

Name Roy Hathaway

By _____

Address Route 3, Box 393-ACorvallis, OR 97330Change in PODDate filed Dec. 14, 1977Date of hearing 2-15-78Place of hearing CorvallisDate of order 2-23-78 Vol. 30, page 431Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued JUN 27 1980 Vol. 43, page 49230
8/4/2005 81565to survey 3/75

3851

DESCRIPTION OF WATER RIGHT

Name of stream Willamette RiverTrib. of _____ County of BentonUse Irr.Quantity of water 0.66 No. of acres 52.8

Name of ditch _____

Date of priority Dec. 3, 1970In name of Roy Hathaway

_____ Adjudication, Vol. _____, page _____

App. No. 47756 Per. No. 35771 Cert. No. 44449 v. 36

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-14-77</u>	<u>\$ 85.00</u>	<u>057</u>
TOTAL . . .		
	No Cert. Fee	

Corvallis Gazette-Times \$34.29 pd 1/6/78 ck #1903

FEES REFUNDED

Date	Amount	Check No.
<u>1/6/78</u>	<u>\$ 15.71</u>	<u>1904</u>
Exam	20	
A POD	15	
PON	34.29	
	69.29	

REMARKS

W.R.I.S.	
Assembled	<u>628-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream		<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pl. of Div.		<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar		<u>lg</u>	_____
<input type="checkbox"/>	Checked to Records:			
<input type="checkbox"/>	Trp. & Rge.		_____	_____
<input type="checkbox"/>	Decree-vault		_____	_____
<input type="checkbox"/>	Decree-safe		_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R		<u>lg</u>	_____
<input checked="" type="checkbox"/>	Per. Folder		<u>lg</u>	_____
<input type="checkbox"/>	Chainindex		_____	_____
<input type="checkbox"/>	Cross Ref.		_____	_____
<input type="checkbox"/>	Power Claim		_____	_____
<input checked="" type="checkbox"/>	Abstracts		<u>lg</u>	_____

This is a final order in other than a 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.

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROY HATHAWAY
1531 SE KIGER ISLAND DRIVE
CORVALLIS, OREGON 97333

confirms the right to use the waters of A CHANNEL OF THE WILLAMETTE RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 52.8 ACRES.

This right was perfected under Permit 35771. The date of priority is DECEMBER 3, 1970. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.66 CUBIC FOOT PER SECOND, if available at the original point of diversion; Lot 10 (NW 1/4 NE 1/4), Section 31, Township 12 South, Range 4 West, W.M.; 3290 feet South and 40 feet East from the Center, Section 30, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

LOT 2 (SW 1/4 NE 1/4), SECTION 31, TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 2790 FEET NORTH AND 2580 FEET EAST FROM THE SW CORNER OF SECTION 31; AND

LOT 6 (SE 1/4 SW 1/4), SECTION 30, TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 2060 FEET SOUTH AND 690 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 30.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE POINT OF DIVERSION AND SUPERSEDES CERTIFICATE 49230.

T-3851COR.SB

Certificate Number 81565

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 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:

LOT 6 (SE 1/4 SW 1/4)	0.1 ACRE
LOT 7 (SW 1/4 SE 1/4)	17.5 ACRES

SECTION 30

LOT 10 (NW 1/4 NE 1/4)	17.1 ACRES
LOT 2 (SW 1/4 NE 1/4)	2.4 ACRES
LOT 1 (NE 1/4 NW 1/4)	1.6 ACRES
LOT 2 (SE 1/4 NW 1/4)	14.0 ACRES
LOT 3 (NE 1/4 SW 1/4)	0.1 ACRE

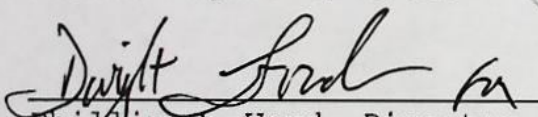
SECTION 31

TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued August 4, 2005.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81565.

T-3851COR.SB

STATE OF OREGON

COUNTY OF

BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROY HATHAWAY

of Route 3, Box 393-A, Corvallis, State of Oregon 97330, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a channel of the Willamette River

a tributary of Columbia River for the purpose of
irrigation of 52.8 acres

under Permit No. 35771 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 3, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.66 cubic foot per second, if available at the original point of diversion; Lot 10 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 31, T. 12 S., R. 4 W., W.M.; 3290 feet South and 40 feet East from the Center, Section 30

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 31, Lot 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 30, T. 12 S., R. 4 W., W.M.; Diversion No. 4 - 2790 feet North and 2580 feet East from SW Corner, Section 31; Diversion No. 2 - 2060 feet South and 690 feet West from C $\frac{1}{2}$ Corner, Section 31

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

0.1 acre Lot 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
17.5 acres Lot 7 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 30

17.1 acres Lot 10 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
2.4 acres Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
1.6 acres Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
14.0 acres Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
0.1 acre Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 31
T. 12 S., R. 4 W., W.M.

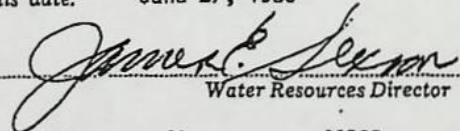
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered February 23, 1978 and supersedes certificate of water right recorded at page 44449, Volume 36, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. June 27, 1980


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43 , page 49230

4505

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)

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.

V 30, P431

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:

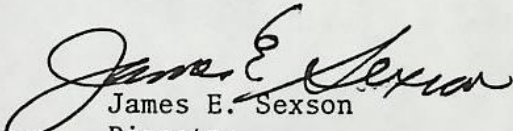
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

Affidavit of Publication

RECEIVED
JAN 6 1978
WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon }
County of Benton }

ss.

I, W. A. Newton, being first duly
sworn, depose and say that I am the Printer

of the Corvallis Gazette-Times, a newspaper of general circulation, as
defined by section 193.010, O.R.S., published at Corvallis, Oregon, in
the aforesaid county and state; that the

Notice of Water Right Transfer

Application No. 3851

a printed copy of which is hereto annexed, was published in the entire

issue of said newspaper for Three successive
and consecutive weeks in the following issues:

of December 21, 1977

of December 28, 1977

of _____, 19____

of _____, 19____

and of January 4, 1978

W. A. Newton

Subscribed and sworn to before me this 5th day of

January, 1978

R. M. Secum

NOTARY PUBLIC FOR OREGON

NOTICE OF WATER RIGHT

TRANSFER APPLICATION NO. 3851

Notice is given hereby that an application has been 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 1/4 SW 1/4) and 17.5 acres in Lot 7 (SW 1/4 SE 1/4) of Sec 30; 17.1 acres in Lot 10 (NW 1/4 NE 1/4), 2.4 acres in Lot 2 (SW 1/4 NE 1/4), 1.6 acres in Lot 1 (NE 1/4 NW 1/4), 14.0 acres in Lot 8 (SE 1/4 NW 1/4) and 0.1 acre in Lot 6 (NE 1/4 SW 1/4) of Sec 31, T12 S, R 4 W, WM, with a date of priority of December 3, 1970.

The authorized point of diversion is located 3290 ft S and 40 ft E from the Center Corner of Sec 30, being within Lot 10 (NW 1/4 NE 1/4) of Sec 31, T 12 S, R 4 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion herefrom, without loss of priority, to two points of diversion located: (1) 2110 ft S and 650 ft W from the Center Corner of Sec 30, being within the SE 1/4 SW 1/4 of Sec 30, T 12 S, R 4 W, WM; and (2) 2740 ft N and 2730 ft E from the SW Corner of Sec 31, being within the SW 1/4 NE 1/4 of Sec 31, T 12 S, R 4 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Corvallis, Oregon, on February 15, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Roy Hathaway, Route 3, Box 393-A, Corvallis, OR 97330 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 14th day of December, 1977.

James E. Sexson
Director

PUBLISH: Dec. 21 and 28, 1977, and Jan. 4, 1978

ok.
lcy

My Commission Expires September 29, 1978