

Derald K. Koland
600 Lolland Lane
Hunts D. , 2 9521



3412

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-17-76
Date of hearing 9-14-76
Place of hearing Shants Pass
Date of order 9-15-76 Vol. 27, page 424
Date for application of water 10-1-77

Proof mailed
 Proof received
 Certificate issued **NOV 23 1976** Vol. **36**, page **441**
APR 20 1977

NOV 23 1976
APR 30 1979

36
41

, page

44001
47915

6-13-79 T2

Survey

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek, trib. of Applegate River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 2 08
Name of ditch _____
Date of priority August 10, 1956
In name of Joho H. Matzenbach

Adjudication, Vol. _____, page _____
App. No. 31031 Per. No. 24594 Cert. No. 27192
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-17-76	35.00	52546
7-8-76	45.00 PON	54250
TOTAL . . .		
8-25-76	32.00	
4-23-79	Cert. Fee 22.00	54250
	37.88	10519

G P Daily Courier

ck #

FEES REFUNDED

Date	Amount	Check No.
8-25-76	\$ 5.12	750

REMARKS

W.R.I.S.

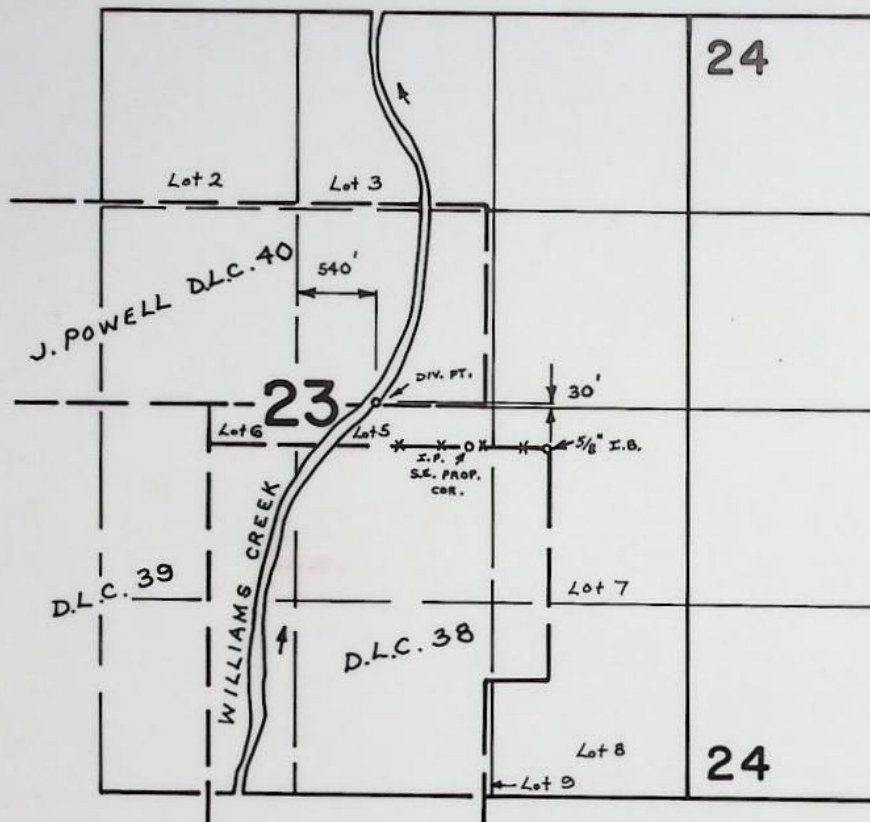
Assembled 6/27/85 by CLH

Entered _____ by _____

.....Verified.....by.....

	INDEX CARDS:	<u>Entered</u>	<u>Checked</u>
[]	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
[]	Bureau	<input checked="" type="checkbox"/>	<input type="checkbox"/>
[]	Hq. or Div.	<input type="checkbox"/>	<input type="checkbox"/>
[]	Circular	<input checked="" type="checkbox"/>	<input type="checkbox"/>
[]	Classified TO RECORDS	<input type="checkbox"/>	<input type="checkbox"/>
[]	Trip - Log	<input checked="" type="checkbox"/> RL	<input type="checkbox"/>
[]	Demonstration	<input type="checkbox"/>	<input type="checkbox"/>
[]	Decorations	<input type="checkbox"/>	<input type="checkbox"/>
[]	Cart. or W/H	<input checked="" type="checkbox"/> RL	<input type="checkbox"/>
[]	Pen. Folder	<input checked="" type="checkbox"/> RL	<input type="checkbox"/>
[]	Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
[]	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
[]	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
[]	Miscellaneous	<input type="checkbox"/>	<input type="checkbox"/>

T.38 S., R.5 W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3412

Application No. _____ Permit No. _____
IN NAME OF

GERALD K. ROLAND

Surveyed OCT. 17 1978 by B. SUND

D.H.M.
P.T.S.-1978-14-D

10-17-78 BES
DS-1978-14-D

✓ 7846-6095

JOSEPHINE

1. Name Gerald K. Roland Address 600 Lofland Ln, Grnats Pass, 97526

2. Source of Supply Williams Creek, Trib. of Applegate River

3. Amount of Water 0.03 cfs Priority Date August 10, 1956

4. Use irrigation

5. Proposed Point of Diversion $30^{\circ}N$, $540^{\circ}E$. From CEM. 2 $60^{\circ}S$ & $2300^{\circ}W$ - $E\frac{1}{4}$ cor of Sec 23, being w/i $(NW\frac{1}{4}-SE\frac{1}{4})$ of $S31^{\circ}4'N, E 7^{\circ}$

W/SN J. POWELL D.L.C.⁴⁰ Sec 23, T 38 S, R 5 W, WM

6. Place of Use

[illegible]

Info: Mrs. ~~Rolland~~ ^{Roland}, as filed.

MOTOR: 1 HP @ 3450 RPM, PEARBODY BARNES

PUMP: 1½" x 2"

DIV. PT.: WILLIAMS CREEK, DIRECT

PIPE: MAIN: 2" - PVC - 600'

LAT.: ¾" - 250' GARDEN HOSE

1" - PLASTIC - 150'

SPRINKLERS: 18 Total

4 MAX - RB 30'S - 5/32"

LIFT: 4' - SUCTION

6' - PUMP

USE: PASTURE, YARD, GARDEN

TIE: S.E. PROP. COR., PTS-1978-K-2

Bruce R. Sund

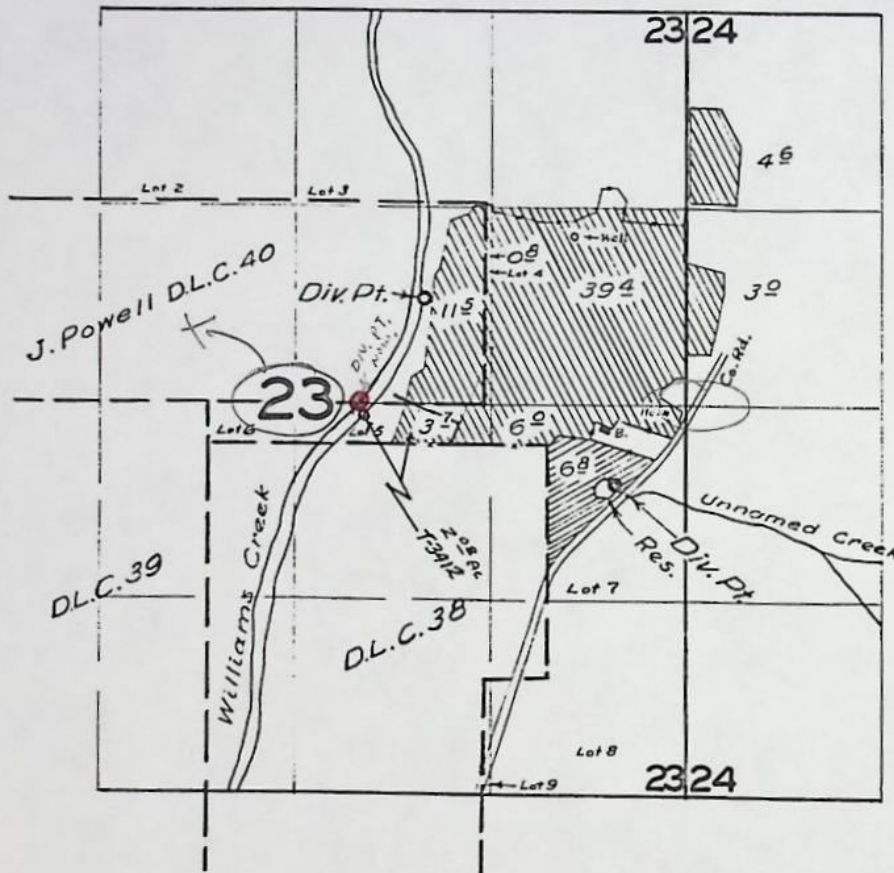
F.E.

10-17-78

$$\frac{1(6.61)}{114 + 10} = 0.05 \text{ c.f.s.} \checkmark$$

$$\frac{4(4.7)}{450} = 0.04 \text{ c.f.s.} \checkmark$$

T.38 S.R.5 W.W.M.



FINAL PROOF SURVEY
UNDER

R-31030 R-1902
30866 24368
Application No. 31031 .. Permit No. 24594
IN NAME OF

JOHN. H. KATZENBACH

Surveyed 24 July 1959, by Tm. Bish

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF GERALD K. ROLAND FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLIAMS CREEK)

ORDER APPROVING
TRANSFER NO. 3412

On May 17, 1976, Gerald K. Roland filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Williams Creek.

Certificate of water right issued to John H. Katzenbach and recorded at Page 27192, Volume 19, State Record of Water Right Certificates, confirms a right to the use of 0.86 cubic foot per second from Williams Creek for the irrigation of, among other lands, 2.08 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W.M., with a date of priority of August 10, 1956.

These lands are irrigated from a point of diversion located 640 feet South and 410 feet West from the Northeast corner of J. Powell D.L.C. #40, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 38 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 60 feet South and 2300 feet West from the East quarter-corner of Section 23, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 38 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of July 22, 29 and August 5, 1976.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion of water from Williams Creek, described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.03 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John H. Katzenbach and recorded at Page 27192, Volume 19, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion a certificate of water right shall be issued to Gerald K. Roland confirming the right.

Dated at Salem, Oregon, this 15th day of September, 1976.

/s/ JAMES E. SEXSON
Director

RECEIVED
MAY 17 1976
WATER RESOURCES DEPT
SALEM, OREGON

T-2412

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, GERALD K. ROLAND
(Name of applicant)
600 Lofland Lane
Grants Pass, Oregon 97526
of _____, County of Josephine
(Postoffice)

State of Oregon, do hereby make application for change Point of Diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Williams Creek, a trib of Applegate River
(Name of stream)
2. The use to which the water is applied is Irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is _____
4. The point of diversion is located 640 ft. S and 410 ft. W from the NE Cor. DLC #40
(N. or S.) (E. or W.)
SW 1/4 NE 1/4, as projected within
corner of J. Powell DLC # 40 being within the J. Powell DLC # 40
(Section or subdivision)
- of Section 23 Tp. 38 S R. 5 W W. M., in the County of Josephine
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
38S	5W	23														2.08		

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)
7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES
8. What is the date of priority of your water right? August 10, 1956
9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)
of permit 24594

Presently part of

10. Do you hold a water right certificate? No If so, give number of certificate 27912
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? No, John H. Katenbach
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 60 ft. S and 2300 ft. W from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Section 23 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23 Tp. 38 S R. 5 W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Note	Beverly McNutt	\$3500.

20. Reasons for the proposed changes are Improve efficiency of irrigation by short line sprinkler system being installed , to increase convenience and to align diversion point to owner's property, due to subdivision of land since original permit.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine

} ss.

I, Gerald K. Roland, 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 13 day of May, 1976

Gerald K. Roland
(Name of applicant)

Subscribed and sworn to before me this 13th day of May, 1976

[Notarial Seal]

Morley Swaim
NOTARY PUBLIC FOR OREGON

My commission expires My Commission Expires Jan. 6, 1979

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

WARRANTY DEED
(Grantees as Tenants by Entirety)

CRATER TITLE INSURANCE CO. P. O. BOX 336, 604 W. MAIN ST., MEDFORD, OREGON
JOSEPHINE COUNTY TITLE CO. P. O. BOX 71, 507 N. E. 6th ST., GRANTS PASS, OREGON

32711 38-5-23 107

KNOW ALL MEN BY THESE PRESENTS, That

BOB HOUSTON SLEEPER and PENNIE LEE SLEEPER, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by GERALD K. ROLAND and NANCY C. ROLAND, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Josephine, State of Oregon, described as follows, to-wit:

RECEIVED

MAY 17 1976

PROPERTY DESCRIPTION

WATER RESOURCES DEPT.

SALEM, OREGON

A parcel of real property situated in Section 23, Township 38 South, Range 5 West of the Willamette Meridian, Josephine County Oregon, described as follows: Beginning at a point which bears South 2611.50 feet and West 1980.00 feet from the Northeast corner of said Section 23, said point being a 5/8 inch iron rod; thence West 660.00 feet to a 5/8 inch iron rod; thence South 342.28 feet to a 5/8 inch iron rod; thence South 89° 44' East 595.83 feet; thence along an existing fence South 89° 44' East 440.43 feet to the Northwesterly right of way line of a roadway known as Lofland Lane; thence along said right of way line North 23° 00' East 150.00 feet to a point opposite Engineer's center line station 27+93.91; thence North 64° 15' 39" West 481.58 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except, 1974/75 Real Property Taxes, a lien not yet payable, easements of record, Mortgage to P. L. McNutt, Trustee, which Grantees assume and agree to pay, as recorded July 14, 1971 in Vol. 184, Page 532, Josephine County Mortgage Records,


and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

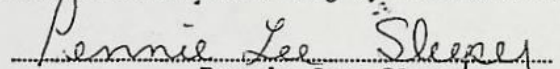
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 16,500.00

~~XXXXXX THE ABOVE DESCRIBED REAL PROPERTY IS HEREBY GRANTED TO THE GRANTEES BY THE GRANTOR, BOB HOUSTON SLEEPER AND PENNIE LEE SLEEPER, AS TENANTS BY THE ENTIRETY, FOR THE CONSIDERATION OF SIXTEEN THOUSAND FIVE HUNDRED DOLLARS (\$16,500.00) AND THE GRANTEES ASSUME AND AGREE TO PAY THE 1974/75 REAL PROPERTY TAXES, A LIEN NOT YET PAYABLE, EASEMENTS OF RECORD, MORTGAGE TO P. L. MCNUTT, TRUSTEE, WHICH GRANTEES ASSUME AND AGREE TO PAY, AS RECORDED JULY 14, 1971 IN VOL. 184, PAGE 532, JOSEPHINE COUNTY MORTGAGE RECORDS, AND THAT GRANTOR WILL WARRANT AND FOREVER DEFEND THE ABOVE GRANTED PREMISES AND EVERY PART AND PARCEL THEREOF AGAINST THE LAWFUL CLAIMS AND DEMANDS OF ALL PERSONS WHOMSOEVER, EXCEPT THOSE CLAIMING UNDER THE ABOVE DESCRIBED ENCUMBRANCES.~~

In construing this deed and where the context so requires, the singular includes the plural, the masculine includes the feminine and the neuter and, generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

Witness our hands and seals this Fourteenth day of August, 1974

 (SEAL)
Bob Houston Sleeper

 (SEAL)
Pennie Lee Sleeper

California
STATE OF ~~OREGON~~

County of ~~JOSEPHINE~~ Orange ss

August 14, 1974

BEFORE ME PERSONALLY appeared the above named
Bob Houston Sleeper and Pennie Lee Sleeper

ents shall be sent to the

TITLE INSURANCE ESCROWS
P. Alexandria, Virginia - 22314

T-2412

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Gerald K. Roland has filed an application for the approval of a change in point of diversion of water from Williams Creek

Certificate of water right issued to John H. Katzenbach and recorded at Page 27192, Vol. 19, State Record of Water Right Certificates, confirms a right to the use of 0.86 cubic foot per second from Williams Creek for the irrigation of, among other lands, 2.08 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 38 S. R. 5 W., W.M., with a date of priority of Aug. 10, 1956.

These lands are irrigated from a point of diversion located 640 ft. S. and 410 ft. W. from the NE corner of J. Powell D.L.C. 40, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, T. 38 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 60 ft. S. and 2300 ft. W. from the E $\frac{1}{4}$ corner of Sec. 23, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23, T. 38 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on Sept. 14, 1976, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing one copy to be served on Gerald K. Roland, 600 Lofland Lane, Grants Pass, Or., 97526 and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 14th day of July, 1976.

JAMES E. SEXSON
Director

No. 9, Thur., July 22, 29 & Aug. 5, 1976

AFFIDAVIT OF PUBLICATION

State of Oregon
County of Josephine

ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues July 22, 29, and August 5, 1976

Subscribed and sworn to before me this 5th day of August, 19 76

Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.

RECEIVED
AUG - 9 1976
WATER RESOURCES DEPT
SALEM, OREGON

OK JWC



WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

ROBERT W. STRAUB
GOVERNOR

July 27, 1976

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon 97310

Attention: Wayne Overcash

T-3412

Dear Wayne:

In my opinion, the proposed change in point of diversion by Gerald K. Roland of water from Williams Creek may be made without injury to existing rights.

I recommend that pumping provision #2 be incorporated into the order.

Very truly yours,

Robert B. Steimer
Watermaster, District #14

RBS/sj

RECEIVED

JUL 28 1976

WATER RESOURCES DEPT
SALEM, OREGON

28 May 1976

Water Resources Department
1178 Chemeketa St. N.E.
Salem, Oregon 97310

Attn: Mr Wayne J. Overcash

Dear Mr Overcash:

This is in reply to your letter TR-3412 of 21 May 1976 (copy attached) concerning my request for transfer of irrigation diversion point.

I disagree concerning the existence of a point of diversion between the present and proposed points of diversion in my application. I am very familiar with Williams Creek in that area and I know the owner of the property between diversion points. In that area there is no evidence of any pumping sites or diversion ditches, in fact, the 6 to 8 foot banks and the shallow grade of the creek in that vicinity make diversion by ditch impossible.

Prior to filing my application I checked with the Josephine County Watermaster Office and was told there were no diversion points between my application points. After receiving your letter I checked again. Still none. There was record of an old point fairly near the area (exact location not noted) and associated with the old Kennedy Ditch. The Kennedy Ditch has not been used for a number of years (probably 1970 or earlier) and since that time the entire area has been subdivided. No evidence of the old location of the Kennedy Ditch could be found, either by myself or by a Josephine County Watermaster employee who has been looking for it this month.

I cannot afford to waste \$45 on unnecessary advertising. It is requested that you have the Josephine County Watermaster verify that there is no diversion point within the approximate 1000' of Williams Creek involved in my request.

Sincerely yours

Gerald K. Roland
Gerald K. Roland

Copy to:
Josephine Co. Watermaster

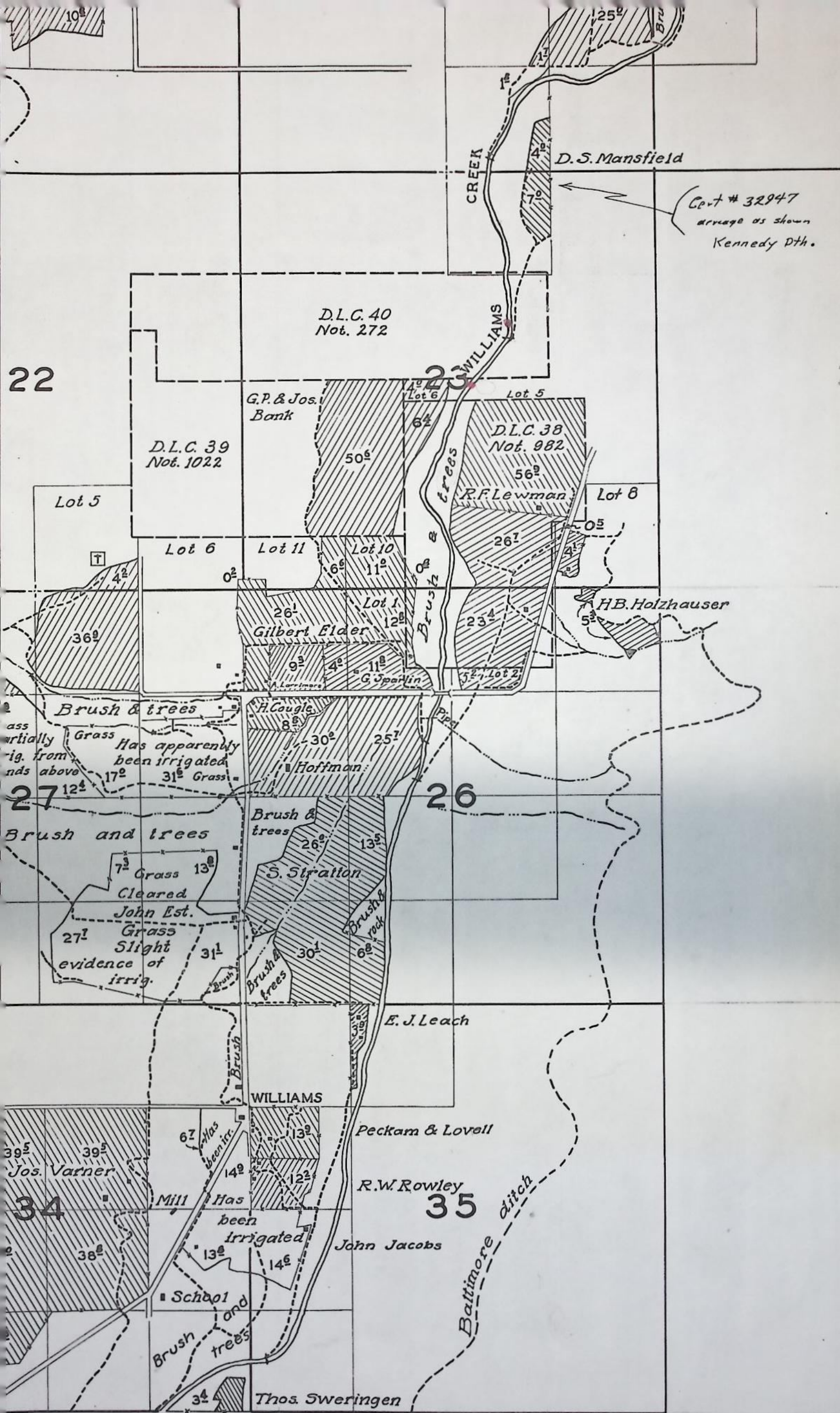
Gerald K. Roland
600 Lofland Lane
Grants Pass, Or. 97526

Phone 846-6095

RECEIVED

JUN - 4 1976

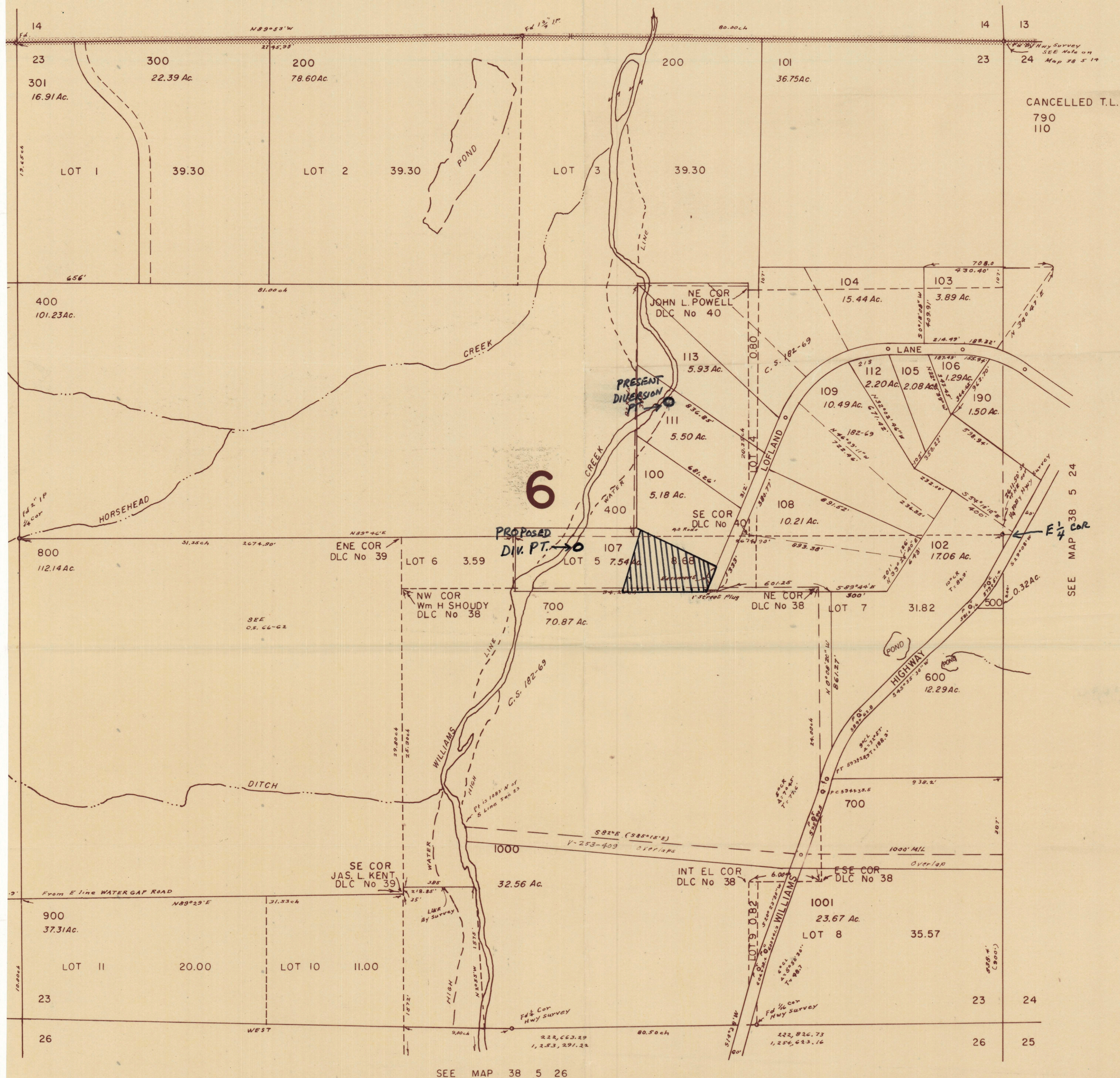
WATER RESOURCES DEPT
SALEM, OREGON



38 5 23

$$1'' = 400'$$

SEE MAP 38 5 14



SEE MAP 38 5 26

38 5 23

T-3412