

STATUS OF APPLICATION

Change in Point of Diversion & Place of Use
Date filed MAY 25, 1973
Date of hearing _____
Place of hearing _____
Date of order 12-26-73 Vol. 23, page 488-90
Date for application of water 10-1-74
Proof mailed JUN 5 1979
Proof received _____
Certificate issued AUG 23 1979 Vol. 42, page 48465

Form 130 sent JUL 6 - 1979

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Cottonwood Creek
Trib. of _____ County of Lake
Use Irrigation & Domestic & Stock
Quantity of water _____ No. of acres 250
Name of ditch Flynn ditch
Date of priority 1904
In name of John M. Flynn
Goose Lake Tributaries Adjudication, Vol. 6, page 555
App. No. _____ Per. No. _____ Cert. No. 5199
Certificate cancelled _____
Notation made on record by _____

FEES PAID

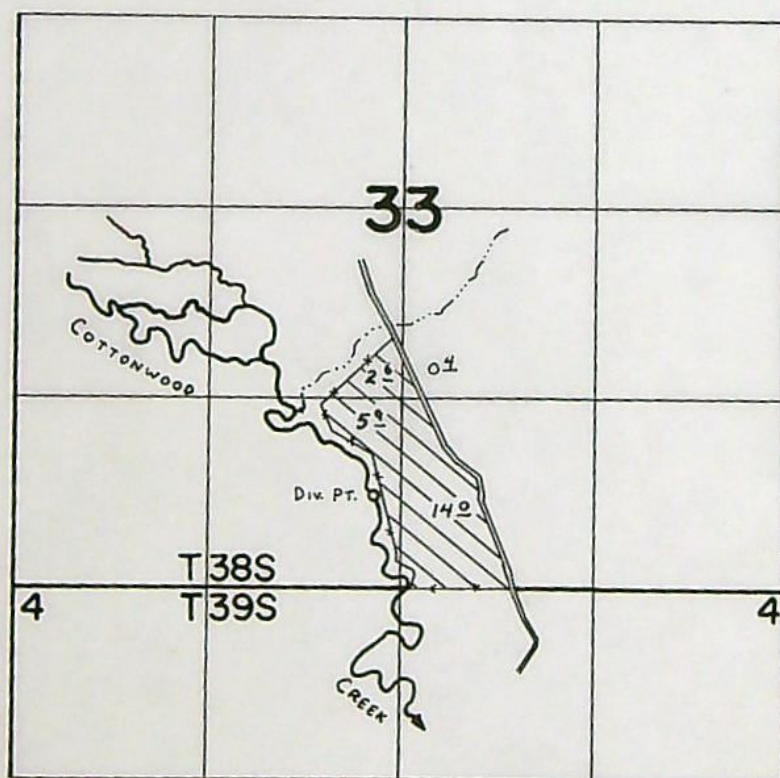
Date	Amount	Receipt No.
<u>5-25-73</u>	<u>30.00</u>	<u>34043</u>
<u>5-25-73</u>	<u>25.00 P.O.N.</u>	<u>34044</u>
<u>10-8-73</u>	<u>15.42 P.O.N.</u>	<u>36924</u>
<u>TOTAL</u>	<u>\$1.50</u>	<u>36925</u>
<u>10-8-73</u>	<u>Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.
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INDEX CARDS:	Entered	Checked
____ Name	<u>WH</u>	____
____ Stream	<u>WH</u>	____
____ Pt. of Div.	____	____
____ Calendar	<u>WH</u>	____
CHECKED TO RECORDS:		
____ Twp. & Rge.	<u>WAC</u>	____
____ Decree-vault	<u>WAC</u>	____
____ Decree-safe	<u>WAC</u>	____
____ Cert. of W/R	<u>WAC</u>	____
____ Per. Folder	____	____
____ Chainindex	____	____
____ Cross Ref.	____	____
____ Power Claim	____	____
____ Abstracts	____	____

T38S. R19E. WM.



Div. Pt. Loc: 640' N. $\frac{1}{2}$ 2825' W. fr. S.E. Cor. Sec. 33.

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2822
Application No. Permit No.
IN NAME OF

COTTONWOOD CATTLE CO.

Surveyed JUNE 23 1978, by C. L. HUGHES

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That ~~JOHN M. FLYNN~~ COTTONWOOD CATTLE CO.

of Lakeview, State of Oregon has a right to the use of

the waters of Cottonwood Creek; ~~trib~~ Goose Lakefor the purpose of the irrigation of ~~25~~ ^{22.9} acres, ~~domestic and stock use;~~

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for

Lake County, and the said decree entered of record at Salem, in the Order

Record of the STATE ENGINEER, in Volume 7, at page 233; that the priority

of the right thereby confirmed dates from 1904;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed Three-fourths acre foot per acre during any 30-day period prior to June 1st, and one-half acre foot per acre during any 30-day period after June 1st, of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre;

(or, if for other purposes, the place where such water is put to beneficial use), is as follows;

if available at the original point of diversion;
 NW¹NE⁴ Sec 32 T38S R19E WM, 250' S & 80' E from the NW¹NE⁴ Sec 32

-5 acres in the NE¹NE⁴, 20 acres in theNW¹NE⁴, Section 32, Township 38 South Range 19 East of the Willamette Meridian.

T38S R19E WM

SEC 33

NESW	2 ⁶ / ₁₀
SESW	5 ¹ / ₁₀
NWSE	0 ⁴ / ₁₀
SWSE	14 ² / ₁₀

Tot 22 ⁹/₁₀ Ac.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered December 26, 1913 and supersedes certificate of water right recorded on page 5179, Volume 6, SRWRC.

WITNESS the signature of the State Engineer,

affixed this 13th day

of October, 1924.

RHEA LUTER, State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5199

48465

P.O.D.: SE¹SW⁴ Sec 33 T38S R19E WM
 640' N & 2825' W from the SE cor Sec 33

pay 50¢
 X
 JS

4-5-79
 H. Daggett, watermaster
 talked w/ owner Cottonwood
 cattle. No need in.
 for stock use
 JS

8-30-3c

BEFORE THE STATE ENGINEER OF OREGON

Lake County

IN THE MATTER OF THE APPLICATION OF }
COTTONWOOD CATTLE COMPANY FOR THE }
APPROVAL OF A CHANGE IN PLACE OF USE }
AND POINT OF DIVERSION OF WATER FROM }
COTTONWOOD CREEK }

ORDER APPROVING
TRANSFER NO. 2822

On May 25, 1973, Cottonwood Cattle Company filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Cottonwood Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Lake County, Oregon, entered May 15, 1923, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Goose Lake Tributaries, a water right was established in the name of John M. Flynn for the use of the waters of Cottonwood Creek for domestic, stock and the irrigation of 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 38 South, Range 19 East, W.M., with a date of priority of 1904, as evidenced by certificate of water right recorded at page 5199, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of the Flynn ditch from a point of diversion located 250 feet South and 80 feet West from the Northwest corner of NE $\frac{1}{4}$ of Section 32, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 38 South, Range 19 East, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 19 East, W.M., and 0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 39 South, Range 19 East, W.M., and to irrigate these lands from a point of diversion to be located 580 feet North and 120 feet West from the Southeast corner of Southwest $\frac{1}{4}$ of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 39 South, Range 19 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were, namely: at the county courthouse in Lakeview, Oregon on October 23, 1973 at 9:30 a.m. The notice was published in the Lake County Examiner, a newspaper printed and having general circulation in Lake County, Oregon, for a period of three weeks in the issues of August 30, September 6 and 13, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 12, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 38 South, Range 19 East, W.M., with a date of priority of 1904, be severed therefrom and simultaneously and without loss of priority transferred to 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 19 East, W.M., and 0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 39 South, Range 19 East, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Cottonwood Creek, to wit:

From a point located 250 feet South and 80 feet North from the Northwest corner of NE $\frac{1}{4}$ of Section 32, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 38 South, Range 19 East, W.M.

To a point to be located 580 feet North and 120 feet West from the Southeast corner of the SW $\frac{1}{4}$, Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 38 South, Range 19 East, W.M.

for domestic, stock and the irrigation of 4.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 19 East, W.M., and 0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 39 South, Range 19 East, W.M., with a date of priority of 1904, is approved.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use and the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to John M. Flynn and recorded at page 5199, Volume 6, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Cottonwood Cattle Company confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 26th day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer