

March 4, 2009

Oregon Water Resources Department
North Central Region
116 SE Dorian Ave.
Pendleton, OR 97801

Re: B&G Resources, Inc.

Dear Sirs:

On behalf of B&G Resources, Inc. in their capacity as a contractor for us, we authorize the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), specifically their employees Eric Hoverson, Randy Bonifer, James Webster, to act for us to apply for a temporary water use permit through the State to use a limited amount of water from the new wells via the water troughs to water new tarp plantings that have been planted on our property, and to use this water for the purpose mentioned.

Should you have any questions, please give me a call.

Very truly yours,

Kenneth E. Gustafson, Treas.
B&G Resources, In.
1825 SE St. Andrews Dr.
Portland, OR 97202
503-221-5117



State of Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Limited Water Use License

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

License No. LL-1401

Applicant(s): C.T.U.I.R. (Confederated Tribes of the Umatilla Indian Reservation)

Contact Person: ERIC HOVERSON - Chris Fulton

Mailing Address: P.O. Box 638 Pendleton, OR 97801

Telephone No: 541-966-2378 541-276-4109 541-966-2282

I (We) make application for a Limited License to use or store the following described surface waters or groundwater-not otherwise exempt, or to use stored water of the State of Oregon for a use of a short-term or fixed duration :

1. SOURCE(S) OF WATER for the proposed use: 2 WELLS a tributary of UMATILLA RIVER.

2. TOTAL AMOUNT OF WATER to be diverted: _____ cubic feet per second, or 50 gallons per minute. If water is to be used from more than one source, give the quantity from each: 50 GALLONS PER MINUTE.

3. INTENDED USE(S) OF WATER: (check all that apply)

- Road construction or maintenance;
- General construction;
- Forestland and rangeland management; or
- Other: WATER PLANTS LOCATED ON TARPS IN CREP RIPARIAN BUFFER ZONE TO MAXIMIZE SURVIVAL RATE

4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the intended place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

MAP 1 OF 2 P.O.B: T.2N. R.30E. SEC 12: SEE ATTACHED MAPS

MAP 2 OF 2 P.O.B: T.2N. R.31E. SEC 12, 7, 18:

METHOD OF DIVERSION: WELLS; EQUIP. SOLAR PUMP HORSEPOWER: N/A WILL FILL WATER TRUCK FROM STOCK WATERING TANKS (2) & APPLY TO TREES & SHRUBS FROM HOSE & NOZZLE FROM TRUCK
& ELECTRIC PUMP WITH GAS GENERATOR

- 5. PROJECT SCHEDULE: (List day, month, and year)
 Date water use will begin 1-MARCH-2009
 Date project will be completed 30-SEPT.-2009
 Date water use will be completed 30-SEPT.-2013

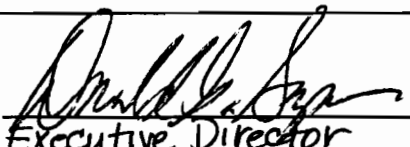
PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$150 for the first point of diversion plus \$15 for each additional point of diversion. *Failure to provide any of the required information will result in return of your application.* The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is a well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

REMARKS: _____

SIGNATURE of Applicant:  DATE: 2/24/09
Title: Executive Director

Mapping Requirements (OAR 690-340-0030):

- (1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:
 - (c) A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - (A) The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - (B) The general course of the source for the proposed use, if applicable;
 - (C) Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: C.T.U.I.R.
Mailing Address: P.O. Box 638
City: PENDLETON State: OR Zip: 97801 Day Phone: 541-966-2378

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

WELL#1
WELL#2

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2N	31E	7	SWSE	5400	EFU	Diverted Conveyed Used	IRR.
2N	30E	12	SWSW	5400	EFU	Diverted Conveyed Used	IRR.
						Diverted Conveyed Used	
						Diverted Conveyed Used	

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Allocation of Conserved Water
- Permit Amendment or Ground Water Registration Modification
- Water-Right Transfer
- Limited Water Use License
- Exchange of Water

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

Estimated quantity of water needed: 3 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other _____

Briefly describe: WATER PLANTS LOCATED ON TARPS IN
CREP RIPARIAN BUFFER ZONE TO MAXIMIZE
SURVIVAL RATE.

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

Receipt for Request for Land Use Information

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LSL 056

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
N/A	N/A	Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

CREP project already completed, no
new land use requirements placed on existing
project.

Name: J.R. Cook Title: Asst. Planning Dir.
 Signature: _____ Phone: 278-6257 Date: 2-11-09
 Government Entity: Umatilla County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: CTUIR

Limited License Number: LL-1201

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

If the wells are hydraulically connected to the Umatilla River and have the potential to substantially interfere, then yes the Umatilla River is regulated much of the year to ensure use is within the water use authorizations that have been issued in the basin. Wells are outside of the Stage Gulch Critical Groundwater Area for basalt aquifer.

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

If the well substantially interferes with Umatilla River, water is sometimes not available after June 15th.

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

See above statement.


4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

5. Any other recommendations you would like to make?

Check with Mike Zwart on the wells and any concerns he has regarding the source and the potential for substantial interference or impact to Critical Groundwater Area depending upon the well construction.

Signature  WM District #: 5 Date: 2/11/09

UMAT 56075

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

WELL ID. # L 89262
START CARD # 196232

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

(1) LAND OWNER: Well Number _____
NAME B+G Resources Robert E. Baker or Kenneth Gustafson
Address 3132 S.E. Tindall Circle
City Portland State OR Zip 97202

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/condition) 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 105 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12"	0	45	Cement	0	45	12 sacks
6 1/2"	45	105				

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: 8"	0	45	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 45

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 40 Drawdown _____ Drill stem at _____ Time 1 hr.

Temperature of water 58° 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 Umatilla Latitude _____ Longitude _____
Township 2N N or S Range 30E E or W. WM.
Section 12 SW 1/4 SW 1/4
Tax Lot 5400 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Off Rieth Rd. West of Pendleton, OR, near Yorkum

(10) STATIC WATER LEVEL:
39 ft. below land surface. Date 1-29-08
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 56

From	To	Estimated Flow Rate	SWL
56	58	10	39
74	85	10	39
91	105	20	39

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Clay & rocks	1	12	
Brown clay	12	22	
Clay with rocks	22	27	
Brown clay	27	39	
Gray basalt	39	56	
Black basalt, broken	56	58	WB
Gray basalt	58	74	
Black basalt	74	85	WB
Gray basalt	85	91	
Black basalt	91	105	WB

RECEIVED
MAR 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

Date started 1-28-08 Completed 1-29-08
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed _____ WWC Number _____ 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.
Signed Petrucci Wallace WWC Number 1218 Date 1-30-08

UMAT 56074

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

WELL ID. # 89259
START CARD # 196231

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

(1) LAND OWNER: Well Number _____
Name BYG Resources Robert E. Baker or Kenneth Gustafson
Address 3132 S.E. Tindall Circle
City Portland State OR Zip 97202

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/condition) 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 55 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL			
Diameter	From To	Material	From To	Sacks or pounds	
12"	0 19	Cement	0 19	7 sacks	
6 1/4"	19 55				

How 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:

Casing/Liner	Diameter	From To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing	8"	0 19	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 19

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 80 Drawdown _____ Drill stem at _____ Time 1 hr.

Temperature of water 58° 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 Umatilla Latitude _____ Longitude _____
Township 2N N or S Range 31E E or W. WM.
Section 7 SW 1/4 SE 1/4
Tax Lot 5400 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Off Rieth Rd, west of Pendleton, OR, near Voakum

(10) STATIC WATER LEVEL:
21 ft. below land surface. Date 1-25-08
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 37

From	To	Estimated Flow Rate	SWL
<u>37</u>	<u>55</u>	<u>80</u>	<u>21</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Brown clay</u>	<u>0</u>	<u>10</u>	
<u>Gray basalt</u>	<u>10</u>	<u>37</u>	
<u>Red & black basalt</u>	<u>37</u>	<u>55</u>	<u>WB</u>

RECEIVED

MAR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Date started 1-22-08 Completed 1-25-08

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed _____ WWC Number _____ 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.
Signed Patrick Wallace WWC Number 1218 Date 1-30-08