

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF 12 H, INC., FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF APPROPRIATION FROM GROUND WATER)
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ORDER APPROVING
TRANSFER NO. 3904

On March 16, 1978, an application was filed in the office of the Water Resources Director by 12 H, Inc., for approval of changes in place of use and point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 26193, Volume 18, State Record of Water Right Certificates, in the name of Sylvanus F. Hoyt, describes a right for the use of not to exceed 0.81 cubic foot per second from a certain ground water aquifer for irrigation of a certain 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 27.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 30.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 4 North, Range 27 East, W.M., with a date of priority of September 26, 1955.

Water for said right is diverted from Well No. 1 located 3180 feet North and 1470 feet West from the Southeast Corner of Section 28, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 4 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use from a certain 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 and, without loss of priority, to irrigate in lieu thereof a certain 4.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 4 North, Range 27 East, W.M., together with the remaining 48.2 acres in said Section 28, by diversion of water from Well No. 1 located 3180 feet North and 1470 feet West from the Southeast Corner of Section 28, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28; Well No. 2 located 20 feet North and 1350 feet West from the Southeast Corner of Section 28, being

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within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; Well No. 3 located 1270 feet South and 1350 feet West from the Northeast Corner of Section 33, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and Well No. 4 located 1940 feet South and 1350 feet West from the Northeast Corner of Section 33, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, all in Township 4 North, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper having general circulation in Umatilla and Morrow Counties, Oregon, for a period of three weeks in the issues of February 8, 15 and 22, 1979.

Mr. William S. Bartholomew, Hydrogeologist for the Water Resources Department, has filed a statement to the effect that the proposed changes in point of appropriation may be made without injury to existing rights.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of appropriation, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new wells shall not exceed the quantity of water diverted at the old well under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water as herein confirmed:

That the diversion works shall include an in line flow meter, a

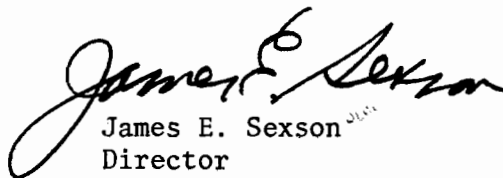
weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the changes in place of use and point of appropriation are completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 26193, Volume 18, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 12th day of April, 1979.


James E. Sexson
Director