

4296 Warner
Bertagna

Name Josephine Warner and Robert + Carlene Bertagna
By 1/2 Lakeview Water Users
Address Rt. 6, Box 530
Lake View, OR 97630

Change in POU
Date filed Sept. 13, 1979
Date of hearing _____
Place of hearing _____
✓ Date of order 11-27-79 Vol. 32, page 517
Date for application of water 10-1-81
Proof mailed _____
Proof received _____
Certificate issued 12/20/79 Vol. _____, page 93497
RR 75426

to our 12/79

REMARKS

Card for C NOV 20 1981

4296

DESCRIPTION OF WATER RIGHT

Name of stream Drews Cr + Reservoir
Trib. of _____ County of Lake
Use irrigation
Quantity of water _____ No. of acres 1.2
Name of ditch _____
Date of priority Jan 21, 1907
In name of Lakeview Water Users
Goose Lake Adjudication, Vol. _____, page 489
App. No. _____ Per. No. _____ Cert. No. 47469
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-13-79</u>	<u>30-</u>	<u>14079</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>LCJ</u>	_____
✓ Stream	<u>LCJ</u>	_____
✓ Pt. of Div.	<u>LCJ</u>	_____
✓ Calendar	<u>LCJ</u>	_____
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>SRB</u>	_____
✓ Decree-vault	<u>LCJ</u>	<u>SRB</u>
✓ Decree-safe	<u>SRB</u>	_____
✓ Cert. of W/R	<u>LCJ</u>	<u>SRB</u>
Per. Folder	_____	_____
Chainindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
✓ Abstracts	<u>LCJ</u>	_____

TO BE ENTERED WHERE CHECKED

W.R.I.S.

Assembled 9-12-84 by SN

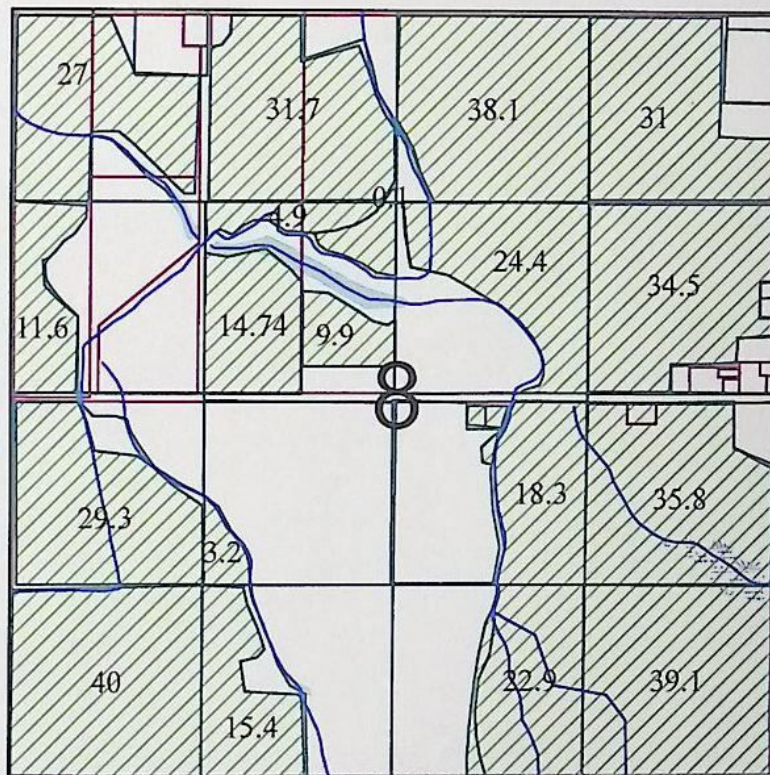
Entered _____ by _____

Verified _____ by _____

484

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

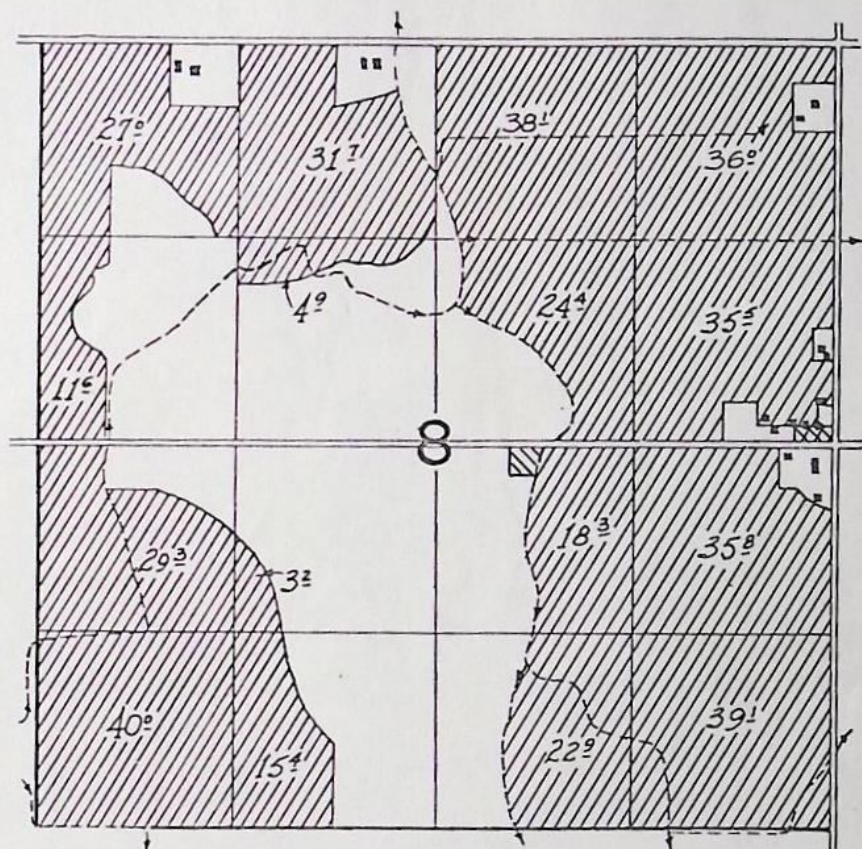
RECEIVED
SEP 18 1979

SEI 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

T-4296

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



Transfer from SE 1/4 NE 1/4 to NW 1/4 SE 1/4

Transfer to NW 1/4 SE 1/4 from SE 1/4 NE 1/4

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

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

ORDER APPROVING
TRANSFER NO. 4296

On September 13, 1979, an application was filed in the office of the Water Resources Director by Robert and Carlene Bertagna and Josephine Warner for approval of a change in place of use of water from Drews Creek and Drews Reservoir and Cottonwood Creek and Cottonwood Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director entered February 2, 1979, approving transfer No. 3885, the water right previously allowed by Decree of Circuit Court of the State of Oregon for Lake County, entered on October 3, 1961, In the Matter of the Determination of the Extent of Completion of the Inchoate Water Rights Allowed by Decree of the Court in the Matter of the Determination of the Relative Rights to the Use of the Waters of Drews Creek, Antelope Creek, Cottonwood Creek, Thomas Creek and Cogswell Creek, and Their Tributaries, Tributaries of Goose Lake, now exists for the use of 62,500 acre feet of water stored in Drews Reservoir and not to exceed 223 cubic feet per second of water from Drews Creek under a priority date of January 21, 1907, and 4,400 acre feet of stored water from Cottonwood Reservoir and not to exceed 200 acre feet per second of water from Cottonwood Creek under a priority date of July 31, 1908, for irrigation of, among other lands, a certain 1.0 acre located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 40 South, Range 19 East, W. M., as described by the certificate issued to Lakeview Water Users, Inc., recorded at page 47469, Volume 40, State Record of Water Right Certificates. Said lands are irrigated by means of the Lakeview Water Users, Inc., canal system.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.0 acre located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 40 South, Range 19 East, W. M.

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

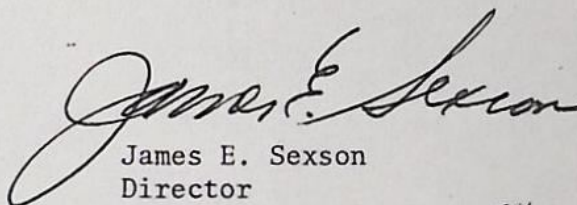
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate heretofore issued to Lakeview Water Users, Inc., and recorded at page 47469, Volume 40, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued.

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


James E. Sexson
Director

5/11/80

RECEIVED
DEC 17 1981.
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Pole from Drews Cr. + Reservoir

PURSUANT TO TRANSFER APPLICATION NO. 4296

I, Josephine Warner, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Oct 1, 1980

12-15-81
Date

Josephine Warner
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Jcy

RECEIVED

SEP 18 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4296

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Robert and Carlene Bertagna and Josephine Warner
(Name of applicant)
of Rt 6 Box 530, Lakeview,
(Mailing address) (City)
State of Oregon, 97630, 947-3053, 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 Inc.)
(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)

number of certificate 47469 V40

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 See certificate 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 _____

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 North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
40S	19E	8	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1 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.?
(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
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
40S	19E	8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1 ⁰

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or before July 1, 1979

16. The water will be completely applied to the proposed use on or before Oct 1, 1980

Remarks Approved by the board of directors

Lakeview Water Users

Less Roberts Pres
Elmo M. Angelle Secy

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, Josephine Warner
Carlene S. Butagne Robert Butagne, 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 17th day of July, 1979.

Josephine Warner
Robert Butagne Carlene S. Butagne
(Same of applicant)

Subscribed and sworn to before me this 17th day of July, 1979.

Barbara Sudee
NOTARY PUBLIC FOR OREGON



My commission expires 9-10-82



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 9-24, 1979.FROM: ** Howard Daggett, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4296IN THE NAME OF Robert & Carlene Bertagna & Josephine Warner

In my opinion the proposed change in place of use of water from Drews Cr. & Res.
MAY BE MADE WITHOUT INJURY ~~WOULD 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 _____

**

Howard Daggett
Watermaster's signature or initials