

4385

Name Benner E. Cox
 By % LAKEVIEW WATER USERS, INC.
 Address Rt 6, Box 530
Lakeview, OR 97630

Change in POU
 Date filed Feb 5, 1980
 Date of hearing _____
 Place of hearing _____
 Date of order 4-10-80 Vol. 33, page 132
 Date for application of water 10-1-81
 Proof mailed _____
 Proof received _____
 Certificate issued Dec 2017 Vol. _____, page 93497
RR 75426

DESCRIPTION OF WATER RIGHT DVA Notification

Name of stream Drews & Cottonwood Reservoirs
 Trib. of _____ County of Lake
 Use irrigation
 Quantity of water _____ No. of acres 23⁰
 Name of ditch _____
 Date of priority JAN 21 - 1907
 In name of Lakeview Water Users, Inc.
 _____ Adjudication, Vol. 16, page 478
 App. No. _____ Per. No. _____ Cert. No. 47469
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-5-80</u>	<u>30⁰⁰</u>	<u>15945</u>
<u>2</u>		
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

finis to survey 7/80
finis (T-6083 retransfers this 23⁰ AC OUT) deb 8-22-88
See SO Vol 44, Page 246

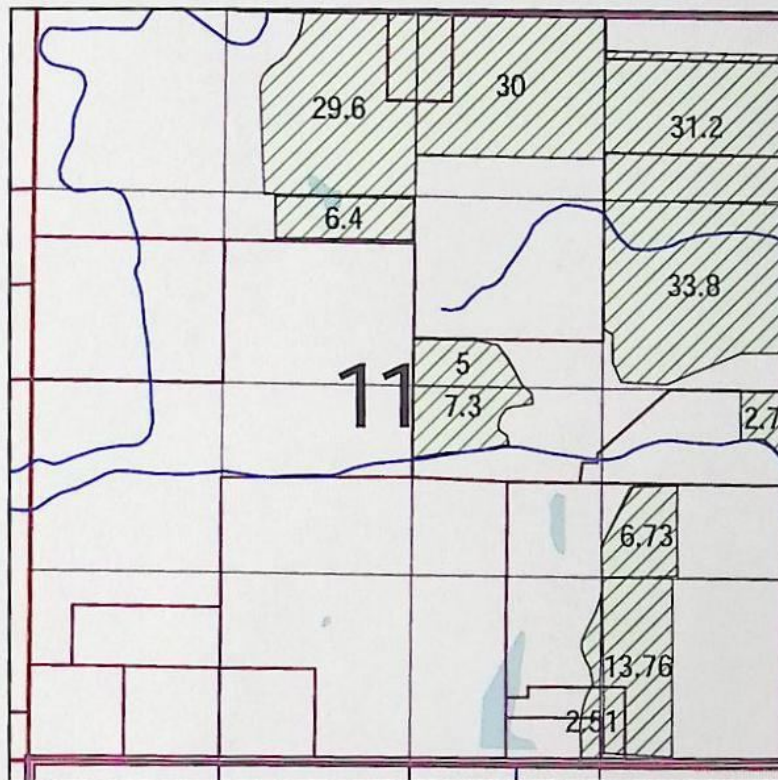
W.R.I.S.	
Assembled	<u>9-12-87</u> by <u>SRA</u>
Entered	_____ by _____
Verified	_____ by _____

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

278

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

STATE OF OREGON

COUNTY OF LAKE

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves TRANSFER 6083 submitted by

BENNER EUGENE COX
HC 60, BOX 320
LAKEVIEW, OREGON 97630

(LAKEVIEW WATER USERS, INC.
HC 60, BOX 2980
LAKEVIEW, OREGON 97630)

to use the waters of DREWS CREEK, DREWS RESERVOIR, COTTONWOOD CREEK, AND COTTONWOOD RESERVOIR, a tributary of GOOSE LAKE, for the purpose of IRRIGATING 23.0 ACRES.

The right to be transferred was confirmed by decree of the Circuit Court of the State of Oregon for LAKE County as evidenced by certificate 47469 and subsequently changed and reconfirmed under transfer 4385. The decree is recorded in the Order Record of the WATER RESOURCES DIRECTOR in Volume 16, at page 478. The date of priority is JANUARY 21, 1907 for DREWS CREEK and JULY 31, 1908 for COTTONWOOD CREEK.

This right is limited to 0.445 cubic foot per second from DREWS CREEK and 0.400 CFS from COTTONWOOD CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 SE 1/4, SECTION 5, SE 1/4 NW 1/4, SECTION 11, T 40 S, R 18 E, W.M.; NW 1/4 SW 1/4, SECTION 29, T 38 S, R 19 E, W.M.; AND NE 1/4 NE 1/4, SECTION 16, T 39 S, R 19 E, W.M..

The amount of water used for irrigation under this right is limited to a diversion of 3.9 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the new place of use is as follows:

NE 1/4 SE 1/4 5.0 ACRES
SE 1/4 SE 1/4 18.0 ACRES
SECTION 11
TOWNSHIP 39 SOUTH, RANGE 19 EAST, W.M.

The right to use 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 the decree.

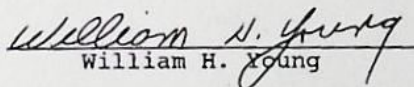
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1991.
2. The water user shall continue to maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of any change to the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. The following former place of use shall no longer be irrigated as a part of this water right:

NE 1/4 SE 1/4 7.67 ACRES
SE 1/4 SE 1/4 15.33 ACRES
SECTION 10
TOWNSHIP 39 SOUTH, RANGE 19 EAST, W.M.

When satisfactory proof of the completed change is received, certificate 47469 shall be cancelled, and a new certificate confirming this change and other changes within Lakeview Water Users, Inc., will be issued.

WITNESS the signature of the Water Resources Director, affixed May 18, 1990.


William H. Young

Recorded in Special Order Records at Volume 44, Page 247.

T-6083.BE

Jerry Gainey

From: Jerry Gainey
Sent: Tuesday, June 01, 2010 2:46 PM
To: Mary Rohling; Linda Tippet
Subject: T-4385

Mary and Linda,

T-4385 was proof to satisfaction by Special Order Volume 44, Page 246, dated May 18, 1990. I've entered by proof to satisfaction but I guess a history needs to be made.
Thanks for your assistance.

THE G/Jerry Cert Team

Jerry Gainey
Water Rights Specialist/Certificate Section
725 Summer St NE, Ste A
Salem OR 97301

503-986-0812
FAX: 503-986-0901

6/3/2010

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF THE APPLICATION OF)
BENNER E. COX (LAKEVIEW WATER USERS,))
INC.) FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4385

On February 5, 1980, an application was filed in the office of the Water Resources Director by Benner E. Cox for approval of a change in place of use of water from Drews Creek and Drews Creek 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 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 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 15.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 39 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 7.67 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.33 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, 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.

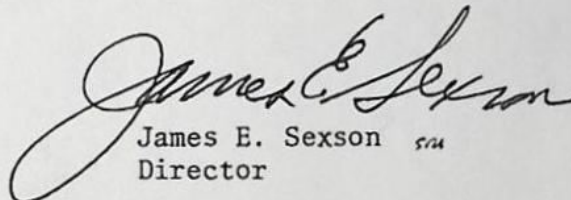
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 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.

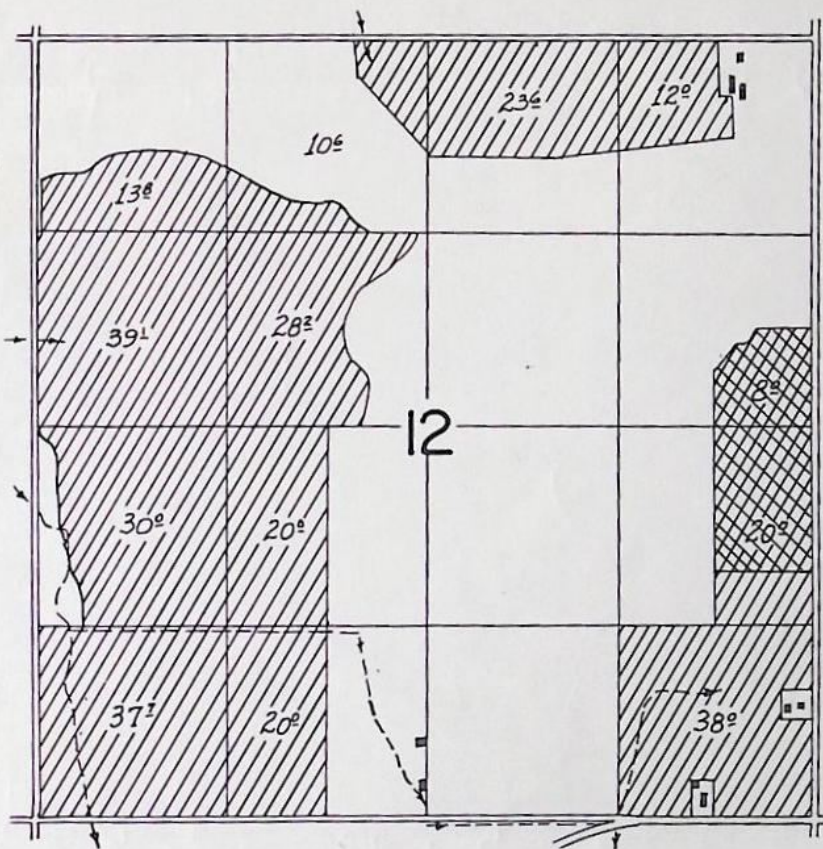
Dated at Salem, Oregon this 10th day of April, 1980.


James E. Sexson
Director

T-4385

RECEIVED
FEB 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

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



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

POD
POU
USE
Add'l POD

Transfer NO. 4385

County Lake

Old Certificate NO. 47469

1. Name Benner E. Cox / Lakeview Water Users, Inc
Address _____

2. Source of Supply Drews + Cottonwood Reservoir, Trib of _____
Use ir / 23² ac

Amount of Water _____ Priority Date Jun 21, 1907

5. Proposed Point of Diversion _____

6. Completion Date 10-1-81

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>39S</u>	<u>19E</u>	<u>10</u>	<u>NE SE</u>	<u>7⁶⁷ ac</u>
			<u>SE SE</u>	<u>15³³ ac</u>

11-3-81

RECEIVED

MAR 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED T-4385

FEB 5 1980

WATER RESOURCES DEPT
SALEM, OREGON

T39S R19E

		10	
			767 1533

1000

615
651

no one home
Did an inspection

Source: Canal - Drew Cotton Wood Res.

Motor: 4 cyl Diesel Cat Engine

Pump: Pacific DD Cent 6" X 4"

Pipe: $\frac{1}{4}$ mile w L 5" 34-3/16" X 0" hdx
6" X 1400' m.L.

Use: Hay - alfalfa and grain intermixed

TIE: 41037-379 - 99A

Notes: The majority of the field looks OK

The NW portion is marginal. It still has alfalfa on it but also has lots of weeds, not harvested this year, and no grain interplanted w/ alf. not sure when last irr.

Left a Card.

Drafting Note.

The ~~W.~~ E fence line was originally established in wrong position.

I have 2 fence line on photo. The W. one is the correct field boundary. MJM 12/20

10/20/87

Michael J. Mattick
F.I.

MAY 29 1985

NOTICE OF INTEREST IN WATER RIGHT

To: Director of Water Resources
555 13th Street, N.E.
Salem, Oregon 97310

RECEIVED
MAY 30 1985
WATER RESOURCES DEPT.
SALEM, OREGON

This is to notify you of an interest in the following described water right:

Loan Number M50511

Borrower's Name COX, Benner E.

Mailing Address _____

Property being served by the water:

Township 39 S Township 39 S Township 39 S

Range 19 E Range 20 E Range 19 E

Section 10 & 11 Section 7 Section 12

Tract _____ Tract _____ Tract _____

	Sec 7	Sec 12	Sec 10
Water Right Numbers:	43713	43712 88536	37062 T 4385
Permit Number(s)	32803, 32802	67922	45040
Certificate Number(s)	39541, 39540	sur	sur
Irrigation District	Lakeview Water Users	Appears	23 Ac
	16 Ac Prim	37.3 Ac Prim	20 Ac
		23 Ac covered	

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

Attention: Butch Gehley, Appraisal Coordinator

Attachments:

- ☒ Legal Descriptions
☒ Plat Map
☐ Please return copy to ODVA

Sec 11
69454
68811
sur
10 Ac

DM
7-31-85

SECTION

7

TOWNSHIP 39S RANGE 20E W. M.

North

A 36-section township grid (6 rows by 6 columns). The grid is divided into four 3x3 quadrants by a central horizontal and vertical line. The top row is labeled 'North' and the bottom row is labeled 'South'. The rightmost column is labeled 'East' and the leftmost column is labeled 'West'. The grid contains several shaded areas and handwritten annotations. In the top-right quadrant, there are two shaded rectangular areas. The top shaded area is labeled 'N 1/2' and 'NE 1/4'. The bottom shaded area is labeled 'N 1/2 SW' and 'SE 1/4'. A handwritten '7' is located in the center of the grid, between the central horizontal and vertical lines.

South

APPLICATION No.

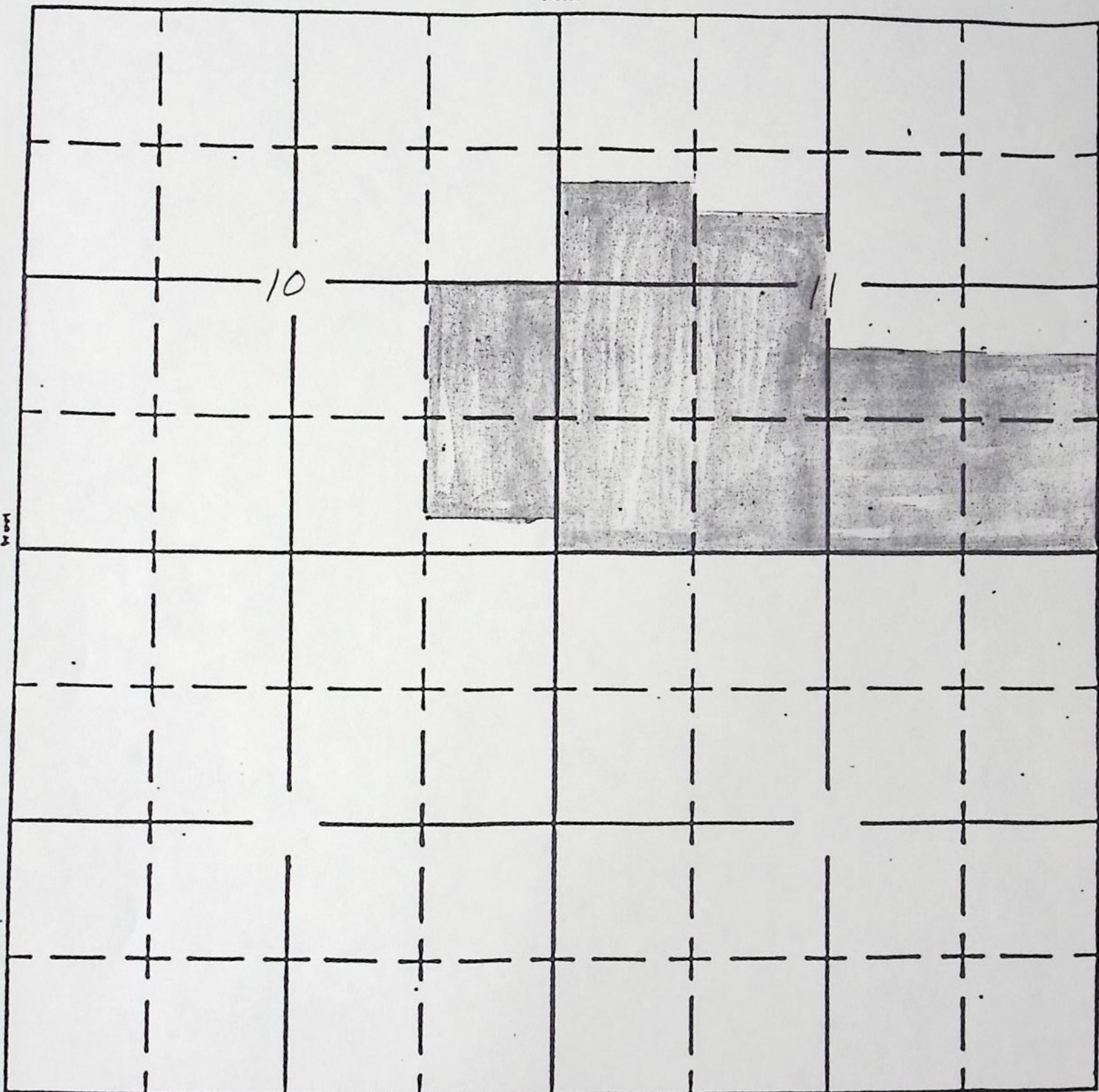
PERMIT No.

SECTION

10 & 11

TOWNSHIP 39S, RANGE 19E, W. M.

North



South

APPLICATION No.

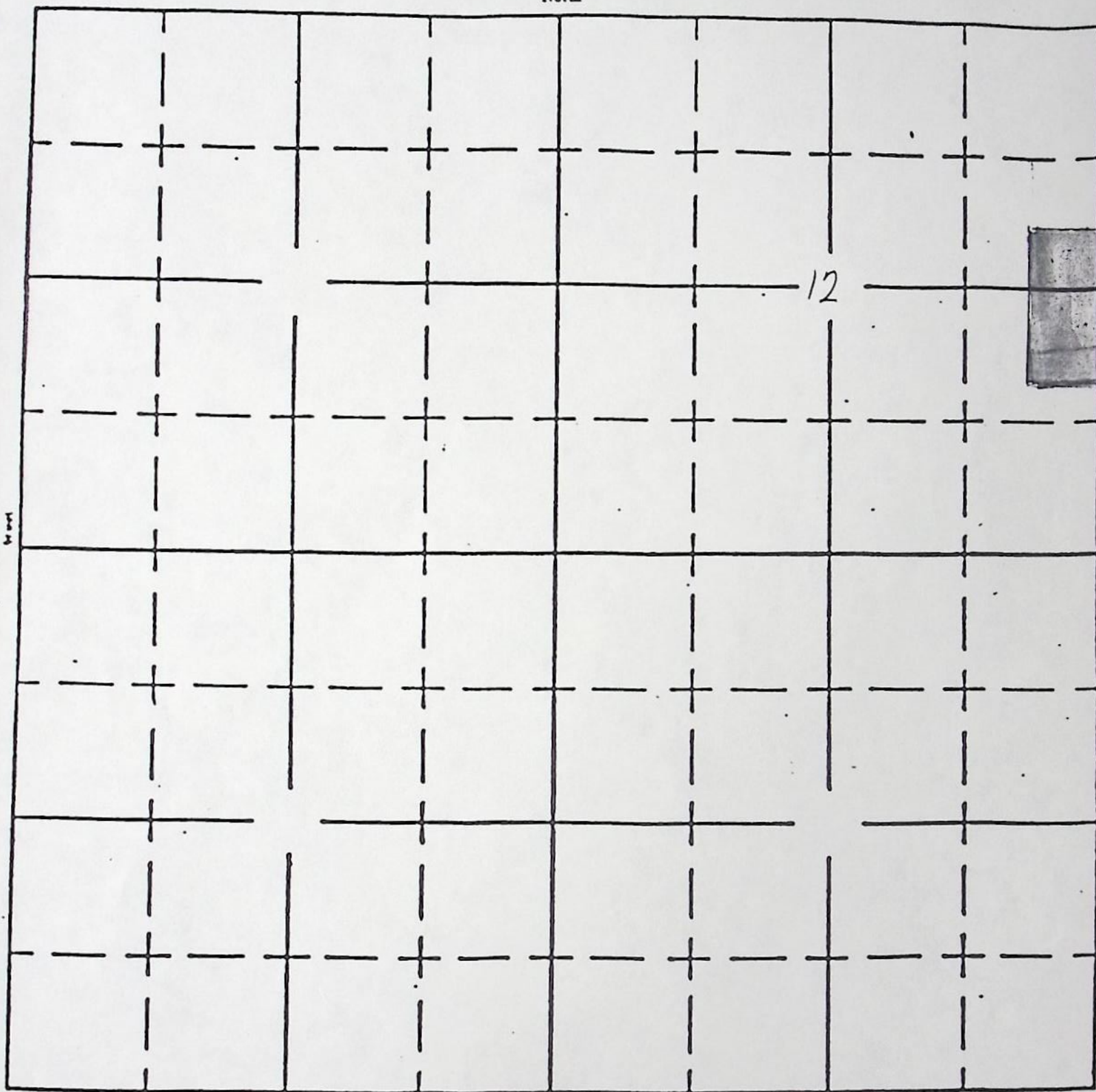
PERMIT No.

SECTION

12

TOWNSHIP 39S, RANGE 19E, W. M.

North



South

APPLICATION No.

PERMIT No.

RECEIVED
JUL 7 1980
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Drews Cr. et al.
PURSUANT TO TRANSFER APPLICATION NO. 4385

I, Bennett E. Cox, 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 July 1, 19 80

July 2, 1980
Date

Bennett E. Cox
Signature

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



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 31, 1980

FROM: ** Howard Daggett, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4385

IN THE NAME OF Benner E. Cox

RECEIVED

APR 1 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POU of water from Drews & Cottonwood Reservoirs
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

RECEIVED
MAR 26 1980
WATER RESOURCES DEPT
SALEM, OREGON

T-4385
RECEIVED
FEB 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Benner E. Cox % LAKEVIEW WATER USERS, INC.
(Name of applicant)
of Rt 6 Box 530, Lakeview,
(Mailing address) (City)
State of Oregon, 97630, 947-3003, 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

BE C
3/24/80 3. Was your water right acquired by Supplemental Water Right Permit? yes If so, give number
(Yes or No)
of permit 43956 Number of certificate 582
C# 47469 (Raising of Cottonwood Res. -
in addition to C# 47469)

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 and Cottonwood RPS.

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

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.

To be Pumped from Canal
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 1/4-1/4 of Section	Number Acres To Be Irrigated
39S	19E	12	SE 1/4 NE 1/4	8 ⁰
39S	19E	12	NE 1/4 SE 1/4	15 ⁰
This land has supplemental rights under B.C. 3/24/80 permit # 43956				

(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? yes
(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
(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 1/4-1/4 of Section	Number Acres To Be Irrigated
39S	19E	10	SE 1/4 SE 1/4	15 ³³
39S	19E	10	NE 1/4 SE 1/4	7 ⁶⁷

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or before May 1, 1980

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 Inc. at there
meeting on.

PRESIDENT, LVWU.

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, Bennett E. Cox, 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 28th day of JANUARY, 1980.

Bennett E. Cox
(Name of applicant)

Subscribed and sworn to before me this 28th day of JANUARY, 1980.

[Notarial Seal]

Charles E. East
NOTARY PUBLIC FOR OREGON

My commission expires 10-24-81

