

Name Kay C. Clark
By _____
Address Route 6, Box 676
Lakeview, OR 97630

Change in POU
Date filed May 8, 1979
Date of hearing _____
Place of hearing _____
✓ Date of order 10-26-79 Vol. 32, page 449
Date for application of water 10-1-81
Proof mailed OCT 09 1989
Proof received _____
Certificate issued 12/2017 Vol. _____, page 93497
RR 75426

REMARKS

Card for C NOV 20 1981

WOLF 1980 B4

finis - Dec 18, 89

4217 Clark

4217

DESCRIPTION OF WATER RIGHT

Name of stream Drews Creek & Drews Reservoir
Trib. of _____ County of LAKE
Use _____
Quantity of water _____ No. of acres 14⁶
Name of ditch _____
Date of priority Jan 21, 1907
In name of Lakeview Water Users
_____ Adjudication, Vol. _____, page _____
App. No. _____ Per. No. _____ Cert. No. 47469
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-8-79</u>	<u>30-</u>	<u>10757</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

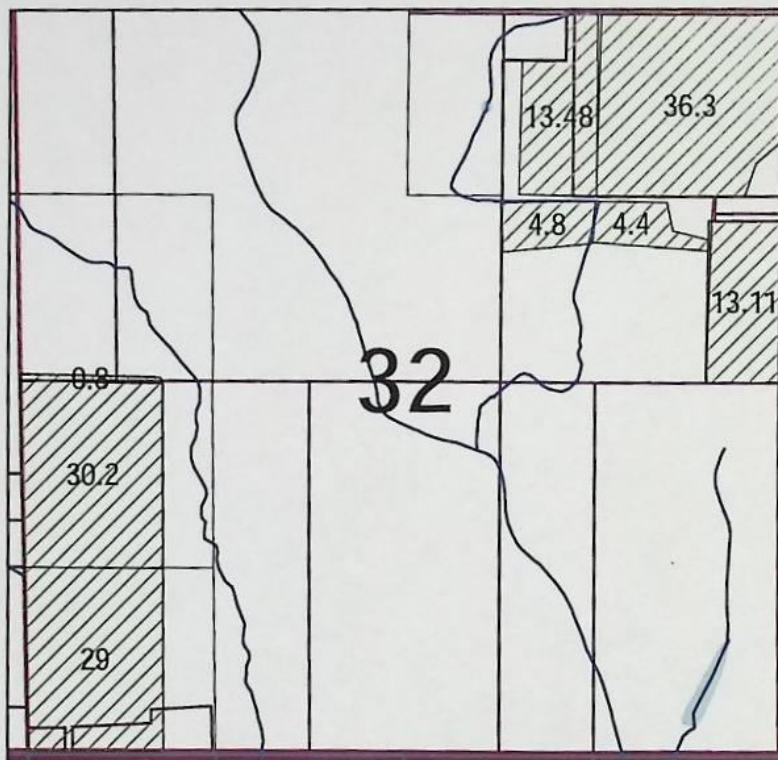
Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>lgj</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lgj</u>	_____	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lgj</u>	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>lgj</u>	_____	_____
<input checked="" type="checkbox"/> CHECKED TO RECORD			
<input checked="" type="checkbox"/> Twp. & Rge.	<u>506</u>	_____	_____
<input checked="" type="checkbox"/> Decree-vault	_____	_____	_____
<input checked="" type="checkbox"/> Decree-safe	_____	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lgj</u>	_____	_____
<input checked="" type="checkbox"/> Per. Folder	_____	_____	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lgj</u>	_____	_____
<input checked="" type="checkbox"/> Abstracts	_____	_____	_____

417

Lakeview Water Users, Inc

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



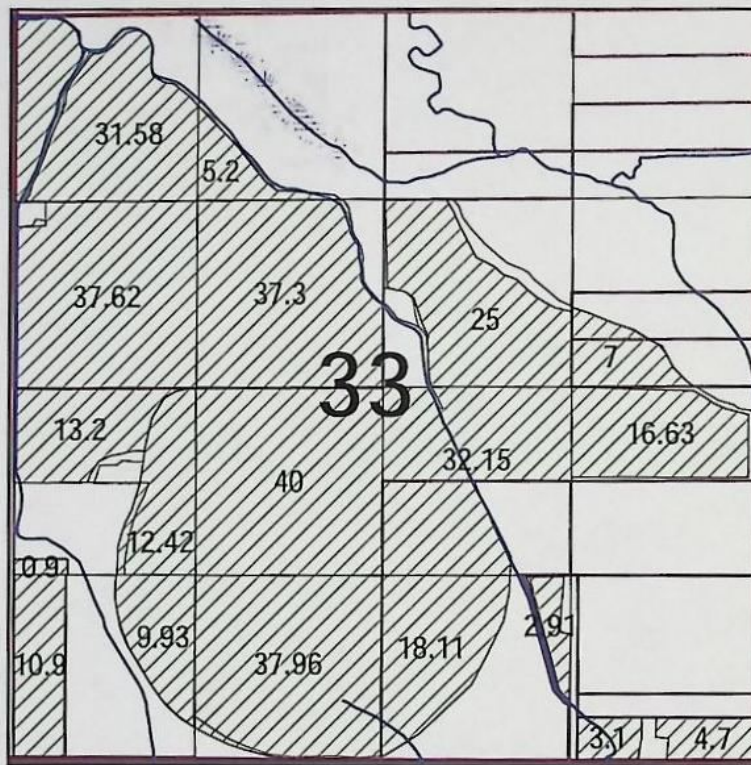
December 2017

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 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

FINAL PROOF SURVEY

TRANSFER T-~~7182~~ T-4217

~~JAMES R. STEWART~~

~~HC 60 BOX 1000~~

~~LAKEVIEW, OREGON 97630~~

~~(541) 847-2722~~

NE1/4 SECTION 32, TOWNSHIP 39 SOUTH, RANGE 19 EAST, W.M.

29 28
32 33

AREA WHERE 1.89
ACRES IS BEING
IRRIGATED IN
COMPLIANCE WITH
TRANSFER T-7182

NW1/4, NE1/4

ACRES TRANSFER #4217

9.7 ACRES
LAKEVIEW
WATER USERS
CERTIFICATE
#47469

Mary Crainey
July 2016
NE1/4, NE1/4

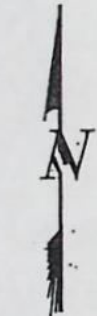
7.7
1.89

9.59
3.89

13.48

NOTE: This map has been
Modified by WRD Staff to
represent the location
of 4.2 acres of irrigation
under T-4217.

Gerry Clark
April 1, 2011



SCALE: 1"=400'

SW1/4, NE1/4

SE1/4, NE1/4

PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED
WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS
OR DIMENSIONS OF PROPERTY BOUNDARIES.

LAKE COUNTY ROAD #1-13

FINAL PROOF SURVEY

TRANSFER T-~~7182~~ T-4217

~~JAMES R. STEWART~~

~~HC 68 BOX 1800~~

~~LAKEVIEW, OREGON 97630~~

~~(541) 847-2722~~

NE1/4 SECTION 32, TOWNSHIP 39 SOUTH, RANGE 19 EAST, W.M.

29 28
32 33

AREA WHERE 1.89
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TRANSFER T-7182

NW1/4, NE1/4

ACRES TRANSFER #4217

9.7 ACRES
LAKEVIEW
WATER USERS
CERTIFICATE
#47469

NE1/4, NE1/4

NOTE: This map has been
Modified by WRD Staff to
represent the location
of 4.2 acres of irrigation
under T-4217.

Gerry Clark
April 1, 2011

LAKE COUNTY ROAD #1-13



SCALE: 1"=400'

SW1/4, NE1/4

SE1/4, NE1/4

PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED
WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS
OR DIMENSIONS OF PROPERTY BOUNDARIES.

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

Order of Proper Proof of Changes in Place of
Use Under Transfer 4217

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 14.6 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, SECTION 5
40 S	18 E	WM	11	SE NW	DREWS CREEK: 1850 FEET SOUTH AND 3400 FEET WEST FROM NE CORNER, SECTION 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	32	NW NE	4.2
39 S	19 E	WM	33	SW SE	2.6
39 S	19 E	WM	33	SE SE	7.8

This order is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered October 26, 1979, at Special Order Volume 32, Page 449, approving Transfer Application 4217.

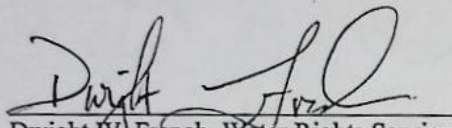
The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

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.

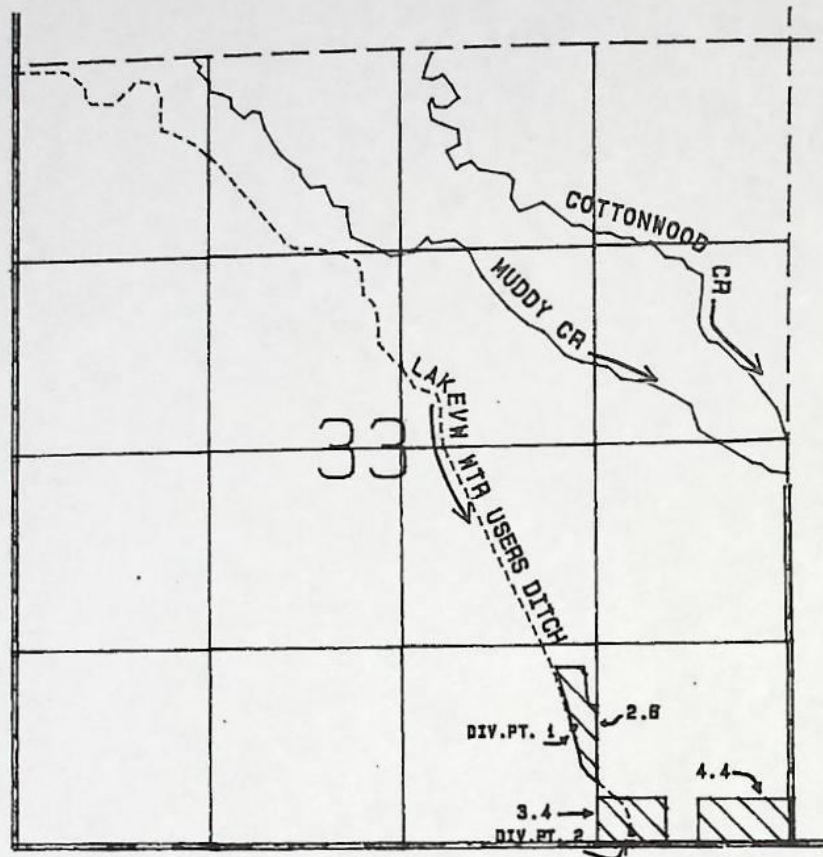
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued JUL 15 2011



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

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



SCALE: 1 = 1320

FINAL PROOF SURVEY
UNDER

TRANSFER 4217

IN NAME OF

Kay C. Clark / LAKEVIEW WATER USERS

Surveyed Oct. 19, 1987 By T.H. Warren

Photo: 379-97L RWK-619

39S19E330080200

OLESON MARITA A
16732 WESTSIDE ROAD
LAKEVIEW, OR 97630

39S19E330110000

LEE WAYNE A & PHYLLIS J
16796 WESTSIDE ROAD
LAKEVIEW, OR 97630

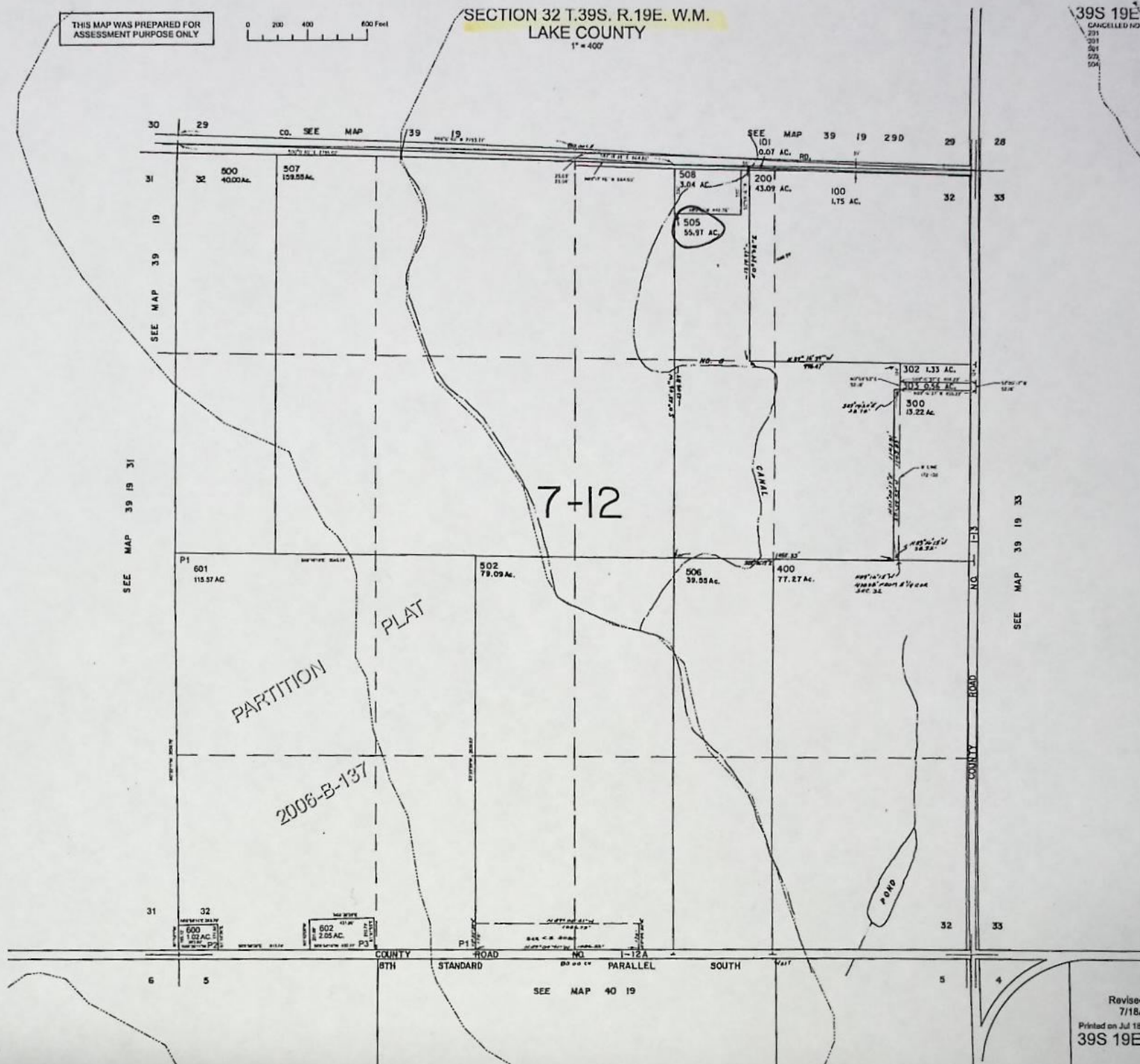
39S19E320050500

TALBOTT FAMILY LIVING TRUST
17614 TUNNEL HILL ROAD
LAKEVIEW, OR 97630

0 200 400 600 Feet

1° = 400

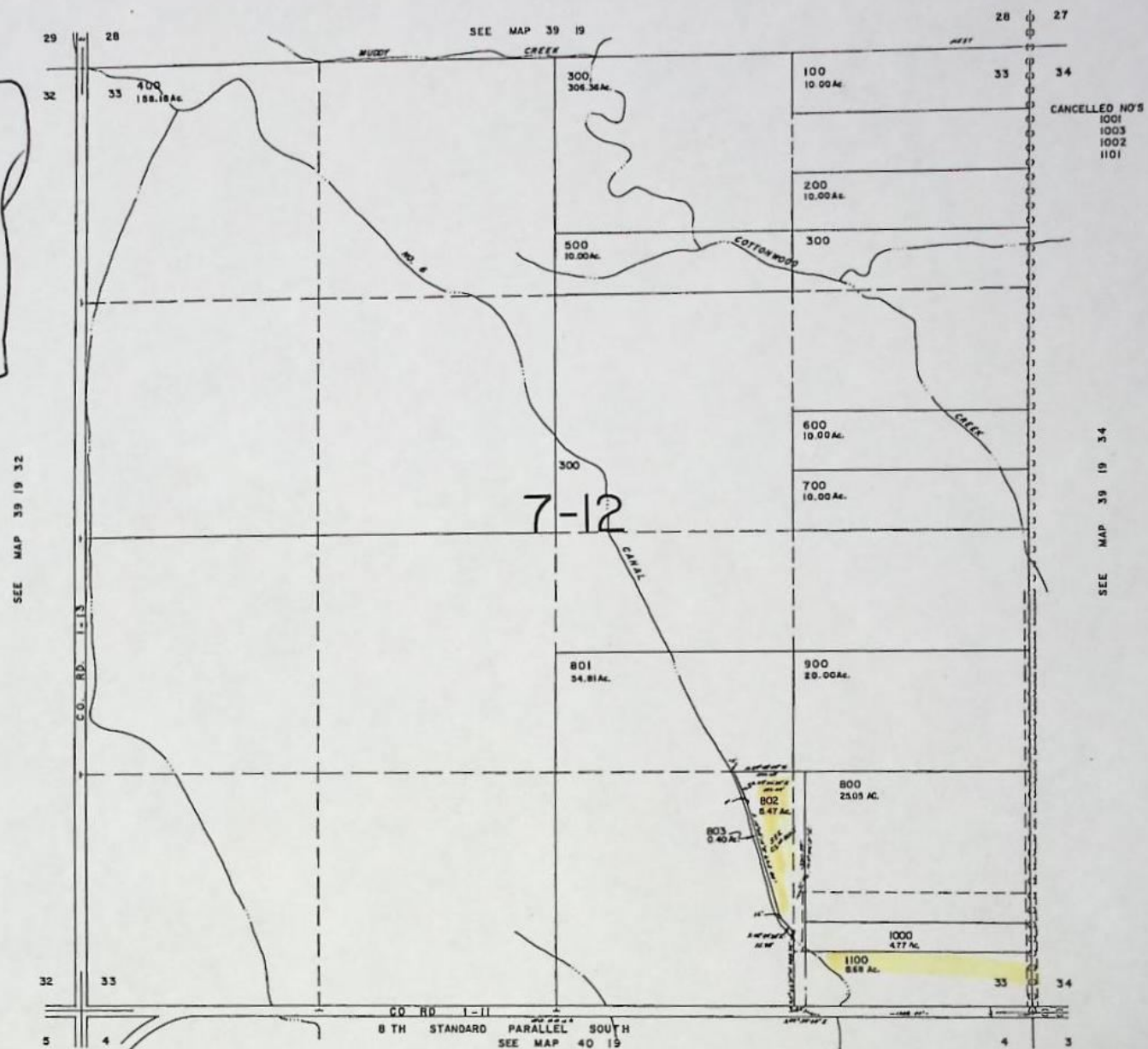
CANCELLED NO
231
201
501
572
504



Revised: EB
7/18/2007
Printed on Jul 18, 2007
39S 19E 32

39 19 33

TL 802
TL 1100



REVISÉ 5-5-97, BP

39 19 33

RECEIVED

SEP 27 2000

WATER RESOURCES DEPT.
SALEM, OREGON

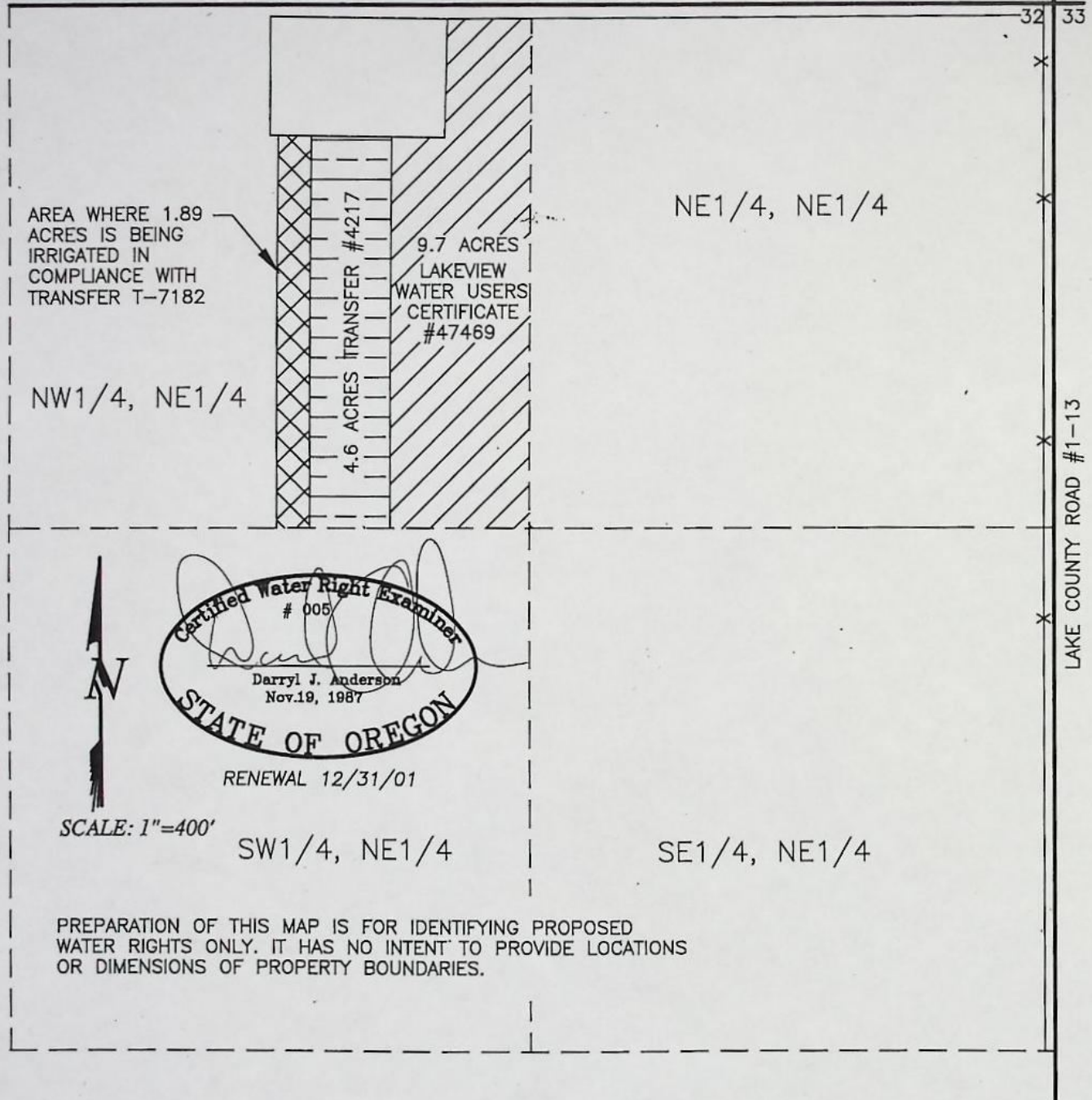
FINAL PROOF SURVEY

TRANSFER T-7182

JAMES R. STEWART
HC 60 BOX 1800
LAKEVIEW, OREGON 97630
(541) 947-2722

NE1/4 SECTION 32, TOWNSHIP 39 SOUTH, RANGE 19 EAST, W.M.

29 28
32 33



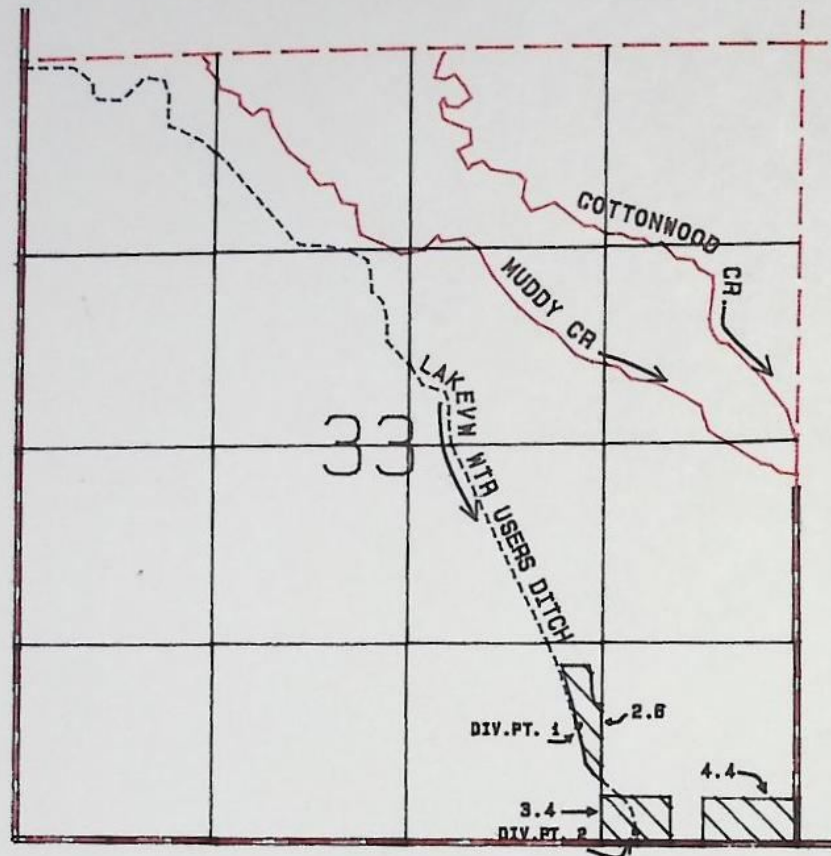
DATE: 9/18/2000
SCALE: 1"=400'
JOB: 94025
DWG. BY: M.J.B.
FILE: 94025FP
SHEET 1 OF 1

JAMES R. STEWART
HC 60 BOX 1800
LAKEVIEW, OREGON 97630
(541) 947-2722

**ANDERSON ENGINEERING
AND SURVEYING, INC.**

P.O. BOX 28 LAKEVIEW, OREGON 97630 (541) 947-4407 FAX 947-2321
P.O. BOX 419 REDMOND, OREGON 97756 (541) 923-4307 FAX 923-4308

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



SCALE: 1 = 1320

FINAL PROOF SURVEY
UNDER

TRANSFER 4217

IN NAME OF

Kay C. Clark / LAKEVIEW WATER USERS

Surveyed Oct. 19, 1987 By T.M. Warren

Photo: 379-97L RMK-61S

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
KAY C. CLARK (LAKEVIEW WATER USERS,)
INC.) FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4217

On May 8, 1979, an application was filed in the office of the Water Resources Director by Kay C. Clark for approval of a change in place of use of water from Drews Creek and Drews 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 the 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 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 14.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, 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 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32; 3.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, 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.

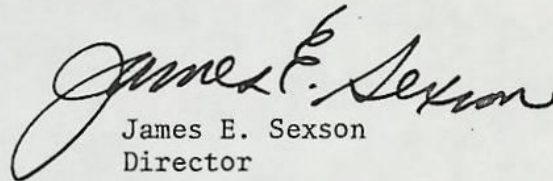
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 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 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 to Lakeview Water Users, Inc.

Dated at Salem, Oregon this 26th day of October, 1979.


James E. Sexson
Director

T-4217

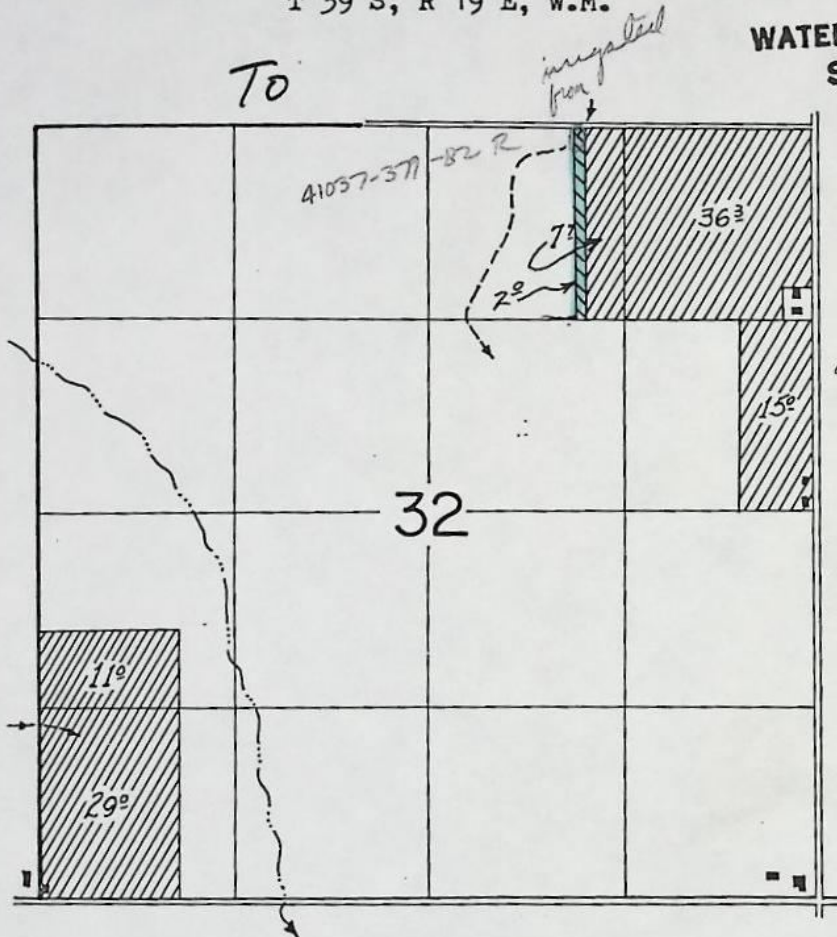
RECEIVED

MAY 08 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

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

To



This portion
is irrigated from
LVWU ditch and
also from portion
of G-10601 indirectly
under a pivot.
It is initially
covered by water
from ditch entering
property north.
TMW
10/19/87

Transferred To from
40-19-18

INFO:

Source: L.V.W.U. ditch

DIV. PT.: pumps from 3 points on ditch,
one for each portion of land.

PUMP: MYERS DOK $2\frac{1}{2}" \times 2"$

MOTOR: KOHLER 5 HP GAS ENGINE
MODEL K241
SN E149228

PIPE: 1000' 3" ALUM MN. + LAT.
430' 3" ALUM MN

HOS: 18 ~~REB 50'S~~ 6.0 gpm head (All max.) on Lees
NELSON F-335

USE: Irrigation of pasture + Xmas trees

LIFT: + 3' SUCTION (~~REB~~); 0' DIS' (NORTHERLY PORTION)
~~2' - 3' DIS' (SOUTH - EASTERLY PORTION)~~

TIE: 41037-379-97 L

Thompson M. Warren
W.R.I. 10/19/87

↑
★ (REPORT FOR LAND) ★
IN SEC. 33
Owned by
Wayne Lee



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

October 12, 1990

NICHOLS & BOGARDUS, P.C.
35 G Street South
Lakeview, Oregon 97630

Reference file: transfer 4217

Dear Mr. Bogardus;

As we discussed by phone today, here is a copy of the final proof survey map prepared for transfer 4217. It appears that about 2.9 or 3.0 acres of the land mapped as irrigated is appurtenant to your clients land.

The major difference from the applicants map (copy also enclosed) is on the north and east sides. Our field inspector talked to Mr. Frakes who claimed to own the land at the time. Mr. Frakes did not claim the land on the north end of the parcel as irrigated. It is possible that a mapping error accounts for the difference on the east side.

A copy of our map and the Proposed Partial Certificate were mailed to the Lakeview Water Users Association. We did not receive any comments from them about a possible error. The department has not issued a final certificate to confirm this and other changes in the water rights of the association.

If our map and findings are in error we would make needed corrections. One problem to overcome is the placement of some of the acreage under the transfer elsewhere. One possible solution may be an association petition under the provisions of HB-3111 (1989 session).

After your review, please let me know how you wish to proceed.

Sincerely,

Vestal R. Garner, Manager
Certificate Section

CC: Dennis Glender, Watermaster
Lakeview Water Users Association

T-4217

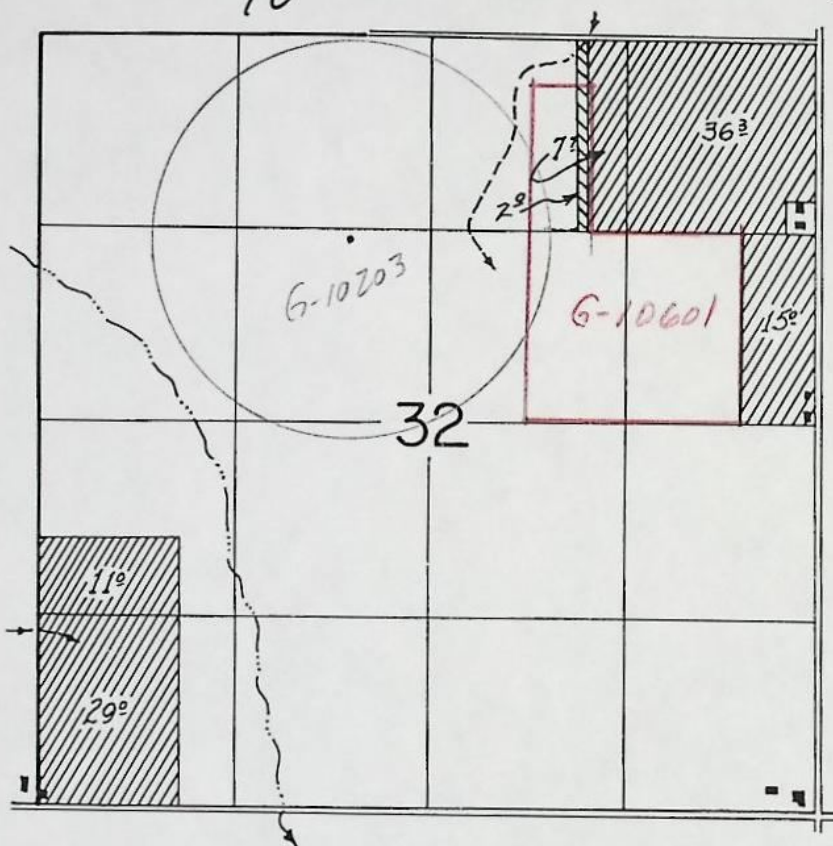
RECEIVED

MAY 08 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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

To



Transferred to from
40-19-1B

RECEIVED

LAW OFFICES
NICHOLS & BOGARDUS, P.C.

ROBERT F. NICHOLS
JOHN H. BOGARDUS
ROBERT F. NICHOLS, JR.

SEP 21 1990
WATER RESOURCES DEPT.
SALEM, OREGON

35 G STREET SOUTH
LAKEVIEW, OREGON 97630-1897
TELEPHONE (503) 947-3355
FAX NO.: (503) 947-3724

September 19, 1990

Mr. Ves Garner
Oregon Water Resources Dept.
3850 Portland Road, N.E.
Salem, Oregon 97310

Re: Skubinna / Lakeview Water Users, Incorporated

Dear Mr. Garner:

Mr. Dennis Glender, the Lake County Water Master, has suggested that I correspond directly with you.

I represent Mrs. Sandra Skubinna, who acquired five acres of land here in Lake County in 1984. This five acre tract is located in Township 39, Range 19, Section 33 in the SW 1/4 of the SE 1/4 thereof. I am attaching to this correspondence an exact legal description of the five acre tract. At the time of the acquisition, my client received five acres of water rights through the Lakeview Water Users, Incorporated.

In 1988 my client sold the property to Frakes and Snyder, at which time the five acres of water right was transferred to them and on the books of the Lakeview Water Users, Incorporated. Due to a default by Frakes and Snyder, my client accepted the property back via deed in 1990. Almost simultaneously with the reacquisition, my client learned that the water right had been reduced from five acres to 2.5 acres through the apparent authority of the State Water Resources Department. I am enclosing a copy of a letter from the Lakeview Water Users to their attorney, indicating that the Water Resources Department had determined that the land in question could only use 2.5 acres of water as opposed to the previous five.

In investigating this matter with Mr. Glender, I learn that he has no record nor knowledge of any partial abandonment process nor any voluntary transfer of this water right. Before I got too carried away, I thought I would check with you direct to see if you show any record of any transfer or loss of this particular right.

Should have been 42 ac

actually have 32 ac
if court
conflict with
C-44630

Tom W.
talked by
phone at
11:00 AM
P.C. sent to
K.C. Clark?

nothing lost
unson 4217
only redistribution

Apparently lands in 32 have no F.D. map.

Ves Garner
September 19, 1990
Page 2

I would appreciate it if you could review this matter and advise in writing what your records show. I would also appreciate you confirming that the Lakeview Water Users, Incorporated, cannot unilaterally transfer or abandon water rights without following adopted water resource laws set forth in ORS Chapter 540. I will look forward to hearing from you.

Sincerely,

NICHOLS & BOGARDUS, P.C.

BY: John H. Bogardus

JHB:jo

Enclosure

cc: Mrs. Sandra Skubinna

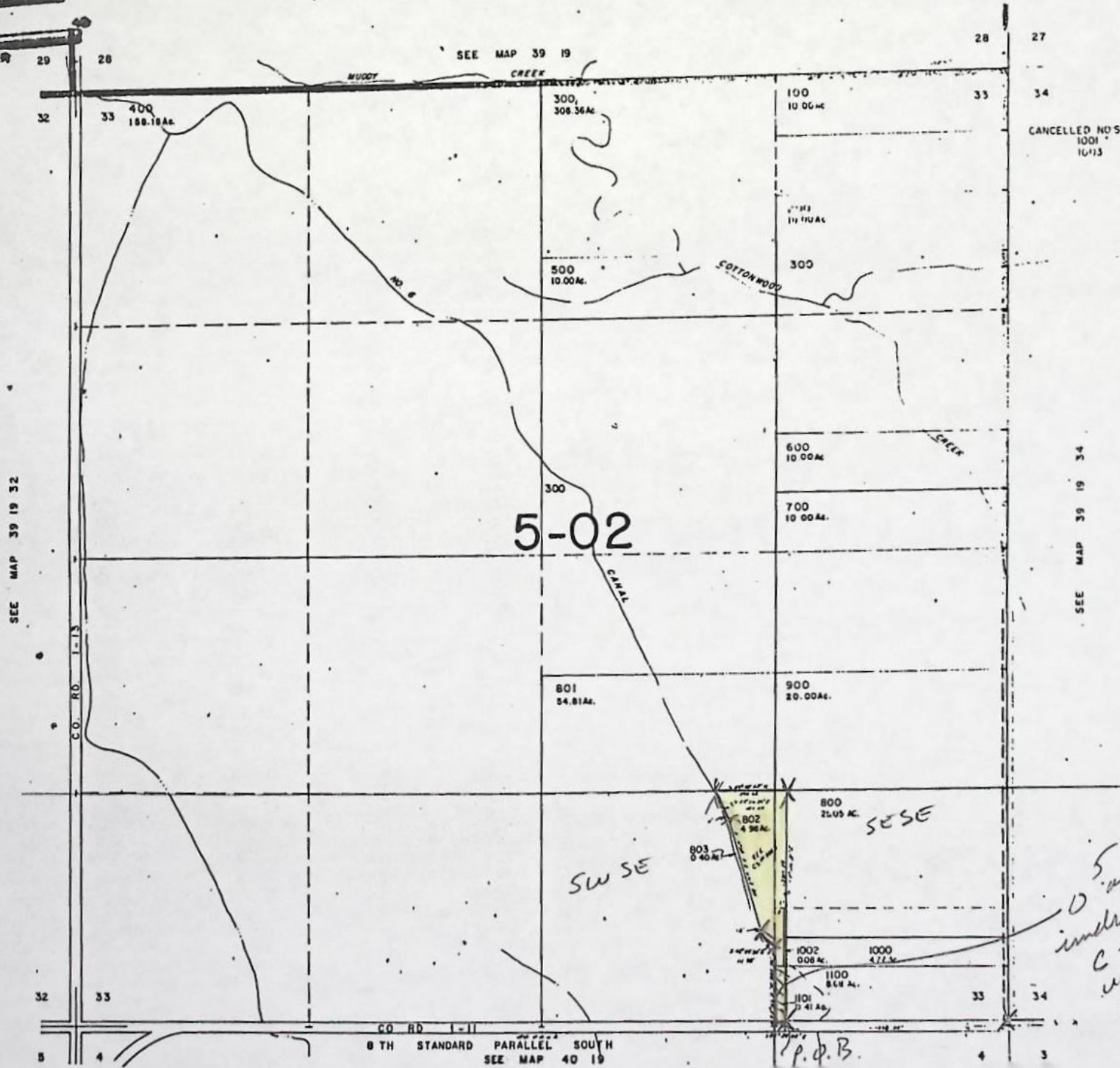
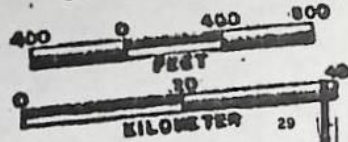
SECTION 33 T.39S. R.19E. W.M.

LAKE COUNTY

1" = 400'

39 19 33

SCALE 1:9600



RECEIVED

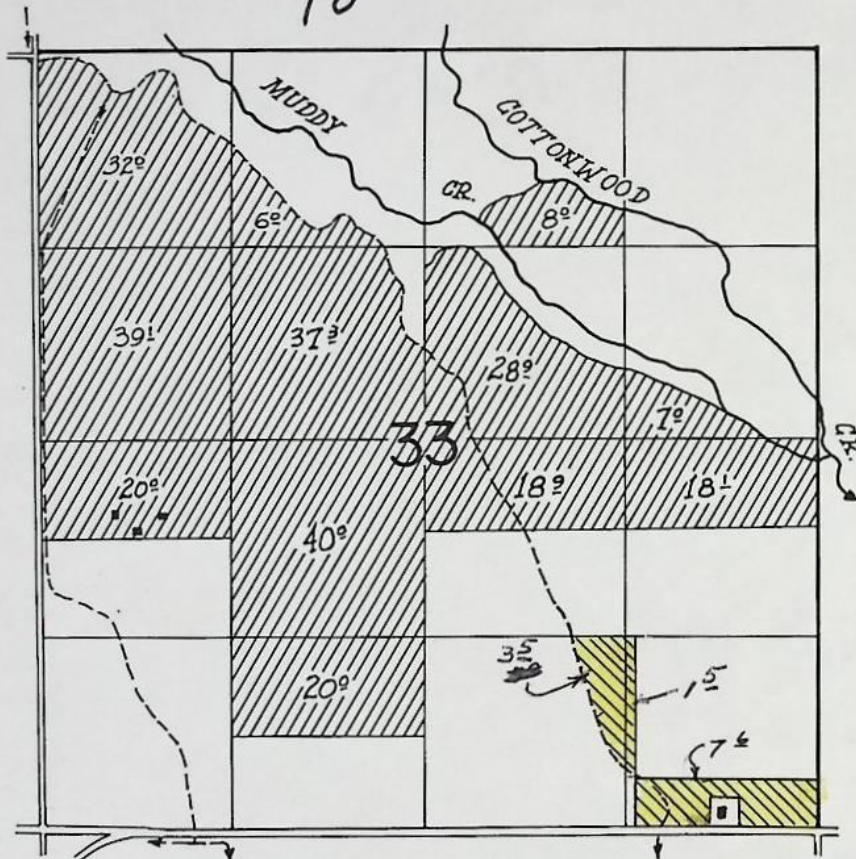
MAY 08 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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

To

T-4217



Transferred To from
40-19-18

T-4217

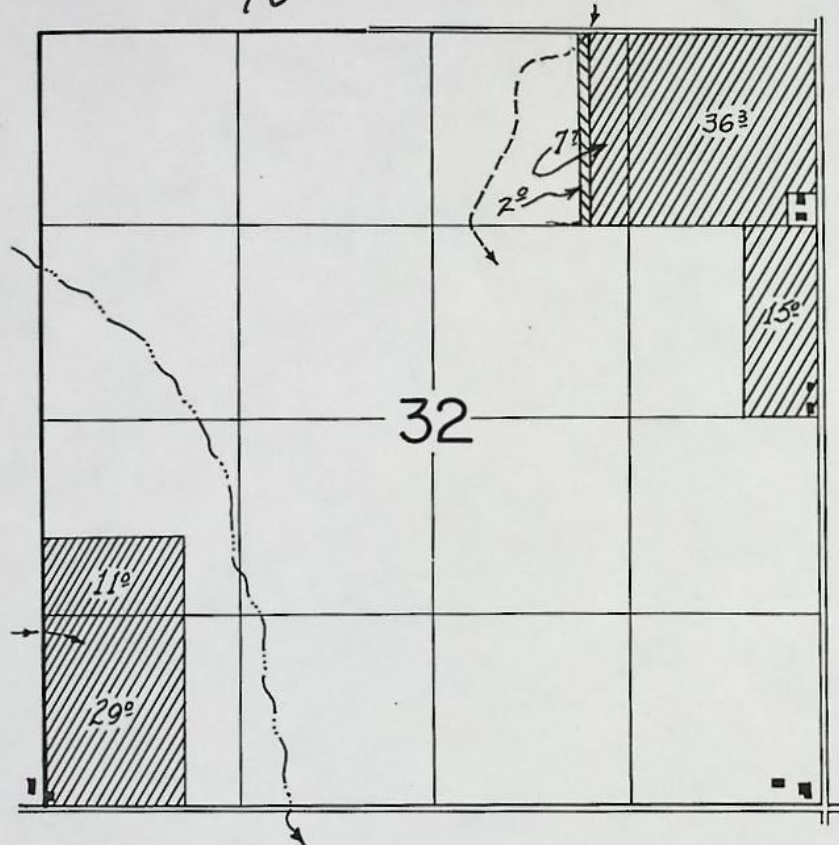
RECEIVED

MAY 08 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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

To



Transferred to from
40-19-18

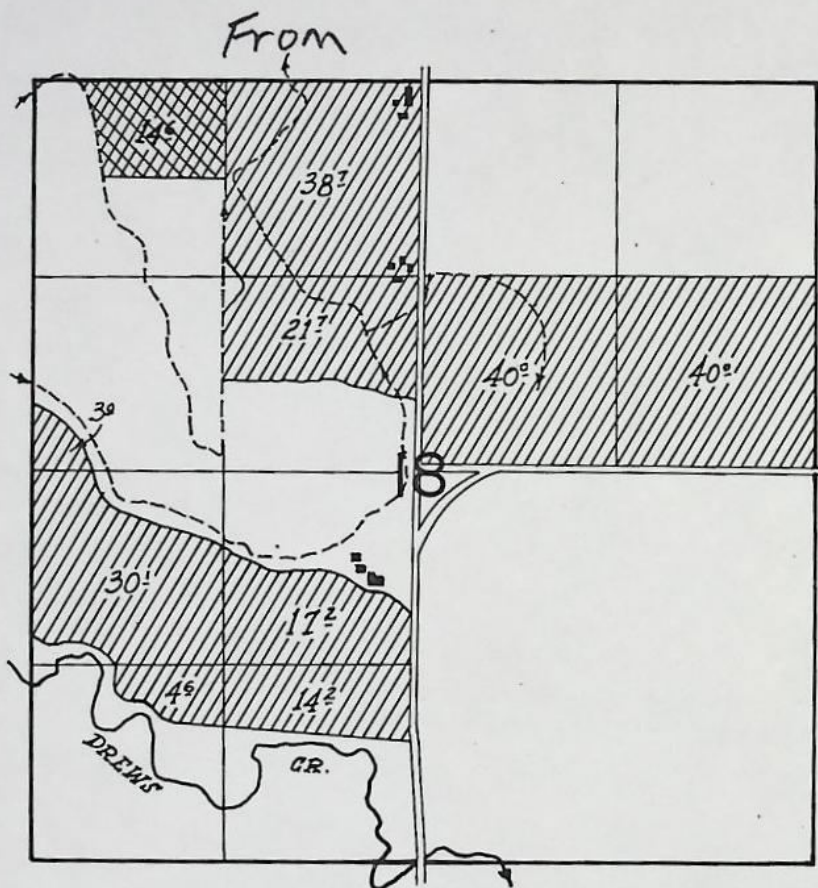
T-4217

RECEIVED

MAY 08 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

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



Transferred from to
39-19-33 and 39-19-32

POD
POU
USE
Add'l POD

County Lake

947-2740
HC 60
Bot 4100

- [illegible]

1/2 NCR
3-87
Dwy

INFO: Mr. Fraker, by phone

Source: L.V. W.O. Ditch

Pump: unknown PTO DOL 3" x 2'

Motor: 4 cyl Farmall tractor
unknown HP

PIPE: 800' 3" ALUM. MN + CAT.

HOS: (10) RB 30's (6.0 gpm)
(all max)

USE: Pasture

LIFT: +3' section

TIE: 41037-379-97 L

2.5
3.4
4.4
4.3

14.6 acres

Thompson M. Warren
W.R.I. 10/20/87

Land in SEC. 33
owned by ^{BRIAN} Fraker

RECEIVED

DEC 7 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Flow from Drews Cr. & Reservoir

PURSUANT TO TRANSFER APPLICATION NO. 4217

I, Kay C Clark, 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 Sept 30, 1981.

Dec 3, 1981
Date

Kay C Clark
Signature

OK,
JCF

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

LAW OFFICES
NICHOLS & BOGARDUS, P.C.

ROBERT F. NICHOLS
JOHN H. BOGARDUS
ROBERT F. NICHOLS, JR.

35 G STREET SOUTH
LAKEVIEW, OREGON 97630-1897
TELEPHONE (503) 947-3355
FAX NO.: (503) 947-3724

October 9, 1990

RECEIVED

OCT 11 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Ves Garner
Oregon Water Resources Department
3850 Portland Road, N.E.
Salem, Oregon 97310

RE: SKUBINNA / LAKEVIEW WATER USERS, INCORPORATED

Dear Mr. Garner:

My file reflects that I corresponded with you on September 19, 1990 seeking certain information regarding the diminishment of a water right here in Lake County, Oregon.

I am enclosing a copy of that prior correspondence and would again request that you direct your attention to it and advise me as to whether you have any knowledge of the situation outlined.

Again, I thank you in advance for your anticipated cooperation.

Sincerely,

NICHOLS & BOGARDUS, P.C.

By: John H. Bogardus
JHB:jo
Enclosure
cc: Mrs. Sandy Skubinna

PROPERTY DESCRIPTION:

Township 39 South, Range 19 East of the Willamette Meridian.

Section 33: North 89°39' West 1268.44 feet from the Southeast Section corner of said Section 33 to the true point of beginning, which point is on the center line of Lake County Road No. 1-11, thence North 00°06'31" East 1330.79 feet; thence North 89°48'45" West 394.43 feet to a point 15 feet East of the Lakeview Water Users Delivery Ditch as the same is presently located on October 1976, South 23°26'39" East 182.00 feet to a point (fence corner) which is 11 feet Easterly of said Lakeview Water Users Ditch, South 16°08'10" East 662.89 feet along a fence to a point 14 feet Easterly of the Lakeview Water Users Ditch, South 42°49'30" East 111.98 feet along said fence, South 00°06'31" West 445.76 feet, South 89°39'44" East 60 feet to the true point of beginning.

SUBJECT TO:

- (1) Location of power and telephone lines and public roads including right of way held by Lake County, Oregon recorded in Book 110 at page 341 of the Lake County Record of Deeds.
- (2) Right of way for ditches and canals of the Lakeview Water Users.
- (3) Mineral reservation held by Gladys I Smith, Ralph W. Tice and Lois Tice as set forth at page 331 of Book 108 and page 5 of book 130 of the Lake County Record of Deeds.
- (4) Unrecorded contract between David H. Sohr and Susan Sohr, Sellers, and Roger St. Clair and Geraldine St. Clair, Purchasers, as disclosed by memorandum of agreement recorded in Book 185 at page 714 of the Lake County Record of Deeds in the approximate principal amount of \$25,000.00 which contract the grantees herein agree to fully assume and to defend, indemnify and hold grantor harmless from in all respects.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
KAY C. CLARK (LAKEVIEW WATER USERS,)
INC.) FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4217

On May 8, 1979, an application was filed in the office of the Water Resources Director by Kay C. Clark for approval of a change in place of use of water from Drews Creek and Drews 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 the 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 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 14.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, 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 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32; 3.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, 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.

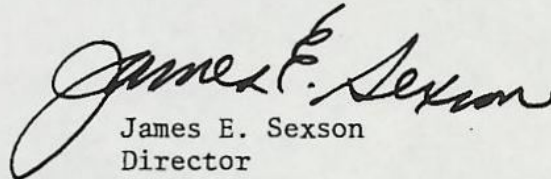
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 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 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 to Lakeview Water Users, Inc.

Dated at Salem, Oregon this 26th day of October, 1979.


James E. Sexson
Director

WDLF 1980 B-4

T-4217

T-4696

INSPECTION REPORT

Wein Grothe 1980 B-4

On June 28, 1983, I inspected Wein Grothe's project near Lakeview.

The project is a center pivot for irrigation of about 150 acres pasture.

The pasture appeared in good condition. The pivot was in use and appeared to be in good repair.

Engineer:

Les Ganner

Date: June 28, 1983

ANNUAL INSPECTION
Wein Grothe 1980 B-4

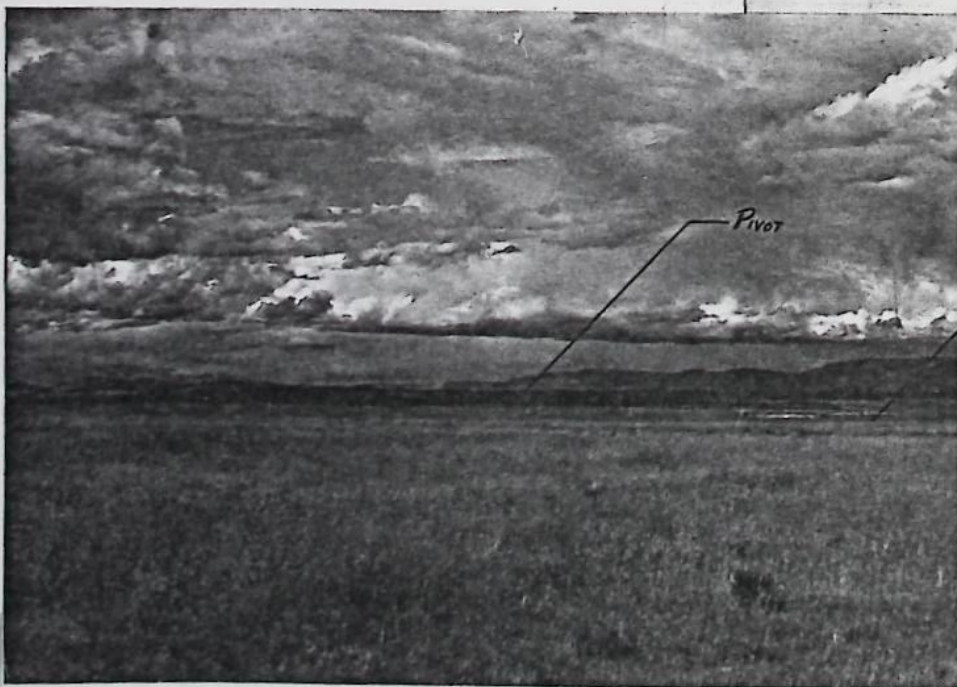
On July 1, 1982 I made the annual inspection of Wein Grothe's irrigation project near Lakeview in Lake County. No one was available at the time of my inspection.

The project consists of a centrifugal pump and a center pivot. The project benefits about 156 acres.

As of this date, the project is as last inspected and the equipment appears to be in good repair. The project land is seeded to pasture.

Engineer: Larry Williams
Date: July 1, 1982

PROJECT LANDS FROM S.W. CORNER LANSING N.E.



INSPECTION REPORT (ANNUAL)

Wein Grothe 1980 B-4

5/19/81 Ves Garner

On May 19, 1981 I made the annual inspection of Wein Grothe's project.

The project is as reported complete. All equipment is on the land and in good repair. No additional land is served by the project.

INSPECTION REPORT

Wien (Bud) Grothe - #120

On September 18, 1980, I inspected the project of Bud Grothe near Lakeview. Mr. Grothe accompanied me on my inspection.

The pivot is installed and operational. The land is seeded to grass and clover. He expects to take one cutting of hay per year and then pasture.

EQUIPMENT SUMMARY

Pivot: Gifford Hill - 8 tower
Model: 360L-865-2226-916
Serial: 37-025-041780
End gun: Nelson 100

ENGINEERING ANALYSIS

Horsepower Analysis

$$HP = \frac{Q \times tdh}{7.05}$$

Q = Quantity of water in cfs
tdh = Total Dynamic Head ^{Static head = 15'}
7.05 = Constant at 80% Efficiency ^{Press. head = 129'}
_{total = 144'}

$$HP = \frac{191 \times \overset{144}{184}}{7.05} = 49.8 \text{ } 39$$

Available hp = 40

The system appears adequate and complete.

ENGINEER: _____

DATE: _____

Ray Williams
9/18/80

RECEIVED

MAY 08 1979

WATER RESOURCES DEPT!
SALEM, OREGON**Application for Transfer of Water Right** T-4217

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Kay C. Clark

(Name of applicant)

of Rt 6 Box 676

(Mailing address)

Lakeview

(City)

State of Oregon97630

(Zip Code)

947-2740

(Phone number)

do hereby make application for change

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? yes 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, 19076. 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 ¼-¼ of Section	Number Acres To Be Irrigated
40 S	17 E	18	NW ¼ NW ¼	14 6

(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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	State Veterans	\$ 1310 00 ±

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 North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
39	19	33	SW ¼ SE ¼ SE ¼ SE ¼	15
39	19	33	SE ¼ SE ¼	7 6
39	19	32	NW ¼ NE ¼	2 0
39	19	33	SW ¼ SE ¼	3 5

(If more space required, attach separate sheet)

A[#] G - 8964

P[#] G - 8571

irrigates 230.6 primary
& 123.8 supplementary.

Primary includes 40.0 ac
in NW¹/₄ NW¹/₄ Sec 18. ("From"
in T-4217).

14. Reasons for the proposed changes are Using Ground Water

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 October 1, 1979

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, Kay C. Clark, 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 7th day of May, 1979

Kay C Clark
(Name of applicant)

Subscribed and sworn to before me this 7th day of May, 1979

[Notarial Seal]

Howard Daggett
NOTARY PUBLIC FOR OREGON

My commission expires 12-29-81

INSPECTION REPORT
Wein Grothe 1980 B-4
July 12, 1985 Ves Garner

On July 12, 1985 I made the annual inspection of Wein Grothe's project near Lakeview. No one was contacted.

The project is a 1372 foot center pivot supplied by surface water for irrigation of about 150 acres of pasture.

The pasture appeared to have been heavily grazed during spring. Very little grass remains; no cattle apparent.

cc: Water Rights
T-4217
T-4696

DREWS CR

WRDT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 5000042171 PERMIT NO. 016478 CERTIF. NO. 0047469

NAME: KAY C. CLARK

ORIG. NO. 5000038851 PREV. NO. 000047469 SUPER. NO. —

ADDRESS: LVWU, RT6, Box 2980

CITY/STATE/ZIP/COUNTY: LAKEVIEW OR 97630

19

STREAM-ID 13 0040 0550

RIV. MI. 0.0

WM. DIST. 12 W.R. TYPE S.C STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 12 03 1981

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 01 21 1907

PUT TO USE-----> 12 03 1981

LAST TRANS. DATE--->

LAST TRANS. TYPE--->

APPLICATION---> 05 08 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 10 26 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 10 26 1979

CERTIFIED-----> 02 26 1979

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

7005 180E 11 B D 13 0040 0550

RIV. MI.

RATE

STATUS S OR P

0.0

0.536

V

P

0.0

0.000

0.0

0.000

** REMARKS; - - - - -
 ** DATED--->

** CHANGES POW PART OF LVWV RIGHT.

** C-47469 NOT CANCELED. ORIGINAL

** DECREE V 7, P 277. FINAL DECREE

** V 16, P 478, 10-3-1961. SOURCE: DREWS

** CR & RES COTTONWOOD CR & RES. SUPP

** P-43956 FM COTTONWOOD RES WITH

** PRIORITY OF 9-5-1961. 0.0367 CFS/AC.

POD: 1850'S & 3400'W FM NE COR S 11.

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S OR P
3905	190E	32	A B	19	IR	100.00		2.00	V	P
		33	D C			.00		3.50		
		33	D D			.00		9.10		

223 CFS DREWS CR

200 CFS COT RES

C-47468 STORAGE

W.R.I.S.

Assembled 9-12-84 by SP4

Entered _____ by _____

Verified _____ by _____

COTTONWOOD CR

WRDT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T0000 42172 PERMIT NO. 016478 CERTIF. NO. 0047469 NAME: KAY C CLARK
 ORIG. NO. T0000 38851 PREV. NO. C00047469 SUPER. NO. — ADDRESS: LVWU, RT 6, BOX 2980
 CITY/STATE/ZIP/COUNTY: LAKEVIEW OR 97630 19
 STREAM-ID 13 0040 0020 0030 RIV.MI. 0.0 WM.DIST. 12 W.R.TYPE SC STATUS V

CANCEL YEAR----> CONSTR.COMPLT--> 12 03 1981 YR.LAST USED-----> NEXT ACTION DUE-->
 PRIORITY-----> 07 31 1908 PUT TO USE-----> 12 03 1981 LAST TRANS.DATE--> LAST TRANS.TYPE-->
 APPLICATION----> 05 08 1979 SURVEYED-----> EXAM.FEE-----> 20.00 RECORDING FEE-----> 10.00
 PERMIT ISSUE--> 10 26 1979 CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG----->
 CONSTR.STRT.--> 10 26 1979 CERTIFIED-----> 02 26 1979 CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

3905 190E 16 A A 13 0040 0020 0030

RIV.MI.	RATE	STATUS	S OR P
0.0	0.536	V	P
0.0	0.000		
0.0	0.000		

** REMARKS; - - - - -
 ** DATED-->

** CHANGES POV PART OF LVWU RIGHT.
 ** C-47469 NOT CANCELED. ORIGINAL
 ** DECREE V7, P277. FINAL DECREE

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3905 190E 32 A B 19 1R 100.00 2.00 V P

33 D C .00 3.50

33 D D .00 9.10

** V16, P478, 10-3-1961. SOURCES: DREWS

** CR & RES, COTTONWOOD CR & RES.

** SUPP P-43956 FM COTTONWOOD RES

** WITH PRIORITY OF 9-5-1961.

00367 CFS/AC. POD: 860'S &

1120'W FM NE COR S 16.

W.R.I.S.

Assembled 9-12-87 by SPD

Entered _____ by _____

Verified _____ by _____



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 5 - 7, 19 79FROM: ** Howard DaggettSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4217
IN THE NAME OF Kay C Clark**RECEIVED**
MAY 08 1979
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in Pou 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

SEP 13 1979

September 12, 1979

Oregon Department of Veterans' Affairs
Farm and Home Loans
124 North 4th Street
Klamath Falls, OR 97601

Attn: Mr. Chuck Mateson, Loan Officer

RE: Clark, Kay C. - L76633

Dear Mr. Mateson:

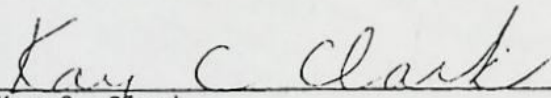
This is a follow up to various correspondence between myself, you, your Salem office and my attorney, Robert F. Nichols and specifically concerning my request to transfer 14.6 acres of water rights.

I regret that we were unable to get you the information earlier, however, the secretary of Lakeview Water Users, Inc. which has the most accurate information has been in Portland undergoing cancer surgery, so we have had to rely upon other sources.

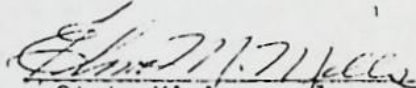
I have previously submitted to you the sum of \$200 which is the usual transfer or release fee requested. There is enclosed and attached hereto a map of Township 40 South, Range 19 EWM. The specific property which we are asking to have released at least in so far as the water rights are concerned is the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 18 of Township 40 South, Range 19 EWM. On the map you will see the designated portion which has been cross hatched. The specific water rights are evidenced by individual certificates of stock and may be transferred separately from the land.

I sold the 14.6 acres for \$250 per acre for a total of \$3,650.00. Actually I sold 7 acres to Dave Sohr and 7.6 acres to Wayne Lee. The reason for the sale, of course, was the fact that it amounted to a duplication since I have developed a water well and put in a sprinkler system to upgrade my ranch. The additional improvements which I put in add to the value of the ranch upon which you have a first mortgage, in excess of \$100,000.00.

Sincerely yours,


Kay C. Clark

Enclosures


Ed M. Mateson, Director
State VA Approval September 18, 1979