

Name Cottonwood Cattle Co.
By Gregory J. + Sue E. Alves
Address Rt. 6, Box 200
Lakeview, OR 97630

4477

DESCRIPTION OF WATER RIGHT

Name of stream Cottonwood Creek
Trib. of _____ County of Lake
Use ir
Quantity of water _____ No. of acres 22.9
Name of ditch _____
Date of priority 1904
In name of Cottonwood Cattle Co.
Gooselake Adjudication, Vol. _____, page (T-2822)
App. No. _____ Per. No. _____ Cert. No. 48465 SNA
Certificate cancelled _____
Notation made on record by _____

Change in POU
Date filed April 14, 1980
Date of hearing _____
Place of hearing _____
Date of order 5-9-80 Vol. 33, page 212
Date for application of water 10-1-81
Proof mailed _____
Proof received _____
Certificate issued AUG 13 2010 Vol. _____, page 86453

REMARKS

No RR
Card for C NOV 20 1981

W.R.I.S.	
Assembled	<u>2-15-85</u> by <u>SNA</u>
Entered	_____ by _____
Verified	_____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-14-80</u>	<u>30.00</u>	<u>17103</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<u>OK</u>
☒	Stream	<u>OK</u>
☒	Pt. of Div.	<u>OK</u>
☒	Calendar	<u>OK</u>
☒	CHECKED TO RECORDS:	
☒	Twp. & Rge.	<u>SRA</u>
☒	Decree-vault	_____
☒	Decree-safe	_____
☒	Cert. of W/R	<u>SRA</u>
☒	Per. Folder	_____
☒	Chindex	_____
☒	Cross Ref.	_____
☒	Power Claim	<u>OK</u>
☒	Abstracts	_____

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COTTONWOOD CATTLE CO.
RT 6 BOX 200
LAKEVIEW OR 97630

confirms the right to use the waters of COTTONWOOD CREEK, tributary to GOOSE LAKE, for IRRIGATION of 20.9 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 7, at Page 233. The date of priority is 1904.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
38 S	19 E	WM	33	SE SW			640 FEET NORTH & 2825 FEET WEST FROM SE CORNER, SECTION 33

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed three fourths acre foot per acre during any 30 day period prior to June 1st, and one half acre foot per acre during any 30 day period after June 1st, of each year; and two and one half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed ONE-FORTIETH of a second foot per acre, if available at the original point of diversion; NW¼ NE¼, Section 32, T 38 S, R 19 E, W.M., Flynn Ditch-250 feet South and 80 feet east from the N¼ Corner, Section 32.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
38 S	19 E	WM	33	NE SW			0.1
38 S	19 E	WM	33	NW SW			0.1
38 S	19 E	WM	33	SW SW			5.8
38 S	19 E	WM	33	SE SW			14.9

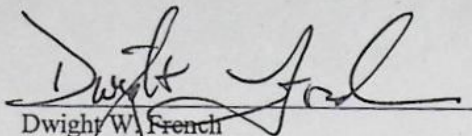
This certificate is issued to confirm a change IN PLACE OF USE approved by an order of the Water Resources Director entered May 9, 1980, at Special Order Volume 33, Page 212, approving Transfer Application 4477, and supersedes Certificate 48465, State record of Water Right Certificates.

NOTICE OF RIGHT TO 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 AUG 13 2010.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
COTTONWOOD CATTLE CO. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4477

On April 14, 1980, an application was filed in the office of the Water Resources Director by Gregory J. and Sue Alves, dba Cottonwood Cattle Company, for approval of a change in place of use of water from Cottonwood Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48465, Volume 42, State Record of Water Right Certificates, in the name of Cottonwood Cattle Co., describes a right for the use of water from Cottonwood Creek for irrigation of a certain 2.6 acres in NE 1/4 SW 1/4, 5.9 acres in SE 1/4 SW 1/4, 0.4 acre in NW 1/4 SE 1/4 and 14.0 acres in SW 1/4 SE 1/4 of Section 33, Township 38 South, Range 19 East, W.M., with a date of priority of 1904.

Water for the said right is diverted from a point located 640 feet North and 2825 Feet West from Southeast Corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, Township 38 South, Range 19 East, W.M.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.1 acres in SW 1/4 SW 1/4 and 21.8 acres in SE 1/4 SW 1/4 of said Section 33.

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 the certificate recorded at page 48465, Volume 42, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 9th day of May, 1980.



JAMES E. SEXSON
Director
by CHRIS L. WHEELER
Deputy Director *SLW*

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
					COTTONWOOD CREEK (continued)		
6-5195 Conrad, C. E. Hastings, Neb. Anna M. Neilon, Agt. Lakeview, Oregon	Fall of 1873		10	Irrigation and stock	Dams & Ditches	Cotton- wood Creek	10 acres in NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ Section 1 T 40 S. R. 19 E. W. M.
6-5196 Corbett, Ralph M and William P Lakeview, Oregon (See Findings, Paragraph 16, Page 19)	1873		33	Irrigation	North side	Cotton- wood Creek	8 acres in SW ¹ / ₄ SE ¹ / ₄ 25 acres in SE ¹ / ₄ SE ¹ / ₄
	1873		25	Irrigation	South Side	Cotton- wood Creek	14 acres in SW ¹ / ₄ SE ¹ / ₄ 11 acres in SE ¹ / ₄ SW ¹ / ₄ Section 34 T 39 S. R. 19 E. W. M.
6-5197 Ellerson, Peter A Lindburg, Kansas C. W. Reed, Agent Lakeview, Oregon	April 10 1875		10	Irrigation and stock	Dams & natural flooding	Cotton- wood Creek	10 acres in NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ Section 11 T 40 S. R. 19 E. W. M.
6-5198 Favell-Utley Realty Company H. A. Utley, Pres. Lakeview, Oregon	1885		20	Irrigation	Old "XL" Ranch	Cotton- wood Creek	20 acres in NE ¹ / ₄ SW ¹ / ₄ SW ¹ / ₄ Section 36 T 39 S. R. 19 E. W. M.
48465 Flynn, John M Lakeview, Oregon	1904		25	Irrigation Domestic and stock	Flynn	Cotton- wood Creek	5 acres in NE ¹ / ₄ NE ¹ / ₄ 20 acres in NW ¹ / ₄ NE ¹ / ₄ Section 32 T 38 S. R. 19 E. W. M.
							152 ac. Trg. Sp. D. Vol. 23, "B"
Goose Lake Valley Irrigation Company.	(See Special Findings, Paragraphs 11 and 29, Pages 16 and 24)						
6-5200 Gramlich, Ninnie G Wathill, Nebraska Anna M. Neilon, Agt. Lakeview, Oregon	Fall of 1873		10	Irrigation and stock	Dams & Ditches	Cotton- wood Creek	10 acres in SE ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ Section 1 T 40 S. R. 19 E. W. M.
Hampton, Lester I Lakeview, Oregon	Dec. 29 1914		160	Irrigation and stock	Grawber	Cotton- wood Creek	40 acres in NE ¹ / ₄ SW ¹ / ₄ 40 acres in NW ¹ / ₄ SW ¹ / ₄ 40 acres in SW ¹ / ₄ SW ¹ / ₄ 40 acres in SE ¹ / ₄ SW ¹ / ₄ Section 31 T 39 S. R. 20 E. W. M.
							(Rights perfected under State Engineer's permit No. 2310, Certificate of water right No. B068)
6-5201 Hunter, H. A. 202 Andrus Bldg., Minneapolis, Minn and Hewitt Land Co. 1417 Nat. Realty Bldg., Tacoma, Wash. By O.C. Gibbs, Agent Lakeview, Oregon	Spring of 1873		85.5	Irrigation	Fisher Ditches	Cotton- wood Creek	16 acres in SW ¹ / ₄ NE ¹ / ₄ 2.5 acres in SE ¹ / ₄ NE ¹ / ₄ 27 acres in NE ¹ / ₄ SE ¹ / ₄ 40 acres in NW ¹ / ₄ SE ¹ / ₄ Section 34 T 39 S. R. 19 E. W. M.

GOOSE LAKE (COTTONWOOD CREEK) -49-

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: PO

POD
POU
USE:
Add'1 POD

Transfer No. 4477

County Wake

Old Certificate No. 48465 (T-2822)

1. Name Cottonwood Cattle Co; Gregory & Sue Alves

Address RT 6, Box 200; Lakeview, OR 97630
H.C. 60 Box 890

2. Source of Supply Cottonwood Creek, Trib of _____

3. Use irr/22%

4. Amount of Water _____

5. Priority Date 1904

6. Proposed Point of Diversion _____

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

Info Mr. Alue First used ≈ 81

Source: Cotton Wood Cr.

Dis-Pt: Pump from Cr

Motor: 15 hp 3445 Marathon Elec.

Pump: Cornell D.P. Cent $2\frac{1}{2} \times 1\frac{3}{4}$ "

Pipe: 1100' ML 6"

$\frac{1}{4}$ mile w L ~~34~~ 34 hds ^{RB 302} $1\frac{1}{64} \times 0$ noz.

Use: grain

Lift: min 4' max 8'

Notes: He has cleared abt more land
than he irrigates on that W side of Cr.
The $\frac{1}{4}$ mile w L ~~can~~ is only pipe he
uses in that field, the rest is dry
farmed grain

T/E: 41037 - 379 - 100 C

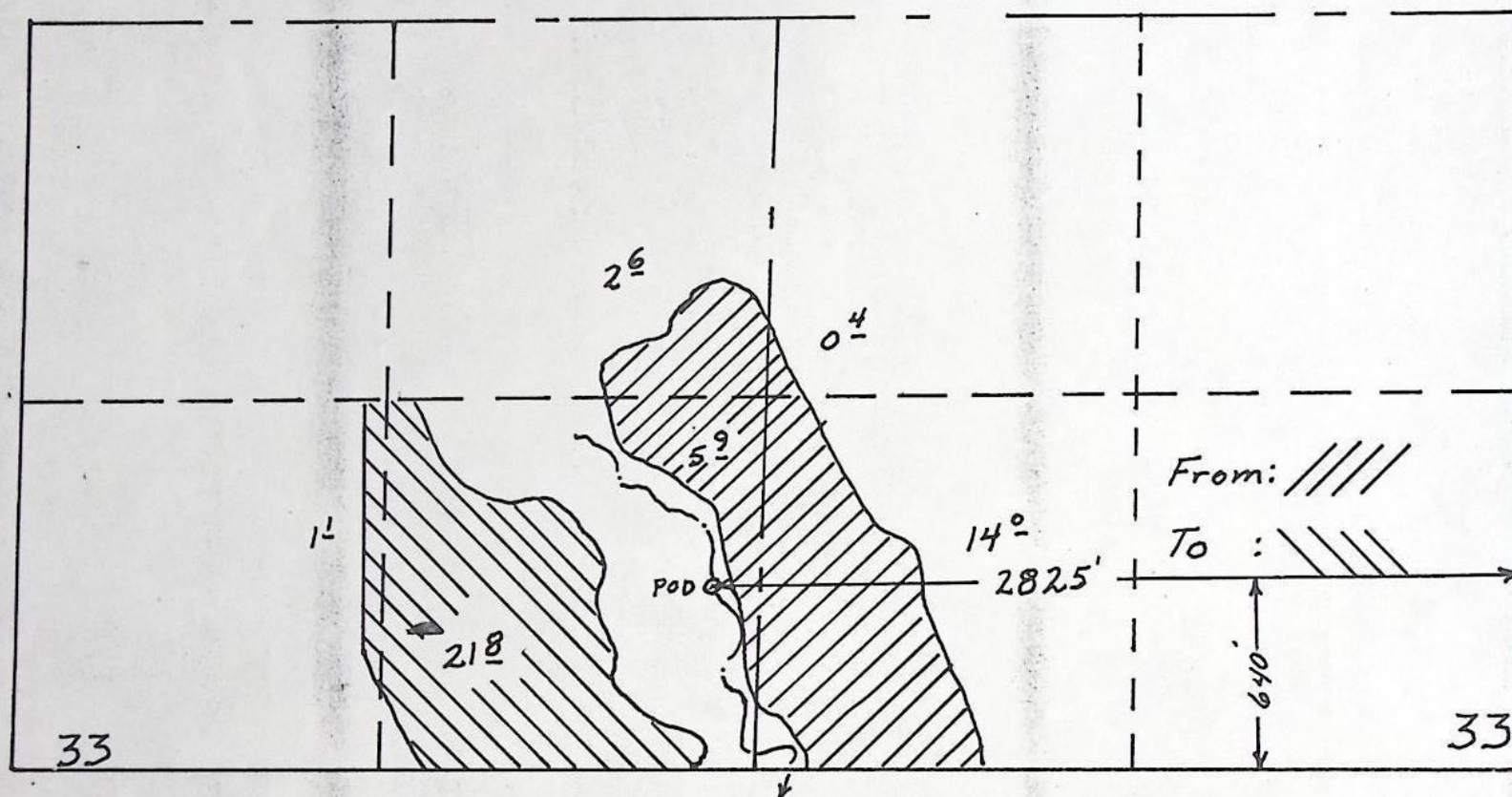
10/16/87
Michael J. Matlock
F. I.

$$\begin{array}{r} 60 \text{ PSI} \\ 3.4 \times 6.6 \\ \hline 45 \end{array} .5$$

$$\begin{array}{r} 60 \text{ PSI} \\ 6.6 \times 1.5 \\ \hline 100 \end{array} .6$$

T-4477

T. 38 S., R. 19 E., WM..



Scale 8" = 1 mile

All information on this map
furnished by applicant.

Swamy Alden
Applicant

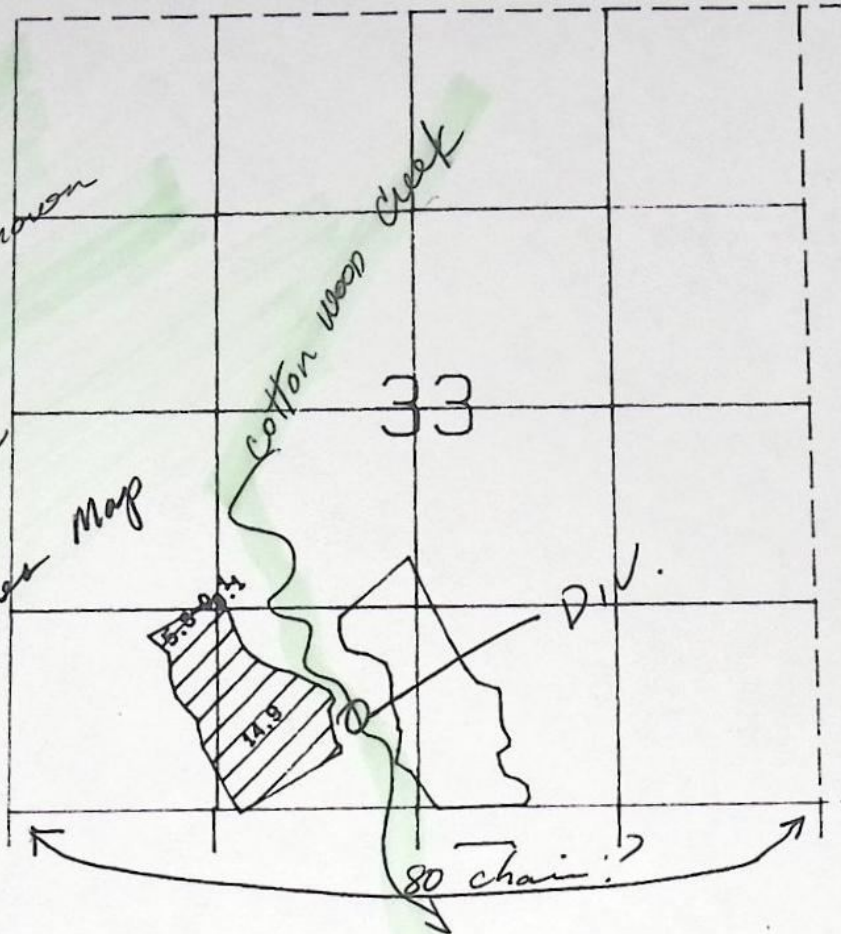
RECEIVED
APR 11 1983
WATER RESOURCES DEPT
SALEM, OREGON

T. 38 S., R. 19 E., W.M.

- 1) Where is Source & POD?
- 2) Why is Boundary shown for other right?
- 3) No Proposed Cert worked up!
- 4) can't read AC map.
- 5) USE Hughes map for layout.

on

[Signature]



SCALE: 1 = 1320

FINAL PROOF SURVEY

UNDER

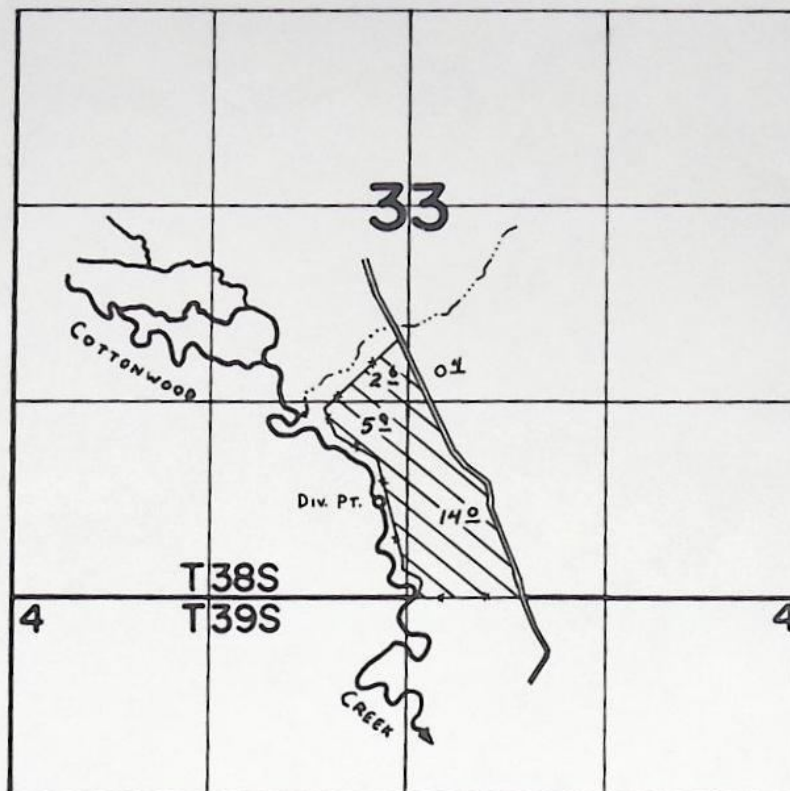
Transfer No. 4477

IN NAME OF

COTTONWOOD CATTLE COMPANY

Surveyed Oct. 16, 1987 By M. J. MATTICK

T38S. R19E. WM.



Div. Pt. Loc: 640' N. & 2825' W. fr. S.E. Cor. Sec. 33.

**FINAL PROOF SURVEY
UNDER**

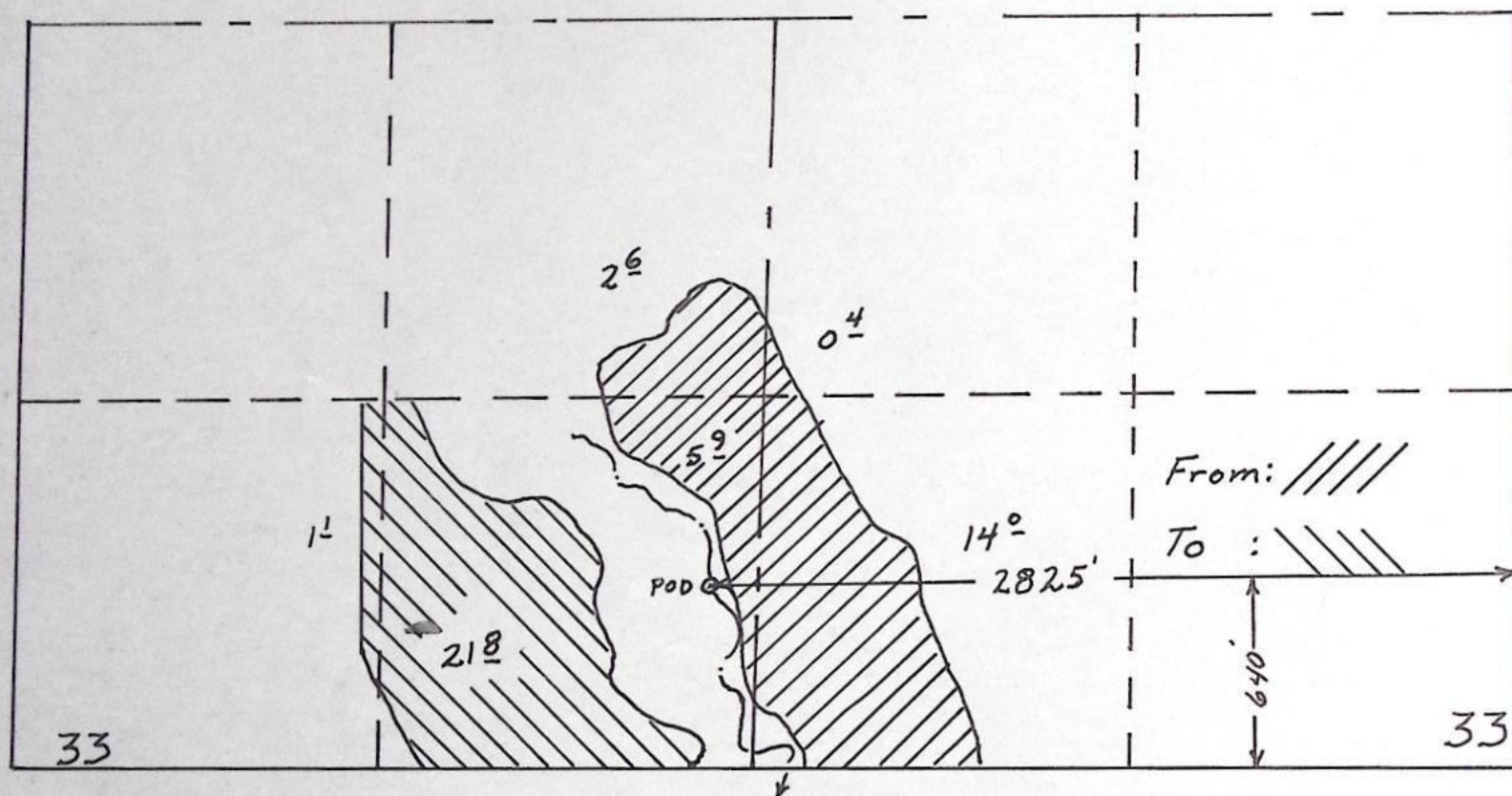
TRANSFER NO. 2822
Application No. Permit No.
IN NAME OF

COTTONWOOD CATTLE CO.

Surveyed JUNE 23 19 78, by C. L. HUGHES

T-4477

T. 38 S., R. 19 E., WM..



Scale 8" = 1 mile

All information on this map
furnished by applicant.

George J. Allen
Applicant

RECEIVED
JUN 21 1980
WATER RESOURCES DEPT
SALEM, OREGON

COTTONWOOD CR, TRIB THOMAS CR

WF T-0982-C1

*** 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. 100004771 PERMIT NO. 006555 CERTIF. NO.
 ORIG. NO. C000051991 PREV. NO. C00048465 SUPER. NO.

NAME: COTTONWOOD CATTLE CO

ADDRESS: RT6, Box 200

CITY/STATE/ZIP/COUNTY: LAKEVIEW, OR 97630

STREAM-ID 13 0040 0020 0030

RIV. MI.

WM. DIST. 12 W.R. TYPE SC STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 12 31 1904

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE--->

LAST TRANS. TYPE--->

APPLICATION---> 04 14 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 05 09 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 05 09 1980

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA:
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

3805 190E 33 C D 13 0040 0020 0030

0.573

V P

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

** P.O.D: 640' N 282.5' W FM SE COR

** S. 33. CHANGES P.O.U. ALL OF

** C-48465. ORIGINAL BOOSE LAKE

** DECREE TAB IN NAME OF JOHN M.

** FLYNN.

**

**

**

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3805 190E 33 C C 19 1R 100 1.10 V D

1 1 1 C D 1 1 1 21.80 1 1

V.T.S.

APPROVED 2-15-85 1,500

BY 1

VERIFIED 1

RECEIVED

NOV 25 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Pow from Cottonwood Creek

PURSUANT TO TRANSFER APPLICATION NO. 4477

I, Commercial Cotton Co
By Gary Adams, 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 June, 1981.

11-23-81
Date

Gary J Adams
Signature

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

OK
Gaj

T-4477

RECEIVED

APR 11 1980

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

Gregory J. Alves &
I, Sue E. Alves dba Cottonwood Cattle Company

(Name of applicant)

of Rt. 6 Box 200 Lakeview
(Mailing address) (City)State of Oregon 97630 947-2795, 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? Cottonwood Cattle Company
(If not, give name)2. Was your water right determined by Decree of Court? If so, give title of proceedings
(Yes or No)

Transfer # 2822 number of certificate #48465

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 Cottonwood Creek

5. What is the date of priority of your water right? 1904

6. The authorized point of diversion is located 640 ft. N. and 2825 ft. W. from the SE.
(N. or S.) (E. or W.)corner of Sec. 33 being within the SE 1/4 SW 1/4 of Section 33 Tp. 38 S. R. 19 E. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Lake 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 1/4 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
38 S	19 E	33	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.6
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.9
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.0

(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
Mortgage	Federal Land Bk.	58 000 ⁰⁰
	FHA (Klamath)	135 000 ⁰⁰

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
38 S	19 E	33	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.1
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	21.8

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Plan to irrigate lands on East side of

Creek from well

15. Construction work will be completed on or before May 1, 1981

16. The water will be completely applied to the proposed use on or before October 1, 1981

Remarks _____

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, Gregory J. Alues & Sue E. Alues, 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 _____ day of _____, 19____.

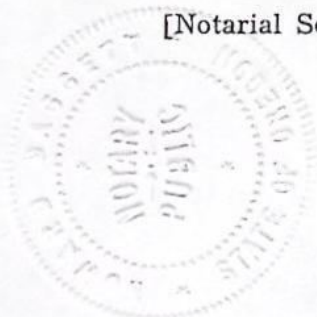
Sue E. Alues
(Name of applicant)

Subscribed and sworn to before me this 10th day of April, 1980

[Notarial Seal]

Howard Daggett
NOTARY PUBLIC FOR OREGON

My commission expires 12-29-81





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: _____, 19__.

FROM: ** Howard Daggett, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4477IN THE NAME OF Cottonwood Cattle Co.

RECEIVED

APR 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POU of water from Cottonwood Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices ~~WILL~~ 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 . . .
~~X~~ (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