

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application                    )     **FINAL ORDER APPROVING A**  
T-8921, Lake County                                    )     **CHANGE IN PLACE OF USE**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

LAKEVIEW WATER USERS  
91164 WATER USERS LANE  
LAKEVIEW, OR 97630

**Findings of Fact**

1. On October 22, 2001, Otis Mobley filed a transfer application to change the place of use under Certificate 75557. The Department assigned the application number T-8921.
2. On May 22, 2006, Otis Mobley submitted an amended map, a modified application identifying Lakeview Water Users as the applicant, an affidavit attesting to the use of water during the previous five years, and a notarized statement from the owner agreeing to the transfer application.
3. On June 1, 1999, Water Right Certificate 75557 was cancelled under the conditions set forward in Special Order Volume 53, page 793 approving Transfer T-8230. This order changed the place of use for 0.7 acre. A remaining right Certificate 76187 was issued on June 1, 1999, for the lands NOT modified by the order.
4. The portion of the right to be transferred is as follows:  
**Certificate:** 76187 in the name of LAKEVIEW WATER USERS INC.  
**Use:** IRRIGATION of 5.0 ACRES  
**Priority Dates:** JANUARY 21, 1907 - Drews Creek; JULY 31, 1908 - Cottonwood Creek  
**Rate:** 0.187 CUBIC FOOT PER SECOND (cfs), being 0.1 cfs from Drews Creek and Reservoir, and 0.087 cfs from Cottonwood Creek and Reservoir  
**Source:** Drews Creek and Reservoir and Cottonwood Creek and Reservoir, tributaries to Goose Lake

This is a final order in other than 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.

**Authorized Point of Diversion:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Source</b>	<b>Survey Coordinates</b>
38 S	19 E	WM	29	NW SW	Cottonwood Creek Reservoir	580 feet South and 900 feet East from the W1/4 corner of Section 29
39 S	19 E	WM	16	NE NE	Cottonwood Creek	860 feet South and 1120 feet West from the NE corner of Section 16
40 S	18 E	WM	5	SW SE	Drews Creek Reservoir	120 feet North and 1820 feet West from the SE corner of Section 5
40 S	18 E	WM	11	SE NW	Drews Creek	1850 feet South and 3400 feet West from the NE corner of Section 11

**Authorized Place of Use:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
40 S	19 E	WM	8	NE NE	5.0

5. Application T-8921 also proposes to change the place of use of the right to:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
40 S	19 E	WM	20	SW SW	5.0

6. Notice of the application for transfer was published on November 13, 2001, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. On June 27, 2006, the Department issued a Preliminary Determination proposing to approve Transfer T-8921 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 4, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
8. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

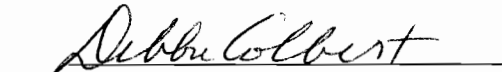
The change in place of use proposed in Transfer Application T-8921 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in Transfer Application T-8921 is approved.

2. Water Right Certificate 76187 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76187 and any related decree.
4. The former place of use of the transferred water shall no longer receive water as part of these rights.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22 day of August 2006.

  
Phillip C. Ward, Director

Mailing date: AUG 25 2006