

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
ROY O. AND ANNABELLE STEWART)
(LAKEVIEW WATER USERS, INCORPORATED))
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER 5198

On January 31, 1983, an application was filed in the office of the Water Resources Director by Roy O. and Annabelle Stewart for approval of a change in place of use of water from Drews Creek and Drews Reservoir and Cottonwood Creek and Cottonwood Reservoir, 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 2, 1979, approving Transfer 3885, the water right previously allowed by Decree of Circuit Court of the State of Oregon for Lake County, entered on October 3, 1961, In the Matter of the Determination of the Extent of Completion of the Inchoate Water Rights Allowed by Decree of the Court in the Matter of the Determination of the Relative Rights to the Use of the Waters of Drews Creek, Antelope Creek, Cottonwood Creek, Thomas Creek and Cogswell Creek, and Their Tributaries, Tributaries of Goose Lake, now exists for the use of 62,500 acre-feet of water stored in Drews Reservoir and not to exceed 223 cubic feet per second of water from Drews Creek under a priority date of January 21, 1907, and 4,400 acre-feet of stored water from Cottonwood Reservoir and not to exceed 200 cubic feet per second of water from Cottonwood Creek under a priority date of July 31, 1908, for irrigation of, among other lands, a certain 3.5 acres in NW 1/4 SE 1/4, Section 25, Township 38 South, Range 19 East, WM, as described by the certificate issued to Lakeview Water Users, Incorporated, recorded at page 47469, Volume 40, State Record of Water Right Certificates. These lands also have a supplemental right under Permit 43956 to the use of water stored in Cottonwood Reservoir with a date of priority of September 5, 1961. Said lands are irrigated by means of the Lakeview Water Users, Incorporated, canal system.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 3.5 acres in SE 1/4 SE 1/4, Section 25, Township 38 South, Range 19 East, WM.

Dennis R. Glender, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1984.

It is FURTHER ORDERED that a drainage ditch or other physical barrier, as directed by the Watermaster, be constructed along the north side of the 4.6 acres remaining in NW 1/4 SE 1/4, Section 25, Township 38 South, Range 19 East, WM, to prevent runoff into the 3.5 acre parcel being divested of water right.

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 the certificate of water right heretofore issued to Lakeview Water Users, Incorporated and recorded at page 47469, Volume 40, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to Lakeview Water Users, Incorporated.

Dated at Salem, Oregon this 7th day of March, 1983.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to Forfeiture or Abandonment.

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