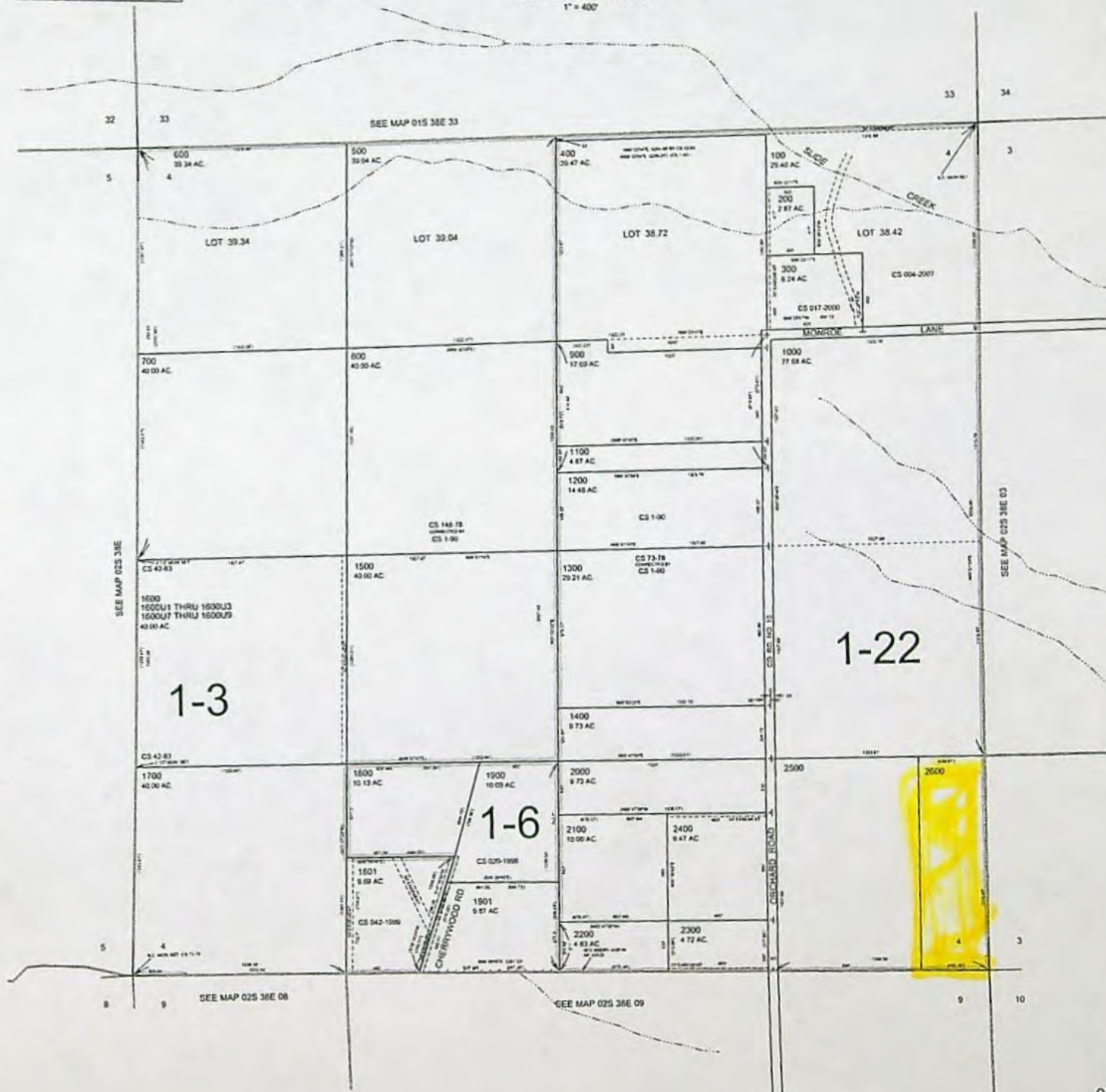


Revised 9C
9/11/2007

02S 38E

SECTION 04 T.02S. R.38E. W.M.
UNION COUNTY
1" = 400'

02S 38E
CANCELLED
ECONOMY
1500U4
1500U5
1500U6

Revised 9C
7/30/2007

02S 38E 04

Notice: The information provided here is for convenience ONLY. The records located at Union County Assessor/Tax Collector's office are the one and only legal instruments for assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Union County is not, in any way, liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Union County Assessor/Tax Collector's Office, La Grande, Oregon.
 Value and tax information for tax year 2007

Date Web Site was last updated 11/12/2007

Ref#: 7240 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONE
02S38	1000	0	117	550 FARM USE/EFU/VACANT	UC-A1

OWNER:	TERRA MAGIC INC
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	P O BOX 3093
CITY/ST:	LA GRANDE OR ,97850

PROPERTY ADDRESS: 0

NOTES:

*EFU FARM USE-POTENTIAL ADD TAX
 BALANCE IN CODE 0118

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$300,440	
STRUCTURES	\$0	
SUBTOT	\$300,440	\$68,534
TOTAL	\$300,440	\$68,534

PROPERTY TAX INFORMATION

Do not pay this amount! For current balance owing, contact our office.
Contact information may be found at this web page [Assessor/Tax Collector](#)

BASE TAX	\$698.20
TOTAL BASE TAX & SPECIAL ASSESSMENTS	\$698.20

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	43.50	2D	AA3 CLASS 2 DRY MV	-	\$74,110
2	115.67	3D	AA3 CLASS 3 DRY MV	-	\$174,330
3	34.50	3HD	AA3 CLASS 3H DRY MV	-	\$52,000
TOTAL	193.67				

[NEW SEARCH](#)

Notice: The information provided here is for convenience ONLY. The records located at Union County Assessor/Tax Collector's office are the one and only legal instruments for assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Union County is not, in any way, liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Union County Assessor/Tax Collector's Office, La Grande, Oregon.
Value and tax information for tax year 2007

Date Web Site was last updated 11/12/2007

Ref#: 7461 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONE
02S3804	2600	0	122	550 FARM USE/EFU/VACANT	UC-A1

OWNER:	TERRA MAGIC INC
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	P O BOX 3093
CITY/ST:	LA GRANDE OR ,97850

PROPERTY ADDRESS: 0

NOTES:

*EFU FARM USE-POTENTIAL ADD TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$14,480	
STRUCTURES	\$0	
SUBTOT	\$14,480	\$2,623
TOTAL	\$14,480	\$2,623

PROPERTY TAX INFORMATION

Do not pay this amount! For current balance owing, contact our office.
Contact information may be found at this web page [Assessor/Tax Collector](#)

BASE TAX	\$26.46
TOTAL BASE TAX & SPECIAL ASSESSMENTS	\$26.46

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	13.00	4HD	AA3 CLASS 4H DRY MV -		\$14,480
TOTAL	13.00				

[NEW SEARCH](#)

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 Value and tax information for tax year 2007

Date Web Site was last updated 1/25/2008

Ref#:5391 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A	NUM	CODE	PROPERTY CLASS/DESC	ZONE
02S3809	100		0	106	550 FARM USE/EFU/VACANT	UC-A1

OWNER:	TERRA MAGIC INC
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	P O BOX 3093
CITY/ST:	LA GRANDE OR ,97850

PROPERTY ADDRESS: 0

NOTES:

*EFU FARM USE-POTENTIAL ADD TAX

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$14,160	
STRUCTURES	\$0	
SUBTOT	\$14,160	\$2,555
TOTAL	\$14,160	\$2,555

PROPERTY TAX INFORMATION

Do not pay this amount! For current balance owing, contact our office.
Contact information may be found at this web page [Assessor/Tax Collector](#)

BASE TAX	\$25.88
TOTAL BASE TAX & SPECIAL ASSESSMENTS	\$25.88

LAND DESCRIPTIONS

LINE #	ACRES	LAND CODE	DESCRIPTION	DIMENSIONS	MARKET VALUE
1	12.71	4HD	AA3 CLASS 4H DRY MV -		\$14,160
TOTAL	12.71				

[NEW SEARCH](#)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of
T-10455, 1

*Previous
Edited Versions*

REVISED DRAFT
PRELIMINARY DETERMINATION
PROPOSING TO APPROVE AN
ADDITIONAL POINT OF
APPROPRIATION

Author:

ORS 537.705 and ORS 537.706 describes the process in which a water right holder may submit a request for appropriation, place of use, or character of use authorized under an existing water right. ORS 537.706 and ORS 537.707 provide that ORS Chapter 690, Division 380 implements the statutes and provides the Department with procedures and criteria for evaluating transfer applications.

Applicant

TERRA MAGIC INC.
PO BOX 3093
LA GRANDE OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: WELL 1 (UNIO 325) in the GRANDE RONDE RIVER BASIN

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	REVISED DRAFT
T-10455, Union County	)	PRELIMINARY DETERMINATION
	)	PROPOSING TO APPROVE AN
	)	ADDITIONAL POINT OF
	)	APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establishes 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 OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: WELL 1 (UNIO 325) in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL No. 1: 10 FEET NORTH & 2460 FEET WEST FROM SE CORNER, SECTION 3

Authorized Place of Use:

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
Total:					400.1

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
Total:					54.9

7. The applicant proposes to deepen and alter a well identified by well log number (UNIO 51475) also known as Well No. 2 in order to develop water from only the basalt aquifer. Application T-10455 proposes to add the following well to the water right:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL No. 2: 79 FEET NORTH AND 2548 FEET WEST FROM THE SE CORNER, SECTION 3

8. The applicant also proposes to construct an additional well located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL NO 3: 40 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER, SECTION 3

9. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

10. There is no sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.
12. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result the alluvial and underlying aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
13. Based on information available, the department finds that the well UNIO 325 developed 2.8 CFS from the alluvial aquifer and 2.8 CFS from the basalt aquifer.
14. Developing more water from the basalt aquifer than was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if condition 4 below is met.
15. The proposed change would not result in injury to other water rights.
16. The issuance of a final order approving this transfer does **not** relieve the applicant from complying with the requirements for construction standards for all wells, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.
17. The applicant requested that the completion deadline be extended until 2013.
18. On April 11, 2008, the Department mailed the applicant and agent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10455. The draft Preliminary Determination set forth a deadline of May 7, 2008, for the applicant to respond. The authorized agent responded and submitted an amendment to the application and map and provided an ownership and lien report on May 19, 2008.
19. On _____ the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer (or amended the application or did not respond by the deadline).
20. On May 19, 2008, the applicant requested a condition regarding the use of the authorized well known as Well No 1, and is described in finding of fact number 6. The condition will require that Well No 1 shall be dedicated as an "emergency use" or "back-up well" where the proposed well or wells become inoperable and that prior to withdrawal of Well No 1, the applicant shall inform the local watermaster of their intentions.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer

application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect.

1. *The additional points of appropriation proposed in application T-10455 are approved.*
2. *Water right Certificate 34399 is cancelled.*
3. *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.*
4. *Water from the new wells shall be acquired from only a single aquifer, if the new wells develop the basalt aquifer, they shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent basalt, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event a water-bearing zone is encountered in the upper 20 feet of basalt, the applicant or driller shall immediately contact the Department's groundwater section.*
5. *The quantities of water diverted at the new wells are limited to either 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer. Further, when both the new and original wells are operated at the same time, the quantity of water diverted shall not exceed a cumulative total of 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer.*
6. *Prior to diverting water, the water user shall install an in-line flow meters or other suitable measuring devices 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.*
7. *Well No. 1 shall be limited to emergency use as a "back-up well" only under those circumstances where Well No. 2 or Well No. 3 as described in findings of fact 7 and 8, becomes inoperable to the extent that the applicant is unable to withdraw ground water. Well Number 1 shall not be used more than 30 days for each irrigation season per year.*
8. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrд.state.or.us.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10455, Union County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING TO APPROVE AN
) ADDITIONAL POINT OF
APPROPRIATION,

Authority

ORS 537.705 and 540.505 to 540.580 establishes 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 OR

Findings of Fact

Background

- 4/5/07
1. On September 10, 2007, the applicant submitted an application for an additional point of appropriation number T-10455. Dean sent Peter Mohr's letter to Doug Woodcock
 2. On November 1, 2007, the applicant submitted an application and comments. * Lisa submitted
 3. On December 1, 2007, the applicant submitted comments. Comments
 4. On March 3, 2008, the applicant submitted a draft to Doug W, Dean & Lisa. I sent draft to Doug W, Dean & Lisa
 5. On April 1, 2008, the applicant submitted a draft to Doug W, Dean & Lisa. Doug W, Dean & Lisa
 6. The portion of the Certificate: 3 under Permit C Use: IRRIGATION Priority Date: Rate: 5.6 CUF Limit/Duty: C * Dean said to wait until I hear from Doug W
- ... of 54.9 ACRES
- ... er acre per year

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10455, Union County

)
) **D R A F T**
) PRELIMINARY DETERMINATION
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Applicant

TERRA MAGIC INC.
PO BOX 3093
LA GRANDE OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: WELL 1 in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	10 FEET NORTH & 2460 FEET WEST FROM SE CORNER, SECTION 3

Authorized Place of Use:

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
Total:					400.1

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
Total:					54.9

7. Application T-10455 proposes to add a point of appropriation approximately 69 feet from the existing point of appropriation to:
8. The applicant proposed to add a well identified by well log number (UNIO 51475). The applicant proposes to deepen the existing well in order to develop water from the basalt aquifer. The well is located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	79 FEET NORTH AND 2548 FEET WEST FROM THE SE CORNER, SECTION 3

9. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

10. There is no sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.
12. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result two aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
13. Based on the information provided the department has determined that 2.8 CFS comes from the alluvial aquifer and 2.8 CFS comes from the basalt aquifer.
14. Developing more water from the basalt aquifer then was available at the original well, would be considered enlargement of Certificate 34399. Enlargement will not occur if condition 4 below is met.
15. The proposed change would not result in injury to other water rights. The issuance of a final order approving this transfer does **not** relieve the applicant from complying with the requirements for construction standards, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect.

1. *The change in an additional point of appropriation proposed in application T-10455 is approved.*
2. *Water right Certificate 34399 is cancelled.*
3. *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.*
4. *Water shall be acquired from a single aquifer (water source) as the original point of appropriation. The well shall not withdraw water from more than one source. The quantity of water diverted at the new point of appropriation (well) shall not exceed 2.8 cfs from any single groundwater source.*
5. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device 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 device as required by the Department.*

6. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2010. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
7. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrdd.state.or.us.

Current

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10455, Union County

) D R A F T
) PRELIMINARY DETERMINATION
) PROPOSING TO APPROVE AN
) ADDITIONAL POINT OF
) APPROPRIATION,

Authority

ORS 537.705 and 540.505 to 540.580 establishes 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 OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On March 27, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

★ Revisions made by
Debbie Colbert & Ivan Gall
on 3-28-08.

Send to
Debbie to Nutrix

Run by
Woodcock

Source: WELL 1 in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	10 FEET NORTH & 2460 FEET WEST FROM SE CORNER, SECTION 3

Authorized Place of Use:

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	10	NENE	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
Total:					400.1

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
Total:					54.9

7. Application T-10455 proposes to add a point of appropriation approximately 69 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	79 FEET NORTH AND 2548 FEET WEST FROM THE SE CORNER, SECTION 3

8. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

~~Def~~ 9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610. *Not sufficient evidence to demonstrate that the*

No evidence in the record that suggests the right is subject

Cover letter
 Discuss 1/2 1/2 lacking better info in cover letter
 - Does not preclude you from applying for new permit for 2.8.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.

11. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result two aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (Unio 51447). This well is the authorized well for Certificate 34399.

12. An additional well was constructed in 2003. (UNIO 51475) This well develops groundwater from the alluvial aquifer.

Will be able to have it. Did you say at one point we did not have access to it?
By Agreement for this transfer stated
 13. An agreement was subsequently entered between the applicant and other parties stating that the applicant would not withdraw water from the alluvial aquifer.

14. A memo from the groundwater hydrologist dated November 8, 2007 states that the amount of water for irrigation from the new point of appropriation will be limited to a rate not to exceed 2.8 cubic foot per second. *from the basalt*

15. After taking into considering the above information, the department has concluded that the new well shall produce ground water only from a single basalt aquifer. OWRD would allow 2.8 cfs to be developed from the alluvial aquifer, but this is precluded by the private agreement.

16. Developing more water from the basalt aquifer then was available at the original well, would be considered enlargement of Certificate 34399. The proposed change would not result in enlargement of the right should the proposed conditions be met.

Below
 17. The proposed change would not result in injury to other water rights, however, there is a potential injury to the resource. The issuance of a final order approving this transfer *shall* not relieve the applicant from complying with the requirements for construction standards, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect.

1. The change in an additional point of appropriation proposed in application T-10455 is approved.

2. Water right Certificate 34399 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer [Note: This leaves a 2.8 cfs alluvial right].

3. 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.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

Confirming cert that is for 2.8 cfs from orig well for whatever source not develop @ new well for 2.8 cfs.

No more than 2.8 cfs from ea of the alluv & basalt aquifer

A single well cannot commingle/develop two aquifers (GW source)
 Each Source must have more than a single

#6
Fix - Cover letter.
Move to cover letter.
We encourage
to with
your consent
recommend
it as a
Cond. of
the transfer

from a
single
letter

5. The quantity of water diverted at the new point of appropriation shall not exceed 2.8 cfs.
6. The new well shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent bedrock, estimated to be 800.0 feet below land surface. The well may not be completed in such a manner that it allows ground water to be developed from the overlying alluvial aquifer.
7. All new wells constructed, repaired or reconditioned must comply with the minimal construction standards set forth in chapters 690-200 Water Supply Construction and maintenance, 690-210 Well Construction Standards, 690-215 Maintenance, Repair and Deepening of Water Supply wells. Should these wells be found to be in violation of these rules, the deficient wells may be required to be abandoned pursuant to 690-220 Abandonment of Wells.
8. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device 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 device as required by the Department.
9. The approved changes shall be completed and full beneficial use of the water shall be made on or before ~~October 1, 2008~~. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrd.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: (541) 523-7866

www.wrd.state.or.us

April 11, 2008

*Mailed in
Posted in
Mod pod*

TERRA MAGIC INC.
PO BOX 3093
LA GRANDE OR 97850

SUBJECT: Application T-10455

Enclosed is a draft of our Preliminary Determination regarding transfer application T-10455. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved with conditions. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

The original well developed water from both the alluvial and underlying basalt aquifers. The Department has found, based upon available information that, one-half of the water from the original well came from the alluvial aquifer and the other one-half came from the basalt aquifer.

Current construction standards are designed to prevent commingling of waters. The new well must be constructed and/or altered in accordance with all minimum well construction standards. Should you encounter more than 2.8 cfs basalt aquifer from the new well, you are not precluded from applying for a new groundwater permit to appropriate the additional water in the well from the basalt aquifer. We are available to assist you with the application process.

The Department received your consent to place a condition in the order that requires that the new well be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent bedrock, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event you encounter a water bearing zone within the upper 20 feet of the basalt, please contact the Department Groundwater section immediately to discuss your options.

At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by May 7, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

Carrie Jones
Carrie Jones
Field Services Division

cc: Peter Mohr
Shad Hattan, District #6 Watermaster

enc

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10455, Union County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING TO APPROVE AN
) ADDITIONAL POINT OF
) APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establishes 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 OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: WELL 1 (UNIO 325) in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	10 FEET NORTH & 2460 FEET WEST FROM SE CORNER, SECTION 3

Authorized Place of Use:

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
Total:					400.1

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
Total:					54.9

7. The applicant proposes to deepen and alter a well identified by well log number (UNIO 51475) in order to develop water from only the basalt aquifer. Application T-10455 proposes to add the following well to the water right.

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	79 FEET NORTH AND 2548 FEET WEST FROM THE SE CORNER, SECTION 3

8. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

9. There is no sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.
11. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result the alluvial and underlying aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
12. Based on information available, the department finds that the well UNIO 325 developed 2.8 CFS from the alluvial aquifer and 2.8 CFS from the basalt aquifer.
13. Developing more water from the basalt aquifer than was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if condition 4 below is met.
14. The proposed change would not result in injury to other water rights. The issuance of a final order approving this transfer does **not** relieve the applicant from complying with the requirements for construction standards for all wells, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect.

1. *The additional point of appropriation proposed in application T-10455 is approved.*
2. *Water right Certificate 34399 is cancelled.*
3. *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.*
4. *Water from the new well shall be acquired from only a single aquifer, if the new well develops the basalt aquifer, it shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent basalt, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event a water-bearing zone is encountered in the upper 20 feet of basalt, the applicant or driller shall immediately contact the Department's groundwater section.*
5. *The quantity of water diverted at the new well is limited to either 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer. Further, when both the new and original wells are operated at the same time, the quantity of water diverted shall not exceed a cumulative total of 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer.*

6. *Prior to diverting water, the water user shall install an in-line 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 device 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 device as required by the Department.*
7. *The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2010. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the rights transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrdd.state.or.us.

Originals

Conduse

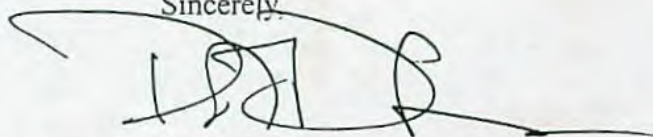
HP

HPduse

Dorothy Pedersen
September 5, 2007
Page 2 of 2

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. D. Mohr", with a long horizontal flourish extending to the right.

Peter D. Mohr

Enclosures
cc: Client



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

- | | |
|---|--|
| ☐ Permanent Transfer | ☐ Instream Transfer |
| ☐ Temporary Transfer (1 to 5 yrs.) | ☐ Permanent |
| • total number of years: _____ | ☐ Time-Limited |
| (begin year: _____) | ☐ Drought Transfer |
| (end year: _____) | X Other |

2. APPLICANT INFORMATION

Name: Terra-Magic, Inc., an Oregon corporation

First

Last

Address: P.O. Box 3093, 1621 North Spruce Street

La Grande

OR

97850

City

State

Zip

Phone: (541) 963-2443

Home

Work

Other

Fax: E-Mail address:

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Peter Mohr

First

Last

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Address: One SW Columbia Street, Suite 1110

SEP 05 2007

Portland

OR

97258

City

State

Zip

WATER RESOURCES DEPT
SALEM, OREGON

Phone: (503) 221-5222

Home

Work

Other

Fax: E-Mail address: pdm@mohrwater.com

- If an agent is listed above, please check one of the following:

X Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10455

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		G-2739	34399
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☐ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation (POA, or well) ☒ Additional POA
 - ☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
 - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
 - ☐ Historic POD change ☐ Other
- Reason(s) for change(s): [PLEASE SEE ATTACHED EXHIBIT A]

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

[PLEASE SEE ATTACHED EXHIBIT A]

- System capacity: approx. 5.6 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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SALEM, OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Union County

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9. LAND OWNERSHIP

- Does the applicant own the lands FROM which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)).

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands TO which the right is being transferred?

☒ Yes

☐ No

☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

[PLEASE SEE ATTACHED EXHIBIT A for requested terms and conditions to be included in any subsequent permit and certificate]

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SALEM, OREGON

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- X A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- X At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- X The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

X Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

- ☐ Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- X The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream transfers a Land Use Information Form is not required.)

For All Other Transfers:

- X Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Fees:

- X Amount enclosed: \$ 400.00.
- See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

X In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

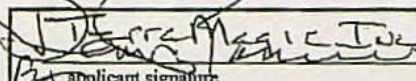
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Dennis Rasmussen, Vice Pres. name and title if applicable (print)	8-31-07 date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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Exhibit A to Terra-Magic, Inc.'s
Application for Transfer (for an Additional POA)

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WATER RESOURCES DEPT
SALEM, OREGON

Application Question 4. Proposed Change(s) to Water Rights

* * *

Reason(s) for change(s):

Terra-Magic, Inc. currently owns 2 wells located on the affected property: Well No. 1, which was originally completed in November 1964 (UNIO 325) and subsequently repaired in October 2003 (UNIO 51447), and Well No. 2 which was completed in October 2003 (UNIO 51475). Well No. 1 is the well currently approved for the withdrawal of groundwater pursuant to Certificate No. 34399. This application is submitted to achieve two specific objectives: (a) to further confirm the right to complete Well No. 2 as an additional Point of Appropriation (POA) under Certificate No. 34399; and (b) following any Department approval and completion of Well No. 2 as an additional POA, to limit future use of Well No. 1 as an "emergency" or "back-up" well only, with any such use to be limited to those circumstances if and when Well No. 2 becomes inoperational and would otherwise prohibit Terra-Magic from placing water to beneficial use to the extent provided under any subsequent permit or certificate as may be issued under this application.

Although Well No. 1 functions properly to this day, Well No. 2 was completed in order to ensure the continued appropriation of ground water given the prior difficulties and limited capacity associated with Well No. 1. Well No. 2 was completed subject to the direct oversight of Bob Maynard of the Department. Upon its completion, Well No. 2 well was completed to a depth of only 436 feet. This application is submitted in part to further complete Well No. 2 in the same strata/source as Well No. 1 as originally completed.

OAH Case No. PC 09-06

These objectives are also sought to ensure satisfaction of terms and conditions contained in a settlement agreement entered into in OAH Case No. PC 09-06. This case arose from assertions of neighboring property owners that Certificate No. 34399 should be subject to forfeiture. Following the amicable resolution of all issues in OAH Case No. PC 09-06 among Terra-Magic, Inc. and all adverse parties of record, which included the affiants' subsequent withdrawal of their affidavits of non-use, the Department withdrew this case from the OAH on August 6, 2007. The provisions referred to below in response to **Question 10** of this application are specifically requested in response to an express condition of the parties' settlement in OAH Case No. PC 09-06.

Application Question 5. Water Delivery System

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

Response:

The current delivery system used to apply water to lands specified under the water right is described as follows:

T 10455

SEP 05 2007

WATER RESOURCES DEPT
SALEM, OREGON*Well No. 1 and Well No. 2.*

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands specified under Certificate No. 34399. Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as following equipment:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4 inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road *via* the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25-inch nozzle. Both pivots operate at approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

Application Question 10. Other Remarks (optional)

Terra-Magic, Inc. specifically requests that any permit and subsequent certificate as may be issued in response to this application shall expressly state:

- a. That any future use of Well No. 1 shall be limited to use as an "emergency" or "back-up well" and as a result Well No. 1 shall only be used under those circumstances where Well No. 2 becomes inoperable to the extent that Terra-Magic is unable to withdraw ground water pursuant to this [permit / certificate]; and

- b. Prior to any withdrawal of ground water by Well No. 1 as an "emergency" or "back-up" well, Terra-Magic shall inform the local watermaster of its intentions to utilize Well No. 1 for such purpose.

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WATER RESOURCES DEPT
SALEM, OREGON

T 10455

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: Cert. No. 34399

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	34399	G-2739
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Sylvan B. and Martha Joy Rasmussen
- County: Union
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): August 12, 1964

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Ground water from basalt aquifer in Slide Creek basin

Tributary to: N/A

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.
For applications proposing a Change in Place of Use or Character of Use:

- Are there Other Water Rights, Permits or Ground Water Registrations associated with this land?

☐ Yes ☐ No ☒ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

- Certificate Number or other identifying number: Cert. No. 34399

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
UNIO 325 UNIO 51447 (See Atch)	Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	10 feet North and 2460 feet West from the SE Corner

- Does the water right being transferred involve a ground water source(s)?

x Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

~~or~~

B. ~~If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.~~

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly** tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

- Certificate Number or other identifying number: Cert. No. 34399

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	79 feet North and 2548 feet West from the SE Corner

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>): PLEASE SEE ATTACHED WELL LOG. WELL WAS CONSTRUCTED PER OWRD APPROVAL BUT REQUIRES DEEPENING

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	UNIO 51475 (See Atch)	16"	16"	436	Screened from 200' to 430'	28'	45'	200'	3" Tube	436'

- Certificate Number or other identifying number: Cert. No. 34399

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A *Instream Water Right Transfer*
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM 10, OREGON
within 30 days from the date
of well completion.

JAN 3 1965

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

WATER RESOURCES DEPT

SALEM, OREGON 97338-3 K

State Permit No. _____

(1) OWNER:

Name S.B. RASMUSSEN
Address ISLAND CITY HIGHWAY
LA GRANDE, OREGON

(2) LOCATION OF WELL:

County Union Driller's well number 119
NW 1/4 SE 1/4 Section 3 T. 2 S R. 38 E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

14" Diam. from 0 ft. to 366 ft. Gage 250
10" Diam. from 366 ft. to 710 ft. Gage 36
8 1/2" Diam. from 710 ft. to 1061 ft. Gage 36

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used Roscoe Moss and Touchcut
Size of perforations 1/8" in. by 3 in. (downward)
perforations from 0 ft. to 366 ft.
perforations from 366 ft. to 710 ft.
perforations from 710 ft. to 1061 ft.

(8) SCREENS:

Well screen installed ☐ Yes ☐ No

Manufacturer's Name Perforated casing as above Set
with 1/8" slot as listed Model No. made of 14"
Slot size 1/8" Set from 0 ft. to 366 ft.
Slot size 1/8" Set from 366 ft. to 710 ft.
Slot size 1/8" Set from 710 ft. to 1061 ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Cement grout
Depth of seal 0-40 ft. Was a packer used? No
Diameter of well bore to bottom of seal 24" in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth _____
Was a drive shoe used? ☐ Yes ☒ No
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8"
Gravel placed from 40 ft. to 710 ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level Artesian Flow ft. below land surface Date 12/10/64
Artesian pressure _____ lbs per square inch Date _____

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? OWNER
Yield: 800 gal./min. with 180 ft. drawdown after 16 hrs.
(Test made while well at 710' drilled depth)
"Pump test to be made in Feb. 1965 to total"
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow 40 g.d.m. Date 12/10/64
Temperature of water 66 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 9 3/4"Depth drilled 1061 ft. Depth of completed well 1061 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
CLAY DARK BROWN	0	34
GRAVEL SMALL (IN CLAY)	34	36
CLAY BLUE	36	94
GRAVEL LARGE IN BLUE CLAY	94	100
CLAY BLUE SANDY	100	387
SAND COARSE TO GRAVEL LARGE	387	430
(ARTESIAN FLOW NOTED IN DRILLING)	Fluid at 387'	
SAND STRAITS BLUE CLAY	430	450
SAND (HARD FINE)	450	460
SAND MED. AND BROKEN ROCK	460	500
SANDY BLUE & BROWN CLAYS	500	530
Boulders broken small to med.	530	570
CLAY BLUE	570	575
Boulders broken + SAND MED.	575	805
SANDSTONE HARD	805	750
CLAY BLUE SANDY	750	770
BASALT WITH STRAITS CLAY	770	780
BASALT HARD	780	880
" with STRAITS SANDY CLAY	880	920
GRAVEL COARSE	920	950
BASALT HARD	950	960
GRAVEL COARSE	960	1010
BASALT Red Cinders	1010	1030

Work started 7/17/64 19 _____ Completed 11/25/1964
Date well drilling machine moved off of well 12/20 1964

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Otto Ellsworth
(Person, firm or corporation) (Type or print)

Address P.O. Box 471 Island City, Oregon

Drilling Machine Operator's License No. 282

[Signed] Otto Ellsworth
(Water Well Contractor)

Contractor's License No. 398 Date 12/10/64, 1965

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UN1051447

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L 66097
START CARD # 158903

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER

Name Terra Magic Inc Well Number _____
Address P.O. Box 3097
City Lebanon State OR Zip 97050

(2) TYPE OF WORK

☐ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other _____

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☐ No Depth of Completed Well _____ ft.
Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	

How was seal placed Method ☐ A ☐ B ☐ C ☐ D ☐ E

☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Drive Shoe used ☐ Inside ☐ Outside ☐ None

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

		Method		Material			
		Type		Tele/pipe			
From	To	Slot size	Number	Diameter	size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

		Flowing	
		Artesian	
Pump	Bailer		
Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

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SALEM, OREGON

Temperature of water _____ Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____

(9) LOCATION OF WELL by legal description:

County _____ Latitude _____ Longitude _____
Township 2 N or S Range 38 E or W. WM.
Section 3 NW 1/4 SE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Hunter Road

(10) STATIC WATER LEVEL:

_____ ft. below land surface Date 11-11-03
Artesian pressure 42 lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
<u>Recessed Line</u>	<u>Install</u>	<u>2</u>	
<u>Lines In well to bottom</u>	<u>66'</u>	<u>9'</u>	
<u>Line 4" to 3" to pump</u>			
<u>Cement grout in from bottom</u>			
<u>to top. We poured in</u>			
<u>68 yards of cement</u>			
<u>grout</u>			
<u>Auger</u>			
<u>4" Pipe was left in for adhesion</u>			
<u>Flow for customer to keep as water</u>			
<u>supply</u>			

Date started 8-20-03 Completed 10-1-03

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Kevin Christensen WWC Number 11073
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work

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WATER RESOURCES DEPT
SALEM, OREGON

T 10455

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L 66026
START CARD # 158917

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER: Terra Magic Inc Well Number _____
Address P.O. Box 3093
City LaGrande State Ore. Zip 97850

(2) TYPE OF WORK:
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other Reverse Rotary

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 436'
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
28"	0	495'	Acetate	0	28'	7500 lbs	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other Overbore & Pour

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 28' ft. to 495' ft. Size of gravel 3/4"

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16"	200'	200'	.375	☒	☐	☒	☐
16"	270'	280'	.375	☒	☐	☒	☐
16"	350'	370'	.375	☒	☐	☒	☐
16"	390'	410'	.375	☒	☐	☒	☐
16"	430'	436'	.375	☒	☐	☒	☐

Drive Shoe used ☐ Inside ☐ Outside ☒ None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method Johnson Wire Wf.
☒ Screens Type Wire Wf. Material M.S.

From	To	Slot size	Number	Diameter	Tele. size	Casing	Liner
200'	270'	.035		16"		☒	☐
280'	350'	.035		16"		☒	☐
370'	390'	.035		16"		☒	☐
410'	430'	.035		16"		☒	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
2006 PM 45' 160' 3 hr.

Need Pump test to confirm Max

Temperature of water 59° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Union Latitude _____ Longitude _____
Township 2 N or S Range 38 E or W. WM.
Section 3 NW 1/4 SE 1/4
Tax Lot 1000 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Hunter Rd.

(10) STATIC WATER LEVEL:

45' ft. below land surface. Date 10-28-03
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
<u>All Sands & Gravels below</u>			
<u>45'</u>			

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
<u>Dark Top Soil</u>	<u>0</u>	<u>3'</u>	
<u>Ben Loam</u>	<u>3'</u>	<u>12'</u>	
<u>Gravel</u>	<u>12'</u>	<u>14'</u>	
<u>Ben Sticky Clay</u>	<u>14'</u>	<u>38'</u>	
<u>Sand & Gravel & clay</u>	<u>38'</u>	<u>66'</u>	
<u>Med Sand, Clay & silt</u>	<u>66'</u>	<u>433'</u>	
<u>Grey Clay</u>	<u>433'</u>	<u>495'</u>	

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SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

Date started 10-9-03 Completed 10-29-03

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Kevin Chastain WWC Number _____ Date 11-8-03

(bonded) Water Well Constructor Certification:

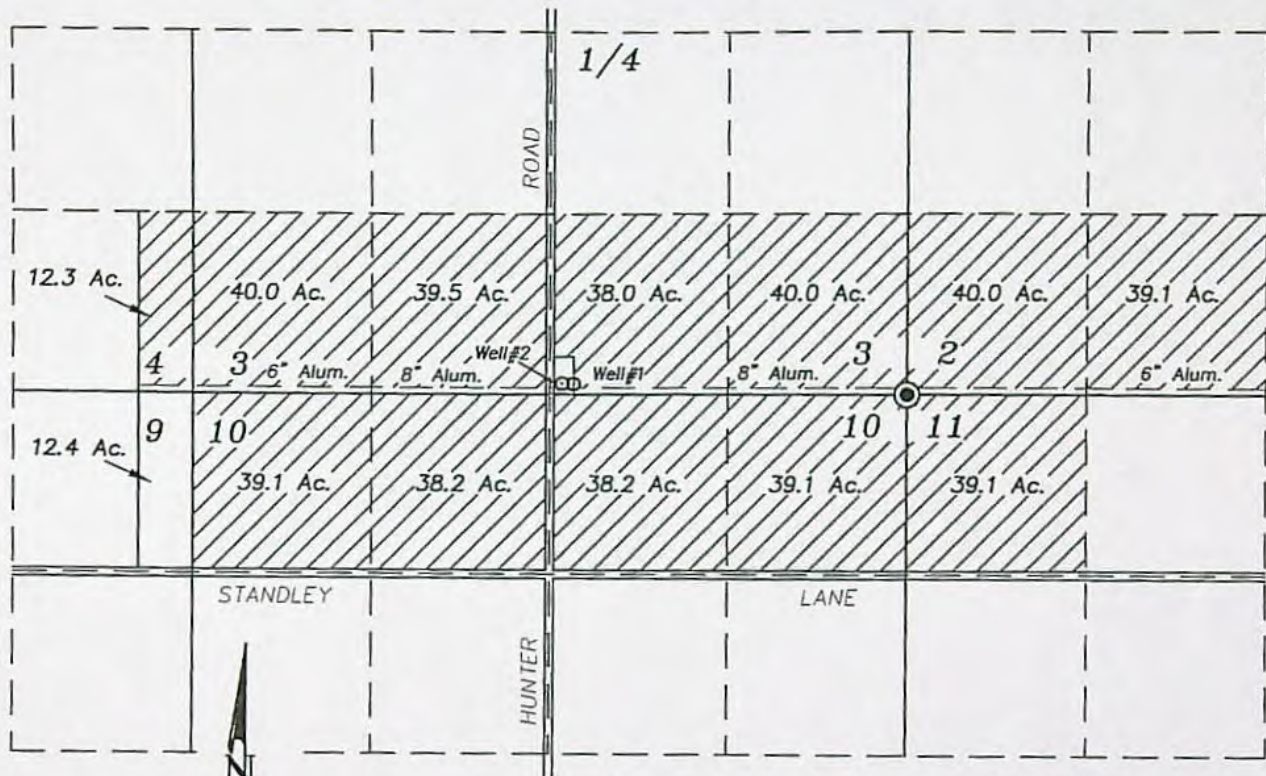
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1506 Date 11-4-03

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

T-10455

T 2 S R 38 E



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

September 5, 2007

FINAL PROOF MAP FOR
WATER RIGHTS FROM A
ADDITIONAL POINT OF APPROPRIATION
FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850



NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. _____

Permit Number _____

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WATER RESOURCES DEPT
SALEM, OREGON

T 10455

Temporary Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
 County of Union)

I, Colton Rasmussen, in my capacity as Farm Manager for Terra-Magic, Inc., and with a mailing address of P.O. Box 3093, 1621 North Spruce St., La Grande, OR 97850, and a telephone number of (541) 963-2443, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; ~~or~~
- ☐ ~~The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or~~
- ☐ ~~The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.~~

2. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
2	S	38	E	WM	2	SW SW	Tax Lot 1000	40.0
						SE SW		39.1
2	S	38	E	WM	3	SW SW	Tax Lot 1000	40.0
						SE SW		39.5
						SW SE		1.6 (Prim)
						SE SE		36.4 (Supp'l)
2	S	38	E	WM	4	SE SE	Tax Lot 2600	38.5 (Prim)
								1.5 (Supp'l)
2	S	38	E	WM	9	NE NE	Tax Lot 100	12.3
2	S	38	E	WM	10	NE NE	Tax Lot 1000	12.4
						NW NE		39.1
						NE NW		36.2 (Prim)
						NW NW		2.0 (Supp'l)
								23.2 (Prim)
								15.0 (Supp'l)
								39.1

(table continues on next page)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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T 10455

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
2	S	38	E	WM	11	NW NW	Tax Lot 1000	39.1

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Within the last five years, ground water has been withdrawn under the water right to irrigate the subject lands for the production of specified crops including, but not limited to, wheat (white and red), triticale, peas, garbanzo beans, and potatoes.

5. The water delivery system used to apply water as authorized by the right is described below:

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands identified under Certificate No. 34399. This system consists of the following:

Well No. 1 and Well No. 2.

Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as follows:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
 2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
 3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4-inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road via the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached. **SUPPORT RESOURCES DEPT
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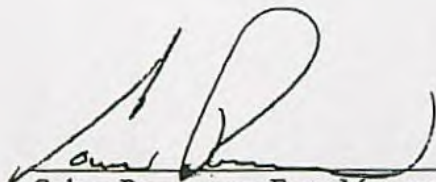
c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25 inch nozzle. Both pivots consume approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ ~~Copy of a water right certificate that was issued within the last five years (not a remaining right certificate);~~
- ☐ ~~Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water;~~
- ☐ ~~Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;~~
- ☐ ~~Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph;~~
- ☒ Dedicated power usage records or receipts for the period 6/15/04 through 12/31/2006.
- ☐ Instream lease number _____
- ☐ Other: _____


Colton Rasmussen, Farm Manager

8-31-07
Date

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SALEM, OREGON

Signed and sworn to (or affirmed) before me by Colton Rasmussen, in his capacity as Farm Manager of Terra-Magic, Inc., an Oregon corporation, this 31st day of August, 2007.



Kara Orton
Notary Public for Oregon

My Commission Expires: June 27, 2011

T 10455

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

* * * OREGON TRAIL ELECTRIC CONSUMERS CO-OP * * *

Print Customer Billing History
from 5/01/2004 to 1/30/2007Customer 157027-4 TERRA MAGIC INC
Property # 2014118
Service Location HUNTER RD 1/4 MILE N STANDLEY

Date	Type	Read Date	Amount	Balance	Electric Usage	Current Read	Demand Read
6/15/2004	CHG		1544.18 A	1544.18			
6/22/2004	PAY		1544.18CR	.00			
7/20/2004	CHG	7/14/04	2794.51	2794.51	38760	969	4.5
8/17/2004	CHG	8/12/04	507.77 A	3302.28		969	
8/20/2004	PAY		2794.51CR	507.77			
9/15/2004	PAY		507.77CR	.00			
9/16/2004	CHG	9/13/04	10.00	10.00		969	
0/14/2004	PAY		10.00CR	.00			
0/19/2004	CHG	10/13/04	10.00	10.00		969	.0
1/16/2004	CHG		10.15 A	20.15			
2/14/2004	CHG		10.30 A	30.45			
2/23/2004	PAY		30.45CR	.00			
1/18/2005	CHG		10.00 A	10.00			
2/15/2005	CHG		10.15 A	20.15			
3/15/2005	CHG		10.30 A	30.45			
3/22/2005	PAY		10.00CR	20.45			
3/29/2005	PAY		10.30CR	10.15			
4/07/2005	PAY		10.00CR	.15			
4/14/2005	CHG	4/13/05	45.69	45.84	680	986	.1
4/20/2005	PAY		45.84CR	.00			
5/19/2005	CHG	5/12/05	768.40	768.40	160	990	.1
6/02/2005	PAY		768.40CR	.00			
6/16/2005	CHG	6/13/05	966.39 A	966.39	3960	1089	4.4
7/19/2005	CHG	7/13/05	3076.10 A	4042.49	44360	2198	4.5
7/21/2005	PAY		966.39CR	3076.10			
8/16/2005	CHG	8/12/05	5546.67 A	8622.77	97280	4630	4.5
8/22/2005	PAY		8600.00CR	22.77			
8/26/2005	PAY		22.77CR	.00			
9/15/2005	CHG	9/13/05	4916.31 A	4916.31	113600	7470	5.1
0/18/2005	CHG	10/12/05	2691.44	7607.75	49680	8712	5.2
0/20/2005	PAY		4191.17CR	3416.58			
1/09/2005	PAY		2691.44CR	725.14			
1/15/2005	CHG		715.14CR A	10.00			
2/07/2005	PAY		10.00CR	.00			
2/15/2005	CHG		10.00 A	10.00			
2/28/2005	PAY		10.00CR	.00			
1/17/2006	CHG		10.00 A	10.00			
2/03/2006	PAY		10.00CR	.00			
2/16/2006	CHG		10.00 A	10.00			
3/16/2006	CHG		10.15 A	20.15			
3/28/2006	PAY		20.15CR	.00			
4/18/2006	CHG		10.00 A	10.00			

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WATER RESOURCES DEPT
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UBPHIS/PS2600

* * * OREGON TRAIL ELECTRIC CONSUMERS CO-OP * * *

Print Customer Billing History
from 5/01/2004 to 1/30/2007Customer 157027-4 TERRA MAGIC INC
Property # 2014118
Service Location HUNTER RD 1/4 MILE N STANDLEY

Date	Type	Read Date	Amount	Balance	Electric Usage	Current Read	Demand Read
5/16/2006	CHG	5/11/06	802.50	812.50	1000	8737	.0
5/24/2006	PAY		812.50CR	.00			
6/15/2006	CHG	6/13/06	758.02 A	758.02	80	8739	.1
7/18/2006	CHG	7/13/06	4037.01 A	4795.03	77120	10667	5.1
8/07/2006	PAY		757.63CR	4037.40			
8/17/2006	CHG	8/15/06	2363.74 A	6401.14	48840	11888	4.1
8/30/2006	PAY		3512.21CR	2888.93			
9/19/2006	CHG	9/13/06	368.33CR A	2520.60	80	11890	.0
0/11/2006	PAY		2463.88CR	56.72			
0/17/2006	CHG	10/12/06	4172.43 A	4229.15	160	11894	
0/31/2006	PAY		74.15CR	4155.00			
1/16/2006	CHG		4145.00CR A	10.00			
2/19/2006	CHG		.00 A	10.00			
2/29/2006	PAY		10.00CR	.00			

Current 31 - 60 61 - 90 Over 90

Aged Bal Unpost \$ Bill Adj Adj Bal

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SALEM, OREGON

T 10455



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located on an irrigation district or exchange farm-use zone.

Applicant Name: Terra-Magic, Inc.
 Mailing Address: P.O. Box 3093, 1621 North Spruce Street
 City: La Grande State: OR Zip: 97850 Day Phone: (541) 963-2443

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/R.R.-5)	Water to be:	Proposed Land Use:
2S	38E	2	—	1000	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agric.
"	"	3	—	1000	EFU	☒ Diverted ☒ Conveyed ☒ Used	Agric.
"	"	4	—	2600	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agric.
"	"	9	—	100	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agric.
"	"	10	—	1000	EFU	" " " "	" " "
"	"	11	—	1000	EFU	" " " "	" " "

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5.6 ☒ 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: Purpose of application is to simply designate an additional Point of Appropriation through the further completion of a second well which is located within 80 feet of the existing original well. No change in the place of use nor change in type of use of the water and water right is sought under this application. The original authorized use under the water right is irrigation.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

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 SALEM, OREGON

T 10455

For Local Government Use Only

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ALA

☐ Land uses to be served by 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 (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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.

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SALEM, OREGON

Name: Cody VAVRA Title: ASSISTANT PLANNER
Signature: [Signature] Phone: (503) 963-1014 Date: 9-4-08
Government Entity: Union County

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: _____

Last updated 12/22/06 WR

T 10455

property: 100, 1000, 2600, 9200

60660

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That SYLVAN B. RASMUSSEN and MARTHA JOY RASMUSSEN, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto TERRA-MAGIC, INC., an Oregon corporation, hereinafter called grantee, and unto grantee's successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Union, State of Oregon, described as follows, to-wit:

PARCEL NO. 1.

The South One Half of the Southeast Quarter of Section Three (3) and the South One Half of the Southwest quarter of Section Two (2), Township 2 South, Range 38 East W.M.

SUBJECT to roads, ways and easements as the same now exist or are of record across the real property above described, water rights and water locations; and reservations contained in United States Patents or conveyances from the State of Oregon.

PARCEL NO. 2

The North half of the Northeast quarter of Section 10 and the Northwest quarter of the Northwest quarter of Section 11, Township 2 South, Range 38 East W.M.

SUBJECT to roads, ways and easements as the same now exist or are of record across the real property above described, water rights and water locations, and reservations contained in United States Patents or conveyances from the State of Oregon.

PARCEL NO. 3

The west half of the northwest quarter of Section 28, Township 2 South, Range 39 E.W.M., in Union County, Oregon.

PARCEL NO. 4

The south half of the Southeast quarter of Section 21; also all that part of the South half of the Southwest quarter of Section 22, lying west of the middle of the channel of the State Ditch which extends across said section; all being in township 2 south, range 39 east of the Willamette Meridian; ALSO

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All that part of the Northwest quarter of section 27 in township 2 south, range 39 east of the Willamette Meridian, in Union County, Oregon, lying west of the middle of the channel of "The State Ditch" as the same extends at present across said lands, and containing 103.9 acres more particularly described as follows:-

Commencing at a point in the middle of the county road at the Southwest corner of the Northwest quarter (NW1/4) of said section 27, and running thence east along the middle of the county road, 1465 feet to the middle of the channel of the State Ditch; thence in a general northerly direction following the meandering of the middle of the main channel of said State Ditch to where the same crosses the north line of said section 27; thence west on said section line 1510 feet to the Northwest corner of said section 27, thence south on the section line 265 feet to the place of beginning.

PARCEL NO. 5

The South half of southwest quarter of Section 3; North half of the Northwest quarter of Section 10; Southeast quarter of the southeast quarter of Section 4; and the Northeast quarter of northeast quarter of Section 9; All in Township 2 South, Range 38 East of the Willamette Meridian, Union County, State of Oregon.

EXCEPTING THEREFROM a strip 894 feet wide off the west side of the southeast quarter of the southeast quarter of Section 4; and the west 294 feet of the northeast quarter of northeast quarter of Section 9, all in township 2 south, Range 38 East of the Willamette Meridian.

PARCEL NO. 6

Tract A: The West Half of the Southeast Quarter (W1/2SE1/4), and the West Half of the West Half of the East Half (W1/2W1/2E1/2) of the Southeast Quarter (SE1/4) of Section Twenty (20), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), of Section Twenty-one (21), all in Township Two South (2S), Range Thirty-nine (39) East of the Willamette Meridian. SUBJECT TO easements for public and private roads, telephone, telegraph and electric transmission lines as same appear of record or exist. ALSO

Tract B: The East Half of the Northwest Quarter (E1/2NW1/4) of Section Twenty-one (21), and the South Half of the Northeast Quarter (S1/2NE1/4) of Section Twenty (20), in Township Two South (2S), Range Thirty-nine (39) East of the Willamette Meridian; EXCEPTING the East 24 feet and 9 inches of said South Half of the Northeast Quarter of Section 20, conveyed for private road by deed recorded in Book 66 at page 281 of the deed records of Union County, Oregon, and SUBJECT TO easements for roads and utilities as same appear of record or exist. All situated in Union County, Oregon.

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WATER RESOURCES DEPT
SALEM, OREGON

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PARCEL NO. 7

The east half of east half of southeast quarter and the east half of west half of east half of southeast quarter of Section 20; the southwest quarter, the north half of southeast quarter and the northeast quarter of section 21; the northwest quarter and the north half of southwest quarter of section 22; all in township 2 south, range 39 east of Willamette Meridian, containing 700 acres, more or less, subject to easements for public roads.

TO HAVE AND TO HOLD the same unto the said grantee and grantee's successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ 650,000.00 .

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 22 day of March, 1976.

STATE OF OREGON)
) ss.
County of Union)

March 22 , 1976

Personally appeared the above named SYLVAN B. RASMUSSEN and MARTHA JOY RASMUSSEN and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon

My commission expires: 1-17-77



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SALEM, OREGON

Grantor's Name and Address:

Sylvan B. Rasmussen
Martha Joy Rasmussen
Route 3, Box 4094
LaGrande, Oregon 97850

Grantee's Name and Address:

Terra-Magic, Inc.
Route 3, Box 4094
LaGrande, Oregon 97850

After Recording Return to:

Garthe Brown
705 Standard Plaza
Portland, Oregon 97204

STATE OF OREGON } \$
County of Union }

I certify that the within instrument
of writing was received for record on
the 25 day of

MAR. 1976 at 2:30
o'clock A.M., and recorded on page
 in book Record of
Deeds of said County.

SHIRLEY L. BOLIN County Clerk,

By Barbara C. Baker Deputy.

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WATER RESOURCES DEPT
SALEM, OREGON

T 10455

PETER D. MOHR
ATTORNEY AT LAW

Admitted in Colorado
and Oregon

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
WWW.MOHRWATER.COM

September 5, 2007

Via Courier

Dorothy Pedersen
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Terra-Magic, Inc. / Transfer Applic. for Additional POA

Dear Dorothy:

On behalf of Terra-Magic, Inc., an Oregon corporation ("Terra-Magic"), with this letter I am submitting a Transfer Application to confirm an additional point of appropriation (POA) under Certificate No. 34399 for the appropriation of ground water in Union County. This submittal consists of the following documents:

1. A check in the amount of \$400.00 to cover the Department's fee associated with this request;
2. A **copy** Transfer Application form executed by Terra-Magic's President, Dennis Rasmussen;
3. An Exhibit "A" to the Transfer Application;
4. A Supplemental Form A, with accompanying well logs for Terra-Magic Well No. 1 and Well No. 2;
5. A **copy** of Supplemental Form B Affidavit executed by Terra-Magic's Farm Manager, Colton Rasmussen, who is responsible for management of the farming operation, including the cropping and irrigation of those lands identified under Certificate No. 34399;
6. A **copy** of a map prepared by a CWRE showing the location of Terra-Magic's original Well No. 1 and the proposed additional POA identified as Terra-Magic Well No. 2;
7. A **copy** of a Land Use Information form executed by the Union County Planning Department; and
8. A deed executed for the benefit of Terra-Magic dated March 22, 1976 and recorded in Union County real property records at Reception No. 60660.

Regarding the Transfer Application, the Supplemental Form B Affidavit, the accompanying map, and the Land Use Information form, original signatures for these documents will be timely provided.

Regarding initial consideration of Terra-Magic's title ownership of the lands described as the place of use under Certificate No. 34399, such lands are identified under those tracts identified in the March 22, 1976 deed as Parcel Nos. 1, 2, and 5.

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WATER RESOURCES DEPT
SALEM, OREGON

Dorothy Pedersen
September 5, 2007
Page 2 of 2

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Mohr', with a long horizontal stroke extending to the right.

Peter D. Mohr

Enclosures
cc: Client

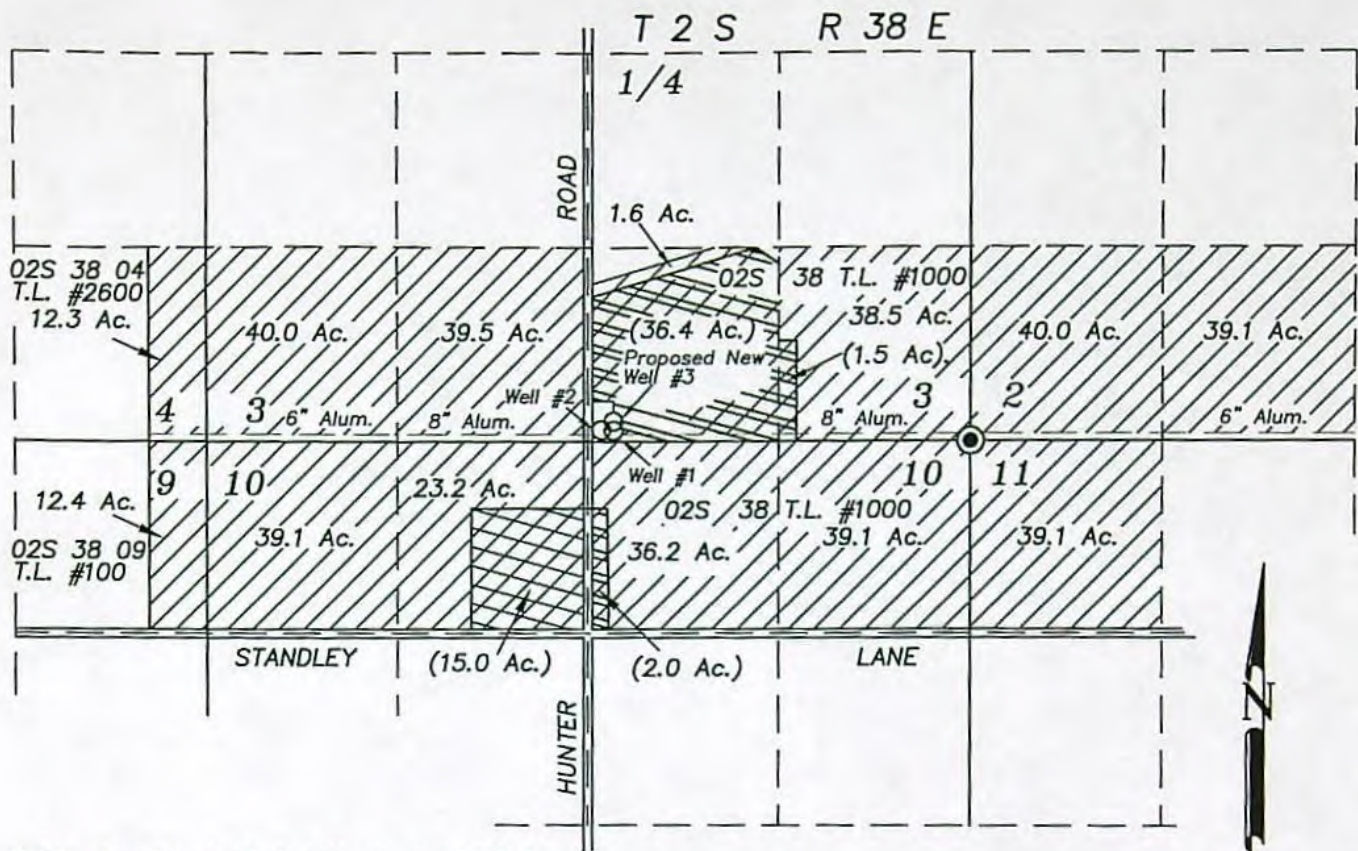
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WATER RESOURCES DEPT
SALEM, OREGON

T 10455



Well #1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well #2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

New Well #3 Additional Point of Appropriation is located 79 feet North and 2460 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

25.7 Primary Acreage

(12.0) Supplemental Acreage

 Lands with Primary right under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.

 Lands with Primary right under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.

 Lands with Primary rights under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.

Amended
Originals

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MAY 19 2008

WATER RESOURCE DEPT.
EASTERN REGION



MAY 15, 2008

APPLICATION MAP FOR
ADDITIONAL POINTS OF
APPROPRIATION FROM WELLS 2&3
FOR
TERRA MAGIC INC.

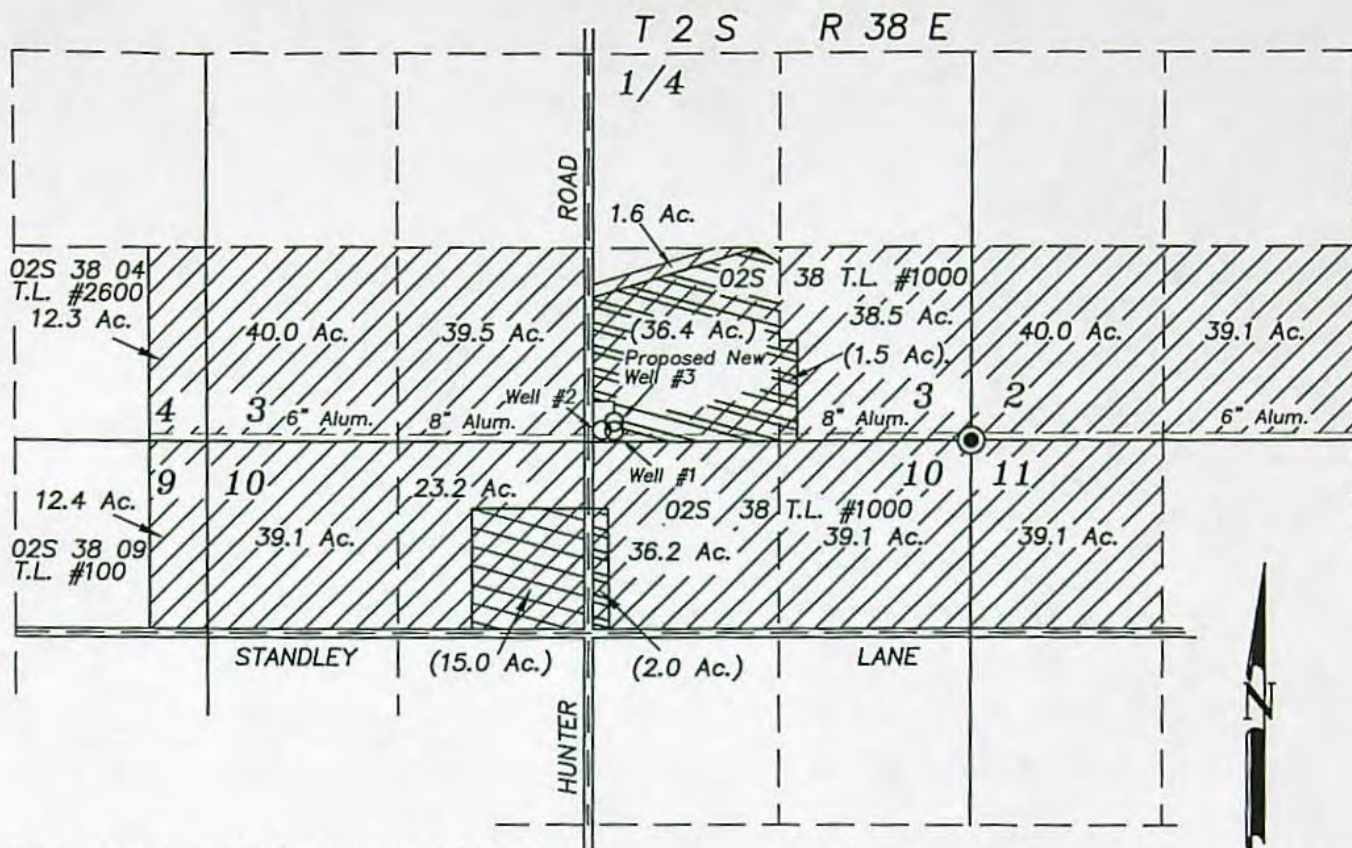
BY

BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. T- 10455

Permit Number T- 10455



Well #1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well #2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

New Well #3 Additional Point of Appropriation is North 40' and 2460' West of the Southeast corner of Section 3.

SCALE: 1"=1320'

25.7 Primary Acreage

(12.0) Supplemental Acreage



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.



Lands with Primary rights under Certificate 6541 (1869) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.



Lands with Primary rights under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional points of Appropriation from Wells numbers 2 & 3.

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MAY 19 2008

**WATER RESOURCE DEPT.
EASTERN REGION**



MAY 15, 2008

**APPLICATION MAP FOR
ADDITIONAL POINTS OF
APPROPRIATION FROM WELLS 2&3
FOR
TERRA MAGIC INC.**

**BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850**

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. T- 10455

Permit Number T- 10455

PETER D. MOHR
ATTORNEY AT LAW

Admitted in Colorado
and Oregon

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
WWW.MOHRWATER.COM

May 12, 2008

Via Facsimile (970) 797-2032 / Original by U.S. Mail

Gregory Van Thuyne
Farm Plus Financial
1044 W. Drake Rd, Suite 202
Fort Collins, CO 80526

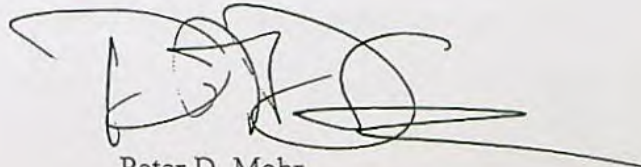
Re: Application T-10455 / Terra-Magic, Inc. Applic. for Additional Points of Appropriation

Dear Greg:

On behalf Terra-Magic, Inc. ("Terra-magic"), I am writing this letter to place Farm Plus Financial and the underlying lender Zions First National Bank on notice of Terra-Magic's above-referenced application to drill up to two new ground water wells to be located on a portion of its property located outside of La Grande, Oregon. Zions First National Bank's documents identifying its security interest in Terra-Magic's farmlands and other property are recorded at Document No. 20073373-74 in the real property records of Union County, Oregon. As we discussed during our conversation of April 30, 2008, with this application, Terra-Magic proposes to drill the additional wells to further enhance its water supply for irrigation purposes. These additional wells will simply act as alternate points from which Terra-Magic may withdraw ground water under its existing water right.

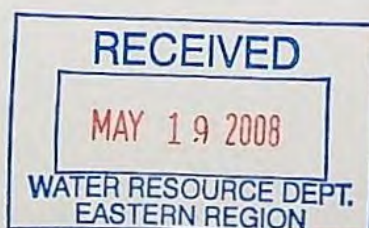
Should you have any questions or comments regarding the application, please do not hesitate to contact me. Finally, I would appreciate it if you would provide confirmation of your receipt of this letter via facsimile or e-mail.

Sincerely,



Peter D. Mohr

cc: Client



Subject: Terra Magic
From: "Greg Van Thuyne" <greg@farmplusfinance.com>
Date: Wed, 14 May 2008 16:02:55 -0600
To: <pdm@mohrwater.com>

Peter,

I am confirming that I have received your fax regarding the drilling of new wells on the Terra Magic property.

Let me know if you have any questions.



Greg Van Thuyne
Agricultural Specialist
1004 West Drake Road
Fort Collins, CO 80526
(970) 461-8212 Main Office
(970) 372-2882 Direct
(970) 797-2032 Fax
<http://www.FarmPlusFinancial.com>

The information in this transaction may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

PETER D. MOHR
ATTORNEY AT LAW

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TEL 503.221.5222
FAX 503.227.7829
WWW.MOHRWATER.COM

May 15, 2008

Carrie Jones, Transfer Specialist
Oregon Water Resources Department
Baker County Courthouse
1995 3rd Street, Suite 180
Baker City, Oregon 97814



Re: Application T-10455 / Terra-Magic, Inc. Applic. for Additional POA, as amended

Dear Carrie:

Please find enclosed originals (where appropriate) and copies of the documents previously referenced in my prior e-mail to you of May 15, 2008 concerning Terra-Magic, Inc.'s request to amend application T-10455 to include an additional well. The enclosed, therefore, consist of the following:

1. The *original* of Supplemental Form A, Page 5, as amended;
2. The *original* of Exhibit A to the application, as amended;
3. The *original* of a Lot Book Report completed for Terra-Magic's property which additionally confirms that there are no water right conveyancing documents of public record affecting the subject water right; and
4. A *copy* of a letter to Farm Plus Financial as confirmation of notice to record lien holder Zion's National Bank together with an e-mail confirmation of receipt.

Please feel free to contact me with any comments or questions.

Sincerely,

Peter D. Mohr

Encl.

cc: Terra-Magic, Inc.

3. PROPOSED CHANGES TO THE WATER RIGHT AS AMENDED*

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	79 feet North and 2548 feet West from the SE Corner (Well No. 2)
*Ground water from basalt aquifer - Slide Creek basin	2 South	38 E	W. M.	3	SW1/4 SE1/4	1000	40 feet North and 2460 feet West from the SE Corner (Well No. 3)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? X Yes (Well No. 2-to be deepened) X No (Well No. 3)

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>): SEE ATTACHED WELL LOG UNIO 51475 (Well No. 2).

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No / Well will be deepened Well #2	UNIO 51475 (See Atch)	16" (current) Proposed: 16" - 18"	Steel 1/8-3/8" Per regs	436 (current) 1300' (est.)	200-430' (current) 1100-1300' (est.)	28'	alluv. 45' Basalt **0' (est.)	alluv. 200' Basalt 1100' (est.)	3" Tube	436' curr. 1300 (est.)
No / Well #3	—	18"	Steel 1/8-3/8"	1300' (est.)	1100-1300' (est.)	28' (est.)	**0' BASALT (est.)	BASALT 1100' (est.)	3" Tube	1300 (est.)

- Certificate Number or other identifying number: Cert. No. 34399

** REFLECTS POTENTIAL FOR ARTESIAN FLOWS

Description of Proposed Change(s) to a Water Right

AGENT'S INITIALS: *[Signature]*

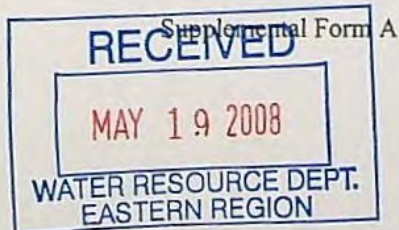


Exhibit A to Terra-Magic, Inc.'s
Application for Transfer (for an Additional POA), As Amended

Application Question 4. Proposed Change(s) to Water Rights

* * *

Reason(s) for change(s):

Terra-Magic, Inc. currently owns 2 wells located on the affected property: Well No. 1, which was originally completed in November 1964 (UNIO 325) and subsequently repaired in October 2003 (UNIO 51447), and Well No. 2 which was completed in October 2003 (UNIO 51475). Well No. 1 is the well currently approved for the withdrawal of groundwater pursuant to Certificate No. 34399. This application is submitted to achieve ~~two~~ three specific objectives: (a) to confirm the right to complete Well No. 2 as an additional Point of Appropriation (POA) under Certificate No. 34399; (b) to obtain the right to complete an additional well ("Well No. 3") as an additional POA under Certificate No. 34399; and (bc) following any Department approval and completion of Well No. 2 or Well No. 3 as an additional POAs, to limit future use of Well No. 1 as an "emergency" or "back-up" well only, with any such use to be limited to those circumstances if and when Well No. 2 or Well No. 3 becomes inoperational and would otherwise ~~prohibit~~ only allow Terra-Magic ~~from~~ to placing water to beneficial use to the extent provided under any subsequent permit or certificate as may be issued under this application.

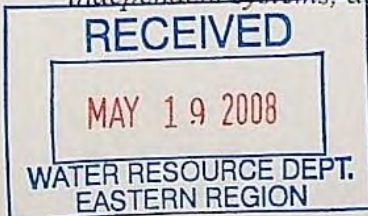
Although Well No. 1 functions properly to this day, Well No. 2 was completed in order to ensure the continued appropriation of ground water given the prior difficulties and limited capacity associated with Well No. 1. Well No. 2 was completed subject to the direct oversight of Bob Maynard of the Department. Upon its completion, Well No. 2 well was completed to a depth of only 436 feet. This application is submitted in part to further complete Well No. 2 in the same strata/source as Well No. 1 as originally completed.

OAH Case No. PC 09-06

These objectives are also sought to ensure satisfaction of terms and conditions contained in a settlement agreement entered into in OAH Case No. PC 09-06. This case arose from assertions of neighboring property owners that Certificate No. 34399 should be subject to forfeiture. Following the amicable resolution of all issues in OAH Case No. PC 09-06 among Terra-Magic, Inc. and all adverse parties of record, which included the affiants' subsequent withdrawal of their affidavits of non-use, the Department withdrew this case from the OAH on August 6, 2007. The provisions referred to below in response to **Question 10** of this application are specifically requested in response to an express condition of the parties' settlement in OAH Case No. PC 09-06.

Application Question 5. Water Delivery System

*Describe the **current** water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.*



Response:

The *current* delivery system used to apply water to lands specified under the water right is described as follows:

Well No. 1 and Well No. 2.

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands specified under Certificate No. 34399. Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as following equipment:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4 inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road *via* the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

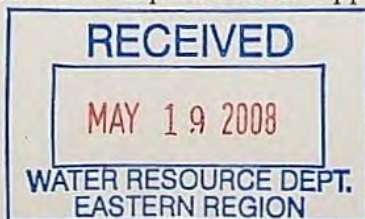
c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25-inch nozzle. Both pivots operate at approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

Application Question 10. Other Remarks (optional)

Terra-Magic, Inc. specifically requests that any permit and subsequent certificate as may be issued in response to this application shall expressly state:



- a. That any future use of Well No. 1 shall be limited to use as an "emergency" or "back-up well" and as a result Well No. 1 shall only be used under those circumstances where Well No. 2 or Well No. 3 becomes inoperable to the extent that Terra-Magic is unable to withdraw ground water pursuant to this [permit / certificate]; and
- b. Prior to any withdrawal of ground water by Well No. 1 as an "emergency" or "back-up" well, Terra-Magic shall inform the local watermaster of its intentions to utilize Well No. 1 for such purpose.



ABSTRACT & TITLE COMPANY

430 Washington / P.O. Box 489, La Grande, OR 97850 • ph. (541) 963-7127 or fax (541) 963-0433

LOT BOOK REPORT

Our Order No. 46226

Date: April 28, 2008

Peter D. Mohr, Attorney at Law
One SW Columbia Street, Suite 1110
Portland, OR 97258

We have searched our Tract indices as to the following described property:

IN TOWNSHIP 2 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

- Section 2: The south half of the southwest quarter;
- Section 3: The south half of the south half;
- Section 4: The southeast quarter of the southeast quarter, EXCEPTING THEREFROM the west 894 feet;
- Section 9: The northeast quarter of the northeast quarter, EXCEPTING THEREFROM the west 894 feet;
- Section 10: The north half of the north half, EXCEPTING on square acre out of the southwest corner of the northwest quarter of the northeast quarter;
- Section 11: The northwest quarter of the northwest quarter

SITUATE IN the County of Union, State of Oregon

and as of April 22, 2008 at 8:00 AM, we find that the last deed of record runs to:

TERRA-MAGIC, INC., an Oregon corporation

We also find the following apparent encumbrances within the ten years prior to the effective date hereof:



1. Mortgage and Fixture Filing, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Mortgagor: Terra-Magic, Inc., an Oregon corporation
Mortgagee: Zions First National Bank
Dated: June 22, 2007
Recorded: June 25, 2007
Document No.: 20073373-74
Amount: \$2,500,000.00
Includes additional land

We have also search our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

1. NONE

We also find the following unpaid taxes and city liens:

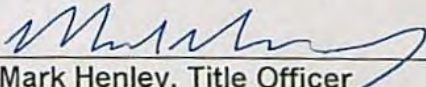
1. 2007-2008 taxes (fiscal year ending June 30, 2008) are paid in full:
Amount: \$1,627.65
--Code 1-6 02S3809 100 APN 5391
1-22 02S3804 2600 APN 7461
1-17 02S38 1000 APN 7240
1-18 02S38 1000 APN 7365--

NOTES

1. We find no agreements in the public records regarding the conveyance of water rights

This is not a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore, above listings do not include additional matters which might have been disclosed by an examination of the record title. The liability in connection with this Lot Book Service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Abstract & Title Company


Mark Henley, Title Officer

MH/mh

T.02S. R.38E. W.M.
UNION COUNTY

1" = 2000'

MAP 01S 38E

SEE MAP

SEE MAP

02S 38E 04

02S 38E 03



1000
431.85 AC.

CO RD 14

800
160.87 AC.

50 CH. = 5282.00'

CO. RD. NO. 10

38.03

38.07

38.23

38.38

38.52

20
75.

80.00

SLIDE

CREEK

700
255.47 AC.
700U1 THRU U5

1-18

600
79.09 AC.

S29°45'W

(N89°25'E)

S89°47'W

80.20 CH. = 5293.20'

79.75 CH. = 5263.50'

(S316°)

1000

1600
39.09 AC.

1700
38.09 AC.

1900
38.20 AC.

1800
1.00 AC.

26
15:

SEE MAP

SEE MAP

02S 38E 09

02S 38E 10

1-17

2100
79.09 AC.

2200
78.20 AC.

F.P. 1999-12

S29°44'W

79.88 CH. = 5272.60'

CREEK

3800
115.49 AC.

3600

3701

3700
34.68 AC.

35
1.4
34
19

SEE MAP

SEE MAP

02S 38E 16

02S 38E 15

CO. RD. 15

(N00°25'W S335°)

14

4500
157.27 AC.

4400
117.27 AC.

4300
117.27 AC.

4200
119.09 AC.

4000
39.98 AC.

4100
38.18 AC.

ORDELL

4501
238.18 AC.

S89°34'W

79.80 CH. = 5266.80'

DITCH

79.67 CH. = 5256.22'

6600
198.63 AC.

1-7

CS 35-62

6500
119.54 AC.

DITCH

23

21 CS 58-77

2531.06'

DOBBIN

22

6900

SEE MAP
02S 38E 21B

21

6000

6200

6400

6600

6800

7000

7200

7400

7600

7800

8000

8200

8400

8600

8800

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51600

51800

52000

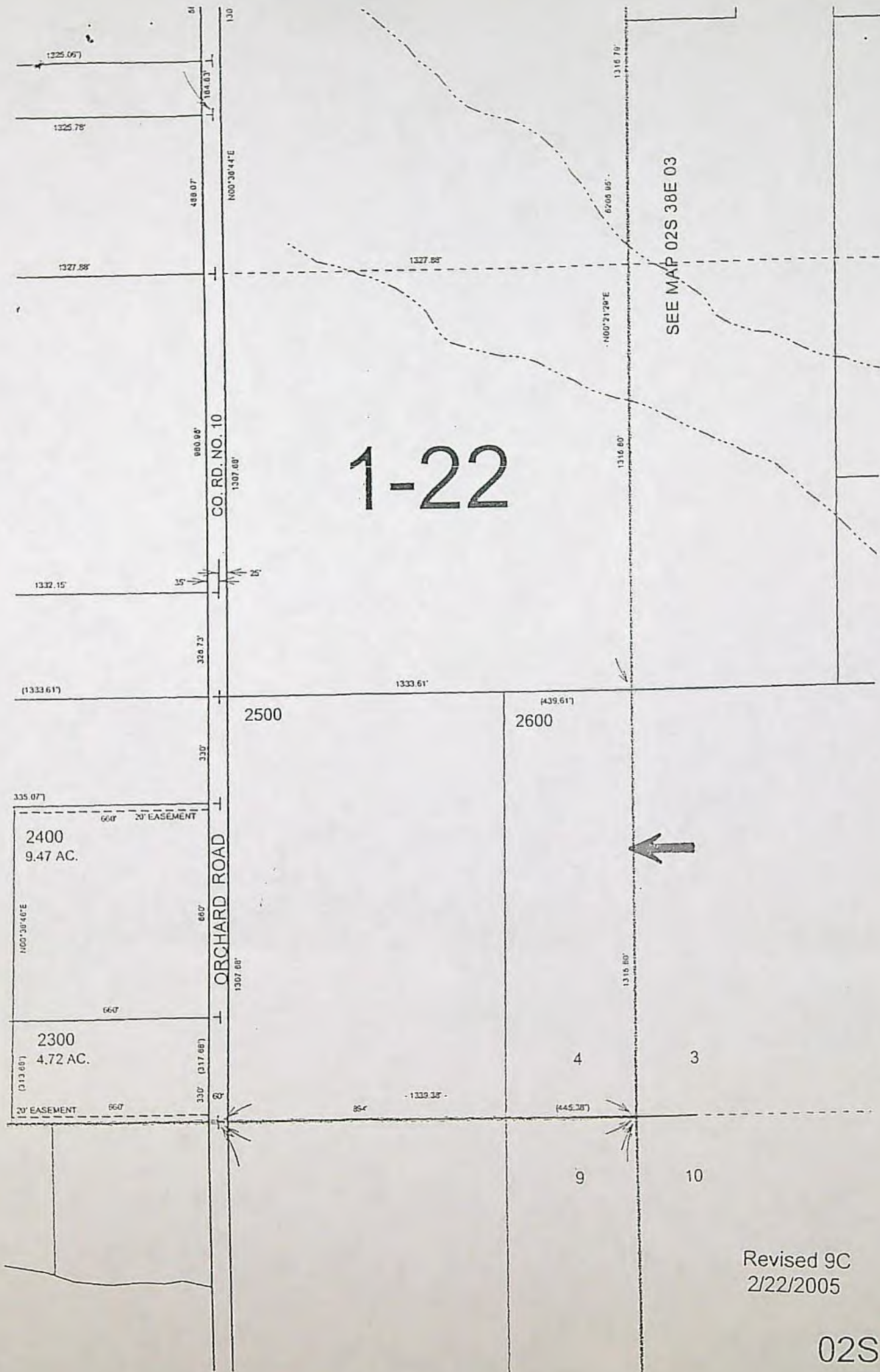
52200

52400

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1-22

SEE MAP 02S 38E 03



Revised 9C
2/22/2005

02S 38E 04

N.M.

02S 38E 09

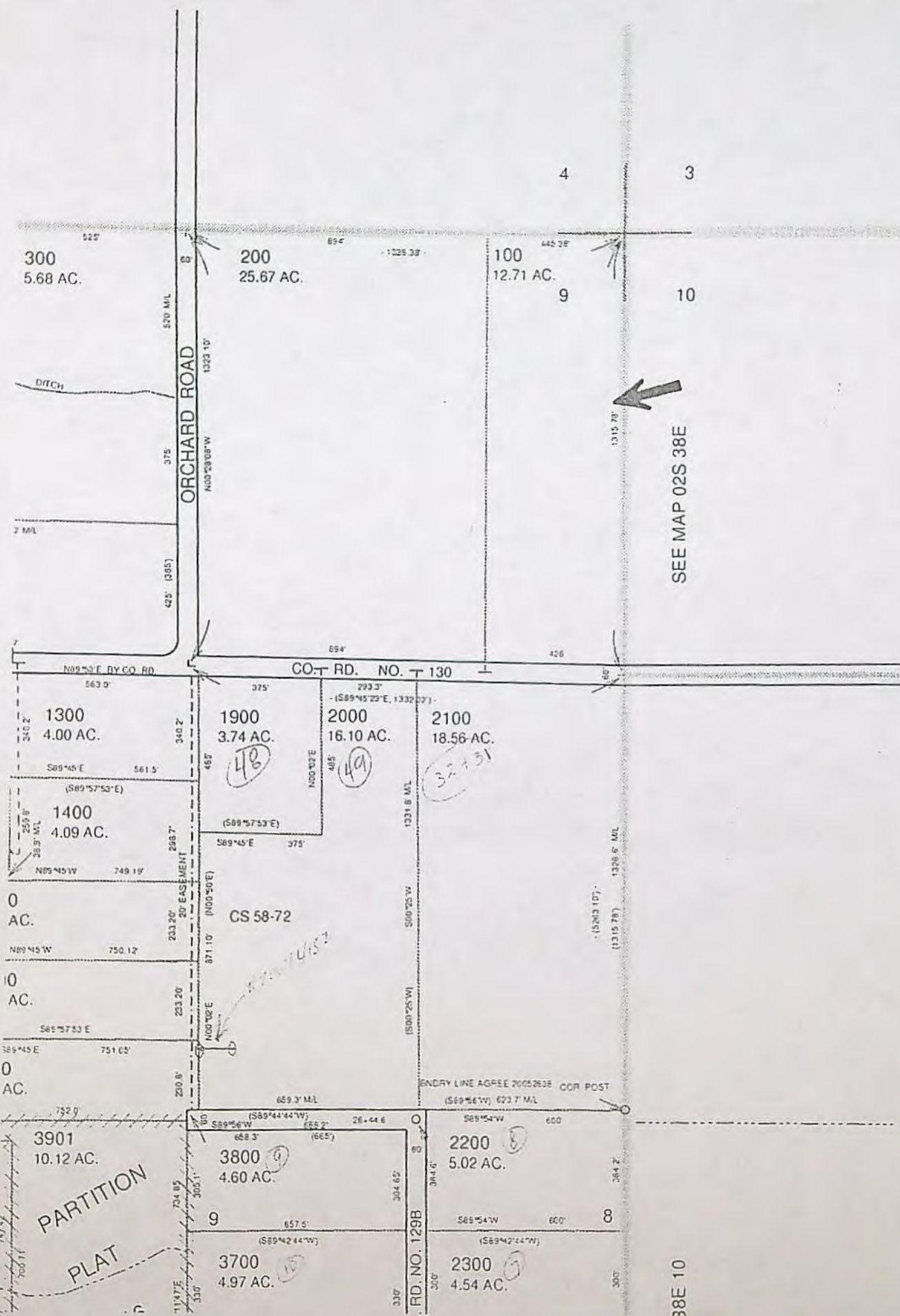
CANCELLED NO.

801

901

902

1001



Subject: T-10455 / Terra-Magic Transfer Applic, as amended
From: Peter Mohr <pdm@mohrwater.com>
Date: Thu, 15 May 2008 15:27:35 -0700
To: Carrie Jones <jonescr@wrdd.state.or.us>

Carrie,

As we discussed, I am writing to provide you with various documents to support Terra-Magic's request to amend its application T-10455. As you know, the purpose of the amendment is to include the completion of an additional well as an alternate POA which will be referred to as "Well No. 3". With this amendment, Terra-Magic therefore seeks the right to (a) deepen Well No. 2 into the basalt, (b) complete newly proposed Well No. 3 into the basalt, and (c) reduce original Well No. 1 to limited use as an "emergency" or "back-up" well.

The attached documents submitted in support of this request to amend application T-10455 consist of the following:

- a. Supplemental Form A, Page 5, as amended;
- b. Exhibit A to the Application, as amended;
- c. A Lot Book Report completed for Terra-Magic's property which additionally confirms that there are no water rights conveyancing documents of public record affecting the subject water right; and
- d. A letter to Farm Plus Financial as confirmation of notice to record lien holder Zion's National Bank together with an e-mail confirmation of receipt.

Regarding the map, I just received confirmation from the CWRE Greg Blackman that he has both mailed you the signed original and e-mailed you a copy of the revised map showing the location of the newly proposed Well No. 3.

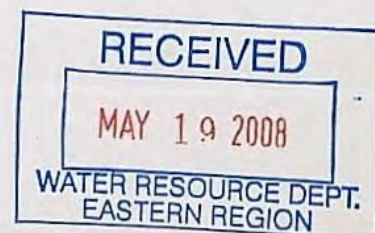
Finally, I would request that Terra-Magic be allowed an initial period of five (5) years from the date of any permitted approval to construct Well No. 3 and deepen Well No. 2 and to apply the water and water right to beneficial use.

Thank you again for your time and efforts on this. Please feel free to contact me with any comments or questions.

Regards,

Peter

--
Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com



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TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS

COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

T-10455 - Amend Supp'l Form A - Page 5.pdf

Content-Type: application/pdf
Content-Encoding: base64

T-10455 - Amend Ex A to Applic.pdf

Content-Type: application/pdf
Content-Encoding: base64

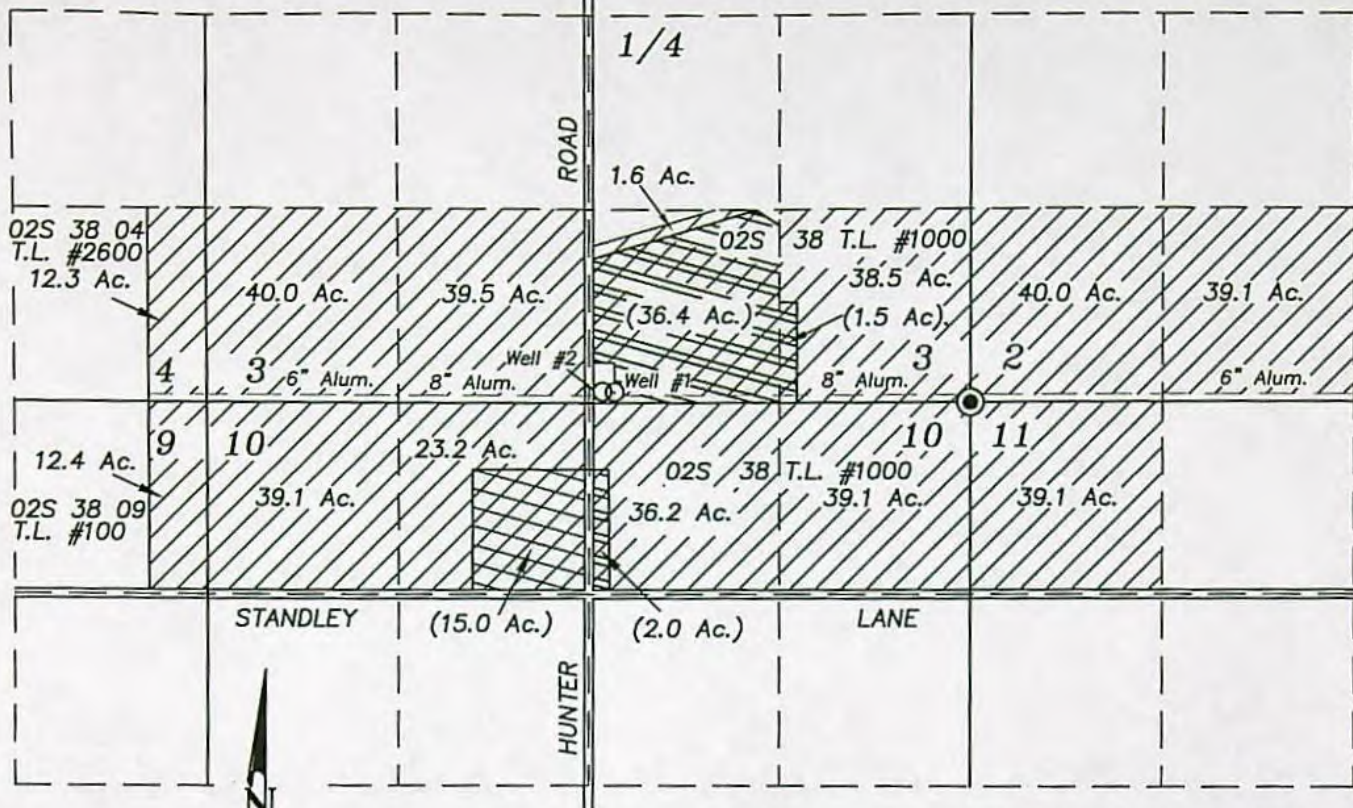
T-10455 Lot Book Report (Incl Wtr Rts Agrs) - D042808.pdf

Content-Type: application/pdf
Content-Encoding: base64

T-10455 - Notice to Lien Hldr.pdf

Content-Type: application/pdf
Content-Encoding: base64

T 2 S R 38 E



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

25.7 Primary Acreage

(12.0) Supplemental Acreage



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

Lands with Primary rights under Certificate 6541 (1869) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.

Lands with Primary rights under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



January 24, 2008

APPLICATION MAP FOR AN ADDITIONAL POINT OF APPROPRIATION

FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

RECEIVED

APR 01 2008

WATER RESOURCE DEPT.
EASTERN REGION

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. T- 10455

Permit Number T- 10455

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
6142 Adams, Bessie Union, Oregon	1864		2.5	Irrigation	Ames	Little Creek	2.5 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6143 Adams, M. A. La Grande, Oregon	May 10, 1902		10	Irrigation	May Park Water Ditch Company	Grande Ronde	10 acres in NE 1/4 SW 1/4 Section 4, T. 3 S. R. 38 E. W. M.
6144 Adams, Thomas Union, Oregon.	1863		4	Irrigation	Ames	Little Creek	4 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6145 Ainsworth, James La Grande, Oregon.	May 10, 1902		18.1	Irrigation	May Park Water Ditch Company	Grande Ronde	8.1 acres in NW 1/4 NW 1/4 10 acres in SW 1/4 NW 1/4 Section 4, T. 3 S. R. 38 E. W. M.
6146 Allen, Civillo, Union, Oregon.	1863		3	Irrigation	Ames	Little Creek	3 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6147 Allen, J. H. Cove, Oregon.	1865		8	Irrigation	Stackland	Warm Creek	8 acres in SW 1/4 SW 1/4 Section 11, T. 3 S. R. 40 E. W. M.
6148 Allen, Peter R. R. No. 1 La Grande, Oregon.	1883		80	Irrigation		Mitchell Canyon Creek	40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 Section 16, T. 2 S. R. 38 E. W. M.
	1883		39.9	Irrigation		Slide Creek	56.4 acres in SW 1/4 SE 1/4 1.5 acres in SE 1/4 SE 1/4 Section 3, 2 acres in NW 1/4 NE 1/4 Section 10, T. 2 S. R. 38 E. W. M.
6151-15221 Amalgamated Sugar Company, Ogden, Utah. P. S. Brewwell, Agt., La Grande, Oregon	June 1905		1049.5	Irrigation	Godley No. 2 Stoddard A and B	Gathering Creek	40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 31 acres in NW 1/4 SW 1/4 9 acres in SW 1/4 SW 1/4 Section 27, 40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in NE 1/4 SW 1/4 3.5 acres in NW 1/4 NW 1/4 36.5 acres in SE 1/4 NW 1/4 13.5 acres in NE 1/4 SW 1/4
(See Paragraph 2 page 2 T-3548 add. POD)							
GRANDE RONDE RIVER - 16							

*They could
cancel this & make the well per*

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 South Range: 38 East Section: 3 Records per Page: 100

Water Right	Changing Years	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:5074 OR *		6/16/1920	IRRIGATION									8	6											
Additional Info: JAMES SPEIRS App: 57347 Permit: 54650 Cert: 5074																								
Select Cert:6148 OR *		12/31/1883	IRRIGATION																			36.4	1.5	
Additional Info: PETER ALLEN Decree: GRANDE RONDE RIVER Cert: 6148																								
Select Cert:6499 OR CN		12/31/1872	IRRIGATION		CN			±0		±0														
Additional Info: ORODELL DITCH ASSOCIATION Cert: 6499																								
Select Cert:34399 OR *	T10455	8/12/1964	IRRIGATION														40	39.5				1.6	38.5	
Additional Info: SYLVAN B RASMUSSEN App: G2946 Permit: G2739 Cert: 34399																								
Select Cert:34926 OR *		7/18/1966	IRRIGATION												37.8									
Additional Info: LEAL GRAHAM App: 542520 Permit: S31943 Cert: 34926																								
Select Cert:58409 OR *		5/10/1976	IRRIGATION									9.7	20.2		14.1									
Additional Info: JOHN SCOTT HARVEY App: 553890 Permit: 540458 Cert: 58409																								
Select Cert:58431 OR *		10/3/1977	STORAGE											*										
Additional Info: JOHN SCOTT HARVEY App: R56704 Permit: R6773 Cert: 58431																								
Select Cert:34399 OR *	T10455	8/12/1964	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			36.4	1.5	
Additional Info: SYLVAN B RASMUSSEN App: G2946 Permit: G2739 Cert: 34399																								
Select Cert:58408 OR *		1/26/1978	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									9.7	20.2		14.1									
Additional Info: JOHN SCOTT HARVEY App: G8626 Permit: G7916 Cert: 58408																								
Select Cert:58432 OR *		10/3/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									9.7	20.2		1.1									
Additional Info: JOHN SCOTT HARVEY App: S56703 Permit: S42713 Cert: 58432																								

Acreage Legend: 12.25 Regular acreage ±0.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Township: 2

South  Range: 38

East  Section: 2

Records per Page: 100

Select Cert:34399 OR *	T10455	8/12/1964	IRRIGATION
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Additional Info:
SYLVAN B RASMUSSEN
App: G2946
Permit: G2739
Cert: 34399

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 South Range: 38 East Section: 10 Records per Page: 100

Water Right	Changing	Priority	Use	Use	DLC	Gov't	Q(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Permit:	Info:			Status		Lat	Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Q(160)
Select Permit:G 12022 *	Additional Info: WESTENSKOW FARMS INC. App: G13228 Permit: G12022	12/28/1992	IRRIGATION							38.2	38.2									39.1	39.1	38.2	33.8	
Select Cert:6148 OR *	Additional Info: PETER ALLEN Decree: GRANDE RONDE RIVER Cert: 6148	12/31/1883	IRRIGATION					2																
Select Cert:6541 OR *	Additional Info: G W ROBERTSON Decree: GRANDE RONDE RIVER Cert: 6541	12/31/1869	IRRIGATION								15													
Select Cert:34399 OR *	Additional Info: SYLVAN B RASMUSSEN App: G2946 Permit: G2739 Cert: 34399	T10455 8/12/1964	IRRIGATION					39.1	36.2		23.2	39.1												
Select Cert:44661 OR *	Additional Info: W.W. COLLINGWOOD App: S46568 Permit: S34605 Cert: 44661	12/3/1969	IRRIGATION													15.7								
Select Cert:47201 OR *	Additional Info: DAVID C/MARY H NICHOLS App: S51629 Permit: S38827 Cert: 47201	1/25/1974	IRRIGATION												39.5	20		18.2						
Select App:G 16602 *	Additional Info: THOMAS KOHR App: G16602	1/19/2006	IRRIGATION												39.2	40		38.4						
Select Permit:S 54400 *	Additional Info: JANICE KOHR App: S86787 Permit: S54400	2/1/2007	IRRIGATION													9.2		17.5						
Select Permit:R 11845 *	Additional Info: THOMAS KOHR App: R76190 Permit: R11845	12/27/1994	LIVESTOCK																					
Select Cert:47200 OR *	Additional Info: DAVID C/MARY NICHOLS App: R51816 Permit: R6242 Cert: 47200	1/25/1974	LIVESTOCK																					
Select Cert:47201 OR *	Additional Info: DAVID C/MARY H NICHOLS App: S51629 Permit: S38827 Cert: 47201	1/25/1974	LIVESTOCK																					
Select Permit:R 14427 *	Additional Info: JANICE KOHR App: R86786 Permit: R14427	2/1/2007	MULTIPLE PURPOSE																					
Select Cert:44660 OR *	Additional Info: W.W. COLLINGWOOD App: R46567 Permit: R5562 Cert: 44660	12/3/1969	STORAGE																					
Select Cert:47200 OR *	Additional Info: DAVID C/MARY NICHOLS App: R51816 Permit: R6242 Cert: 47200	1/25/1974	STORAGE																					
Select Cert:34399 OR *	Additional Info: SYLVAN B RASMUSSEN App: G2946 Permit: G2739 Cert: 34399	T10455 8/12/1964	SUPPLEMENTAL IRRIGATION (Suppl'mb)					2			15													
Select Permit:S 54400 *	Additional Info: JANICE KOHR App: S86787 Permit: S54400	2/1/2007	SUPPLEMENTAL IRRIGATION (Suppl'mb)												39.5	20		18.2						

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 South Range: 38 East Section: 11 Records per Page: 100

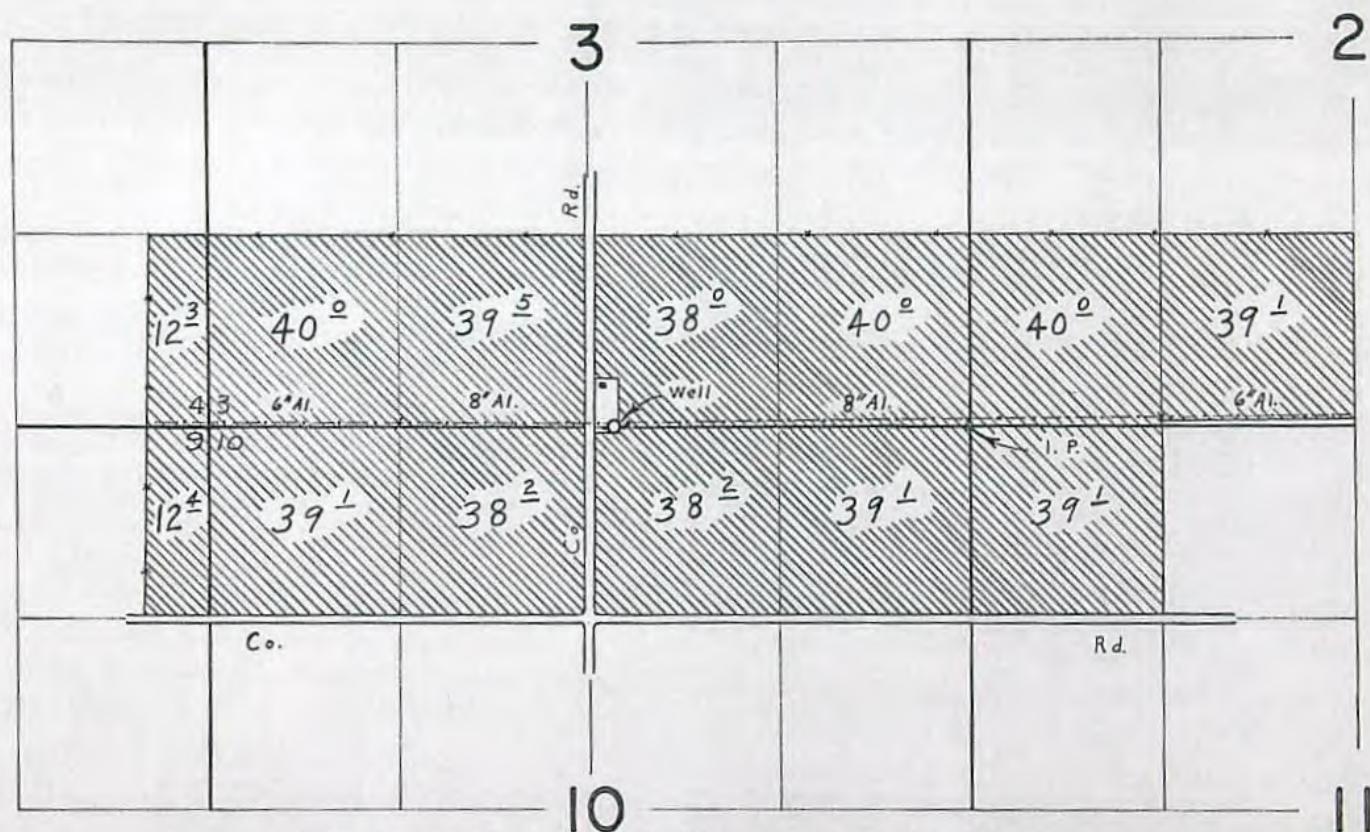
Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:34399 OR *	T10455	8/12/1964	IRRIGATION										39.1											
Additional Info: SYLVAN B RASMUSSEN App: G2946 Permit: G2739 Cert: 34399																								
Select Permit:G 16228 *		9/12/2005	IRRIGATION					38.2	38.1			39.1		38.2	39.1	40	39.1	39.1	40					
Additional Info: KIRK END App: G16533 Permit: G16228																								

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Meridian: WILLAMETTE Township: 2 South Range: 38 East Section: 4 Records per Page: 100

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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T.2 S.R.38 E.W.M.



Well located 10' N. & 2460' W. from the S.E. Cor. Sec. 3

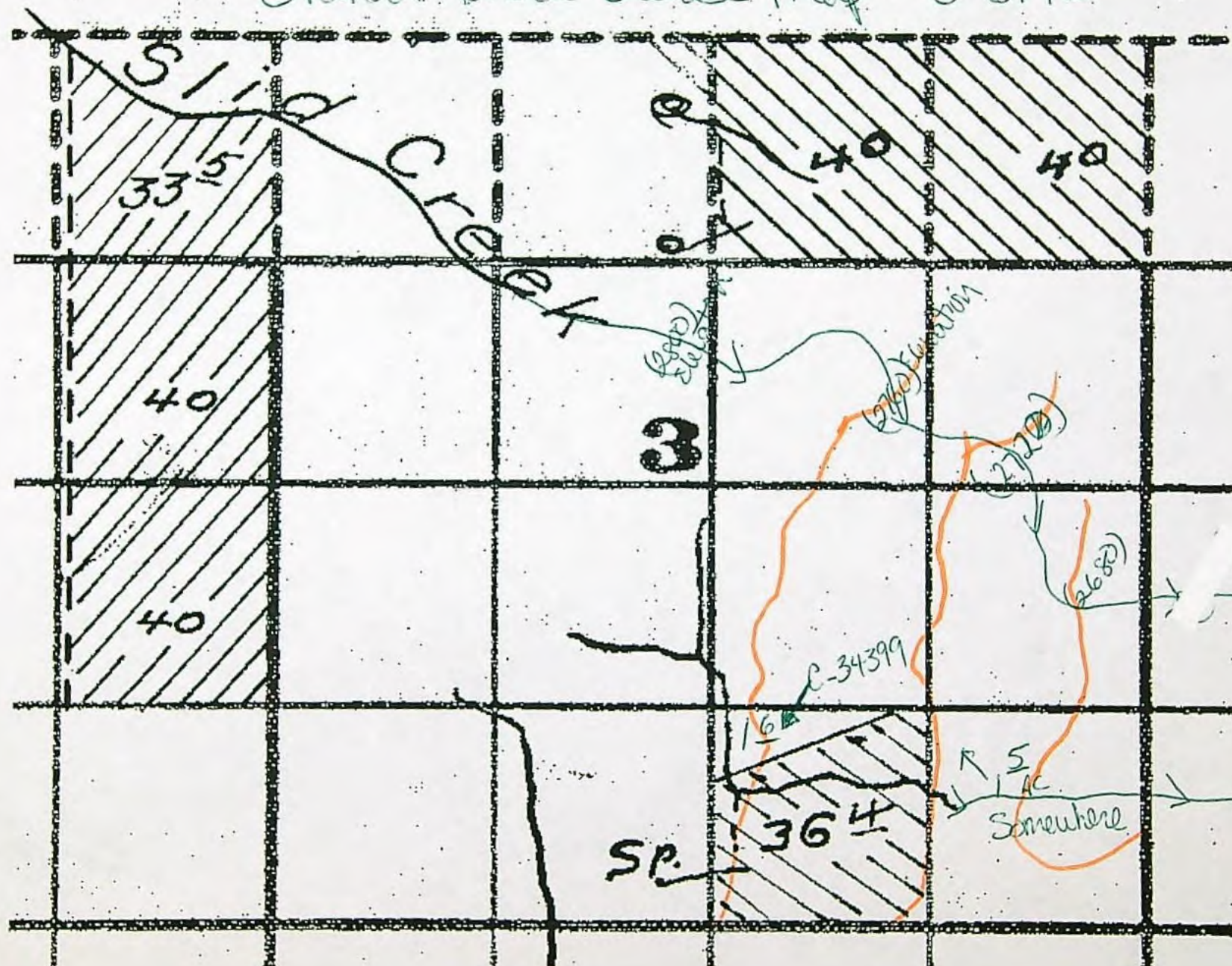
FINAL PROOF SURVEY UNDER

Application No. G-2946 Permit No. G-2739
IN NAME OF

SYLVAN B. & MARTHA JOY RASMUSSEN

Surveyed Nov. 3 1966 by L. E. Gould

Grande Ronde Deeres Map - C-6148



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
6142 Adams, Bessie Union, Oregon	1864		2.5	Irrigation	Ames	Little Creek	2.5 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6143 Adams, M. A. La Grande, Oregon	May 10, 1902		10	Irrigation	May Park Water Ditch Company	Grande Ronde	10 acres in NE 1/4 NW 1/4 Section 4, T. 3 S. R. 38 E. W. M.
6144 Adams, Thomas Union, Oregon.	1863		4	Irrigation	Ames	Little Creek	4 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6145 Ainsworth, James La Grande, Oregon.	May 10, 1902		18.1	Irrigation	May Park Water Ditch Company	Grande Ronde	8.1 acres in NW 1/4 NW 1/4 10 acres in SW 1/4 NW 1/4 Section 4, T. 3 S. R. 38 E. W. M.
6146 Allen, Civillo, Union, Oregon.	1863		3	Irrigation	Ames	Little Creek	3 acres in SE 1/4 NW 1/4 Section 18, T. 4 S. R. 40 E. W. M.
6147 Allen, J. H. Cove, Oregon.	1885		8	Irrigation	Stackland	Warm Creek	8 acres in SW 1/4 SW 1/4 Section 11, T. 3 S. R. 40 E. W. M.
6148 Allen, Peter R. R. No. 1 La Grande, Oregon.	1883		80	Irrigation		Mitchell Canyon Creek	40 acres in NE 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 Section 16, T. 2 S. R. 38 E. W. M.
	1883		39.9	Irrigation		Slide Creek	36.4 acres in SW 1/4 SE 1/4 1.5 acres in SE 1/4 SE 1/4 Section 3, 2 acres in NW 1/4 NE 1/4 Section 10, T. 2 S. R. 38 E. W. M.
6151 Amalgamated Sugar Company, Ogden, Utah. F. S. Bramwell, Agt., La Grande, Oregon	June 1905		1049.5	Irrigation	Godley No. 2 Stoddard A and B	Gathering Creek	40 acres in NE 1/4 SW 1/4 40 acres in SE 1/4 SW 1/4 31 acres in NW 1/4 SW 1/4 9 acres in SW 1/4 SW 1/4 Section 27, 40 acres in NE 1/4 NE 1/4 40 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 40 acres in NW 1/4 NE 1/4 40 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 40 acres in SW 1/4 SE 1/4 40 acres in NW 1/4 SE 1/4 40 acres in NE 1/4 SW 1/4 3.5 acres in NW 1/4 NW 1/4 36.5 acres in SE 1/4 NW 1/4 13.5 acres in NE 1/4 SW 1/4
(See Paragraph 2 page 2 T. 3548 add'l P.O.D.							
GRANDE RONDE RIVER - 16							

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Tuesday, June 24, 2008 11:01 AM
To: Carrie Jones
Cc: John D. Rasmussen
Subject: Re: Revised DPD T-10455

Carrie,

In response to our conversation of this morning, I am writing to confirm that the applicant Terra-Magic is in agreement with the final changes to the DRAFT PD as presented under your e-mail below of June 20th.

Thank you again for your efforts on this. Please feel free to contact me with any additional questions.

Regards,

Peter

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

NOTICE: THE INFORMATION CONTAINED IN THIS COMMUNICATION AND ITS ATTACHMENTS MAY BE PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR E-MAIL, AND DELETE IT FROM YOUR COMPUTER. THANK YOU.

TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

Carrie Jones wrote:

>
> Good morning Peter;
>
>
>
> Ivan and Debbie had an opportunity to go over the language you and I
> discussed. Attached is the revised document. Please take a look at
> it and if you have questions, give me a call.
>
>
>
>
>
> **Carrie Jones**
>
> **Transfer Specialist**
>
> 541-523-8224 Ext 36
>
> Fax: 1-866-214-3493
>
> carrie.r.jones@ wrd.state.or.us <mailto:carrie.r.jones@ wrd.state.or.us>
>
>
>
> Water Resources Dept.
>
> Eastern Region
>
> 1995 3rd Street, Suite 180
> Baker City, OR 97814
>
> _www.wrd.state.or.us <http://www.wrd.state.or.us>_
>
>
>

Carrie Jones

From: Carrie Jones
Sent: Wednesday, June 04, 2008 3:48 PM
To: 'Peter Mohr'
Cc: Debbie Colbert; Ivan Gall; 'Mike Zwart'; 'barloenv@ucinet.com'
Importance: High
Attachments: 10455-dpd2.doc

Peter;

Attached is a revised draft preliminary determination. Please review it and let me know if this meets the intent of the transfer as well as captures our conversations regarding the conditions.

Please let me know within the next couple of weeks so I can prepare the transfer to send to Salem for final processing.

Give me a call if you have any questions.

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
Fax: 1-866-214-3493
carrie.r.jones@wrд.state.or.us

Address:
1995 3rd Street, Suite 180
Baker City, OR 97814
www.wrд.state.or.us

6/18/08
Contact

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10455, Union County

) **REVISED DRAFT**
) PRELIMINARY DETERMINATION
) PROPOSING TO APPROVE AN
) ADDITIONAL POINT OF
) APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establishes 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 OR 97850

Findings of Fact

Background

1. On September 5, 2007, Terra Magic Inc. filed an application for an additional point of appropriation under Certificate 34399. The Department assigned the application number T-10455.
2. On November 18, 2007 the applicant was notified of the deficiencies found in the application and map.
3. On December 18, 2007 a representative for the applicant resolved a portion of the issues.
4. On March 3, 2008 the application map was amended.
5. On April 1, 2008 a second amendment to the application map was made.
6. The portion of the right to be transferred is as follows:
Certificate: 34399 in the name of Sylvan B Rasmussen; Martha Joy Rasmussen (perfected under Permit G-2739)
Use: IRRIGATION of 400.1 ACRES; SUPPLEMENTAL IRRIGATION of 54.9 ACRES
Priority Date: AUGUST 12, 1964
Rate: 5.6 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: WELL 1 (UNIO 325) in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL No. 1: 10 FEET NORTH & 2460 FEET WEST FROM SE CORNER, SECTION 3

Authorized Place of Use:

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
				Total:	400.1

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
				Total:	54.9

7. The applicant proposes to deepen and alter a well identified by well log number (UNIO 51475) also known as Well No. 2 in order to develop water from only the basalt aquifer. Application T-10455 proposes to add the following well to the water right:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL No. 2: 79 FEET NORTH AND 2548 FEET WEST FROM THE SE CORNER, SECTION 3

8. The applicant also proposes to construct an additional well completed in the basalt aquifer located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	3	SW SE	WELL NO 3: 40 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER, SECTION 3

9. Notice of the application for transfer was published on September 18, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

10. There is no sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10455.
12. Well No 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result the alluvial and underlying aquifers were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair the well in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
13. Based on information available, the department finds that the well UNIO 325 developed 2.8 CFS from the alluvial aquifer and 2.8 CFS from the basalt aquifer.
14. Developing more water from the basalt aquifer than was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if condition 4 below is met.
15. The proposed change would not result in injury to other water rights.
16. The issuance of a final order approving this transfer does **not** relieve the applicant from complying with the requirements for construction standards for all wells, as may be required by OAR Chapter 690, Division 200, Well Construction and Maintenance.
17. The applicant requested that the completion deadline be extended until 2013.
18. On April 11, 2008, the Department mailed the applicant and agent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10455. The draft Preliminary Determination set forth a deadline of May 7, 2008, for the applicant to respond. The authorized agent responded and submitted an amendment to the application and map and provided an ownership and lien report on May 19, 2008.
19. On _____ the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer (or amended the application or did not respond by the deadline).
20. On May 19, 2008, the applicant requested a condition regarding the use of the authorized well known as Well No 1, and is described in finding of fact number 6. The condition will require that Well No 1 shall be dedicated as an "emergency use" or "back-up well" where the proposed well or wells become inoperable and that prior to withdrawal of Well No 1, the applicant shall inform the local Watermaster of their intentions.

Determination and Proposed Action

The change for an additional point of appropriation proposed in application T-10455 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. The transfer application meets the standards for completeness as per ORS 540.520 and OAR Chapter 690, Division 380 completeness standards currently in effect.

1. *The additional points of appropriation proposed in application T-10455 are approved.*
2. *Water right Certificate 34399 is cancelled.*
3. *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.*
4. *Water from the new wells shall be acquired from only a single aquifer. If the new wells develop the basalt aquifer, they shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent basalt, estimated to be 800.0 feet below land surface, to ensure that water is developed only from the basalt aquifer. In the event a water-bearing zone is encountered in the upper 20 feet of basalt, the applicant or driller shall immediately contact the Department's groundwater section.*
5. *The quantities of water diverted at the new wells are limited to either 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer. Further, when both the new and original wells are operated at the same time, the quantity of water diverted shall not exceed a cumulative total of 2.8 cfs from the basalt aquifer or 2.8 cfs from the alluvial aquifer.*
6. *Prior to diverting water, the water user shall install an in-line 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.*
7. *Groundwater withdrawal from Well No. 1 shall be limited to emergency use only under those circumstances where Well No. 2 or Well No. 3 as described in findings of fact 7 and 8, become inoperable to the extent that the applicant is unable to withdraw ground water. Water from Well No. 1 shall not be used for more than 30 days for the irrigation season of each year.*
8. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrd.state.or.us.

Carrie Jones

From: Lisa Jaramillo
Sent: Monday, April 07, 2008 5:31 PM
To: Carrie Jones
Subject: RE: Terra Magic
Attachments: 10455_lisa's edits_4-7-08.doc

Hi Carrie,

I attempted to save my edits on the attached version of your document. Let me know what you think.

Lisa

From: Carrie Jones
Sent: Monday, April 07, 2008 2:05 PM
To: Lisa Jaramillo; Doug Woodcock; Ivan Gall
Subject: Terra Magic

Hi Folks;

I amended the Draft Preliminary Determination for Terra Magic. I hope this captured everything that was discussed.

Doug, I thought I would ship this over a sap so you can have a chance to look at it since you are going on vacation pretty soon (lucky duck).

I am working on the cover letter right now. I will send it shortly as well.

Lisa & Ivan; Let me know your thoughts and if you see something that needs tweaked.

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
carrie.r.jones@wrdd.state.or.us

Water Resources Department
1995 3rd Street
Baker City, OR 97814
www.wrdd.state.or.us

4/8/2008

Carrie Jones

From: Ivan Gall
Sent: Monday, April 07, 2008 6:06 PM
To: Peter Mohr
Cc: Debbie Colbert; Carrie Jones
Subject: RE: Application T-10455 / Terra-Magic

Peter, I was out last week and have been catching up.
I read the letter and forwarded it to the groundwater section for their review.
As I hear back from them I will be contacting you. Thanks for taking the time to provide this information.
Regards-

Ivan K. Gall
Manager, Eastern Region
Oregon Water Resources Department
1995 3rd Street Suite 180
Baker City OR 97814
541.523.8224 ext. 24
FAX 866.214.3493
Ivan.K.Gall@wrdd.state.or.us

-----Original Message-----
From: Peter Mohr [mailto:pdm@mohrwater.com]
Sent: Friday, April 04, 2008 4:57 PM
To: Ivan Gall
Cc: Carrie Jones
Subject: Application T-10455 / Terra-Magic

Ivan,

Thought I should check in to see if there have been any new developments on this at your end since my letter of last Friday.

Regards,

Peter

--
Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Friday, April 04, 2008 4:57 PM
To: Ivan Gall
Cc: Carrie Jones
Subject: Application T-10455 / Terra-Magic

Ivan,

Thought I should check in to see if there have been any new developments on this at your end since my letter of last Friday.

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
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Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Friday, March 28, 2008 7:12 AM
To: Ivan Gall
Cc: Carrie Jones; John D. Rasmussen
Subject: Terra-Magic Applic T-10455

Attachments: OWRD-Ivan Gall Ltr-032808.pdf



**OWRD-Ivan
Ltr-032808.pdf**

Dear Ivan,

Please find attached additional comments submitted by Terra-Magic in support of its pending application T-10455.

Please feel free to contact me with any comments or questions.

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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Carrie Jones

From: Lisa Jaramillo
Sent: Tuesday, March 25, 2008 10:42 AM
To: Carrie Jones
Subject: Another exanple for Terra Magic
Attachments: 10375-pd-GR Mod.doc

Carrie,

Take a look at Findings # 9 - # 11 and Conditions # 7 - # 11.

See ya,
Lisa

4/8/2008

Carrie Jones

From: Lisa Jaramillo
Sent: Tuesday, March 25, 2008 9:44 AM
To: Carrie Jones
Subject: Draft FO language to assist with Terra Magic Transfer
Attachments: 10436-draft-FO.dot

Hi Carrie,

Here is the draft Final Order for permit amendment we discussed. It has NOT been sent out yet. In particular, take a look at Findings #7 and #8 and Conditions #2 and #3. It's not quite the same issue as yours. We were leaning mostly on the requirement that the new wells develop the same source as the original permitted well that was required to be reconstructed in the permit.

Hope it helps.

Have a nice morning,
Lisa

4/8/2008

Carrie Jones

From: Greg Blackman Jr. - BGB Inc. [gt@bgbsurveyors.com]
Sent: Tuesday, March 25, 2008 5:51 PM
To: Carrie Jones
Subject: Re: Terra magic

I WILL SEND YOU A STAMPED COPY IN THE MAIL TODAY.

THANKS GREG

----- Original Message -----

From: Carrie Jones
To: Greg Blackman Jr. - BGB Inc.
Sent: Tuesday, March 25, 2008 1:15 PM
Subject: Terra magic

Hi Greg;

I looked at the draft map for Terra Magic. It looks like the issue is resolved. Could you send me the stamped version?

Thanks,

Carrie Jones	Water Resources Department
Transfer Specialist	1995 3rd Street
541-523-8224 Ext 36	Baker City, OR 97814
carrie.r.jones@wrdd.state.or.us	www.wrdd.state.or.us

4/8/2008

Carrie Jones

From: Ivan Gall
Sent: Friday, March 21, 2008 5:06 PM
To: Doug Woodcock; Debbie Colbert
Cc: Mike Zwart; Carrie Jones
Subject: Terramagic transfer

Hi Folks-

I spoke with Peter Mohr this afternoon; he is the atty. for Terramagic. Carrie is ready to work on the draft prelim. determination. Some questions came up for which I did not have a clear answer:

1. Could the original well (now 4" galv. Pipe) be used for anything?
2. What well construction stds. would we want for a new basalt well (standard 10 feet into basalt, or 25 feet)?
3. Some of the groundwater certificates/permits have language along the lines of "Well #1 tributary to Bear Creek".

Does that mean that well #1 is located in the vicinity of Bear Creek? Or did it imply some degree of hydraulic connection between well #1 and Bear Creek?

4. An interesting thought; we could use what's left of well #1 to check the seal/construction on the new basalt well while it is pumping (head decline in #1).

Ivan K. Gall
Manager, Eastern Region
Oregon Water Resources Department
1995 3rd Street Suite 180
Baker City OR 97814
541.523.8224 ext. 24
FAX 866.214.3493
Ivan.K.Gall@wrd.state.or.us

Carrie Jones

From: Greg Blackman Jr. - BGB Inc. [gt@bgbsurveyors.com]
Sent: Monday, March 10, 2008 6:35 PM
To: Peter Mohr
Cc: Carrie Jones
Subject: Re: RASMUSSEN TRY 4 MAP

Attachments: RassmssnWell try4.pdf



RassmssnWell try4.pdf (78 K)

PETER this is what we came up with from the information we got from Carrie. This should reflect what is on record with water resources. I also sent this map to Carrie. Let us know if we need to change anything.

Greg

----- Original Message -----

From: "Peter Mohr" <pdm@mohrwater.com>
To: <gt@bgbsurveyors.com>
Sent: Wednesday, January 30, 2008 2:15 PM
Subject: test

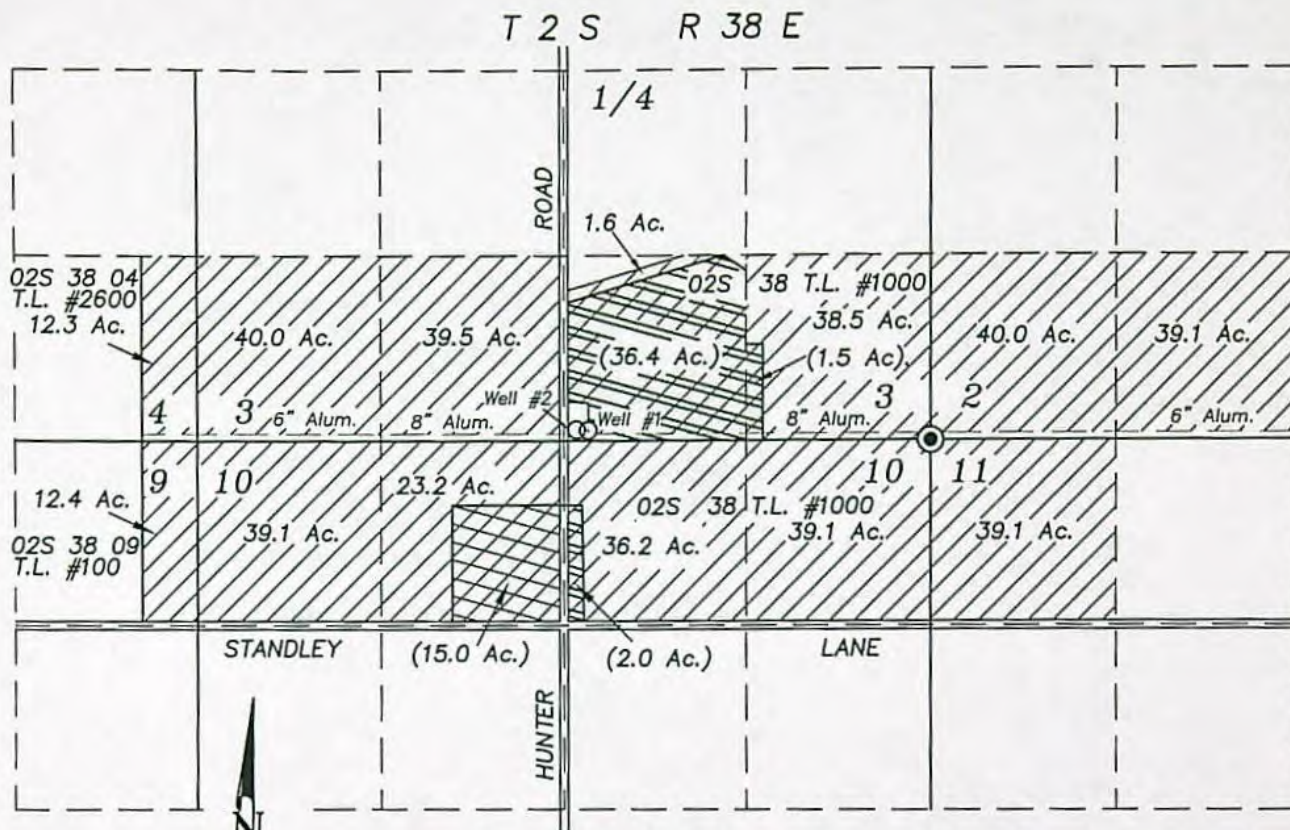
>
> --
> Peter D. Mohr
> Attorney at Law
> One SW Columbia Street, Suite 1110
> Portland, Oregon 97258
> ph: (503) 221-5222
> fax: (503) 227-7829
> pdm@mohrwater.com
>

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ADVICE
IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT
REQUIREMENTS.

>



Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

25.7 Primary Acreage
(12.0) Supplemental Acreage



Lands with Primary rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



Lands with Primary rights under Certificate 6541 (1869) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



Lands with Primary rights under Certificate 6148 (1883) and Supplemental rights under Certificate 34399 from Well number 1, requesting additional point of Appropriation from Well number 2.



January 24, 2008

APPLICATION MAP FOR AN ADDITIONAL POINT OF APPROPRIATION

FOR
TERRA MAGIC INC.

BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

Application No. T- 10455

Permit Number T- 10455

Carrie Jones

From: Carrie Jones
Sent: Monday, March 03, 2008 10:21 AM
To: 'Peter Mohr'
Cc: 'Greg Blackman Jr. - BGB Inc.'
Subject: RE: Application T-10455 / Terra-Magic

Attachments: RassmssnWell try3.pdf



**RassmssnWe
try3.pdf (91 K**

Peter;

I received the voice mail message you sent me. Attached is the document that I sent to Greg. I am currently looking for our e-mail correspondence.

Greg;

I'm sending this to you as well. I hadn't talked to you after I sent the e-mail on or around 1/28/08. Peter called me this morning inquiring on the status. It occurred to me that since we had not talked that perhaps you didn't receive it.

Both of you are welcome to give me a call if there is anything you would like to go over. I will be in the office until 4 p.m.

Thanks,

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
carrie.r.jones@ wrd.state.or.us

Water Resources Department
1995 3rd Street
Baker City, OR 97814
www.wrd.state.or.us

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Tuesday, December 18, 2007 3:37 PM
To: Carrie Jones
Cc: Colton Rasmussen
Subject: Terra-Magic / T-10455 / By-laws

Attachments: T-Magic By Laws - 2001.pdf



**T-Magic By
Laws - 2001.pdf (**

Carrie,

As we discussed yesterday, please find attached a copy of Terra-Magic's By-laws. In particular, you'll want to look at Sections 1 and 2 of Article IV which delineate the scope of responsibilities exclusive to the President as well duties to be assumed by the Vice President.

You'll notice that under Section 1, only the President may execute certain documents with all others subject to her supervision, but not requiring her signature. Hence, outside of this limited universe, other documents involving third party contracts, permit applications, and other matters do not require the President's signature. Further, you'll see under Section 2 that the Vice President may execute documents in the absence of the President. While Terra-Magic is an Oregon corporation with its operations outside of La Grande, its President is often out of state and was not available at the time to sign the application. Hence, the Vice President can also execute the permit application on Terra-Magic's behalf under Section 2.

Finally, as we also discussed, as soon as I receive a revised map from the CWRE, I'll forward it on to you.

Please feel free to contact me with any questions.

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Friday, December 14, 2007 11:58 AM
To: Carrie Jones
Subject: Re: Checking In

Carrie,

Please give me a call.

Regards,

Peter Mohr

Carrie Jones wrote:

> Peter;
>
> I have not heard from you since the last e-mail, which is listed below.
Let me know what you would like to do next.

>
> Thank you,
>

>
> Carrie Jones Water Resources Department
> Transfer Specialist 1995 3rd Street
> 541-523-8224 Ext 36 Baker City, OR 97814
> carrie.r.jones@wrdd.state.or.us www.wrdd.state.or.us

>
>
>
>
>
> -----Original Message-----

> From: Peter Mohr [mailto:pdm@mohrwater.com]
> Sent: Thursday, November 15, 2007 2:18 PM
> To: Carrie Jones
> Cc: Ivan Gall
> Subject: Re:

>
> Carrie,
>

> I just saw your e-mail and will look into these issues tomorrow. My
> initial inclination is to address all of these now prior to the issuance
> of the PD.

>
> Regards,

>
> Peter

>
> Carrie Jones wrote:

>
>> Peter;

>>

>> *I have completed a cursory review of the transfer for Terra Magic
>> (t-10455) and found a few discrepancies that I would like to go over
>> with you. *

>>

>> 1) The secretary of State, corporation division, lists Debra Powell,
>> 19311 E Tufts Circle, Aurora Co., as the president of the corporation.
>> No Vice President is listed.

>>

>> **Dennis Rasmussen, Vice Pres., signed the application. I found
>> nothing that gives him authority to make these decisions. Do you have
>> something that gives Dennis this authority?

>>

>> The link below will take you to the information described above:
>> http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE
>> <[http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE)
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>>

>> *The other items are the map and application deficiencies that can be
>> addressed now or when the draft preliminary determination is issued.*

>>

>> 1) The application says that the entire certificate is included in
>> this transfer. This is located on page 4 of Supplemental Form A which
>> is attached for your convenience.

>>

>> **The Map shows a 12.4 Acre Piece in the NE¼ NE¼, of Section 9, that
>> is not shown to be affected by the transfer. These contradict one
>> another. This can be found the marked up map which is also attached
>> and labeled as #5.

>>

>> 2) Certificate 34399 lists supplemental acres as well as primary
>> acres. These are not delineated on the application map and are labeled
>> as numbers 1,2,6,7.

>>

>> 3) The Tax Lot numbers are not listed on the map and are labeled as
>> number 3 & 4 on the attached map.

>>

>> 4) The Primary and Supplemental Lands as well as the Certificate
>> number need to be hachured accordingly and are labeled as #8 on the
>> attached map.

>>

>> The draft preliminary determination will be issued shortly after the
>> issue of Dennis Rasmussen's decision making authority is resolved.
>> Please call me as soon as possible. I would be happy to discuss the
>> other items with you at that time as well or we can discuss them after
>> the preliminary determination is issued.

>>

>> Sincerely,

>>

>> Carrie Jones Water Resources Department
>> Transfer Specialist 1995 3rd Street
>> 541-523-8224 Ext 36 Baker City, OR 97814
>> carrie.r.jones@wrd.state.or.us www.wrd.state.or.us
>> <<http://www.wrd.state.or.us>>

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Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
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Carrie Jones

From: Carrie Jones
Sent: Tuesday, December 11, 2007 2:13 PM
To: Ivan Gall
Subject: FW: Checking In

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
carrie.r.jones@wrdd.state.or.us

Water Resources Department
1995 3rd Street
Baker City, OR 97814
www.wrdd.state.or.us

-----Original Message-----

From: Peter Mohr [mailto:pdm@mohrwater.com]
Sent: Tuesday, December 11, 2007 2:05 PM
To: Carrie Jones
Subject: Re: Checking In

Carrie,

Thanks for the follow up. Terra-Magic's VP has been tied up in a bunch of matters out of state and so they will be sending me the necessary corporate docs this week. I am also addressing the mapping issues with the CWRE.

Regards,

Peter

Carrie Jones wrote:

> Peter;

>

> I have not heard from you since the last e-mail, which is listed below. Let me know what you would like to do next.

>

> Thank you,

>

>

> Carrie Jones	Water Resources Department
> Transfer Specialist	1995 3rd Street
> 541-523-8224 Ext 36	Baker City, OR 97814
> carrie.r.jones@wrdd.state.or.us	www.wrdd.state.or.us

>

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> Sent: Thursday, November 15, 2007 2:18 PM
> To: Carrie Jones
> Cc: Ivan Gall
> Subject: Re:
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> Carrie,
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> I just saw your e-mail and will look into these issues tomorrow. My
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>
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>> <[http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE)
>> [p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE)>
>>
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>> this transfer. This is located on page 4 of Supplemental Form A which
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>> Sincerely,
>>
>> Carrie Jones Water Resources Department
>> Transfer Specialist 1995 3rd Street
>> 541-523-8224 Ext 36 Baker City, OR 97814
>> carrie.r.jones@wrd.state.or.us www.wrd.state.or.us
>> <<http://www.wrd.state.or.us>>
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Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT
REQUIREMENTS.

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Tuesday, December 11, 2007 2:05 PM
To: Carrie Jones
Subject: Re: Checking In

Carrie,

Thanks for the follow up. Terra-Magic's VP has been tied up in a bunch of matters out of state and so they will be sending me the necessary corporate docs this week. I am also addressing the mapping issues with the CWRE.

Regards,

Peter

Carrie Jones wrote:

> Peter;
>
> I have not heard from you since the last e-mail, which is listed below.
Let me know what you would like to do next.

>
> Thank you,
>
>
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> carrie.r.jones@wrdd.state.or.us www.wrdd.state.or.us

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>
>
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> -----Original Message-----

> From: Peter Mohr [mailto:pdm@mohrwater.com]
> Sent: Thursday, November 15, 2007 2:18 PM
> To: Carrie Jones
> Cc: Ivan Gall
> Subject: Re:

>
> Carrie,
>

> I just saw your e-mail and will look into these issues tomorrow. My
> initial inclination is to address all of these now prior to the issuance
> of the PD.

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> Regards,

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> Peter

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>> <[http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE)
>> [p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det1?p_be_rsn=530365&p_srce=BR_INQ&p_print=FALSE)>
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>> as numbers 1,2,6,7.
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Carrie Jones

From: Carrie Jones
Sent: Monday, December 10, 2007 7:40 AM
To: 'pdm@mohrwater.com'
Cc: Ivan Gall
Subject: Checking In

Peter;

I have not heard from you since the last e-mail, which is listed below. Let me know what you would like to do next.

Thank you,

Carrie Jones	Water Resources Department
Transfer Specialist	1995 3rd Street
541-523-8224 Ext 36	Baker City, OR 97814
carrie.r.jones@wrdd.state.or.us	www.wrdd.state.or.us

-----Original Message-----

From: Peter Mohr [mailto:pdm@mohrwater.com]
Sent: Thursday, November 15, 2007 2:18 PM
To: Carrie Jones
Cc: Ivan Gall
Subject: Re:

Carrie,

I just saw your e-mail and will look into these issues tomorrow. My initial inclination is to address all of these now prior to the issuance of the PD.

Regards,

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Carrie Jones wrote:

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Carrie Jones

From: Carrie Jones
 Sent: Thursday, November 15, 2007 11:13 AM
 To: 'pdm@mohrwater.com'
 Cc: Ivan Gall
 Attachments: application.jpg; application map.jpg

Peter;

I have completed a cursory review of the transfer for Terra Magic (t-10455) and found a few discrepancies that I would like to go over with you.

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Carrie Jones	Water Resources Department
Transfer Specialist	1995 3rd Street
541-523-8224 Ext 36	Baker City, OR 97814
carrie.r.jones@wrdd.state.or.us	www.wrdd.state.or.us

4/8/2008

Carrie Jones

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Sent: Thursday, November 15, 2007 2:18 PM
To: Carrie Jones
Cc: Ivan Gall
Subject: Re:

Carrie,

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Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Wednesday, November 07, 2007 8:50 AM
To: Carrie Jones
Subject: Re: Application T-10455 / Terra-Magic

Carrie,
Thanks for the follow-up.

Peter

Carrie Jones wrote:

> Peter;
>
> Hi Peter;
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> I was out of the office yesterday and just listened to your phone
> message today. Someone should be contacting you shortly regarding
> Terra-Magic's transfer.

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> carrie.r.jones@ wrd.state.or.us	www.wrd.state.or.us

> -----Original Message-----

> From: Peter Mohr [mailto:pdm@mohrwater.com]
> Sent: Friday, November 02, 2007 10:54 AM
> To: Carrie Jones
> Subject: Application T-10455 / Terra-Magic

> Dear Carrie:

> The represent the applicant Terra-Magic. If possible, I would like to
> get an update on the status of this application. My concern is that the
>
> weather is apt to turn out there within the next few weeks and deepening
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> the second well in very cold temps can add another layer of
> circumstances to address especially when we anticipate hitting artesian
> flows along the way. Based on both the OWRD web site and my
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> is now before the transfer section for final review. Could you please
> give me a call at your earliest convenience to discuss by when we can
> expect to get a response and whether we can anticipate an approval.
> Bottom line is if it was August, I wouldn't be making this request.

> Thanks in advance for your attention to this matter.

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> Regards,

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> Peter Mohr

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> Peter D. Mohr

> Attorney at Law

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Peter D. Mohr

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Carrie Jones

From: Carrie Jones
Sent: Wednesday, November 07, 2007 7:28 AM
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Subject: RE: Application T-10455 / Terra-Magic

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-----Original Message-----

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Carrie Jones

From: Carrie Jones
Sent: Friday, November 02, 2007 2:45 PM
To: Ivan Gall
Subject: FW: Application T-10455 / Terra-Magic

Carrie Jones	Water Resources Department
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Subject: Application T-10455 / Terra-Magic

Dear Carrie:

The represent the applicant Terra-Magic. If possible, I would like to get an update on the status of this application. My concern is that the weather is apt to turn out there within the next few weeks and deepening the second well in very cold temps can add another layer of circumstances to address especially when we anticipate hitting artesian flows along the way. Based on both the OWRD web site and my conversations with the groundwater section, I believe this application is now before the transfer section for final review. Could you please give me a call at your earliest convenience to discuss by when we can expect to get a response and whether we can anticipate an approval. Bottom line is if it was August, I wouldn't be making this request. Thanks in advance for your attention to this matter.

Regards,

Peter Mohr

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

NOTICE: THE INFORMATION CONTAINED IN THIS COMMUNICATION AND ITS ATTACHMENTS

MAY BE PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR E-MAIL, AND DELETE IT FROM YOUR COMPUTER. THANK YOU.

TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

Carrie Jones

From: Peter Mohr [pdm@mohrwater.com]
Sent: Friday, November 02, 2007 10:54 AM
To: Carrie Jones
Subject: Application T-10455 / Terra-Magic

Dear Carrie:

The represent the applicant Terra-Magic. If possible, I would like to get an update on the status of this application. My concern is that the weather is apt to turn out there within the next few weeks and deepening the second well in very cold temps can add another layer of circumstances to address especially when we anticipate hitting artesian flows along the way. Based on both the OWRD web site and my conversations with the groundwater section, I believe this application is now before the transfer section for final review. Could you please give me a call at your earliest convenience to discuss by when we can expect to get a response and whether we can anticipate an approval. Bottom line is if it was August, I wouldn't be making this request. Thanks in advance for your attention to this matter.

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Carrie Jones

From: Sarah Henderson
Sent: Friday, November 09, 2007 9:07 AM
To: Carrie Jones; Ivan Gall
Subject: T-10455 - Terra Magic
Attachments: 10455-gw-rev.pdf

Attached is the scanned copy of the GW Review for transfer T-10455. Hard copy is in the mail.

Have an awesome day!

Sarah

4/8/2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

September 18, 2007

TERRA MAGIC INC.
AN OREGON CORPORATION
PO BOX 3093
LA GRANDE OR 97850

Reference: Transfer 10455

On September 5, 2007 we received your water right transfer application. The application was accompanied by \$400.00. Our receipt 89506 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #6
Gregory Blackman, CWRE
Peter Mohr, Agent
Groundwater

enclosure

Sarah Henderson

From: Peter Mohr [pdm@mohrwater.com]
Sent: Monday, September 17, 2007 10:50 AM
To: Sarah Henderson
Subject: Re: T-10455 / Applic for Add'l POA by Terra-Magic, Inc.

Thank you.

Sarah Henderson wrote:

> Peter,
>
> Thanks for letting me know, I will start the processing and I will put
> a copy of this email in the file for the processor so they know that
> the originals will be on the way when you get them.
>
> Have a wonderful day.
>
> Sarah
>
> -----Original Message-----
> From: Peter Mohr [mailto:pdm@mohrwater.com]
> Sent: Monday, September 17, 2007 10:24 AM
> To: Sarah A. Henderson
> Subject: T-10455 / Applic for Add'l POA by Terra-Magic, Inc.
>
> Sarah,
>
> I just wanted to give you the heads up that while I have in my
> possession the original signature pages for the above-referenced
> application and the accompanying Form B affidavit, and Land Use Form,
> I am still awaiting an original of the map. I have just been informed
> this morning by the engineering firm that they mistakenly failed to
> mail
>
> it to my office. They said it will go out today.
>
> Please feel free to contact me should you have any questions.
>
> Regards,
>
> Peter
>
>

--
Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

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Carrie Jones

From: Carrie Jones
Sent: Monday, March 03, 2008 10:21 AM
To: 'Peter Mohr'
Cc: 'Greg Blackman Jr. - BGB Inc.'
Subject: RE: Application T-10455 / Terra-Magic

Attachments: RassmssnWell try3.pdf



**RassmssnWe
try3.pdf (91 K)**

Peter;

I received the voice mail message you sent me. Attached is the document that I sent to Greg. I am currently looking for our e-mail correspondence.

Greg;

I'm sending this to you as well. I hadn't talked to you after I sent the e-mail on or around 1/28/08. Peter called me this morning inquiring on the status. It occurred to me that since we had not talked that perhaps you didn't receive it.

Both of you are welcome to give me a call if there is anything you would like to go over. I will be in the office until 4 p.m.

Thanks,

Carrie Jones
Transfer Specialist
541-523-8224 Ext 36
carrie.r.jones@ wrd.state.or.us

Water Resources Department
1995 3rd Street
Baker City, OR 97814
www.wrd.state.or.us

Temporary Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
 County of Union)

I, Colton Rasmussen, in my capacity as Farm Manager for Terra-Magic, Inc., and with a mailing address of P.O. Box 3093, 1621 North Spruce St., La Grande, OR 97850, and a telephone number of (541) 963-2443, being first duly sworn depose and say:

1. I attest that:

☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; ~~or~~

☐ ~~The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or~~

☐ ~~The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.~~

2. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
2	S	38	E	WM	2	SW SW SE SW Tax Lot 1000 40.0 39.1
2	S	38	E	WM	3	SW SW SE SW SW SE SE SE Tax Lot 1000 40.0 39.5 1.6 (Prim) 36.4 (Supp'l) 38.5 (Prim) 1.5 (Supp'l)
2	S	38	E	WM	4	SE SE Tax Lot 2600 12.3
2	S	38	E	WM	9	NE NE Tax Lot 100 12.4
2	S	38	E	WM	10	NE NE NW NE NE NW NW NW Tax Lot 1000 39.1 36.2 (Prim) 2.0 (Supp'l) 23.2 (Prim) 15.0 (Supp'l) 39.1

(table continues on next page)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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WATER RESOURCES
SALEM, OREGON

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
2	S	38	E	WM	11	NW NW	Tax Lot 1000	39.1

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Within the last five years, ground water has been withdrawn under the water right to irrigate the subject lands for the production of specified crops including, but not limited to, wheat (white and red), triticale, peas, garbanzo beans, and potatoes.

5. The water delivery system used to apply water as authorized by the right is described below:

Water is currently distributed for irrigation from Terra-Magic's existing Well No. 1 and Well No. 2 to lands identified under Certificate No. 34399. This system consists of the following:

Well No. 1 and Well No. 2.

Well No. 1 is equipped with a 60hp Cornell centrifugal pump rated at 1200 gpm and can withdraw ground water at a sustained rate of approximately 800 gpm. Well No. 2 is currently equipped with a 250hp vertical motor with a turbine pump rated at 2500 gpm and, as currently completed, can withdraw ground water at a sustained rate of approximately 1300 gpm. Both pumps are powered by electric service from the local utility.

Distribution System

The distribution system for the application of water for irrigation purposes on the subject lands is described as follows:

a. Mainlines.

2640 Feet of 6-inch Portable mainline (used for irrigating pivot corners)
 2640 Feet of 5-inch Portable mainline (used for irrigating pivot corners)
 3000 Feet of 8-inch Portable mainline to irrigate upper ground (everything west of Hunter Road)

b. Handlines.

8 quarter mile handlines at 3 or 4-inch diameter 40 foot pipes with Rainbird 40 x 60 sprinklers with 7/32 nozzles. These handlines are used to irrigate corners of pivots on lower grounds and are used to irrigate all of the ground West of Hunter road via the 8-inch mainline. One quarter mile handline operates at approximately 450 gpm at 65 psi.

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T 10455

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25 inch nozzle. Both pivots consume approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ ~~Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),~~
- ☐ ~~Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,~~
- ☐ ~~Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,~~
- ☐ ~~Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,~~
- ☒ Dedicated power usage records or receipts for the period 6/15/04 through 12/31/2006.
- ☐ Instream lease number _____
- ☐ Other: _____


Colton Rasmussen, Farm Manager

8-31-07
Date

Signed and sworn to (or affirmed) before me by Colton Rasmussen, in his capacity as Farm Manager of Terra-Magic, Inc., an Oregon corporation, this 31st day of August, 2007.




Notary Public for Oregon

My Commission Expires: June 27, 2011

1 10455

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

* * * OREGON TRAIL ELECTRIC CONSUMERS CO-OP * * *

Print Customer Billing History
from 5/01/2004 to 1/30/2007Customer 157027-4 TERRA MAGIC INC
Property # 2014118
Service Location HUNTER RD 1/4 MILE N STANDLEY

Date	Type	Read Date	Amount	Balance	Electric Usage	Current Read	Demand Read
6/15/2004	CHG		1544.18 A	1544.18			
6/22/2004	PAY		1544.18CR	.00			
7/20/2004	CHG	7/14/04	2794.51	2794.51	38760	969	4.5
8/17/2004	CHG	8/12/04	507.77 A	3302.28		969	
8/20/2004	PAY		2794.51CR	507.77			
9/15/2004	PAY		507.77CR	.00			
9/16/2004	CHG	9/13/04	10.00	10.00		969	
0/14/2004	PAY		10.00CR	.00			
0/19/2004	CHG	10/13/04	10.00	10.00		969	.0
1/16/2004	CHG		10.15 A	20.15			
2/14/2004	CHG		10.30 A	30.45			
2/23/2004	PAY		30.45CR	.00			
1/18/2005	CHG		10.00 A	10.00			
2/15/2005	CHG		10.15 A	20.15			
3/15/2005	CHG		10.30 A	30.45			
3/22/2005	PAY		10.00CR	20.45			
3/29/2005	PAY		10.30CR	10.15			
4/07/2005	PAY		10.00CR	.15			
4/14/2005	CHG	4/13/05	45.69	45.84	680	986	.1
4/20/2005	PAY		45.84CR	.00			
5/19/2005	CHG	5/12/05	768.40	768.40	160	990	.1
6/02/2005	PAY		768.40CR	.00			
6/16/2005	CHG	6/13/05	966.39 A	966.39	3960	1089	4.4
7/19/2005	CHG	7/13/05	3076.10 A	4042.49	44360	2198	4.5
7/21/2005	PAY		966.39CR	3076.10			
8/16/2005	CHG	8/12/05	5546.67 A	8622.77	97280	4630	4.5
8/22/2005	PAY		8600.00CR	22.77			
8/26/2005	PAY		22.77CR	.00			
9/15/2005	CHG	9/13/05	4916.31 A	4916.31	113600	7470	5.1
0/18/2005	CHG	10/12/05	2691.44	7607.75	49680	8712	5.2
0/20/2005	PAY		4191.17CR	3416.58			
1/09/2005	PAY		2691.44CR	725.14			
1/15/2005	CHG		715.14CR A	10.00			
2/07/2005	PAY		10.00CR	.00			
2/15/2005	CHG		10.00 A	10.00			
2/28/2005	PAY		10.00CR	.00			
1/17/2006	CHG		10.00 A	10.00			
2/03/2006	PAY		10.00CR	.00			
2/16/2006	CHG		10.00 A	10.00			
3/16/2006	CHG		10.15 A	20.15			
3/28/2006	PAY		20.15CR	.00			
4/18/2006	CHG		10.00 A	10.00			

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WATER RESOURCES DEPT
SALEM, OREGON

* * * OREGON TRAIL ELECTRIC CONSUMERS CO-OP * * *

Print Customer Billing History
from 5/01/2004 to 1/30/2007Customer 157027-4 TERRA MAGIC INC
Property # 2014118
Service Location HUNTER RD 1/4 MILE N STANDLEY

Date	Type	Read Date	Amount	Balance	Electric Usage	Current Read	Demand Read
5/16/2006	CHG	5/11/06	802.50	812.50	1000	8737	.0
5/24/2006	PAY		812.50CR	.00			
6/15/2006	CHG	6/13/06	758.02 A	758.02	80	8739	.1
7/18/2006	CHG	7/13/06	4037.01 A	4795.03	77120	10667	5.1
8/07/2006	PAY		757.63CR	4037.40			
8/17/2006	CHG	8/15/06	2363.74 A	6401.14	48840	11888	4.1
8/30/2006	PAY		3512.21CR	2888.93			
9/19/2006	CHG	9/13/06	368.33CR A	2520.60	80	11890	.0
0/11/2006	PAY		2463.88CR	56.72			
0/17/2006	CHG	10/12/06	4172.43 A	4229.15	160	11894	
0/31/2006	PAY		74.15CR	4155.00			
1/16/2006	CHG		4145.00CR A	10.00			
2/19/2006	CHG		.00 A	10.00			
2/29/2006	PAY		10.00CR	.00			

Current 31 - 60 61 - 90 Over 90

Aged Bal Unpost \$ Bill Adj Adj Bal

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WATER RESOURCES DEPT
SALEM OREGON

property: 100, 1000, 2600, 9200

60660

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That SYLVAN B. RASMUSSEN and MARTHA JOY RASMUSSEN, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **TERRA-MAGIC, INC.**, an Oregon corporation, hereinafter called grantee, and unto grantee's successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Union, State of Oregon, described as follows, to-wit:

PARCEL NO. 1.

The South One Half of the Southeast Quarter of Section Three (3) and the South One Half of the Southwest quarter of Section Two (2), Township 2 South, Range 38 East W.M.

SUBJECT to roads, ways and easements as the same now exist or are of record across the real property above described, water rights and water locations, and reservations contained in United States Patents or conveyances from the State of Oregon.

PARCEL NO. 2

The North half of the Northeast quarter of Section 10 and the Northwest quarter of the Northwest quarter of Section 11, Township 2 South, Range 38 East W.M.

SUBJECT to roads, ways and easements as the same now exist or are of record across the real property above described, water rights and water locations, and reservations contained in United States Patents or conveyances from the State of Oregon.

PARCEL NO. 3

The west half of the northwest quarter of Section 28, Township 2 South, Range 39 E.W.M., in Union County, Oregon.

PARCEL NO. 4

The south half of the Southeast quarter of Section 21; also all that part of the South half of the Southwest quarter of Section 22, lying west of the middle of the channel of the State Ditch which extends across said section; all being in township 2 south, range 39 east of the Willamette Meridian; ALSO

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T 10455

All that part of the Northwest quarter of section 27 in township 2 south, range 39 east of the Willamette Meridian, in Union County, Oregon, lying west of the middle of the channel of "The State Ditch" as the same extends at present across said lands, and containing 103.9 acres more particularly described as follows:-

Commencing at a point in the middle of the county road at the Southwest corner of the Northwest quarter (NW1/4) of said section 27, and running thence east along the middle of the county road, 1465 feet to the middle of the channel of the State Ditch; thence in a general northerly direction following the meandering of the middle of the main channel of said State Ditch to where the same crosses the north line of said section 27; thence west on said section line 1510 feet to the Northwest corner of said section 27, thence south on the section line 2650 feet to the place of beginning.

PARCEL NO. 5

The South half of southwest quarter of Section 3; North half of the Northwest quarter of Section 10; Southeast quarter of the southeast quarter of Section 4; and the Northeast quarter of northeast quarter of Section 9; All in Township 2 South, Range 38 East of the Willamette Meridian, Union County, State of Oregon.

EXCEPTING THEREFROM a strip 894 feet wide off the west side of the southeast quarter of the southeast quarter of Section 4; and the west 894 feet of the northeast quarter of northeast quarter of Section 9, all in township 2 south, Range 38 East of the Willamette Meridian.

PARCEL NO. 6

Tract A: The West Half of the Southeast Quarter (W1/2SE1/4), and the West Half of the West Half of the East Half (W1/2W1/2E1/2) of the Southeast Quarter (SE1/4) of Section Twenty (20), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), of Section Twenty-one (21), all in Township Two South (2S), Range Thirty-nine (39) East of the Willamette Meridian. SUBJECT TO easements for public and private roads, telephone, telegraph and electric transmission lines as same appear of record or exist. ALSO

Tract B: The East Half of the Northwest Quarter (E1/2NW1/4) of Section Twenty-one (21), and the South Half of the Northeast Quarter (S1/2NE1/4) of Section Twenty (20), in Township Two South (2S), Range Thirty-nine (39) East of the Willamette Meridian; EXCEPTING the East 24 feet and 9 inches of said South Half of the Northeast Quarter of Section 20, conveyed for private road by deed recorded in Book 66 at page 281 of the deed records of Union County, Oregon, and SUBJECT TO easements for roads and utilities as same appear of record or exist. All situated in Union County, Oregon.

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NATURAL RESOURCES DEPT
SALEM, OREGON

PARCEL NO. 7

The east half of east half of southeast quarter and the east half of west half of east half of southeast quarter of Section 20; the southwest quarter, the north half of southeast quarter and the northeast quarter of section 21; the northwest quarter and the north half of southwest quarter of section 22; all in township 2 south, range 39 east of Willamette Meridian, containing 700 acres, more or less, subject to easements for public roads.

TO HAVE AND TO HOLD the same unto the said grantee and grantee's successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ 650,000.00 .

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 22 day of March, 1976.

Sylvan B. Rasmussen
Martha Joy Rasmussen

STATE OF OREGON)
) ss.
 County of Union)

March 22 , 1976

Personally appeared the above named SYLVAN B. RASMUSSEN and MARTHA JOY RASMUSSEN and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Lazelle Chappelle
 Notary Public for Oregon
 My commission expires: 1-17-77



10455

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WATER RESOURCES DEPT
 SALEM, OREGON

Grantor's Name and Address:

Sylvan B. Rasmussen
Martha Joy Rasmussen
Route 3, Box 4094
LaGrande, Oregon 97850

Grantee's Name and Address

Terra-Magic, Inc.
Route 3, Box 4094
LaGrande, Oregon 97850

After Recording Return to:

Garthe Brown
705 Standard Plaza
Portland, Oregon 97204

STATE OF OREGON {
County of Union {

I certify that the within instrument
of writing was received for record on

the 25 day of
MAR. 1976 at 2:30
o'clock A.M., and recorded on page

in book Record of
Deeds of said County.

SHIRLEY L. HOLIN County Clerk.

By Barbara C. Baker Deputy.

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LAND RECORDS DEPT
SHEM OREGON

T 10455



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located on an irrigation district or exclusive farm-use zone.

Applicant Name: Terra-Magic, Inc.
 Mailing Address: P.O. Box 3093, 1621 North Spruce Street
 City: La Grande State: OR Zip: 97850 Day Phone: (541) 963-2443

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2S	38E	2	—	1000	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agrie.
" "	" "	3	—	1000	EFU	☒ Diverted ☒ Conveyed ☒ Used	Agrie.
" "	" "	4	—	2600	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agrie.
" "	" "	9	—	100	EFU	☐ Diverted ☒ Conveyed ☒ Used	Agrie.
" "	" "	10	—	1000	EFU	" "	" "
" "	" "	11	—	1000	EFU	" "	" "

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5.6 ☒ 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: Permit of modification is to simply designate an additional Point of Appropriation through the further completion of a second well which is located within 80 feet of the existing original well. No change in the place of use nor change in type of use of the water and water right is sought under this application. The original authorized use under the water right is irrigation.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

RECEIVED

T 10455

For Local Government Use Only

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 21.12

☐ Land uses to be served by 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 (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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

Name: Cody VAVRA Title: ASSISTANT PLANNER
Signature: [Signature] Phone: (941) 964-1014 Date: 9-4-08
Government Entity: Union County

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: _____

LAM updated 12/22/06 WR

10455

PETER D. MOHR
ATTORNEY AT LAW

Admitted in Colorado
and Oregon

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
WWW.MOHRWATER.COM

September 20, 2007

Via U.S. Certified Mail

Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Application T-10455 / Terra-Magic, Inc. Applic. for Additional POA

Dear Sarah:

Pursuant to my cover letter of September 5, 2007 accompanying the above-referenced application, please find enclosed the original signature pages for the Transfer Application and the Supplemental Form B Affidavit, the original of the map prepared by Greg Blackman, and the original Land Use Information form completed by the Union County Planning Department.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,



Peter D. Mohr

Enclosures

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SEP 21 2007
WATER RESOURCES DEPT
SALEM OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

X In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

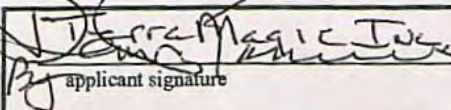
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

▪ I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Dennis Rasmussen, Vice Pres. name and title if applicable (print)	8-31-07 date
 applicant signature	 name and title if applicable (print)	RECEIVED

SEP 21 2007
WATER RESOURCES DEPT
SALEM OREGON

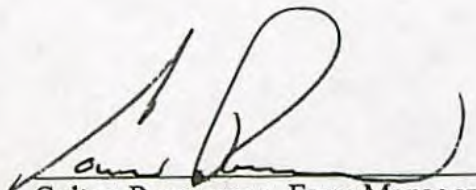
c. Pivots.

Two (2) Valley Pivots that are approximately 1300 feet long with overhead sprinklers which are low angle 40 x 60 Nelson sprinklers with appropriate nozzles for spacing of heads. Also each pivot is equipped with a Nelson end gun with a 1.25 inch nozzle. Both pivots consume approximately 1150 gpm without endguns running and 1250 with endguns running.

The distribution system has an operational capacity in excess of 2,500 gpm/5.6 cfs and is used to irrigate all lands specified under the Certificate 34399.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ ~~Copy of a water right certificate that was issued within the last five years (not a remaining right certificate);~~
- ☐ ~~Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water;~~
- ☐ ~~Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;~~
- ☐ ~~Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph;~~
- ☒ Dedicated power usage records or receipts for the period 6/15/04 through 12/31/2006.
- ☐ Instream lease number _____,
- ☐ Other: _____


Colton Rasmussen, Farm Manager

8-31-07
Date

Signed and sworn to (or affirmed) before me by Colton Rasmussen, in his capacity as Farm Manager of Terra-Magic, Inc., an Oregon corporation, this 31st day of August, 2007.



Kara Orton
Notary Public for Oregon

My Commission Expires: June 27, 2011

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Supplemental Form B

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WATER RESOURCES DEPT
SALEM OREGON

Affidavit Attesting to the Use of Water

1/4

ROAD

12.3 Ac.

40.0 Ac.

39.5 Ac.

38.0 Ac.

40.0 Ac.

40.0 Ac.

39.1 Ac.

6" Alum.

8" Alum.

Well #2

Well #1

8" Alum.

6" Alum.

12.4 Ac.

39.1 Ac.

38.2 Ac.

38.2 Ac.

39.1 Ac.

39.1 Ac.

STANDLEY

LANE

HUNTER

N

Well#1 Location is 10 feet North and 2460 feet West of the Southeast corner of Section 3.

Well#2 Additional Point of Appropriation is located 79 feet North and 2548 feet West of the Southeast corner of Section 3.

SCALE: 1"=1320'

September 5, 2007

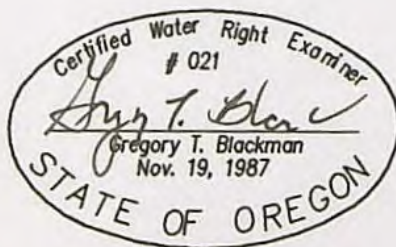
FINAL PROOF MAP FOR
WATER RIGHTS FROM A
ADDITIONAL POINT OF APPROPRIATION
FOR
TERRA MAGIC INC.

BY
BAGETT – GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

Application No. _____

Permit Number _____

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.



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SEP 21 2007

WATER RESOURCES DEPT
SALEM OREGON



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Terra-Magic, Inc.
 Mailing Address: P.O. Box 3093, 1621 North Spruce Street
 City: La Grande State: OR Zip: 97850 Day Phone: (541) 963-2443

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be	Proposed Land Use:
2S	38E	2	—	1000	EFU	☐ Diverted ☒ Conveyed ☐ Used	Agric.
" "	" "	3	—	1000	EFU	☒ Diverted ☐ Conveyed ☐ Used	Agric.
" "	" "	4	—	2600	EFU	☐ Diverted ☐ Conveyed ☒ Used	Agric.
" "	" "	9	—	100	EFU	☐ Diverted ☒ Conveyed ☐ Used	Agric.
" "	" "	10	—	1000	EFU	" "	" "
" "	" "	11	—	1000	EFU	" "	" "

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5.6 ☒ 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: Purpose of application is to simply designate an additional Point of Appropriation through the further completion of a second well which is located within 80 feet of the existing original well. No change in the place of use nor change in type of use of the water and water right is sought under this application. The original authorized use under the water right is irrigation.

Note to applicant: *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

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 SEP 21 2007
 WATER RESOURCES DEPT
 SALEM OREGON

For Local Government Use Only

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): aka

☐ Land uses to be served by 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 (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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.

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SEP 21 2007

WATER RESOURCES DEPT
SALEM OREGON

Name: Cody VAVRA Title: ASSISTANT PLANNER
Signature: [Signature] Phone: (503) 963-1014 Date: 9-4-08
Government Entity: Union County

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: _____

CERTIFIED MAIL™



7005 1160 0001 7391 7404



PETER D. MOHR
ATTORNEY AT LAW

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258

Via U.S. Certified Mail

Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 09/18/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Union
Transfer: T -10455
Water Right: Cert:34399 OR *
Priority Date: 1964
Name: TERRA MAGIC INC. AN OREGON CORPORATION
Address: PO BOX 3093; LA GRANDE OR 97850
Change: APOA
Source: WELL 1 > SLIDE CREEK
Authorized APOA: T2S R38E 3
Proposed APOA: T2S R38E 3

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **89506**

INVOICE # _____

RECEIVED FROM: Peter D. Mohr
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>7-104155</u>

CASH: ☐ CHECK: # 1064 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ 400.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

EXAM FEE

\$ _____
\$ _____
\$ 400.00

EXAM FEE

\$ _____

RECORD FEE

\$ _____
\$ _____

LICENSE FEE

\$ _____
\$ _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **89506**

DATED: 9-5-07

BY: [Signature]



(503) 241-0484

NON-NEGOTIABLE AIRBILL SHIPPER'S AGENT
PICKUP TIME AND DATE

PDX 701814

AGENT COPY

CGR:

DATE:

DECLARED VALUE

DRIVER

\$

NAME

TELEPHONE

NAME

TELEPHONE

FROM COMPANY NAME

TO (FROM) COMPANY NAME

ADDRESS

ADDRESS

CITY

STATE

ZIP

CITY

STATE

ZIP REQUIRED

REFERENCE

DEPT./ORDER NO.

THIRD
PARTY
BILLING

NAME

ADDRESS

CITY

STATE

ZIP

NO. PCS.

DESCRIPTION

WEIGHT

RATE

AMOUNT

AIR EXPRESS

LOCAL DELIVERY

SPECIAL INSTRUCTIONS

ADVANCED
FEESNEXT DAY A.M.
(DELIVER WEEKDAY)☐ EXPRESS LETTER
(UP TO 8 lbs.)☐ CORE15

INTERNATIONAL

☐ EXPRESS ENVELOPE
(UP TO 2 lbs.)☐ SUPER RUSH

*NEXT DAY BY 9

☐ CUSTOMER PACKAGE
(OVER 2 lbs.)☐ DIRECT

*SATURDAY SVC.

☐ OVERNIGHT TUBE☒ DEFERRED

*SAME DAY

☐ ROUND TRIP

*LATE PICKUP

☐ ROUTE

*EXTRA CHARGE APPLIES

DEL. DEADLINE

WRONG
ADDRESSWAITING
TIME

OTHER

ATTEMPT

LATE
PICKUP

RECEIVED BY

TIME

DATE

D/M #

RETURN TO

TIME

DATE

D/M #

SEE REVERSE SIDE FOR CONDITIONS OF CARRIAGE; LIMITATIONS OF LIABILITY.