

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ROY HATHAWAY FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM WILLAMETTE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3851

On December 14, 1977, an application was filed in the office of the Water Resources Director by Roy Hathaway for approval of a change in point of diversion from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44449, Volume 36, State Record of Water Right Certificates, in the name of Roy Hathaway, describes a right for the use of not to exceed 0.66 cubic foot per second of water from Willamette River for irrigation of 0.1 acre in Lot 6 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 17.5 acres in Lot 7 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 30; 17.1 acres in Lot 10 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 2.4 acres in Lot 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 1.6 acres in Lot 1 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), 14.0 acres in Lot 8 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) and 0.1 acre in Lot 6 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 31, Township 12 South, Range 4 West, W.M., with a date of priority of December 3, 1970.

The authorized point of diversion is located 3290 feet South and 40 feet East from the Center Corner of Section 30, being within Lot 10 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 31, Township 12 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to two points of diversion located: (1) 2110 feet South and 650 feet West from the Center Corner of Section 30, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 12 South, Range 4 West, W.M.; and (2) 2740 feet North and 2730 feet East from the Southwest Corner of Section 31, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, Township 12 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Corvallis Gazette-Times, a newspaper printed and having general circulation in Benton County, Oregon, for a period of three weeks in the issues of December 21 and 28, 1977; and January 4, 1978.

Robert Geisler, Assistant Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

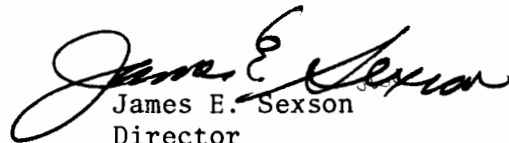
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Roy Hathaway and recorded at page 44449, Volume 36, 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 23rd day of February, 1978.

  
James E. Sexson  
Director