

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
ALBERT ROGERS (LAKEVIEW WATER USERS,) ORDER APPROVING
INCORPORATED) FOR APPROVAL OF A) TRANSFER 5833
CHANGE IN PLACE OF USE OF WATER)

On July 23, 1986, an application was filed in the office of the Water Resources Director by Albert Rogers 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 10.0 acres in SW 1/4 SW 1/4, Section 24, Township 39 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 applicant herein, owner of the lands above described, proposes to change the place of use therefrom to a certain other 10.0 acres in SW 1/4 SW 1/4, Section 24, Township 39 South, Range 19 East, WM.

The lands involved in this transfer are within the boundaries of the Lakeview Water Users, Inc. District, and the Board of Directors of said District approved the change in place of use at a regular meeting.

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.

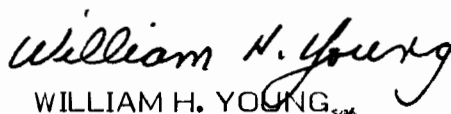
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 47469, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Lakeview Water Users, Incorporated, confirming this and other changes within the District, and superseding Certificate 47469.

Dated at Salem, Oregon, this 19th day of September, 1986.


WILLIAM H. YOUNG, SOB
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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