

Name Clyde W. Fenimore

4209

By \_\_\_\_\_

Address Rt. 6, Box 564

DESCRIPTION OF WATER RIGHT

FEEES PAID

Lakerien, Or. 97630

Name of stream Drews Creek & Drews Reservoir

| Date           | Amount       | Receipt No.  |
|----------------|--------------|--------------|
| <u>4-30-79</u> | <u>50.63</u> | <u>10634</u> |
| TOTAL . . .    |              |              |
|                | Cert. Fee    |              |

Change in POU

Trib. of \_\_\_\_\_ County of Lake

Date filed April 30, 1979

Use irrigation

Date of hearing \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres 103.0

Place of hearing \_\_\_\_\_

Name of ditch \_\_\_\_\_

✓ Date of order 9-19-79 Vol. 32, page 399

Date of priority January 21, 1907

Date for application of water complete

In name of Lakeview Water Users, Inc.

Proof mailed MAY 11 1993

See Sp. Ord. V. 31 P. 615  
trib. of Green Lake Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

Proof received \_\_\_\_\_

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 47469

Certificate issued 12/20/79 Vol. \_\_\_\_\_, page 93497

Certificate cancelled \_\_\_\_\_

RR 75426

Notation made on record by \_\_\_\_\_

REMARKS

See also T-4401

FINLS

|                                       |
|---------------------------------------|
| W.R.I.S.                              |
| Assembled <u>9-12-87</u> by <u>SD</u> |
| Entered _____ by _____                |
| Checked _____ by _____                |

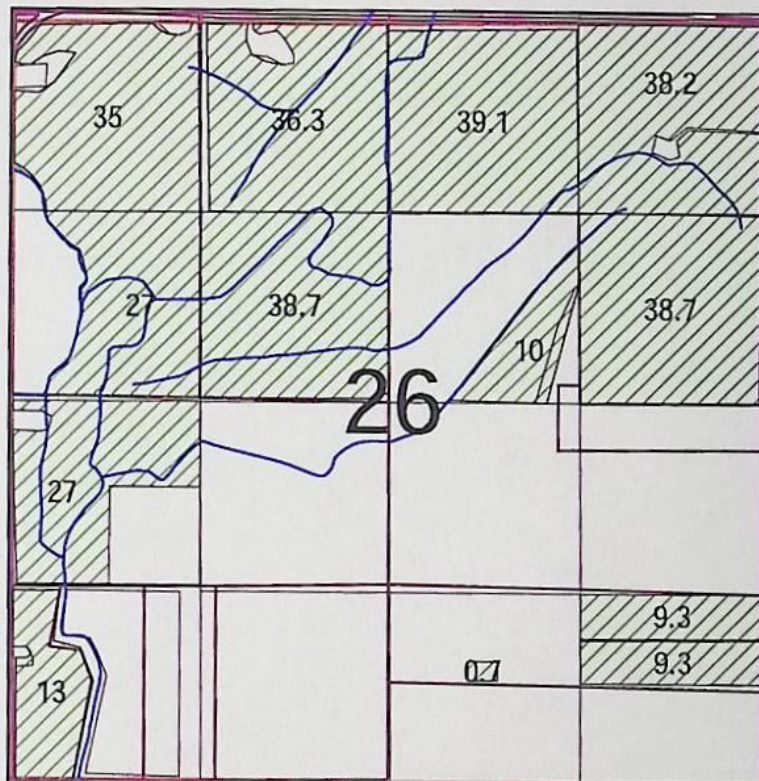
FEEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

|                             |                     |         |         |
|-----------------------------|---------------------|---------|---------|
| TO BE ENTERED WHERE CHECKED | INDEX CARDS:        | Entered | Checked |
|                             | Name                | ✓       |         |
|                             | Stream              | ✓       |         |
|                             | Pt. of Div.         | ✓       |         |
|                             | Calendar            | ✓       |         |
|                             | CHECKED TO RECORDS: |         |         |
|                             | Twp. & Rge.         | ✓       |         |
|                             | Decree-vault        | ✓       |         |
|                             | Decree-safe         | ✓       |         |
|                             | Cert. of W/R        | ✓       |         |
| Chaindex                    |                     |         |         |
| Cross Ref.                  |                     |         |         |
| Power Claim                 |                     |         |         |
| Abstracts                   |                     |         |         |

# Lakeview Water Users, Inc

Township 39 South, Range 19 East, W.M.



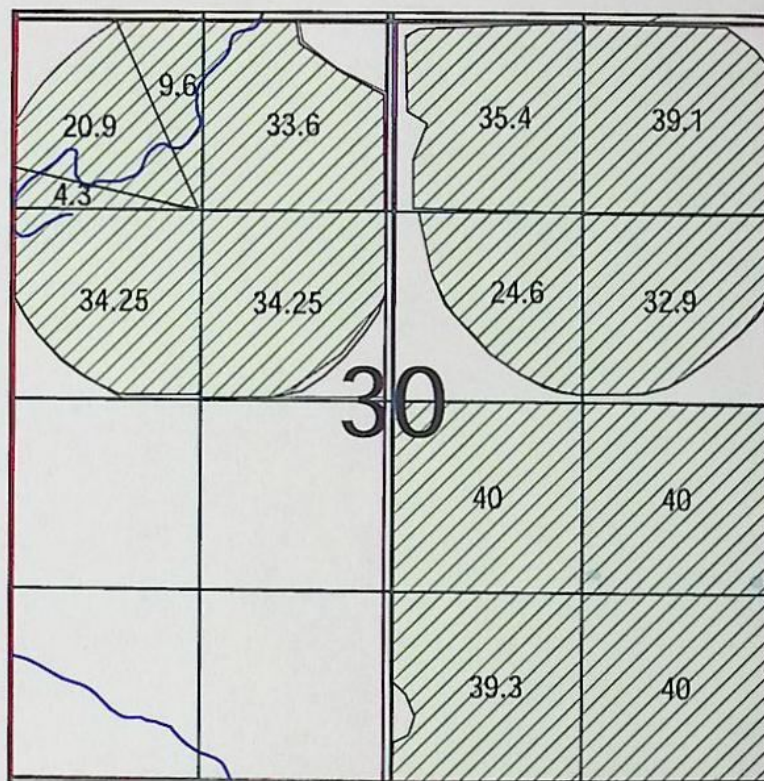
December 2017

1 inch = 1,320 feet

This map is not intended to provide legal dimensions or locations of property ownership lines

# Lakeview Water Users, Inc

Township 40 South, Range 19 East, W.M.

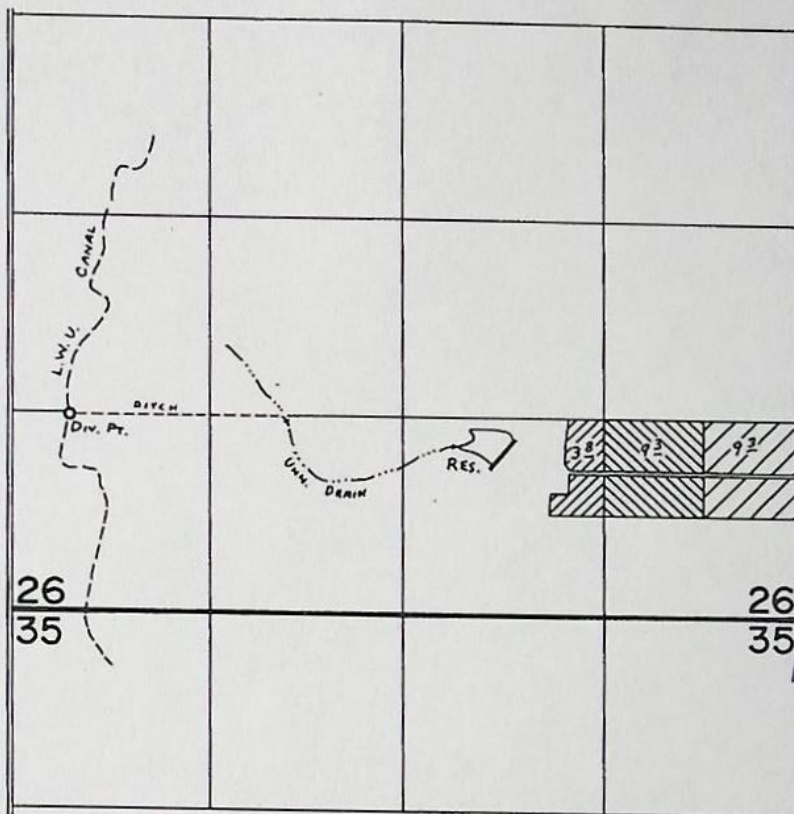


December 2017

1 inch = 1,320 feet

This map is not intended to provide legal dimensions or locations of property ownership lines

T.39S. R.19E. W.M.



DIV. PT. LOC: 1310' N. & 400' E. fr. S.W. COR. SEC. 26.

DAM LOC: 1080' N. & 1990' W. fr. S.E. COR. SEC. 26.

- ▨ - PRIMARY IRR. fr. CANAL (APP. 37062), SUPPLEMENTAL IRR. fr. UNN. DRAIN & RES. (APP. R-56336 & 56340)
- ▨ - PRIMARY IRR. fr. CANAL (T-4209), SUPPLEMENTAL IRR. fr. UNN. DRAIN & RES. (APP. R-56336 & 56340)
- ▨ - PRIMARY IRR. fr. UNN. DRAIN & RES. (APP. R-56336 & 56340)

## FINAL PROOF SURVEY UNDER

T-4209

R-56336

R-6705

Application No. 56340. Permit No. 42347

IN NAME OF

WILLIAM RAY ROGERS

Surveyed June 7, 1980, by C. L. Hughes

T-4209

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

|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A |
| T-10810, Lake County                  | ) | CHANGE IN PLACE OF USE  |
|                                       | ) |                         |

**Authority**

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, INC.  
91164 WATER USERS LANE  
LAKEVIEW, OR 97630

**Receiving Landowner**

NICHOLAS A. RAGO  
17734 BUCK ROAD  
LAKEVIEW, OR 97630

**Findings of Fact**

**Background**

1. On March 9, 2009, Lakeview Water Users, Inc. filed an application to change the place of use under Certificate 82202 and Transfer Application T-4209. The Department assigned the application number T-10810.
2. Transfer Application T-4209 modified a portion of the water rights described in Certificate 47469 issued in the name of Lakeview Water Users, Inc. Certificate 47469 preceded Certificate 82202.
3. On July 28, 2008, Certificate 82202 was superseded by Certificate 85703. On September 25, 2009, Certificate 85703 was superseded by Certificate 85839.
4. On April 8, 2011, the Department issued an order recorded at Special Order Volume 83, Pages 932 to 933, determining proper proof of changes in place of use under Transfer Application T-4209. The determination of proper proof established the authorized place of use for some of the lands proposed for transfer in Transfer Application T-10810.

This is a final order in other than a 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 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.

5. The applicant initially proposed to transfer only the irrigation rights appurtenant to specific lands, but amended the application on April 27, 2011, to include additional supplemental water rights.

6. The portion of the first right to be transferred is as follows:

**Certificate:** 85839 in the name of Lakeview Water Users Inc. (confirmed by Goose Lake decree) and the right confirmed under T-4209

**Use:** IRRIGATION of 18.60 ACRES

**Priority Date:** JANUARY 21, 1907, Drews Creek; JULY 31, 1908, Cottonwood Creek

**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.68 cubic foot per second (cfs) being; 0.36 cfs from Drews Creek and Reservoir and 0.32 cfs from Cottonwood Creek and Reservoir, measured at the point of diversion from the source.

**Source:** Drews Creek, Drews Reservoir, Cottonwood Creek, and Cottonwood Reservoir, tributaries to Goose Lake

**Authorized Point of Diversion:**

| TWP  | RNG  | MER  | SEC | Q-Q   | SOURCE                     | MEASURED DISTANCES                                                  |
|------|------|------|-----|-------|----------------------------|---------------------------------------------------------------------|
| 38 S | 19 E | W.M. | 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 | W.M. | 16  | NE NE | COTTONWOOD CREEK           | 860 FEET SOUTH AND 1120 FEET WEST FROM THE NE CORNER OF SECTION 16  |
| 40 S | 18 E | W.M. | 5   | SW SE | DREWS CREEK RESERVOIR      | 120 FEET NORTH AND 1820 FEET WEST FROM THE SE CORNER OF SECTION 5   |
| 40 S | 18 E | W.M. | 11  | SE NW | DREWS CREEK                | 1850 FEET SOUTH AND 3400 FEET WEST FROM THE NE CORNER OF SECTION 11 |

**Authorized Place of Use:**

| WATER RIGHT       | TWP  | RNG  | MER  | SEC | Q-Q   | ACRES |
|-------------------|------|------|------|-----|-------|-------|
| CERTIFICATE 85839 | 39 S | 19 E | W.M. | 26  | SE SE | 9.30  |
| T-4209            | 39 S | 19 E | W.M. | 26  | SE SE | 9.30  |
| TOTAL:            |      |      |      |     |       | 18.60 |

7. Application T-10810 also proposes to change the place of use of the right to:

| WATER RIGHT       | TWP  | RNG  | MER  | SEC | Q-Q   | ACRES |
|-------------------|------|------|------|-----|-------|-------|
| CERTIFICATE 85839 | 39 S | 19 E | W.M. | 26  | SW SW | 9.30  |
| T-4209            | 39 S | 19 E | W.M. | 26  | SW SW | 9.30  |
| TOTAL:            |      |      |      |     |       | 18.60 |

8. The portion of the second right to be transferred is as follows:

**Permit:** 43956 in the name of Lakeview Water Users Inc.

**Use:** SUPPLEMENTAL IRRIGATION of 9.30 ACRES

**Priority Date:** SEPTEMBER 5, 1961

**Rate:**

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of ONE-FORTIETH (1/40) 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** COTTONWOOD RESERVOIR ENLARGEMENT, tributary to GOOSE LAKE

**Authorized Point of Diversion:**

| TWP  | RNG  | MER  | SEC | Q-Q   | SOURCE                     | MEASURED DISTANCES                                             |
|------|------|------|-----|-------|----------------------------|----------------------------------------------------------------|
| 38 S | 19 E | W.M. | 29  | NW SW | COTTONWOOD CREEK RESERVOIR | 2171 FEET NORTH AND 778 FEET EAST FROM SW CORNER OF SECTION 29 |

**Authorized Place of Use:**

| TWP  | RNG  | MER  | SEC | Q-Q   | ACRES |
|------|------|------|-----|-------|-------|
| 39 S | 19 E | W.M. | 26  | SE SE | 9.30  |

9. Application T-10810 also proposes to change the place of use of the right to:

| TWP  | RNG  | MER  | SEC | Q-Q   | ACRES |
|------|------|------|-----|-------|-------|
| 39 S | 19 E | W.M. | 26  | SW SW | 9.30  |

10. Notice of the application for transfer was published on March 17, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
11. On May 5, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10810 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 6, 2011, for the applicants to respond. The applicants requested the Department proceed with issuance of a Preliminary Determination and the Department verified the applicant is authorized to pursue the transfer.
12. On June 15, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10810 and mailed a copy to the applicant and responsible landowners. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 21, 2011. No protests were received.

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

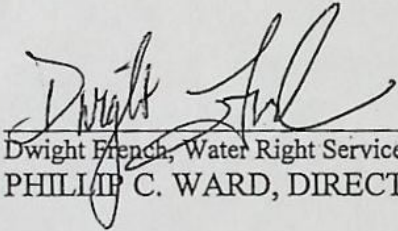
13. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10810.
15. The proposed change would not result in enlargement of the right.

16. The proposed change would not result in injury to other water rights.

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

1. The change in place of use proposed in application T-10810 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 Special Order Volume 83, Pages 932 to 933 for T-4209, Certificate 85839, Permit 43956 and any related decree.
3. The water rights described by T-4209, Certificate 85839 and Permit 43956 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.
4. The former place of use of the transferred rights shall no longer receive water under the rights.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**.
6. 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.

Dated at Salem, Oregon this 27 day of July, 2011.



Dwight French, Water Right Services Division Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: JUL 28 2011

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

Order of Proper Proof of Changes in Place of  
Use Under Transfer 4209

Final Order

This order confirms the right of record to use the waters of DREWS CREEK AND DREWS RESERVOIR, COTTONWOOD CREEK AND COTTONWOOD RESERVOIR, TRIBUTARIES OF GOOSE LAKE, for IRRIGATION of 103.0 ACRES.

This right of record was confirmed by decree of the Circuit Court of the State of Oregon for LAKE County, dated October 3, 1961, in the matter of LAKEVIEW WATER USERS, INC. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 478. The date of priority is January 21, 1907, Drews Creek; July 31, 1908, Cottonwood Creek.

The points of diversion are located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                                |
|------|------|-----|-----|-------|-----------------------------------------------------------------------------------|
| 40 S | 18 E | WM  | 5   | SW SE | DREWS RESERVOIR: 120 FEET NORTH AND 1820 FEET WEST FROM SE CORNER, SCECTION 5     |
| 40 S | 18 E | WM  | 11  | SE NW | DREWS CREEK: 1850 FEET SOUTH AND 3400 FEET WEST FROM NE CORNER, SCECTION 11       |
| 38 S | 19 E | WM  | 29  | NW SW | COTTONWOOD RESERVOIR: 580 FEET SOUTH AND 900 FEET EAST FROM W¼ CORNER, SECTION 29 |
| 39 S | 19 E | WM  | 16  | NE NE | COTTONWOOD CREEK: 860 FEET SOUTH AND 1120 FEET WEST FROM NE CORNER, SECTION 16    |

A description of the place of use to which this right of record is appurtenant is as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 39 S | 19 E | WM  | 26  | SE SE | 9.3   |
| 40 S | 19 E | WM  | 19  | SW SW | 39.0  |
| 40 S | 19 E | WM  | 19  | SE SW | 33.8  |
| 40 S | 19 E | WM  | 30  | NW NW | 20.9  |

This order is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered September 19, 1979, at Special Order Volume 32, Page 399, approving Transfer Application 4209.

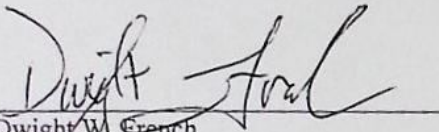
The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

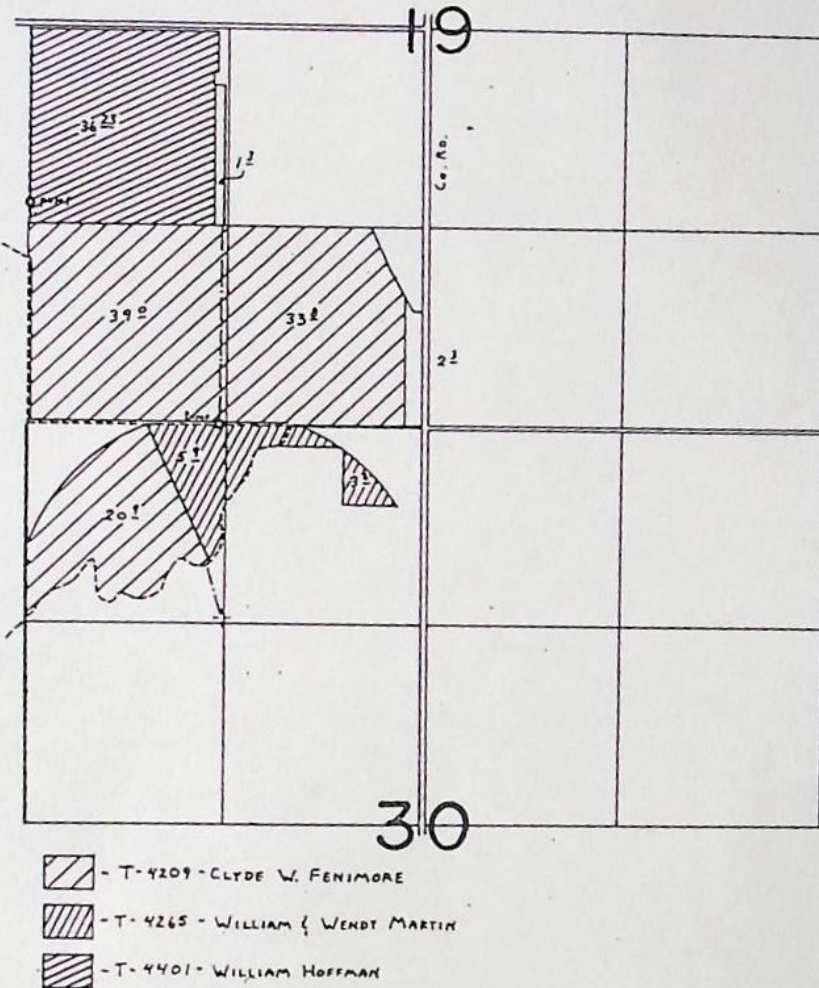
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued APR 08 2011

  
Dwight W. French  
Water Right Services Division Administrator for  
Phillip C. Ward, Director

T.40S. R.19E. W.M.



FINAL PROOF SURVEY  
UNDER

Transfer Nos. 4209, 4401, 4265  
Application No. .... Permit No. ....  
IN NAME OF

FENIMORE, HOFFMAN, MARTIN

Surveyed June 10, 1980, by C. L. Hughes

MAP 2 of 2 (T-4401)

PTS - 1180 - J  
CHZ - 5 KX - 190

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CLYDE W. FENIMORE (LAKEVIEW WATER )  
USERS, INC.) FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4209

On April 30, 1979, an application was filed in the office of the Water Resources Director by Clyde W. Fenimore 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 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 36.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 37.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19; 1.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 26.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, 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 applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 38.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 33.3 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19; 21.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 40 South, Range 19 East, W.M., and 10.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 39 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.

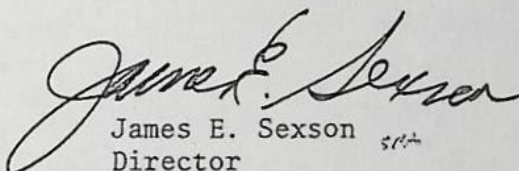
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 NO time need be fixed for completion as the change in place of use is completed.

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 of water right 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 19th day of September, 1979.

  
James E. Sexson  
Director

T-4209

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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A      |
| T-10790, Lake County                  | ) | TEMPORARY CHANGE IN PLACE OF |
|                                       | ) | USE AND CANCELLATION OF A    |
|                                       | ) | PORTION OF A WATER RIGHT     |

**Authority**

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

Lakeview Water Users, Inc.  
91164 Water Users Lane  
Lakeview, Or 97630

**Findings of Fact**

1. On February 25, 2009, Lakeview Water Users Inc. filed an application to temporarily change the place of use under Certificates 82202 and 47469 (previously modified by T-4209). The transfer will be in affect for period of 2 years. The Department assigned the application number T-10790.
2. The portion of the first right to be temporarily transferred is as follows:

**Certificate:** T-4209 in the name of Clyde W. Fenimore, recorded in Special Order Volume 32 page 399. Satisfactory proof of completion of the change was determined for T-4209 and the right is subject to transfer. T-4209 modified the right evidenced by Certificate 47469 in the name Lakeview Water Users, Inc. (confirmed by Goose Lake decree).

**Use:** IRRIGATION of 9.3 ACRES

This is a final order in other than a 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 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.

**Priority Date:** JANUARY 21, 1907 from Drews Creek and JULY 31, 1908 from Cottonwood Creek

**Rate:** 0.34 CUBIC FOOT PER SECOND (CFS) being 0.18 CFS from Drews Creek and Drews Reservoir and 0.16 CFS from Cottonwood Creek and Cottonwood Reservoir

**Source:** Drews Creek and Drews Reservoir, Cottonwood Creek and Cottonwood Reservoir, tributary of Goose Lake

**Authorized Points of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                                       |
|------|------|-----|-----|-------|------------------------------------------------------------------------------------------|
| 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 |
| 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:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 39 S       | 19 E | WM  | 26  | SE SE | 9.3   |

3. Application T-10790 proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |     |       |
|------------|------|-----|-----|-------|-----|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Lot | Acres |
| 39 S       | 19 E | WM  | 26  | SW SW | 601 | 9.3   |

4. The portion of the second right to be temporarily transferred is as follows:

**Certificate:** 82202 in the name of Lakeview Water Users, Inc. (confirmed by Goose Lake decree)

**Use:** IRRIGATION of 9.3 ACRES

**Priority Date:** JANUARY 21, 1907 from Drews Creek and JULY 31, 1908 from Cottonwood Creek

**Rate:** 0.34 CUBIC FOOT PER SECOND (CFS) being 0.18 CFS from Drews Creek and Reservoir and 0.16 CFS from Cottonwood Creek and Reservoir

**Source:** Drews Creek and Drews Reservoir, Cottonwood Creek and Cottonwood Reservoir, tributary of Goose Lake

**Authorized Points of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                                        |
|------|------|-----|-----|-------|-------------------------------------------------------------------------------------------|
| 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 |
| 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:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 39 S       | 19 E | WM  | 26  | SE SE | 9.3   |

5. Application T-10790 also proposes to change the place of use of the right to:

| IRRIGATION |      |     |     |       |     |       |
|------------|------|-----|-----|-------|-----|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Lot | Acres |
| 39 S       | 19 E | WM  | 26  | SW SW | 600 | 9.3   |

6. The portion of the third right to be temporarily transferred is as follows:

**Permit:** 43956 in the name of Lakeview Water Users, Inc.  
**Use:** SUPPLEMENTAL IRRIGATION of 9.3 ACRES  
**Priority Date:** September 5, 1961, from Cottonwood Reservoir  
**Rate:** Maximum of 0.23 CUBIC FOOT PER SECOND (CFS) to make-up any deficiency in supply of water delivered under Certificate 82202.  
**Source:** Cottonwood Reservoir, tributary of Cottonwood Creek

**Authorized Points of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                                        |
|------|------|-----|-----|-------|-------------------------------------------------------------------------------------------|
| 38 S | 19 E | WM  | 29  | NW SW | COTTONWOOD RESERVOIR - 2171 FEET NORTH AND 778 FEET EAST FROM THE SW CORNER OF SECTION 29 |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 39 S                    | 19 E | WM  | 26  | SE SE | 9.3   |

7. Application T-10790 also proposes to change the place of use of the right to:

| SUPPLEMENTAL IRRIGATION |      |     |     |       |     |       |
|-------------------------|------|-----|-----|-------|-----|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Lot | Acres |
| 39 S                    | 19 E | WM  | 26  | SW SW | 600 | 9.3   |

8. Notice of the application for temporary transfer was published on pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

### ***Temporary Transfer Review Criteria***

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

### ***Partial Cancellation of a Water Right***

13. On February 25, 2009 the Department received an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of that portion of the right was received from Nicholas A Rago, owner of the water right and the property appurtenant to it. The portion of the right to be cancelled is as follows:

**Certificate:** 75750 in the name of William Ray Rogers (perfected under Permit 42347)  
**Use:** SUPPLEMENTAL IRRIGATION of 18.6 ACRES  
**Priority Date:** AUGUST 4, 1977  
**Rate:** 0.33 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-FORTIETH 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 2.50 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.  
**Source:** UNNAMED DRAIN and ROGERS RESERVOIR CONSTRUCTED UNDER PERMIT R-6705, a tributary of COTTONWOOD CREEK

#### **Authorized Point of Diversion:**

| Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                                  |
|------|------|-----|-----|-------|---------------------------------------------------------------------|
| 39 S | 19 E | WM  | 26  | SW SE | 1080 FEET NORTH AND 1990 FEET WEST FROM SE THE CORNER OF SECTION 26 |

**Authorized Place of Use to be Cancelled:**

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 39 S                    | 19 E | WM  | 26  | SE SE | 18.6  |

**Conclusions of Law**

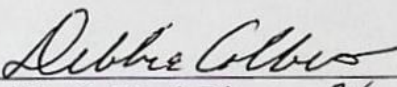
The temporary change in place of use proposed in application Temporary Transfer Application T-10790 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000 and the abandoned portion of the right should be cancelled.

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

1. The temporary change in place of use proposed in Temporary Transfer Application T-10790 is approved.
2. The portion of the right that has been abandoned is cancelled. A new certificate will be issued describing that portion of the right not affected by the cancellation.
3. The former place of use **shall not** be irrigated as part of these water rights during the 2009, 2010, irrigation seasons.
4. The use shall revert to the authorized place of use at the end of the 2011 irrigation season.
5. Pursuant to 690-380-8002, the applicant may submit a request in writing terminating T-10790 prior to the 2011 season.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 47469 and 82202 and Permit S-43956. The use of water under Permit S-43956 is limited to making-up any deficiency of supply under Certificate 82202.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. A subsequent application for permanent transfer numbered T-10810 proposing to modify Certificates 82202 and 47469 and Permit S-43956 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
10. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

11. The use of the remaining water rights described by Certificates 47469 and 82202 shall continue to be in accordance with the terms and conditions of Certificates 47469 and 82202.

Dated at Salem, Oregon this 24<sup>th</sup> day of April, 2009.

  
Phillip C. Ward, Director *PCW*

Mailing Date: APR 29 2009

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM RAY ROGERS  
ROUTE 6, BOX 840  
LAKEVIEW, OREGON 97630

confirms the right to use the waters of AN UNNAMED DRAIN AND ROGERS' RESERVOIR  
CONSTRUCTED UNDER PERMIT R-6705, a tributary of COTTONWOOD CREEK, for IRRIGATION  
of 3.8 ACRES.

This right was perfected under Permit 42347. The date of priority is AUGUST 4, 1977. The amount of  
water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed  
0.07 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion  
from the source.

The point of diversion is located as follows:

| TWP  | RNG  | MER  | SEC | Q - Q | LOCATION                                                               |
|------|------|------|-----|-------|------------------------------------------------------------------------|
| 39 S | 19 E | W.M. | 26  | SW SE | 1080 FEET NORTH AND 1990 FEET WEST FROM THE SE<br>CORNER OF SECTION 26 |

The amount of water used for irrigation together with the amount secured under any other right existing  
for the same lands shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its  
equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 2.5 acre feet per  
acre for each acre irrigated during the irrigation season of each year. The right is limited to any deficiency  
in the available supply of any prior right existing for the same land.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

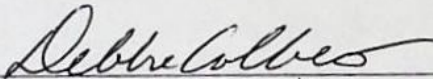
| IRRIGATION |      |      |     |       |       |
|------------|------|------|-----|-------|-------|
| TWP        | RNG  | MER  | SEC | Q - Q | ACRES |
| 39 S       | 19 E | W.M. | 26  | SW SE | 3.8   |

This certificate describes that portion of the water right confirmed by Certificate 75750, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director approving Transfer Application T-10790. This certificate supersedes Certificate 75750.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described. This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed APR 24 2009.

  
Phillip C. Ward, Director *pn*  
Water Resources Department

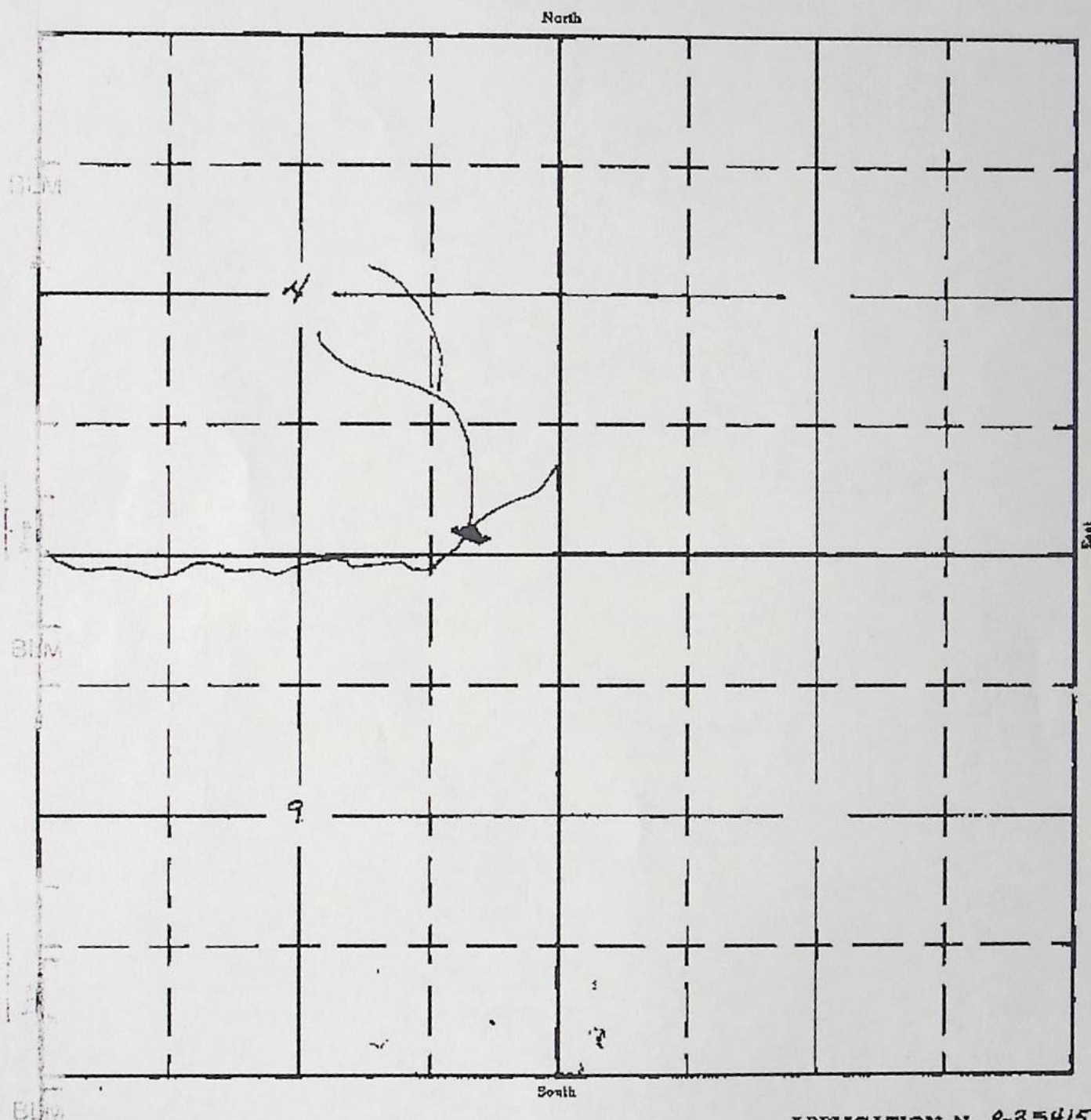
Form A1-187  
March 1961

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SECTION

SE4 SE4 Oregon State Water Filings

4 TOWNSHIP 415, RANGE 324, W. M.



APPLICATION No. R-35415  
PERMIT No. R-3303

I, Arthur R. Evans, of Roseburg, Ore, do hereby certify that this map was made from notes taken by me during an actual survey made by me on May 16, 1952, that the monuments shown on this map, consisting of 1" Iron Pipes are respectively, S55°53'W, 2388.8 ft, & S28°51'W, 1860.4 ft, from the 1/4 Sec. Cor. of Secs. 33 & 34, T27S, R7W, W.M.

WATER RIGHT  
FOR  
MAURICE Y. MARQUISS  
SEC. 33, T27S, R7W, W.M.

GRANT & EVANS, ENGINEERS  
ROSBURG, OREGON  
SCALE 1" = 600'

RECEIVED  
JUN 2 1952

STATE ENGINEER  
SALEM, OREGON

Application No. 27258  
Permit No. 21444

PERMIT MAP TO BE SCANNED TO THE CERTIFICATE TAB

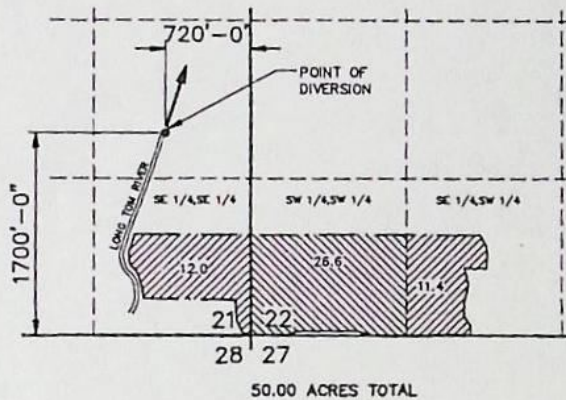
APPLICATION NO. 70856  
PERMIT NO. 51666  
DATE: \_\_\_\_\_

**RECEIVED**

JAN 14 1994

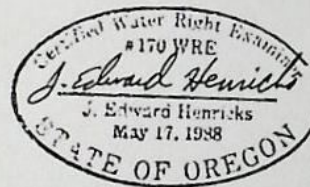
WATER RESOURCES DEPT.  
SALEM, OREGON

SECTIONS 21 & 22  
T.14S., R.5W., W.M.  
BENTON COUNTY, OREGON



**LEGEND:**

- SECTION LINES
- - - - FORTY LINES
- . - . IRRIGATION BOUNDARY
- DONATION LAND
- CLAIM LINE



ONLY DOCUMENTS STAMPED  
WITH RED INK ARE ORIGINALS

J. EDWARD HENRICKS, BEING DULY SWORN AS A WATER RIGHT EXAMINER LICENSE NO. 170 HAVE PREPARED THIS MAP FOR MELVIN & GERTRUDE BECKER ON THIS 3rd DAY OF JULY, 1990. THE AREAS CROSS HATCHED REPRESENT THE ACREAGES TO BE IRRIGATED BY THIS WATER RIGHT.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

**APPLICATION MAP OF PROPOSED  
SURFACE WATER RIGHT AREA**

|                                       |                         |
|---------------------------------------|-------------------------|
| WATER RIGHTS                          | ACAD FILE: HORN22       |
| PREPARED FOR MELVIN & GERTRUDE BECKER |                         |
| 27385 STOW PIT ROAD                   |                         |
| MONROE, OREGON 97458                  |                         |
| SCALE: 1"=1320'-0"                    | DATE: JUL 03, 1990      |
| DRAWN BY: JEH                         | PLT 1-15840 TIME: 16:14 |
| DRAWING: HORNING-90-WATER REV A       |                         |

## Gerry Clark

---

**From:** Gerry Clark  
**Sent:** Tuesday, February 10, 2009 2:07 PM  
**To:** 'Hollie Cannon'  
**Subject:** RE:

Hollie,

I did receive guidance from Dwight regarding T-4209. It appears that the Department has determined proof to the satisfaction for this transfer as described by the proposed certificate that was mailed on May 11, 1993. Since proof to the satisfaction has been determined, we will not be issuing a certificate. The proposed order is the indication that proof to the satisfaction has been determined to the extent described.

As for T-7160, the Claim was received in September 2000 and has not yet been reviewed. It will likely be several years until we review that file for certificate issuance.

Gerry

---

Gerry Clark  
Water Rights Specialist/Certificates  
725 Summer St. NE, Ste. A  
Salem, OR 97303

Phone: 503-986-0811  
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

---

**From:** Hollie Cannon [mailto:hcannon541@charter.net]  
**Sent:** Friday, February 06, 2009 8:51 AM  
**To:** Gerry Clark  
**Subject:**

Gerry

Did you receive guidance from Dwight on whether to issue the certificate for T4209?

Also, my client wants to transfer the water right associated with T-7160. How far out is your review of the COBU for T-7160?

Hollie Cannon  
PO Box 4247  
Medford, OR 97501  
541-608-6254

2/10/2009

## Gerry Clark

**From:** Hollie Cannon [hcannon541@charter.net]  
**Sent:** Monday, February 02, 2009 10:35 AM  
**To:** Gerry Clark  
**Cc:** Nick Rago  
**Subject:** RE: Final Proof Survey T-4209

Gerry

Thanks for the documents. Here is what I think the situation is

- 1) The property originally had 10 acres of water right (page 4 of C 47469 T39S, R19E, S26, SESE)
- 2) T-4209 added 10 acres to the same property and quarter-quarter
- 3) The Final Proof Survey for T-4209 found that 9.3 acres had been irrigated
- 4) T-7160 moved 0.7 acre of the original 10 acre water right to the SWSE quarter on the same property.
- 5) The website indicates that a COBU for T-7160 was submitted in 2000
- 6) A certificate for the remaining right of T-7160 was issued (C 82202)
- 7) A proposed certificate for T-4209 was sent out in 1993, the son in law (Otis Mobley) of the applicant (Clyde Fenimore) and owner of the land where T-4209 removed the water signed the notice letter in agreement and dated May 12, 1993.
- 8) William Rogers sent a protest letter to the proposed certificate 6 years later in 1999. His protest is confusing the two transfers. His letter protesting T-4209 is actually referencing the 0.7 acres of water right transferred by T-7160.

I hope this helps you, I think I clearly understand the sequence and how things are getting confused. The solution is

- 1) T-4209 should have the proposed certificate issued as is (loss of 0.7 acre from of the 10 acres transferred)
- 2) T-7160 should have a certificate issued showing the 9.3 acres in the SESE and 0.7 in the SWSE.

Hollie Cannon  
PO Box 4247  
Medford, OR 97501  
541-608-6254

T-7160?  
T-8230

**From:** Gerry Clark [mailto:clarkge@wrdd.state.or.us]  
**Sent:** Friday, January 30, 2009 4:20 PM  
**To:** Hollie Cannon  
**Subject:** RE: Final Proof Survey T-4209

Hollie,

As we discussed, here is the information from the file.

I will provide some additional information to you next week.

Gerry

---

Gerry Clark  
Water Rights Specialist/Certificates

2/10/2009

725 Summer St. NE, Ste. A  
Salem, OR 97303

Phone: 503-986-0811  
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

---

**From:** Hollie Cannon [mailto:hcannon541@charter.net]

**Sent:** Friday, January 30, 2009 2:25 PM

**To:** Gerry Clark

**Subject:** Final Proof Survey T-4209

Gerry

I have a client wanting to transfer water right on property he owns in T39S, R19E, S26, SE-SE. T-4209 moved 10 acres of water right to his property. He wants to move that water right to another location. From the web site I think T-4209 still needs FPS, is that right? If he wants to go ahead with the transfer he will have to have a COBU, pay to have the COBU expedited, then proceed with the transfer. Is that how it looks to? (I am hoping you have a Final Proof Survey on T-4209 that does not show on the web site).

This is related to Lakeview Water Users. Last spring I gave them an estimate to do all the pending COBU on the old transfers that need Final Proof Surveys. Typical to Lakeview Water Users, if it cost more than \$2 they don't have the money (the estimate I gave them was half the cost of a typical COBU). I know them really well as I was Manager of LWU from 1979 to 1986.

Hollie Cannon  
PO Box 4247  
Medford, OR 97501  
541-608-6254

2/10/2009

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

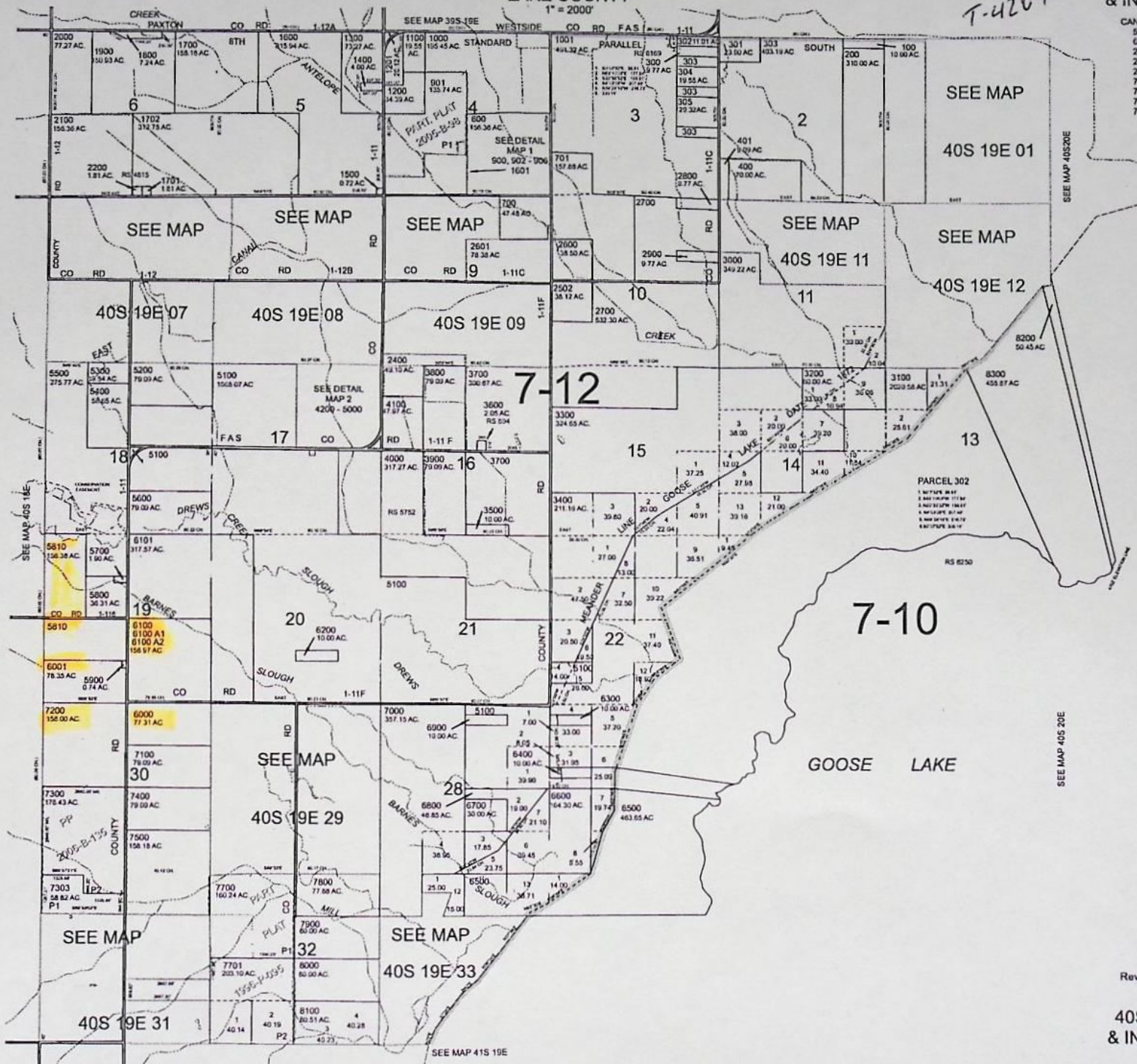
0 1,000 2,000 4,000 Feet

T.40S. R.19E. W.M.  
LAKE COUNTY  
1" = 2000'

40S19E  
& INDEX

CANCELLED:

500  
600  
2300  
2500  
7300A1  
7301  
7302  
7600



Revised: MA  
5/5/2010

40S19E  
& INDEX

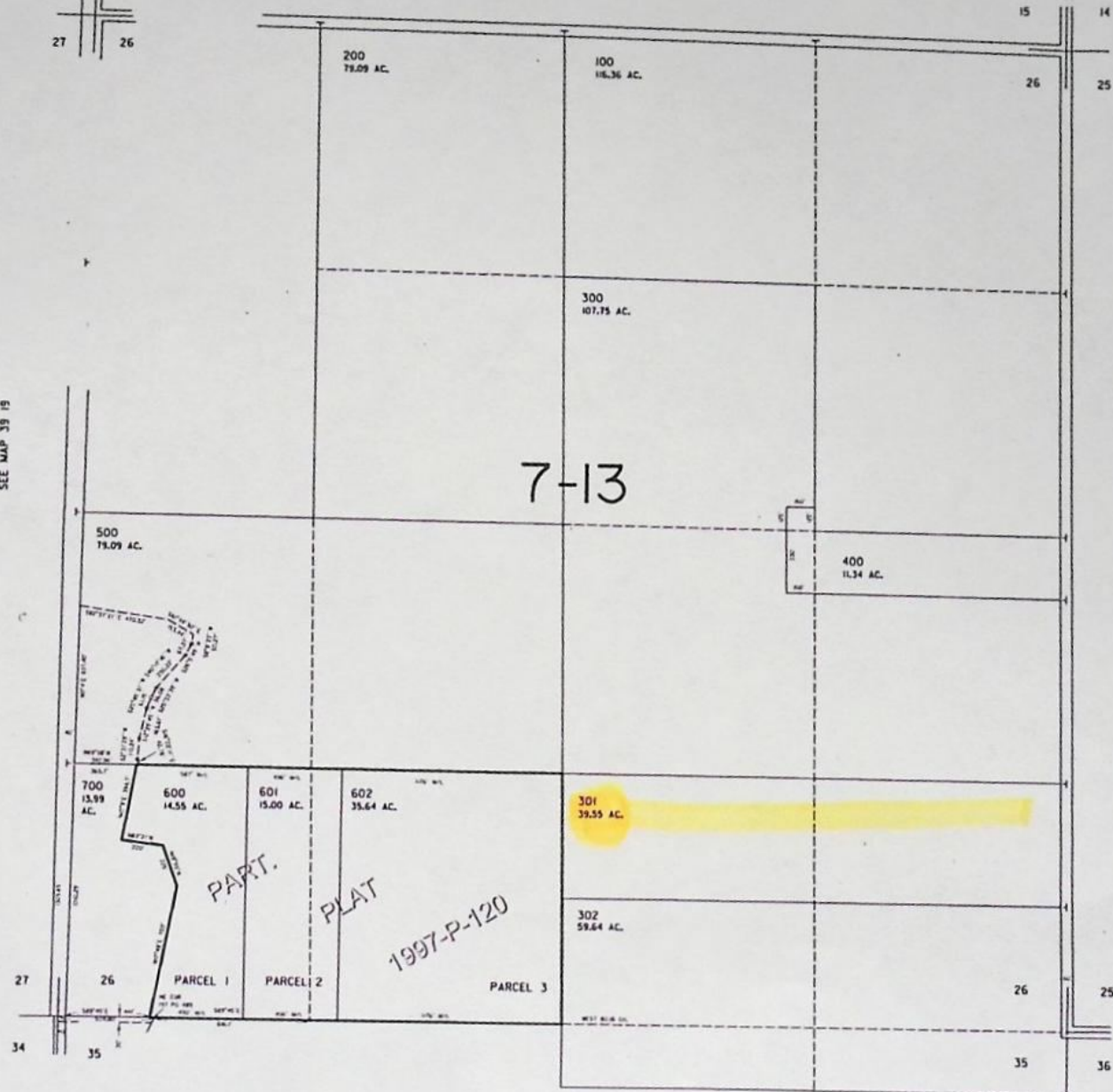
ASSESSMENT PURPOSE ONLY

SECTION 26 T20S R10E S12E  
LAKE COUNTY  
1" = 400'

SEE MAP 39 19 23

22 23  
27 26

SEE MAP 39 19



T-4209

CANCELLED NO.S  
701

SEE MAP 39 19 25

SEE MAP 39 19 35

Revised  
2/28/2005, DLW

39 19 26

RECEIVED

MAY 23 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

June 14, 1999

Water Resources Department  
Attn: Mr. Steve Brown  
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210

Dear Mr. Brown:

Subject- T-4209

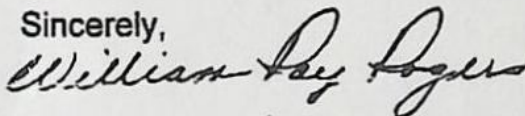
I recently received information regarding water rights that had been arbitrarily returned to Clyde Fennimore. I had purchased these rights from Mr. Fennimore in the 80's and I was not notified of the proposed certificate until recently, after it had been issued.

I was the owner of the land when the proposed certificate was issued to Mr. Fennimore in 1993. I do not agree with this certificate as I put the ten acres of water rights to use, with .7 being used in SW ¼ SE ¼ section 26T 39 SR 19 E, after the purchase.

If you would review the enclosed documents and reconsider the proposed certificate, T-4209, I would greatly appreciate it.

If you have any questions please contact me at (541) 947-3235, or 350 South H. Street, Lakeview, OR 97630.

Sincerely,



William R. Rogers

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CLYDE W. FENIMORE (LAKEVIEW WATER )  
USERS, INC.) FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4209

On April 30, 1979, an application was filed in the office of the Water Resources Director by Clyde W. Fenimore 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 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 36.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 37.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19; 1.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 26.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, 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 applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 38.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 33.3 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19; 21.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 40 South, Range 19 East, W.M., and 10.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 39 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.

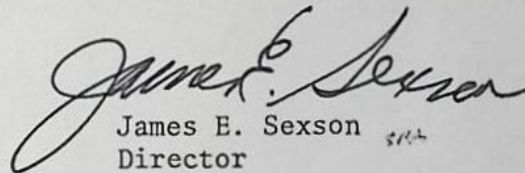
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

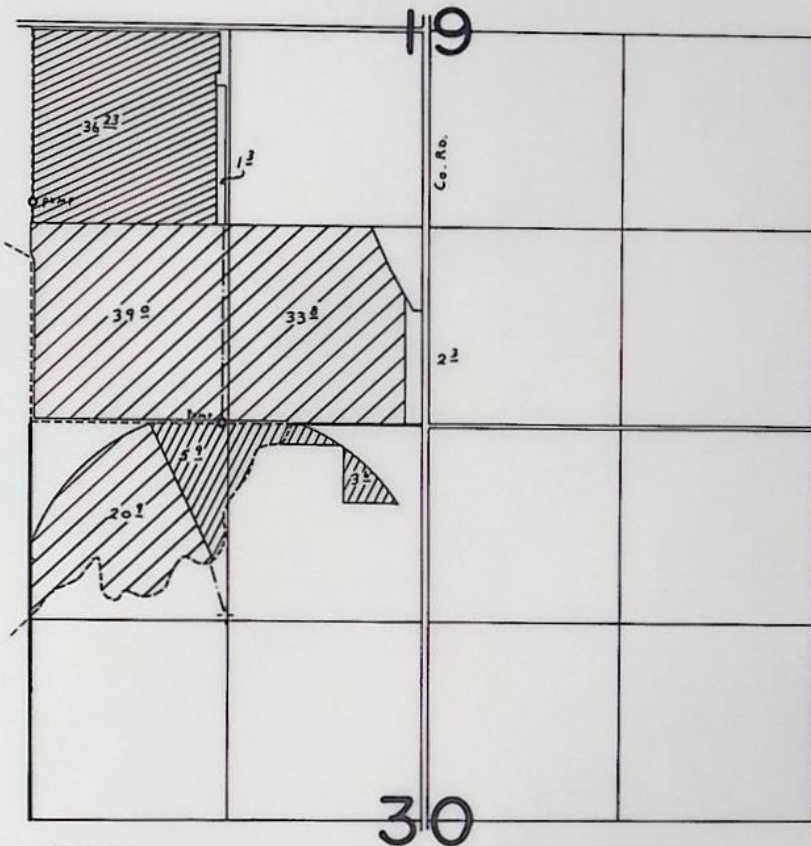
It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use is completed.

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 of water right 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 19th day of September, 1979.

  
James E. Sexson  
Director

T.40S. R.19E. W.M.



-  - T-4209 - CLYDE W. FENIMORE
-  - T-4265 - WILLIAM & WENDY MARTIN
-  - T-4401 - WILLIAM HOFFMAN

# FINAL PROOF SURVEY UNDER

Transfer Nos. 4209, 4401, 4265  
Application No. .... Permit No. ....  
IN NAME OF

FENIMORE, HOFFMAN, MARTIN...

Surveyed June 10, 1980, by C. L. Hughes....

## Gerry Clark

---

**From:** Gerry Clark  
**Sent:** Friday, January 30, 2009 4:20 PM  
**To:** 'Hollie Cannon'  
**Subject:** RE: Final Proof Survey T-4209  
**Attachments:** T-4209.pdf

Hollie,

As we discussed, here is the information from the file.

I will provide some additional information to you next week.

Gerry

---

Gerry Clark  
Water Rights Specialist/Certificates  
725 Summer St. NE, Ste. A  
Salem, OR 97303

Phone: 503-986-0811  
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

---

**From:** Hollie Cannon [mailto:hcannon541@charter.net]  
**Sent:** Friday, January 30, 2009 2:25 PM  
**To:** Gerry Clark  
**Subject:** Final Proof Survey T-4209

Gerry

I have a client wanting to transfer water right on property he owns in T39S, R19E, S26, SE-SE. T-4209 moved 10 acres of water right to his property. He wants to move that water right to another location. From the web site I think T-4209 still needs FPS, is that right? If he wants to go ahead with the transfer he will have to have a COBU, pay to have the COBU expedited, then proceed with the transfer. Is that how it looks to? (I am hoping you have a Final Proof Survey on T-4209 that does not show on the web site).

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Hollie Cannon  
PO Box 4247  
Medford, OR 97501  
541-608-6254

1/30/2009

From: "Dennis Glender" <Dennis.R.Glender@state.or.us>  
To: "Steve Brown" <Stephen.C.BROWN@wrd.state.or.us>  
Subject: Re: Transfer 4209  
Date: Wed, 28 Jun 2000 09:02:21 -0700  
X-Mailer: Microsoft Outlook Express 5.00.2919.6600

Steve, I think I just had another Senior Moment. I forgot to do this,  
Sorry.

Tax Lot 301-Ray Rogers, HC 60 Box 5115, c/o Nick Rago HC 60 Box 1172  
Tax Lot 6001-Otis Mobley, HC 60 Box 3250  
Tax Lot 7200-Arland Brooks, HC 60 Box 3300  
All-Lakeview, Oregon 97630

Hope this does it for you

Dennis

----- Original Message -----

From: "Steve Brown" <Stephen.C.BROWN@wrd.state.or.us>  
To: <Dennis.R.GLENDER@wrd.state.or.us>  
Sent: Wednesday, June 21, 2000 12:06 PM  
Subject: Transfer 4209

> Dennis,  
>  
> Please provide me with the names and addresses of the current owners of:  
>  
> Tax lot 301, N 1/2, SE 1/4, Section 26, T 39 S, R 19 E, WM;  
> Tax lot 6001, S 1/2, SW 1/4, Section 19, T 40 S, R 19 E, WM; and  
> Tax lot 7200, NW 1/4, Section 30, T 40 S, R 19 E, WM.  
>  
> I also require the names of the owners of the property as of May, 1993.  
>  
> I have received a letter from an attorney requesting reconsideration of  
the  
> findings of the above referenced transfer and need to resolve a concern  
> about the number of acres to one of the owners. This is a file which I  
> would like to resolve the issues as soon as possible and your assistance  
is  
> greatly appreciated.  
>  
> Thank you.  
>  
> Steve  
>

CHZ-6KK-88  
CHZ-5KK-190  
6/10/80 CLH

5KK-190  
6KK-88

Do with R-56336 and 56340  
these appl. overlap part of this transfer.  
Do with 47465 in (405 19E)  
REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN: POD  
POU  
USE  
Add'l POD

Transfer NO. 4209 County Lake  
Old Certificate NO. 47469  
1. Name Clyde W Fenimore / Lakeview Waters Users, Inc  
Address Rt 6, Box 564, Lakeview, OR 97630  
2. Source of Supply Drews Cr. & Res, Trib of \_\_\_\_\_  
3. Use irrigation of 103<sup>2</sup> Ac.  
4. Amount of Water \_\_\_\_\_ Priority Date Jan 21, 1907  
5. Proposed Point of Diversion \_\_\_\_\_  
6. Completion Date Complete  
7. Place of Use: \_\_\_\_\_

| Township | Range | Section | Forty Acre Tract | Use for Which Transfer Made  | Allowed          | Found              |
|----------|-------|---------|------------------|------------------------------|------------------|--------------------|
| 40S      | 19E   | 19      | SW SW            | <del>38.7</del> ac           | 39 <sup>0</sup>  | 39                 |
|          |       |         | SE SW            | <del>38.3</del> ac           | 33 <sup>8</sup>  | 36 <sup>1</sup>    |
|          |       | 30      | NW NW            | <del>21<sup>0</sup></del> ac | 20 <sup>2</sup>  | 20 <sup>3</sup>    |
| 39S      | 19E   | 26      | SE SE            | <del>10</del> ac             | 9 <sup>3</sup>   | 9 <sup>2</sup>     |
|          |       |         |                  | 103 <sup>0</sup>             | 103 <sup>0</sup> | 105 <sup>3</sup>   |
|          |       |         |                  |                              |                  | - 103 <sup>0</sup> |
|          |       |         |                  |                              |                  | 2 <sup>3</sup>     |
|          |       |         |                  |                              |                  | OVERAC             |
|          |       |         |                  |                              |                  |                    |
|          |       |         |                  |                              |                  |                    |
|          |       |         |                  |                              |                  |                    |
|          |       |         |                  |                              |                  |                    |

RECEIVED

APR 30 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

William R. Rodgers

T 39 S, R 19 E, W.M.



DONE

Transfer To   
from T40S, R19E S19 &  
T40S, R19E S20

Irr. as applied. See report app. R-56336  
CHZ-6KK-88 56340

Chris Hughes  
FE  
6/10/80

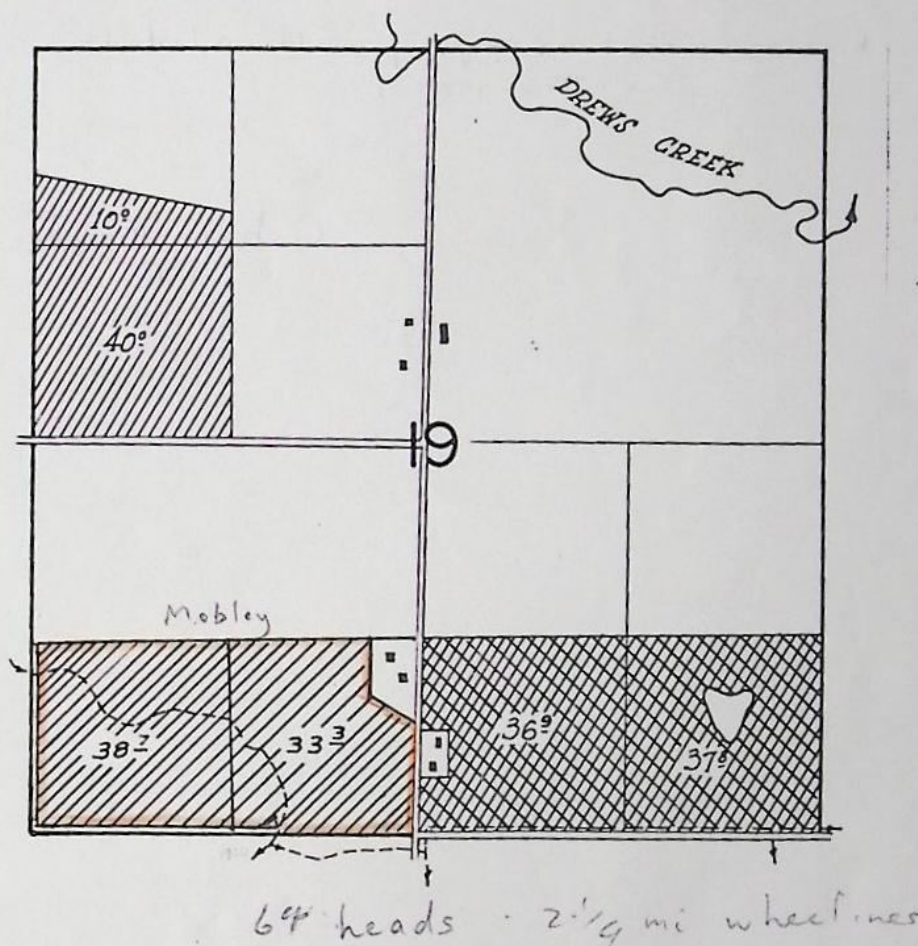
RECEIVED

APR 30 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

Otis Mobley

T 40 S, R 19 E, W.M.



Transfer To  from T40S, R19E Sec 19

Transfer From 

Info: Mr. Mobley. ~~the~~ & Irr. as applied.

Source: A ditch from Drews Res.

Div. dir. from ditch.

pump - Gould 30 HP @ 3520 RPM

Berkley CDD 5x4

Use: Irr. of alfalfa

Equip: pipe - 6" main - 1300'

4" laterals (2- $\frac{1}{4}$  mi wheel lines)

heads - AB 30  $\frac{3}{16}$  x 0 (64 max)

Lift: +10

Tie: CHZ-SKK-190. Shot in pump with alidade.

See PTS-1980-J

Chris Hughes  
FE  
6/10/80

RECEIVED

JUL 13 1979

WATER RESOURCES DEPT  
SALEM, OREGON

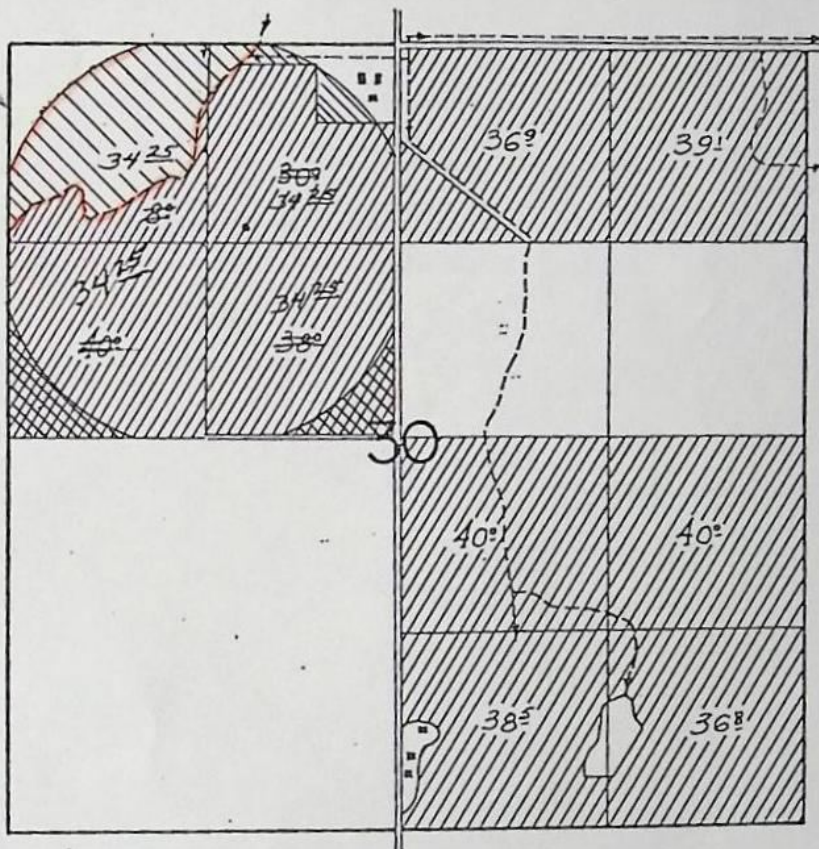
John Conroy

T 40 S, R 19 E, W.M.

34.25 TOTAL →

8.0 EXISTING  
21.0 ON T-4209  
5.25 ON T-4265  
34.25

GEN 03-27-2009



Transfer from To 40-19-30  
Transfer to from 40-19-30 (and 40-19-20)

To NW 1/4 NW 1/4 5.25 via T-  
To " " 21.0 via T-4209

34.25  
- 8.0 existing  
26.25  
- 21.0 T-4209  
5.25 under trans

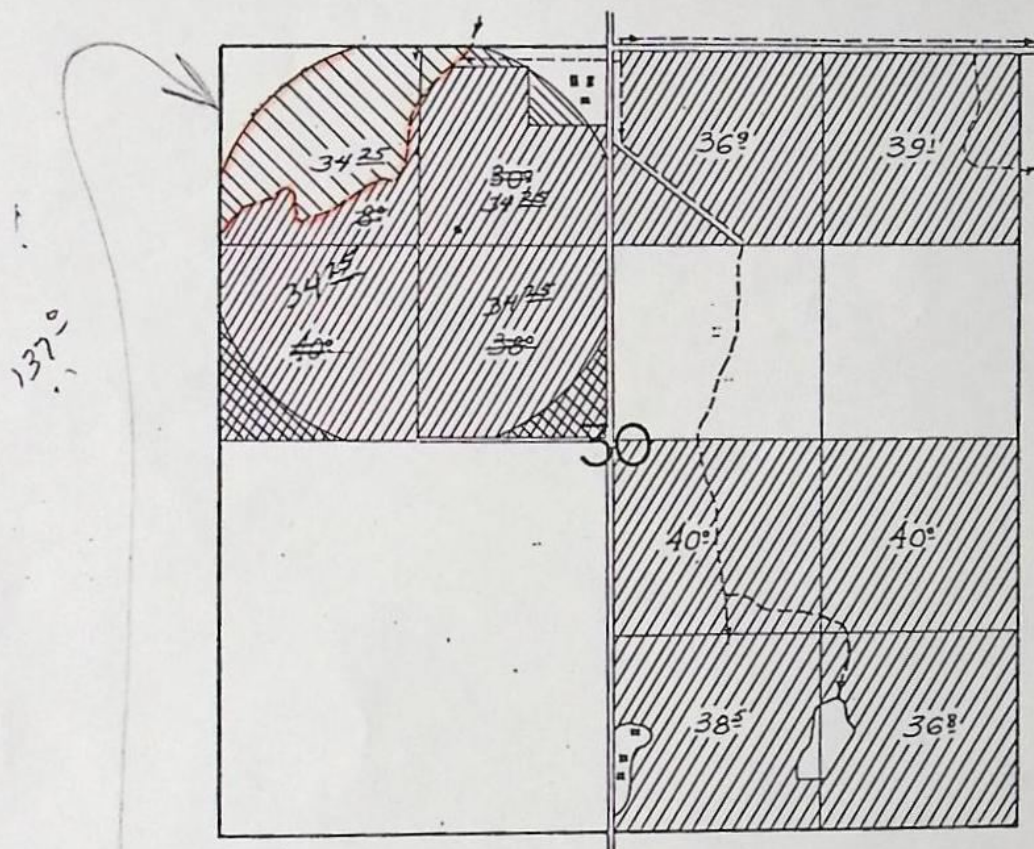
RECEIVED

JUL 13 1979

WATER RESOURCES DEPT  
SALEM, OREGON

John Conroy

T 40 S, R 19 E, W.M.



Transfer from To 40-19-30  
Transfer to from 40-19-30 (and 40-19-20)

To NW 1/4 NW 1/4 525 via T-  
To " " 210 via T-4209

3425  
- 8° existing  
2625  
- 21° T-4209  
525 UNDER TRANS

Irr. as applied See App T-4265 for this report  
PTS-1480-J tied to CHZ-SKK-190.

Chris Hughes  
FE  
6/10/80

RECEIVED

JUN 17 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

250

21550

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, Lyle W. Garrett and Frankie Garrett, husband and wife, Lakeview, Oregon, for and in consideration of the sum of \$40,000.00 have bargained and sold and by these presents do bargain, sell and convey unto William Ray Rogers, also known as, W. Ray Rogers and Kathryn J. Rogers, husband and wife, for the purpose of creating an estate by the entirety the following described real property situated within Lake County, State of Oregon to wit:

Township 39 South, Range 19 E.W.M.  
Section 26  
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

TO HAVE AND TO HOLD the above granted premises unto the grantees and unto their heirs and assigns forever. The grantors do covenant with the grantees that they are lawfully seised of a merchantable fee simple title to the above granted premises; that said premises are free of all liens, encumbrances and reservations excepting: (1) reserving unto the grantors all of the water rights held in trust for said acreage as of the date of this conveyance by Lakeview Water Users Inc., in excess of the following described 10 acre tract to wit:

Township 39 South, Range 19 E.W.M.

Section 26: S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

and reserving unto the grantors the right to transfer the water right in excess of said 10 acres so described to such other acreage not herein conveyed as the grantors and said trustee may mutually agree upon; (2) excepting reservations for the canals of the Lakeview Water Users Inc.; (3) for county roads; (4) outstanding reserved mineral rights, if any of record, in the hands of third persons; (5) any and all

reservations for road rights of way purposes by Lake County, Oregon, a municipal corporation, of record; (6) and any and all other reservations and easements outstanding in favor of third parties which are apparent upon the ground. And the grantors do further covenant with the grantees that they shall forever warrant and defend said premises unto the grantees, their heirs and assigns forever against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF the grantors have hereunto set their hands and seals this 27<sup>th</sup> day of February, 1974.

Lyle W. Garrett (SEAL)

Frankie Garrett (SEAL)

STATE OF OREGON )  
 ) :ss  
County of Lake )

On this 27<sup>th</sup> day of February, 1974, before me personally appeared the within named Lyle W. Garrett and he did then and there acknowledge that he executed the foregoing instrument.

D. J. Crook  
Notary Public for Oregon

My Commission Expires

January 22, 1977

STATE OF OREGON )  
 ) :ss  
County of LAKE )

On this 27<sup>th</sup> day of February, 1974, before me personally appeared the within named Frankie Garrett and she did then and there acknowledge that she executed the foregoing instrument.

D. J. Crook  
Notary Public for Oregon

My Commission Expires

January 22, 1977

State of Oregon }  
County of Lake } ss.

I hereby certify that the within instrument was received and filed for record on the 18<sup>th</sup> day of June 1974 at 3:00 o'clock P.M. and recorded on Page 250 in Book 166 Record of Deeds of said County

Zane Gray  
County Clerk

By Fairy Hammett Deputy

STATE OF OREGON  
COUNTY OF LAKE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAKEVIEW WATER USERS, INC.  
LAKEVIEW, OREGON 97630

confirms the right to use the waters of DREWS CREEK, DREWS RESERVOIR, COTTONWOOD CREEK, and COTTONWOOD RESERVOIR, tributaries of GOOSE LAKE, for IRRIGATION OF 10,759.32 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for LAKE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16, at Page 478. The dates of priority are JANUARY 21, 1907, Drews Creek; JULY 31, 1908, Cottonwood Creek.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 396.83 CUBIC FEET PER SECOND, being 208.63 CFS from DREWS CREEK AND RESERVOIR and 187.12 CFS from COTTONWOOD CREEK AND RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 5; SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 11; T 40 S, R 18 E, WM; NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 29, T 38 S, R 19 E, WM; NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 16, T 39 S, R 19 E, WM; DREWS CREEK - RESERVOIR - 120 FEET NORTH AND 1820 FEET WEST FROM THE SE CORNER, SECTION 5; CREEK - 1850 FEET SOUTH AND 3400 FEET WEST FROM THE NE CORNER, SECTION 11; COTTONWOOD CREEK - RESERVOIR - 580 FEET SOUTH AND 900 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 29; CREEK - 860 FEET SOUTH AND 1120 FEET WEST FROM THE NE CORNER, SECTION 16.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  13.00 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  22.00 ACRES  
SECTION 23

NE $\frac{1}{4}$  SW $\frac{1}{4}$  20.00 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  20.00 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  4.60 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  35.40 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  6.50 ACRES  
SECTION 25

SW $\frac{1}{4}$  NE $\frac{1}{4}$  40.00 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  26.00 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  9.00 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  35.53 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  19.00 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  38.00 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.00 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  40.00 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  30.00 ACRES  
SECTION 35

NE $\frac{1}{4}$  NE $\frac{1}{4}$  37.80 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  39.10 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  40.00 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  39.10 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  39.10 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  38.20 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  39.10 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  40.00 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.00 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  39.10 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  38.20 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  39.10 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  39.10 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.00 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  39.10 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  38.20 ACRES

SECTION 36  
TOWNSHIP 38 SOUTH,  
RANGE 19 EAST, W.M.

SE $\frac{1}{4}$  SE $\frac{1}{4}$  20.00 ACRES  
SECTION 25

SE $\frac{1}{4}$  SE $\frac{1}{4}$  4.50 ACRES  
SECTION 36  
TOWNSHIP 39 SOUTH,  
RANGE 18 EAST, W.M.

53 793  
Canceled Sp.Or.Vol. ~~53~~ P. ~~793~~

T-8230 T-7985

NE¼ NE¼ 22.10 ACRES  
 NW¼ NE¼ 20.10 ACRES  
 SE¼ NE¼ 17.90 ACRES  
 NW¼ NW¼ 35.80 ACRES  
 SW¼ NW¼ 17.00 ACRES  
 NE¼ SW¼ 9.90 ACRES  
 NW¼ SW¼ 32.80 ACRES  
 SW¼ SW¼ 28.90 ACRES  
 SE¼ SW¼ 30.00 ACRES  
 NW¼ SE¼ 10.00 ACRES  
 SW¼ SE¼ 20.00 ACRES

## SECTION 1

NE¼ NE¼ 35.40 ACRES  
 NW¼ NE¼ 38.70 ACRES  
 SW¼ NE¼ 40.00 ACRES  
 SE¼ NE¼ 39.10 ACRES  
 NE¼ SE¼ 39.10 ACRES  
 NW¼ SE¼ 36.00 ACRES  
 SW¼ SE¼ 40.00 ACRES  
 SE¼ SE¼ 39.90 ACRES

## SECTION 2

NE¼ NE¼ 31.20 ACRES  
 NW¼ NE¼ 30.00 ACRES  
 SW¼ NE¼ 5.00 ACRES  
 SE¼ NE¼ 33.80 ACRES  
 NE¼ NW¼ 29.60 ACRES  
 SE¼ NW¼ 6.40 ACRES  
 NE¼ SE¼ 2.70 ACRES  
 NW¼ SE¼ 7.30 ACRES

## SECTION 11

NE¼ NE¼ 12.00 ACRES  
 NW¼ NE¼ 23.60 ACRES  
 NE¼ NW¼ 10.60 ACRES  
 NW¼ NW¼ 13.80 ACRES  
 SW¼ NW¼ 39.10 ACRES  
 SE¼ NW¼ 28.20 ACRES  
 NE¼ SW¼ 20.00 ACRES  
 NW¼ SW¼ 30.00 ACRES  
 SW¼ SW¼ 37.70 ACRES  
 SE¼ SW¼ 20.00 ACRES  
 NE¼ SE¼ 5.00 ACRES  
 SE¼ SE¼ 27.50 ACRES

## SECTION 12

NE¼ NE¼ 28.55 ACRES  
 NW¼ NE¼ 5.00 ACRES  
 SE¼ NE¼ 11.77 ACRES  
 NE¼ NW¼ 24.50 ACRES  
 NW¼ NW¼ 15.00 ACRES  
 SE¼ NW¼ 0.50 ACRE  
 SW¼ SW¼ 10.00 ACRES  
 SE¼ SW¼ 10.00 ACRES  
 NW¼ SE¼ 1.10 ACRES  
 SW¼ SE¼ 13.50 ACRES  
 SE¼ SE¼ 3.50 ACRES

## SECTION 13

NE¼ NE¼ 8.80 ACRES  
 NW¼ NE¼ 16.40 ACRES  
 SW¼ NE¼ 31.80 ACRES  
 SE¼ NE¼ 36.00 ACRES  
 NE¼ SE¼ 13.70 ACRES  
 NW¼ SE¼ 35.00 ACRES  
 SW¼ SE¼ 18.50 ACRES  
 SE¼ SE¼ 2.40 ACRES

## SECTION 14

SE¼ NE¼ 10.90 ACRES  
 NE¼ SE¼ 27.50 ACRES  
 NW¼ SE¼ 3.00 ACRES  
 SE¼ SE¼ 20.00 ACRES

## SECTION 15

SE¼ SE¼ 13.60 ACRES

## SECTION 22

NE¼ NE¼ 34.11 ACRES  
 NW¼ NE¼ 5.65 ACRES  
 SW¼ NE¼ 2.70 ACRES  
 SE¼ NE¼ 26.18 ACRES  
 NW¼ NW¼ 8.50 ACRES  
 SW¼ NW¼ 4.25 ACRES  
 SE¼ SW¼ 3.20 ACRES  
 NE¼ SE¼ 0.80 ACRE  
 SW¼ SE¼ 17.00 ACRES  
 SE¼ SE¼ 33.00 ACRES

## SECTION 23

NE¼ NE¼ 29.20 ACRES  
 NW¼ NE¼ 13.40 ACRES  
 SW¼ NE¼ 35.70 ACRES  
 SE¼ NE¼ 39.10 ACRES  
 NE¼ NW¼ 40.00 ACRES  
 NW¼ NW¼ 34.20 ACRES  
 SW¼ NW¼ 31.80 ACRES  
 SE¼ NW¼ 40.00 ACRES  
 NE¼ SW¼ 27.00 ACRES  
 NW¼ SW¼ 15.00 ACRES  
 SW¼ SW¼ 20.00 ACRES  
 SE¼ SW¼ 38.00 ACRES  
 NE¼ SE¼ 11.20 ACRES  
 NW¼ SE¼ 37.80 ACRES  
 SW¼ SE¼ 40.00 ACRES

## SECTION 24

NE¼ NW¼ 40.00 ACRES  
 NW¼ NW¼ 24.10 ACRES  
 SW¼ NW¼ 36.20 ACRES  
 SE¼ NW¼ 9.70 ACRES

## SECTION 25

NE¼ NE¼ 38.20 ACRES  
 NW¼ NE¼ 39.10 ACRES  
 SW¼ NE¼ 10.00 ACRES  
 SE¼ NE¼ 38.70 ACRES  
 NE¼ NW¼ 36.30 ACRES  
 NW¼ NW¼ 35.00 ACRES  
 SW¼ NW¼ 27.00 ACRES  
 SE¼ NW¼ 38.70 ACRES  
 NE¼ SW¼ 40.00 ACRES  
 NW¼ SW¼ 37.00 ACRES  
 SW¼ SW¼ 13.00 ACRES  
 SE¼ SE¼ 10.00 ACRES

## SECTION 26

NE¼ NE¼ 9.50 ACRES  
 NE¼ SE¼ 6.00 ACRES  
 SE¼ SE¼ 15.40 ACRES

## SECTION 27

NE¼ SE¼ 3.90 ACRES  
 SE¼ SE¼ 30.80 ACRES

## SECTION 29

NE¼ NW¼ 2.20 ACRES

## SECTION 30

NE¼ NE¼ 36.30 ACRES  
 NW¼ NE¼ 7.70 ACRES  
 SE¼ NE¼ 13.11 ACRES  
 NW¼ SW¼ 11.00 ACRES  
 SW¼ SW¼ 29.00 ACRES

## SECTION 32

SW¼ NE¼ 25.00 ACRES  
 SE¼ NE¼ 7.00 ACRES  
 NE¼ NW¼ 5.20 ACRES  
 NW¼ NW¼ 31.58 ACRES  
 SW¼ NW¼ 37.62 ACRES  
 SE¼ NW¼ 37.30 ACRES  
 NE¼ SW¼ 40.00 ACRES  
 NW¼ SW¼ 3.47 ACRES  
 SE¼ SW¼ 20.00 ACRES  
 NE¼ SE¼ 16.63 ACRES  
 NW¼ SE¼ 18.48 ACRES

## SECTION 33

NE¼ NE¼ 39.10 ACRES  
 NW¼ NE¼ 19.80 ACRES  
 SW¼ NE¼ 38.00 ACRES  
 SE¼ NE¼ 40.00 ACRES  
 NE¼ SW¼ 7.30 ACRES  
 NW¼ SW¼ 13.70 ACRES  
 SW¼ SW¼ 38.00 ACRES  
 SE¼ SW¼ 39.00 ACRES

## SECTION 34

NW¼ NE¼ 9.00 ACRES  
 SW¼ NE¼ 9.00 ACRES  
 NE¼ NW¼ 1.30 ACRES  
 NW¼ NW¼ 38.70 ACRES  
 SE¼ NW¼ 10.00 ACRES  
 NE¼ SW¼ 39.00 ACRES  
 NW¼ SW¼ 38.20 ACRES  
 SW¼ SW¼ 15.00 ACRES  
 SE¼ SW¼ 26.80 ACRES  
 NW¼ SE¼ 10.00 ACRES  
 SW¼ SE¼ 10.00 ACRES

## SECTION 35

TOWNSHIP 39 SOUTH,  
 RANGE 19 EAST, W.M.

SW¼ NW¼ 20.00 ACRES  
 NE¼ SW¼ 40.00 ACRES  
 NW¼ SW¼ 38.90 ACRES  
 SW¼ SW¼ 35.80 ACRES  
 SE¼ SW¼ 40.00 ACRES  
 SW¼ SE¼ 5.30 ACRES

## SECTION 18

NW¼ NW¼ 38.50 ACRES  
 SW¼ NW¼ 40.20 ACRES

## SECTION 19

TOWNSHIP 39 SOUTH,  
 RANGE 20 EAST, W.M.

NE¼ NE¼ 38.20 ACRES  
 NW¼ NE¼ 5.00 ACRES  
 SW¼ NE¼ 19.30 ACRES  
 SE¼ NE¼ 39.10 ACRES  
 NE¼ NW¼ 25.14 ACRES  
 NW¼ NW¼ 11.00 ACRES  
 SW¼ NW¼ 2.40 ACRES  
 SE¼ NW¼ 10.86 ACRES  
 SW¼ SE¼ 6.00 ACRES  
 SE¼ SE¼ 34.00 ACRES

## SECTION 1

SW¼ NW¼ 16.70 ACRES  
 SE¼ NW¼ 5.50 ACRES  
 NE¼ SW¼ 0.20 ACRE  
 NW¼ SW¼ 13.40 ACRES

## SECTION 4

SE¼ NE¼ 0.20 ACRE  
 NE¼ SE¼ 4.00 ACRES

## SECTION 5

NE¼ NE¼ 38.80 ACRES  
 NW¼ NE¼ 17.70 ACRES  
 SW¼ NE¼ 3.00 ACRES  
 SE¼ NE¼ 35.50 ACRES  
 NE¼ SE¼ 30.00 ACRES

## SECTION 12

SW¼ NE¼ 22.40 ACRES  
 SE¼ NE¼ 23.10 ACRES  
 SW¼ NW¼ 0.30 ACRE  
 SE¼ NW¼ 6.80 ACRES  
 NE¼ SW¼ 34.90 ACRES  
 NW¼ SW¼ 0.60 ACRE  
 SE¼ SW¼ 4.10 ACRES  
 NE¼ SE¼ 30.00 ACRES  
 NW¼ SE¼ 39.90 ACRES  
 SW¼ SE¼ 4.20 ACRES

## SECTION 13

NE¼ NE¼ 31.20 ACRES  
 NW¼ NE¼ 38.80 ACRES  
 SW¼ NE¼ 26.00 ACRES  
 SE¼ NE¼ 40.00 ACRES  
 NE¼ SE¼ 32.70 ACRES  
 NW¼ SE¼ 3.00 ACRES  
 SE¼ SE¼ 0.30 ACRE

## SECTION 24

TOWNSHIP 40 SOUTH,  
 RANGE 18 EAST, W.M.

NE¼ NE¼ 20.00 ACRES  
 NW¼ NE¼ 33.70 ACRES  
 SW¼ NE¼ 37.30 ACRES  
 SE¼ NE¼ 40.00 ACRES  
 NE¼ NW¼ 39.10 ACRES  
 NW¼ NW¼ 38.20 ACRES  
 SW¼ NW¼ 39.10 ACRES  
 SE¼ NW¼ 40.00 ACRES  
 NE¼ SW¼ 40.00 ACRES  
 NW¼ SW¼ 39.10 ACRES  
 SE¼ SW¼ 38.60 ACRES  
 NE¼ SE¼ 31.60 ACRES  
 NW¼ SE¼ 37.80 ACRES  
 SW¼ SE¼ 40.00 ACRES  
 SE¼ SE¼ 11.10 ACRES

## SECTION 3

NE¼ NE¼ 38.20 ACRES  
 NW¼ NE¼ 39.10 ACRES  
 SW¼ NE¼ 40.00 ACRES  
 SE¼ NE¼ 39.10 ACRES  
 NE¼ NW¼ 39.10 ACRES  
 NW¼ NW¼ 34.60 ACRES  
 SW¼ NW¼ 5.40 ACRES

## SECTION 4

|         |       |       |
|---------|-------|-------|
| SW¼ NE¼ | 23.78 | ACRES |
| SE¼ NW¼ | 11.12 | ACRES |
| NE¼ SW¼ | 33.80 | ACRES |
| NW¼ SW¼ | 18.60 | ACRES |
| SW¼ SW¼ | 33.80 | ACRES |
| SE¼ SW¼ | 33.80 | ACRES |
| NE¼ SE¼ | 27.41 | ACRES |
| NW¼ SE¼ | 34.75 | ACRES |
| SW¼ SE¼ | 39.75 | ACRES |
| SE¼ SE¼ | 38.19 | ACRES |

## SECTION 5

|         |       |       |
|---------|-------|-------|
| NW¼ NE¼ | 33.40 | ACRES |
| SW¼ NE¼ | 40.00 | ACRES |
| NE¼ NW¼ | 38.60 | ACRES |
| NW¼ NW¼ | 38.20 | ACRES |
| SW¼ NW¼ | 39.10 | ACRES |
| SE¼ NW¼ | 40.00 | ACRES |
| SW¼ SE¼ | 2.00  | ACRES |

## SECTION 6

|         |       |       |
|---------|-------|-------|
| NE¼ NE¼ | 37.80 | ACRES |
| NW¼ NE¼ | 30.00 | ACRES |
| SW¼ NE¼ | 30.00 | ACRES |
| SE¼ NE¼ | 39.10 | ACRES |
| NW¼ NW¼ | 38.20 | ACRES |
| SW¼ NW¼ | 38.20 | ACRES |
| NE¼ SW¼ | 32.42 | ACRES |
| NW¼ SW¼ | 10.00 | ACRES |
| SE¼ SW¼ | 35.00 | ACRES |
| NE¼ SE¼ | 37.10 | ACRES |
| NW¼ SE¼ | 13.30 | ACRES |
| SE¼ SE¼ | 3.60  | ACRES |

## SECTION 7

|         |       |       |
|---------|-------|-------|
| NE¼ NE¼ | 36.00 | ACRES |
| NW¼ NE¼ | 38.10 | ACRES |
| SW¼ NE¼ | 24.40 | ACRES |
| SE¼ NE¼ | 34.50 | ACRES |
| NE¼ NW¼ | 31.70 | ACRES |
| NW¼ NW¼ | 27.00 | ACRES |
| SW¼ NW¼ | 11.60 | ACRES |
| SE¼ NW¼ | 4.90  | ACRES |
| NE¼ SW¼ | 3.20  | ACRES |
| NW¼ SW¼ | 29.30 | ACRES |
| SW¼ SW¼ | 40.00 | ACRES |
| SE¼ SW¼ | 15.40 | ACRES |
| NE¼ SE¼ | 35.80 | ACRES |
| NW¼ SE¼ | 18.30 | ACRES |
| SW¼ SE¼ | 22.90 | ACRES |
| SE¼ SE¼ | 39.10 | ACRES |

## SECTION 8

|         |       |       |
|---------|-------|-------|
| SW¼ NE¼ | 40.00 | ACRES |
| SE¼ NE¼ | 35.00 | ACRES |
| SW¼ NW¼ | 23.28 | ACRES |
| NE¼ SW¼ | 8.50  | ACRES |
| NW¼ SW¼ | 13.20 | ACRES |
| SW¼ SW¼ | 8.20  | ACRES |
| SE¼ SW¼ | 12.10 | ACRES |
| SW¼ SE¼ | 3.04  | ACRES |

## SECTION 9

|         |       |       |
|---------|-------|-------|
| NE¼ NE¼ | 39.10 | ACRES |
| NW¼ NE¼ | 40.00 | ACRES |
| SW¼ NE¼ | 39.50 | ACRES |
| SE¼ NE¼ | 38.20 | ACRES |
| NE¼ NW¼ | 40.00 | ACRES |
| NW¼ NW¼ | 37.89 | ACRES |
| SW¼ NW¼ | 38.20 | ACRES |
| SE¼ NW¼ | 36.00 | ACRES |
| NE¼ SW¼ | 39.50 | ACRES |
| NW¼ SW¼ | 38.80 | ACRES |
| SW¼ SW¼ | 35.30 | ACRES |
| SE¼ SW¼ | 40.00 | ACRES |
| NE¼ SE¼ | 38.20 | ACRES |
| NW¼ SE¼ | 39.10 | ACRES |
| SW¼ SE¼ | 28.70 | ACRES |
| SE¼ SE¼ | 39.10 | ACRES |

## SECTION 16

|         |       |       |
|---------|-------|-------|
| NE¼ NE¼ | 38.50 | ACRES |
| NW¼ NE¼ | 22.50 | ACRES |
| SW¼ NE¼ | 39.20 | ACRES |
| SE¼ NE¼ | 36.30 | ACRES |
| NE¼ NW¼ | 25.50 | ACRES |
| NW¼ NW¼ | 40.00 | ACRES |
| SW¼ NW¼ | 25.86 | ACRES |
| SE¼ NW¼ | 20.00 | ACRES |
| NE¼ SW¼ | 38.02 | ACRES |
| NW¼ SW¼ | 16.20 | ACRES |
| SW¼ SW¼ | 12.80 | ACRES |
| SE¼ SW¼ | 40.00 | ACRES |
| NE¼ SE¼ | 12.70 | ACRES |
| NW¼ SE¼ | 38.50 | ACRES |
| SW¼ SE¼ | 30.00 | ACRES |
| SE¼ SE¼ | 9.60  | ACRES |

## SECTION 17

|         |       |       |
|---------|-------|-------|
| SW¼ NE¼ | 40.00 | ACRES |
| SE¼ NE¼ | 30.09 | ACRES |
| NE¼ NW¼ | 32.60 | ACRES |
| SW¼ NW¼ | 3.00  | ACRES |
| SE¼ NW¼ | 11.14 | ACRES |
| NE¼ SW¼ | 17.20 | ACRES |
| NW¼ SW¼ | 30.10 | ACRES |
| SW¼ SW¼ | 4.60  | ACRES |
| SE¼ SW¼ | 14.20 | ACRES |

## SECTION 18

|         |       |       |
|---------|-------|-------|
| SW¼ NW¼ | 10.76 | ACRES |
|---------|-------|-------|

## SECTION 19

|         |      |       |
|---------|------|-------|
| NW¼ NW¼ | 6.90 | ACRES |
|---------|------|-------|

## SECTION 21

|         |       |       |
|---------|-------|-------|
| NW¼ NW¼ | 36.80 | ACRES |
| SW¼ NW¼ | 40.00 | ACRES |

## SECTION 29

|         |       |       |
|---------|-------|-------|
| NE¼ NE¼ | 39.10 | ACRES |
| NW¼ NE¼ | 36.90 | ACRES |
| NE¼ NW¼ | 30.00 | ACRES |
| NW¼ NW¼ | 8.00  | ACRES |
| SW¼ NW¼ | 34.25 | ACRES |
| SE¼ NW¼ | 34.25 | ACRES |
| NE¼ SE¼ | 40.00 | ACRES |
| NW¼ SE¼ | 40.00 | ACRES |
| SW¼ SE¼ | 38.50 | ACRES |
| SE¼ SE¼ | 36.80 | ACRES |

## SECTION 30

NE $\frac{1}{4}$  NE $\frac{1}{4}$  20.40 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  24.60 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  9.50 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  23.40 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  39.60 ACRES

## SECTION 31

NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.00 ACRES  
 NW $\frac{1}{4}$  SW $\frac{1}{4}$  39.40 ACRES  
 SW $\frac{1}{4}$  SW $\frac{1}{4}$  23.00 ACRES

## SECTION 32

TOWNSHIP 40 SOUTH,  
 RANGE 19 EAST, W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  28.00 ACRES  
 SW $\frac{1}{4}$  NE $\frac{1}{4}$  4.10 ACRES  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  37.90 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  18.00 ACRES  
 NW $\frac{1}{4}$  NW $\frac{1}{4}$  18.00 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  38.70 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.00 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  36.80 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  37.30 ACRES

## SECTION 1

NE $\frac{1}{4}$  NE $\frac{1}{4}$  29.60 ACRES  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.00 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  6.00 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  4.00 ACRES

## SECTION 12

TOWNSHIP 41 SOUTH,  
 RANGE 18 EAST, W.M.

NW $\frac{1}{4}$  NW $\frac{1}{4}$  38.50 ACRES  
 SECTION 5

NE $\frac{1}{4}$  NE $\frac{1}{4}$  4.00 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  9.50 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  2.60 ACRES  
 NW $\frac{1}{4}$  NW $\frac{1}{4}$  35.96 ACRES  
 SW $\frac{1}{4}$  NW $\frac{1}{4}$  39.20 ACRES  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  39.10 ACRES  
 NW $\frac{1}{4}$  SW $\frac{1}{4}$  39.30 ACRES  
 SW $\frac{1}{4}$  SW $\frac{1}{4}$  39.40 ACRES  
 SE $\frac{1}{4}$  SW $\frac{1}{4}$  39.10 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  21.80 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  35.20 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  31.20 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  27.90 ACRES

## SECTION 6

NE $\frac{1}{4}$  NE $\frac{1}{4}$  24.40 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  26.50 ACRES  
 SW $\frac{1}{4}$  NE $\frac{1}{4}$  38.50 ACRES  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  39.40 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  27.90 ACRES  
 NW $\frac{1}{4}$  NW $\frac{1}{4}$  38.70 ACRES  
 SW $\frac{1}{4}$  NW $\frac{1}{4}$  26.00 ACRES  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  26.70 ACRES  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  39.10 ACRES  
 NW $\frac{1}{4}$  SW $\frac{1}{4}$  27.60 ACRES  
 SW $\frac{1}{4}$  SW $\frac{1}{4}$  7.40 ACRES  
 SE $\frac{1}{4}$  SW $\frac{1}{4}$  16.00 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  40.00 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  39.10 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  35.20 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  39.10 ACRES

## SECTION 7

NE $\frac{1}{4}$  NW $\frac{1}{4}$  2.60 ACRES  
 NW $\frac{1}{4}$  NW $\frac{1}{4}$  11.00 ACRES  
 SW $\frac{1}{4}$  NW $\frac{1}{4}$  30.60 ACRES  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  0.60 ACRES  
 NW $\frac{1}{4}$  SW $\frac{1}{4}$  23.30 ACRES  
 SW $\frac{1}{4}$  SW $\frac{1}{4}$  14.00 ACRES

## SECTION 8

NW $\frac{1}{4}$  SW $\frac{1}{4}$  36.00 ACRES  
 SW $\frac{1}{4}$  SW $\frac{1}{4}$  24.00 ACRES

## SECTION 17

NE $\frac{1}{4}$  SE $\frac{1}{4}$  25.00 ACRES  
 SECTION 18

LOT 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 17.00 ACRES  
 LOT 5 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 24.00 ACRES  
 LOT 4 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 4.50 ACRES

## SECTION 20

TOWNSHIP 41 SOUTH,  
 RANGE 19 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 74525, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director approving Transfer Applications 7160, 7182 & 7253.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed MAR 25 1998.

/s/ MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75557.

T-7160, 7182, 7253.drg

T-8230 T7985

T-4209  
**RECEIVED**  
APR 30 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

## Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Clyde W. Fenimore  
(Name of applicant)  
of Rt 6 Box 564, Lakeview,  
(Mailing address) (City)  
State of Oregon, 97636, 947-3928, do hereby make application for change  
(Zip Code) (Phone number)  
place of use  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No (Lakeview Water Users)  
(If not, give name)
2. Was your water right determined by Decree of Court? \_\_\_\_\_ If so, give title of proceedings  
(Yes or No)  
\_\_\_\_\_ number of certificate 47469
3. Was your water right acquired by Water Right Permit? \_\_\_\_\_ If so, give number  
(Yes or No)  
of permit \_\_\_\_\_ Number of certificate \_\_\_\_\_

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Drews Cr. and Drews Res.
5. What is the date of priority of your water right? January 21, 1907
6. The authorized point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)  
corner of \_\_\_\_\_ being within the \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_ W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of \_\_\_\_\_ The name of the ditch used is \_\_\_\_\_

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)  
corner of \_\_\_\_\_ being within the \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_ W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of \_\_\_\_\_ The name of the ditch to be used is \_\_\_\_\_

EXAM 2022  
POU 2824  
(10342) 485

8. The use to which the water is applied is irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

| Township<br>North or South | Range<br>E. or W. of<br>Willamette Meridian | Section | List 1/4-1/4 of Section | Number Acres To Be Irrigated |
|----------------------------|---------------------------------------------|---------|-------------------------|------------------------------|
| 40 S                       | 19 E                                        | 19      | SW 1/4 SE 1/4           | 36 <sup>7</sup>              |
| 40 S                       | 19 E                                        | 19      | SE 1/4 SE 1/4           | 37 <sup>8</sup>              |
| 40 S                       | 19 E                                        | 20      | NW 1/4 SW 1/4           | 1 <sup>6</sup>               |
| 40 S                       | 19 E                                        | 20      | SW 1/4 SW 1/4           | 26 <sup>2</sup>              |
|                            |                                             |         |                         | 103.0                        |
|                            |                                             |         |                         |                              |

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes  
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
|                       |         |        |
|                       |         |        |

13. The use to which the water is to be applied is .....  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

| Township<br>North or South | Range<br>E. or W. of<br>Willamette Meridian | Section | List 1/4-1/4 of Section | Number Acres To Be Irrigated |
|----------------------------|---------------------------------------------|---------|-------------------------|------------------------------|
| 40 S                       | 19 E                                        | 19      | SW 1/4 SW 1/4           | 38 <sup>7</sup>              |
| 40 S                       | 19 E                                        | 19      | SE 1/4 SW 1/4           | 33 <sup>3</sup>              |
| 40 S                       | 19 E                                        | 30      | NW 1/4 NW 1/4           | 21 <sup>0</sup>              |
| 39 S                       | 19 E                                        | 26      | SE 1/4 SE 1/4           | 10 <sup>0</sup>              |
|                            |                                             |         |                         | 103.0                        |
|                            |                                             |         |                         |                              |

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are using ground water

15. Construction work will be completed on or before Complete

16. The water will be completely applied to the proposed use on or before Complete

Remarks Approved by the Board of Directors  
Lakeview Water Users,

Jess Roberts

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

I, Clyde W. Fenimore, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 27<sup>th</sup> day of April, 1979

Clyde W. Fenimore  
(Name of applicant)

Subscribed and sworn to before me this 27<sup>th</sup> day of April, 1979

Howard Daggett  
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires 12-29-81

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

October 29, 1992

TO: Jake  
FROM: Larry Nunn, Transfer Specialist  
SUBJECT: Lakeview Water Users Transfers

I took a look at Transfer 4209. I can not at this point say "proof" is made. The final proof survey found different acreages in the various  $\frac{1}{4}$   $\frac{1}{4}$  sections. There is also an "overacreage".

I agree we do not want to do a proposed certificate. However, we do need to do something to give these folks a chance to comment on our final proof before we can re-transfer it.

Bruce Estes used to have some kind of notice he sent to folks in irrigation districts. It was like a proposed certificate, but only dealt with the lands involved in the transfer. He added some sort of notice that they had 60 days to raise objections, or the right would be considered to be perfected.



## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 4, 1979.FROM: \*\* HOWARD DAGGETT, Watermaster Dist. 12SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4209IN THE NAME OF Clyde Fenimore

In my opinion the proposed change in \_\_\_\_\_  
MAY BE MADE WITHOUT INJURY ~~XXXXXX RESULT IN INJURY~~ to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which  
serves this right.

If for change in point of diversion, is there any intervening point of diversion  
between the authorized and the proposed points of diversion? \_\_\_\_\_  
(yes or no)

In my opinion, the order approving the subject transfer application should include  
the following in regard to the appropriator installing suitable measuring devices  
in the diversion works:

- \_\_\_\_\_ (1) PRIOR to the diverting of water at the new point of diversion . . .  
\_\_\_\_\_ (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water  
rights because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED

MAY 07 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

\*\* Howard Daggett  
Watermaster's signature or initials