

Name 12 H, Inc.

3903

DESCRIPTION OF WATER RIGHT

By _____

Address Pt 1, Box 1824

Hermiston, OR 97838

Change in POU = PDA

Date filed 3-16-78

Date of hearing April 4, 1979

Place of hearing Heppner

Date of order 4-12-79 Vol. 32, page 21

Date for application of water completed

Proof mailed AUG 17 1995

Proof received _____

Certificate issued OCT 27 1995 Vol. _____, page 68645

DEC 18 1995

68708

to primary

Name of stream a well

Trib. of _____ County of Morrow

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 12-15-1952

In name of S.F. Hoyt

Adjudication, Vol. _____, page _____

App. No. U-545 Per. No. U-498 Cert. No. 26192

Certificate cancelled _____

Notation made on record by msb

OK

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>3-16-78</u>	<u>30-</u>	<u>1631</u>
<u>1-31-79</u>	<u>15-</u>	<u>8862</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

*exam 2002
POA 1522
POU 1000*

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
CHECKED TO RECORDS		
<input type="checkbox"/> Twp. & Rge.	_____	_____
<input type="checkbox"/> Decree-mult	_____	_____
<input type="checkbox"/> Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Per. Folder	<u>WLB</u>	_____
<input type="checkbox"/> Ch. Index	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

12H, INC.
% COREY, BYLER, REW, LORENZEN AND HOJEM
P.O. BOX 218
PENDLETON, OREGON 97814

confirms the right to use the waters of WELLS 1, 2, 3, and 4 in the UMATILLA BASIN for IRRIGATION OF 80.0 ACRES.

This right was perfected under Permit U-498. The date of priority is December 15, 1952. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.00 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - 3180 FEET NORTH AND 1470 FEET WEST FROM SE CORNER SECTION 28; WITHIN SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

WELL 2 - 20 FEET NORTH AND 1350 FEET WEST FROM SE CORNER SECTION 28; WITHIN SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

WELL 3 - 1270 FEET SOUTH AND 1350 FEET WEST FROM NE CORNER SECTION 33; WITHIN NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

WELL 4 - 1940 FEET SOUTH AND 1350 FEET WEST FROM NE CORNER SECTION 33; WITHIN SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

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

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

A description of the place of use to which this right is appurtenant is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.4 ACRES
SECTION 28		SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.4 ACRES
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.6 ACRES
		SECTION 33	

TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

SEE NEXT PAGE

T-3903.VC

The quantity of water diverted at the new wells, shall not exceed the quantity of water available at the old well.

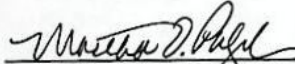
THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF DIVERSION POINT AND PLACE OF USE AND SUPERSEDES CERTIFICATE 68645.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The user shall maintain an in-line flow meter, a weir, or other suitable device for measuring the water to which they are entitled.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed DECEMBER 18 ,
1995.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 68708.

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)

ORDER APPROVING
TRANSFER NO. 3903

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 26192, Volume 18, State Record of Water Right Certificates, in the name of S. F. Hoyt, describes a right for the use of not to exceed 1.0 cubic foot per second of water from a certain ground water aquifer for irrigation of a certain 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 4 North, Range 27 East, W.M., with a date of priority of December 15, 1952.

Water for the 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 6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 and, without loss of priority, to irrigate in lieu thereof a certain 4.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.6 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 62.0 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 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:

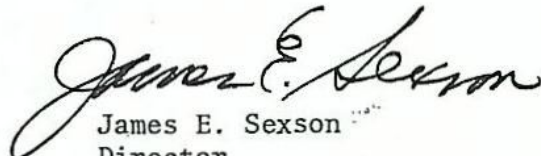
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 26192, 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