# 3434

# STATUS OF APPLICATION

Change in point of diversion
Date filed 2-13-76
Date of hearing
Place of hearing Medford
Date of order 1-3-77 Vol. 28 , page 238
Date for application of water 10-1-78 10-1-79
Proof mailed
Proof received
Certificate issued NOV 28 1977 ol. 37 , page 44951
Sept 27, 1988 54 57704

## DESCRIPTION OF WATER RIGHT

Name of stream agate Slough
Name of stream (lyate Slough)  Trib. of County of Jackson
Use irrigation
Quantity of water No. of acres
Name of ditch Main Ditch
Date of priority February 6, 1931
In name of <u>Helen Mace</u>
Adjudication, Vol, page
App. No. 13894 Per. No. 1000/ Cert. No. 9093
Certificate cancelled
Notation made on record by

# ASSIGNED

## FEES PAID

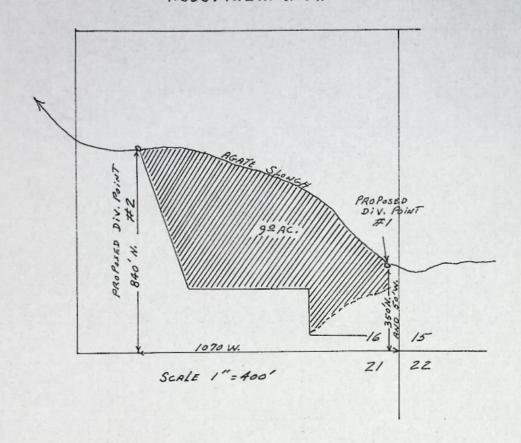
Date	Amount	Receipt No.
7-13-76	35.00	54332
7-13-74	45.00 PON	54333
TOTAL	Cert. Fee	FROM 54333
Parl melford 7.	FEES REFUNDED	30.95
Date	Amount	Check No.
11-10-76	12.05	957

Surveyed 5/96 (Krolop)		9 /14 N
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+ n n 195 · .		WH C
D. See Misc. Rec. Vol. 6 Page 244 to FI V	10 Box 2641	CIA CIA

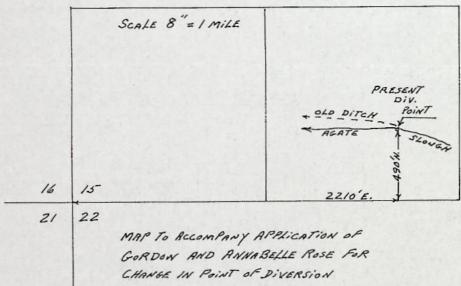
20 Box 2641	
ASSIGNED. See Misc. Rec. Vel. 6 Page 244 to: Ed Krolop, 17979 Knight Drive Castro Yalley, Colifornia	
2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	

Dervey 9/50

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V	Per, rolder	~	
-	Chaindex		
Pk	Cross Ref.		
8	Power Claim		-
	Abstracts		



T. 365. R.ZW. W. M.



RECEIVED

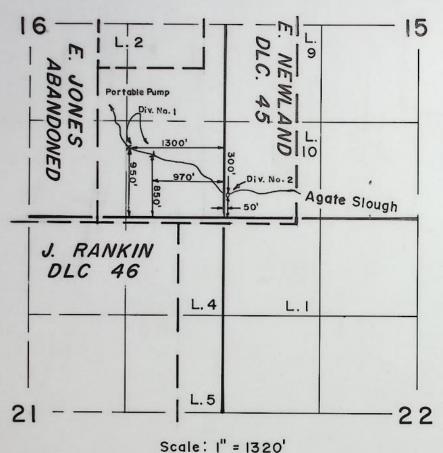
JUL 1976

WATER RESOURCES DEPT



T-3434

T. 36 S., R. 2 W., W.M.



## Scale: 1 - 1320

## **FINAL PROOF SURVEY**

UNDER

TRANSFERS NO. 3433 & 3434

LYNDA E SHIELDS & ED KROLOP

Surveyed MAY 30 1986, by B. S. JAMES

279-27 0R

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

USE Add'l POD

Tran	nsfer No.	3434	_		County	Jackson		
01d	Certificate N	No9	09.3			0		
1.	Name Ed +	Krolo	p st	1, Bx 64C,	Arbuckle, C	1A 959/2		
	Address 1797	9 Knig	ft Dr. (	astro Valley,	CA 9454	6		
				0.0				
2.	Source of Sup	pply	agate,	Slough,	Trib of			
3.	Use	in	, 19-a	~				
4.	Amount of Water 0.113 c + 5							
5.	Priority Date	e 12/	29/1930	for 0.075cfs	; 2/6/1931	for 0,0380		
				840'N + 1070'W				
			market (1)	SE'H SE'H, SE				
7				SEE 7-3/3		The same of the sa		
7.	Completion D	ate F		10-1-79 543	3			
			X1	10 11				
8.	Place of Use							
		i i			Use for Which	n		
	Township	Range	Section	Forty Acre Tract	Transfer Made	9		
	-							
	-	<del> </del>						

INFO: INSTECTED SITE. SAME OWNERS AS APPLIED.

NEW ADDRESS AS COUNTY RECORDS SHOW = P+ 1 BOX GAC

ARBUCKLE, CA 95912. NEIGHBOR - LYNDA SHIELDS - T-3433

LEASE PROTECTY FOR TRUCK FRANCE OPERATION.

SOURCE : A GATE SLOUGH

SYSTEM: SAME AS STATED IN T-3433.

DIVERSION = # 1 (UPSTREAM) SAME AS DIV. \$2 ON T-3433.

PERMANENT PUMP SITE

#2 (DOWNSTREAM) PORTABLE PUMP SITE, SAME AS

DIV. #1 SN T-3433

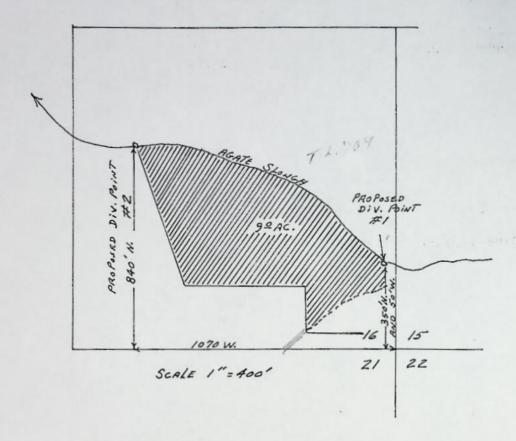
PUMP & MOTOR = SAME AS TRANSFER # 3433

See - for computations

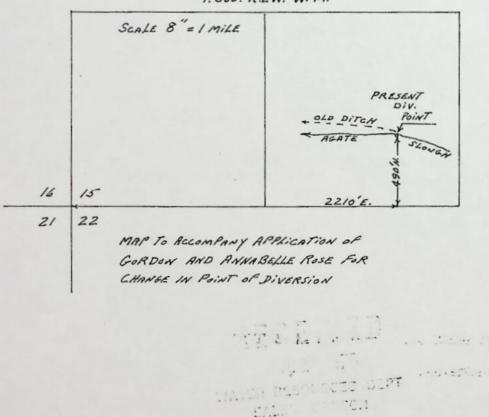
TIE: 41029-279-27472

BSw Jones WRE 5-3086 most!

T.365. R. ZW. W. M.



T.365. R.ZW. W. M.



7-8-76

este, me to.

T-3434

# BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION )
OF GORDON AND ANNABELLE ROSE FOR )
THE APPROVAL OF A CHANGE IN FOINT)
OF DIVERSION OF WATER FROM AGATE )
SLOUGH

ORDER APPROVING TRANSFER NO. 3434

On July 13, 1976, Gordon and Annabelle Rose filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Agate Slough pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Helen Mace and recorded at Page 9093, Volume 8, State Record of Water Right Certificates, confirms a right which includes the use of 0.113 cubic foot per second from Agate Slough, being 0.075 cubic foot per second with a date of priority of December 29, 1930, and 0.038 cubic foot per second with a date of priority of February 6, 1931, for the irrigation of 9.0 acres in SE<sup>1</sup><sub>4</sub> SE<sup>1</sup><sub>4</sub>, Section 16, Township 36 South, Range 2 West, W.M.

These lands are irrigated by means of the Main Ditch from a point of diversion located 490 feet North and 2210 feet East from the Southwest corner of Section 15, being within the SE<sup>1</sup><sub>4</sub> SW<sup>1</sup><sub>4</sub> of Section 15, Township 36 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from two points of diversion to be located (1) 840 feet North and 1070 feet West and (2) 350 feet North and 50 feet West from the Southeast corner of Section 16, both being within the SE4 SE4 of Section 16, Township 36 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Medford Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 20, 27 and November 3, 1976.

Mr. David C. Hendrix, Watermaster of District No. 13, 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 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 0.038 cubic foot per second with a priority date of February 6, 1931, and 0.075 cubic foot per second with a priority date of December 29, 1930.

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, 1978.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered January 3, 1976, approving transfer application No. 3433, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Gordon and Annabelle Rose confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of January, 1977.

/s/ JAMES E. SEXSON Director

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Form 113-2M-8-63

# Application for Transfer of Water Right

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2	. The	use to	whic	h the	water	is ap	plied	is		ci	iri	iga : Minin	tion	r; Manuf	acturing	; etc.)			
4	. The	point	of div	ersion	is lo	cated	490	ft	N.	and	2210	) ft.	Ε.	fro	m the		SW	•••••	
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36 S.	2 W	16																9.0	Port
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16. If not the	owner of	the land	d on w	hich t	he pro	posed	d poir	nt of d	iversi	on is	to be	locate	d. giv	e the	nam
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on? Yes	s 18 and 19 if	application	n is for o	change ir	n use or	place of	use.								
on? Yes	s 18 and 19 if nds from	which	n is for o	change Ir	n use or	place of	use.								
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NOTE: Answer question 18. Are the lang taxes, mortgages 19. If not, give	s 18 and 19 if inds from , liens, et	which the control of	wer Yes	change in ropose or No)	use or	place of ansfer	use. Your	water	r righ			encun	nbran	ces, ir	
NOTE: Answer question 18. Are the lang taxes, mortgages 19. If not, give	s 18 and 19 if inds from , liens, et	which the control of	wer Yes	change in ropose or No)	use or	place of ansfer	use. Your	water	r righ			encun	nbran	ces, ir	

Yes

## AFFIDAVIT OF APPLICANT

ATE OF OREGON,
County of
I,
In Witness Whereof, I have hereunto set my hand this
Subscribed and sworn to before me this
[Notarial Seal] Om F. Cumming NOTARY PUBLIC FOR OREGON
My commission expires 21 January 1980
Remarks
THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF
HE 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.

# Application for Extension of Time for Transfer of Water Right

RECEIVED

JUNI 3 1979

WATER RESOURCES DEPT.

SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Ed Kr6/0P (Name of applicant)	SALEM, OREGON
f / 7979 Knight Ofive - PO Box 26A/ Castrol	lalley Con,
state of Calif-, 94546 A15-537-6188	
do hereby make application for an extension of time within which to	complete
a change in: (xx) point of diversion	
( ) place of use	•
( ) use heretofore made of water	
under the terms of an order of the Water Resources Director entered	on
January 3 , 1977, approving transfer application No. 3434	
in the name ofGordon & Annabelle Rose	* 0
The following has been accomplished toward completion of t	ihe
change within the time allowed, which expired onOctober 1, 19	78:
I purchased the property and	am
preparing to accupy it is	the
near Auture, but liven soon	210
plan to irrigate and run line	o took
(If for irrigation, how many acres, total, are now irrigated)	
*If you are not the applicant named above, please explain your inte	erest. in
this matter. Application was assigned to me.	200 211

To fully complete the change, it will be necessary to accomplish
the following: Install elect lin and
pumps and Lencing
The state of the s
COLUMN CO
SALE WESTER SECOND
I am unable to complete the change under the terms of the order,
within the time allowed, because moving from Ca.
within one time allowed, because mounty from the.
and request that the time for completion be extended to Oxf 1/1979
AFFIDAVIT OF APPLICANT
I, <u>Ed Krolop</u> , being first duly sworn, depose and say that I have
read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.
IN WITNESS WHEREOF, I have hereunto set my hand thislthday ofJune
, 19.79.
Cd Inologo
Subscribed and sworn to before me this 11th day of June , 19 79
[Notarial Seal] Notary Public for Oregon
My commission expires
2/2
- 4x1230
MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00
155/19
MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00
TO:

Water Resources Department MILL CREEK OFFICE PARK 555 13th STREET N.E. SALEM, OREGON 97310

#### NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION FROM AGATE SLOUGH

Notice is given hereby that Gordon and Annabelle Rose have filed an application for the approval of a change in point of diversion from

Agate Slough.

Certificate of water right issued to Helen Mace and recorded at Page 9093, Volume 8, State Record of Water Right Certificates, confirms a right which includes the use of 0.113 cubic foot per second from Agate Slough, being 0.075 cubic foot per second with a date of priority of Dec. 29, 1930, and 0.038 cubic foot per second with a date of priority of Feb. 6, 1931, for the irrigation of 9.0 acres in SE1/4 SE1/4, Sec. 16, T. 36 S., R. 2 W., W.M.

These lands are irrigated by means of the Main ditch from a point of diversion located 490 ft. N. and 2210 ft. E. from the SW corner of Sec. 15, being within the SE1/4 SW1/4 of Sec. 15, T. 36 S., R. 2 W.,

W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from two points of diversion to be lo-cated (1) 840 ft. N. and 1070 ft. W. and (2) 350 ft. N. and 50 ft. W. from the SE corner of Sec. 16, both being within the SE1/4 SE1/4 of Sec. 16, T. 36 S., R. 2 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on Dec. 14, 1976, at 1:30 p.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 Gordon and Annabelle Rose, 2227 E. Pico Street, Fresno, Ca. 93726, and one copy filed with the Water Resources Department, Salem, Or. 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 DIREC-TOR 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 8th

day of October, 1976. JAMES E. SEXSON. Director

# Affidavit of Publication

State of Oregon,
County of Jackson ss,
1. Sharon J. Morris , being first duly
sworn, depose and say that I am the
Principal Clerk  ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMANI
of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010
and 193,020; printed and published at Medford in the aforesaid county and state;
Notice of filing application for a she
that the Notice of filing application for a cha Rose
in noint of diversion from Agate Slough/, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper
for successive and consecutive Weeks in the
following issues Oct 20, 27, Nov. 3, 1976.
(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)
thoron ( Marin)
Sharan Marris
Subscribed and sworn to before me this 3rd day of Nov., 1976
Subscribed and sworn to before me this 22 and of 171
James (Slean
NOTARY PUBLIC FOR OREGON
My Commission expires 21st day of May , 1977

nge

## ASSIGNMENT

I, annale	ele Rase		of	
(Name of Permittee)				
4783 & Liberty	Fresno	Calif	93702	
(Mailing Address)	(City)	(State)	(Zip)	
do hereby assign all my intere	st in and to water r	ight application No.	3434, 1	
permit No, as file	ed in the office of	the Water Resources	Director, to	
ED KROLOP				
	(Name)			
17979 Knight Drive,	Castro Valley, C	alifornia 94546		
(Mailing Address)	(City)	(State)	(Zip)	
WITNESS my hand this	day of	ug 22 -	, 19 <b>77</b> .	
	arus	Mulle Ros	-	
(Signature of Permittee)				
AULE 4 1977				
	WATER RESOUR SALEM, OF	CES DEPT		

The completed assignment must be submitted to the Water Resources Director, 1178 Chamber 18., N.E., Salem, Oregon 97310, together with a recording fee of \$2.00.



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

11:00 AM

76-07510

Record

#### EASEMENT

GORDON ROSE and ANABELLE ROSE, husband and wife, hereinafter called Grantors, convey to HENRY L. MORSS and FAE L. MORSS, husband and wife, an easement for location, operation and maintenance of an irrigation pipeline to run across the following described real property situated in Jackson County, Oregon:

RosE

Commencing at the southeast corner of Donation Land Claim No. 45 in Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, thence North 89°41'50" West, along the south boundary of said Claim, 965.43 feet to a 5/8" iron pin, thence North 0° 06'50" West 157.75 feet to a 5/8" iron pin for the true point of beginning; thence West 321.25 feet to a 5/8" iron pin; thence North 196.87 feet to a 5/8" iron pin; thence West 501.89 feet to a 5/8" iron pin; thence North 19°10' West 585.42 feet to a 5/8" iron pin; thence South 82°18'10" East 209.95 feet to a 5/8" iron pin; thence South 69°08'10" East 575.26 feet to a 5/8" iron pin; thence South 56°18'40" East 223.89 feet to a 5/8" iron pin; thence South 76°28'30" East 118.72 feet; thence South 0°06'50" East 280.58 feet to the true point of beginning.

### ALSO

Commencing at a 5/8" iron pin on the northerly boundary of Highbanks Road which bears North 89°41'50" West 800.22 feet and North 0°18'10" East 30.00 feet from the southeast corner of Donation Land Claim No. 45, Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, thence North 89°41'50" West along said road boundary 100.43 feet to a 5/8" iron pin for the true point of beginning; thence continue along said boundary North 89°41'50" West 65.00 feet to a 5/8" iron pin; thence leave said boundary and run North 0°06'50" West 408.33 feet; thence South 76°28'30" East 66.88 feet to a 5/8" iron pin; thence South 0°06'50" East 393.03 feet to the true point of beginning, and containing 0.60 acres, more or less.

Said easement to be appurtinent to the following described property:

Commencing at the southeast corner of Donation Land Claim No. 45, Township 36 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence North 89°41'50" West along the south boundary of Donation Land Claim No. 45, said Township and Range, 965.43 feet to a 5/8" iron pin for the true point of beginning; thence North 0°06'50" West 157.75 feet to a 5/8" iron pin; thence West 321.25 feet to a 5/8" iron pin; thence North 196.87 feet to a 5/8" iron pin; thence West 501.89 feet to a 5/8" iron pin; thence North 19'10" West 585.42 feet to a 5/8" iron pin; thence North 84°11'40" West 274.14 feet to a 5/8" iron pin; thence North 40°41'30" West 173.74 feet; thence South 19°10' East 1123.89 feet to the northeast

1-EASEMENT

JUL 1 31976

WATER RESOURCES DEPT
SALEM, OREGON

corner of Donation Land Claim No. 46, said Township and Range; thence South 89°41'50" East along the south boundary of Donation Land Claim No. 45, said Township and Range, 1032.69 feet to the true point of beginning. ALSO, the right of ingress and egress over and across a strip of land 20 feet in width lying easterly of and tangent to the easterly boundary of the above described land, which said 20 foot right of way shall extend from the true point of beginning northerly 157.75 feet and no further.

The above described land, access strip excepted, contains 11.8 acres, more or less, and both are subject to the existing exceptions and reservations.

The true and actual consideration of this transfer is other value given.

The foregoing recital of consideration is true as we verily believe.

DATED this 6 day of May, 1976.

STATE OF OREGON County of Jackson May 6th, 1976 SS.

.....Personally appeared GORDON ROSE and ANABELLE ROSE, husband and wife; and both acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

My commission expires y Commission Expires Feb. 27, 1980

Jackson County, Oregon OFFICIAL RECORDS

9.28 MAY 1 21976 Q.M. HARRY CHIPMAN

CLEEK and RECORDER

By Suffy Deputy

Thompson

game, Halmes Confundiant

JUL 1 31976 WATER RESOURCES DE SALEM, OREGOV

