

Name Bob Hyatt
By _____
Address 530 Tetherow Rd
Williams, OR 97544

Change in add'l POD
Date filed June 1, 1979
Date of hearing _____
Place of hearing _____
Date of order 6-28-79 Vol. 32, page 250
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued JAN 22 1987 Vol. 51, page 55487

4233

DESCRIPTION OF WATER RIGHT

Name of stream Williams Cr
Trib. of _____ County of Josephine
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1913
In name of _____
_____ Adjudication, Vol. _____, page _____
See -> T-3986
App. No. 3084 Per. No. E-188 Cert. No. _____
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-1-79</u>	<u>35-</u>	<u>11226</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

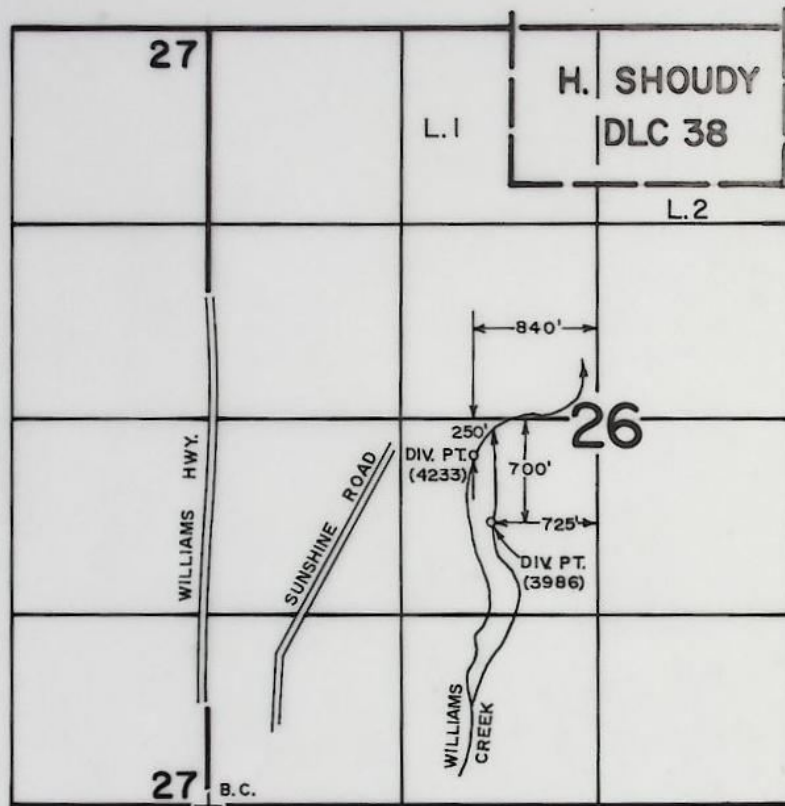
Assembled 5/31/85 by CLH

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:		Entered	Checked
✓	Name	<u>OCJ</u>	_____
✓	Stream	<u>OCJ</u>	_____
✓	Pt. of Div.	<u>OCJ</u>	_____
✓	Calendar	<u>OCJ</u>	_____
✓	Twp. & Rge.	<u>OCJ</u>	_____
✓	Decree-vault	<u>OCJ</u>	_____
✓	Decree-safe	<u>OCJ</u>	_____
✓	Card of W/R	<u>OCJ</u>	_____
✓	Per. Folder	<u>OCJ</u>	_____
✓	Chainindex	<u>OCJ</u>	_____
✓	Cross Ref.	<u>OCJ</u>	_____
✓	Power Claim	<u>OCJ</u>	_____
✓	Abstracts	<u>OCJ</u>	_____

T. 38 S., R. 5 W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3986 TRANSFER NO. 4233

Application No. Permit No.

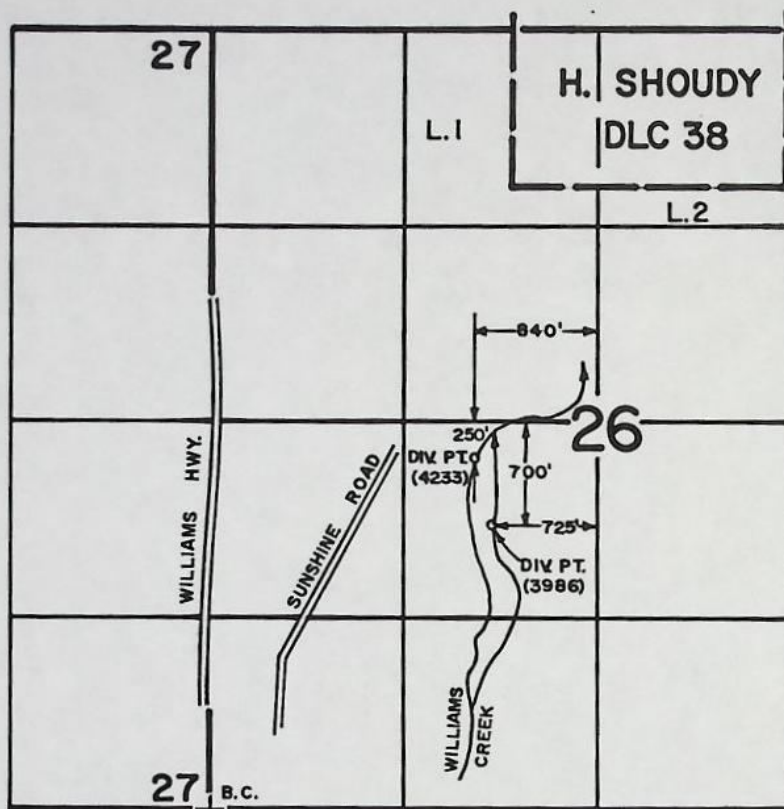
IN NAME OF

..... R. H. & SHARON HYATT

Surveyed AUG. 10, 19.83, by B. SUZIE JAMES.

SCALE: 4" = 1 MILE

T. 38 S., R. 5 W., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3986 TRANSFER NO. 4233
Application No. Permit No.
IN NAME OF

..... **R. H. & SHARON HYATT**

Surveyed **AUG. 10, 1983**, by **B. SUZIE JAMES**.

SCALE: 4" = 1 MILE

T-4233

TOWNSHIP 38 SOUTH
SECTION 26 SW 1/4
JOSEPHINE COUNTY

RANGE 5W., W.M.

SCALE: 1" = 400'

PROPOSED ADDITIONAL
DIV

CENTER
CORNER
SEC.
26

200'

760'

690'

850'

.1
AC

2.4 AC

2.65 AC

1.3
AC

WILLIAMS HIGHWAY

SUNSHINE ROAD

WILLIAMS CREEK

RECEIVED

JUN 01 1979

WATER RESOURCES DEPT.
SALEM, OREGON

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000042331 PERMIT NO. 00E188 CERTIF. NO.

NAME: BOB HYATT

ORIG. NO. A000030841 PREV. NO. A000030841 SUPER. NO.

ADDRESS: 530 TETHEROW RD

CITY/STATE/ZIP/COUNTY: WILLIAMS, OR 97544 17

STREAM-ID 15 1680 1540 0340

RIV. MI.

WM. DIST. 14 W.R. TYPE SA STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 07 13 1979

YR. LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 07 15 1913

PUT TO USE-----> 07 13 1979

LAST TRANS. DATE--> _____

LAST TRANS. TYPE--> _____

APPLICATION--> 06 01 1979

SURVEYED-----> _____

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 06 28 1979

CONCURRENCE-----> _____

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.--> 06 28 1979

CERTIFIED-----> _____

CORRES. INIT.-----> _____

CORRES. DATE-----> _____

POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - ->

** DATED-->

3805 OSOW 26 C A 15 1680 1540 0340

0.080

V P

** POD: 1) 690'S & 850'W FM

3805 OSOW 26 C A 15 1680 1540 0340

0.080

V P

** CENTER OF S 26; 2) 200'S &

** 760'W FM CENTER OF S 26.

** ADDS POD TO F-398.6.

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

3805 OSOW 26 C A 17 1R 100 5.05

V P

1111 C B 1111 1.40

** -----

** -----

** -----

V.I.S.

APPROVED 3-5-85 1:50P

BY _____

VERIFIED _____

RECEIVED

JUL 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

additional point of diversion from Williams Creek

PURSUANT TO TRANSFER APPLICATION NO. 4233

I, Robert Hgatt, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by July 10, 1979

July 19, 1979,
Date

R. H. Hgatt
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Lcy

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF R. H. HYATT FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER - - - - -)

ORDER APPROVING
TRANSFER NO. 4233

On June 1, 1979, an application was filed in the office of the Water Resources Director by R. H. Hyatt for approval of an additional point of diversion of water from Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director entered February 26, 1979, approving water right transfer application No. 3986, a portion of the right previously described by certificate recorded at page 41614, Volume 33, State Record of Water Right Certificates, now exists for the use of not to exceed 0.08 cubic foot of water per second from Williams Creek for the irrigation of a certain 5.05 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W. M., with a date of priority of July 15, 1913, from a point of diversion located 690 feet South and 850 feet West from the Center Corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W. M.

The applicant herein proposes to establish an additional point of diversion for the lands above described, without loss of priority, at a point located 200 feet South and 760 feet West from the Center Corner of Section 26, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W. M.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested additional 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 point of diversion, together with that diverted at the old point of diversion, shall not

exceed the quantity of water available at the original point of diversion under the subject right, located 680 feet North and 200 feet East from the SW Corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 38 South, Range 5 West, W. M., and shall not exceed 0.08 cubic foot per second.

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:

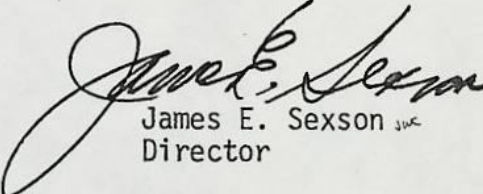
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that 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 and the order approving transfer application No. 3986 , a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 28th day of June, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF R. H. HYATT FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER - - - - -)

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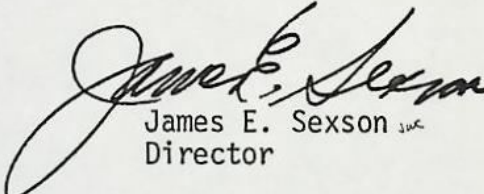
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

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Dated at Salem, Oregon this 28th day of June, 1979.


James E. Sexson
Director

DOW T-3767
3862

T-3786
T-4233

STATE OF OREGON

COUNTY OF JOSEPHINE

SUPERSEDED
CERTIFIED (M)

45514 C

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GEORGE H. COLLINS, MARY J. JOHN, J. H. COTCHER, J. H. MILLER, GEORGE SPARLIN, and ALBERT BIGELOW

R.H. & Sharon Hyatt

of Provolet 530 Tethered Rd, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Main Williams Creek

a tributary of Applegate River
irrigation of 11.2 acres
6.45

for the purpose of

under Permit No. E 188 of the State Engineer, 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 July 15, 1913

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 1.0 cubic foot per second, if available at the point of diversion or 1.0 cubic foot per second, if available at the point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SW 1/4, Section 35, Lot 1 (NE 1/4 NW 1/4), Section 26, T. 38 S., R. 5 W., W. M., 650 feet North and 200 feet East from SW Corner, Section 35, 250 feet North and 150 feet West from SE Corner, Lot 1 (NE 1/4 NW 1/4), Section 26.

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-eighth of one cubic foot per second per acre, or its equivalent in case of rotation,

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:

- 11.8 acres NW 1/4 NW 1/4
- 10.8 acres NW 1/4 NW 1/4
- 30.0 acres SW 1/4 NW 1/4
- 22.0 acres SE 1/4 NW 1/4
- 5.05 10.0 acres NW 1/4 SW 1/4
- 1.40 40.0 acres NW 1/4 SW 1/4
- 30.0 acres SW 1/4 SW 1/4
- 5.0 acres SE 1/4 SW 1/4
- Section 26
- T. 38 S., R. 5 W., W. M.

An order of the State Engineer entered August 21, 1973, approves a change in place of use and point of diversion for the irrigation of 11.2 acres. This certificate is issued to confirm the remaining right and supercedes the certificate heretofore issued to George H. Collins, Mary J. John, J. H. Cotcher, J. H. Miller, George Sparlin, and Albert Bigelow, and recorded at page 37485, State Record of Water Right Certificates.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRO entered Feb 26, 1979 & to confirm an additional point of diversion approved June 28, 1979 and

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

together with certificate of water right recorded at page 45514 Vol 38 SRWRC & certificates A & B,

WITNESS the signature of the State Engineer, affixed this date. February 4, 1975

supersedes cert. file 41614

The issuance etc

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41614

55487

T-3862 T-3769 T-3

cert & bc

a.c. sec 26 T 38 S R 5 W W.M.
250's & 840' W, 700's & 725' W both
from C 1/4 cor sec 26

PDD

7976D

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: (POL)

ΦΟΒ

POU

USE

Add '1' POD

Transfer NO. 3986

County Josephine

Old Certificate NO. 41614 (T-3862)

1. Name R. H. & Sharon Hyatt ✓

Address 530 Jetherow Rd, Williams, OR 97544

2. Source of Supply Williams Cr. ✓, Trib of APPEGATE RIVER

3. Use in / 5⁴⁵ ac

4. Amount of Water 0.08 etc

Priority Date 7/15/1943

5. Proposed Point of Diversion $690' S + 850' W$ from Center, Sec 26,
w/in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 26, T 38 S, R 5 W, WM

6. Completion Date 10-1-80

7. Place of Use:

[illegible]

T-3986

RECEIVED

JUNE 7 1978

WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 38 SOUTH

RANGE 5 W., W. M.

from Div #1

SECTION 26 SW $\frac{1}{4}$

from Div #2

Josephine County

Scale: 1" = 400'

RECEIVED
FEB 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

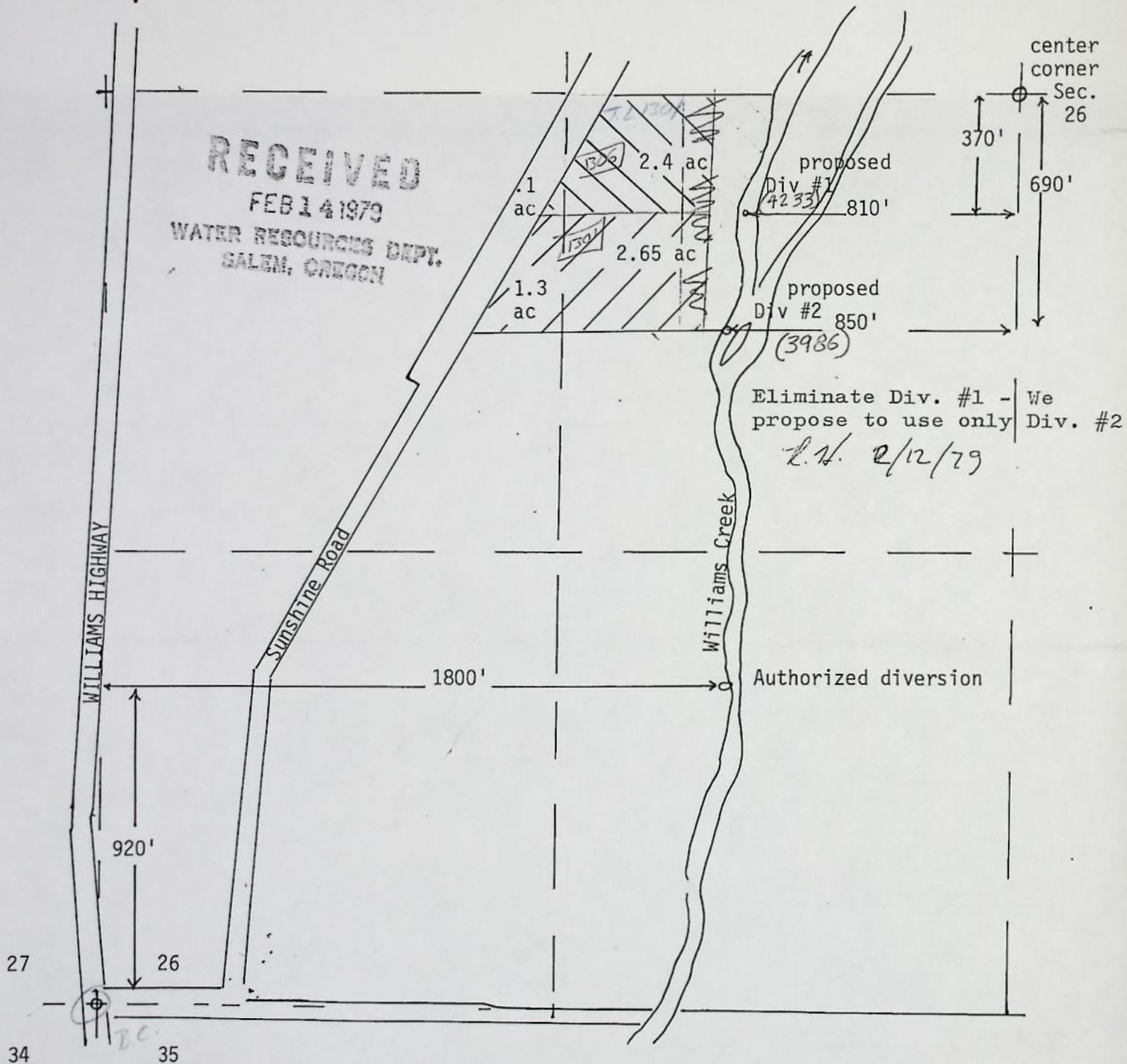


PHOTO: 179-107R
8-10-83 BSW

T-4233

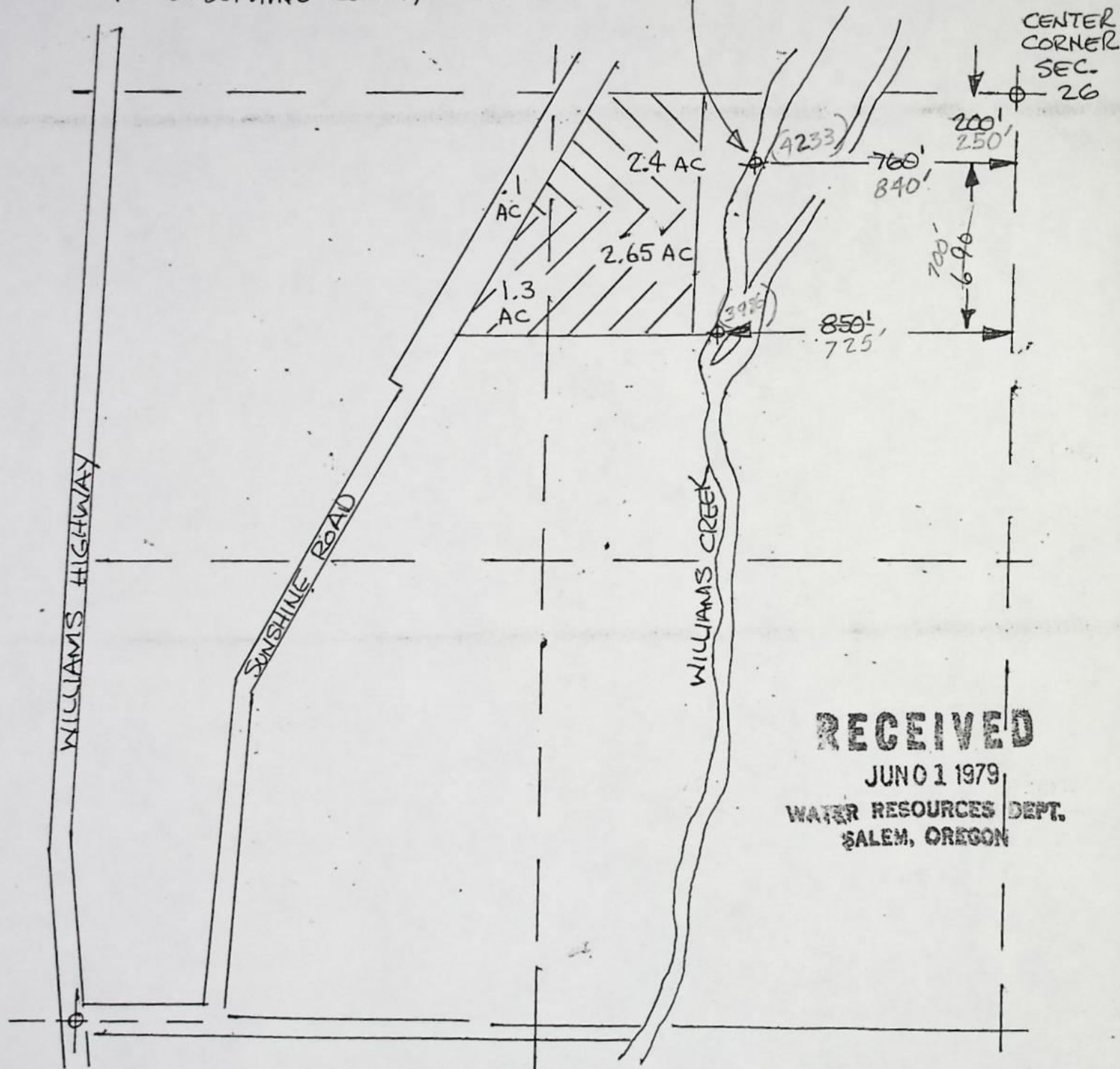
TOWNSHIP 38 SOUTH
SECTION 26 SW 1/4
JOSEPHINE COUNTY

RANGE 5W., W.M.

SCALE: 1" = 400'

PROPOSED ADDITIONAL
DIV

CENTER
CORNER
SEC.
26



FINAL PROOF OF APPLICATION No. PERMIT No.
SURFACE WATER IRRIGATION TRANSFER NOS. 3986 & 4233

INFO: NAMES: R.H. & SHARON HYATT

ADDRESS: 520 TETHERAM RD, WILLIAMS

TALKED TO: INSPECTION & NEIGHBOR (PREVIOUS OWNER) CHARLES HANVER (TR-3862)

SOURCES: WILLIAMS CREEK

SYSTEM: PUMP DIRECT FROM CREEK WITH PORTABLE PUMP.

WILLIAMS CREEK MAIN CHANNEL CHANGES EACH YEAR DEPENDING ON THE WINTER CONDITIONS. SOME YEARS THE MAIN CHANNEL WILL BE THE WEST CHANNEL, SOME YEARS THE MAIN CHANNEL WILL BE THE

PUMP: MAKE: FAIRBANKS / MORSE (PORTABLE ON)

TYPE: CENT. TRAILER

SUCTION SIZE: 3"

DISCHARGE SIZE: 2"

MODEL NO.: _____

RATING: _____

MOTOR: MAKE: _____

TYPE: _____

HP: CAS, 30hp

RPM: (4 cylinder engine)

CONNECTED DIRECT OR PULLEYS: _____

SPRINKLER SYSTEM: ALL PORTABLE (MOVES SAME PUMP TO EITHER

MAINLINE: NO. FEET: 500'

SIZE: 4"

TYPE: ALUM.

LATERALS: NO. FEET: 600'

SIZE: 3"

TYPE: ALUM.

SPRINKLERS: NO. HEADS: 15

MAKE: RB'S

MODEL #: 30'

NOZZLE SIZES: 3/32 X 7/32

MAXIMUM: 15

IN OPERATION: MEAN PRESSURE: _____

TR. NO. 4233

LIFT: SUCTION: WEST CHANNEL

8'

TR. 3986 (EAST CHANNEL)

10'

DISCHARGE: 5'

6'

USE: GARLIC CROP

DIVERSION: DIRECT

STRUCTURE: _____

TIE: MONUMENTS: SW 1/4 CON SEC 26 B.C. (J.A.CO.)

SURVEYED ON: SA 179-107R

B. D. D. D.

ASSIST. WATER DIST. ENGINEER. DATE: 8-10-83

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ^(R.H.) Bob Hyatt (Name of applicant)
of 530 Tetherow Rd, Williams (Mailing address) (City)
State of Oregon, 97544 846-6152 do hereby make application for change
(Zip Code) (Phone number)
additional point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? COLLINS, JOHN, GOTTER, MILLER, SPARLIN, BIGELOW
(If not, give name)
2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
(Yes or No)
number of certificate _____
3. Was your water right acquired by Water Right Permit? YES If so, give number
(Yes or No)
of permit E 188 Number of certificate 41614 (TRANS. 3986)

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is WILLIAMS CR
5. What is the date of priority of your water right? 1913
6. The authorized point of diversion is located 690 ft. S and 850 ft. W from the CENTER
(N. or S.) (E. or W.)
corner of SEC 26 being within the NE 1/4 SW 1/4 of Section 26 Tp. 38 S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of JOSEPHINE The name of the ditch used is _____

NOTE: Answer question if the application is for change in point of diversion.

7. The ADDITIONAL proposed point of diversion is located 200 ft. S and 760 ft. W from the CENTER
(N. or S.) (E. or W.)
corner of SEC 26 being within the NE 1/4 SW 1/4 of Section 26 Tp. 38 S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of JOSEPHINE The name of the ditch to be used is _____

8. The use to which the water is applied is IRRIGATION
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
SAME AS TRANS 3986				
38S	5W	26	NE¼ SW¼	2.4
			NW¼ SW¼	0.1
			NE¼ SW¼	2.65
			NW¼ SW¼	1.3
			(NE¼ SW¼) (NW¼ SW¼)	

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are we need an additional
diversion point

15. Construction work will be completed on or before pump is installed now

16. The water will be completely applied to the proposed use on or before June 1

Remarks we have planted the land to garlic

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Bob Hyatt, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 30th day of May, 1979

R. H. Hyatt
(Name of applicant)

Subscribed and sworn to before me this 30th day of May, 1979

[Notarial Seal]

D. J. Campbell
NOTARY PUBLIC FOR OREGON

My commission expires March 20, 1981



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: June 11, 1979.

FROM: ** Bob Steimer, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4233

IN THE NAME OF Bob Hyatt

RECEIVED
JUN 12 1979
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in add'l point of diversion from Williams Creek
~~NOT BE MADE WITHOUT INJURY~~ WOULD RESULT IN INJURY* to an existing water right.

Headgate notices ~~HAVE~~ ~~NOT~~ been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? no
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Robert B Steimer
Watermaster's signature or initials