

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT & CARLENE BERTAGNA AND)
JOSEPHINE WARNER (LAKEVIEW)
WATER USERS, INC.) FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4296

On September 13, 1979, an application was filed in the office of the Water Resources Director by Robert and Carlene Bertagna and Josephine Warner 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 No. 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 acre feet per second of water from Cottonwood Creek under a priority date of July 31, 1908, for irrigation of, among other lands, a certain 1.0 acre located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 40 South, Range 19 East, W. M., as described by the certificate issued to Lakeview Water Users, Inc., recorded at page 47469, Volume 40, State Record of Water Right Certificates. Said lands are irrigated by means of the Lakeview Water Users, Inc., 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 1.0 acre located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 40 South, Range 19 East, W. M.

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

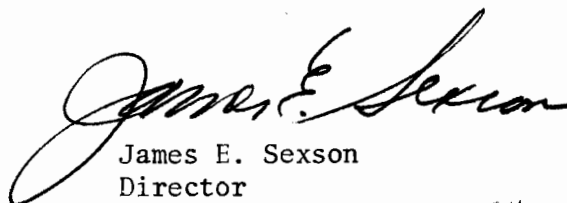
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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, 1981.

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 heretofore issued to Lakeview Water Users, Inc., 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.

Dated at Salem, Oregon this 27th day of November, 1979.



James E. Sexson
Director