



4. On March 9, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12985 **Error! Reference source not found.** to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 10, 2020, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
5. On April 7, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-12985 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 April 13, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the right to be transferred is as follow:

**Certificate:** 93497 in the name of LAKEVIEW WATER USERS INC.  
(confirmed by decree)

**Use:** IRRIGATION of 5.25 ACRES

**Priority Date:** JANUARY 21, 1907, DREWS CREEK AND JULY 31, 1908, for COTTONWOOD CREEK

**Rate:** 0.065 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND (CFS); being 0.035 CFS from DREWS CREEK AND RESERVOIR and 0.030 CFS from COTTONWOOD CREEK AND RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion from the source.

**Source:** DREWS CREEK and DREWS CREEK RESERVOIR, COTTONWOOD CREEK and COTTONWOOD RESERVOIR tributary to GOOSE LAKE

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	11	SE NW	DREWS CREEK - 1850 FEET SOUTH AND 3400 FEET WEST FROM THE NE CORNER OF SECTION 11
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
39 S	19 E	WM	16	NE NE	COTTONWOOD CREEK - 860 FEET SOUTH AND 1120 FEET WEST FROM THE NE CORNER OF SECTION 16
38 S	19 E	WM	29	NW SW	COTTONWOOD RESERVOIR - 580 FEET SOUTH AND 900 FEET EAST FROM THE W1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	6	SW SE	2.00
40 S	19 E	WM	8	NE SE	0.44
40 S	19 E	WM	8	NE SE	0.56
40 S	19 E	WM	16	SW NE	2.05
40 S	19 E	WM	17	NE NE	0.20
Total					5.25

7. Transfer Application T-12985 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	19 E	WM	32	SW NE	2.32
39 S	19 E	WM	32	SE NE	2.93
Total					5.25

***Transfer Review Criteria [OAR 690-380-4010(2)]***

- 8. There is no information in the record that would demonstrate that the right is 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 were present within the five-year period prior to submittal of Transfer Application T-12985.
- 10. The proposed change would not result in injury to other water rights.
- 11. The proposed change would not result in enlargement of the water rights.
- 12. All other application requirements are met.

***Partial Diminution of a Water Right***

13. On July 23, 2018, an affidavit requesting that a portion of Certificate 87729 be diminished from primary irrigation to supplemental irrigation was received from Peter and Pamela Talbott as Trustees of the Talbott Family Revocable Living Trust. The right to be diminished is as follows:

- Certificate:** 87729 in the name of JIM STEWART (perfected under Permit G-9721)
- Use:** IRRIGATION of 5.25 ACRES
- Priority Date:** NOVEMBER 19, 1981
- Rate:** 0.065 CUBIC FOOT PER SECOND
- Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0

acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A SUMP in the COTTONWOOD CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	19 E	WM	32	SE NE	1250 FEET NORTH AND 400 FEET WEST FROM E1/4 CORNER, SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	19 E	WM	32	SW NE	2.32
39 S	19 E	WM	32	SE NE	2.93
TOTAL					5.25

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-12985 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. The transfer application is approved and the portion of the right to be diminished is diminished.

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

1. The change in place of use proposed in Transfer Application T-12985 is approved.
2. 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 93497 and any related decree.
3. Water right Certificate 93497 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.
4. Water Right Certificate 87729 is cancelled. A new certificate will be issued to confirm the diminishment.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued in the name of Lakeview Water Users Inc.

Dated in Salem, Oregon on

**JUN 30 2021**

A handwritten signature in blue ink, appearing to read 'Lisa J. Jaramillo', is written over the typed name.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

*Mailing date:*

**JUN 30 2021**