Reinstatement
~~CANCELLED~~ CANCELLED
Reinstatement

FILE#: G 14388

Assigned
THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS, OR 97601

Application No. G 14388

Permit No. G G13261 Reinstatement

Certificate No. ~~CANCELLED~~ CANCELLED Reinstatement

Stream Index, Page No.

FEES PAID

Date	Amount	Receipt No.
9-30-96	100.00	7006
9-30-96	200.00	7007
6-2-97	200.00	12740
11-6-09	400.00	98425
5-23-11	75.00 Cert. Fee	102947

FEES REFUNDED

Date	Amount	Check No.

Date filed

Priority

Action suspended until

Return to applicant

Date of approval 11-12-97

CONSTRUCTION

Date for beginning 11-12-98

Date for completion

Extended to

Date for application of water 10-1-01

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

ASSIGNMENTS

Date ASSIGNED	To Whom	Address	Volume	Page
5/23/2011	The New Algae Company Simplexity Health PO Nox 1840 Klamath Falls OR 97601			
12/6/2021	Planasa-Oregon REO, LLC	21008 Dersch Rd.; Anderson, CA. 96007		

REMARKS

3/9/07 ~~CANCELLED~~ in special order Vol 71 pg 320
4/30/07 Reinstatment In Special order Vol 71 pg 603
9/9/09 CANCELLED in special order Vol 78 pg 851
11/6/09 Reinstatement in Special order Vol 79 pg 153
6/11/21 Cancelled - VOL 120 pg 787
12/17/2021 Reinstated V122 P191

FEES PAID
11-29-2021 610.00 136932
11-29-2021 120.00 136934

Water level Measurement Plan - APPROVED 4-12-1999

SP*70000-119

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-13261) ORDER

Findings of Fact

1. On June 11, 2021, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The permittee requested reconsideration of the June 11, 2021, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and the necessary re-instatement fee required under ORS 536.050 was received.

PERMIT TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
Planasa-Oregon REO, LLC	14	17	G-14388	G-13261

Conclusions of Law

1. Permits may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit listed above is reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on DEC 17 2021

Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL DEC 17 2021
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

Special Order Volume 122 Page 191

Mailing List for Reinstatement Order

Volume ___, Page ___

Copies Mailed

by: TM
(STAFF)

on: 12/17/2021
(DATE)

Application: G-14388

Permit: G-13261

Permit Holder(s):

PLANASA- OREGON REO LLC
21008 DERSCH RD
ANDERSON CA 96007

Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #: 17
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 136932

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Planasa Oregon Reo, LLC

BY: _____

APPLICATION	G-14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK# ☒ 10120 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $610.00

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

46111

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

0251 OTHER (IDENTIFY) Reinstatement $610.00

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: 136932 DATED: 11-22-2021 BY: Mindy Casler

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Pink Copy - Fiscal

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 136934

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Planasa Oregon Aco, LLC

BY: _____

APPLICATION	G-14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 10119 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 120.00

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

46111

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY) _____				$
TC162	DEPOSIT LIAB. (IDENTIFY) _____				$
0240	EXTENSION OF TIME				$
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$	0202	$	
0203	GROUND WATER	$	0204	$	
0205	TRANSFER	$			
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**	
0218	WELL DRILL CONSTRUCTOR	$	0219	$	
	LANDOWNER'S PERMIT		0220	$	
0250	OTHER (IDENTIFY) Assignment			$120.00	

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: 136934 DATED: 11-22-2024 BY: Mindy Cash

Copy: Customer Yellow Copy Finest Blue Copy File Buff Copy Finest

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

December 6, 2021

Planasa-Oregon REO, LLC
21008 Dersch Road
Anderson, CA 96007

Reference: Application G-14388, Permit G-13261

The assignment from The New Algae Company, DBA Simplexity Health to Planasa-Oregon REO, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Planasa-Oregon REO, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 136934 covering the recording fee is also enclosed.

A permit is not a perfected water right and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2001, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #136934

cc: The New Algae Company, DBA Simplexity Health – PO Box 1840, Klamath Falls, OR 97601
Data Center, OWRD (cover letter & request)
File

Request for Assignment

OREGON WATER RESOURCES DEPARTMENT
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/owrd

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, New Algae Co., DBA Simplexity Health
(Name of Current Holder of Record)

P.O. Box 1840 Klamath Falls OR 97601 541-885-4309
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right*)*

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

RECEIVED
JUN 22 2021
OWRD

Application # G-14388 ; Permit # G-13261 ; Transfer Order # _____ ;

Limited License # _____ ; Groundwater Statement # _____ ;

as filed in the office of the Water Resources Director, to:

Planasa - Oregon RED, LLC
(Name of New Owner)

21008 Dersch Road Anderson CA 96007 (530) 524-2468
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below_.

X I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 29 (Day) day of Sept (Month), 20 21 (Year).

Signature of Current Holder of Record _____ Doug Jackson VP. operations

Failure to provide any of the required information will result in the return of your application.

Assign - Approve MSB 12-7-2021

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 136934
For Director by Mary F. Bjork. Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of **$120.**

Planasa
INNOVATION IN PLANT VARIETIES

Mr. Tom Byler

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301

RECEIVED
NOV 22 2021
OWRD

RECEIVED
JUL 12 2021
OWRD

June 25 2021

OK-Reinstate HTB 12-3-2021

Re: Request for Re-instatement of Application G-14388, Permit G-13261

Dear Mr. Byler:

I have received an order of cancellation dated June 11, 2021 to cancel my water right Permit G-13261. The basis of cancellation for the permit was that a proof of the completion of appropriation was failed to be submitted.

The property containing the water right was purchased by Planasa-Oregon REO, LLC (Planasa) in March 2014, which is past the authorized Completion Date of 10/1/2001 for this Permit. At the time of purchase, it was assumed that adequate infrastructure was in place to meet the full water needs of Planasa and that all permit conditions have been met. It has come to our attention that the permit condition to install a meter or other suitable measuring device was not met before the Completion Date, and therefore a Claim of Beneficial Use could not be completed. Since purchasing the property, a meter has been installed. I would like to request the Department's consideration in re-instating Permit G-13261, allowing Planasa to submit an Application for an Extension of Time in order to comply with the required permit conditions.

Included herewith please find a check in the amount of $520 for the reinstatement fee.

I thank you for your positive consideration and respectfully request the referenced permit be reinstated.

Sincerely,

Michael Delaney

Michael Delaney

Business Director

Planasa-Oregon REO, LLC

T

VIEW ADDITIONAL DATA

Credibility Review

Google

Facebook.com

Yellowbook.com

Bing.com

Yellowpages.com

The New Algae Company

CLAIM THIS BUSINESS

1410 S 6TH ST KLAMATH FALLS, OR 97601 Get Directions

(541) 884-1261 www.newearth.com

Business Info

Founded	--
Incorporated	
Annual Revenue	--
Employee Count	1(
Industries	Hydroponic Crops Grown Unde Cove
Contacts	Doug Jackson

Contact Business

MESSAGE

42° OVERCAST CLOUDS

Oops! Something went wrong.

This page didn't load Google

Photos

Manasa
21008 Dersch Road
Anderson, CA 96007

FIRST-CLASS

US POSTAGE

ZIP 96007
02 7H
0006020558

Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR 97301-1266

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Thursday, September 9, 2021 11:59 AM
To: Bryce McKinney
Cc: BJORK Mary F * WRD
Subject: RE: Permit G-13261 Deed
Attachments: RE: Application G-14388, Permit G-13261; App G-15066, Permit G-15024.pdf

Hi Bryce,

Thanks for taking my call and discussing the two applications. You're correct, I was confusing the two. Deeds have been submitted for both rights, but I am still finding the following deficiencies as noted below.

Application G-15066, Permit G-15024 (Edlebeck)
For this permit, I'm attaching a pdf of the assignment items received. We have both proof items, but as I was reviewing the submitted deed, I realized that this Request for Assignment by Proof of Ownership is a Partial Assignment, and did not include with the submittals the required map indicating the portion to be assigned. It appears that SWSE, section 6 and NWNE, section 7, are under different ownership. I have included a copy of the permit map to assist in providing this required item for a partial assignment.

Application G-14388, Permit G-13261 (Planasa)
For this permit, as discussed I have not received back the assignment that was returned because of fee increases on both the assignment and the request for reinstatement. The deed you supplied may not be needed as you indicated that the current permit holder of record (see attached email) may be available to sign.

Thanks again for your assistance. I'll look forward to receiving all the necessary items to complete the transactions.

Mary

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895
OREGON WATER RESOURCES DEPARTMENT
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Thursday, September 9, 2021 9:37 AM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Permit G-13261 Deed

Mary,

I think you may be confusing two permits. Permit G-13261 is for T39S, R10E, Section 19. Permit G-15024 is for T39S, R9E, Sections 6 & 7.

Thanks,

ADKINS ENGINEERING & SURVEYING
Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Thursday, September 9, 2021 8:53 AM
To: Bryce McKinney <BMcKinney@adkinsengineering.com>
Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: Permit G-13261 Deed

Hi Bryce,

Thanks for your patience, I'm in the office today and find that the attached deed does not match that on file for the referenced right. The permit describes the location as being within T39S, R9E, sections 6 & 7. The attached deed describes location as T39S, R10E, section 19.

Please let me know if you have any questions. I'm unable to process the request for assignment by proof of ownership without proof that describes the permitted property.

Best Regards,

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895
OREGON WATER RESOURCES DEPARTMENT
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Wednesday, September 1, 2021 4:28 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Permit G-13261 Deed

Hi Mary,

Attached is the current deed for Permit G-13261 (Planasa). If you need anything else, please let me know.

Thanks,

ADKINS ENGINEERING & SURVEYING
Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

Deed – OK
not needed
assign. signed
by holder of
record

BJORK Mary F * WRD

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Wednesday, September 1, 2021 4:28 PM
To: BJORK Mary F * WRD
Subject: Permit G-13261 Deed
Attachments: Deed.pdf

Hi Mary,

Attached is the current deed for Permit G-13261 (Planasa). If you need anything else, please let me know.

Thanks,

ADKINS ENGINEERING & SURVEYING

Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

AmeriTitle MT99211-DS

THIS SP **2014-002162**
Klamath County, Oregon

00149670201400021620020021

03/13/2014 10:17:52 AM Fee: $47.00

After recording return to:
PLANASA-OREGON REO, LLC
21008 Dersch Road
Anderson, CA 96007

Until a change is requested all tax statements shall be sent to the following address:
PLANASA-OREGON REO, LLC
21008 Dersch Road
Anderson, CA 96007

Escrow No. MT99211-DS
Title No. 0099211
SWD r.020212

STATUTORY WARRANTY DEED

MARY ANN NOBEL,

Grantor(s), hereby convey and warrant to

PLANASA-OREGON REO, LLC, AN OREGON LIMITED LIABILITY COMPANY,

Grantee(s), the following described real property in the County of **KLAMATH** and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at the center of Section 19, Township 39 South, Range 10 East of the Willamette Meridian; Klamath County, Oregon; thence North to the South boundary of the U.S. Reclamation Service Canal; thence Southeasterly along said Southerly boundary to the Westerly boundary of U. S. Reclamation Service C Branch Canal; thence Southwesterly along said Westerly boundary to its intersection with the East-West center line of said Section 19; thence West along said centerline to the point of beginning.

EXCEPTING THEREFROM that portion lying within Short Road.

The true and actual consideration for this conveyance is **$243,970.00**.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

$47 amt

RECEIVED
SEP 01 2021
OWRD

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 12th day of MAY., 2014.

Mary Ann Nobel

Mary Ann Nobel

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on 3-12, 2014 by Mary Ann Nobel.

(Notary Public for Oregon)

My commission expires 9-8-17

OFFICIAL SEAL
DEBORAH ANNE SINNOCK
NOTARY PUBLIC- OREGON
COMMISSION NO. 480583
MY COMMISSION EXPIRES SEPTEMBER 08, 2017

RECEIVED
SEP 01 2021
OWRD

2014-002166
Klamath County, Oregon

00149675201400021660030034

03/13/2014 10:22:52 AM Fee: $52.00

MTC99211-DS

When recorded mail to:
Planasa Oregon Operations, LLC
21008 Dersch Rd.
Anderson, CA 96007

RECEIVED
SEP 01 2021
OWRD

BILL OF SALE/DEED

In consideration of the sum of Six Hundred Fifty Thousand Dollars ($650,000) paid by Planasa Oregon Operations, LLC, an Oregon limited liability company to New Earth Company, Inc., an Oregon corporation, dba Simplexity, New Earth Company, Inc. sells, transfers, and delivers to Planasa Oregon Operations, LLC the below described property located on the premises commonly known as 7859 and 8383 Short Road, Klamath Falls, Oregon 97603 and more specifically described as follows:

> Beginning at the center of Section 19, Township 39 South, Range 10 East of the Willamette Meridian; Klamath County, Oregon; thence North to the South boundary of the U. S. Reclamation Service Canal; thence Southeasterly along said Southerly boundary to the Westerly boundary of U S. Reclamation Service C Branch Canal; thence Southwesterly along said Westerly boundary to its intersection with the East-West center line of said Section 19; thence West along said centerline to the point of beginning.
>
> EXCEPTING THEREFROM that portion lying within Short Road.

The property sold, transferred, assigned and delivered to Planasa Oregon Operations, LLC pursuant to this Bill of Sale/Deed is as follows:

- 22,000 square foot metal building and related interior and exterior improvements
- Outbuilding including pumps, piping and electrical for a domestic water system and property storage
- Two (2) domestic water wells
- 40,000 gallon water storage tank
- Sand filter septic system
- Any and all other above ground and below ground improvements constructed and owned by New Earth Company, Inc. whether or not specifically described herein (all hereafter referred to as the "property")

It is recited that some of the property listed above may be considered personal property and some may be considered fixtures. All said property is transferred pursuant to the terms of the

$ 50 Amt.

Assignment of Ground Lease executed by the undersigned and by Planasa Oregon Operations, which said Assignment of Ground Lease is signed contemporaneously with this Bill of Sale/Deed.

Planasa Oregon Operations, LLC and its successor, administrators and assigns shall have the right to hold this property forever.

New Earth Company, Inc. hereby covenants to Planasa Oregon Operations, LLC and otherwise agrees that New Earth Company, Inc. is the owner of the property and improvements described above, that the described property and improvements are free from all encumbrances, that New Earth Company, Inc. has the right to sell the same, and that New Earth Company, Inc. and its agents, successors, and administrators shall warrant and defend title to the same against claims of any other person or entity.

Planasa Oregon Operations, LLC has had opportunity to inspect the property. New Earth Company, Inc. transfers the property "AS IS, WHERE IS" in its current condition exisiting as of the transfer date, without any representation or warranty of fitness for purpose or condition, by New Earth Company, Inc., except as provided in the above paragraph.

If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Bill of Sale/Deed, to rescind this Bill of Sale/Deed, or otherwise with respect to the subject matter of this Bill of Sale/Deed, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator, or trial court, and, if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

New Earth Company, Inc. acknowledges this Bill of Sale/Deed has been prepared by Melvin D. Ferguson, as the attorney for Planasa Oregon Operations, LLC. New Earth Company, Inc. acknowledges it has the right to consult with its attorney concerning this agreement.

Dated this 11 day of March, 2014.

New Earth Company, an Oregon corporation

By: _____
Jerry Anderson
President

RECEIVED
SEP 01 2021
OWRD

///

///

RECEIVED
SEP 01 2021
OWRD

STATE OF KLAMATH, County of Klamath) ss.

This instrument was acknowledged before me on 3-11-, 2014, by Jerry Anderson, as President of New Earth Company.

OFFICIAL SEAL
DEBORAH ANNE SINNOCK
NOTARY PUBLIC- OREGON
COMMISSION NO. 480583
MY COMMISSION EXPIRES SEPTEMBER 08, 2017

Notary Public - State of Oregon
My commission expires: 9-3-17

Approved:

Planasa Oregon Operations, LLC an Oregon limited liability company

By: _____
Michael Delaney
Manager



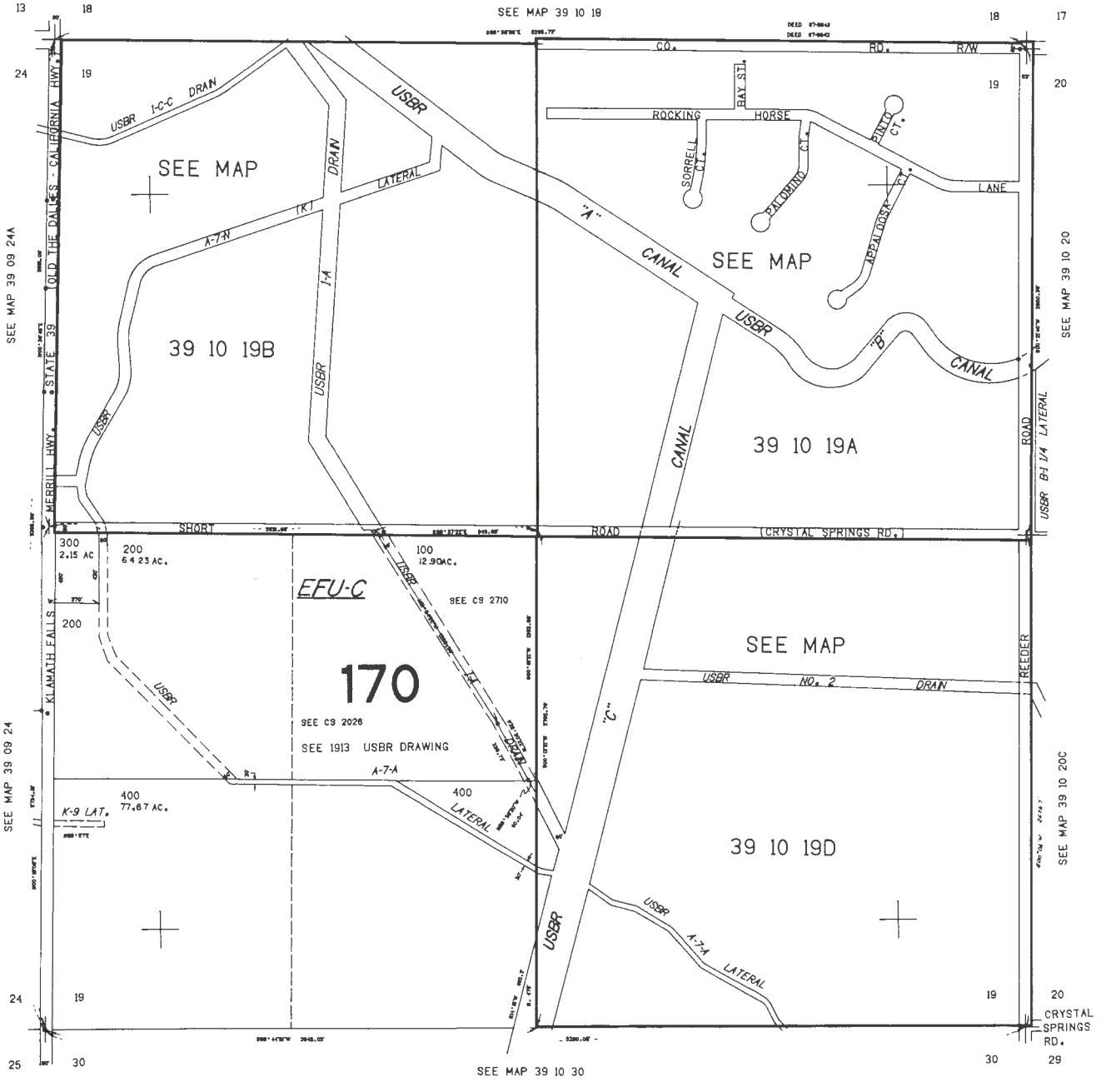
County:	Klamath
Taxlot:	R-3910-019A0-07000-000
Owner1:	PLANASA-OREGON REO LLC
Owner2:	
Owner Address:	21008 DERSCH RD, ANDERSON, CA 96007
Site Address:	7859 SHORT RD, KLAMATH FALLS, OR 97603
Acres:	26
TRSQQ:	WM0.00S0.00E0XXXX
Effective Date:	May 1, 2021

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SECTION 19 T.39S. R.10E. W.M.
KLAMATH COUNTY

1"=400'

39 10 19 & INDEX



39 10 19 & INDEX

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

July 20, 2021

Planasa-Oregon Reo, LLC
Attn: Michael Delaney
21008 Dersch Road
Anderson, CA 96007

Reference: Fee Increase

Dear Planasa-Oregon Reo, LLC,

The Department has received your Request for Assignment, and Request for Reinstatement on Application G-14388, Permit G-13261. We are unable to accept the Request for Assignment at this time as insufficient fees were submitted. As of July 1, 2021, the fee for a Request for Assignment is $120. We acknowledge that your Request for Reinstatement was submitted within the timeline provided by the order. However, we are returning the fee because the fee for a Request for Reinstatement has increased. As of July 1, 2021, the fee for a Request for Reinstatement is $610.

Please return the Requests with the required fees so that the Department may process them in a timely manner.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Requests and Fees for Assignment and Reinstatement

cc: File
Adkins Engineering & Surveying – 1435 Esplanade Ave., Klamath Falls, OR 97601

Planasa
INNOVATION IN PLANT VARIETIES

Mr. Tom Byler

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301

RECEIVED
JUL 12 2021
OWRD

June 25 2021

Re: Request for Re-instatement of Application G-14388, Permit G-13261

Dear Mr. Byler:

I have received an order of cancellation dated June 11, 2021 to cancel my water right Permit G-13261. The basis of cancellation for the permit was that a proof of the completion of appropriation was failed to be submitted.

The property containing the water right was purchased by Planasa-Oregon REO, LLC (Planasa) in March 2014, which is past the authorized Completion Date of 10/1/2001 for this Permit. At the time of purchase, it was assumed that adequate infrastructure was in place to meet the full water needs of Planasa and that all permit conditions have been met. It has come to our attention that the permit condition to install a meter or other suitable measuring device was not met before the Completion Date, and therefore a Claim of Beneficial Use could not be completed. Since purchasing the property, a meter has been installed. I would like to request the Department's consideration in re-instating Permit G-13261, allowing Planasa to submit an Application for an Extension of Time in order to comply with the required permit conditions.

Included herewith please find a check in the amount of $520 for the reinstatement fee.

I thank you for your positive consideration and respectfully request the referenced permit be reinstated.

Sincerely,

Michael Delaney

Michael Delaney

Business Director

Planasa-Oregon REO, LLC

ADKINS
ENGINEERING & SURVEYING

Letter of Transmittal

To: Oregon Water Resources Department
725 Summer Street NE, Ste. A
Salem, OR 97301-1266

Date: July 9, 2021

RE: Permit G-13261

We are sending you:

☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Pay Requests
☐ Specifications ☐ Submittals ☐ Change orders ☐ Sign & Return ☐ Other

Copies/Pgs	Date	Description
1	7/9/21	Request for Assignment & Request for Reinstatement for Permit G-13261
1	6/25/21	Fee Check #10102 $100.00

These are transmitted as checked below:
☒ For approval
☐ For your use
☐ As requested
☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections

Sincerely,

Deirdre Horton
Front Office Manager

CC: **Planasa**
3153-02
Delivered via: **UPS Ground**

RECEIVED
JUL 12 2021
OWRD

1435 Esplanade Ave, Klamath Falls, OR 97601
o 541.884.4666 / f 541.884.5335 / w AdkinsEngineering.com

Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

Advertising

From: **Friday, June 11, 2021 at 12:00:00 midnight**
To: **Monday, July 12, 2021 at 12:00:00 midnight**

Result: 31 days, 0 hours, 0 minutes and 0 seconds

The duration is 31 days, 0 hours, 0 minutes and 0 seconds

Or 1 month, 1 day excluding the end date.

Alternative time units

31 days, 0 hours, 0 minutes and 0 seconds can be converted to one of these units:

- 2,678,400 seconds
- 44,640 minutes
- 744 hours
- 31 days
- 4 weeks and 3 days
- 8.49% of 2021

June 2021
20 days included

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26

July 2021
11 days included

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24

timeanddate.com

Make a New Calculation

- Make adjustment and calculate again
- New calculation between two other dates and times
- New calculation between two dates (no time)



Time & Date Calculator App for iOS

See how long remains before a deadline or exactly when those 30 days are up.

timeanddate.com

© Time and Date AS 1995–2021

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

Request for Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)

RECEIVED
JUL 12 2021
OWRD

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Planasa-Oregon Reo LLC
(Name of Party Requesting Assignment)

21008 Dersch Rd | Anderson | CA | 96007 | 530-524-2468
(Mailing Address) | *(City)* | *(State)* | *(Zip)* | *(Phone #)*

☑ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request

☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/ transfer/limited license/groundwater statement to be assigned.)*

Application # G-14388; Permit # G-13261; Transfer # _____;

Limited License # _____; Groundwater Statement # _____;

The New Earth Co.
(Name of Current Holder of Record)

1410 South 6th St. | Klamath Falls | OR | 97601 | 541-884-1261
(Mailing Address) | *(City)* | *(State)* | *(Zip)* | *(Phone #)*

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

1) MD I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

2) MD I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.

3) ____ I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

4) MD I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 25th (Day) day of June (Month), 2021 (Year).

Signature of Party Requesting Assignment Michael McKenney

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of **$100**.

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
JUL 12 2021
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Planasa Oregon. Reo LLC

21008 Dersch Road. Anderson, CA 96007

Transaction Type: Reinstatement

Fees Received: $ 520.00

☐ Cash ☒ Check: Check No. 10103

Name(s) on Check: SAME

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: R. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (*i.e., "Fiscal Pick Up Drawer"*). Place the Submission Receipt with submission (*application/other document*) in the large bottom drawer.

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
JUL 12 2021
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Planasa Oregon Reo, LLC
21008 Dersch Road Anderson, CA 96007

Transaction Type: Assignment

Fees Received: $ 100.00

☐ Cash ☒ Check: Check No. 10102

Name(s) on Check: SAME

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: C. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (*i.e., "Fiscal Pick Up Drawer"*). Place the Submission Receipt with submission (*application/other document*) in the large bottom drawer.

MONEY SLIP

DATE: 7-12-2021 **RECEIPT #:** 135777

RECEIVED FROM: Planasa Oregon Reg, LLC

APPLICATION	
PERMIT	
TRANSFER	

CASH ☐ **CHECK #** ☒ 10102 **OTHER (IDENTIFY)** ☐ _____ **TOTAL REC'D** $ 100.00

1083 TREASURY **4170 MISC CASH ACCT.**

0407	COPIES	$
_____	OTHER: (IDENTIFY) _____	$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan_____ 0245 Cons. Water _____

1083 TREASURY **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	EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

	WELL CONSTRUCTION	EXAM FEE		RECORD FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$
_____	OTHER (IDENTIFY) _____			

0607 TREASURY **0467 HYDROELECTRIC**

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

SPECIAL INSTRUCTIONS:

☑ **RETURN TO APPLICANT -- LETTER ATTACHED**

MONEY SLIP

DATE: 7-12-2021 **RECEIPT #:** 135778

RECEIVED FROM: Planasa Oregon Reg, LLC

APPLICATION	
PERMIT	
TRANSFER	

CASH ☐ **CHECK #** ☒ 10103 **OTHER (IDENTIFY)** ☐ _____ **TOTAL REC'D** $ 550.00

1083 TREASURY **4170 MISC CASH ACCT.**

0407	COPIES	$
_____	OTHER: (IDENTIFY) _____	$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan_____ 0245 Cons. Water _____

1083 TREASURY **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	EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

	WELL CONSTRUCTION	EXAM FEE		RECORD FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$
_____	OTHER (IDENTIFY) _____			

0607 TREASURY **0467 HYDROELECTRIC**

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

SPECIAL INSTRUCTIONS:

☑ **RETURN TO APPLICANT -- LETTER ATTACHED**

~~Reinstatement~~ ~~CANCELLED~~ CANCELLED Reinstatement

Application No. G G14388

Permit No. G G13261 ~~Reinstatement~~ ~~CANCELLED~~ CANCELLED

Certificate No. ~~CANCELLED~~ Reinstatement

Stream Index, Page No.

FILE#: G 14388

Assigned

THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS, OR 97601

Date filed

Priority

Action suspended until

Return to applicant

Date of approval 11/12/97

CONSTRUCTION

Date for beginning 11/12/98

Date for completion

Extended to

Date for application of water 10/1/01

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

FEES PAID

Date	Amount
9-30-96	100.00
9-30-96	200.00
6-2-97	200.00
11-6-09	400.00
5-23-11	75.00
	Cert. Fee

FEES REFUNDED

Date	Amount

ASSIGNMENTS

Date	To Whom	Address	Volum
5/23/2011	The New Algae Company Simplexity Health PO Nox 1840 Klamath Falls OR 97601		

REMARKS

3/9/07 ~~CANCELLED~~ in special order Vol 71 pg 320

4/30/07 ~~Reinstatment~~ In Special order Vol 71 pg 603

9/9/09 CANCELLED in special order Vol 78 pg 85

11/6/09 Reinstatement in Special order Vol 79 pg 153

6/11/21 Cancelled - VOL 120 pg 787

Water level Measurement Plan - APPR
4-

ADKINS CONSULTING ENGINEERING,
541-884-4666
ADKINS CONSULTING ENGINEERING,
1435 ESPLANADE AVE.
KLAMATH FALLS OR 97601

1 LBS

1 OF 1

SHIP TO:
OWRD
725 SUMMER ST., NE, STE. A
SALEM OR 97301

OR 973 0-02

UPS GROUND
TRACKING #: 1Z 834 22A 03 9878 5236

BILLING: P/P

Reference #1: 3153-02

XOL 21.06.14 NV45 28.0A 07/2021*

OWRD
725 SUMMER ST NE
STE A
SALEM OR 97301

P: TOP S: SHOP I:

306-FDL

1Z834 22A 0398 7852 36

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, July 27, 2021 12:17 PM
To: Michael Delaney
Cc: Anthony Wyatt; Bryce McKinney (BMcKinney@adkinsengineering.com); BJORK Mary F * WRD
Subject: RE: Application G-14388, Permit G-13261
Attachments: 2011 Request.pdf; 2011 Confirmation.pdf; Assign Request Work Copy.pdf; Assign.pdf

Hi Michael,

I'm writing to confirm that the permit holder of record for the referenced water right is The New Algae Company, DBA Simplexity Health per the attached 2011 assignment. This means that you will need to revise your assignment form to include that name, instead of The New Earth Co. I am including a new blank form to this email that reflects the fee increase.

Also of note, for Request for Assignment by Proof of Ownership, two items of proof are required as listed at the bottom of the form. Proof that Planasa-Oregon Reo LLC is the current owner of the property, and proof that you have not been able to contact the owner of record. Please let me know if you'd like to discuss this proof further beyond the proof item examples listed on the form.

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895
OREGON WATER RESOURCES DEPARTMENT
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Michael Delaney <mdelaney@planasa.com>
Sent: Monday, July 26, 2021 1:31 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Cc: Anthony Wyatt <anthonyw@planasa.com>
Subject: RE: Application G-14388, Permit G-13261

Hello Mary,

Thank you for the information. We will await your validation regarding the proof of ownership between The New Earth Co and The New Age Algae Company. I know both entities at one time had an interest in the property but do not recall if they were under the same ownership. Please advise as to the proper paperwork and fee structure and we will remedy immediately. Thank you for your help.

Regards.
Michael

Michael Delaney
USA Business Director
M: +1 949 315 0423

Planasa
INNOVATION IN PLANT VARIETIES
21008 Dersch Road
Anderson, California 96007
P: +1 530 524 2468
F: +1 530 378 5201
planasa.com

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Monday, July 26, 2021 9:15 AM
To: Michael Delaney <mdelaney@planasa.com>
Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Application G-14388, Permit G-13261

Hi Michael,

I tried calling you this morning at 530-524-2468, your office gave me your email address. I'm contacting you because of your request for assignment by proof of ownership that was received at the Department along with a request to reinstate Permit G-13261.

There's been a fee increase on both processes, so they were sent back to you on July 21, 2021. The Department does acknowledge that your request to reinstate the permit was timely, but will wait to process the reinstatement pending the current fees explained in the letter.

I found this morning that your request for assignment by proof of ownership form is filled out as FROM The New Earth Co. TO Planasa-Oregon Roe LLC. Electronic data shows that the current permit holder of record is The New Algae Company, DBA Simplexity Health per the attached 2011 assignment.

I'd like to check this information with the paper file when I'm in the office tomorrow, but wanted to let you know so hopefully you didn't send back the request as it appears the form will need to be revised to reflect the current permit holder of record.

I'll send another email tomorrow to follow up.

Best Regards,

Mary

Mary F. Bjork
Water Rights Program Analyst
Oregon Water Resources Department
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

OREGON WATER RESOURCES DEPARTMENT

BJORK Mary F * WRD

From: Michael Delaney <mdelaney@planasa.com>
Sent: Monday, July 26, 2021 1:31 PM
To: BJORK Mary F * WRD
Cc: Anthony Wyatt
Subject: RE: Application G-14388, Permit G-13261

Hello Mary,

Thank you for the information. We will await your validation regarding the proof of ownership between The New Earth Co and The New Age Algae Company. I know both entities at one time had an interest in the property but do not recall if they were under the same ownership. Please advise as to the proper paperwork and fee structure and we will remedy immediately. Thank you for your help.

Regards.
Michael

Michael Delaney
USA Business Director
M: +1 949 315 0423

Planasa
INNOVATION IN PLANT VARIETIES
21008 Dersch Road
Anderson, California 96007
P: +1 530 524 2468
F: +1 530 378 5201
planasa.com

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Monday, July 26, 2021 9:15 AM
To: Michael Delaney <mdelaney@planasa.com>
Cc: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Application G-14388, Permit G-13261

Hi Michael,

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There's been a fee increase on both processes, so they were sent back to you on July 21, 2021. The Department does acknowledge that your request to reinstate the permit was timely, but will wait to process the reinstatement pending the current fees explained in the letter.

I found this morning that your request for assignment by proof of ownership form is filled out as FROM The New Earth Co. TO Planasa-Oregon Roe LLC. Electronic data shows that the current permit holder of record is The New Algae Company, DBA Simplexity Health per the attached 2011 assignment.

I'd like to check this information with the paper file when I'm in the office tomorrow, but wanted to let you know so hopefully you didn't send back the request as it appears the form will need to be revised to reflect the current permit holder of record.

I'll send another email tomorrow to follow up.

Best Regards,

Mary

Mary F. Bjork
Water Rights Program Analyst
Oregon Water Resources Department
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

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OREGON WATER RESOURCES DEPARTMENT

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, July 26, 2021 3:56 PM
To: Bryce McKinney
Cc: BJORK Mary F * WRD
Subject: RE: Permit G-13261

Hi Bryce,

The fees were submitted as checks from Planasa-Oregon Reo, LLC, so they were sent back to them. You were copied on the correspondence as agent. They will need to submit two new checks for $120 and $610, along with the paperwork that was returned.

Hope this helps,

Mary F. Bjork
Water Rights Program Analyst
Oregon Water Resources Department
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

OREGON WATER RESOURCES DEPARTMENT

From: Bryce McKinney <BMcKinney@adkinsengineering.com>
Sent: Monday, July 26, 2021 2:59 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: Permit G-13261

Hi Mary,

We received your letter regarding the fee increase for Permit G-13261. We didn't receive the two checks, so I wasn't sure if you were sending those to us or the permit holder. Do you want two checks for the difference in the fees ($20 and $90), or do you want two new checks for $120 and $610?

Thanks,

ADKINS ENGINEERING & SURVEYING
Bryce McKinney
Environmental Scientist

o / 541.884.4666
m / 503.737.4655
a / 1435 Esplanade Ave, Klamath Falls, OR 97601
w / AdkinsEngineering.com

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED: June 11, 2021

NOTICE

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

The final order is an order in other than contested case. The order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 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.

If you request reconsideration of the final order and reinstatement of your permit, there is a $520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Jonnine Skaug at Jonnine.L.Skaug@oregon.gov or by telephone at 503-986-0813. Due to Covid-19, email may be the best way to reach her.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
THE NEW ALGAE CO.	14	17	G-14388	G-13261

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on JUN 1 1 2021

Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL JUN 1 1 2021
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 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.

Special Order Volume 120 Page 787

Mailing List for Cancellation Order

Volume 120, Page 787

Application: G-14388

Permit: G-13261

Copies Mailed

by: _____ (STAFF)

on: 6-11-21 (DATE)

Permit Holder(s):

THE NEW ALGAE CO.
PO BOX 1840
KLAMATH FALLS OR 97601

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #: 17
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

Current Landowner –

5. PLANASA- OREGON REO LLC
   21008 DERSCH RD
   ANDERSON CA 96007

OK to Cancel JS 3/16/21

COMPLETENESS PROJECT
Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: **Jonnine Skaug** ***DATE:*** **March 2, 2021** ***FILE #*** G-14388

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if: update WRIS if appropriate

_____Extension pending Yes / No _____

_____Assignment is pending Yes / No _____

_____Cancellation has been requested Yes / No _____

_____Claim of Beneficial Use received Yes / No _____
Date information received_____

✓ Dept. has already sent a **certified** 60-Day Compliance letter (date 2/5/18, Cert mail # 7017 0530 0001 1436 3577)

Was **60 days notice** allowed? (Y) N If No, How Much Time ? 2/12/18
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check ? Y N date _____ successful ? Y N
Re-send Cert. Letter ? Y N date _____
Send cancellation order Y N

2. IF **NONE** OF THE ABOVE APPLY

_____ Send **certified** "C" date notice packet to permit holder.
"C" DATE 10/1/2001 **BASIN NUMBER** 14 **WM #** 17

CWRE or AGENT Yes/No _____

3. **AOI Yes**_____ **NO**_____ **If Yes, name(s) of AOI** N/A

4. **Current Landowner(s) and Mailing Address**

If new owner: _____

County of Place of Use Klamath **Tax Lot(s)** 700

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner – Date of Request _____**Requesting Parties Name** _____

Hold Action Until (Date) _____

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE – Date of Request _____ **CWRE Name** _____

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

Cancelled & Reinstated two times

COMPLETENESS PROJECT
Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ *DATE* _____

1. **C Date** ____/_____/_____
2. **Certified Letter Date** ____/_____/_____
3. **Return Receipt Rcvd.** ____/_____/_____
4. **Return Receipt Signed By** _____
5. **Other Communication:** ____/_____/_____

Recommend Cancellation ☐ **or**
Hold Action until ____/_____/_____



G-14388

Tax Lots

Identify Tax Lots OR Map

○ Off
◉ On

County:	Klamath
Taxlot:	R-3910-019A0-07000-000
Owner1:	PLANASA-OREGON REO LLC
Owner2:	
Owner Address:	21008 DERSCH RD, ANDERSON, CA 96007
Site Address:	7859 SHORT RD, KLAMATH FALLS, OR 97603
Acres:	26.1
TRSQQ:	WM39.00S10.00E19XXNE
Effective Date:	March 25, 2019

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

KLAMATH County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

March 9, 2021 10:32:39 am

Account #	599864	**Tax Status**	ASSESSABLE
Map #	3910-019A0-07000	**Acct Status**	ACTIVE
Code - Tax #	170-599864	**Subtype**	NORMAL
Legal Descr	Metes & Bounds - See legal report for full description.		
Mailing Name	PLANASA-OREGON REO LLC	**Deed Reference #**	(SOURCE ID: 14-002162)
Agent		**Sales Date/Price**	03-12-2014 / $243,970.00
In Care Of		**Appraiser**	UNKNOWN
Mailing Address	21008 DERSCH RD ANDERSON, CA 96007		

Prop Class	551	**MA**	**SA**	**NH**	**Unit**
RMV Class	551	07	27	002	19095-1

Situs Address(s)	Situs City
ID# 7859 SHORT RD	KLAMATH FALLS

Value Summary

Code Area		RMV	MAV	AV	RMV Exception	CPR %
170	Land	81,610			Land 0	
	Impr.	204,510			Impr. 0	
Code Area Total		286,120	95,250	103,269	0	
Grand Total		286,120	95,250	103,269	0	

Land Breakdown

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
170					CONVERTED OSD - SA	100				20,000
170	1	☑		EFU-C	Farm Use Zoned	100	A	21.56	66.3	36,490
170	2	☑		EFU-C	Farm Use Zoned	100	A	3.38	66.4	1,610
170	3	☑		EFU-C	Farm Use Zoned	100	A	0.01	CO.8	0
170	4	☑		EFU-C	Rural Site	100	A	1.00		23,510
					Grand Total			25.95		81,610

Improvement Breakdown

Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
170	4		317	GP BUILDING	100	864			0
170	5		317	GP BUILDING	100	1,140			0
170	1	1940	131	RES One story	145	1,510			204,510
				Grand Total		3,514			204,510

Exemptions/Special Assessments/Potential Liability

Code Area	Type

NOTATION(S):

- POT'L ADD'L TAX LIABILITY ADDED 2018

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

February 5, 2018

Certified mail number 7017 0530 0001 1436 3577
Return receipt requested

PLANASA-OREGON REO LLC
21008 DERSCH RD
ANDERSON CA 96007

CANCEL FCMP JS 2/11/2020

Reference: Application G-14388, Permit G-13261

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is $200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the dat[e of this letter (April 5, 2018) the Department may issue a Final Order to cancel your permit without furt[her notice. If a Final Order is issued and you request reconsideratio[n, you will be required to pay a reinstatement fee that is charge[d.

Should you have any questions, yo[u may contact me at 503-986-0819.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File G-14388
OWRD Watermaster Dis[trict 18]

SENDER: COMPLETE THIS SECTION
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Planasa-Oregon REO LLC
21008 Dersch Rd
Anderson CA 96007

9590 9402 2005 6123 9101 79

2. Article Number (Transfer from service label)
7017 0530 0001 1436 3577

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 2-9-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

RECEIVED
FEB 12 2018
OWRD

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

~~Reinstatement~~ ~~CANCELLED~~ CANCELLED Reinstatement

Application No. G G14388

Permit No. G G13261 ~~Reinstatement~~ ~~CANCELLED~~ CANCELLED Reinstatement

Certificate No.

Stream Index, Page No.

FILE#: G 14388

Assigned
THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS, OR 97601

Date filed

Priority

Action suspended until

Return to applicant

Date of approval 11/12/97

CONSTRUCTION

Date for beginning 11/12/98

Date for completion

Extended to

Date for application of water 10/1/01

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

FEES PAID

Date	Amount
9-30-96	100.00
9-30-96	200.00
6-2-97	200
11-6-09	400.00
5-23-11	75.00 Cert. Fee

FEES REFUND

Date	Amount

ASSIGNMENTS

Date	To Whom	Address	Volum
5/23/2011	The New Algae Company Simplexity Health PO Nox 1840 Klamath Falls OR 97601		

REMARKS

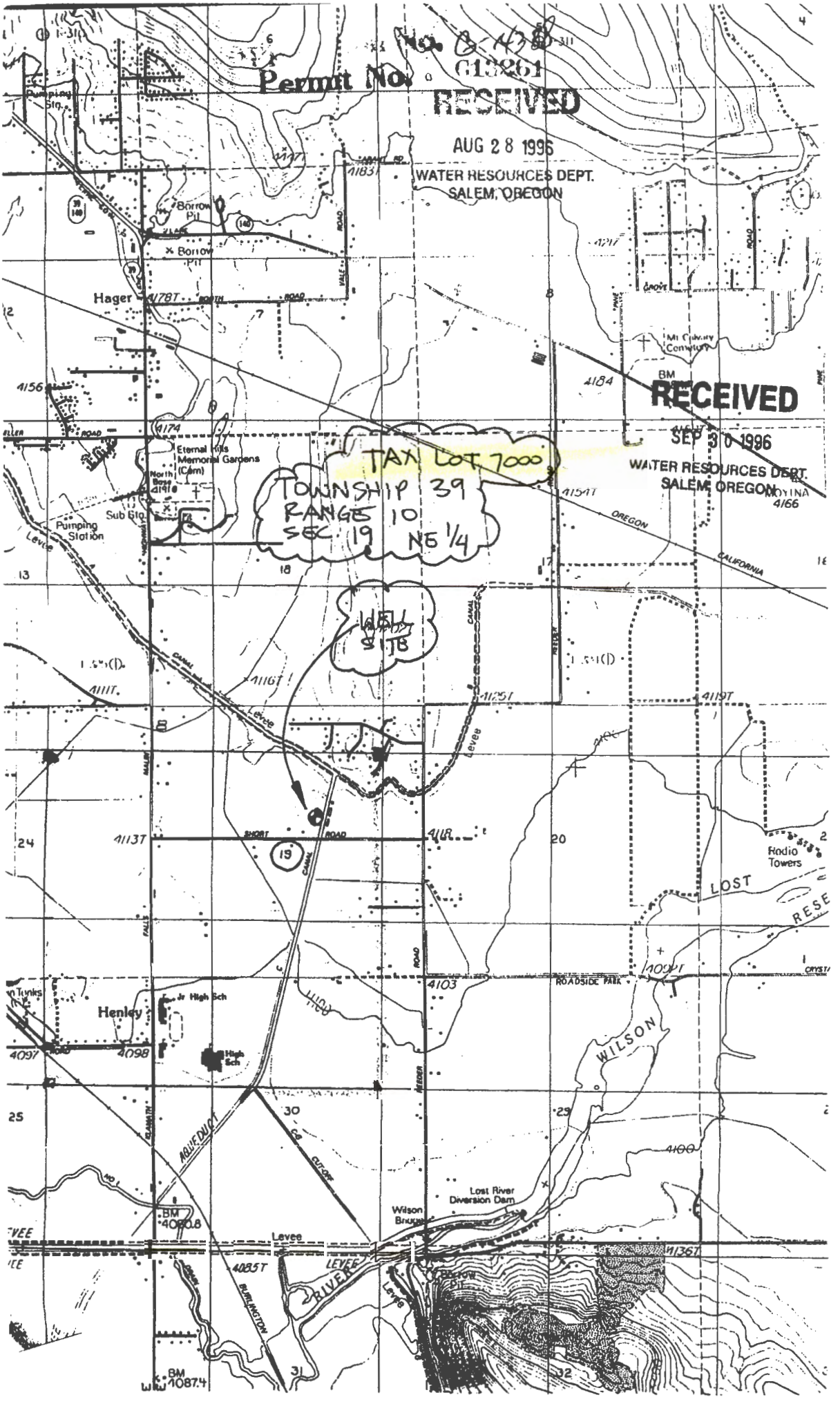
3/9/07 CANCELLED in special order Vol 71 pg 320

4/30/07 Reinstatement in Special order Vol 71 pg 603

9/9/09 CANCELLED in special order Vol 78 pg 85.

11/6/09 Reinstatement in Special order Vol 79 pg 152

Water level Measurement Plan - APPR
4-12


No. 0-42
Permit No. G13261
RECEIVED
AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON
RECEIVED
SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON
TAX LOT 7000
TOWNSHIP 39
RANGE 10
SEC. 19 NE 1/4
WELL SITE
Hager
Henley
Borrow Pit
Eternal Hills Memorial Gardens (Cem)
Pumping Station
Sub Sta
Levee
Radio Towers
Lost River Diversion Dam
Wilson Bridge
ROADSIDE PARK
Jr High Sch
High Sch
BM 4080.8
BM 4087.4
OREGON
CALIFORNIA
LOST
WILSON
RIVER
CANAL
AQUEDUCT
CUTOFF
BURLINGTON

PERMIT STATUS REVIEW BY Corey Courchane *DATE* 8/28/17 *FILE #* G-14388

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

NO Extension pending _____ _____

NO Assignment is pending _____

NO Cancellation has been requested _____ _____

YES Dept. has already sent a **certified** 60-Day Compliance letter (date 10/13/14 . # 7010 2780 0003 2635 7184
Was **60 days notice** allowed? Y N If No, How Much Time ? _____
Was mail deliverable as addressed? Y N date 10/16/14
If mail returned, online/www check ? Y N date _____ successful ? Y N
Re-send Cert. Letter ? Y N date _____
Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received_____ _____

Resend letter to attached updated owner/address
CC 8/28/17

2. IF NONE OF THE ABOVE APPLY
YES Send **certified** "C" date notice packet to permit holder.
"C" DATE 10/1/03 BASIN NUMBER 14 WM # 17

CWRE or AGENT none

3. AOI Yes ✓ NO _____ If Yes, name of AOI Klamath Irrigation District

S:\groups\wr\PERMIT C jdlc-date-checklist.doc

COURCHANE Corey A * WRD

From: Nathan Bigby <nbigby@klamathcounty.org>
Sent: Monday, August 28, 2017 10:38 AM
To: COURCHANE Corey A * WRD
Subject: RE: Property ownership

Here you go.
PLANASA-OREGON REO LLC
21008 DERSCH RD
ANDERSON, CA 96007

From: COURCHANE Corey A * WRD [mailto:Corey.A.Courchane@oregon.gov]
Sent: Monday, August 28, 2017 10:36 AM
To: Nathan Bigby <nbigby@klamathcounty.org>
Subject: RE: Property ownership

Thank you very much. Could you verify another tax lot for me?

39 10 19A TL 7000

Owner and mailing address please.

Thank you,

Corey

COREY A COURCHANE | EXTENSION SPECIALIST
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

From: Nathan Bigby [mailto:nbigby@klamathcounty.org]
Sent: Monday, August 28, 2017 8:52 AM
To: COURCHANE Corey A * WRD
Subject: RE: Property ownership

Looks like its.
COWAN DAVID M & THERESA E
7647 LIBBY RD NE
OLYMPIA, WA 98506

From: COURCHANE Corey A * WRD [mailto:Corey.A.Courchane@oregon.gov]
Sent: Monday, August 28, 2017 8:47 AM

To: Nathan Bigby <nbigby@klamathcounty.org>
Subject: Property ownership

Good morning,

I need to verify ownership of a tax lot:

37 14 02 TL 1400

If you could provide owner and mailing address, that would be greatly appreciated.

Thank you,

Corey Courchane

COREY A COURCHANE | EXTENSION SPECIALIST
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: http://www.oregon.gov/OWRD

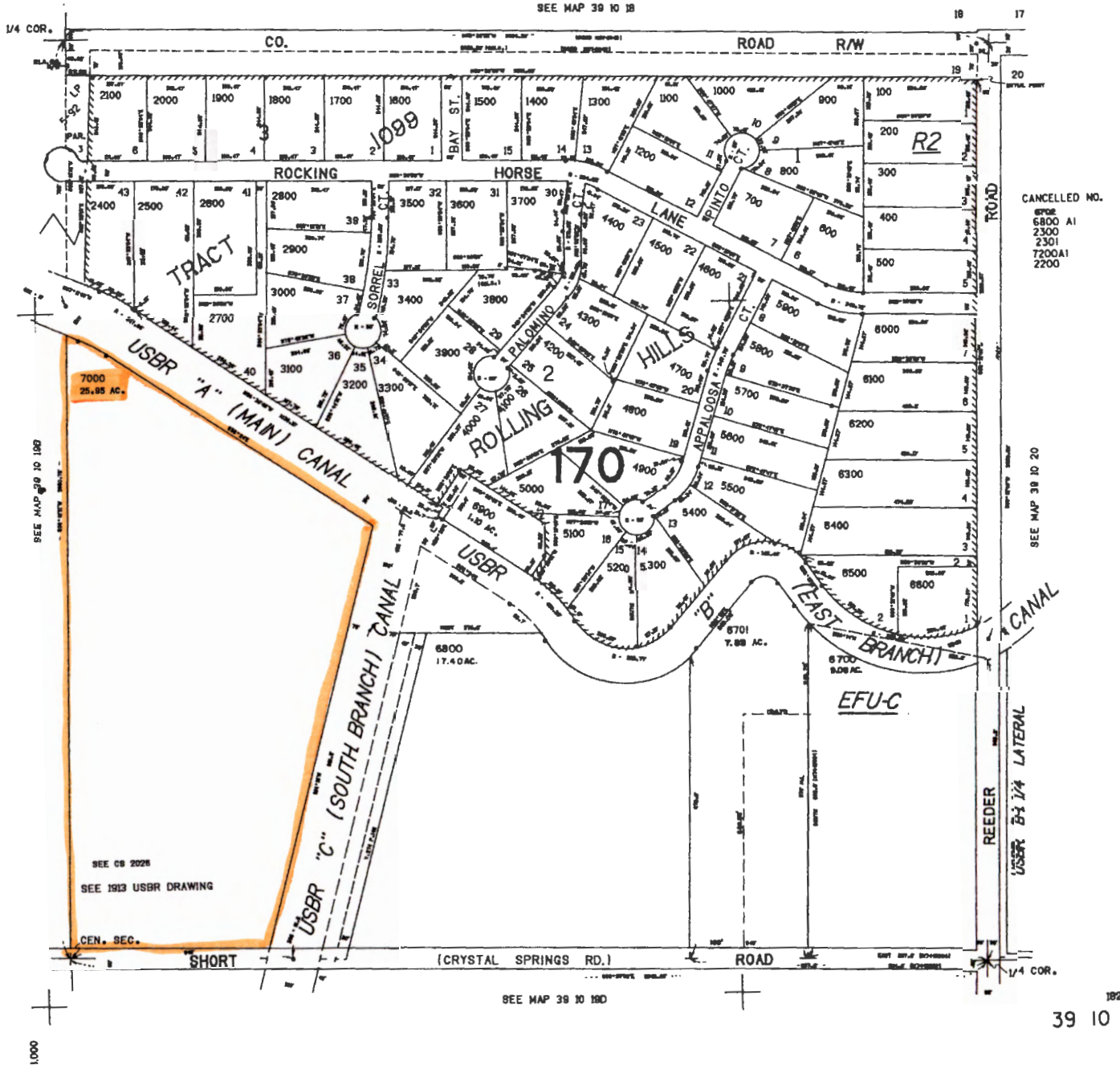
REVISED 08-06-13

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

NE1/4 SEC. 19 T.39S. R.10E. W.M. KLAMATH COUNTY

1"=200'

39 10 19A



39 10 19A

November 4, 2014

Water Rights that Adkins Consulting Engineering is currently under contract to assist with completing COBU and Final Proof Maps

Client	App. No.	Permit No.	Status
Sylvia Bruce	S-72323	S-53654	Finalizing COBU & Final Proof Map
Laurelhurst Park Improvement District	G-14699	G-13670	Finalizing COBU & Final Proof Map (pump test exemption granted)
Jim Root	S-83440	S-53939	Finalizing COBU & Final Proof Map
Rodney Cornelsen	G-14813	G-13629	Finalizing COBU & Final Proof Map & perform pump test (multiple pump test exemption granted)
Maria Egbert	G-14816	G-13667	Need to file Time Extension to complete COBU & Final Proof Map & pump test
Simplexity Health (new owner – Planasa)	G-14388	G-13261	Working with new owner to do COBU & Final Proof Map Need to file Request for Assignment
Mike Zalunardo	G-15589	G-15076	Finalizing COBU & Final Proof Map & perform pump test
The Totten Group	G-14714	G-13584	Finalizing COBU & Final Proof Map & perform pump test
Klamath Cascades Group (2 sites)	G-14715	G-13585	Finalizing COBU & Final Proof Map (pump test completed)
	G-14718	G-13586	Finalizing COBU & Final Proof Map (pump test completed)
Fred Barnes	G-14489	G-13285	Finalizing COBU & Final Proof Map & perform pump test

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

October 13, 2014

Certified mail number 7010 2780 0003 2635 7184
Return receipt requested

Simplexity Health
PO Box 1840
Klamath Falls, OR 97601

Cancel TMP

Reference: Application G-14388, Permit G-13261

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2003.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2003. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 12, 2014) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File G-14388
OWRD Watermaster District 17

PERMIT STATUS REVIEW BY KS ***DATE*** 5/2/2011 ***FILE #*** G-14388

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

NO Extension pending _____ _____

WAITING Assignment is pending _____

NO Cancellation has been requested ____ _____

5/25/2011 DGWR worked on by Alex Kuns; Chris Hall 6/6/11

YES Dept. has already sent a **certified** 60-Day Compliance letter (date 7-20-2006 # 8527 4005)

Was **60 days notice** allowed? (Y) N If No, How Much Time ? _____

Was mail deliverable as addressed? (Y) N date _____

If mail returned, online/www check ? Y (N) date _____ successful ? Y N

Re-send Cert. Letter ? Y (N) date _____

CANCEL. → Send cancellation order (Y) N

CANCELLED 1-9-07
REINSTATE 9-10-07
CANCELLED 9-9-09
REINSTATE 11-6-09
HAVE NOT RESCINDED.
ANY THOUGH.

NO Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY

_____ Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2001 **BASIN NUMBER** 14 **WM #** 17

CWRE or AGENT_____

S:\groups\wr\PERMIT C jd\c-date-checklist.doc



SWL Plan - Approved
Timely

Water Use Reports - dc 99-00
00-01

SWL - ~~May~~ May 1999 May 2000
~~May~~ Oct 1999 Oct 2000

PERMIT STATUS REVIEW BY Cklingsake ***DATE*** 9/8/14 ***FILE #*** G-14388

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

ND Extension pending _____ _____

ND Assignment is pending _____

NO Cancellation has been requested ____ _____ 2.

YES Dept. has already sent a **certified** 60-Day Compliance letter (date _____, #_____)
Was **60 days notice** allowed? (Y) N If No, How Much Time ? _____
Was mail deliverable as addressed? (Y) N date _____
If mail returned, online/www check ? Y (N) date _____ successful ? Y N
Re-send Cert. Letter ? Y (N) date _____
Send cancellation order (Y) N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY
_____ Send **certified** "C" date notice packet to permit holder.
"C" DATE 10-1-2001 **BASIN NUMBER** 14 **WM #** 17

CWRE or AGENT ADKINS ENGR. & SURVEYING CO.

SENDS LETTER KS 9/18/2014

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

5/2/2011

CALLED ANDY HANLON @ ADKINS GRUP. THEY (CHRIS & ANDY) WILL CONTINUE PETITIONS AND INFORM THEM THAT THEY WERE GOING TO HAVE $ EXPENSES IF THEY ARE NOT GOING TO CO-OPERATE WITH ADKINS. ADKINS WILL DROP THEM AS A CLIENT. HOLD REPORT A BIT.

M.L.

lease make this gift...

I in memory of
I in honor of _____
Name

_____

Zip *Phone:* ❑ *Home* ❑ *Work* ❑ *Mobile*

0 ❑ **$100** ❑ **$50** ❑ **Other $**_____

Double your donation

Apply to your company for a matching gift. Check with your Human Resources Department or email MatchingGifts@StBaldricks.org

Donations are fully tax deductible to the extent allowed by law.
IRS nonprofit ID # is 20-1173824.

Thank You!

· donation to your participant, or send to:
· Avenue, Suite 400, Monrovia, CA 91016

G14388

ADKINS
CONSULTING ENGINEERS, INC
Engineers ▲ Planners ▲ Surveyors ▲ Testing

Oregon Water Resources Department
Mr. Jerry Sauter
725 Summer St. NE, Suite A
Salem, OR 97301

December 6, 2011

Re: The New Algae Company, DBA Simplexity Health,
Pump Test data

Dear Mr. Sauter:

Attached please find a copy of the results of a pump test that was performed on Well KLAM50344 for the New Algae Company. This pump test is part of the requirement for the New Algae Company to be in compliance with the conditions of their Water Right Permit, G-13261.

Should you have any questions or comments regarding this test, please feel free to contact me.

Sincerely,

Andrew M. Hanson
Adkins Consulting Engineers, Inc.

Encl:

cc: Simplexity Health
ACE File 2942-01

RECEIVED
DEC 09 2011
WATER RESOURCES DEPT
SALEM, OREGON

2950 Shasta Way • Klamath Falls, Oregon 97603 • (541) 884-4666 • Fax (541) 884-5335

G-14388 App.

G-13261 Per.

Spec if Hunts. Submitted -

Call John @ Hoskins -

Oregon Water Resources Department

PUMP TEST FORM COVER SHEET

Well Owner:
Name: The New Algea Company DBA, Simplexity
Address: 1410 S. 6th Street
County: Klamath
City: Klamath Falls State: OR Zip:
Original owner (from well log): The New Earth Company

Well Location:
Township: 39 S Range: 10 E
Section: 19 ¼: NE 1/16 SW 1/64: NW
Well depth: 425.0 Date drilled: 6/02/96
Owners well no. (if any): 2
POD ID: Well 2

Water Right Information:
Application: G-14388 Permit: G-13261 Certificate:
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: Permit: Certificate:
Application: Permit: Certificate:

Pump Test:
Test Conducted by: Douglas Adkins Well Owner? ☐ Yes
Company: Adkins Consulting Engineers, Inc.
Address: 2950 Shasta Way Date of Test: 11/17/2011
City: Klamath Falls State: OR Zip: 97603-4430
Daytime phone: 541-884-4666

Method of discharge measurement (see our brochure for more information): Flow meter
Method of water-level measurement (pick one or enter other method used): Electric tape
Length of air line (if used):

Pump type (pick one or enter other method used): Submersible
Was the pump test conducted during normal use of the well? ☑ Yes Note:

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: None noted
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test:

Is there a lake, stream or other surface water body within ¼ mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: ft Approx. elevation difference: ft

Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) 1" access port located on top of air vent, north side of well head
Measuring point distance above land surface 1.33 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
10:00 am	1.81	0.48
10:20 am	1.81	0.48
10:40 am	1.81	0.48

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
11:30 am	183.00	gpm (gallons per minute)
12:00 pm	180.00	gpm (gallons per minute)
1:00 pm	177.00	gpm (gallons per minute)
2:00 pm	176.00	gpm (gallons per minute)
		gpm (gallons per minute)

Time pump turned on: Date 11/17/2011 Time 11:00 am
Time pump turned off: Date 11/17/2011 Time 3:02 pm
Total pumping time: 4 hours 2 minutes

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Note: Well must be idle for at least 16 hours prior to the test.
Additional forms can be obtained from our web site at: http://www.wrd.state.or.us OWRD 2/9/2000

Required Signature: DE Adkins CWRE #2

Oregon Water Resources Department

PUMP TEST DATA SHEET

Application: G-14388 Permit: G-13261 Certificate:_____ Pod_Id: _____

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

Drawdown Data

Date	Time	Time SincePump Started(minutes	Depth toWater BelowMeasuring Pt	Depth toWater BelowLand Surface	Comments
11/17/11	11:00	0	1.81	0.48	Pump on
	11:02	2	26.46	25.13	
	11:04	4	28.43	27.10	
	11:06	6	28.46	27.13	
	11:08	8	29.25	27.92	
	11:10	10	30.04	28.71	
	11:15	15	30.39	29.06	
	11:20	20	30.87	29.54	
	11:25	25	31.81	30.48	
	11:30	30	32.73	31.40	
	11:45	45	34.10	32.77	
	12:00	60	34.96	33.63	
	12:15	75	35.58	34.25	
	12:30	90	36.21	34.88	
	12:45	105	36.98	35.65	
	1:00	120	37.21	35.88	
	1:15	135	37.44	36.11	
	1:30	150	37.71	36.38	
	1:45	165	38.25	36.92	
	2:00	180	38.67	37.34	
	2:15	195	38.87	37.54	
	2:30	210	39.00	37.67	
	2:45	225	39.14	37.81	
	3:00	240	39.33	38.00	
	3:02				Pump off

Recovery Data

Date	Time	Time SincePump Stopped(minute	Depth toWater BelowMeasuring Pt	Depth toWater BelowLand Surface	Comments
11/17/11	3:02	0			Pump off
	3:04	2	19.56	18.23	
	3:06	4	16.10	14.77	
	3:08	6	14.62	13.29	
	3:10	8	13.60	12.27	
	3:12	10	12.62	11.29	
	3:17	15	11.29	9.96	
	3:22	20	10.00	8.67	
	3:27	25	9.41	8.08	
	3:32	30	8.77	7.44	
	3:45	45	7.62	6.29	
	4:00	60	6.77	5.44	
	4:15	75	6.21	4.88	
	4:30	90	5.79	4.46	
	4:45	105	5.42	4.09	
	5:00	120	5.14	3.81	
	5:15	135	4.87	3.54	End Test

KLAM50344

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SALEM, OREGON

WATER WELL REPORT
(as required by ORS 537765)

KLAM 50344 (START CARD #) 87665

(1) OWNER 96 24
THE NEW EARTH COMPANY
1300 MAIN ST.
KLAMATH FALLS OR 97601

(2) TYPE OF WORK : NEW WELL

(3) DRILL METHOD : ROTARY AIR

(4) PROPOSED USE: Domestic

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval No Depth of Completed Well 425 ft.

Explosives used NO Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	AMOUNT Sacks
17"	0	396	CEMENT	0	60	59
12"	396	425				

How was seal Placed Pressure Grouter

Backfil placed from ft. to ft. Material

Gravel placed from 60 ft. to 396 ft. Size of Gravel 3/8

(6) CASING / LINER:

	Dia.	From	To	Gage	Material
CASING	12"	+1	396	250	STEEL / WELDED

Final location of shoe (s)

(7) PERFORATIONS / SCREENS: Perforations

METHOD	TYPE	MATERIAL
FACTORY		Steel

From	To	Slot size	Number	Dia.	Tele / pipe size
216	356	1/8 x 3	3696	12"	Casing

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

TESTING METHOD AIR

Yield GPM	Drawdown	Drill stem at	Time
100 GPM		20'	1 HOUR

Temperature of Water 58 F° Depth Artesian Flow Found

Was a water analysis done? NO By whom

Did any strata contain water not suitable for intended use? No

(9) LOCATION OF WELL by legal description :

County KLAMATH Latitude Longitude

Township 39 S Range 10 E

Section 19 SW 1/4 NE 1/4

Tax Lot 7000 Lot Block Subdivision

Street Address of Well (or nearest address)
Short Rd. Klamath Falls, OR

(10) STATIC WATER LEVEL:

+1 ft. below land surface Date June 2, 1996

Artesian pressure 0 Date June 2, 1996

(11) WATER BEARING ZONES :

Depth at which water was first found 26'

From	To	Estimated Flow Rate	SWL
75'	396'	200 GPM	+1

(12) WELL LOG: Ground Elevation

	FROM	TO	SWL
SOIL	0	2	
BROWN SANDY CLAY	2	5	
YELLOW CLAY	5	7	
BROWN SANDSTONE	7	40	
BROWN CLAY	40	43	
SANDY BLUE CLAY	43	53	
BLUE CLAY STONE	53	75	
BROWN SAND & GRAVEL W/BLUE CLAY STREAKS	75	395	+1
BLUE CLAYSTONE	395	425	

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SALEM, OREGON

TAG #1934

Date started May 22, 1996 Completed June 2, 1996

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

DATE 7-8-96 WWC # 1452

(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 well construction standards. This report is true to the best of my knowledge and belief.

7-8-96 WWC # 693

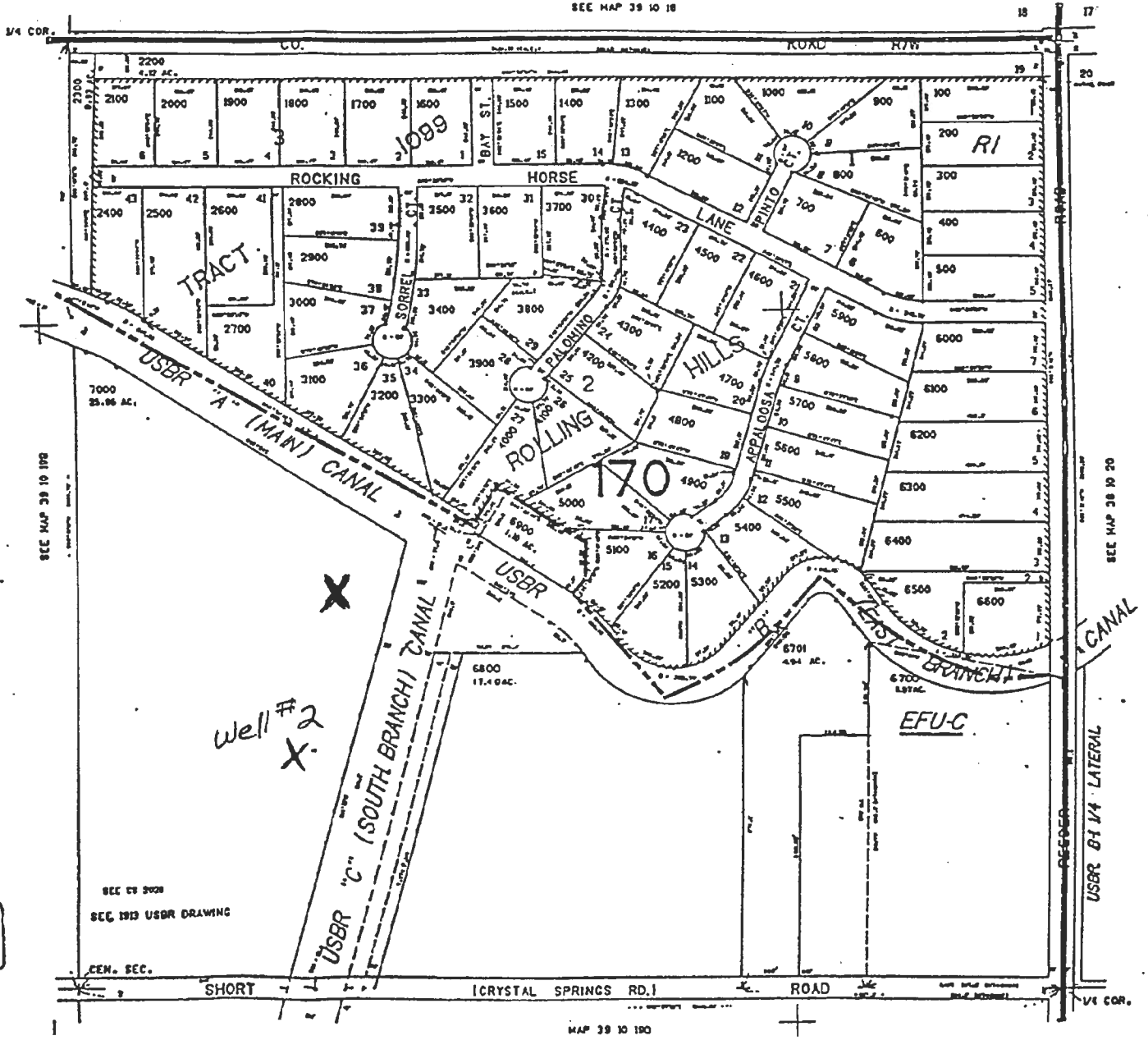
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DEC 09 2011
WATER RESOURCES DEPT
SALEM, OREGON

NE1/4 SEC. 19 T.39S. R.10E. W.M.
KLAMATH COUNTY

39 10 19A

1"=200'

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.



SCALE 1" = 600'

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DEC 09 2011
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SALEM, OREGON

RECEIVED
JAN 09 1991

ADKINS
CONSULTING ENGINEERS, INC.
2950 Shasta Way • Klamath Falls, Oregon 97603
Engineers ▲ Planners ▲ Surveyors ▲ Testing



OWRD
Mr. Jerry Sauter
725 Summer St., NE. Ste. A
Salem, OR 97301

97301$1266 C007

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

Request for Assignment

RECEIVED
MAY 26 2011
WATER RESOURCES DEPT
SALEM, OREGON

If for multiple rights, a separate form and fee for each right will be required.

I, The New Earth Company
(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

1410 South 6th Street Klamath Falls OR 97601 541-884-1261
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ hereby assign *all my interest* in and to application/permit/transfer/license/GR Certificate of Registration;

☐ hereby assign *all my interest* in and to a portion of application/permit/transfer/license/GR Certificate of Registration; *(You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)*

☐ hereby assign *a portion of my interest* in and to the *entire* application/permit/transfer/license/GR Certificate of Registration:

Application # G-14388 ; Permit # G-13261 ; Transfer # _____
-OR-
License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

The New Algae Company, DBA Simplexity Health
(Name of New Owner)

PO Box 1840 Klamath Falls OR 97601 541-885-4321
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, *you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 18 day of May, 2011.

Applicant/Permit Holder _____

Applicant/Permit Holder _____

5-23-2011

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 102947
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of **$75**.

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904

May 24, 2011

The New Algae Company Simplexity Health
P.O. Box 1840
Klamath Falls, Oregon 97601

Reference: Application G-14388, Permit G-13261

The assignment from The New Earth Company to The New Algae Company, DBA Simplexity Health has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 102947 covering the recording fee of $75 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 102947

cc: Watermaster 17
The New Earth Company
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File

Cell Tech International, Inc.
Klamath Falls, OR 97601

TO: 503-986-0902

FAX: WATER Reports

TO: Mike Zwart

RECEIVED
MAR 07 2006
WATER RESOURCES DEPT
SALEM, OREGON

FROM: Doug Jackson

THE Reports I found.

Klamath pump will start again in may '06 and go as long as needed.

---

my phone 541-885-4000 x 4008

Thanks
Doug Jackson

October 2000

Well #	NAME	ADDRESS	Phone #	WELL LOCATION	STATIC LEVEL
1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685	Behind house by green house with a 5 gallon bucket.	22'8"
2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958 (w)850-8368	Follow fence down left side of house should see it.	18'7"
3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347 (w)798-5816	To the right of the garage, through the white gate, in the flower bed.	35'1"
4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712	Left side of house.	23'7"
5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825 (w)850-5560	Rt. Side of fence 50 to 200 ft., with 3 tires & a wheelbarrow on it.	43'4"
6	New Earth Company	7859 Short Rd.	(w)883-6979	Corner of the driveway and parking lot.	1'4"

NEW EARTH COMPANY

PERMIT
G-13261

APPLN
G-14388

Thanks
MIKE

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WATER RESOURCES DEPT.
SALEM, OREGON

App G-14388

Pev G-13261

October 1999

Well #	NAME	ADDRESS	Phone #		WELL LOCATION	STATIC LEVEL
1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685		Behind house by green house with a 5 gallon bucket.	25'
2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958	(w)850-8368	Follow fence down left side of house should see it.	23'10"
3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347	(w)798-5816	To the right of the garage, through the white gate, in the flower bed.	39'8"
4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712		Left side of house.	22'2"
5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825	(w)850-5560	Rt. Side of fence 50 to 200 ft., with 3 tires & a wheelbarrow on it.	42'
6	New Earth Company	7859 Short Rd.		(w)883-6979	Corner of the driveway and parking lot.	8'6"

Klamath Pump Center, Inc
4000 Hwy 39
Klamath Falls, OR 97603
541-882-2656
541-882-2964 Fax
CCB # 96655

December 13, 2006

WELL #		STATIC LEVEL
1.	Lyle & Henri Sweringen 6510 Sorrel Ct	23'.6
2.	Raymond & Deborah Martin 6428 Sorrel Ct	24'.5
3.	James & Barbara Merriless 6403 Palamino Ct	44'.5
4.	Brad & Melissa Weast 6203 Pinto Ct	24'.9
5.	Bode & Amy Cavallaro 6218 Pinto Ct	43'.25
6.	~~New Earth Company~~ New Algae DBA. Simplexity 7859 Short Rd	2'.15

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MAR 26 2007
WATER RESOURCES DEPT
SALEM, OREGON

OCT. 2004

KLAMATH PUMP CENTER, INC
4000 Hwy 39
Klamath Falls, OR 97603
541-882-2656
Fax 541-882-2964
CCB 96655

Date November 17, 2004

WELL #		STATIC LEVEL
1.	Lyle & Henri Sweringen	
	6510 Sorrel Ct	23'7"
2.	Raymond & Deborah Martin	
	6428 Sorrel Ct	23'6"
3.	James & Barbara Merriless	
	6403 Palamino Ct	45'1"
4.	Brad & Melissa Weast	
	6203 Pinto Ct	28'1"
5.	Bode & Amy Cavallaro	
	6218 Pinto Ct	47'2"
6.	New Earth Company	
	7859 Short Road	1/10"

KLAMATH PUMP CENTER
7376 SOUTH SIXTH STREET
KLAMATH FALLS, OREGON 97603

WELL #	4/18/02	STATIC LEVEL
1:	LYLE & HENRI SWEARINGEN 6510 SORREL CT.	28' ½"
2:	RAYMOND & DEBORAH MARTIN 6428 SORREL CT.	29' 1"
3:	JAMES & BARBARA MERRILESS 6403 PALOMINO CT.	45' 5½"
4:	BRAD & MELISSA WEAST 6203 PINTO CT.	26' 11"
5.	BODE & AMY CAVALLARO 6218 PINTO CT.	45' 10"
6.	NEW EARTH CO. 7859 SHORT ROAD	4' 4"

NOTE: CALL RAY MARTIN FOR OCT 2002

AIR Missing DID NOT TEST

KLAMATH PUMP CENTER
~~7370 SOUTH SIXTH STREET~~ 4000 HY.39
KLAMATH FALLS, OREGON 97603

WELL # MAY 19 2001 STATIC LEVEL

1:	LYLE & HENRI SWEARINGEN 6510 SORREL CT.	28' 9"
2:	RAYMOND & DEBORAH MARTIN 6428 SORREL CT.	27' 9"
3:	JAMES & BARBARA MERRILESS 6403 PALOMINO CT.	44' 8"
4:	BRAD & MELISSA WEAST 6203 PINTO CT.	26' 9"
5.	BODE & AMY CAVALLARO 6218 PINTO CT.	47.4"
6.	NEW EARTH CO. 7859 SHORT ROAD	7' 5"

KLAMATH PUMP CENTER
7376 SOUTH SIXTH STREET
KLAMATH FALLS, OREGON 97603

WELL #	Oct 19, 2000	STATIC LEVEL
1:	LYLE & HENRI SWEARINGEN 6510 SORREL CT.	22' 8"
2:	RAYMOND & DEBORAH MARTIN 6428 SORREL CT.	18' 7"
3:	JAMES & BARBARA MERRILESS 6403 PALOMINO CT.	35' 1"
4:	BRAD & MELISSA WEAST 6203 PINTO CT.	23' 7"
5.	BODE & AMY CAVALLARO 6218 PINTO CT.	43' 4"
6.	NEW EARTH CO. 7859 SHORT ROAD	1' 4"

October 2000

	Well #	NAME	ADDRESS	Phone #	WELL LOCATION	STATIC LEVEL
KLAM 13216	1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685	Behind house by green house with a 5 gallon bucket.	22'8"
	2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958 (w)850-8368	Follow fence down left side of house should see it.	18'7"
KLAM 13202	3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347 (w)798-5816	To the right of the garage, through the white gate, in the flower bed.	35'1"
" 13159	4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712	Left side of house.	23'7"
" 13198	5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825 (w)850-5560	Rt. Side of fence 50 to 200 ft., with 3 tires & a wheelbarrow on it.	43'4"
" 50344	6	New Earth Company	7859 Short Rd.	(w)883-6979	Corner of the driveway and parking lot.	1'4"

NEW EARTH COMPANY

PERMIT
G-13261

APPLN
G-14388

Craig, This is for a WL msmt. Plan.

Mike

Thanks
MIKE

RECEIVED
NOV 2 4 2000
WATER RESOURCES DEPT.
SALEM, OREGON

Doug Tackson
541-535-4005
X 4005

May 2000

Well #	NAME	ADDRESS	Phone #	WELL LOCATION	STATIC LEVEL
1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685	Behind house by green house with a 5 gallon bucket.	23'2"
2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958 (w)850-8368	Follow fence down left side of house should see it.	23'11"
3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347 (w)798-5816	To the right of the garage, through the white gate, in the flower bed.	40'
4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712	Left side of house.	22'2
5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825 (w)850-5560	Rt. Side of fence 50 to 200 ft., with 3 tires & a wheelbarrow on it.	41'1"
6	New Earth Company	7859 Short Rd.	(w)883-6979	Corner of the driveway and parking lot.	6'1"

Oct 2000

03-06-06 04:55pm From-Cell Tech +5418854308 T-330 P.06/08 F-682

App G-14388
Per G-13261

October 1999

Well #		NAME	ADDRESS	Phone #	WELL LOCATION	STATIC LEVEL
13216	1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685	Behind house by green house with a 5 gallon bucket.	25'
	2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958 (w)850-8368	Follow fence down left side of house should see it.	23'10"
13202	3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347 (w)798-5816	To the right of the garage, through the white gate, in the flower bed.	39'8"
13159	4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712	Left side of house.	22'2"
13198	5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825 (w)850-5560	Rt. Side of fence 50 to 200 ft., with 3 tires & a wheelbarrow on it.	42'
50314	6	New Earth Company	7859 Short Rd.	(w)883-6979	Corner of the driveway and parking lot.	8'6"

MAY 1777

Well #	NAME	ADDRESS	PHONE #	PHONE #	WELL LOCATION	STATIC LEVEL
1	Lyle & Henri Swearingen	6510 Sorrel Ct.	(h)884-0685		Behind house by green house with a 5 gallon bucket.	24'8"
2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958	(w)850-8368	Follow fence down left side of house should see it.	23'9"
3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347	(w)798-5816	To the right of the garage, through the white gate, in the flower bed.	39'8"
4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712			21'5" 5/28/99
5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825	(w)850-5560	Rt. Side of fence150 to 200 ft., with 3 tires & a wheelbarrow on it.	40'
6	New Earth Company	7859 Short Rd.		(w)883-6979	Corner of the driveway and parking lot.	7'2"

03-06-06 04:55pm From-Cal|Tech +5418854308 T-330 P.08/08 F-692

Oct. 1999

Well #	NAME	ADDRESS	PHONE #	PHONE #	WELL LOCATION	STATIC LEVEL
1	Lyle & Henrieta Swearingen	6510 Sorrel Ct.	(h)884-0685		Behind house by green house with a 5 gallon bucket.	25'
2	Raymond & Deborah Martin	6428 Sorrel Ct.	(h)850-8958	(w)850-8368	Follow fence down left side of house should see it.	23'10"
3	James & Barbara Merrilees	6403 Palamo Ct.	(h)883-7347	(w)798-5816	To the right of the garage, through the white gate, in the flower bed.	39'8"
4	Brad & Melissa Wiest	6203 Pinto Ct.	(h)883-3712		Left side of house	22'2"
5	Bode & Amy Cavallaro	6218 Pinto Ct.	(h)850-5825	(w)850-5560	Rt. Side of fence150 to 200 ft., with 3 tires & a wheelbarrow on it.	42'
6	New Earth Company	7859 Short Rd.		(w)883-6979	Corner of the driveway and parking lot.	8'6"

TEMP

03-06-06 04:55pm From-CellTech +5418854308 T-330 P.07/08 F-692

39S/10E-19

WELL LOG

ROLLING HILLS STATIC LEVELS

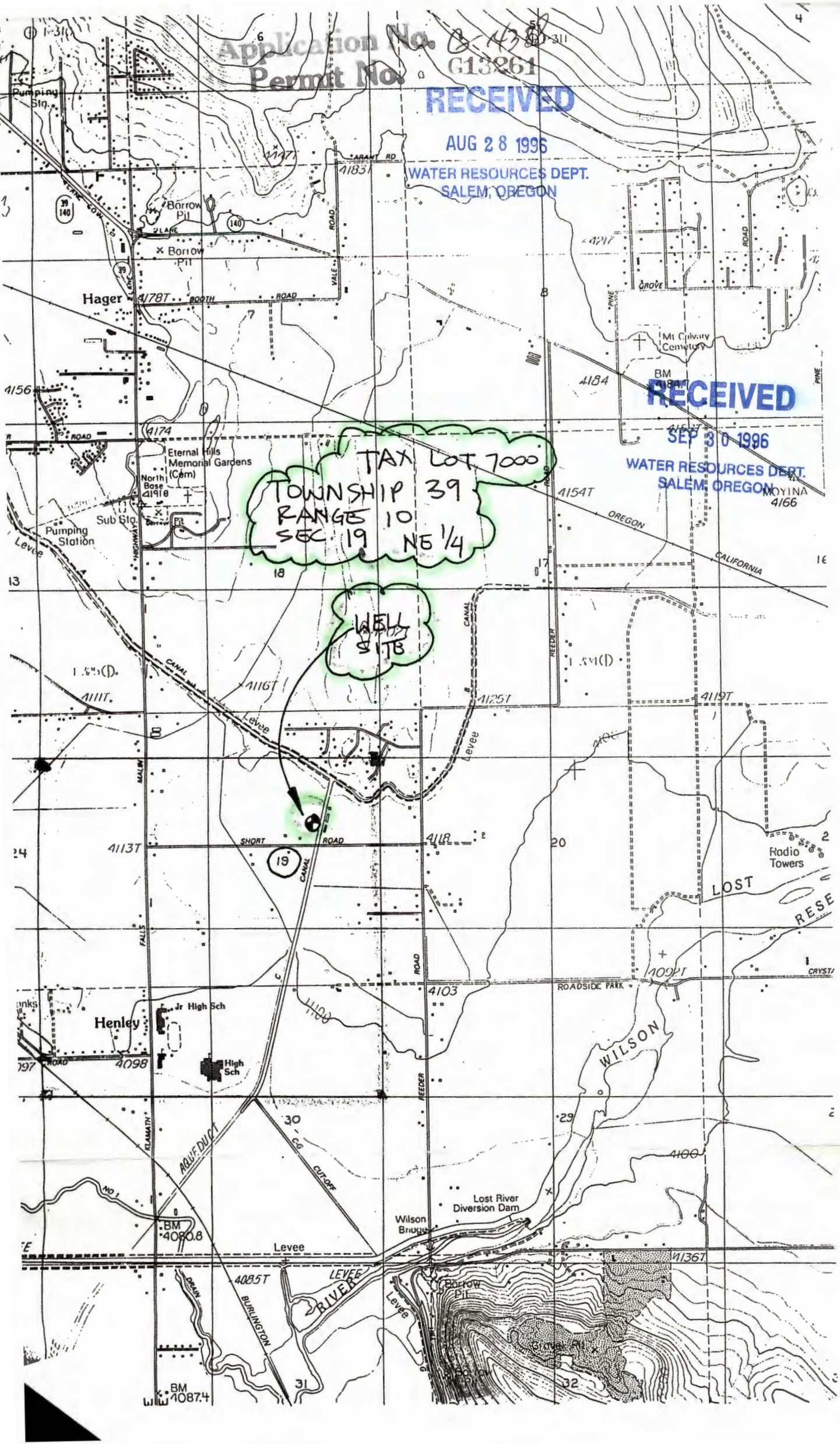
#1 WELL 6510 SORREL CT. – Swearingen ✓
#2 WELL 6524 SORREL CT. – Martin (Before them was Johnson)
#3 WELL 6403 PALOMINO CT. – Merrilee ✓
#4 WELL 6506 REEDER RD. – Blair ✓
#5 WELL 6218 PINTO CT. – Moon ✓

		7/2/96	5/22/97
KLAM	13210	#1 23'3"	22'8"
		#2 23'3"	22'8"
KLAM	13202	#3 43'10"	44'4"
KLAM	13159	#4 27'6"	22'9"
KLAM	13198	#5 46'4"	44'0"

WELLS CHECKED BY AQUA PUMP CO.
TECHNICIAN DAN LOWN

883-5111

Post-it® Fax Note 7671	Date 11/5/98	# of pages ▶ 1
To Jeff Chase	From Mike Zwart	
Co./Dept.	Co. OWRD	
Phone # 541 850-9278	Phone # (503) 378-8455 x207	
Fax # (541) 885-4308	Fax # 378-2496	


Application No. G-13261
Permit No.
RECEIVED
AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON
RECEIVED
SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON
TAX LOT 7000
TOWNSHIP 39
RANGE 10
SEC 19 NE 1/4
WELL SITE
Hager
Henley
Jr High Sch
High Sch
Eternal Hills Memorial Gardens (Cem)
Mt Calvary Cemetery
Pumping Station
Sub Stn
Borrow Pit
Radio Towers
Wilson Bridge
Lost River Diversion Dam
ROADSIDE PARK
SHORT ROAD
BOOTH ROAD
ARANT RD
OREGON
CALIFORNIA
CANAL
Levee
RIVER
WILSON
LOST
AQUE DUCT
CUTOFF
BURLINGTON
REEDER
MALIN
FALLS
KLAMATH
BM 4080.8
BM 4087.4

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Planasa-Oregon REO LLC
21008 Dersch Rd
Anderson CA 96007

9590 9402 2005 6123 9101 79

2. Article Number *(Transfer from service label)*

7017 0530 0001 1436 3577

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature]

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* [illegible]

C. Date of Delivery 2-9-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

RECEIVED
FEB 12 2018
WRD

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



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United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-0825

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

February 5, 2018 Certified mail number 7017 0530 0001 1436 3577
Return receipt requested

PLANASA-OREGON REO LLC
21008 DERSCH RD
ANDERSON CA 96007

CANCEL FTHD
JR 11/1/2018

Reference: Application G-14388, Permit G-13261

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is $200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 5, 2018) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File G-14388
OWRD Watermaster District 17

The New Earth Company

1300 Main Street
Klamath Falls, OR. 97601

RECEIVED
MAY 2 8 1999
WATER RESOURCES DEPT.
SALEM, OREGON

May 24, 1999

Water Resources Department
158 12th street
N.E. Salem, OR. 97310

Dear Sir :

The New Earth Company is proposing the well located in Pinto Court, lot 8, block 1 in the Rolling Hills Subdivision to replace well #4 in The New Earth Company's water plan permit #G-13261. This change is due to the lack of availability to well #4 by the current owners. #47318

file

Sincerely,

Jeff Chase

Jeff Chase
Harvest Shift Supervisor

OK, MTZ 5/31/99

CELL TECH/ NEW EARTH
PRODUCTION DEPARTMENT
1360 SOUTH SIXTH ST.
KLAMATH FALLS, OR 97601
PH# (541)885-4000
FAX (541)885-4308

FAX TRANSMITTAL LETTER

TO: Mike Zwart

FROM: Jeff Chase

DATE: 5/3/99

PAGES: 2

COMMENTS:

IF YOU HAVE ANY PROBLEMS PLEASE CONTACT THE NUMBER ABOVE. THANK YOU.

17

KLAM 11317

STATE OF OREGON WATER WELL REPORT

(as required by ORS 537.765)

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

RECEIVED

MAY 18 1995

WATER RESOURCES DEPT. SALEM, OREGON

39S/10E/19A

(START CARD) # 70998

(1) OWNER: Well Number #1

Name JERRY BOWLES

Address 6484 HANLAN DRIVE

City KLAMATH FALLS State OREGON Zip 97601

(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 97 ft.

Explosives used ☐ Yes ☑ No Type _____ Amount _____

HOLE. SEAL

Diameter	From	To	Material	From	To	Sacks or pounds
9 7/8	0	97	BENTONITE	0	45	21 SACKS

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

☑ Other # 610 - 210 - 340

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

Gravel placed from 45 ft. to 97 ft. Size of gravel PEA

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6 5/8	+1½	97	250	☑	☐	☑	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) 97

(7) PERFORATIONS/SCREENS:

☑ Perforations Method FACTORY

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
77	97	1/8 x 3	220	6 5/8		☑	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☑ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		97	1 hr.

Temperature of water 50°F 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 KLAMATH Latitude _____ Longitude _____

Township 39S N or S Range 10E E or W. WM.

Section 19 NE 1/4 NE 1/4 Rolling Hills

Tax Lot R3910 Lot D19AD Block 04200 Subdivision ORO

Street Address of Well (or nearest address) 6417 PALOMINO ST MIDLAND OREGON

(10) STATIC WATER LEVEL:

54 ft. below land surface. Date 5/12/95

Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 80

From	To	Estimated Flow Rate	SWL
	80	35 GPM	

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
SANDY TOPSOIL	0	2	
SANDY YELLOW SHALE	2	6	
BROWN SANDSTONE	6	78	
BROWN SANDSTONE WITH STRINGS SAND	78	97	

Date started 5/12/95 Completed 5/12/95

(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.

WWC Number _____

Signed _____ 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 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.

WWC Number 604

Signed _____ Date 5/12/95

RECEIVED JUL 6 1995

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
MAY 19 1978
WATER RESOURCES DEPT

State Well No. * 39S/10E-19
State Permit No. bd aa

(1) OWNER:
Name Ted Thomas, Thomas Associates, Inc.
Address Bear Valley Ranch, Ashland Star Rt.
Klamath Falls, Oregon 97601

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 61 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No.
Type of perforator used Factory
Size of perforations 1/8 in. by 3 in.
120 perforations from 60 ft. to 40 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? driller
Yield: 30 gal./min. with 25 ft. drawdown after 1 hrs.
" " " "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 57 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Cement
Well sealed from land surface to 25 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 14 sacks
How was cement grout placed? poured.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? — depth of strata —
Method of sealing strata off —
Was well gravel packed? ☒ Yes ☐ No Size of gravel: pea
Gravel placed from 60 ft. to 25 ft.

(10) LOCATION OF WELL:
County Klamath Driller's well number
NE ¼ NE ¼ Section 19 T. 39S R. 10E W.M.
Bearing and distance from section or subdivision corner
Rolling Hills Subdivision.
Lot 8 Bl 1 Pinto Ct.

(11) WATER LEVEL: Completed well.
Depth at which water was first found 35 ft.
Static level 22 ft. below land surface. Date 4,24,78
Artesian pressure — lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 6 inch.
Depth drilled 60 ft. Depth of completed well 60 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sandy top soil	0	2	
Brown clay	2	6	
Brown sand	6	9	
Brown sand and gravel mix.	9	20	
Brown sandstone	20	35	
Sand and gravel	35	60	22'

Work started 4, 24, 1978 Completed 4, 24, 1978
Date well drilling machine moved off of well 4, 24, 1978

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Stephen R. Hughes (Drilling Machine Operator) Date 5, 17, 1978
Drilling Machine Operator's License No. 1171

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 Norm Sevey Well Drilling, Inc. (Person, firm or corporation) (Type or print)
Address 5619 Leland Dr. Klamth Falls, Or. 97601
[Signed] Norm Sevey (Water Well Contractor)
Contractor's License No. 408

Oregon
John A. Kitzhaber, M.D., Governor

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

April 12, 1999

(503) 378-8455 ext. 207

Mr. Mike Poole and Mr. Jeff Chase
The New Earth Company
1300 Main Street
Klamath Falls, OR 97601-5914

Re: Permit G-13261, Water Level Measurement Plan

Dear Sirs:

Thank you for your revised water level measurement plan, which was dated March 9, 1999. The plan is approved. I will place a copy of this letter and the approved plan into your water rights file.

Thank you for your time. I look forward to receiving your water-level measurements.

Sincerely,

Michael J. Zwart
Hydrogeologist

cc: File G-14388

THE NEW EARTH COMPANY'S

WATER PLAN

APPLICATION G - 14388

PERMIT G - 13261

PREPARED BY: MIKE POOLE AND JEFF CHASE

Background

The well for the New Earth Company's harvest site located at SW ¼ NE ¼, SECTION 19, T39S, R10E, W.M.; SOUTH 44 DEGREES 30 MINUTES WEST, 2750 FEET FROM THE NE CORNER OF SECTION 19 was drilled in 1996. By September of 1996 N.E.C. installed a metering device and gave access to the local watermaster for inspection. N.E.C. also started their logbooks indicating water usage, which are also available for inspection.

On September 30, 1996, the New Earth Company submitted an application to the Water Resources Department for a water use permit. On April 22, 1997, the Water Resources Department issued a Proposed Final Order proposing to conditionally allow the use. Richard Stiles protested the Proposed Order on behalf of the Rolling Hills Homeowners in June 1997. Richard Stiles withdrew his protest on October 28, 1997, based on an agreement between the applicant, the protestant and the Water Resources Department to modify the resource protection and monitoring conditions proposed in the Water Resources Department's Proposed Final Order. The Water Resources Department issued the Final Order to the New Earth Company on November 12, 1997.

The New Earth Company's Water Usage Plan

Permit Statement

Measurement, recording and reporting conditions:

Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The New Earth Company's Water Plan Statement

A metering device is in place and a logbook is on site for review only by the local and state Water Resources Departments upon reasonable notice. Also reports tracking the recorded water use measurements will be submitted to the Director of the Water Resources Department annually as required with the May and October water levels (see attachment A).

Permit Statement

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department.

At a minimum, the plan shall include a program to measure static water levels in May and October of each year within the permitted well and in five nearby domestic wells located within the Rolling Hills Subdivision and described below. The monitoring of the five domestic wells shall continue for a period of a least 10 consecutive years. If after 10 years, the Department's analysis of the data collected indicates that the aquifer can support the permitted use and the monitored domestic wells, monitoring may be reduced or discontinued. The frequency and duration of monitoring after the 10 year period shall be determined by the Department. If monitoring of the domestic wells is reduced or discontinued, the Director may, at any time, require monitoring to restart or increase in frequency.

The five domestic wells and the permitted well to be monitored are described on a map located in water right file G-14388 at the Water Resources Department and further identified as follows: Well #1 - Water Well Report KLAM 13216 (Lyle Swearingen), Well #2 - located in Lot 37, Block 2, Tract 1099 T39S, R10E, Section 19, Well #3 - Water Well Report KLAM 13202 (Jim R. Mearilees), Well #4 - Water Well Report KLAM 13159 (Bob Blair), Well #5 - Water Well Report KLAM 13198 (Duane Moon). In the event any of the above described domestic wells become unavailable for monitoring, the permittee shall work with the President of the Rolling Hills Subdivision to find a suitable replacement and notify the Water Resources Department.

The plan shall stipulate May and October reference water levels against which any water-level declines will be compared. May reference levels for the five domestic wells, are established by the measurements made in 1997 and located in water right file G-14388. If the well listed on this permit or any of the five domestic wells being monitored display a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the permitted well. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

The New Earth Company's Water Plan Statement

The New Earth Company will attain the services of Klamath Pump Center, Inc. to perform the required level tests on N.E.C.'s well and the monitored wells (see attachment B). These tests will be made during the months of May and October for 10 consecutive years, starting May of 1999. Klamath Pump Center, Inc. is licensed by the Construction Contractors Board and their CCB number is 96655. They will be using an electric water level measuring tape with depth markings no more than five feet apart and it is accurate to .5 percent. All wells to be tested will not be pumped for at least eight hours prior to testing. After this period of testing is complete the frequency and duration of monitoring may be reduced or discontinued by the Water Resources Department.

May reference levels for the five domestic wells are established by the measurements made in May 1997. Additional reference levels are required for the permitted well in May and October and for the five domestic wells in October. These reference levels will be established by the May and October 1999 measurements.

All measurements obtained will be compared to the reference levels taken in May and October. Note: May levels will be compared to May reference levels and October levels will be compared to October reference levels.

Dated March 9, 1999

Mail List

Local Watermaster
Director of the Water Resources Department
Water Resources Department - Hydrogeologist
President of Rolling Hills Homeowners
New Earth V.P. of Production
New Earth Harvest Manager
New Earth Engineer
New Earth Attorney

(see attachment C)

ATTACHMENT A

SEMI-ANNUAL REPORT

ATTACHMENT B

LETTER FROM WELL MONITOR

KLAMATH PUMP CENTER, INC.
7376 SOUTH SIXTH STREET
KLAMATH FALLS, OREGON 97603

NOVEMBER 6, 1998

THE NEW EARTH COMPANY
1300 MAIN STREET
KLAMATH FALLS, OREGON 97601

TO WHOM IT MAY CONCERN:

AS PER YOUR REQUEST, KLAMATH PUMP CENTER, INC. IS SUBMITTING THIS LETTER TO LET YOU KNOW THAT WE ARE INTERESTED IN CONTRACTING TO MONITOR THE WELLS IN THE ROLLING HILLS AREA.

THIS WILL ENTAIL MONITORING FOR STATIC WATER LEVELS.

WE WILL MONITOR AND RECORD THE RESULTS AND SEND THEM TO THE NEW EARTH COMPANY AT WHAT EVER ADDRESS YOU SPECIFY.

THANK YOU.

SINCERELY YOURS,

ROBERT C. BUNYARD
PRESIDENT

Robert C. Bunyard

ATTACHMENT C

NAMES, PHONE NUMBERS, AND ADDRESSES OF INVOLVED PARTICIPANTS

Names, Phone Numbers and Addresses

Local Watermaster	Del Sparks	(541) 883-4182
6937 Washburn Way, Klamath Falls, Or. 97603		
Director of the Water Resources Department	Martha Pagel	(541) 378-2982
158 12th St., N.E. Salem, Or. 97310		
Water Resources Department Hydrogeologist	Mike Zwart	1-800-624-3199 Ext.: 207
158 12th St., N.E. Salem, Or. 97310		
President of Rolling Hills Homeowners	Richard Stiles	(541) 882-6810
6509 Sorrel Ct., Klamath Falls, Or. 97603		
New Earth V.P. of Production	John Neubauers	(541) 885-4000 Ext.: 4024
New Earth Harvest Manager	Mike Poole	(541) 850-9278
New Earth Engineer	Doug Jackson	(541) 885-4000 Ext.: 4008
1360 South 6th St., Klamath Falls, Or. 97601		
New Earth Attorney	Jack Davis	(541) 482-3111
Davis, Gilstrap, Hearn, & Welty		
515 East Main St., Ashland, Or. 97520		

Oregon
John A. Kitzhaber, M.D., Governor

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

December 28, 1998

(503) 378-8455 ext. 207

Mr. Mike Poole and Mr. Jeff Chase
The New Earth Company
1410 S. 6th Street
Klamath Falls, OR 97601

Re: Permit G-13261, Water Level Measurement Plan

Dear Sirs:

Thank you for your proposed water level measurement plan, which was received by the Department on November 12, 1998. Before I can approve of the plan, I would like you to revise it to include greater elaboration regarding the mechanics of the water level measurements. I have enclosed a copy of a form letter whch was mailed to permittees with a similar condition in their permit. The letter requests seven items to be addressed by such plans. Your proposed plan should be revised to better address items 2 through 7 in the letter.

For item 2, reference levels, your plan states that May and October 1997 levels are to be used as baseline levels. The permit langauge required that the May 1997 levels shall be established as the reference levels only for the five domestic wells. Your attachment B includes 1997 water levels, but none for October are included, nor were any for your permitted well. If you wish to establish 1997 water levels as the reference levels, as is stated, then please include all these data in the plan. If those data are unavailable, then you should propose future measurements as the reference levels. Your plan should also establish May and October reference levels for the permitted well.

Items 3, 4, 5, and 7 should be relatively self-explanatory. Item 5 addresses how it is that you will ensure that the measurements are consistently representative of static conditions. This may be more problematic for the domestic wells you will be measuring than for your own well.

Post-it® Fax Note 7671	Date 12/28/98	# of pages ▶ 3
To Jeff Chase	From Mike Zwart	
Co./Dept. New Earth Co.	Co. OWRD	
Phone # 541-850-9278	Phone # 503 378-8455 x207	
Fax # 541 885-4308	Fax # 378-2496	

Item 6 was addressed by your statement that you will be using the services of a "licensed well monitor" to perform the measurements. However, to my knowledge, there are no such specific individuals licensed by the State of Oregon. These plans can typically be approved to allow the measurements to be made by a wide variety of individuals, including pump installers licensed by the Construction Contractors Board, the permittee or an employee of the permittee. I can likely approve of your proposed individual, but I wanted to explain that there are no "licensed well monitors" and that you therefore have other options available.

Thank you for your time. I look forward to receiving your revised measurement plan.

Sincerely,

Michael J. Zwart
Hydrogeologist

Cc: File G-14388

RECEIVED
NOV 12 1998
WATER RESOURCES DEPT.
SALEM, OREGON

THE NEW EARTH COMPANY'S

WATER PLAN

APPLICATION G - 14388

PERMIT G - 13261

PREPARED BY: MIKE POOLE AND JEFF CHASE

RECEIVED

NOV 12 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Background

The well for the New Earth Company's harvest site located at SW ¼ NE ¼, SECTION 19, T39S, R10E, W.M.; SOUTH 44 DEGREES 30 MINUTES WEST, 2750 FEET FROM THE NE CORNER OF SECTION 19(see attachment A) was drilled in 1996. By September of 1996 N.E.C. installed a metering device and gave access to the local watermaster for inspection. N.E.C. also started their log books indicating water usage, which are also available for inspection.

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The New Earth Company's Water Usage Plan

Permit Statement

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The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter of measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The New Earth Company's Water Plan Statement

A metering device is in place and log books are on site for review only by the local and state Water Resources Departments upon reasonable notice. Also reports tracking the recorded water use measurements wili be submitted to the Director of the Water Resources Department annually as required

Permit Statement

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RECEIVED
NOV 12 1998
WATER RESOURCES DEPT.
SALEM, OREGON

The New Earth Company's Water Plan Statement

The New Earth Company will attain the services of an licensed well monitor to perform the required level tests on N.E.C.'s well and the monitored wells(see attachment C). These tests will be made during the months of May and October for 10 consecutive years, starting May of 1999. After this period of testing is complete the frequency and duration of monitoring may be reduced or discontinued by the Water Resources Department.

All measurements obtained will be compared to the base line levels taken in May and October of 1997. Note: May levels will be compared to May 1997 levels and October levels will be compared to October 1997 levels.

In the advent that there is an interference with senior water rights (a drop of 25 feet or more in the total static water level against 1997 measurements) the New Earth Company will take the following actions:

1) If any interference is discovered the New Earth Company will inform Local and State water resource personnel as to the interference.

2) Review company records for changes in use that would indicate a possible change in the aquifer level.

3) After reviewing the company records and if it is determined that the interference is caused by New Earth's use of the well they will reduce water usage by eliminating non-essential operations. Then the static levels will be reviewed 3 months after the changes have been implemented to determine if the adjustments have corrected the static water level.

4) If the interference still continues the New Earth Company will assess or have all equipment assessed for possible redesigning to reduce water needs. After equipment redesign is implemented the static levels will be reviewed in 3 months to determine if the adjustments have corrected the static water level.

5) If the interference still continues the New Earth Company will go to the Water Resources Department with mitigation options, and start mitigation plans.

Dated November 6, 1998

Mail List

Local Watermaster
Director of the Water Resources Department
Water Resources Department - Hydrogeologist
President of Rolling Hills Homeowners
New Earth V.P. of Production
New Earth Harvest Manager
New Earth Engineer
New Earth Attorney

(see attachment D)

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SALEM, OREGON

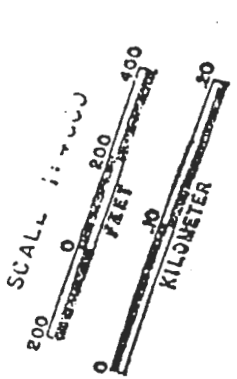
ATTACHMENT A

PLOT MAP

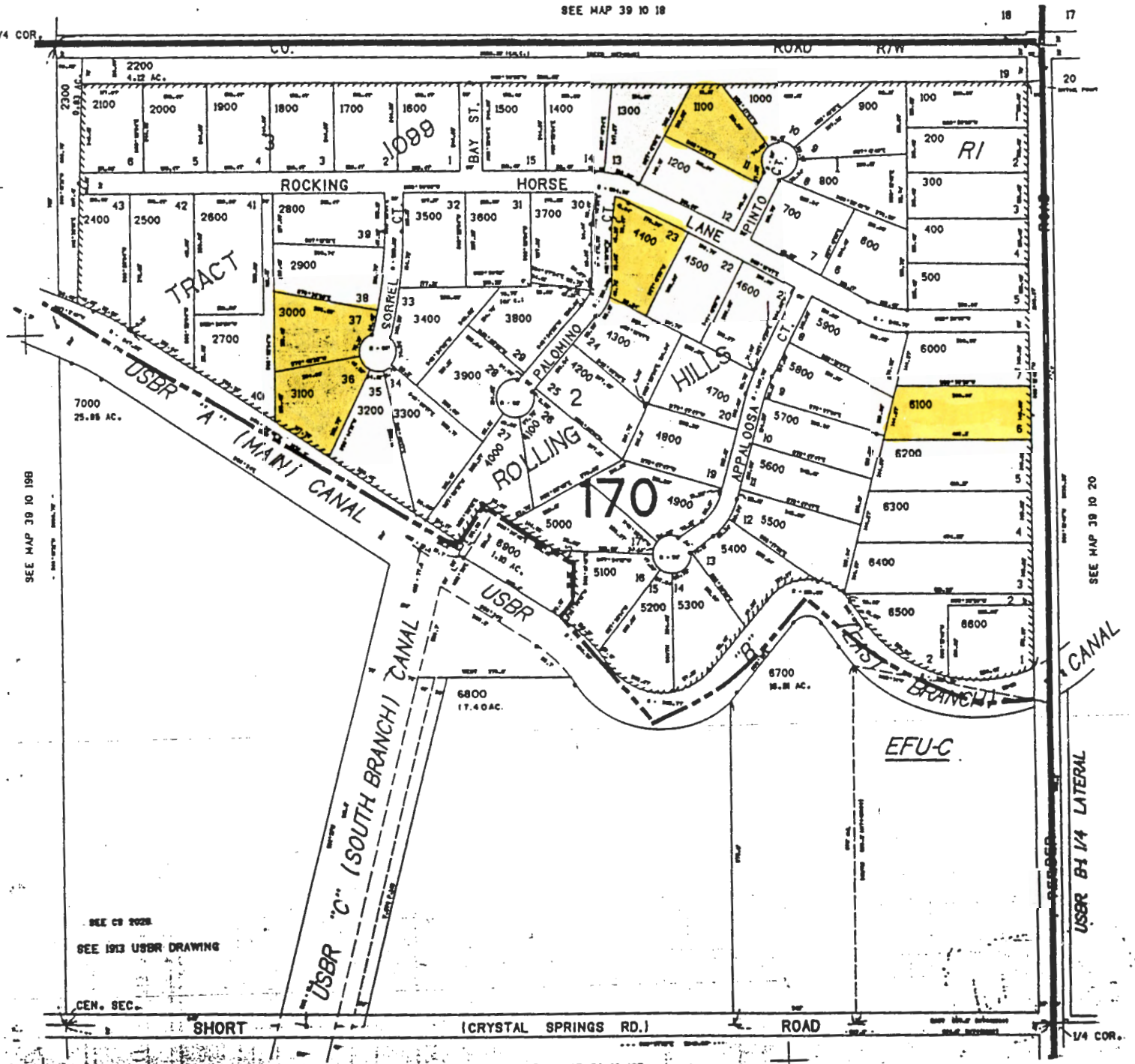
NE1/4 SEC. 19 T.39S. R.10E. W.M.
KLAMATH COUNTY
39 10 19A

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

1"=200'



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ATTACHMENT B

ORIGINAL WATER WELL REPORTS

1997 WELL MEASUREMENTS

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SALEM, OREGON

3S 5/10E-19

WELL LOG

ROLLING HILLS STATIC LEVELS

#1 WELL 6510 SORREL CT. – Swearingen ✓
#2 WELL 6524 SORREL CT. – Martin (Before this was Johnson)
#3 WELL 6403 PALOMINO CT.– Merrilee ✓
#4 WELL 6506 REEDER RD. – Blair ✓
#5 WELL 6218 PINTO CT. – Moon ✓

	7/2/96	5/22/97
#1	23'3"	22'8"
#2	23'3"	22'8"
#3	43'10"	44'4"
#4	27'6"	22'9"
#5	46'4"	44'0"

WELLS CHECKED BY AQUA PUMP CO.
TECHNICIAN DAN LOWN

883-5111

Post-it® Fax Note 7671	Date 11/5/98	# of pages ▶ 1
To Jeff Chase	From Mike Ewart	
Co./Dept.	Co. OWRD	
Phone # 541 850-9278	Phone # (503) 378-8455 x207	
Fax # (541) 885-4308	Fax # 378-2496	

WATER WELL REPORT
(as required by ORS 537765)

KLAM 50344 (START CARD #) 87665 39S/10E-19 HC

(1) OWNER

96 24

THE NEW EARTH COMPANY
1300 MAIN ST.
KLAMATH FALLS OR 97601

(2) TYPE OF WORK : NEW WELL

(3) DRILL METHOD : ROTARY AIR

(4) PROPOSED USE: Domestic

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval No Depth of Completed Well 425 ft.

Explosives used NO Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	AMOUNT Sacks
17"	0	396	CEMENT	0	60	59
12"	396	425				

How was seal Placed Pressure Grouter

Backfil placed from ft. to ft. Material

Gravel placed from 60 ft. to 396 ft. Size of Gravel 3/8

(6) CASING / LINER:

	Dia.	From	To	Gage	Material
CASING	12"	+1	396	250	STEEL / WELDED

Final location of shoe (s)

(7) PERFORATIONS / SCREENS:

Perforations

METHOD	TYPE	MATERIAL
FACTORY		Steel

From	To	Slot size	Number	Dia.	Tele / pipe size	
216	356	1/8 x 3	3696	12"		Casing

(8) WELL TESTS:

Minimum testing time is 1 hour

TESTING METHOD AIR

Yield GPM	Drawdown	Drill stem at	Time
100 GPM		20'	1 HOUR

Temperature of Water 58 F° Depth Artesian Flow Found

Was a water analysis done? NO By whom

Did any strata contain water not suitable for intended use? No

(9) LOCATION OF WELL by legal description :

County KLAMATH Latitude Longitude

Township 39 S Range 10 E

Section 19 SW 1/4 NE 1/4

Tax Lot 7000 Lot Block Subdivision

Street Address of Well (or nearest address)

Short Rd., Klamath Falls, OR

(10) STATIC WATER LEVEL:

+1 ft. below land surface Date June 2, 1996

Artesian pressure 0 Date June 2, 1996

(11) WATER BEARING ZONES :

Depth at which water was first found 26'

From	To	Estimated Flow Rate	SWL
75'	396'	200 GPM	+1

(12) WELL LOG:

Ground Elevation

	FROM	TO	SWL
SOIL	0	2	
BROWN SANDY CLAY	2	5	
YELLOW CLAY	5	7	
BROWN SANDSTONE	7	40	
BROWN CLAY	40	43	
SANDY BLUE CLAY	43	53	
BLUE CLAY STONE	53	75	
BROWN SAND & GRAVEL W/BLUE CLAY STREAKS	75	395	+1
BLUE CLAYSTONE	395	425	

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SALEM, OREGON

TAG #1934

RECEIVED
JUL 10 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Date started May 22, 1996 Completed June 2, 1996

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Mike Lost DATE 7-8-96 WWC # 1452

(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 well construction standards. This report is true to the best of my knowledge and belief.

Frank Thomas 7-8-96 WWC # 693

KLAM 10049

JUN 15 1990 WATER RESOURCES DEPT. SALEM, OREGON

JUL - 6 1990 WATER RESOURCES DEPT. SALEM, OREGON

39S/10E/19A

17080 (START CARD) #

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

(1) OWNER:

Well Number:

Name Bob Blair

Address 8603 Rocking Horse Ln.

City Klamath Falls, State OR Zip 97603

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Other

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 75 ft.

Explosives used Yes ☐ No ☐ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
10	0	25	cement	0	25	6
6	25	75				

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:	6	+1	32	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) 32'

(7) PERFORATIONS/SCREENS:

☐ Perforations Method

☐ Screens Type Material

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

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		65	1 hr.

Temperature of water 52 Depth Artesian Flow Found

Was a water analysis done? no ☐ Yes By whom

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other no

Depth of strata:

(9) LOCATION OF WELL by legal description:

County Klamath Latitude ' " Longitude ' "

Township 39S N or S, Range 10E E or W, WM.

Section 19A ¼ ¼

Tax Lot 6100 Lot 6 Block 2 Subdivision Rolling Acres

Street Address of Well (or nearest address) 20' north of 6518 Reeder Rd.

(10) STATIC WATER LEVEL:

26 ft. below land surface. Date 6/8/90

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 33

From	To	Estimated Flow Rate	SWL
33	75	35 gpm	26

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Sandy top ~~x~~ soil	0	1	
Brn packed sand	1	5	
Brn sand and clay	5	33	
Coarse sand & clay	33	38	wb
Coarse sand and pea gravel	38	55	
Gray packed sand	55	59	
Brn shale & sandstone	59	74	
Pea gravel	74	75	

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WATER RESOURCES DEPT. SALEM, OREGON

Date started 6/7/90 Completed 6/8/90

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number

Signed 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 performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 228

Signed Larry A. DeLoach Date 6/19/90

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 13202

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
NOV 12 1998
WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 39S/10E-19Q
State Permit No.

(1) OWNER:
Name JIM R MEARLEES
Address P O BOX 396
MERRILL ORE

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):
Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED: Threaded [ ] Welded [X]
6 5/8" Diam. from +1 ft. to 86 ft. Gage .250
_____" Diam. from _____ ft. to _____ ft. Gage _____
_____" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS: Perforated? [X] Yes [ ] No
Type of perforator used FACTORY
Size of perforations 1/8 in. by 3 in.
234 perforations from 66 ft. to 86 ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS: Well screen installed? [ ] Yes [X] No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? [ ] Yes [X] No If yes, by whom?
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
AIRLIFT 35 GPM @ 60 · 1½ ·
" " " " "
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.
perature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:
Well seal—Material used CEMENT
Well sealed from land surface to 35 ft.
Diameter of well bore to bottom of seal 9 7/8 in.
Diameter of well bore below seal 9 7/8 in.
Number of sacks of cement used in well seal 9 sacks
How was cement grout placed? POURED
Was a drive shoe used? [X] Yes [ ] No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? [ ] Yes [ ] No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? [X] Yes [ ] No Size of gravel: 1/4
Gravel placed from 35 ft. to 86 ft.

(10) LOCATION OF WELL:
County KLAMATH Driller's well number
NW ¼ NE ¼ Section 19 T. 39S R. 10E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well
Depth at which water was first found 63 ft.
Static level 41 ft. below land surface. Date 4/26/98
Artesian pressure _____ lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing —
Depth drilled 86 ft. Depth of completed well 86 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
BROWN SANDY TOPSOIL	0	3	
BROWN SANDSTONE & COARSE	3		
STREAKS FINE GRAVEL		9	
BROWN SANDSTONE	9	63	
BROWN SANDSTONE & FINE	63		
STREAKS OF GRAVEL		82	
BROWN SANDSTONE & STREAKS	82		
OF SAND		86	

Work started 4/22/98 19 Completed 4/26/98 19
Date well drilling machine moved off of well 4/26/98 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Donald M. Storey (Drilling Machine Operator) Date 5/16, 1998
Drilling Machine Operator's License No. 656

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 E E STOREY & SON WELL DRILLING (Person, firm or corporation) (Type or print)
Address 3847 HOPE ST KLAMATH FALLS ORE
[Signed] Donald M. Storey (Water Well Contractor)
Contractor's License No. 601 Date 5/16, 1998

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-113

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the
WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

NC KLAM 13216

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
JAN 16 1978
WATER RESOURCES DEPT.
SALEM, OREGON

State Well No. 39S/10E-19bd
State Permit No.

(1) OWNER:
Name Lyle Swearingen
Address 6321 Dennis Dr.
Klamath Falls, Oregon 97601

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
6 " Diam. from 0 ft. to 40 90 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No
Type of perforator used factory
Size of perforations 1/8 in. by 3 in.
120 perforations from 69 ft. to 89 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test 20 gal./min. with 25 ft. drawdown after 1 hrs.
sian flow g.p.m.
perature of water 55 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Bentonite
Well sealed from land surface to 41 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal none sacks
How was cement grout placed? poured.
5 sacks Aqua-Gel bentonite.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☒ Yes ☐ No Size of gravel: pea gravel
Gravel placed from 41 ft. to 89 ft.

(10) LOCATION OF WELL:
County Klamath Driller's well number
SE ¼ NW ¼ Section 19 T. 39 S. R. 10 E. W.M.
Bearing and distance from section or subdivision corner
Rolling Hills Subdivision.

(11) WATER LEVEL: Completed well.
Depth at which water was first found 71 ft.
Static level 21 ft. below land surface. Date 11,10,77
Artesian pressure — lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 6 inch
Depth drilled 90 ft. Depth of completed well 89 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sandy top soil	0	2	
Fine brown sand	2	35	
Sandy brown clay	35	40	
Blue clay	40	59	
Brown clay&bone	59	71	
Sandstone	71	80	21'
Gray clay	80	90	21'

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WATER RESOURCES DEPT.
SALEM, OREGON

Work started 11, 8, 19 77 Completed 11, 10, 19 77
Date well drilling machine moved off of well 11, 10, 19 77

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Stephan R. Hughes (Drilling Machine Operator) Date 1, 8, 1978
Drilling Machine Operator's License No. 1171

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 Norm Sevey Well Drilling, Inc. (Person, firm or corporation) (Type or print)
Address 5619 Leland Dr. Klamath Falls, Ore. 97601
[Signed] Norm Sevey (Water Well Contractor)
Contractor's License No. 408 Date 1, 8, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the
STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 13198

WATER WELL REPORT

STATE OF OREGON (Please type or print) (Do not write above this line)

RECEIVED MAR 18 1977 WATER RESOURCES DEPT. SALEM, OREGON

State Well No. 39S/10E-19aa

State Permit No.

(1) OWNER:

Name DUANE D. MOON
Address 1713 PATTERSON KLAMATH FALLS, ORE

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [X]

" Diam. from ft. to ft. Gage
6 5/8" Diam. from +1 ft. to 42 ft. Gage 250
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [X] No

Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? [ ] Yes [X] No If yes, by whom?
d: gal./min. with ft. drawdown after hrs.
AIRLIFT 40 GPM @ 65' " 1 "
" " " "
Baller test gal./min. with ft. drawdown after hrs.
rtesian flow g.p.m.
perature of water 54 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used BENTONITE
Well sealed from land surface to 42 ft.
Diameter of well bore to bottom of seal 9 7/8 in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
Number of sacks of bentonite used in well seal 7 sacks
Brand name of bentonite AQUA GEL
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.
Did any strata contain unusable water? [ ] Yes [X] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number
NE ¼ NE ¼ Section 19 T. 39S R. 10E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 67 ft.
Static level 43 ft. below land surface. Date 3/15/77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10
Depth drilled 95 ft. Depth of completed well 69 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. *Report each change in position of Static Water Level and indicate principal water-bearing strata.*

MATERIAL	From	To	SWL
SANDY BROWN TOPSOIL	0	4	
BROWN SANDSTONE	4	67	
STREAKS OF BROWN SAND	67	68	WB
BROWN SANDSTONE STREAKS OF BROWN SAND	68	95	

RECEIVED NOV 12 1998 WATER RESOURCES DEPT. SALEM, OREGON

Work started 2/15/77 19 Completed 2/18/77 19
Date well drilling machine moved off of well 2/18/77 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] (Drilling Machine Operator) Date 3/14/77 19
Drilling Machine Operator's License No. 656

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 E E STORCY & SON WELL DRILLING INC (Person, firm or corporation) (Type or print)
Address 3847 Hope K. FALLS, ORE
[Signed] (Water Well Contractor)
Contractor's License No. 601 Date 3/14/77 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45860-119

RECEIVED
NOV 1 2 1998
WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT C

LETTER FROM WELL MONITOR

KLAMATH PUMP CENTER, INC.
7376 SOUTH SIXTH STREET
KLAMATH FALLS, OREGON 97603

RECEIVED

NOV 12 1998

WATER RESOURCES DEPT.
SALEM, OREGON

NOVEMBER 6, 1998

THE NEW EARTH COMPANY
1300 MAIN STREET
KLAMATH FALLS, OREGON 97601

TO WHOM IT MAY CONCERN:

AS PER YOUR REQUEST, KLAMATH PUMP CENTER, INC. IS SUBMITTING THIS LETTER TO LET YOU KNOW THAT WE ARE INTERESTED IN CONTRACTING TO MONITOR THE WELLS IN THE ROLLING HILLS AREA.

THIS WILL ENTAIL MONITORING FOR STATIC WATER LEVELS.

WE WILL MONITOR AND RECORD THE RESULTS AND SEND THEM TO THE NEW EARTH COMPANY AT WHAT EVER ADDRESS YOU SPECIFY.

THANK YOU.

SINCERELY YOURS,

ROBERT C. BUNYARD
PRESIDENT

Robert C. Bunyard

RECEIVED

NOV 1 2 1998

WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT D

NAMES, PHONE NUMBERS, AND ADDRESSES OF INVOLVED PARTICIPANTS

RECEIVED
NOV 12 1998
WATER RESOURCES DEPT
SALEM, OREGON

Names, Phone Numbers and Addresses

Local Watermaster	Del Sparks	(541)883-4182
6937 Washburn Way, Klamath Falls, Or. 97603		
Director of the Water Resources Department	Martha Pagel	(541)378-2982
158 12th St., N.E. Salem, Or. 97310		
Water Resources Department Hydrogeologist	Mike Zwart	1-800-624-3199 Ext: 207
158 12th St., N.E. Salem, Or. 97310		
President of Rolling Hills Homeowners	Richard Stiles	(541)882-6810
6509 Sorrel Ct., Klamath Falls, Or. 97603		
New Earth V.P. of Production	John Neubauers	(541)885-4000 Ext: 4024
New Earth Harvest Manager	Mike Poole	(541)850-9278
New Earth Engineer	Doug Jackson	(541)885-4000 Ext: 4008
1360 South 6th St., Klamath Falls, Or. 97601		
New Earth Attorney	Jack Davis	(541)482-3111
Davis, Gilstrap, Hearn, & Welty		
515 East Main St., Ashland, Or. 97520		

ADKINS
CONSULTING ENGINEERS, INC
Engineers ▲ Planners ▲ Surveyors ▲ Testing

Letter of Transmittal

To: OWRD
Jerry Sauter
725 Summer St. NE, Ste. A
Salem, OR 97301-1266

Date: 5/20/2011

RE: New Earth Co.

RECEIVED
MAY 23 2011
WATER RESOURCES DEPT
SALEM, OREGON

We are sending you:

☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Pay Requests

☐ Specifications ☐ Submittals ☐ Change orders ☐ Sign & Return ☐ Other

Copies/Pgs	Date	Description
1	5/18/11	Request for Assignment App. G-14388
1	5/18/11	Recording fee of $75.00

These are transmitted as checked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

Vickie Ream

Vickie Ream
Administrative Assistant

CC: **The New Earth Company**
2942-01
Delivered via: **US Mail**

BEFORE THE WATER RESOURCES DEPARTMENT

OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-13261) ORDER

The following Permittee has requested reconsideration of the November 5, 2009, order canceling their permit. The request for reconsideration was submitted within the timeline provided by the order.

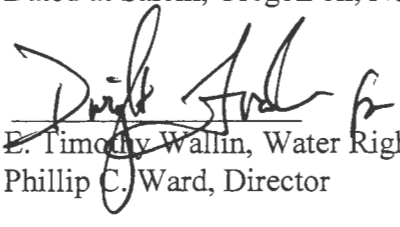
PERMITS TO USE GROUNDWATER:

NAME	BASIN #	WM #	FILE #	PERMIT #
The New Earth Co.	14	17	G-14388	G-13261

NOW, THEREFORE, it is hereby ORDERED that the permit is reinstated in accordance with the provisions of ORS 537.260.

The Department will take no action to cancel this permit until March 6, 2010, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on, November 6, 2009.



E. Timothy Wallin, Water Rights Program Manager, *for*
Phillip C. Ward, Director

PLACED IN U.S. MAIL NOV 6 2009
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

Mailing List for Reinstatement Special Order Copies

Application # G-14388 Permit # G-13261 Reinstatement Date: November 6, 2009

Original filed in Volume 79 Page 153

Copies Mailed
By: DTS
(support staff)
On: 11/6/09
(date)

Copies sent to:

1. Permit Holder: The New Earth Co.
   1410 S 6th St
   Klamath Falls OR 97601
2. WRD – File # G-13261
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 17

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 98425

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The new algae Company

BY: _____

APPLICATION	14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 5372 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

RECEIVED 46111
OVER THE COUNTER

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	Reinstatement	$ 400.00
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	
0210	MONITORING WELLS	$	

_____ 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 / MOX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 98425 DATED: 11-6-09 BY: QR

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 98425

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The new Algae Company

BY: _____

APPLICATION	14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 5372 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)		$ 400.00
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

46111

RECEIVED OVER THE COUNTER

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

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: 98425 DATED: 11-6-09 BY: JR

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

GHISS

- CANCELLED 3.9.2007
- REINSTATED 4.30.2007
- HAVE SPOKEN WITH PERMITTEE REPS ON PHONE.
- THEY HAVE MOVED OFFICES, CHANGED NAMES, ETC.
- HAVE NOT DONE ASSIGNMENTS.
- HAVE NOT FOLLOWED UP WITH CWRE.
- CALLS TO CWRE NOT RETURNED.

CANCEL.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1266

RECEIVED
JUL 26 ...
WATER RESOURCES DEPT
SALEM, OREGON

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G 14388 JKS 8527 4005
THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS OR 97601

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Scott Stevens ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* SCOTT STENSENG C. Date of Delivery 7/24/04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7004 2510 0002 8527 4005

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

Mailing List for Cancellation Special Order Copies

Application #G-14388 Permit #G-13261 Cancellation Date: 3/9/07

Original filed in Volume 71 Page 320

Copies Mailed
By: _____
(support staff)
On: MAR 0 9 2007
(date)

Copies sent to:

1. Permit Holder: The New Earth Co., 1410 S 6th St., Klamath Falls, OR 97601
2. WRD – File #G-14388
3. Water Availability – Ken Stahr
4. WRD – Watermaster #17
5. CWRE – None

ADKINS
CONSULTING ENGINEERS, INC
Engineers ▲ Planners ▲ Surveyors ▲ Testing

Oregon Water Resources Department
Gerry Sauter
725 Summer St. NE, Suite A
Salem, OR 97301

November 5, 2009

Re: The New Algae Company, DBA Simplexity Health,
Request for Reinstatement

Dear Mr. Sauter,

Adkins Consulting Engineers, Inc. has been retained by The New Algae Company, DBA Simplexity Health, to act as their Agent concerning Application G-14388 and Permit G-13261, to bring them into compliance with OWRD Rules and Regulations.

We are requesting OWRD reconsider cancellation of Permit G-13261 and reinstate this Permit. A reinstatement fee of $400.00 is enclosed with this request. Upon reinstatement of Permit G-13261, Simplexity Health will immediately submit a request for reassignment from The New Earth Company, to The New Algae Company, DBA Simplexity Health, and apply for a "Time Extension" in order to complete the necessary items to be compliant with OWRD Rules and Regulations.

Should you have any questions or comments regarding this request, please feel free to contact me.

Sincerely,

Andrew M. Hanson
Adkins Consulting Engineers, Inc.

RECEIVED
NOV 05 2009
WATER RESOURCES DEPT
SALEM, OREGON

Encl:

cc: Simplexity Health
ACE File 2942-01

The New Algae Company, DBA Simplexity Health, authorizes Adkins Consulting Engineers, Inc. to act as their Agent with respect to this request.

Printed: Peter Gleason

Signed: Peter Gleason Date: 11-5-2009

RECEIVED
OVER THE COUNTER

2950 Shasta Way • Klamath Falls, Oregon 97603 • (541) 884-4666 • Fax (541) 884-5335
Serving Oregon & California since 1983

BEFORE THE WATER RESOURCES DEPARTMENT

OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN PERMIT(S) TO APPROPRIATE) ORDER
WATER UNDER THE PROVISIONS OF ORS)
537.260)

The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
The New Earth Co.	14	17	G-14388	G-13261

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on, September 9, 2009.

E. Timothy Wall-

E. Timothy Wallin, Water Rights Program Manager, *for*
Phillip C. Ward, Director

PLACED IN U.S. MAIL SEP 9 2009
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and ORS 137-004-0080 you may either 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.

Mailing List for Cancellation Special Order Copies

Application # G-14388 Permit # G-13261 Cancellation Date: 9/9/2009

Original filed in Volume 78 Page 851

Copies Mailed
By: _____ (support staff)
On: 9/9/09 (date)

Copies sent to:

1. Permit Holder: THE NEW EARTH CO
   1410 S 6TH ST
   KLAMATH FALLS, OR 97601
2. WRD – File #G-14388
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 17

2.19.2009
CALLED DOUG JACKSON - OR MANAGER
541-882-5406 (X 4008). HE THOUGHT
CWRE DON GREGOEL HAD TAKEN CARE
OF THIS. HE WILL FOLLOW UP & ADVISE.
MK.S.

2.10.09
DON GREGOEL (CWRE-240) CALLED AND STATED
THAT THIS WAS STILL ON HIS DOCKET TO DO. 2.11.09
CALLED HIM BACK, LEFT MESSAGE ASKING FOR LETTER
OF CONFIRMATION. HOLD ACTION. MK.S.

CANCEL

APRIL 25, 2007

Jerry Sauter, Water Rights Program Analyst
Water Resources Dept.
North Mall Office Building
725 Summer St. N.E. Suite A
Salem, OR 97301-1271

RE: Claim of Beneficial Use Application G-14388, Permit G-13261

Dear Jerry:

I have been contacted by Mr. Doug Jackson, Senior Engineer for SIMPLEXITY, here in Klamath Falls, to conduct the survey for the above mentioned claim of beneficial use. I will be doing this in June-July, 2007.

sincerely,

Donald A. Gresdel

Donald A. Gresdel
CWE No. 240

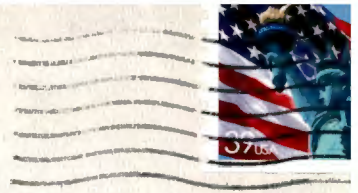
Gresdel and Associates
4505 Shasta Way
Klamath Falls, OR
97603

541-882-5266

RECEIVED
APR 30 2007
WATER RESOURCES DEPT
SALEM, OREGON

DON GRESDEL
4505 SHASTA WAY
KLAMATH FALLS, OR.
97603

KLAMATH FALLS, OR 97601
PM
26 APR
2007



WATER RESOURCES DEPT.
NORTH MALL OFFICE BUILDING
725 SUMMER ST. N.E., SUITE A
SALEM, OR.
97301-1271

ATTENTION: JERRY SAUTER
HWATER RIGHTS PROGRAM ANALYST

97301$1266 C007

KLAMATH FALLS, OR 97601
PM
26 APR
2001

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-13261) ORDER

The following Permittee has requested reconsideration of the March 9, 2007 order canceling their permit. The request for reconsideration was submitted within the timeline provided by the order.

PERMITS TO USE GROUNDWATER:

NAME	BASIN #	WM #	FILE #	PERMIT #
The New Earth Co	14	17	G-14388	G-13261

NOW, THEREFORE, it is hereby ORDERED that the permit is reinstated in accordance with the provisions of ORS 537.260.

The Department will take no action to cancel this permit until August 28, 2007, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on April 30, 2007.

E. Timothy Wallin, Water Rights Program Manager, *for*
Phillip C. Ward, Director

PLACED IN U.S. MAIL APR 30 2007
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

Mailing List for Reinstatement Special Order Copies

Application # G-14388 Permit # G-13261 Reinstatement Date: April 30, 2007

Original filed in Volume 71 Page 603

Copies Mailed
By: PLS
(support staff)
On: 4/30/07
(date)

Copies sent to:

1. Permit Holder: The New Earth Co, 1410 S 6th Street, Klamath Falls, OR 97601
2. WRD – File # G-14388
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 17
5. CWRE - None

SIMPLEXITY
simple solutions for today's complex lifestyles

Water Resource Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE INSTATE 4-25-2007

RE: Application G-14388, permit 13261

Dear Jerry Sauter,

It has come to my attention that our records and application process with the Oregon Water Resource Department are out of date. I would like to clarify our company names and personnel.

On December 1, 2006, the New Algae Company officially changed the dba name Cell Tech International to Simplexity. Simplexity is a division of New Algae Company as was Cell Tech International. The *New Earth Company* is an inactive company and the name is no longer used by the New Algae Company. **We would like to use our business name, New Algae Company, for our Oregon Water Resource Department records.**

Additionally, Joe Kollman has not been employed by the New Algae Company/Simplexity for many years. New Algae Company/Simplexity's Operations Manager, Doug Jackson, is the main contact person for the Water Resource Department. I ask that you please communicate with Doug regarding all matters with the Water Resource Department. His mailing address is 1360 South 6th St, Klamath Falls, Oregon, 97601 and he can be reached at 541-882-5406 (ext 4008).

Our well located at Short Road in Klamath Falls is very important to New Algae Company, therefore we will obtain the proper information to submit our application as soon as possible. We have contacted two different Water Rights examiners and one of them will be contacting you soon to help resolve our application process.

If you have any questions, please contact me at 541-882-5406 (ext. 4204).

Sincerely,

Jerry Anderson
Vice President of Operations

565 Century Court
Klamath Falls, OR 97601
541.882.5406 Phone
541.884.1869 Fax
www.SimplexityHealth.com

RECEIVED
MAR 26 2007
WATER RESOURCES DEPT
SALEM, OREGON

WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
ATTN: WATER RIGHTS
725 SUMMER STREET NE, SUITE A
SALEM OREGON 97301-1271

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the **Water Resources Department** is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the **Water Resources Department at 503-986-0900.**

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Applicant: New EARTH Company. (V.P. Joe Kollman)
First Last
Mailing address: (No Longer IN BUSINESS)
City K.FALLS **State** Oregon **Zip** 97601
Phone:
Home Work Other

Property Buyer Information:

Applicant: The New Algae Company DBA Simplexity (V.P. Jerry ANDERSON)
First Last
Mailing address: 13600 S.W. 6TH ST
City K.FALLS **State** Oregon **Zip** 97601
Phone: 541-885-4000 x4008
Home Work Other

Property Description (attach additional pages if necessary):

County: KLAMATH **Township:** 39S **Range:** 10E **Section:** 19
Tax lot number(s): TAX Lot # 7000

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

RECEIVED
MAR 26 2007
WATER RESOURCES DEPT
SALEM, OREGON

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: G-14388 **Permit #:** G-13261 **Certificate #:**
Will all the lands associated with this water right be owned by the buyer? Yes X No

Name of individual completing this form: Doug Jackson **Signature:**
Phone: 541-885-4000 x4008 **Date:** 3-18-07

Rev. 11/6/03

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS, OREGON 97601

(541)884-1261

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14388

SOURCE OF WATER: A WELL IN LOST RIVER BASIN

PURPOSE OR USE: COMMERCIAL USE

MAXIMUM RATE: 0.44 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 30, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 19, T39S, R10E, W.M.; SOUTH 44 DEGREES 30 MINUTES WEST, 2750 FEET FROM THE NE CORNER OF SECTION 19

THE PLACE OF USE IS LOCATED AS FOLLOWS:
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SECTION 19
TOWNSHIP 39 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department.

At a minimum, the plan shall include a program to measure static water levels in May and October of each year within the permitted well and in five nearby domestic wells located within the Rolling Hills Subdivision and described below. The monitoring of the five domestic wells shall continue for a period of a least 10 consecutive years. If after 10 years, the Department's analysis of the data collected indicates that the aquifer can support the permitted use and the monitored domestic wells, monitoring may be reduced or discontinued. The frequency and duration of monitoring after the 10 year period shall be determined by the Department. If monitoring of the domestic wells is reduced or discontinued, the Director may, at any time, require monitoring to restart or increase in frequency.

The five domestic wells to be monitored are described on a map located in water right file G-14388 at the Water Resources Department. and further identified as follows: Well #1 - Water Well Report KLAM 13216 (Lyle Swearingen), Well #2 - located in Lot 37, Block 2, Tract 1099 T39S, R10E, Section 19, Well #3 - Water Well Report KLAM 13202 (Jim R. Mearilees), Well #4 - Water Well Report KLAM 13159 (Bob Blair), Well #5 - Water Well Report KLAM 13198 (Duane Moon). In the event any of the above described domestic wells become unavailable for monitoring, the permittee shall work with the President of the Rolling Hills Subdivision to find a suitable replacement and notify the Water Resources Department.

The plan shall also stipulate May and October reference water levels against which any water-level declines will be compared. May reference levels for the five domestic wells are established by the measurements made in 1997 and located in water right file G-14388. If the well listed on this permit or any of the five domestic wells being monitored display a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the permitted well. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the

Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001

Issued November 12, 1997

Water Resources Department
Director

ATTN. GARY L. BALL App: G14388 USER-ID 28610

1999

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

2000

Facility ☞ POD-ID ✏	HARVEST SITE 46321 CM				
October - 1999	2976 G				
November - 1999	6445 G				
December - 1999	7238 G				
January - 2000	4765 G				
February - 2000	10931 G				
March - 2000	18946 G				
April - 2000	9858 G				
May - 2000	30283 G				
June - 2000	31449 G				
July - 2000	28731 G				
August - 2000	7379 G				
September - 2000	3739 G				
TOTAL *	162,740 G				

RECEIVED
APR 26 2001
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: G METER. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature | Title: MANAGER | Reporting Entity: CELL TECH INTERNATIONAL | Date: 4-24-01

MICHAEL J. POOLE
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

G14388

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

USER-ID 28610

2001

WRD

Facility ☞ POD-ID ✏	HARVEST SITE BEGINNING	WELL END	46321 CM TOTAL		
October - 2000	71256	740021	27459 G		
November - 2000	740021	779216	39195 G		
December - 2000	779216	802781	23565 G		
January - 2001	802781	820219	17438 G		
February - 2001	820219	844270	24051 G		
March - 2001	844270	866998	22728 G		
April - 2001	866998	881719	14721 G		
May - 2001	881719	893271	11552 G		
June - 2001	893271	901322	8051 G		
July - 2001	901322	902761	1434 G		
August - 2001	902761	904602	1841 G		
September - 2001	904602	904602	Ø G		
TOTAL *			192035 G		

RECEIVED
JAN 31 2002
WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: WATER METER. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature: [signature] | Title: PLANT MANAGER | Reporting Entity: _____ | Date: 1-20-02

USER-ID 28610

2001 2002

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

46321 CM

Facility ☞ POD-ID ✏	HARVEST SITE BEGINING	WELL — END	SHORT ROAD TOTAL	KLAMATH FALLS OR. 97603	
October - 2001	904602	904602	Ø G		
November - 2001	904602	904789	187 G		
December - 2001	904789	904912	123 G		
January - 2002	904912	904912	Ø G		
February - 2002	904912	905160	248G		
March - 2002	905160	905462	302G		
April - 2002	905462	905890	428G		
May - 2002	905890	906111	221G		
June - 2002	906111	906525	414 G		
July - 2002	906525	906980	455 G		
August - 2002	906980	907245	265G		
September - 2002	907245	907905	660G		
TOTAL *			3303G		

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: WATER METER. If use is irrigation, total number acres irrigated _____
I certify this information is true and accurate to the best of my knowledge.

Michael J. Poole — Signature

PLANT MANAGER — Title

_____ — Reporting Entity

11-20-02 — Date

MICHAEL J. POOLE
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

USER-ID 28610

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS OR 97601

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
46321	HARVEST SITE	0 G	13261	G 14388	9/30/1996	CM	L	39 S	10 E	19	SWNE	0.44 C	P A WELL	LOST R

WATER RESOURCES DEPT.
SALEM, OREGON
DEC 2 4 2002
RECEIVED

App # 14388

USER-ID 28610

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

2003

46321

Facility / POD-ID	HARVEST SITE	WELL	SHORT ROAD	KLAMATH FALLS, OR. 97603	
	BEGINING	END	TOTAL		
October - 2002	907905	907998	93-G		
November - 2002	907998	907998	Ø-G		
December - 2002	907998	907998	Ø-G		
January - 2003	907998	908381	383-G		
February - 2003	908381	908712	331-G		
March - 2003	908712	909287	575-G		
April - 2003	909287	909928	641-G		
May - 2003	909928	909928	Ø-G		
June - 2003	909928	910480	552-G		
July - 2003	910480	911145	665-G		
August - 2003	911145	911634	489-G		
September - 2003	911634	911980	346-G		
TOTAL *			4075-G		

RECEIVED
JAN 12 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: WATER METER. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature | Title: PLANT MANAGER | Reporting Entity | Date: 1-9-04

MICHAEL J. POOLE
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271

OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey

http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS OR 97601

User-ID 28610
Password: 28610

46321	HARVEST SITE	0	G	13261	G	14388	9/30/1996	CM	L	39	S	10	E	19	SWNE	0.44	C	P	A WELL	LOST R

USER-ID 28610

2003

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 28610

2004

WRD

Facility ☞ POD-ID ✏	HARVEST SITE BEGINING	WELL — END	SHORT ROAD	KLAMATH FALLS OR 97603	
October - 2003	911980				
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004					
June - 2004					
July - 2004					
August - 2004					
September - 2004		911980			
TOTAL *			0-G		

RECEIVED
DEC 16 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature	Title	Reporting Entity	Date
[signature]	PLANT MANAGER		12-14-04

MICHAEL J. POOLE
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program; 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey

http://www.wrd.state.or.us

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS OR 97601

User-ID 28610
Password: 28610

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
46321	HARVEST SITE	0 G	13261	G 14388	9/30/1996	CM	L	39 S	10 E	19	SWNE	0.44 C P	A WELL	LOST R

USER-ID 28610

6/1980

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN PERMIT(S) TO APPROPRIATE) ORDER
WATER UNDER THE PROVISIONS OF ORS)
537.260)

The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
The New Earth Co.	14	17	G-14388	G-13261

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on March 9, 2007

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager, *for*
Phillip C. Ward, Director

PLACED IN U.S. MAIL _____
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and ORS 137-004-0080 you may either 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.

Oregon
Theodore R. Kulongoski, Governor

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

NOTE: For water rights information and useful forms, please see our web site at **www.oregon.gov/OWRD**

July 20, 2006

Certified mail number 8527 4005
Return receipt requested

THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS OR 97601

Reference: Application G-14388, Permit G-13261

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/2001. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (September 18, 2006) the Department may issue a Final Order to cancel your permit without further notice.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)
cc: File G-14388
OWRD Watermaster District 17

PERMIT STATUS REVIEW BY Skaug *DATE* 4/20/06 *FILE #* 9-14388

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

NO Permit is for municipal or quasi-municipal use (per DF, when in doubt about **MU/QM**, change database code) **or** in **Bonanza study area** _____

NO Extension pending _____ _____

NO Assignment is pending _____

NO Cancellation has been requested ____ _____

NO Dept. has already sent a **certified** "Form 100" letter (date _____, #_____)

Was **60 days notice** allowed? _____

Was mail deliverable as addressed? _____ date _____

Send cancellation letter _____ _____

NO Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY

YES Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2001 **BASIN NUMBER** 14 **WM #** 17

CWRE or AGENT_____

S:\groups\wr\PERMIT C jd\c date checklist.wpd

OK. SENDS LETTER
5/26/2006

are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date of well completion.

KLAM 13216

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
JAN 16 1978
WATER RESOURCES DEPT.
SALEM, OREGON

State Well No. 39S/10E-19bd
State Permit No.

(1) OWNER:
Name Lyle Swearingen
Address 6321 Dennis Dr.
Klamath Falls, Oregon 97601

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
6 " Diam. from 0 ft. to ~~40~~ 90 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No.
Type of perforator used factory
Size of perforations 1/8 in. by 3 in.
120 perforations from 69 ft. to 89 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
d: gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test 20 gal./min. with 25 ft. drawdown after 1 hrs.
esian flow g.p.m.
mperature of water 55 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Bentonite
Well sealed from land surface to 41 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal none sacks
How was cement grout placed? poured.
5 sacks Aqua-Gel bentonite.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? ---- depth of strata ----
Method of sealing strata off ----
Was well gravel packed? ☒ Yes ☐ No Size of gravel: pea gravel
Gravel placed from 41 ft. to 89 ft.

(10) LOCATION OF WELL:
County Klamath Driller's well number
SE ¼ NW ¼ Section 19 T. 39 S. R. 10 E. W.M.
Bearing and distance from section or subdivision corner
Rolling Hills Subdivision.

(11) WATER LEVEL: Completed well.
Depth at which water was first found 71 ft.
Static level 21 ft. below land surface. Date 11,10,77
Artesian pressure --- lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 6 inch
Depth drilled 90 ft. Depth of completed well 89 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sandy top soil	0	2	
Fine brown sand	2	35	
Sandy brown clay	35	40	
Blue clay	40	59	
Brown claystone	59	71	
Sandstone	71	80	21'
Gray clay	80	90	21'

Work started 11, 8, 19 77 Completed 11, 10, 19 77
Date well drilling machine moved off of well 11, 10, 19 77

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Stephen R. Hughes (Drilling Machine Operator) Date 1, 8, 1978
Drilling Machine Operator's License No. 1171

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 Norm Sevey Well Drilling, Inc. (Person, firm or corporation) (Type or print)
Address 5619 Leland Dr. Klamath Falls, Ore. 97601
[Signed] Norm Sevey (Water Well Contractor)
Contractor's License No. 408 Date 1, 8, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 13202

WATER WELL REPORT
STATE OF OREGON
(Please type or print)

(Do not write above this line)

RECEIVED

State Well No. 39S/10E-19ab

State Permit No.

(1) OWNER:
Name JIM R MCARTHURS
Address P O BOX 396
MERRILL ORE

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):
Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:
Threaded [ ] Welded [X]
5/8" Diam. from +1 ft. to 86 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:
Perforated? [X] Yes [ ] No.
Type of perforator used FACTORY
Size of perforations 1/8 in. by 3 in.
perforations from 66 ft. to 86 ft.
234 perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? [ ] Yes [X] No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
AIR LIFT 35 GPM @ 60 " 1½ "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used CEMENT
Well sealed from land surface to 35 ft.
Diameter of well bore to bottom of seal 9 7/8 in.
Diameter of well bore below seal 9 7/8 in.
Number of sacks of cement used in well seal 9 sacks
How was cement grout placed? POURED

Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.
Did any strata contain unusable water? [ ] Yes [ ] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [X] Yes [ ] No Size of gravel: 1/4
Gravel placed from 35 ft. to 86 ft.

(10) LOCATION OF WELL:
County KLAMATH Driller's well number
NW ¼ NE ¼ Section 19 T. 39S R. 10E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 63 ft.
Static level 41 ft. below land surface. Date 4/26/78
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing
Depth drilled 86 ft. Depth of completed well 86 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
BROWN SANDY TOPSOIL	0	3	
BROWN SANDSTONE & COARSE	3		
STREAKS FINE GRAVEL		9	
BROWN SANDSTONE	9	63	
BROWN SANDSTONE & FINE	63		
STREAKS OF GRAVEL		82	
BROWN SANDSTONE & STREAKS	82		
OF SAND		86	

Work started 4/22/78 19 Completed 4/26/78 19
Date well drilling machine moved off of well 4/26/78 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] (Drilling Machine Operator) Date 5/16, 19 78
Drilling Machine Operator's License No. 656

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 E E STOREY & SON WELL DRILLING (Person, firm or corporation) (Type or print)
Address 3847 HOPE ST KLAMATH FALLS ORE
[Signed] (Water Well Contractor)
Contractor's License No. 601 Date 5/16, 19 78

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 13198

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED MAR 18 1977 WATER RESOURCES DEPT. SALEM, OREGON

State Well No. 39S/10E-19aa

State Permit No.

(1) OWNER:

Name DUANE D. MOON

Address 1713 PATTERSON KLAMATH FALLS, ORE

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [X]

" Diam. from ft. to ft. Gage

6-5/8" Diam. from +1 ft. to 42 ft. Gage 250

" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [X] No.

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? [ ] Yes [X] No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

AIRLIFT 40 GPM @ 45' " 1 "

" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 54 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used BENTONITE

Well sealed from land surface to 42 ft.

Diameter of well bore to bottom of seal 9 7/8 in.

Diameter of well bore below seal in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal 7 sacks

Brand name of bentonite AQUA-GEL

Number of pounds of bentonite per 100 gallons of water lbs./100 gals.

Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.

Did any strata contain unusable water? [ ] Yes [X] No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? [ ] Yes [X] No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number

NE ¼ NE ¼ Section 19 T. 39S R. 10E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 67 ft.

Static level 4.3 ft. below land surface. Date 2/15/77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 95 ft. Depth of completed well 69 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. *Report each change in position of Static Water Level and indicate principal water-bearing strata.*

MATERIAL	From	To	SWL
SANDY BROWN TOPSOIL	0	4	
BROWN SANDSTONE	4	67	
STREAKS OF BROWN SAND	67	68	WB
BROWN SANDSTONE & STREAKS OF BROWN SAND	68	95	

Work started 2/15/77 19 Completed 2/15/77 19

Date well drilling machine moved off of well 2/18/77 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] (Drilling Machine Operator) Date 3/14/77 19

Drilling Machine Operator's License No. 656

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 E E STORCY & SON WELL DRILLING INC (Person, firm or corporation) (Type or print)

Address 3847 Hope K. FALLS, ORE

[Signed] (Water Well Contractor)

Contractor's License No. 601 Date 3/14/77, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

JUN 1 8 1990

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

WATER RESOURCES DEPT.
SALEM, OREGON

Rec. 13159

39S/10E/19
17080
(START CARD) # 17080

(1) OWNER: Well Number:
Name Bob Blair
Address 8603 Rocking Horse Ln.
City Klamath Falls, State OR Zip 97603

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 75 ft.
Explosives used Yes ☐ No ☐ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
10	0	25	cement	0	25	6

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:	6	+1	32	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) 32'

(7) PERFORATIONS/SCREENS:
☐ Perforations Method
☐ Screens Type Material

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

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		65	1 hr.

Temperature of water 52 Depth Artesian Flow Found
Was a water analysis done? ☒ NO ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other no
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Klamath Latitude ° ' Longitude ° '
Township 39S N or S, Range 10E E or W, WM.
Section 19 ¼ ¼
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 20' north of 6518 Reeder Rd.

(10) STATIC WATER LEVEL:
26 ft. below land surface. Date 6/8/90
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 33

From	To	Estimated Flow Rate	SWL
33	75	35 gpm	26

(12) WELL LOG: Ground elevation

Material	From	To	SWL
Sandy top soil	0	1	
Brn packed sand	1	5	
Brn sand and clay	5	33	
Coarse sand & clay	33	38	wb
Coarse sand and pea gravel	38	55	
Gray packed sand	55	59	
Brn shale & sandstone	59	74	
Pea gravel	74	75	

Date started 6/7/90 Completed 6/8/90

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, c abandonment of this well is in compliance with Oregon well constructio standards. Materials used and information reported above are true to my bes knowledge and belief.
WWC Number
Signed Date

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonmer work performed on this well during the construction dates reported above. a work performed during this time is in compliance with Oregon we construction standards. This report is true to the best of my knowledge ar belief.
WWC Number 122
Signed Kenny D. DeSain Date 6/9/90

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 3/

STATE OF OREGON V0049 WATER RESOURCES DEPT. SALEM, OREGON

WATER WELL REPORT
(as required by ORS 537.765)

WATER RESOURCES DEPT. SALEM, OREGON

39S/10E/19

(START CARD) # 17080

(1) OWNER: Well Number:
Name Bob Blair
Address 8603 Rocking Horse Ln.
City Klamath Falls, State OR Zip 97603

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 75 ft.
Explosives used Yes ☐ No ☐ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
10	0	25	cement	0	25	6
6	25	75				

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:	6	+1	32	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) 32'

(7) PERFORATIONS/SCREENS:
☐ Perforations Method
☐ Screens Type Material

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

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		65	1 hr.

Temperature of water 52 Depth Artesian Flow Found
Was a water analysis done? NO ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other no
Depth of strata:

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County Klamath Latitude ' " Longitude ' "
Township 39S N or S, Range 10E E or W, WM.
Section 19 ¼ ¼
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 20' north of 6518 Reeder Rd.

(10) STATIC WATER LEVEL:
26 ft. below land surface. Date 6/8/90
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 33

From	To	Estimated Flow Rate	SWL
33	75	35 gpm	26

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Material	From	To	SWL
Sandy top soil	0	1	
Brn packed sand	1	5	
Brn sand and clay	5	33	
Coarse sand & clay	33	38	wb
Coarse sand and pea gravel	38	55	
Gray packed sand	55	59	
Brn shale & sandstone	59	74	
Pea gravel	74	75	

Date started 6/7/90 Completed 6/8/90

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number
Signed 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 performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief. WWC Number 1228
Signed Larry D. DeLair Date 6/9/90

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 3/88

T #

5

FO

Mailing List for ~~PFO~~ Copies

Application #G-14388 PFO Date - April 8, 1997

Original mailed to:

Applicant:THE NEW EARTH CO,1410 S 6TH ST,KLAMATH FALLS, OREGON 97601

Copies Mailed
By: JWJ
(SUPPORT STAFF)
on: 4-21-97
(DATE)

Copies sent to:
1. WRD - File # G-14388
~~2. WRD - Water Availability: Ken Stahr~~

PFO, Map, and Fact Sheet Copies sent to:
3. WRD - Watermaster # 17
4. WRD - ~~Regional Manager~~ (not Bob Main):
5. ODFW District Biologist: (KLAMATH County)

call 12/19/97

Copies sent to Other Interested Persons *(CWRE, Agent, Well Driller, Commenter, etc.)*

6. Russ Carter, 932 Klamath Ave, Klamath Falls OR 97601

7. Emil & MaryAnn Noble, 7859 Short Rd, Klamath Falls OR 97601

~~8.~~ Send FO to

~~9.~~ ① Richard Stiles 6509 Sorrel Court Klamath Falls, OR 97603

~~10.~~

~~11.~~ ② Jack Davis 515 E. Main Street Ashland, OR 97520

12. ③ Harry Hansen 6409 Appaloosa Ct K. Falls OR 97603

13.

"$10 LETTER" sent to Interested Persons who have not protested or paid for copies

Added 6/3/97

1. ~~HARRY HANSEN 6409 Appaloosa Ct KLAMATH FALLS, OR 97603~~

2. ~~Richard Stiles, c/o Hansen 6409 Appaloosa Ct. Klamath FALLS, OR 97603~~

3.

M:\O\MACROS\B-SERIES\COPYSHT.PFO

ID# CASEWORKER : DLB

State of Oregon
Water Resources Department
Water Rights Division

Water Rights Application
Number G-14388

Final Order

Application History

On September 30, 1996, The New Earth Company submitted an application to the Department for a water use permit. The application requested 0.44 cubic feet per second (cfs) (197 gallons per minute) for commercial use. The proposed source of water is a well in the Lost River Basin.

On April 22, 1997, the Department issued a Proposed Final Order proposing to conditionally allow the use. Under OAR 690-09 the Department determined that the well, if properly conditioned, would adequately protect surface water from interference and avoid injury to existing rights and the ground water resource. Under ORS 537. 621 the Department found that the proposed use is allowable under the Klamath Basin Compact, water is available for the proposed use year-round, and that the proposed use complies with the rules of the Water Resources Commission. The Proposed Order found the proposed use would ensure the preservation of the public health, safety, and welfare and conditionally approved the use of 0.44 (cfs) year-round for commercial use.

Protests to the Proposed Order were to be submitted by June 6, 1997. On June 2, 1997, Richard Stiles, on behalf of Rolling Hills Homeowners, submitted a protest. The main issue of the protest was a concern that the proposed use would adversely impact domestic wells in the area. The applicant did not protest the Department's Proposed Final Order.

On October 28, 1997, Mr. Stiles withdrew the protest. The protest was withdrawn based an agreement between the applicant, the protestant, and the Department to modify the resource protection and monitoring conditions proposed in the Department's Proposed Final Order issued April 22, 1997. Therefore, the Department finds that if conditioned as described below and on the attached draft permit the use proposed in Application G-14388 will ensure the preservation of the public health, safety, and welfare. The permit shall contain the following new or modified resource monitoring and protection conditions as well as the conditions contained on the attached permit :

A. Measurement, recording and reporting conditions:

Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

B. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department.

At a minimum, the plan shall include a program to measure static water levels in May and October of each year within the permitted well and in five nearby domestic wells located within the Rolling Hills Subdivision and described below. The monitoring of the five domestic wells shall continue for a period of a least 10 consecutive years. If after 10 years, the Department's analysis of the data collected indicates that the aquifer can support the permitted use and the monitored domestic wells, monitoring may be reduced or discontinued. The frequency and duration of monitoring after the 10 year period shall be determined by the Department. If monitoring of the domestic wells is reduced or discontinued, the Director may, at any time, require monitoring to restart or increase in frequency.

The five domestic wells to be monitored are described on a map located in water right file G-14388 at the Water Resources Department and further identified as follows: Well #1 - Water Well Report KLAM 13216 (Lyle Swearingen), Well #2 - located in Lot 37, Block 2, Tract 1099 T39S, R10E, Section 19, Well #3 - Water Well Report KLAM 13202 (Jim R. Mearilees), Well #4 - Water Well Report KLAM 13159 (Bob Blair), Well #5 - Water Well Report KLAM 13198 (Duane Moon). In the event any of the above described domestic wells become unavailable for monitoring, the permittee shall

work with the President of the Rolling Hills Subdivision to find a suitable replacement and notify the Water Resources Department.

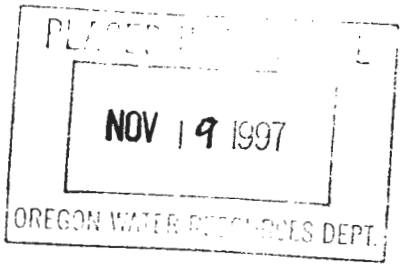
The plan shall stipulate May and October reference water levels against which any water-level declines will be compared. May reference levels for the five domestic wells are established by the measurements made in 1997 and located in water right file G-14388. If the well listed on this permit or any of the five domestic wells being monitored display a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the permitted well. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

As conditioned on the attached permit the Department finds the proposed use will ensure the preservation of the public welfare, safety and health and complies with rules of the Water Resources Commission.

Order

Application G-14388 therefore is approved as limited by the conditions set forth in the attached permit.

DATED November 12 , 1997



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Russ,

Please get this F.O to Dick. It needs A permit #.

The permit needs A little magic touch as far as format, footers etc.

Thanks.

M:\groups\wr\protests\97-09\g14388 newearth.wpd.

RECEIVED
OCT 3 0 1997
WATER RESOURCES DEPT.
SALEM, OREGON

October 28, 1997

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RE: Application G-14388

Dear Mr. Sussman:

I have reviewed the final draft order on application G-14388 that you sent me on October 14, 1997. At this time I would like to withdraw our protest.

Thank you for your help in settling this matter.

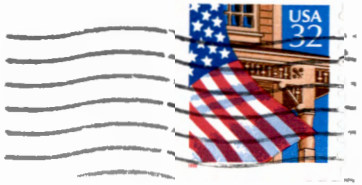
Sincerely,

Richard Stiles

Richard Stiles
President, Rolling Hills Home Owners Association

Richard Stulp
6509 Sorrel Ct
Klamath Falls, OR. 97603

KLAMATH FALLS, OR 97601
PM
28 OCT
1991



Water Resources Department
Commerce Building
158 12th Street NE
Salem Oregon 97310-0210
attn; Adam Sussman

97310+0210

FILE # G - 14308

INITIALS: IR PFO SPFO PROTEST (FO)

MAILERS INITIALS & DATE

IR PFO SPFO PROTEST FO

IR - STANDARD

REGION & DIST: (1 2 16 18 - NWR) (3 4 5 - NCR)
(6 8 9 10 - ER) (11 12 (17) - SCR) (14 15 19 - SWR)

WATER AVAILABILITY

IR,PFO,SPFO,PROTEST,FO - CONDITIONAL

DIVISION 33-115 thru 140 Y / (N) (ODFW Co_____ Col Riv Intertribal Fish Comm; USF&W; NW Power Plan Council; & NMFS)

DIVISION 33-310 thru 340 Y / (N) (ODFW District Bio_____; Agriculture; DEQ Office_____; WM IR Fact Sheet)

AGENT Russ Carter 932 KLAMATH AVE, KLAMATH FALLS OR 97601

EMILY & MARY Noble, 7859 Short Rd, Klamath Falls OR 97601

PFO,SPFO,PROTEST,FO - STANDARD:

REGION & DIST: (see ir standard above)

ODFW COUNTY_____

PFO,SPFO,PROTEST,FO - CONDITIONAL

WATER AVAILABILITY Y / N

AGENT

$10 Letter To:

OVER Y / N

1/16/97

MAILERS INITIALS & DATE

	IR	PFO	SPFO	PROTEST	FO

Oregon
John A. Kitzhaber, M.D., Governor

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

October 14, 1997

Richard Stiles
6509 Sorrel Court
Klamath Falls, Oregon 97603

RE: Draft Final Order Application G-14388 (New Earth)

Dear Mr. Stiles:

Enclosed is a draft of the Final Order for Application G-14388. I believe you will find that the enclosed material incorporates all elements of the protest settlement agreement.

Please send a letter withdrawing the protest to my attention. If you have any questions or concerns please contact me at 1-800-624-3199 ex. 262.

Thank you for your willingness to reach a reasonable settlement to this matter.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Watermaster District 17

Jack Davis
515 E. Main Street
Ashland, Oregon 97520

State of Oregon
Water Resources Department
Water Rights Division

Water Rights Application
Number G-14388

DRAFT

Final Order

Application History

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DRAFT

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DRAFT

Order

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DATED October __, 1997

DRAFT

Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

DRAFT

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS, OREGON 97601

DRAFT

(541)884-1261

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14388

SOURCE OF WATER: A WELL IN LOST RIVER BASIN

PURPOSE OR USE: COMMERCIAL USE

MAXIMUM RATE: 0.44 CFS

PERIOD OF USE: Year Round

DATE OF PRIORITY: September 30, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 19, T39S, R10E, W.M.; SOUTH 44 DEGREES 30 MINUTES WEST, 2750 FEET FROM THE NE CORNER OF SECTION 19

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4
SW 1/4 NE 1/4
SECTION 19
TOWNSHIP 39 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department.

At a minimum, the plan shall include a program to measure static water levels in May and October of each year within the permitted well and in five nearby domestic wells located within the Rolling Hills Subdivision and described below. The monitoring of the five domestic wells shall continue for a period of a least 10 consecutive years. If after 10 years, the Department's analysis of the data collected indicates that the aquifer can support the permitted use and the monitored domestic wells, monitoring may be reduced or discontinued. The frequency and duration of monitoring after the 10 year period shall be determined by the Department. If monitoring of the domestic wells is reduced or discontinued, the Director may, at any time, require monitoring to restart or increase in frequency.

The five domestic wells to be monitored are described on a map located in water right file G-14388 at the Water Resources Department. and further identified as follows: Well #1 - Water Well Report KLAM 13216 (Lyle Swearingen), Well #2 - located in Lot 37, Block 2, Tract 1099 T39S, R10E, Section 19, Well #3 - Water Well Report KLAM 13202 (Jim R. Mearilees), Well #4 - Water Well Report KLAM 13159 (Bob Blair), Well #5 - Water Well Report KLAM 13198 (Duane Moon). In the event any of the above described domestic wells become unavailable for monitoring, the permittee shall work with the President of the Rolling Hills Subdivision to find a suitable replacement and notify the Water Resources Department.

The plan shall also stipulate May and October reference water levels against which any water-level declines will be compared. May reference levels for the five domestic wells are established by the measurements made in 1997 and located in water right file G-14388. If the well listed on this permit or any of the five domestic wells being monitored display a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the permitted well. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary

because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

DRAFT

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

_____
Water Resources Department
Director

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14388

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On September 30, 1996, THE NEW EARTH CO submitted an application to the Department for the following water use permit:

- Amount of Water: 0.44 CUBIC-FOOT PER SECOND
- Use of Water: COMMERCIAL USE
- Source of Water: A WELL IN LOST RIVER BASIN
- Area of Proposed Use: KLAMATH County within
  SW 1/4 NE 1/4
  SECTION 19
  TOWNSHIP 39 SOUTH, RANGE 10 EAST, W.M.

On 1/22/97, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.44 CUBIC-FOOT PER SECOND from A WELL IN LOST RIVER BASIN for INDUSTRIAL USE is allowable year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 1/28/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:
- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas

- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Klamath Basin Program allows the following uses: COMMERCIAL USE.

Senior water rights exist on A WELL IN LOST RIVER BASIN or on downstream waters.

A WELL IN LOST RIVER BASIN is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period Year Round.

The Department finds that no more than 0.44 CFS would be necessary for the proposed use. The amount of water requested, 0.44 CUBIC-FOOT PER SECOND, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there **is NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Klamath Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED April 22, 1997

Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of

the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the $200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **June 6, 1997.**

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

DLB

DRAFT This is not a permit!!! DRAFT

STATE OF OREGON

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

THE NEW EARTH CO
1410 S 6TH ST (541)884-1261
KLAMATH FALLS, OREGON 97601

The specific limits and conditions of the use are listed below.

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MAXIMUM RATE: 0.44 CFS

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TOWNSHIP 39 SOUTH, RANGE 10 EAST, W.M.

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A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require

the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STANDARD CONDITIONS

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Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

_____
Water Resources Department
Director

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 12740

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE #_____

RECEIVED FROM: Rolling Hills Road + Drainage District

BY:

APPLICATION	G-14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96455 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

0417 WRD MISC CASH ACCT

	ADJUDICATIONS		$
	PUBLICATIONS / MAPS		$
_____	OTHER: (IDENTIFY)	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ PCA AND OBJECT CLASS _____ CASH ACCT. _____ VOUCHER # $

0427 WRD OPERATING ACCT

PCA 77235

	MISCELLANEOUS		
0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC165	DEPOSIT LIAB. (IDENTIFY)	_____	$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$	0206	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

0223 OTHER (IDENTIFY) Protest 200.00

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	$

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # 12740 DATED: 6-2-97 BY: R. Bean

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

0ATST

0ATST

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 12740

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE #_____

RECEIVED FROM: Rolling Hills Road
BY: Drainage District

APPLICATION	G-14338
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96455 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

0417 WRD MISC CASH ACCT

	ADJUDICATIONS		$
	PUBLICATIONS / MAPS		$
_____	OTHER: (IDENTIFY)	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ CASH ACCT. $

_____ PCA AND OBJECT CLASS _____ VOUCHER #

0427 WRD OPERATING ACCT

PCA 77235

	MISCELLANEOUS		
0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC165	DEPOSIT LIAB. (IDENTIFY)	_____	$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$	0206	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

0223 OTHER (IDENTIFY) Protest 200.00

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	509 507
0210	MONITORING WELLS	$	CARD #	97203

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS $

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # 12740 DATED: 6-2-97 BY: R. Bea

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIVED
JUN - 2 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Rolling Hills Homeowners
Klamath Falls, OR

Regarding: Water Rights Application 6-14388
Cell Tech

The issuance of a permit to allow additional water use is not in the best interests of our homeowners association. The association composed of over 60 homeowners, each having an individual domestic well is provided some protection under Oregon law. However, the protection would be provided only after our wells are negatively impacted.

The water use for this operation will leach minerals into the ground. The static level of nearby wells could very well be affected. The Bonanza area in Klamath County in the recent past has experienced water quality and quantity problems that impacted public health, because of large water draw downs. Some of our wells have nitrate problems which could be exacerbated by heavy use in the nearby area.

Cell Tech has been consistent in exceeding their initial proposals. Their production facility exceeded its initial construction project. The Cell Tech proposal for harvesting algae did not involve processing and storage. While meeting the letter of the law some processing and storage is now taking place. Their history is one of exceeding projections.

The amount of water Cell Tech is using is currently being monitored. Why do they need to exceed current levels? Their zoning is for agriculture use (harvesting), not commercial use (processing). Why do they need a permit that exceeds the original zoning. Public notice was suppose to be given to allow for comment. We did not see the proposed final order of January 28, 1997. Therefore we were unable to submit our written comments at that time. We oppose the granting of this permit.

If a permit is granted it should be conditional in nature: (1) The time period and type of use should be limited for harvesting algae. (2) Any time static levels or water quality is affected in adjacent wells, Cell Tech will suspend pumping. (3) The use allowed must be in compliance with state wide land use goals and any local acknowledged land use plans.

President: Rolling Hills
Home-Owners Association

Richard Stitz

9/19/97

To: File G-14388

From: Adam Sussman

Enclosed in this packet please find

(1) well logs for 4 of 5 domestic wells to be monitored

(2) Map showing location of 5 domestic wells

(3) May reference level for 5 domestic wells.

are to be filed with the

WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310
within 30 days from the date of well completion.

KLAM 13216

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
JAN 16 1978
WATER RESOURCES DEPT.
SALEM, OREGON

State Well No. 39S/10E-19bd
State Permit No.

(1) OWNER:
well #1
Name Lyle Swearingen
Address 6321 Dennis Dr.
Klamath Falls, Oregon 97601

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
6 " Diam. from 0 ft. to 40 90 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No.
Type of perforator used factory
Size of perforations 1/8 in. by 3 in.
120 perforations from 69 ft. to 89 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
d: gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Bailer test 20 gal./min. with 25 ft. drawdown after 1 hrs.
esian flow g.p.m.
nperature of water 55 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Bentonite
Well sealed from land surface to 41 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal none sacks
How was cement grout placed? poured.
5 sacks Aqua-Gel bentonite.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? ---- depth of strata ----
Method of sealing strata off ----
Was well gravel packed? ☒ Yes ☐ No Size of gravel: pea gravel
Gravel placed from 41 ft. to 89 ft.

(10) LOCATION OF WELL:
County Klamath Driller's well number
SE ¼ NW ¼ Section 19 T. 39 S. R. 10 E. W.M.
Bearing and distance from section or subdivision corner
Rolling Hills Subdivision.

(11) WATER LEVEL: Completed well.
Depth at which water was first found 71 ft.
Static level 21 ft. below land surface. Date 11,10,77
Artesian pressure --- lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 6 inch
Depth drilled 90 ft. Depth of completed well 89 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sandy top soil	0	2	
Fine brown sand	2	35	
Sandy brown clay	35	40	
Blue clay	40	59	
Brown clay stone	59	71	
Sandstone	71	80	21'
Gray clay	80	90	21'

Work started 11, 8, 19 77 Completed 11, 10, 19 77
Date well drilling machine moved off of well 11, 10, 19 77

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Stephan R. Hughes (Drilling Machine Operator) Date 1, 8, 1978
Drilling Machine Operator's License No. 1171

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 Norm Sevey Well Drilling, Inc. (Person, firm or corporation) (Type or print)
Address 5619 Leland Dr. Klamath Falls, Ore. 97601
[Signed] Norm Sevey (Water Well Contractor)
Contractor's License No. 408 Date 1, 8, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

are to be filed with the
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date of well completion.

KLAM 13202

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

State Well No. 39S/10E-19Q6
State Permit No.

(1) OWNER:
Name JIM R MCARTHURS Well #3
Address P O BOX 396
MERRILL ORE

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):
Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:
Threaded [ ] Welded [X]
5/8" Diam. from +1 ft. to 86 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:
Perforated? [X] Yes [ ] No.
Type of perforator used FACTORY
Size of perforations 1/8 in. by 3 in.
perforations from 66 ft. to 86 ft.
234 perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? [ ] Yes [X] No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
AIR LIFT 35 GPM @ 60 " 1½"
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used CEMENT
Well sealed from land surface to 35 ft.
Diameter of well bore to bottom of seal 9 7/8 in.
Diameter of well bore below seal 9 7/8 in.
Number of sacks of cement used in well seal 9 sacks
How was cement grout placed? POURED

Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.
Did any strata contain unusable water? [ ] Yes [ ] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [X] Yes [ ] No Size of gravel: 1/4
Gravel placed from 35 ft. to 86 ft.

(10) LOCATION OF WELL:
County KLAMATH Driller's well number
NW ¼ NE ¼ Section 19 T. 39S R. 10E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 63 ft.
Static level 41 ft. below land surface. Date 4/26/78
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing
Depth drilled 86 ft. Depth of completed well 86 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
BROWN SANDY TOPSOIL	0	3	
BROWN SANDSTONE & COARSE	3		
STREAKS FINE GRAVEL		9	
BROWN SANDSTONE	9	63	
BROWN SANDSTONE & FINE	63		
STREAKS OF GRAVEL		82	
BROWN SANDSTONE & STREAKS	82		
OF SAND		86	

Work started 4/22/78 19 Completed 4/26/78 19
Date well drilling machine moved off of well 4/26/78 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] (Drilling Machine Operator) Date 5/16, 19 78
Drilling Machine Operator's License No. 656

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 E E STOREY & SON WELL DRILLING (Person, firm or corporation) (Type or print)
Address 3847 HOPE ST KLAMATH FALLS ORE
[Signed] (Water Well Contractor)
Contractor's License No. 601 Date 5/16, 19 78

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

KLAM 13198

WATER WELL REPORT

STATE OF OREGON (Please type or print) (Do not write above this line)

RECEIVED MAR 18 1977 WATER RESOURCES DEPT. SALEM, OREGON

State Well No. 39s/10E-19aa

State Permit No.

(1) OWNER:

Well #5

Name DUANE D. MOON

Address 1713 PATTERSON KLAMATH FALLS, ORE

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [X] Driven [ ]
Cable [ ] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [X]

" Diam. from ft. to ft. Gage

6 5/8 " Diam. from +1 ft. to 42 ft. Gage 250

" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [X] No.

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? [ ] Yes [X] No If yes, by whom?

	gal./min. with	ft. drawdown after	hrs.
Id:			
BLIFT	40 GPM @ 65'	" 1	"
"	"	"	"

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 50 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used BENTONITE

Well sealed from land surface to 42 ft.

Diameter of well bore to bottom of seal 9 7/8 in.

Diameter of well bore below seal — in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal 7 sacks

Brand name of bentonite AQUA GEL

Number of pounds of bentonite per 100 gallons of water — lbs./100 gals.

Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.

Did any strata contain unusable water? [ ] Yes [X] No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? [ ] Yes [X] No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number

NE ¼ NE ¼ Section 19 T. 39S R. 10E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 67 ft.

Static level 4.3 ft. below land surface. Date 2/18/77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 95 ft. Depth of completed well 69 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. *Report each change in position of Static Water Level and indicate principal water-bearing strata.*

MATERIAL	From	To	SWL
SANDY BROWN TOPSOIL	0	4	
BROWN SANDSTONE	4	67	
STREAKS OF BROWN SAND	67	68	WB
BROWN SANDSTONE & STREAKS OF BROWN SAND	68	95	

Work started 2/18/77 19 Completed 2/18/77 19

Date well drilling machine moved off of well 2/18/77 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] (Drilling Machine Operator) Date 3/14/77 19

Drilling Machine Operator's License No. 656

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 E E STORCY & SON WELL DRILLING INC (Person, firm or corporation) (Type or print)

Address 3847 HOPE K. FALLS, ORE

[Signed] (Water Well Contractor)

Contractor's License No. 601 Date 3/14/77, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

JUN 1 3 1990

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

WATER RESOURCES DEPT.
SALEM, OREGON

Well 13159

34S/10E/19

(START CARD) # 17080

(1) OWNER: Well Number: #4
Name Bob Blair
Address 8603 Rocking Horse Ln.
City Klamath Falls, State OR Zip 97603

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 75 ft.
Explosives used Yes ☐ No ☐ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
10	0	25	cement	0	25	6

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:	6	+1	32	.250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s) 32'

(7) PERFORATIONS/SCREENS:
☐ Perforations Method
☐ Screens Type Material

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

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		65	1 hr.

Temperature of water 52 Depth Artesian Flow Found
Was a water analysis done? no ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other no
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Klamath Latitude Longitude
Township 39S N or S, Range 10E E or W, WM.
Section 19 ¼ ¼
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 20' north of 6518 Reeder Rd.

(10) STATIC WATER LEVEL:
26 ft. below land surface. Date 6/8/90
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 33

From	To	Estimated Flow Rate	SWL
33	75	35 gpm	26

(12) WELL LOG: Ground elevation

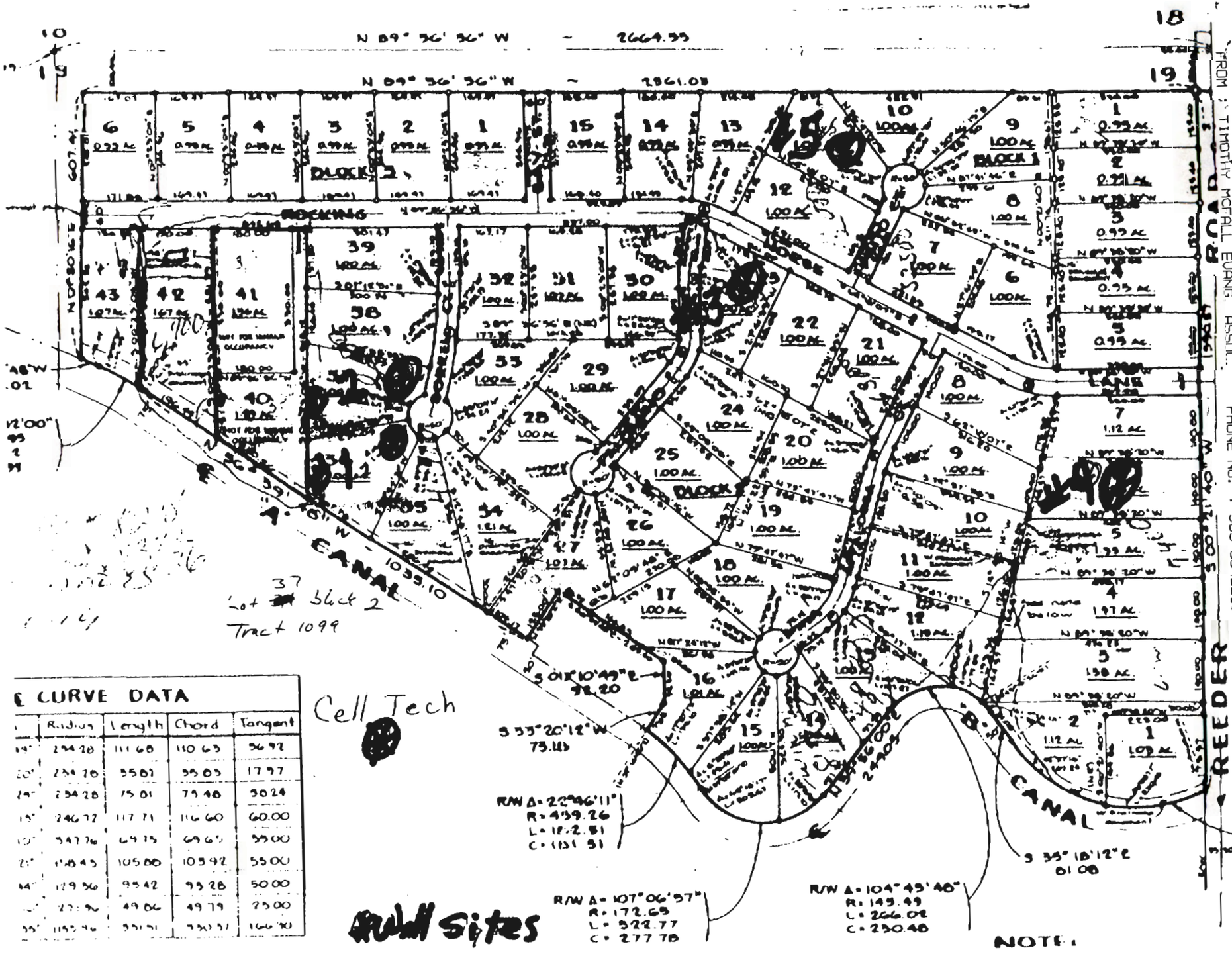
Material	From	To	SWL
Sandy top soil	0	1	
Brn packed sand	1	5	
Brn sand and clay	5	33	
Coarse sand & clay	33	38	wb
Coarse sand and pea gravel	38	55	
Gray packed sand	55	59	
Brn shale & sandstone	59	74	
Pea gravel	74	75	

Date started 6/7/90 Completed 6/8/90

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number
Signed 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. work performed during this time is in compliance with Oregon w construction standards. This report is true to the best of my knowledge a belief.
WWC Number 122
Signed Kenny D. DeSpain Date 6/9/90

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 3



CURVE DATA				
	Radius	Length	Chord	Tangent
	234.28	111.68	110.63	56.92
	234.28	35.81	35.83	17.97
	234.28	75.01	74.68	38.24
	246.72	117.71	116.60	60.00
	347.76	69.15	69.69	35.00
	108.43	105.80	101.92	55.00
	129.56	99.42	96.98	52.00
	23.56	49.06	49.79	25.00
	1155.96	331.21	330.31	166.80

3S/10E-19

WELL LOG

ROLLING HILLS STATIC LEVELS

#1 WELL 6510 SORREL CT. – Swerington
#2 WELL 6524 SORREL CT. – Martin (Before that was Johnson)
#3 WELL 6403 PALOMINO CT.– Merrilee
#4 WELL 6506 REEDER RD. – Blair
#5 WELL 6218 PINTO CT. – Moon

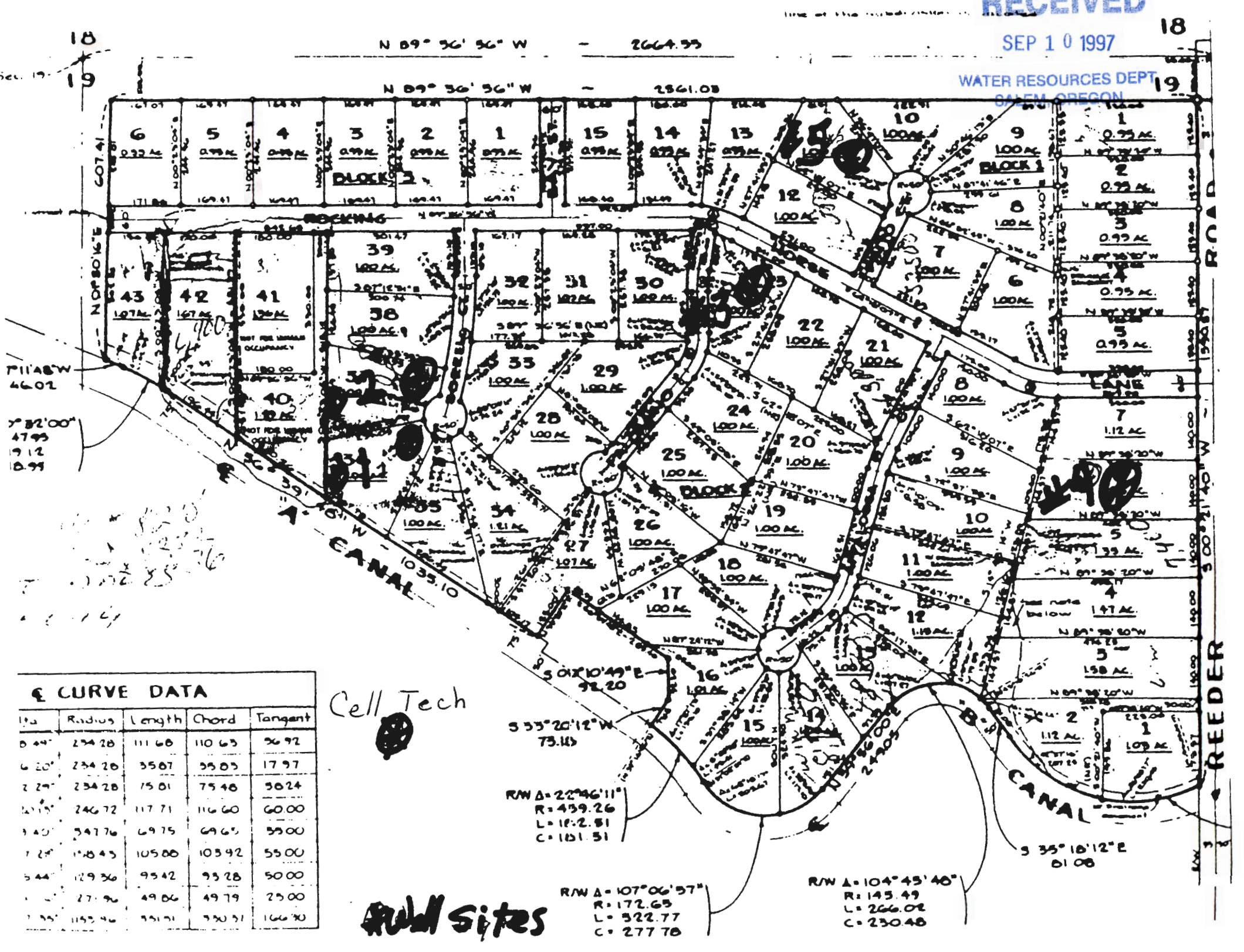
7/2/96	5/22/97
#1 23'3"	22'8"
#2 23'3"	22'8"
#3 43'10"	44'4"
#4 27'6"	22'9"
#5 46'4"	44'0"

WELLS CHECKED BY AQUA PUMP CO.
TECHNICIAN DAN LOWN

883-5111



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℄ CURVE DATA

	Radius	Length	Chord	Tangent
D 44'	234.28	111.68	110.63	56.92
6 20'	234.28	35.87	35.83	17.97
2 29'	234.28	15.01	75.48	50.24
20 15'	246.72	117.71	116.60	60.00
3 40'	347.76	69.75	69.65	35.00
7 28'	108.43	105.00	103.92	55.00
5 44'	129.36	95.42	93.28	50.00
[illegible]	27.96	49.86	49.79	25.00
7 35'	1155.96	351.21	350.51	166.30

Oregon

WATER
RESOURCES
DEPARTMENT

August 5, 1997

Jack Davis
Attorney at Law
515 East Main Street
Ashland, Oregon 97520

RE: Water Right Application G-14388 (New Earth Company)

Dear Mr. Davis:

I have had an opportunity to speak with Mr. Stiles, the protestant in the above referenced water right application. He has tentatively agreed to the concept of settling the matter by agreeing on a resource monitoring condition. He still needs to meet with the homeowners association to discuss the matter.

I suggested a condition used in a similar case with a similar fact situation. The condition I suggested was the result of a contested case hearing held last year. It is likely that if we went to hearing this is where we would end up anyway. A copy of the condition I suggested is attached. I have highlighted the relevant portions.

Please let me know by **August 15, 1997**, if your client can agree to this type of condition. If so, I will put together a draft final order and permit for review by you and Mr. Stiles. Before a final order is issued I will ask Mr. Stiles to formally withdraw the protest.

Please feel free to contact me at 1-800-624-3199 ex. 262.

Sincerely,

Adam Sussman
Program Analyst and
Department Representative

cc: Richard Stiles
6509 Sorrel Court
Klamath Falls, Oregon 97603

541-885-4306

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

Sorry about your

Oregon

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SALEM, OREGON

JANUARY 22, 1997

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS, OREGON 97601

Reference: File G-14388

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application **is not** complete. **You must provide land-use information signed by the County** (a form is enclosed).

2. The proposed use is not prohibited by law or rule.

3. The use of water for INDUSTRIAL USE **is allowed** under ORS 542.620, the Klamath Basin Compact.

4. Water is available in the amount of 0.44 CUBIC-FOOT PER SECOND.

5. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

Summary of Initial Determinations

The use of 0.44 CUBIC-FOOT PER SECOND from A WELL IN LOST RIVER BASIN for INDUSTRIAL USE is allowable year round.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

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

To Proceed With Your Application:
If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:
If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 14, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.

2. You will be required to comply with state and federal water quality standards.

3. The priority date for this application is September 30, 1996

4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.

Sincerely,

Douglas L. Baer
Senior Water Rights Technician

cc: Regional Manager, Watermaster #District 17, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

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SALEM, OREGON

Oregon Water Resources Department
Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: THE NEW EARTH Co.

Address: 1410 S. 6TH ST.

City: KLAMATH FALLS State: OR Zip: 97601 Day Phone: 541-884-1261

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: *(check all that apply)*		
01000	EFU-C	☐ Diverted	☐ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. KLAMATH COUNTY / KLAMATH FALLS

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): HARVEST EQUIPMENT USAGE

Briefly describe: PLEASE SEE "ATTACHMENT A"

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

.44 ☒ CFS ☐ GPM ☐ Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide 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); 54. Go to section B "Approval" below

❑ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	*Check the item that applies:* 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

Note: *Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)*

B. Approval

Please provide printed name and written signature.

Name: J.K. LUNDAHL Date: 1-31-97

Title: SENIOR PLANNER Phone: 541 383-4200

Signature: J.K. Lundahl

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: *If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)*

ZBINDENENGINEERING
STRUCTURAL/CIVIL
932 Klamath Ave., Klamath Falls, Or 97601
Phone (541) 884-7421 • Fax (541) 883-8804

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SALEM, OREGON

"ATTACHMENT A"

PRIMARY INTENDED USE OF WATER IS AS FOLLOWS:

WELL WATER WILL BE PUMPED TO A 40000 GALLON ABOVE GROUND WATER TANK. IT WILL BE DELIVERED FROM THERE TO THE HARVEST BUILDING BY WAY OF BOOSTER PUMP TO SUPPLY ALGAE HARVEST EQUIPMENT.

HARVEST EQUIPMENT INCLUDES:

VACUUM DRUMS, PUMPS AND OSMOSIS SYSTEMS THAT REMOVE CANAL WATER FROM COLLECTED ALGAE

CONDENSER SUPPLY WATER USED BY ALGAE FREEZING SYSTEMS

SANITIZING WATER USED TO PERIODICALLY CLEAN HARVEST EQUIPMENT

THERE IS ALSO MINIMAL WATER REQUIREMENTS FOR TWO BATHROOMS THAT SUPPORT THE HARVEST STAFF.

WELL USE WILL BE REQUIRED ALL YEAR, HOWEVER, THE STATED VOLUMES WILL BE REQUIRED FROM JUNE TO OCTOBER. DURING THE OFF SEASON, WELL USE COULD EASILY DROP TO BELOW 5000 GPD.

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WATER
RESOURCES
DEPARTMENT

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may chose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to the applicant.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Department. If you have any questions concerning this form, please contact WRD's Land Use Coordinator at (503) 378-3739, ext. 241.

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

Rolling Hills Homeowners
Klamath Falls, OR

Regarding: Water Rights Application 6-14388
Cell Tech

The issuance of a permit to allow additional water use is not in the best interests of our homeowners association. The association composed of over 60 homeowners, each having an individual domestic well is provided some protection under Oregon law. However, the protection would be provided only after our wells are negatively impacted.

The water use for this operation will leach minerals into the ground. The static level of nearby wells could very well be affected. The Bonanza area in Klamath County in the recent past has experienced water quality and quantity problems that impacted public health, because of large water draw downs. Some of our wells have nitrate problems which could be exacerbated by heavy use in the nearby area.

Cell Tech has been consistent in exceeding their initial proposals. Their production facility exceeded its initial construction project. The Cell Tech proposal for harvesting algae did not involve processing and storage. While meeting the letter of the law some processing and storage is now taking place. Their history is one of exceeding projections.

The amount of water Cell Tech is using is currently being monitored. Why do they need to exceed current levels? Their zoning is for agriculture use (harvesting), not commercial use (processing). Why do they need a permit that exceeds the original zoning. Public notice was suppose to be given to allow for comment. We did not see the proposed final order of January 28, 1997. Therefore we were unable to submit our written comments at that time. We oppose the granting of this permit.

If a permit is granted it should be conditional in nature: (1) The time period and type of use should be limited for harvesting algae. (2) Any time static levels or water quality is affected in adjacent wells, Cell Tech will suspend pumping. (3) The use allowed must be in compliance with state wide land use goals and any local acknowledged land use plans.

President: Rolling Hills
Home-Owners Association

Richard Stites

FAX

NUMBER OF PAGES PAGES INCLUDING COVER 2

DATE June 13, 1997

TO: Adam Suss man

ADDRESS

CITY Salem STATE Or ZIP

TELEPHONE/FAX 503 378 6203

MESSAGE: following is letter that was sent to Cell Tech, regarding water rights, Application # 6-14388, Also please send ANY information on New developments regarding permits

Richard Stitt

541 - 882 6810

THANK YOU

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE/ADAM SUSSMAN

Date: June 27, 1997 MJZ

From: MICHAEL ZWART

Subject: APPLICATION G-14388, THE NEW EARTH COMPANY

I reviewed the nearby well logs and the protest filed against the issuance of a permit for this application. I am now recommending the use of permit condition 7A in addition to condition 7B, which I previously recommended. This will ensure that regular water-level data are collected.

TO: Water Rights Section

Nov. 8, 1996

FROM: Groundwater/Hydrology Section Michael Zwart
Reviewer's Name

SUBJECT: Application G-14388

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
   a. ___ will, or have the potential for substantial interference with the nearest
   b. ___ will not surface water source, namely _____; or
   c. X will if properly conditioned, adequately protect the surface water from interference:
      i. X The permit should contain condition #(s) 7B;
      ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
      iii. ___ The permit should be conditioned as indicated in item 4 below; or
   d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
   a. ___ will, or likely be available in the amounts requested without injury to prior rights
   b. ___ will not and/or within the capacity of the resource; or
   c. X will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
      i. X The permit should contain condition #(s) 7B; + 7A (6/27/97, MJZ)
      ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
      iii. ___ The permit should be conditioned as indicated in item 4 below; or

4. a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
   b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
   c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
   d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
   e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
   a.____review of the well log;
   b.____field inspection by _____;
   c.____report of CWRE _____;
   d.____other: (specify) _____
   _____

6. THE WELL construction deficiency:
   a.____constitutes a health threat under Division 200 rules;
   b.____commingles water from more than one groundwater reservoir;
   c.____permits the loss of artesian head;
   d.____permits the de-watering of one or more groundwater reservoirs;
   e.____other: (specify) _____
   _____

7. THE WELL construction deficiency is described as follows: _____
   _____
   _____

8. THE WELL a.____was, or constructed according to the standards in effect at the time of
   b.____was not original construction or most recent modification.
   c.____I don't know if it met standards at the time of construction.

RECOMMENDATION:

A.____I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."

B.____I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.

C.____REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____ _____, 199__.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons:_____
_____
_____

_____ _____, 199__.
(Signature)

STATE OF OREGON
WATER RESOURCES DEPARTMENT **INTEROFFICE MEMO**

To: FILE Date: November 8, 1996

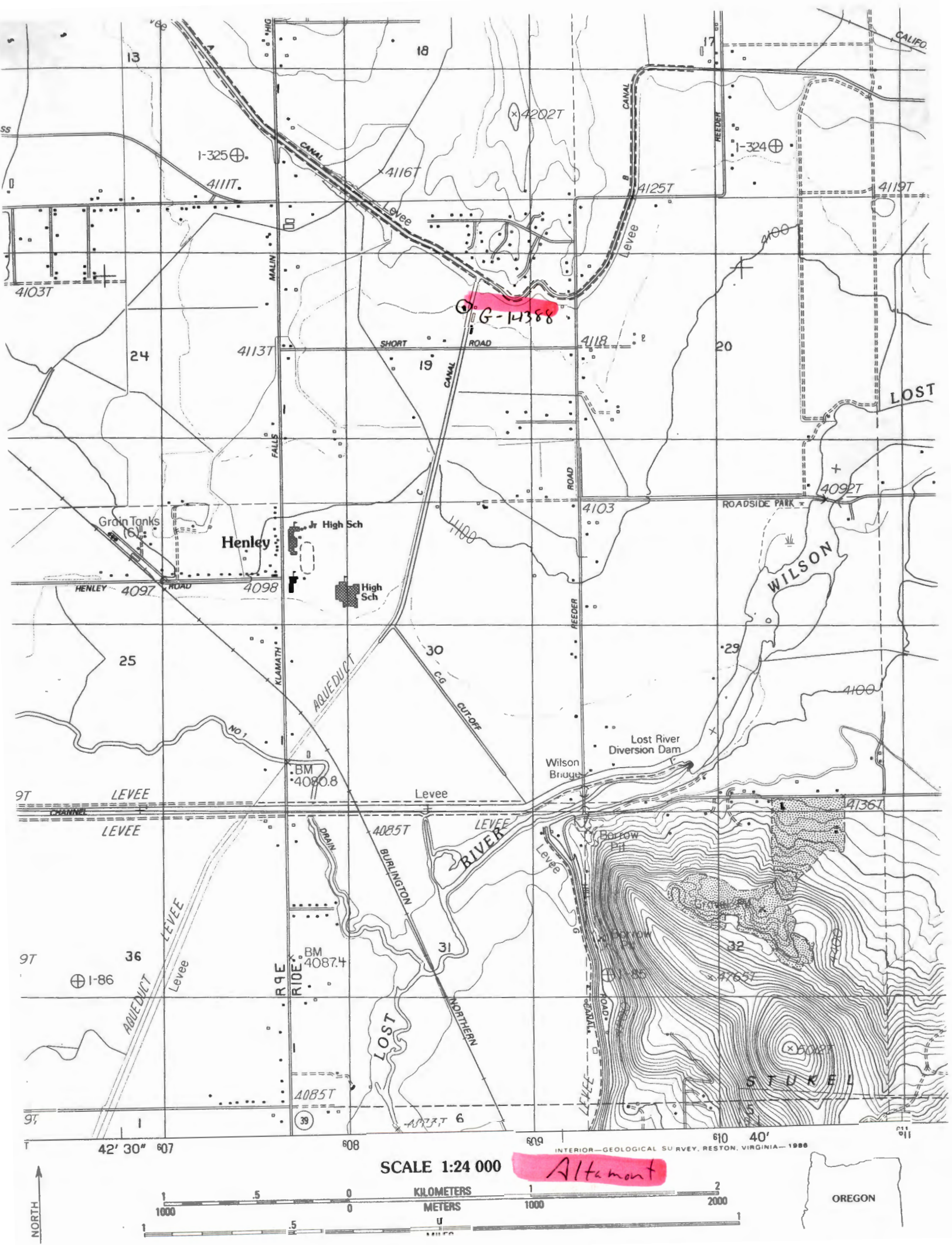
From: MICHAEL ZWART

Subject: APPLICATION G-14388, THE NEW EARTH COMPANY

This application proposes to use 0.44 cfs of groundwater from one well for industrial (?) and domestic use. The well is 425 feet deep and penetrates a confined aquifer developed in sand and gravel below 75 feet. The confining layer is clay and claystone between 40 and 75 feet. The static water level is slightly above land surface.

The well is located about 7000 feet from the Lost River. The aquifer penetrated is not likely in hydraulic connection with the nearby reach of the river. There is no potential for substantial interference with the river based on the aquifer penetrated and the distance.

Permit condition 7B is recommended.


G-14388
Henley
Jr High Sch
High Sch
Grain Tanks (6)
Lost River Diversion Dam
Wilson Bridge
Borrow Pit
ROADSIDE PARK
WILSON
LOST
STUKEL
CANAL
Levee
AQUEDUCT
BURLINGTON NORTHERN
LOST RIVER
KLAMATH FALLS ROAD
HENLEY ROAD
SHORT ROAD
FEEDER CANAL
C.G. CUT-OFF
DRAIN
CHANNEL
BM 4080.8
BM 4087.4
I-86
I-325
I-324
4202T
4116T
4111T
4103T
4113T
4125T
4119T
4092T
4085T
4136T
4765T
4097
4098
4103
4118
4100
SCALE 1:24 000
Altamont
KILOMETERS
METERS
NORTH
OREGON
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1986

Water Resources Department

MEMO November 8, 1996

TO Application G-14388

FROM GW: Michael Zwart
(Reviewer's Name)

SUBJECT **Scenic Waterway Interference Evaluation**

☐ Yes
☑ No — The source of appropriation is within or above a Scenic Waterway.

☐ Yes
☑ No — Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☑ At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: *(To be filled out only if Preponderance of Evidence box is not checked)*

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

County: Klamath

Quad name & #: ~~Blue Canyon 22~~

REVIEW CHECKLIST

FOR G- 14388

✓ Appropriate parts of the stream index

✓ Estimated number of wells within a one-mile radius & identified types.

✓ State Observation wells within a five-mile radius.

✓ Verify that well log is in file. If not provide one.

✓ List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: 1 Well location: 39S/10E/19 AC

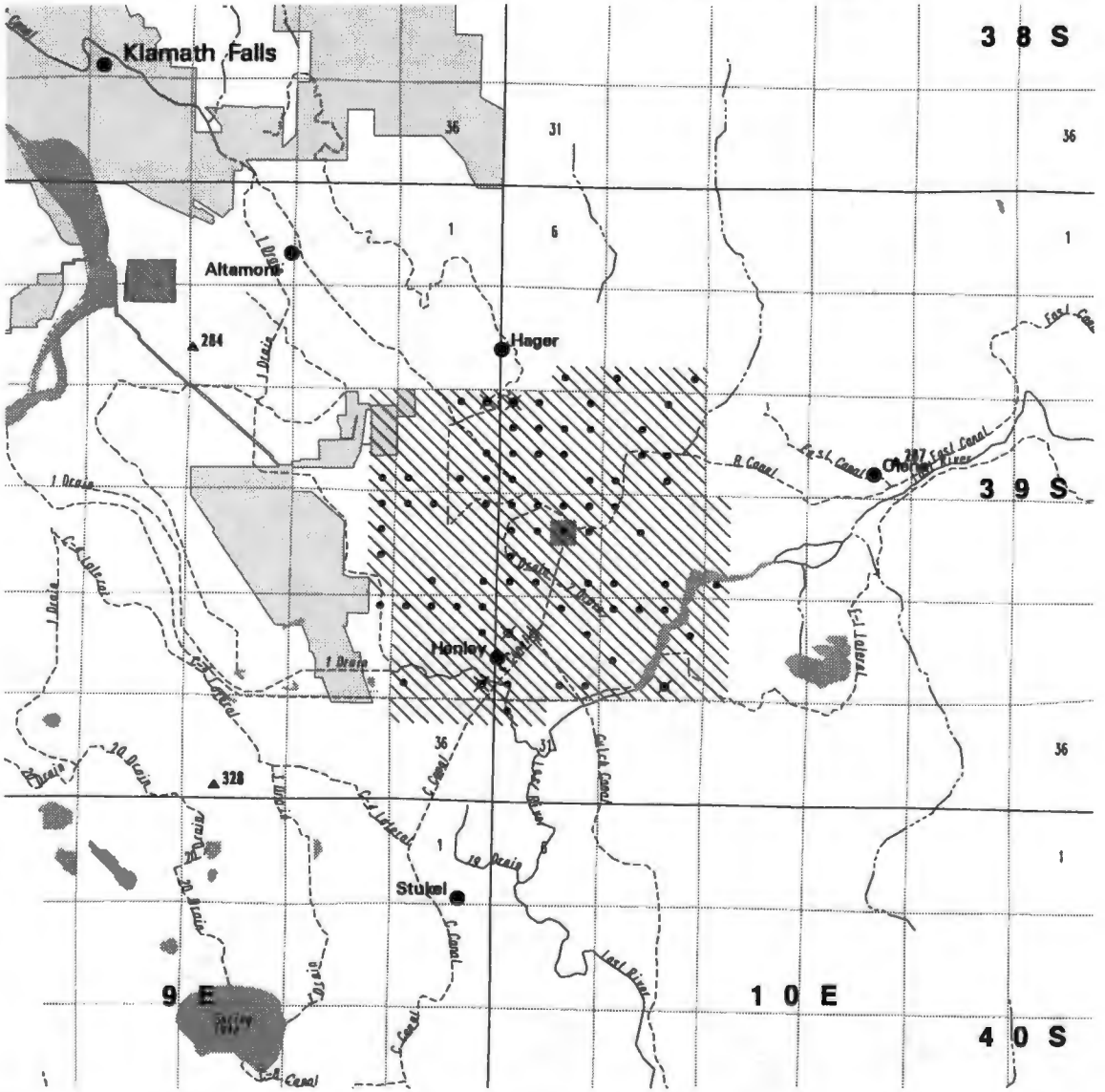
APPLICATIONS WITH PERMIT CONDITIONS:

G12350
13224
12367
13430
12792
13041

RVSD.RVW

Wells in the vicinity of application G 14388

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- Regulated GW Area



WELLS WITHIN 1 MILE OF G 14388

DO	174
DS	1
IM	2
IR	2
MO	3
MU	3

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14388

	PERMIT	T/R/S/QQ	USE	RATE	UNITS
G	7362	39.00S 9.00E13NENE	MU	1.5600	C
G	10085	39.00S 9.00E25SESE	IM	0.0670	C
G	1712	39.00S10.00E18NWNW	IR	0.0700	C
G	2468	39.00S10.00E18NWNW	IR	0.3400	C
G	2468	39.00S10.00E18NWNW	IS	0.0730	C
G	10928	39.00S10.00E30SWNW	IR	0.5000	C
G	10928	39.00S10.00E30SWNW	SC	0.5000	C
G	11083	39.00S10.00E30SENW	AH	0.6700	C
G	1833	39.00S10.00E29SWSE	IR	0.0500	C

Harry Hansen
1409 Appaloosa Court
Klamath Falls, OR 97603

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WATER RESOURCES DEPT.
SALEM, OREGON

FIRST CLASS



Fold at line over top of envelope to the right of the return address

CERTIFIED MAIL

P 360 892 280

Oregon Water Resource Dept.
Commerce Blvd.
158 12th street NE
Salem, OR 97301-0210

RETURN RECEIPT REQUESTED



97601/4160 58



9585

NUMBER

Check 200 Mo. Cash

____ Surface Application

____ Reservoir Application

____ Ground Water Application

____ Transfer Application

____ PFO Request

____ Research

____ Hydroelectric Fees

____ Copying

____ Assignment

____ Extension of Time

✓ Protest

____ Other

adam

13484

Rolling Hills Homeowners
Klamath Falls, OR

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Regarding: Water Rights Application G-14388
Cell Tech

The issuance of a permit to allow additional water use is not in the best interests of our homeowners association. The association composed of over 60 homeowners, each having an individual domestic well is provided some protection under Oregon law. However, the protection would be provided only after our wells are negatively impacted.

The water use for this operation will leach minerals into the ground. The static level of nearby wells could very well be affected. The Bonanza area in Klamath County in the recent past has experienced water quality and quantity problems that impacted public health, because of large water draw downs. Some of our wells have nitrate problems which could be exacerbated by heavy use in the nearby area.

Cell Tech has been consistent in exceeding their initial proposals. Their production facility exceeded its initial construction project. The Cell Tech proposal for harvesting algae did not involve processing and storage. While meeting the letter of the law some processing and storage is now taking place. Their history is one of exceeding projections.

The amount of water Cell Tech is using is currently being monitored. Why do they need to exceed current levels? Their zoning is for agriculture use (harvesting), not commercial use (processing). Why do they need a permit that exceeds the original zoning. Public notice was suppose to be given to allow for comment. We did not see the proposed final order of January 28, 1997. Therefore we were unable to submit our written comments at that time. We oppose the granting of this permit.

If a permit is granted it should be conditional in nature: (1) The time period and type of use should be limited for harvesting algae. (2) Any time static levels or water quality is affected in adjacent wells, Cell Tech will suspend pumping. (3) The use allowed must be in compliance with state wide land use goals and any local acknowledged land use plans.

President: Rolling Hills
Home-Owners Association

Richard Stitt

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JUN - 2 1997
WATER RESOURCES DEPT.
SALEM, OREGON

May 25, 1997

Dear Sir:

The following letter is one of many we have had to write in an attempt to resolve the problems between Cell Tech and The Rolling Hills Subdivision. We are having great difficulty in making our voices heard. By the time we are notified of actions that affect the members of the subdivision, governmental actions have already taken place. The Cell Tech processing plant was constructed without any members of the community being notified. The site was "an agricultural harvesting plant that would only operate during the summer months". The plant is expanding both in duration of operation and also in the amount of ground water being taken out for processing. Our homes are here and represent a large financial investment. Any assistance you might lend us in curbing this excessive expansion of resource usage and noise/visual impairment would be greatly appreciated.

Sincerely,

Harry Hansen

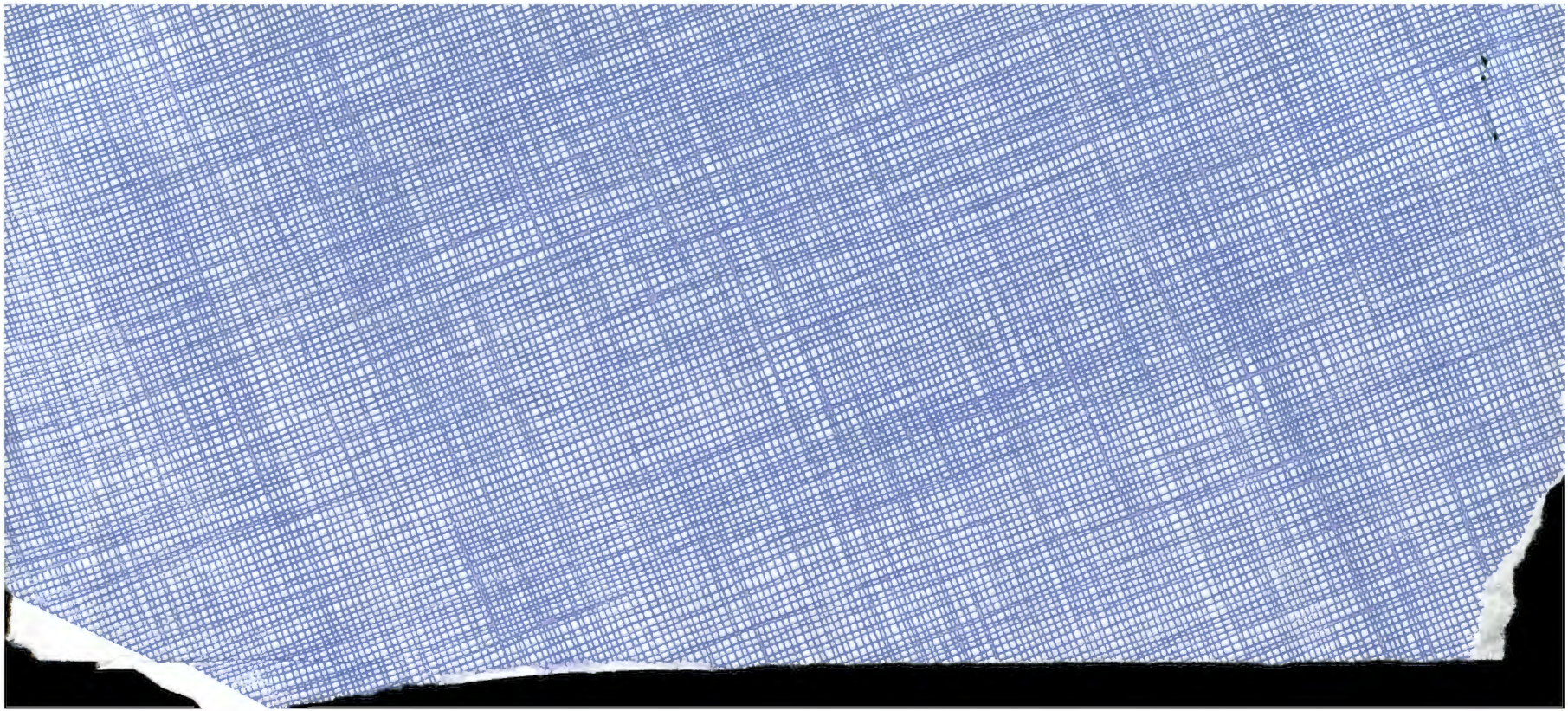
Secretary- Rolling Hills Subdivision

Harry Hansen
6409 Appaloosa Court
Klamath Falls, OR 97603

KLAMATH FALLS, OR 97601
PM
29 MAY
1997

Oregon Water Resources Dept.
Attn: Doug Baer
158 12th street NE
Salem, OR 97301-0210

97301/4160 38



PFO CHECKLIST

Application #: G-14388

Basin: 14 WAB:_____

Township _____ Range _____ Section _____ 1/4 1/4 _____

__A1. Public Interest Screen Criteria

__1. Is the file complete by the Completeness Checklist? yes

__2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) NO

__3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) none

__4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
__a. Is second groundwater review necessary? (objection) NO
__b. Is HB 1033 review complete? yes

__5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. NO

__6. Is the Proposed Use located in or above a Scenic Waterway? NO

__7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) NO

__8. Is the use allowed or limited by the Basin Program? NO

__9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) NO

__10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992) NA

__11. Rate ONE-EIGHTIETH Duty 2 1/2 acre-feet Season Year Round

__12. Period of Allowed Use Year Round

__13. Is use from a B.O.R. project and if so, is a signed contract in the file? NO

__14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) NA

__15. Have conflicts been identified, verified and/or addressed? NO - see IR

__16. Is the use Small (≤0.1cfs, ≤9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (≥1.5 cfs, ≥100 AF)?_____

__17. Check PR/IR for permit conditions not included in the Draft Permit attached to the PFO ✓

__18. Fill out Accuracy Checklist

__19. Spell Check

__20. Documents used in determination are attached and highlighted

__21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
__a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) NO

__22. Final PFO report hard copy check (format, margins, etc.) ✓

__23. Final PFO has been saved to m:\t\pfo\done\week#\application # ✓

CaseWorker: DLB Date: March 31, 1997 M:\T\PFO\WORK\WEEK89\G14388.WPD

Oregon

WATER
RESOURCES
DEPARTMENT

JANUARY 22, 1997

THE NEW EARTH CO
1410 S 6TH ST
KLAMATH FALLS, OREGON 97601

Reference: File G-14388

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application **is not** complete. **You must provide land-use information signed by the County** (a form is enclosed).

2. The proposed use is not prohibited by law or rule.

3. The use of water for INDUSTRIAL USE **is allowed** under ORS 542.620, the Klamath Basin Compact.

4. Water is available in the amount of 0.44 CUBIC-FOOT PER SECOND.

5. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

Summary of Initial Determinations

The use of 0.44 CUBIC-FOOT PER SECOND from A WELL IN LOST RIVER BASIN for INDUSTRIAL USE is allowable year round.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

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

To Proceed With Your Application:
If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:
If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 14, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.

2. You will be required to comply with state and federal water quality standards.

3. The priority date for this application is September 30, 1996

4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.

Sincerely,



Douglas L. Baer
Senior Water Rights Technician

cc: Regional Manager, Watermaster #District 17, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

OTHER:

G-14388

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WATER RESOURCES DEPT.
SALEM, OREGON

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AUG 28 1996
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SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant(s) THE NEW EARTH COMPANY
(Please print or type - use dark ink)

Mailing Address: 1410 S. 6TH ST.
KLAMATH FALLS OR 97601 541-884-1261
City *State* *Zip* *Daytime Phone No.*

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. *THE DEVELOPMENT (number of wells, tile lines, infiltration galleries, etc.):* ONE WELL SERVING THE SHORT RD. HARVEST FACILITY

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: N.A.

Elevation difference between streambed and development: N.A.

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

SEE WELL LOG

Diameter of well: _____ *Depth in feet:* _____

Type and size of well casing: _____ *No. of feet:* _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____

"ATTACHMENT B"

2. *TOTAL AMOUNT OF WATER to be applied to beneficial use:* .44 *cubic feet per second, OR* 200 *gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each:* N.A.

3. *INTENDED USE(s) OF WATER:* SEE ATTACHED DESCRIPTION "ATTACHMENT A"

If for more than one use, give the quantity of water from each source for each use;

If for DOMESTIC use, state the number of households to be supplied; NA

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

NA

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; NA

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation NA

Other (describe)

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SALEM, OREGON

4. ***DESCRIPTION OF WATER DELIVERY SYSTEM:*** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

WELL PUMP IS A BERKELY MODEL 6775200 SERIAL # M3474. 60' PUMP DEPTH. 7½ HORSE MOTOR POWERED BY UNDERGROUND 3 PHASE ELEC. MOTOR IS FRANKLIN 280097, 460V. DELIVERY IS 3" SCHED 40 PVC IN BEDDED TRENCH 24" MIN BELOW GRADE TO A 40000 gal ABOVE GROUND STEEL HOLDING TANK. LINE LENGTH IS APPROX. 450 L.F. METER IS MW503 McCROMETER TOTALIZING METER.

5. *PROJECT SCHEDULE:* *(List month and year)*

Proposed date construction work will begin 3/96

Proposed date construction work will be completed 7/96

Proposed date water use will be completed UPON ISSUANCE OF PERMIT

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6. a) *In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):*

_____ *Applicant* _____ *CWRE* __X__ *Other (Identify in REMARKS section)*

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

_____ *Applicant* _____ *CWRE* __X__ *Other (Identify in REMARKS section)*

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO *. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.*

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS: QUESTION # 6 ADDR: RUSS CARTER, BINDON ENGINEERING - 912 KLAMATH AVE, KLAMATH FALLS, OR 97601

QUESTION # 7 : EMIL B. & MARY ANN NOTLE 9259 SHORT RD. KLAMATH FALLS, OR 97601

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8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES X NO _____

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Signature _____ *Date* 8/26/96

Signature Joe Kelly V.P. For The New Earth Co. *Date* 9/26/96

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SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

_____

_____

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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WITNESS my hand this _____ day of _____, 19____.

_____
Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 30th day of September, 19 96, at 8 o'clock, A M.

APPLICATION NO: G-14388

A:APPFORM 1/94

NE1/4 SEC. 19 T.39S. R.10E. W.M.
KLAMATH COUNTY
1"=200'

39 10 19A

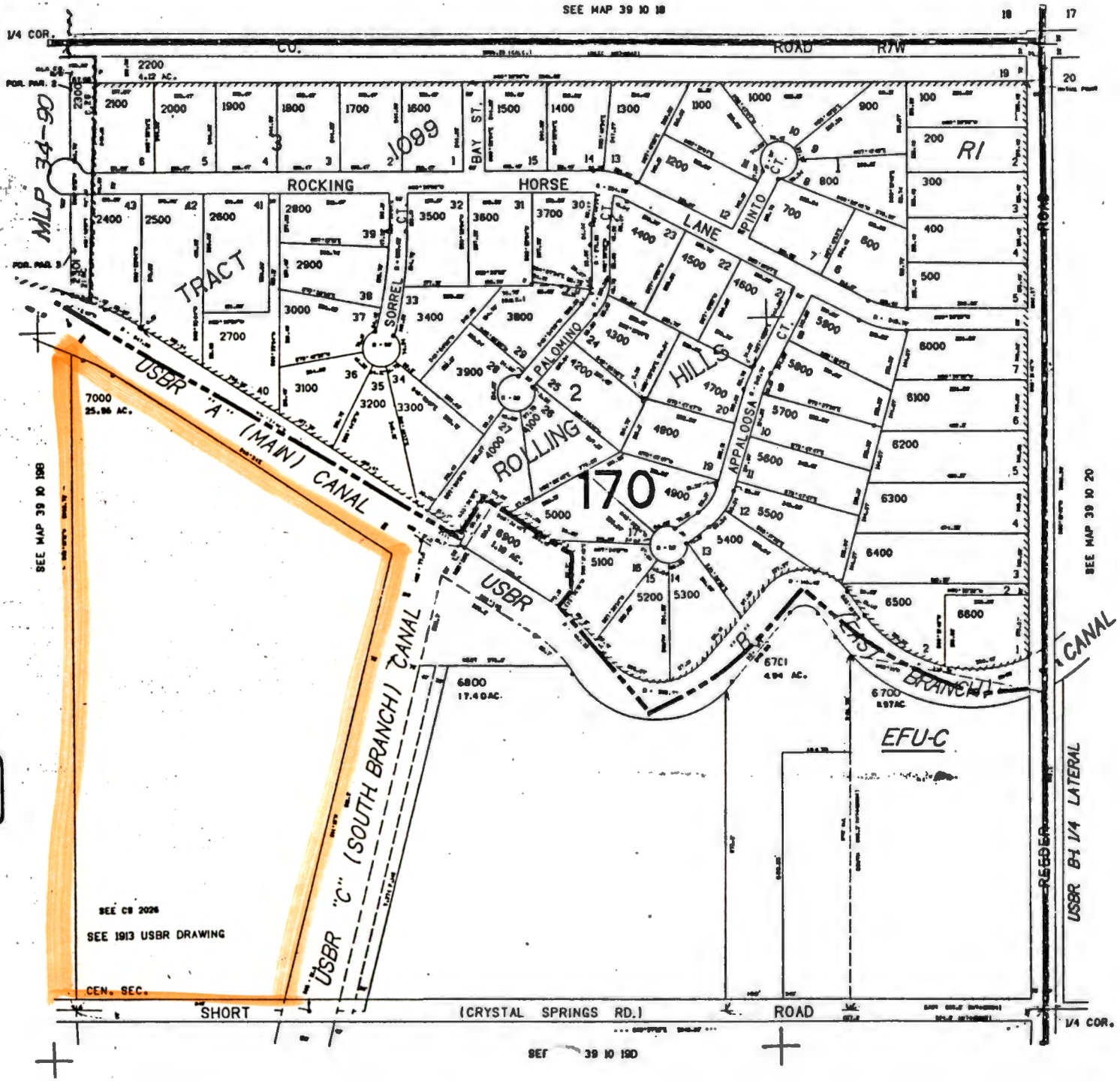
39 10 19A

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SCALE 1" = 400 FEET

Application No. G-1088
Permit No.

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JAN 14 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.



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AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON

ZBINDEN ENGINEERING
STRUCTURAL/CIVIL
932 Klamath Ave., Klamath Falls, Or 97601
Phone (541) 884-7421 • Fax (541) 883-8804

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"ATTACHMENT A"

PRIMARY INTENDED USE OF WATER IS AS FOLLOWS:

WELL WATER WILL BE PUMPED TO A 40000 GALLON ABOVE GROUND WATER TANK. IT WILL BE DELIVERED FROM THERE TO THE HARVEST BUILDING BY WAY OF BOOSTER PUMP TO SUPPLY ALGAE HARVEST EQUIPMENT.

HARVEST EQUIPMENT INCLUDES:

VACUUM DRUMS, PUMPS AND OSMOSIS SYSTEMS THAT REMOVE CANAL WATER FROM COLLECTED ALGAE

CONDENSER SUPPLY WATER USED BY ALGAE FREEZING SYSTEMS

SANITIZING WATER USED TO PERIODICALLY CLEAN HARVEST EQUIPMENT

THERE IS ALSO MINIMAL WATER REQUIREMENTS FOR TWO BATHROOMS THAT SUPPORT THE HARVEST STAFF.

WELL USE WILL BE REQUIRED ALL YEAR, HOWEVER, THE STATED VOLUMES WILL BE REQUIRED FROM JUNE TO OCTOBER. DURING THE OFF SEASON, WELL USE COULD EASILY DROP TO BELOW 5000 GPD.

Application No. G-14388
Permit No.

No Land Use Form
In file —
1/16/97

the surface water flows necessary
racter of a scenic waterway in
fish and wildlife in effect as of
or as those quantities may be

ONDITIONS

cordance with the General Standards
e of Water Wells in Oregon. The
e access port, and may also include
dequate to determine water level

sonable rotation system as may be

ZBINDENENGINEERING
STRUCTURAL/CIVIL
932 Klamath Ave., Klamath Falls, Or 97601
Phone (541) 884-7421 • Fax (541) 883-8804

Water Rights Division
Water Resources Dept.
158 12th St. NE
Salem, OR 97310

RECEIVED
SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Reference: Water Rights Appropriation

Subject: Application Submittal

Attached is the Application for Permit to Appropriate Groundwater for The New Earth Co.

The following attachments are enlcosed:

map indicating well location to nearest section 1/4
copy of section 19 survey
ATTACHMENT 'A' -- DESCRIPTION OF INTENDED USE
ATTACHMENT 'B' -- drillers log
water lab results
legal description of property
site plan indicating place of use per OAR 690-310-505

Application No. G-14388
Permit No.

FOR OFFICE USE ONLY

Do not send out

Application File Number: G-14388

Applicant: THE NEW EARTH CO

County: KLAMATH

Watermaster: District 17

Priority Date :September 30, 1996

Quantity: 0.44 CUBIC-FOOT PER SECOND

Source: A WELL IN LOST RIVER BASIN

Use: COMMERCIAL USE.

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 2 LOST R

Point of Diversion Location: SWNE, SECTION 19, T39S, R10W, W.M.; NORTH 44 DEGREES 30 MINUTES EAST, 2750 FEET FROM NE CORNER, SECTION 19

Place of Use: %%SWNE @@SECTION 19 **TOWNSHIP 39 SOUTH, RANGE 10 EAST, W.M. $#$

FOR OFFICE USE ONLY

IR CHECKLIST

Application #: G 14388 Vol ___ Subbasin _____

Basin: _____ WAB: _____ POU-WAB _____

Township _____ Range _____ Section _____ 1/4 1/4 _____

___1. Completeness checklist verified. Y / N or No Checklist

___2. Indicators that the process **should not** continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N

___3. Groundwater review A B (C) D _____
___a. Is the well located in a groundwater limited area? Y / (N) _____

___4. SWW Y / (N) conditions/restrictions Y / N _____

___5. Basin Program limitations? Y / (N) _____

___6. Withdrawn? Y / (N) season allowed _____

___7. Basin Maps have been checked. Y / (N) The River Mile is _____

___8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) (NA) _____
_____

___9. Rate/Duty/Season 1/100 3 3-10

___10. Use IND Period of Allowed Use 12 MO

___11. Priority Date(s) 9/30/96

___12. B.O.R. project Y / (N) contract # _____

___13. TMDL Basin? Y / (N) (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N New or Old? Map Date _____

___14. Conflicts Y / (N) _____

___15. Conditions? (BOR, GW, other) Y / N (TB) _____

___16. Land use approval OK'd needs approval county notified NA MISSING

___17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 (17) - SCR) (14 15 19 - SWR)

___18. Letter will be (Good) Limited Bad Bad w/IRshort because _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Name: D Baer Date: 1/17/97 _____ saved to m:\t\ir\sent\app#.dlb

ATTACHMENT B

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537765)

(START CARD #) 87665

RECEIVED
AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON

(1) OWNER 96 24
THE NEW EARTH COMPANY
1300 MAIN ST.
KLAMATH FALLS OR 97601

(2) TYPE OF WORK : NEW WELL

(3) DRILL METHOD : ROTARY AIR

(4) PROPOSED USE: Domestic

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval No.... Depth of Completed Well 425 ft.

Explosives used NO Type ..... Amount .....

HOLE Diameter	From	To	SEAL Material	From	To	AMOUNT Sacks
17"	0	396	CEMENT	0	60	59
12"	396	425				

How was seal Placed Pressure Grouter

Backfil placed from ..... ft. to ..... ft. Material .....

Gravel placed from 60 ft. to 396 ft. Size of Gravel 3/8

(6) CASING / LINER:

	Dia.	From	To	Gage	Material
CASING	12"	+1	396	250	STEEL / WELDED

Final location of shoe (s) .....

(7) PERFORATIONS / SCREENS: Perforations .....

METHOD	TYPE	MATERIAL
FACTORY	.....	Steel

From	To	Slot size	Number	Dia.	Tele / pipe size
216	358	1/8 x 3	3996	12"	..... Casing

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

TESTING METHOD AIR

Yield GPM	Drawdown	Drill stem at	Time
100 GPM	.....	20'	1 HOUR

Temperature of Water 58 F° Depth Artesian Flow Found .....

Was a water analysis done? NO By whom .....

Did any strata contain water not suitable for intended use? No

Application No. G-14388
Permit No.

(9) LOCATION OF WELL by legal description:

County KLAMATH Latitude ..... Longitude .....

Township 39 S Range 10 E

Section 19 SW 1/4 NE 1/4

Tax Lot 7000 Lot ..... Block ..... Subdivision .....

Street Address of Well (or nearest address)
Short Rd. Klamath Falls, OR

(10) STATIC WATER LEVEL:

+1 ft. below land surface Date June 2, 1996

Artesian pressure 0 Date June 2, 1996

(11) WATER BEARING ZONES :

Depth at which water was first found 26'

From	To	Estimated Flow Rate	SWL
75'	396'	200 GPM	+1

(12) WELL LOG: Ground Elevation

	FROM	TO	SWL
SOIL	0	2	
BROWN SANDY CLAY	2	5	
YELLOW CLAY	5	7	
BROWN SANDSTONE	7	40	
BROWN CLAY	40	43	
SANDY BLUE CLAY	43	53	
BLUE CLAY STONE	53	75	
BROWN SAND & GRAVEL W/BLUE CLAY STREAKS	75	395	+1
BLUE CLAYSTONE	395	425	

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WATER RESOURCES DEPT.
SALEM, OREGON

TAG #1934

Date started May 22, 1996 Completed June 2, 1996

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Mike Last DATE 7-8-96 WWC # 1452

(Bonded) Water Well Constructor Certification: I accept responsibility for the construction alteration or abandonment work performed on his well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Joseph Kennedy 7-8-96 WWC # 893

Oregon

WATER
RESOURCES
DEPARTMENT

October 4, 1996

THE NEW EARTH CO.
1410 S 6TH ST
KLAMATH FALLS, OR 97601

REFERENCE: File(s) G-14388

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group--Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,

Ms. Anita McLoud
Water Rights Specialist
Water Rights Division

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

Tulelake Water Lab
905 Main, Suite 502
Klamath Falls, OR 97601
(541) 882-6286

RECEIVED
AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON

California and Oregon Approved
Director: Maurene Ehlers

July 16, 1996

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SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Russ Carter
Zbinden Engineering
932 Klamath Ave.
Klamath Falls,Or. 97601

The potable water sample submitted on 6-27-96 was analyzed for Total Coliform Bacteria and the results are in compliance with the State of Oregon drinking water requirements.

Sample Source: New Earth site

Results

Total Coliform = Absent
Fecal Coliform = Absent

Application No. G-14388
Permit No.

Analyzed by:
Maureen Ehlers
Maureen Ehlers
Lab Director

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 102947

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The New Algae Company
BY: Simplex Ray Heath

APPLICATION	G14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 8514 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 75.00

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

46111

0407	COPY & TAPE FEES	$
0410	RESEARCH FEES	$
0408	MISC REVENUE: (IDENTIFY) Assignment	$ 75.00
TC162	DEPOSIT LIAB. (IDENTIFY) _____	$
0240	EXTENSION OF TIME	$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

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: 102947 DATED: 5-23-11 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

C01

Application No. G 14388

Permit No. G13261

Name THE NEW EARTH CO.

Address 1410 S 6TH ST
KLAMATH FALLS, OR 97601

Assigned

Address

Beginning construction 11/12/98

Completion of construction

Extended to

Complete application of water 10/1/01

Extended to

Form 111

Dwight- 4/16/97

Please
Ensure that this
PTO is Signed this
WEEK

Thanks

DBAER

ZBINDENENGINEERING
STRUCTURAL/CIVIL
932 Klamath Ave., Klamath Falls, Or 97601
Phone (541) 884-7421 • Fax (541) 883-8804

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SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
AUG 28 1996
WATER RESOURCES DEPT.
SALEM, OREGON

PROPERTY DESCRIPTION

25.95 ACRE ± PARCEL OF LAND IN THE SW 1/4 OF THE NE 1/4 OF S19 R10 E OF WM BOUNDED BY THE FOLLOWING DESCRIPTION:

BEGIN AT THE SW CORNER OF THE NE 1/4 AND GO 364.12 FEET ALONG N 00 01 13 E TO THE POINT OF BEGINNING.

THEN NORTH ALONG THE SAME LINE 1408.16 FEET TO THE NW CORNER OF THE PARCEL.

THEN 39.26 FEET ALONG S 67 11 48 E TO THE PC OF A CIRCULAR CURVE WITH THE FOLLOWING DATA: DELTA = 10 32 00, R = 497.95'
T = 45.9', L = 91.54'.

THEN 91.54 FEET ALONG SAID CIRCULAR CURVE TO THE PT.

THEN 927.40 FEET ALONG S 56 39 48 E TO THE NE CORNER OF THE PARCEL.

THEN 1250.23 FEET ALONG S 14 54 57 W TO THE SE CORNER OF THE PARCEL.

THEN 20.66 FEET ALONG N 89 37 35 W TO A POINT

THEN 376.16 FEET ALONG S 14 54 57 W TO A POINT

THEN 646.52 FEET ALONG S 89 37 35 E TO THE POINT OF BEGINNING.

Application No. G-14338
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # **7006** INVOICE # _____

RECEIVED FROM: Z Birden Engineering
BY: _____

APPLICATION	G-14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-597 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1000.00

0417 WRD MISC CASH ACCT

	ADJUDICATIONS		$
	PUBLICATIONS / MAPS		$
_____	OTHER: (IDENTIFY)	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ PCA AND OBJECT CLASS _____ CASH ACCT. _____ VOUCHER # $ _____

0427 WRD OPERATING ACCT

PCA 66111

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)				$
TC165	DEPOSIT LIAB. (IDENTIFY)				$
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$	0202		$
0203	GROUND WATER	$	0204		$ 1000.00
0205	TRANSFER	$	0206		$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**	
0218	WELL DRILL CONSTRUCTOR	$	0219		$
	LANDOWNER'S PERMIT		0220		$

_____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	$

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # **7006** DATED: 9-30-96 BY: _____

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STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # **7007**

INVOICE #_____

RECEIVED FROM: Z Binder Engineering

BY: _____

APPLICATION	G-14388
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 9697 ☒ OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

0417 WRD MISC CASH ACCT

	ADJUDICATIONS		$
	PUBLICATIONS / MAPS		$
_____	OTHER: (IDENTIFY)	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ CASH ACCT. $

_____ PCA AND OBJECT CLASS _____ VOUCHER #

0427 WRD OPERATING ACCT

Pd 66111

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC165	DEPOSIT LIAB. (IDENTIFY)	_____	$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$ 200.00	0204	$
0205	TRANSFER	$	0206	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	$

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # **7007** DATED: 9-30-96 BY: L. Bee

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PRE-TR APPLICATION PROCESSING OUTLINE

Application File # G14388

MINIMUM REQUIREMENTS TO FILE
OAR 690-11-020

DATE STAMP

DATE	INITIAL	
9/30/96	X	Name and mailing address of applicant
9/30/96	X	Source of water
		Quantity of water
		Map showing location of POD & POU
		Use of water
		Names and addresses of legal owners
		Signature of applicant
		Oath
		~~Application date stamped per money receipt date~~
		Land use approved Yes pending _____
		If reservoir < 5 AF $_____, if > 5 AF $_____
		HB 2153/HB 2107 APPLICATION -- SEE REVERSE
		Route to Data Center (Unless 2153/2107)

DATA CENTER

		Stream Code _____
		Entered into WRIS

SUPPORT SERVICES

10/10/96	C	Stamp contents with application number
		Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
✓		Place label on file and calender card

APPLICATION SECTION

		Stream Indexed Basin #_____
		Plat Carded and copy made YES NO
		If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

		TR Checklist complete YES NO
		Within Irrigation District_____
		District Notified ___ ___
		District excerpt received ___ ___
		TR Mailed DATE_____
		Public Interest Checklist complete ___ ___
		Management Codes _____

REMARKS: _____

5/94

Application No. G-4338
Permit No. G13261

1" = 60'

SURVEYED BY S & S SURVEYING
2261 S. 6TH ST. #4
KLAMATH FALLS, OR 97601
PHONE (541)884-3402 FAX (541)885-2105

LEGEND
● SET 5/8" Ø x 30" REBAR

TOPO SURVEY BY TRU-LINE SURVEYING
2333 SUMMERS LANE
KLAMATH FALLS, OR 97601
(541)884-3691
BASED ON T.B.M. ELEV. = 221.0'
1929 DATUM = 4129.85

INTERSECTION STATIONING
493+12.50 (A-CANAL STA.)
492+77.80 (C-CANAL STA.)

HARVEST SITE ADDITION PROJECT

1 LOCATED IN THE S.W. 1/4 OF THE N.E 1/4 OF S. 19, T. 39 S., R. 10 E., W.M. KLAMATH CO., OR.

TBM @ TOP OF EXISTING CONTROL STRUCTURE. ELEV. = 221.0

NOTE: COULD NOT SET. FALLS UNDER EXISTING BUILDING

EXISTING PP&L POWER POLE, TYP.

BRIDGE

EXISTING BUILDING

PARKING

27' X 27' WATER TANK SLAB

GATE

26'X26' PUMP HOUSE

10'X36' PRODUCT TANK FLOOR ELEV. = 219.71

F.H.

GRAVEL ROAD

C/L "C" CANAL

WATER LINE

495+00

500+00

505+00

505+93.64

N89°37'35"W

N89°37'35"W 20.66

S14°54'57"W 1250.23'

S14°54'57"W 376.16'

WELL

DITCH

PHASE 1
COMPRESSOR BUILDING.
AREA = 22,000 FT^2 +/-

SHORT TERM TRUCK PARKING AND LOADING AREA

CANOPY

N 6097.75
E 5042.91

PHASE 2
COLD STORAGE BUILDING.
AREA = 110,000 FT^2 +/-

DIRECTION OF TRAFFIC, TYP.

EDGE OF A.C.

EXISTING CONTOUR LINE, 1' INTERVALS, TYP.

N 5054.20
E 4803.97

VERIFY THIS RISER LOCATION WITH LANDOWNER PRIOR TO INSTALLATION.

5.0 ACRES

NOTE:
POND SIZE AND LOCATION SHOWN FOR CONCEPTUAL PURPOSES. SEE DESIGN DRAWINGS BY ROBERT E. MEYER CONSULTANTS FOR ACTUAL SIZE AND LOCATION.
EARTH BURM SIZE AND LOCATION SHOWN FOR CONCEPTUAL PURPOSES.

C 1/4

C/L SHORT ROAD

N89°37'35"W 549.86'

30.00'

TOP OF SLOPE

250.00'

21'X21' FIRE PUMP HOUSE

8.00'

RP1

RP2

RP3

RP4

APPROACH CHANNEL

FIRE POND
BOTTOM OF POND
EL = 192.50

EARTH BURM AREA LANDSCAPE

S89°37'35"E 546.52'

240.00'

CENTER SECTION LINE

354.12'

EXISTING PUMP STATION

N 6558.01
E 4790.6

S67°11'48"E 39.26'

BURIED WATER LINE PER KERNS SPECS. 24" DEPTH. 1504' LENGTH ±

Δ = 79°36'00"
R = 497.95'
T = 45.9'
L = 91.54'
C = 91.41'
CH. BR. = S 61°55'48" E

PT = 483 + 1.03

PC = 482 + 25.70

481 + 54.94

S56°39'48"E

EMPLOYEE PARKING

TAX LOT # 7000
25.95 ACRES (MORE OR LESS)

EXISTING FENCE

N00°01'13"E 1408.16'

SPEED BUMP, TYP.

927.40'

210'

209.6'

207.6'

203.6'

502'

388'

228'-0"

25.00'

30.00'

500'-0"

351.8'

50.00'

120'-0"

155.6'

208.6'

160'-0"

SLAB

90' ±

65'-0"

220'-0"

101'-6"

103'-6"

207.6'

30.00'

203.6'

75.0'

60'

75.00'

VICINITY MAP
N.T.S.

5TH STREET

KLAMATH FALLS, OREGON

140'

TO LAKEVIEW

WATER LINE

PROJECT LOCATION

SOUTH SIDE EXPRESSWAY

A CANAL

RIDDER ROAD

SHORT ROAD

39

C CANAL

TO MERRILL

C/L "A" CANAL

490+00

APPROX. A.C. AREA = 170,000 FT^2

APPROX. BUILDING COVERAGE, PHASE 1 & 2 = 132,000 FT^2

MAXIMUM BUILDING HEIGHT = 37'-0" +/-

30 EMPLOYEE PARKING SPACES, 2 HANDICAP.

SLOPE A.C. 1/8" PER 12" TO DRAIN AWAY FROM BUILDING.

SITE PLAN
1" = 60'

REVISION	BY	DATE
1. LEGAL DESCRIPTION	ECM	12/22/95
2. MOVED BUILDING 100' SOUTH & 78' EAST	ECM	1/19/96
3. WELL, PUMP HOUSE, WATER TANK, PRODUCT TANK LOCATIONS	ECM	3/22/96
4. ADD BURIED CANAL WATER LINE FOR LANDOWNER	RCC	3/25/96
5. ADD FIRE PUMP HOUSE & POND	ECM	4/22/96

THE NEW EARTH COMPANY
HARVEST SITE
NEW COMPRESSOR & COLD STORAGE BUILDING
PHASE 1 & 2

HARVEST SITE ADDITION
SITE PLAN

DATE	DRAWN	CHECKED	DATE
12/8/95	ECM	RHZ	

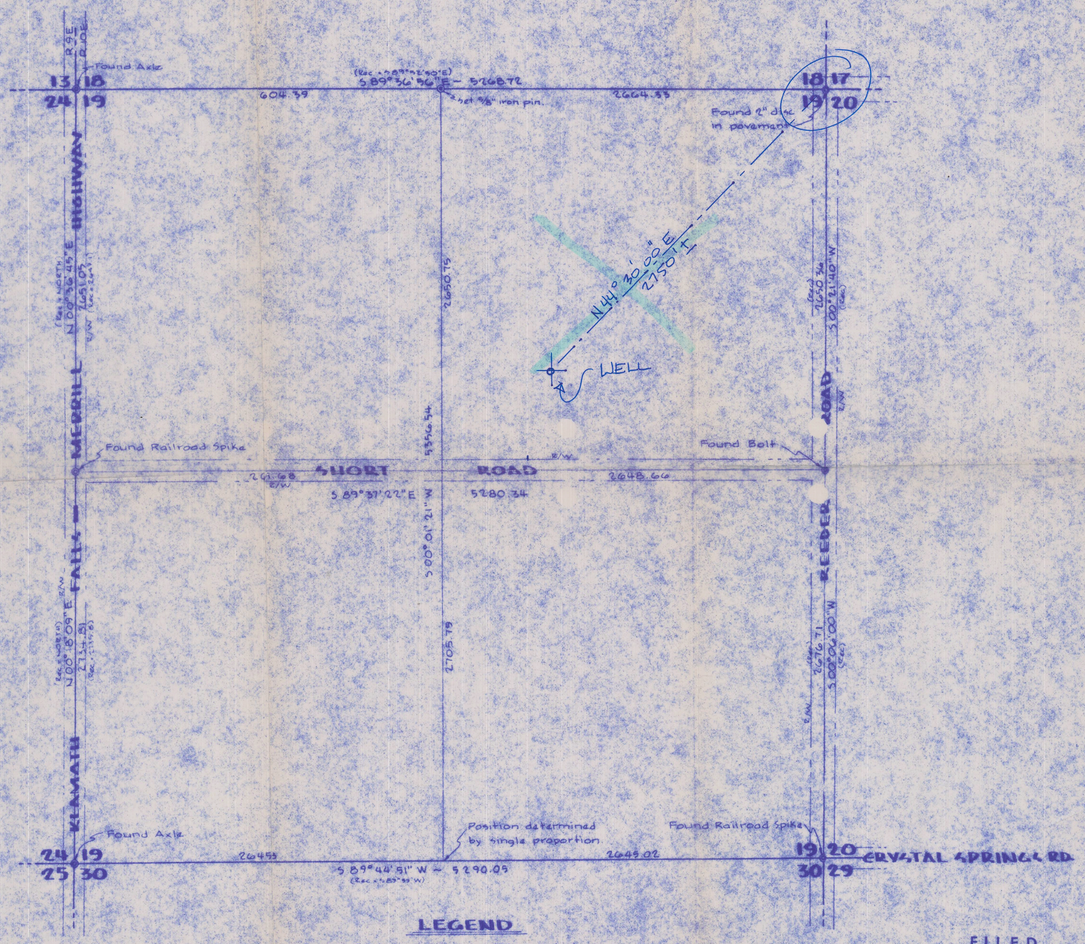
SCALE	FILE NUMBER	DWG. NUMBER
AS SHOWN	1638	1 OF 12

Z BINDEN ENGINEERING
STRUCTURAL / CIVIL ENGINEERING
932 KLAMATH AVE.
KLAMATH FALLS, OR 97601
(541)884-7421

RECEIVED
SEP 30 1996
WATER RESOURCES DEPT.
SALEM, OREGON

MAP OF SURVEY
IN
Sec. 19, T39S, R10E, W.M.
KLAMATH COUNTY, OREGON
Scale: 1"=500'

Application No. G-14388
Permit No. G13261



LEGEND
◎ - - Found monument as noted
● Set 5/8"x30" iron pin

Bearing based on R.O.S. # 1178
References R.O.S. 1295
1912
1895

FILED
IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR THIS 3 DAY OF September 1974
Francis Roberts
FRANCIS ROBERTS
Deputy County Surveyor

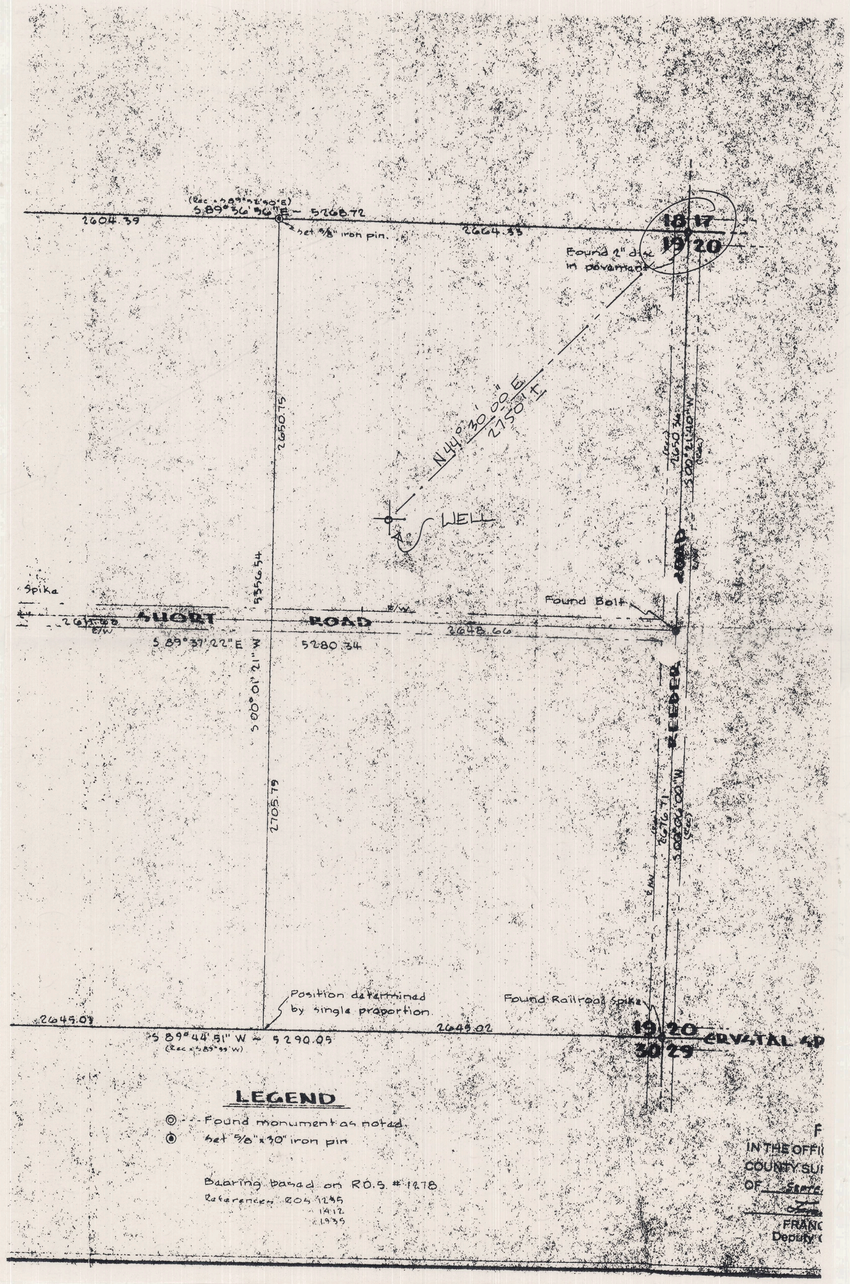
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WATER RESOURCES DEPT.
SALEM, OREGON

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SALEM, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
Albert H. Gastaldi
OREGON
JULY 17, 1970
ALBERT H. GASTALDI
925

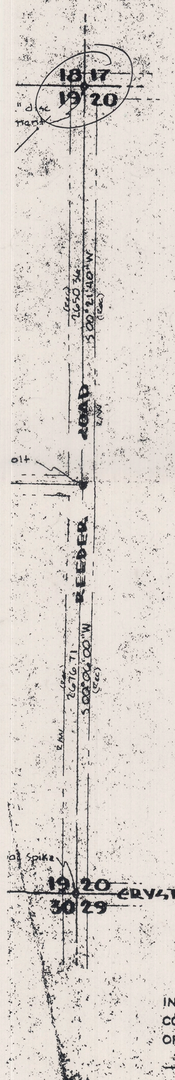
DORTCH GRESDEL and ASSOCIATES
SURVEYING & ENGINEERING
1905 OREGON AVENUE
KLAMATH FALLS, OREGON 97601
503/882-5445

SURVEYED FOR	E.F.R. COMPANY INC.	
SURVEYED BY	A.H.G.	Aug. '74
MAPPED BY	W.F.S.	Aug. '74
REVISIONS		
SCALE: 1"=500'		



MAP OF SURVEY
IN
Sec. 19, T39S, R10E, W.M.
KLAMATH COUNTY, OREGON
Scale: 1"=500'

Application No. G-4288
Permit No. G13261



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REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 14, 1978
ALBERT E. CASTLEN
2525

FILED
IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR THIS 3 DAY OF SEPTEMBER, 1996
FRANCIS ROBERTS
Deputy County Surveyor

DORTCH & GREGOEL, INC. ASSOCIATES
SURVEYING & ENGINEERING
KLAMATH FALLS, OREGON

SURVEYED FOR: EFR COMPANY INC.
SURVEYED BY: A.M.Z. A.E.C.
MAPPED BY: M.E.C. A.E.C.
REVISIONS: