

Name SYLVAN B. & MARTHA JOY RASMUSSEN
 By _____
 Address Route 1, Box 338
La Grande, Oregon 97850

Date filed August 12, 1964
 Priority August 12, 1964
 Action suspended until 10-3-67

Returned to applicant _____
 Date of approval November 30, 1964

CONSTRUCTION

Date for beginning November 30, 1965
 Date for completion October 1, 1966
 Extended to _____

Date for application of water October 1, 1967
 Extended to _____

PROSECUTION OF WORK

Form "A" filed Started
 Form "B" filed October 6, 1965
 Form "C" filed Aug 23, 1966

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date certificate issued OCTOBER 24 1967

Application No. G 2946
 Permit No. G 2739
 Certificate No. ~~34399~~
93451
 Stream Index, Page No. 8-40

FEES PAID

| Date | Amount | Receipt No. |
|---------|---------------|-------------|
| 8-12-64 | 33.45 | 2250 |
| 9-21-64 | 10.00 | 2619 |
| 10-3-67 | \$1 Cert. Fee | 6191 |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

ASSIGNMENTS

| Date | To Whom | Address | Volume | Page |
|------|---------|---------|--------|------|
| | | | | |

REMARKS

5.6 c.f.s. from Well No. 1 (Slide Creek)(Grande Ronde River) for the supplemental irrigation of 459.0 acres.

T-10455

Form B

Application No. G-2946

NOTICE OF COMPLETION OF CONSTRUCTION

I, Sylvan B. & Martha Joy Rasmussen, the holder of Permit No. G-2739 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the First day of September, 1965.

Remarks: Well has been completed and pumped for 24 hours as a test. Sprinkler lines and main line distribution system have been purchased and the complete system will be used in the crop season of 1966.

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of October, 1965.
Sylvan B. Rasmussen
Martha Joy Rasmussen
(Signature of Applicant) Rt. 1 Box 338 La Grande, Ore. 97850
(Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. G-2946

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, SYLVAN B & JOY R RASMUSSEN, the holder of Permit No. G-2739 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 29 day of July, 1966.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of Aug, 1966.
Sylvan B. Rasmussen
(Signature of Applicant) Route 1 Box 338 La Grande Oregon
(Address)

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TERRA MAGIC INC.
PO BOX 3093
LA GRANDE OR 97850

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

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

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

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

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

DATE OF PRIORITY: AUGUST 12, 1964

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 2 S | 38 E | WM | 3 | SW SE | WELL NO. 1 (ORIGINAL) - 10 FEET NORTH AND 2460 FEET WEST FROM SE CORNER, SECTION 3 |
| 2 S | 38 E | WM | 3 | SW SE | WELL NO. 3 (ADDITIONAL) - 40 FEET NORTH AND 2460 FEET WEST FROM SE CORNER, SECTION 3 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A description of the place of use is as follows:

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

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

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

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

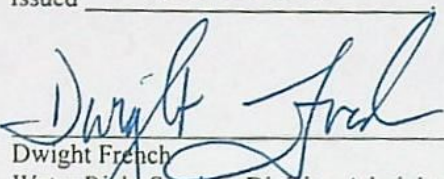
Well No. 1 shall not be used more than 30 days for emergency purposes only during the irrigation season of each year, absent obtaining further written approval from the Watermaster with such approval not to be unreasonably withheld based on considerations of hardship. Emergency use of Well No. 1 shall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

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

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

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

Issued MAR 16 2018



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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER |
| T-10455, Union County |) | APPROVING 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. The right to be transferred is as follows:

Certificate: 34399 in the names of Sylvan B. and Martha Joy Rasmussen (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)
Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: Well 1 in the Grande Ronde River Basin

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|--|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 1 (UNIO 325) - 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. Transfer Application T-10455 proposes an additional point of appropriation at Well No. 2. The applicant proposes to deepen and re-construct Well No. 2 so as to only develop water from the volcanic and volcanoclastic aquifer of the Powder River Volcanics. The location of Well No. 2 is:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 2 (UNIO 51475) - 79 feet North and 2548 feet West from the SE Corner of Section 3. |

8. Transfer Application T-10455 proposes an additional point of appropriation at Well No. 3, to be constructed so as to only appropriate water from the volcanic and volcanoclastic aquifer of the Powder River Volcanics and which shall be located at:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|--|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 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.
10. 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.
11. 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.
12. On September 4, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10455 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 18, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
13. On November 3, 2008, the applicant's agent, Peter Mohr, submitted a written request to withdraw the Preliminary Determination issued September 4, 2008. New well construction has revealed geologic data that suggests the lower water bearing zone is not in Grande Ronde basalt, but is in Powder River Volcanics instead. The new data requires changes to the conditions of approval of Transfer Application T-10455.
14. On November 20, 2008, the Department withdrew the Preliminary Determination issued September 4, 2008. Notice of the withdrawal of this Preliminary Determination was published in the Department's weekly notice on November 25, 2008.

15. On January 21, 2009, the Department e-mailed the applicant's agent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-10455. The applicant's agent requested the Department to proceed with issuance of the revised Preliminary Determination.
16. On April 10, 2009, the Department issued a preliminary determination proposing to approve Transfer T-10455 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on April 14, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

17. There is not sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
18. 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 Transfer Application T-10455.
19. According to the well constructor, the proposed Well No. 3 is cased to a depth of 998 feet below land surface (bls). The casing is therefore set throughout the entirety of a clay unit which is 205 feet in thickness and is initially encountered at 786 feet bls and ends at 991 feet bls. The geologic unit immediately below the clay has been interpreted to be Powder River Volcanics. The original target aquifer, the Grande Ronde Basalt, would be another estimated one thousand or more feet below 991 feet bls.
20. The Department finds that developing water-bearing zones within the volcanic and volcanoclastic units of the Powder River Volcanics below the clay unit would meet the intent of developing the basalt aquifer stated in the Preliminary Determination of September 4, 2008.
21. The Department finds that the well construction described in Finding No. 17 would not allow commingling between the shallow alluvial and deep volcanic and volcanoclastic water-bearing zones.
22. Well No. 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result the shallow alluvial aquifer and the deeper underlying volcanic and volcanoclastic aquifer of the Powder River Volcanics were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair Well No. 1 in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
23. Based on information available, the department finds that Well No. 1 (UNIO 325) developed 2.8 cubic feet per second (cfs) from the alluvial aquifer and 2.8 cfs from the deeper underlying volcanic and volcanoclastic aquifer.

24. Developing more water from the volcanic and volcanoclastic aquifer than what was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if Condition No. 5 below is met.
25. 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.
26. On May 15, 2008, the applicant requested a condition regarding the use of the authorized Well No. 1. The condition requires that Well No. 1 shall be dedicated as an "emergency use" or "back-up well" when the proposed well or wells become inoperable. The condition also requires that prior to withdrawing water from Well No. 1, the applicant shall notify the local Watermaster in writing.
27. The proposed changes, as conditioned, would not result in injury to other water rights.
28. The applicant requested that the completion deadline be extended until 2013.

Conclusions of Law

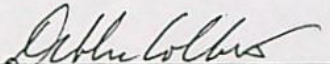
The additional points of appropriation proposed in Transfer Application T-10455 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

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. The proposed additional points of appropriation shall acquire water from only a single aquifer and therefore be limited to development of the volcanic and volcanoclastic aquifer of the Powder River Volcanics below the clay unit. The wells shall be cased and sealed to a minimum depth of 10.0 feet into the clay unit to ensure that water is developed only from underlying volcanic and volcanoclastic aquifer.
5. The quantity of water diverted from the proposed additional points of appropriation is limited to 2.8 cfs from the volcanic and volcanoclastic aquifer of the Powder River Volcanics. The quantity of water diverted from Well No. 1 shall not exceed a cumulative total of 2.8 cfs from the volcanic and volcanoclastic aquifer and 2.8 cfs from the alluvial aquifer, however, any withdrawal from Well No. 1 shall be for emergency use only should Well No. 2 or Well No. 3 become inoperable to the extent that the applicant is unable to withdraw ground water.

6. Prior to any groundwater withdrawal from Well No. 1, the applicant shall notify the local Watermaster in writing.
7. Well No. 1 shall not be used more than 30 days for emergency purposes only during the irrigation season of each year, absent obtaining further written approval from the Watermaster with such approval not to be unreasonably withheld based on considerations of hardship. Emergency use of Well No. 1 shall be implemented only when pump failure, power failure, well collapse, or other well failure occurs.
8. Prior to diverting water, the water user shall install an in-line totalizing flow meter or other suitable measuring device on each well for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring devices as required by the Department.
9. 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 18th day of May 2009.


Phillip C. Ward, Director *per*

Mailing Date: MAY 20 2009

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------|
| In the Matter of Transfer Application |) | SUPERSEDING FINAL ORDER |
| T-10455, Union County |) | APPROVING 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. The right to be transferred is as follows:

Certificate: 34399 in the names of Sylvan B. and Martha Joy Rasmussen (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)
Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: Well 1 in the Grande Ronde River Basin

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|--|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 1 (UNIO 325) - 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. Transfer Application T-10455 proposes an additional point of appropriation at Well No. 2. The applicant proposes to deepen and re-construct Well No. 2 so as to only develop water from the volcanic and volcanoclastic aquifer of the Powder River Volcanics. The location of Well No. 2 is:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 2 (UNIO 51475) - 79 feet North and 2548 feet West from the SE Corner of Section 3. |

8. Transfer Application T-10455 proposes an additional point of appropriation at Well No. 3, to be constructed so as to only appropriate water from the volcanic and volcanoclastic aquifer of the Powder River Volcanics and which shall be located at:

| Twp | Rng | Mer | Sec | Q-Q | Measured distances |
|-----|------|-----|-----|-------|--|
| 2 S | 38 E | WM | 3 | SW SE | Well No. 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.
10. 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.
11. 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.
12. On September 4, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10455 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 18, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
13. On November 3, 2008, the applicant's agent, Peter Mohr, submitted a written request to withdraw the Preliminary Determination issued September 4, 2008. New well construction has revealed geologic data that suggests the lower water bearing zone is not in Grande Ronde basalt, but is in Powder River Volcanics instead. The new data requires changes to the conditions of approval of Transfer Application T-10455.
14. On November 20, 2008, the Department withdrew the Preliminary Determination issued September 4, 2008. Notice of the withdrawal of this Preliminary Determination was published in the Department's weekly notice on November 25, 2008.

15. On January 21, 2009, the Department e-mailed the applicant's agent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-10455. The applicant's agent requested the Department to proceed with issuance of the revised Preliminary Determination.
16. On April 10, 2009, the Department issued a preliminary determination proposing to approve Transfer T-10455 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on April 14, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
17. On May 18, 2009, the Department issued a final order approving Transfer T-10455, recorded at Special Order Volume 77, Pages 769 to 774. The order contains an error in Finding of fact No. 21. Finding of Fact No. 21 erroneously contains a reference to Finding of Fact No. 17; the correct reference should be to Finding of Fact No. 19.
18. This superseding order is issued with the correct reference within Finding of Fact No. 23.

Transfer Review Criteria (OAR 690-380-4010)

19. There is not sufficient evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.
20. 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 Transfer Application T-10455.
21. According to the well constructor, the proposed Well No. 3 is cased to a depth of 998 feet below land surface (bls). The casing is therefore set throughout the entirety of a clay unit which is 205 feet in thickness and is initially encountered at 786 feet bls and ends at 991 feet bls. The geologic unit immediately below the clay has been interpreted to be Powder River Volcanics. The original target aquifer, the Grande Ronde Basalt, would be another estimated one thousand or more feet below 991 feet bls.
22. The Department finds that developing water-bearing zones within the volcanic and volcanoclastic units of the Powder River Volcanics below the clay unit would meet the intent of developing the basalt aquifer stated in the Preliminary Determination of September 4, 2008.
23. The Department finds that the well construction described in Finding No. 21 would not allow commingling between the shallow alluvial and deep volcanic and volcanoclastic water-bearing zones.

24. Well No. 1 (UNIO 325) was constructed to a depth of 1061 feet deep. As a result the shallow alluvial aquifer and the deeper underlying volcanic and volcanoclastic aquifer of the Powder River Volcanics were commingled and (UNIO 325) did not meet well construction standards. There was an attempt to repair Well No. 1 in 2003 (UNIO 51447). This well is the authorized well for Certificate 34399.
25. Based on information available, the department finds that Well No. 1 (UNIO 325) developed 2.8 cubic feet per second (cfs) from the alluvial aquifer and 2.8 cfs from the deeper underlying volcanic and volcanoclastic aquifer.
26. Developing more water from the volcanic and volcanoclastic aquifer than what was available at the original well would be considered enlargement of Certificate 34399. Enlargement will not occur if Condition No. 5 below is met.
27. 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.
28. On May 15, 2008, the applicant requested a condition regarding the use of the authorized Well No. 1. The condition requires that Well No. 1 shall be dedicated as an "emergency use" or "back-up well" when the proposed well or wells become inoperable. The condition also requires that prior to withdrawing water from Well No. 1, the applicant shall notify the local Watermaster in writing.
29. The proposed changes, as conditioned, would not result in injury to other water rights.
30. The applicant requested that the completion deadline be extended until 2013.

Conclusions of Law

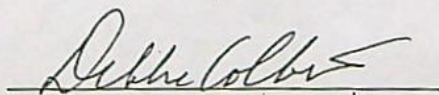
The additional points of appropriation proposed in Transfer Application T-10455 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

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.

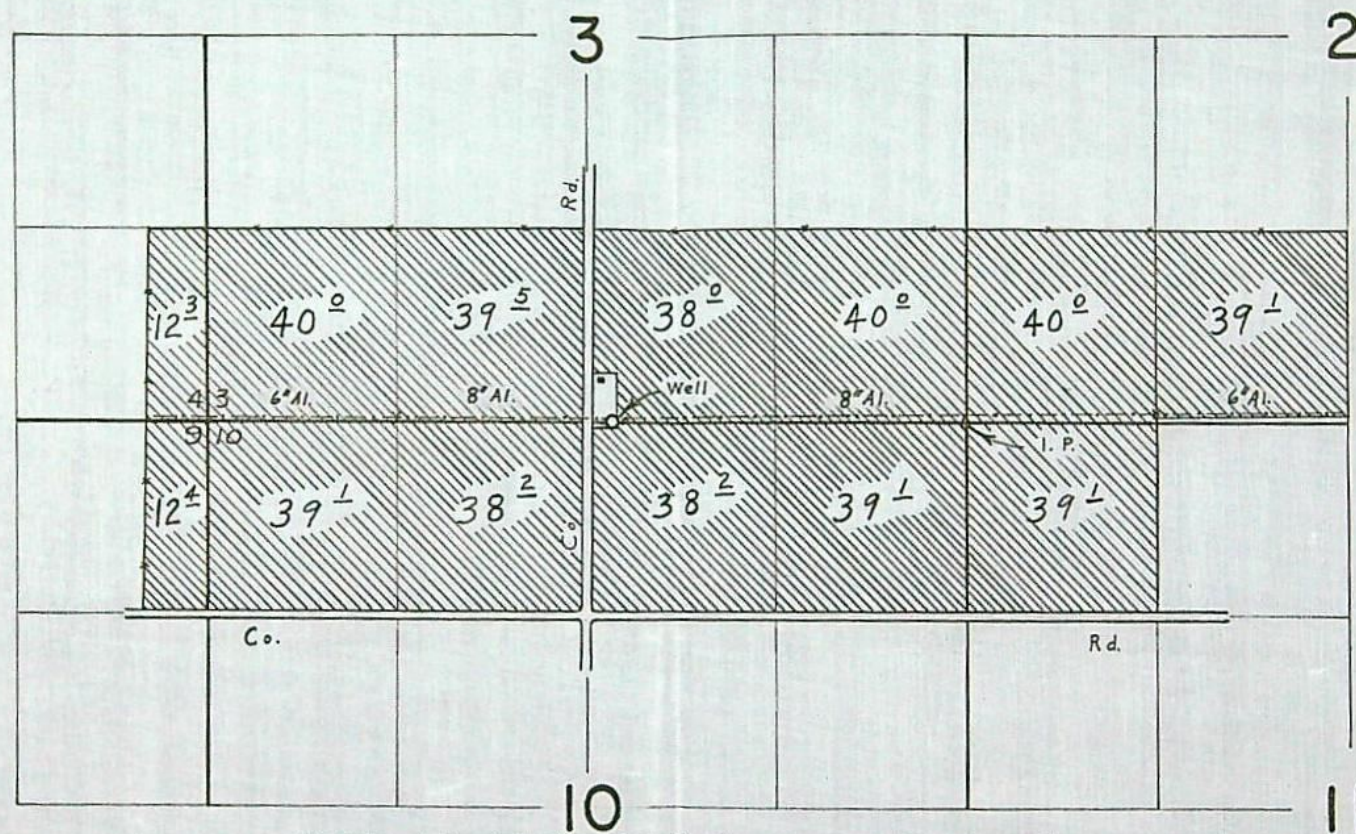
4. The proposed additional points of appropriation shall acquire water from only a single aquifer and therefore be limited to development of the volcanic and volcanoclastic aquifer of the Powder River Volcanics below the clay unit. The wells shall be cased and sealed to a minimum depth of 10.0 feet into the clay unit to ensure that water is developed only from underlying volcanic and volcanoclastic aquifer.
5. The quantity of water diverted from the proposed additional points of appropriation is limited to 2.8 cfs from the volcanic and volcanoclastic aquifer of the Powder River Volcanics. The quantity of water diverted from Well No. 1 shall not exceed a cumulative total of 2.8 cfs from the volcanic and volcanoclastic aquifer and 2.8 cfs from the alluvial aquifer, however, any withdrawal from Well No. 1 shall be for emergency use only should Well No. 2 or Well No. 3 become inoperable to the extent that the applicant is unable to withdraw ground water.
6. Prior to any groundwater withdrawal from Well No. 1, the applicant shall notify the local Watermaster in writing.
7. Well No. 1 shall not be used more than 30 days for emergency purposes only during the irrigation season of each year, absent obtaining further written approval from the Watermaster with such approval not to be unreasonably withheld based on considerations of hardship. Emergency use of Well No. 1 shall be implemented only when pump failure, power failure, well collapse, or other well failure occurs.
8. Prior to diverting water, the water user shall install an in-line totalizing flow meter or other suitable measuring device on each well for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring devices as required by the Department.
9. 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15th day of June 2009.


Phillip C. Ward, Director *tu*

Mailing Date: JUN 22 2009

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

FOR WED 2006
DATE WED 7-19 TIME 9 A.M.
FROM BROOKE -
FIRM CERT# ~~AA~~ # 34399
PHONE (503) - 281 - 4100
☐ FAX AREA CODE NUMBER EXTENSION
☐ MOBILE PUB REC REC AREA CODE NUMBER TIME TO CALL

| | | | |
|--------------------|-------------------------------------|-------------------|-------------------------------------|
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL | <input checked="" type="checkbox"/> |
| RETURNED YOUR CALL | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| CAME TO SEE YOU | <input type="checkbox"/> | RUSH | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | SPECIAL ATTENTION | <input type="checkbox"/> |
| WAITING TO SEE YOU | <input type="checkbox"/> | HOLDING LINE | <input type="checkbox"/> |

MESSAGE = COPYING =
NEW # = SACRM -
PAM - FAX 4600
→ 503-2946
↘ G - 2946
① SICKLER SERV.
SIGNED 1025

 FORM 4007
MADE IN U.S.A.

60881

MESSAGE

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

Portland

TO: PAM / BROOKE FAX NUMBER: 503 281 4600
DATE: Wed 7-19-2006 PAGES: _____, INCLUDING COVER SHEET
FROM: HEIDI PHONE: (503) 986-0 804
COMMENTS: FILE RASMUSSEN
ATT # G 2946 x

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: L SCHROEDER LAW OFFICES

Activity Date: WED 7-19-2006

Please complete and leave at the WRIG customer service counter.

| Transaction Description | Number of items or hours | Project Name | Customer contact name | Department personnel providing service | Amount of Activity |
|--|--------------------------|--------------|----------------------------------|--|--------------------|
| Deposit to account 46114 165 new/168 existing | | | | | |
| Copying 46116 selfserve 46111 agency assisted X | <u>20</u> | G2946 | BROOKER \$ SAM VAN HORN | HJM | \$ 11.50 |
| Faxing \$ | | | | | |
| Research 46111 | 1/2 HR | | | HJM | \$ 10.00 |
| Other: | | | | | |
| Other: | | | | | TOTAL \$ 21.50 |

01/14/04

Your account may be required to provide an account project number per your accounting department. If required, please have your project number ready upon any service request.

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 $\frac{1}{4}$ |
| 36.4 acres | 1.6 acres | SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 1.5 acres | 38.5 acres | SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| | | Section 3 |
| | 12.3 acres | SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| | | Section 4 |
| | 12.4 acres | 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. |

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

FINAL PROOF SURVEY
UNDER

SYLVAN B. & MARTHA JOY RASMUSSEN

1966-Y

P.T.S. - 1966 Y
November 3, 1966
R. C. Gould

4m-24
5m-78

Abstract of Permit No. G-2739

Application No. G-2946 Certificate No.

Name Sylvan B. and Martha Joy Rasmussen
Address Route 1, Box 336 LaGrande, Oregon
Source of water supply Well #1, trib. Slide Creek, trib. Grande Ronde River
Use Irrigation of 400.1 ac Supplemental irrigation of 155.0 Ac.
Point of diversion Well located 10' N SE 54.9
Number of acres 261 N & 2460' W from corner common to Sections 2, 3, 10 & 11, being within SW 1/4 SE 1/4, Sec. 3, T. 2 S., R. 38 E., W.M., in the county of Union

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

| | Suppl | Primary |
|--|-------|---------|
| T 2 S. R. 38 E. Sec. 2 - S.W. 1/4 S.W. 1/4 | | 40.0 |
| S.E. 1/4 S.W. 1/4 | | 39.1 |
| 3 - S.W. 1/4 S.W. 1/4 | | 40.0 |
| S.E. 1/4 S.W. 1/4 | | 39.5 |
| S.W. 1/4 S.E. 1/4 | 36.4 | 1.6 |
| S.E. 1/4 S.E. 1/4 | 1.5 | 38.5 |
| 4 - S.E. 1/4 S.E. 1/4 | | 12.3 |
| 9 - N.E. 1/4 N.E. 1/4 | | 12.4 |
| 10 - N.E. 1/4 N.E. 1/4 | | 39.1 |
| N.W. 1/4 N.E. 1/4 | 2.0 | 36.2 |
| N.E. 1/4 N.W. 1/4 | 15.0 | 23.2 |
| N.W. 1/4 N.W. 1/4 | | 39.1 |
| 11 - N.W. 1/4 N.W. 1/4 | | 39.1 |

Time limit to complete construction 10-1-66 extended to extended to

Time limit to completely apply water 10-1-67 extended to extended to

Remarks: This appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

P.T.S. - 1966 Y
November 3, 1966
R. E. Gould

4m-24
5m-78

Abstract of Permit No. 0-2739

Application No.

G-2946

Certificate No.

Name

Sylvan B. and Martha Joy Rasmussen

Address

Route 1, Box 338
LaGrande, Oregon

Source of water supply

Well #1, trib. Slide Creek, trib. Grande Ronde River

Use

Irrigation of
Well located

400.1 ac
Supplemental irrigation of 155.0 Ac.
54.9

Point of diversion

26' N & 2460' W from corner common to Sections 8, 3,
10 & 11, being within SW 1/4 Sec. 3, T. 2 S., R. 38 E.,
W.M., in the county of Union

Number of acres

459

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

| Twp. | Range | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | |
|----------------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 25 | 38E | 2 | | | | | | | | | | | 39 | 39 | | | | |
| | | 3 | | | | | | | | | | | 40 | 40 | | | 3.2 | 18.5 |
| | | | | | | | | | | | | | | | | | 36.4 | 1.5 |
| | | 4 | | | | | | | | | | | | | | | | 12 |
| | | 9 | 12 | | | | | | | | | | | | | | | |
| | | 10 | 39.5 | 37.5 | | | 24.5 | 39.5 | | | | | | | | | | |
| | | | | * | | | * | | | | | | | | | | | |
| | | | | 2 | | | 15 | | | | | | | | | | | |
| | | 11 | | | | | 39.5 | | | | | | | | | | | |
| * Supplemental | | | | | | | | | | | | | | | | | | |

Priority date

August 12, 1964

Amount of water

5.60 c.f.s. measured at point of diversion

Time limit to begin construction

November 30, 1965

Time limit to complete construction

10-1-66 extended to

extended to

Time limit to completely apply water

10-1-67 extended to

extended to

Remarks:

This appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

Info: Sylvan B. Rasmussen

Pump: 6 cyl. diesel Caterpillar ind. (6" x 5 1/2" cyl.) D 337 on radiator.
Mr. Rasmussen says unit delivers 300 h.p. @ 1800 r.p.m.
to a 1:1 rt. L gear drive to a Berkeley 8" x 6" turbine
(Western ser #20521)

Pipe: 5200' 8" Al, 2800' 6" Al, 2600' 5" wheel move (Al),
2600' 4" Al.

Heads: 34 Buckner #870 ^{GPM} 3/8 sing., 132 RB #30 ^{GPM} 3/16 x 1/8

@ 60 PSI $30.6 \times 34 = 1040$
 $11.6 \times 132 = 1530$

Lift: 5' from well $\frac{2570}{2570} = 5.73$ c.f.s.

Crop:

(Post)

Tie: ~~NW 1/4 of NW 1/4~~ SE 1/16 cor. of NW 1/4 of NW 1/4 of sec 11. Sec

P.T. 5. 1966 Y, also ~~1/4 cor. between Secs. 2 & 11,~~

~~2" Iron Pipe 5' above ground, painted white.~~

S.E. Cor. Sec. 3 (I.P.)

Nov. 3, 1966, L. E. Gould
Field Engineer

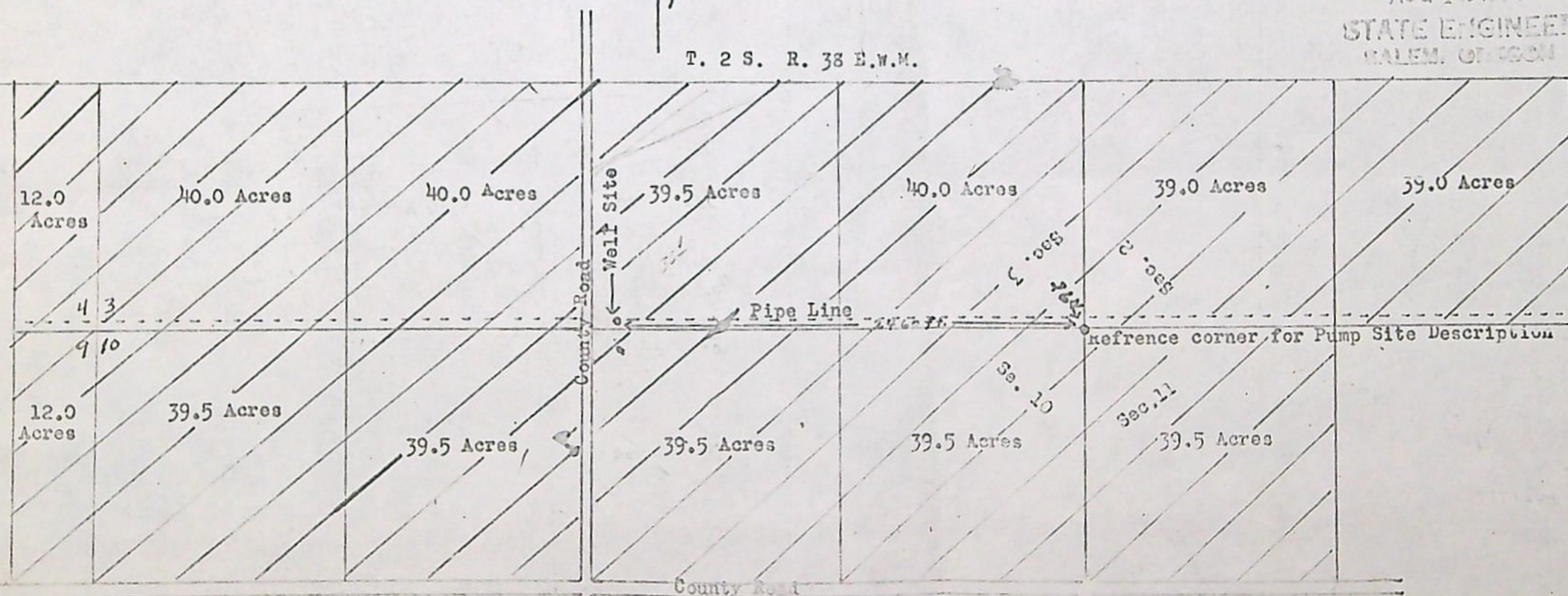
Map to Accompany Application of Sylvan B. Rasmussen & Martha Joy Rasmussen
For Permit to Appropriate Water

SCALE 1"=600'

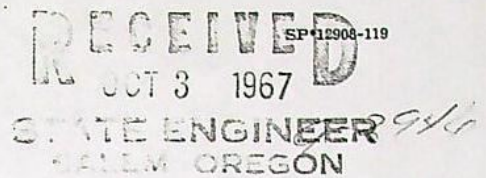
RECEIVED
AUG 12 1964
STATE ENGINEER
SALEM, OREGON

N

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



Application No G-2946
Permit No. G-2739



STATE OF OREGON

COUNTY OF UNION

Proof of Appropriation of Water

SYLVAN B. and MARTHA JOY RASMUSSEN

of Route 1, Box 338, La Grande
has applied beneficially the waters of
Well No. 1

, State of Oregon ,

a tributary of Slide Creek (Grande Ronde River) for the purpose of
supplemental irrigation of ~~455.0~~ ^{54.9} acres & irrigation of 400.1 ac.

under Permit No. G-2739 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from August 12, 1964

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
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, and to which such right is appurtenant, is
as follows:

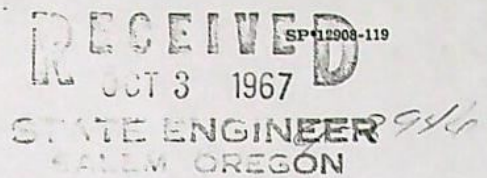
| | |
|--|---|
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 12.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.1 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | Section 9 |
| Section 2 | |
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 39.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 38.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 1.6 P 36.45 — 38.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 2.05 36.2 P — 38.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 1.5 P 38.55 — 40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 15.05 23.2 P — 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 3 | Section 10 |
| 12.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 4 | Section 11 |
| | T. 2 S., R. 38 E., W. M. |

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of,

19.....

Sylvan B. Rasmussen
Martha Joy Rasmussen



STATE OF OREGON

COUNTY OF UNION

Proof of Appropriation of Water

SYLVAN B. and MARTHA JOY RASNUSSEN

of Route 1, Box 338, La Grande
has applied beneficially the waters of
Well No. 1

, State of Oregon ,

a tributary of Slide Creek (Grande Ronde River) for the purpose of
supplemental irrigation of ~~455.9~~ ^{54.9} acres & irrigation of 400.1 ac.

under Permit No. G-2739 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from August 12, 1964

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
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, and to which such right is appurtenant, is
as follows:

| | | |
|--|-----------------|--|
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | | 12.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.1 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | | Section 9 |
| Section 2 | | |
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 2.05 26.2 P - | 39.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 15.0 S 23.2 P - | 38.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 1.6 P 36.45 - | | 38.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 1.5 P 38.55 - | | 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 38.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ | | Section 10 |
| 40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | | |
| Section 3 | | |
| 12.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | | 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 4 | | Section 11 |
| | | T. 2 S., R. 38 E., W. M. |

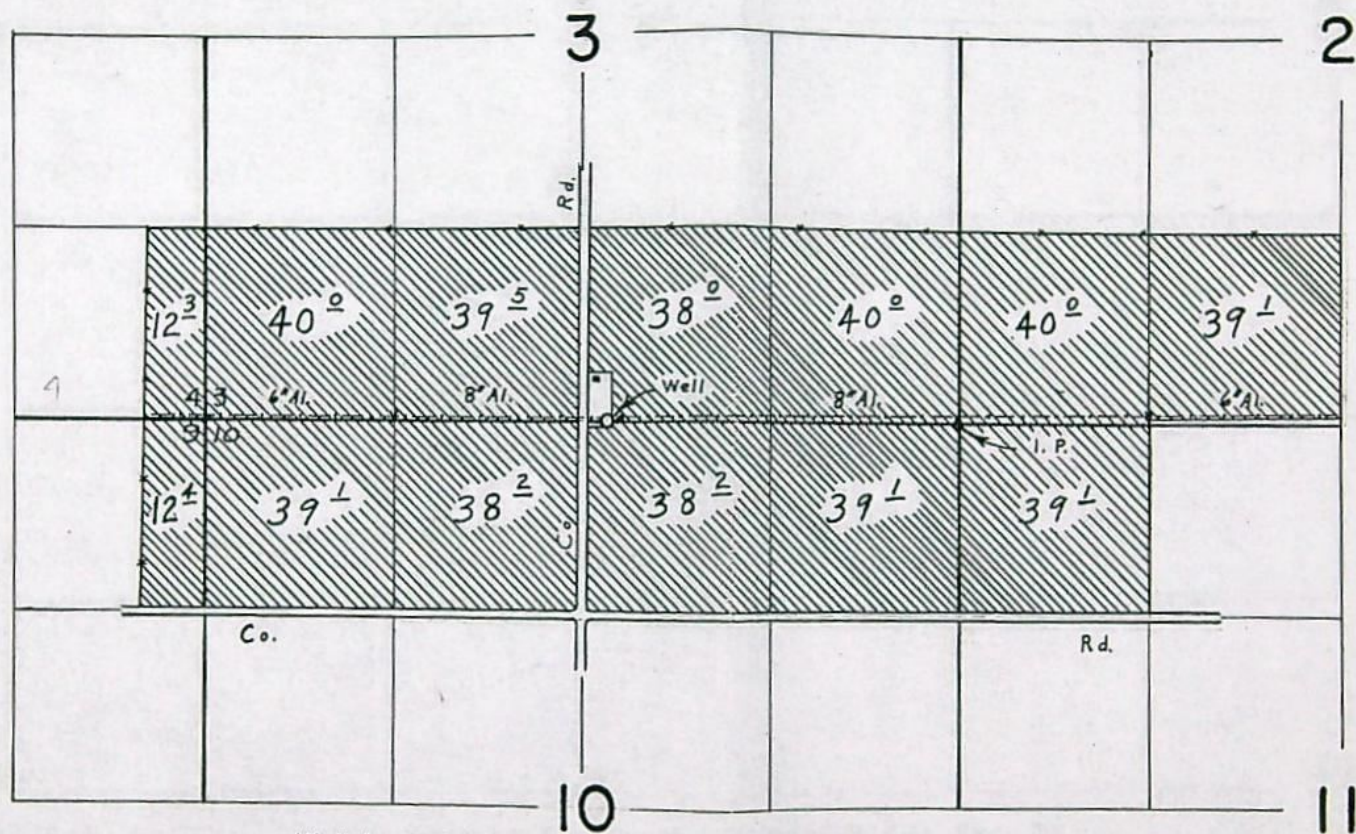
I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

19.....

Sylvan B. Rasmussen
Martha Joy Rasmussen

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

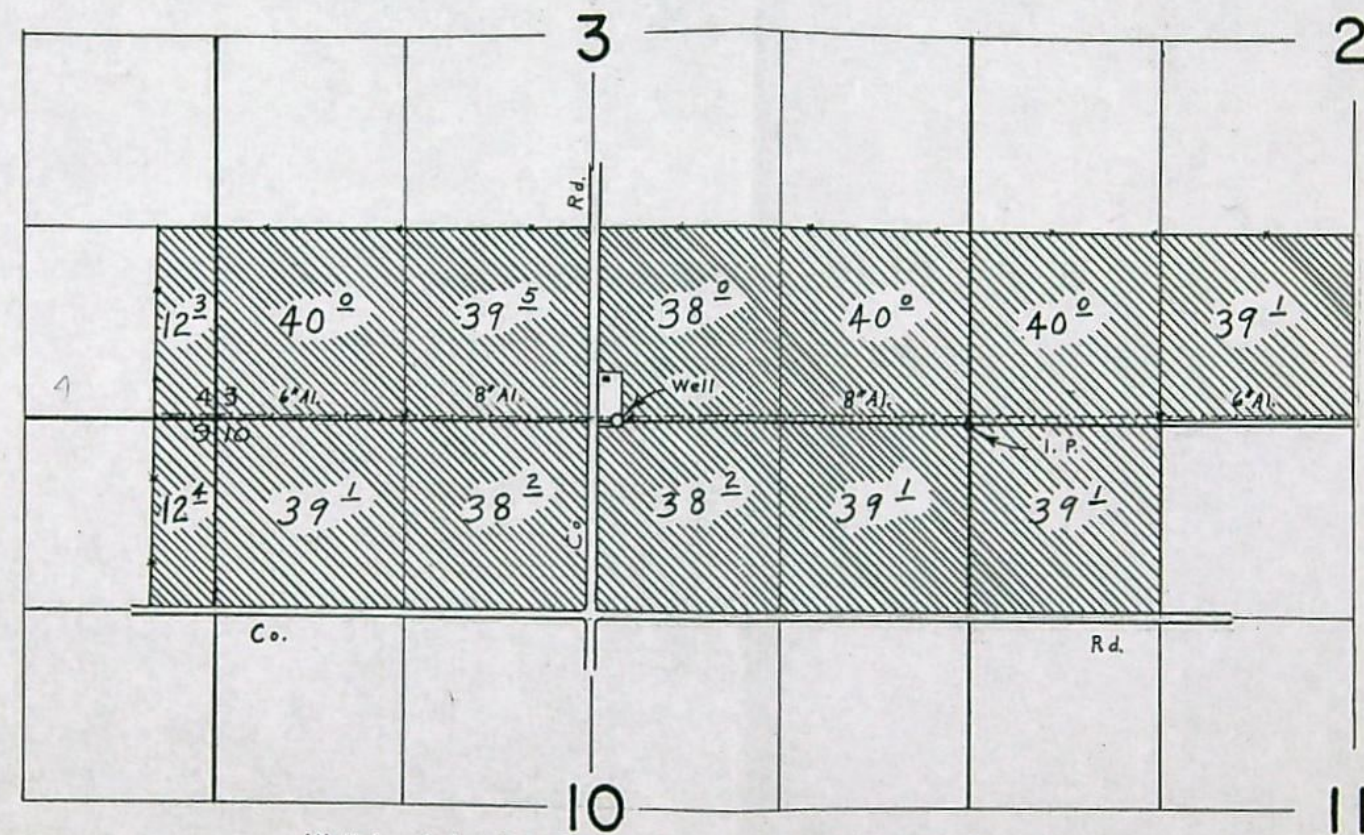
Application No. *G-2946* Permit No. *G-2739*
IN NAME OF

SYLVAN B. & MARTHA JOY RASMUSSEN

Surveyed Nov. 3 1966 by L. E. Gould

1966-Y

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

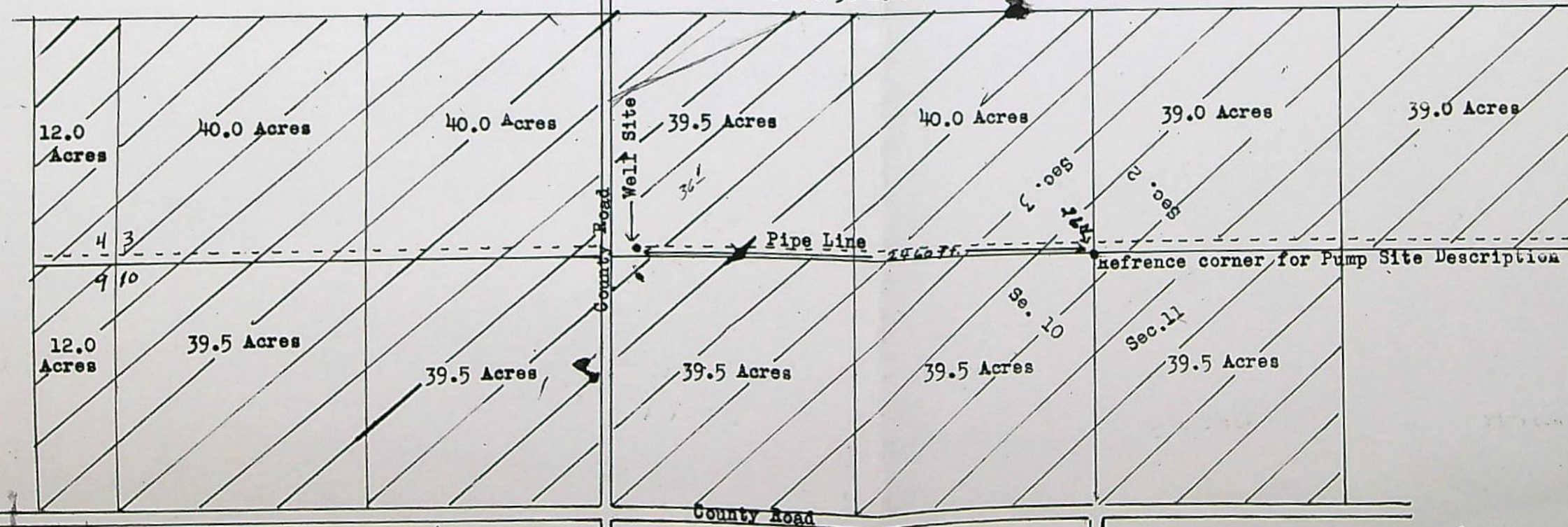
Map to Accompany Application of Sylvan B. Rasmussen & Martha Joy Rasmussen
For Permit to Appropriate Water

SCALE 1"=600'

RECEIVED
AUG 12 1964
STATE ENGINEER
SALEM, OREGON

N

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



Application No G-2946
Permit No. G-2739

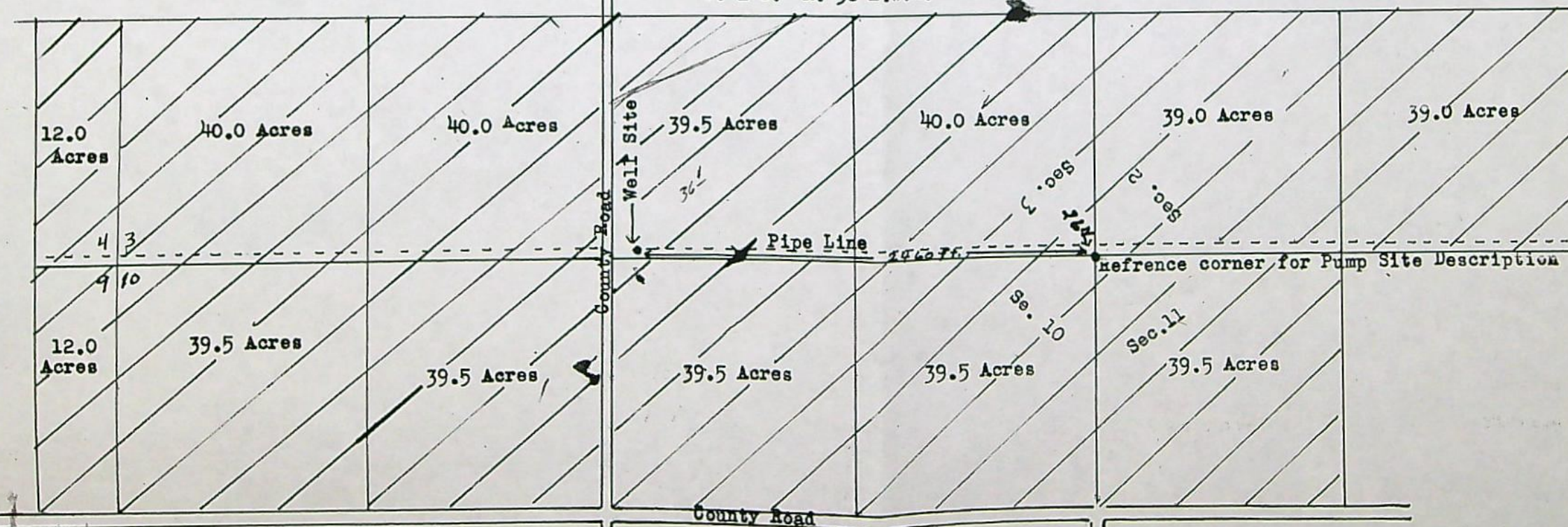
Map to Accompany Application of Sylvan B. Rasmussen & Martha Joy Rasmussen
For Permit to Appropriate Water

SCALE 1"=600'

RECEIVED
AUG 12 1964
STATE ENGINEER
SALEM, OREGON

N

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



Application No G-2946
Permit No. G-2739

FINAL PROOF SURVEY
UNDER

SYLVAN B. & MARTHA JOY RASMUSSEN

1966-Y.



STATE OF OREGON
STATE ENGINEER
516 PUBLIC SERVICE BUILDING
SALEM 10

REFER TO G2946
FILE NO.

August 24, 1966

Sylvan B. & Martha Joy Rasmussen
Route 1, Box 338
La Grande, Oregon

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. G-2739.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 128

ngl

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 10

REFER TO
FILE NO. G-2946

October 8, 1965

• Mr. Sylvan E. Rasmussen
Route 1, Box 338
La Grande, Oregon

Dear Sir:

This will acknowledge the notice of completion of construction under the terms of permit No. G-2739.

Under the provisions of the permit, the time limit for completion of the appropriation by accomplishing the authorized beneficial use of water to the full extent intended will expire October 1, 1967. (In the case of irrigation completion of the appropriation means at least one beneficial irrigation of all the land to be irrigated under the subject permit.)

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 119

nsm

G-2946

December 9, 1964

Sylvan B. and Martha Joy Rasmussen
Route 1, Box 338
La Grande, Oregon

G-2946, permit No. G-2739 with blueprint.

Route 1 Box 338
La Grande, Oregon 97850
September 18, 1964

Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

RECEIVED
SEP 21 1964
STATE ENGINEER
SALEM, OREGON

Dear Sir:

In answer to your letter dated Sept. 11, 1964, pertaining to our application for a water right which you have filed as number G-2946, the water we intend to apply to the proposed acres will be as additional water for the acres that have old rights certificate number 6148 and certificate number 6541.

Also please find enclosed our check for \$10.00 for the additional filing fees your office requested.

Yours truly,

Sylvan B. Rasmussen
Martha Joy Rasmussen
Sylvan B. & Martha Joy Rasmussen

1123

September 22, 1964

Sylvan B. and Joy Rasmussen
Route 1, Box 338
La Grande, Oregon8

Dear Sir and Madam:

This will acknowledge your letter of September 18, 1964,
and the accompanying recording fees in the sum of \$10.00 for which our
receipt numbered 2619 is enclosed.

Your application numbered G-2946 may now be considered
for approval by issuance of a permit with the next group.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

scl
Enclosure

September 11, 1964

Sylvan B. & Martha J. Rasmussen
Route 1, Box 338
La Grande, Oregon

Dear Sir and Madam:

This will acknowledge your application for a permit to appropriate 2,500 gallons of water per minute from a well for the irrigation of 459 acres, the accompanying tracing and fees in the sum of \$33.45 for which our receipt numbered 2250 is enclosed.

Your application has been examined and filed under file number G-2946. Before it may be considered for approval by issuance of a permit it will be necessary that you submit additional recording fees in the sum of \$10.00.

During examination of your application it is noted that 39.9 acres of the lands described in your application already enjoy a right for their irrigation under priority date of 1893 by appropriation of water from Slide Creek as evidenced by State Engineer Certificate Number 6148. An additional fifteen acres in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, T. 2 S., R. 38 E., enjoys a right for its irrigation by appropriation of water from Spring Branch under priority of 1869 as evidenced by State Engineer Certificate Number 6541.

Please advise whether your appropriation from ground water will be for the supplemental irrigation of these lands or if the existing rights have been abandoned or lost through non-use for a period of five or more consecutive years. We will withhold further action on your application pending your reply.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

WNP:scl
Enclosure

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

REFER TO
FILE NO. G-2946

September 27, 1967

Sylvan B and Martha Joy Rasmussen
Route 1, Box 338
La Grande, Oregon 97850

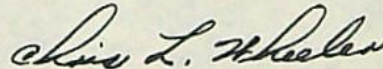
Dear Sir and Madam:

Enclosed is the final proof in connection with the
incomplete water right represented by your permit No. ^{G-2739}.

The data contained in the proof, which is based on
an inspection and survey of your project made by a representa-
tive of this department, defines the extent to which your water
right has been completed within the terms of your permit. The
proof should be dated and signed by you and returned to this
office.

Upon receipt of the proof, properly executed and
accompanied by the statutory recording fee of \$1, a certificate
of water right will be issued confirming the right thereunder
and, after being recorded in the county records, will be for-
warded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

Enclosure

pju

September 30, 1994

JOHN RASMUSSEN
TERRA MAGIC INC
10805 ISLAND AVENUE
ISLAND CITY OR 97850

RE: USER-ID # 26118

With regard to the pump test requirements for the following well and its associated water right:

| POD-ID | Well | Application | Permit | Certificate | Status |
|--------|--------|-------------|--------|-------------|--------|
| 27569 | A Well | G-2946 | G-2739 | 34399 | Exempt |

The Water Resources Department has reviewed your request for an exemption from the pump test requirement. On the telephone you indicated that the well pressure did not change whether water was flowing or not. Our department would not get any additional data if you performed a pump test.

If however, your system changes, making the pump test possible, you would be required to perform a pump test.

Your request for an exemption is hereby granted. This exemption applies only to the well associated with the above water right.

We appreciate your cooperation in this program. If you have any questions, please contact Mike Zwart or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

Wendy Moilgaard
for

FRED LISSNER, Manager
Groundwater/Hydrology Section

cc: Water Rights Section

3681W



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

August 25, 1994

JOHN D RASMUSSEN
TERRA MAGIC INC
10804 ISLAND AVENUE
ISLAND CITY OR 97850

RE: USER-ID # 26118

With regard to the pump test requirements for the following well and its associated water right:

| POD-ID | Well | Application | Permit | Certificate | Status |
|--------|--------|-------------|--------|-------------|---------|
| 27569 | A Well | G-2946 | G-2739 | 34399 | Pending |

The Water Resources Department has reviewed the pump test results you submitted. To approve the pump test we need the following information:

- ☒ Pre-test shut-in pressure.
- ☒ Discharge measurements.
- ☒ Additional recovery data (unless recovery was immediate).

Please provide the needed information on your pump test and return it to the Water Resources Department within the next 30 days.

In your letter you stated you thought we would have a chart to determine the rate of flow. We do not have any such table.

We appreciate your cooperation in this program. If you have any questions, please contact Mike Zwart or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

FRED LISSNER, Manager
Groundwater/Hydrology Section

Enclosure

cc: Water Rights Section

3611W

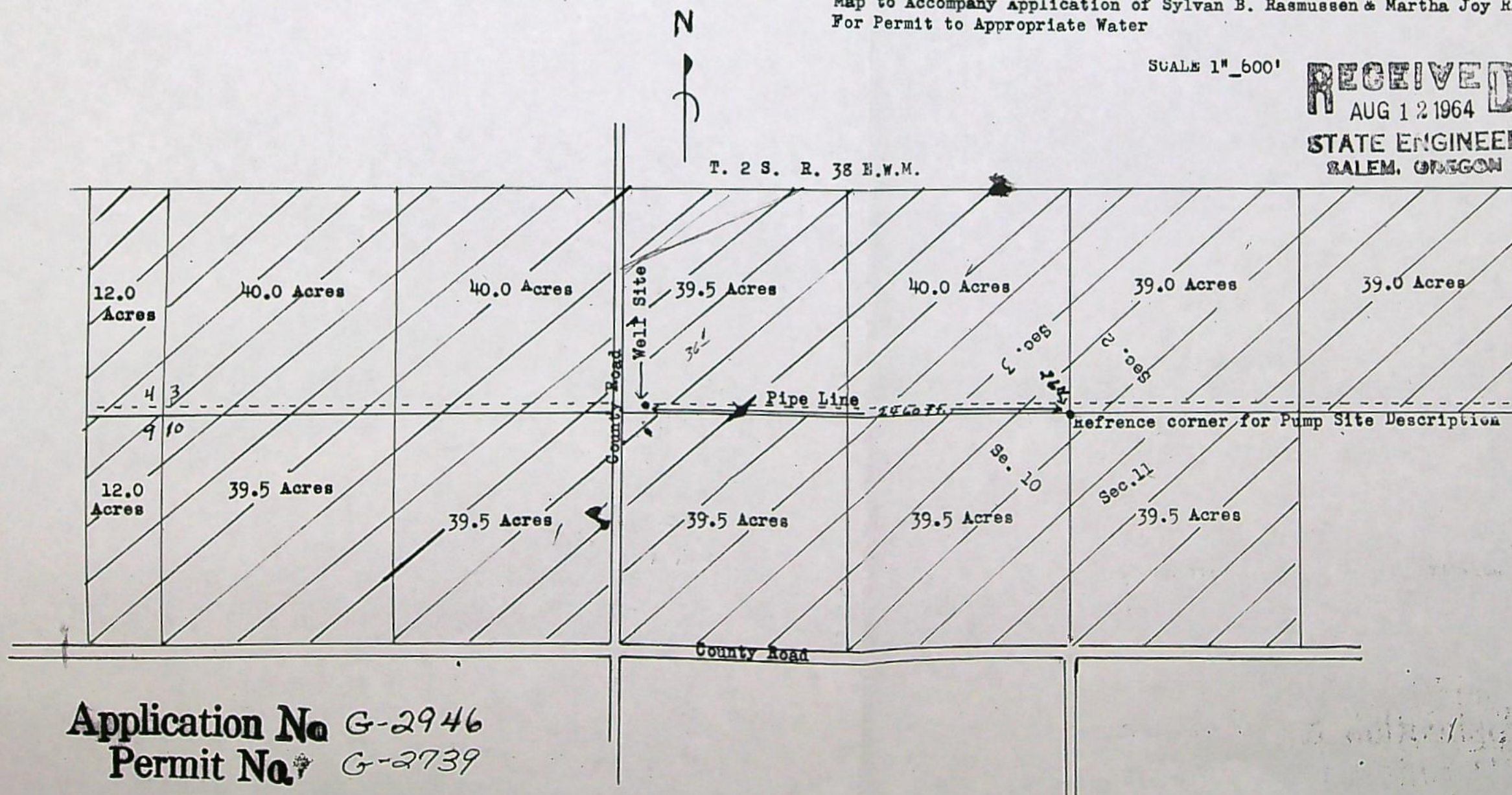


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Map to Accompany Application of Sylvan B. Rasmussen & Martha Joy Rasmussen
For Permit to Appropriate Water

SCALE 1"=600'

RECEIVED
AUG 12 1964
STATE ENGINEER
SALEM, OREGON



Application No G-2946
Permit No. G-2739

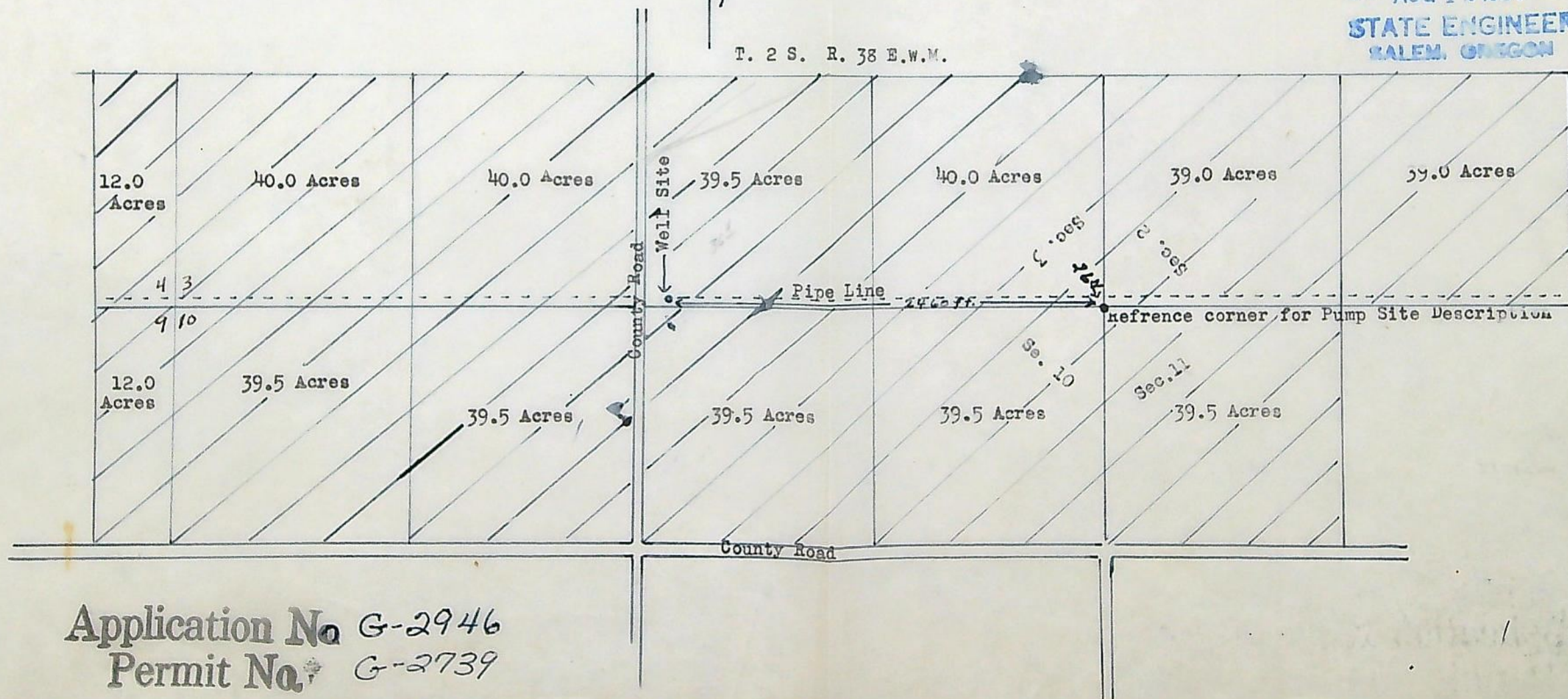
Map to Accompany Application of Sylvan B. Rasmussen & Martha Joy Rasmussen
For Permit to Appropriate Water

SCALE 1"=600'

RECEIVED
AUG 12 1964
STATE ENGINEER
SALEM, OREGON



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



Application No G-2946
Permit No. G-2739



STATE OF OREGON

COUNTY OF UNION

Proof of Appropriation of Water

SYLVAN B. and MARTHA JOY RASMUSSEN

of Route 1, Box 338, La Grande
has applied beneficially the waters of
Well No. 1

, State of Oregon ,

a tributary of Slide Creek (Grande Ronde River) for the purpose of
supplemental irrigation of 455.0 acres & irrigation of 400.1 ac.
54.9

under Permit No. G-2739 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from August 12, 1964

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
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, and to which such right is appurtenant, is
as follows:

| | |
|---|--|
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 12.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.1 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | Section 9 |
| Section 2 | |
| 40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 39.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 39.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 38.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 1.6 P. 36.45 — 38.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 15.0 S 23.2 P — 38.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 1.5 P. 38.55 — 40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 3 | Section 10 |
| 12.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 4 | Section 11 |
| | T. 2 S., R. 38 E., W. M. |

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

19.....

Sylvan B. Rasmussen
Martha Joy Rasmussen