

4092 Giacolini

Name Wallace & Glenna Giacolini

4092

DESCRIPTION OF WATER RIGHT

By _____

Address 480 Bartlett LaneGrants Pass, Or. 97526Change in P.O.D.Date filed Nov. 3, 1978Date of hearing Jan 10, 1979Place of hearing Grants PassDate of order 1-17-79 Vol. 31, page 584Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued FEB 28 1979 Vol. 40, page 47516JUN 8 1986 49 54501to survey 7/79Name of stream Rogue RiverTrib. of _____ County of JosephineUse irrigationQuantity of water _____ No. of acres 0.7

Name of ditch _____

Date of priority April 8, 1947In name of J. E. Bartlett

_____ Adjudication, Vol. _____, page _____

App. No. 22419 Per. No. 17671 Cert. No. 38647

Certificate cancelled _____

Notation made on record by _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>11-3-78</u>	<u>35-</u>	<u>7192</u>
<u>11-14-78</u>	<u>50-</u> <u><2.00></u>	<u>7399</u>
TOTAL . . .		
<u>12-14-78</u>	<u>\$2 Cert. Fee</u>	<u>transfer 7192</u>
<u>Daily Courier \$40.33 pd 12-14-78 ck # 2971</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>12-14-78</u>	<u>767</u>	<u>2972</u>

Ex 20-
POD 15-
Cert 2-
POD 40 33
77 33

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

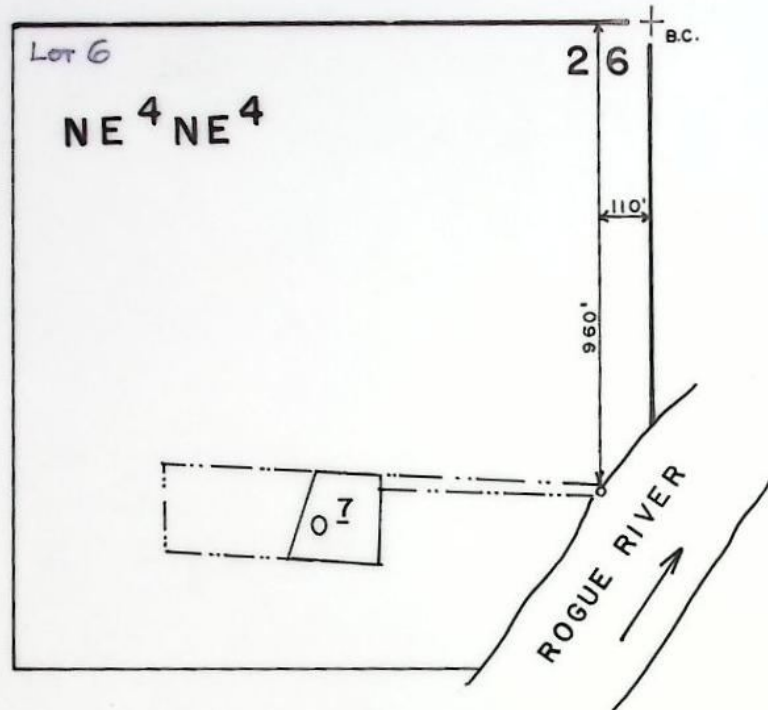
W.R.I.S.

Assembled 7-8-85 by SP

Entered _____ by _____

Verified _____ by _____

T. 35 S., R. 7 W., W. M.
SEC. 26



SCALE: 1" = 400'

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 4092

Application No. Permit No.
IN NAME OF

WALLACE & GLENNA GIACOLINI

Surveyed OCT. 22 1985, by B. S. JAMES

T-4092

RECEIVED

NOV 3 1978

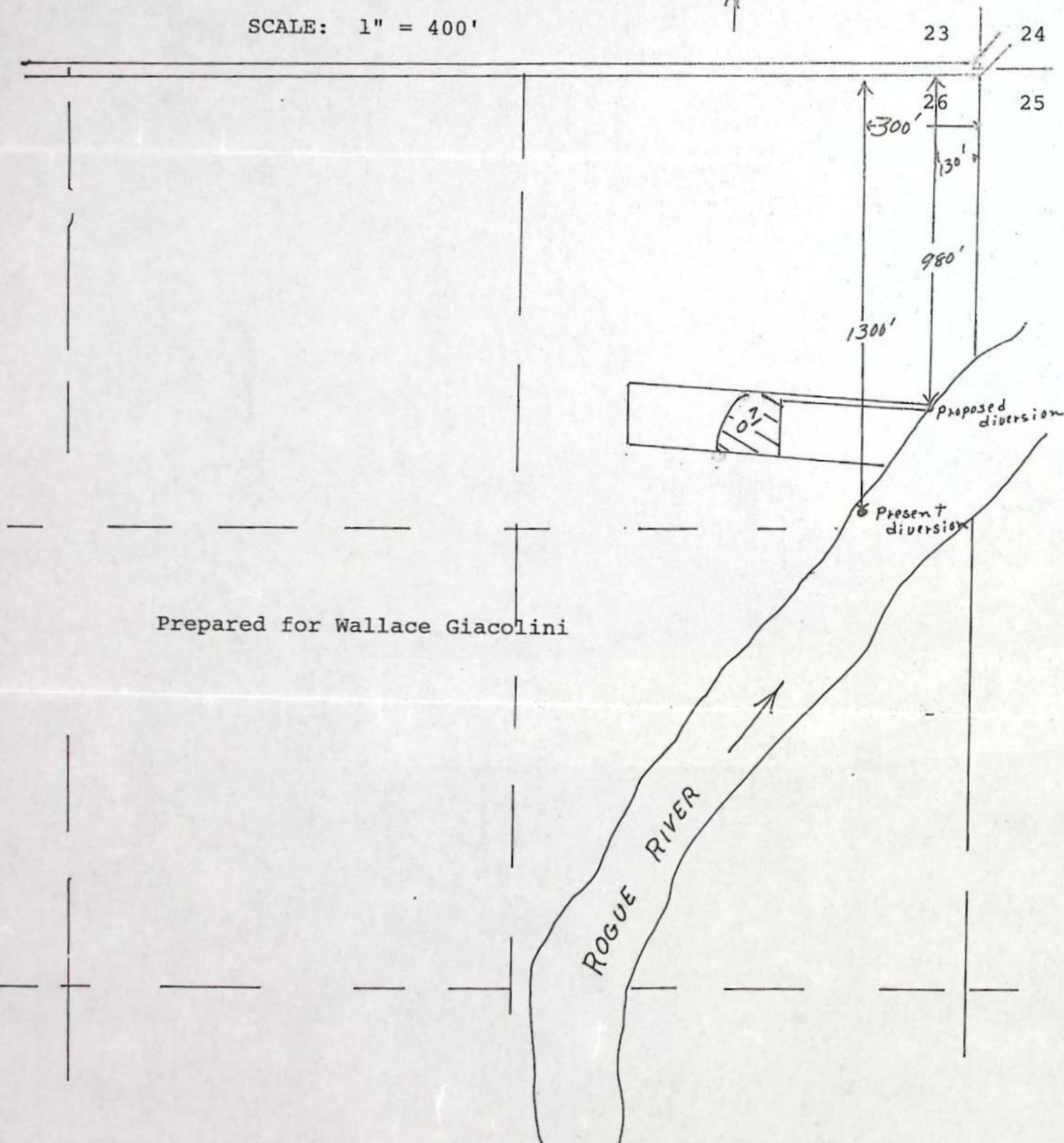
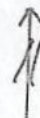
WATER RESOURCES DEPT
SALEM, OREGON

TOWNSHIP 35 SOUTH, RANGE 7 W., W. M.

SECTION 26 NE $\frac{1}{4}$

JOSEPHINE COUNTY, OREGON

SCALE: 1" = 400'



Prepared for Wallace Giacolini

171-166 R

RECEIVED

MAR 11 1986

POD MAR 11 1986
POU
USE WATER RESOURCES DEPT
Add'l POD SALEM, OREGON

County Josephine

1. Name Wallace & Glenna Giacolini 479-1908

2. Source of Supply Rogue River, Trib of _____

4. Amount of Water 0.01 cfs Priority Date April 8, 1947

5. Proposed Point of Diversion ⁹⁶⁰~~980~~ ft S + ¹¹⁰~~130~~ ft W from NE Corner of

7. Place of Use:

[illegible]

41033-179-165 R
10-22-85 BSJ

INFO. : MADE INSPECTION OF SITE. LOCATED DIV. PT. &
EQUIPMENT.

SAME OWNERS : ADDRESS AS APPLIED.

SOURCE: ROGUE RIVER

SYSTEM: PUMPS DIRECT FROM RIVER THRU BURIED
MAIN W/ HOSE RIBBS. USES HOSES WITH SPRINKLERS.

DIVERSION: DIRECT

3' M : FLINT-WALLING 2" X 1 1/2" CONT DD = 1/2 HP ELECT @ 3450 RPM

EQUIPMENT: 4" CAST IRON MAIN FIRST 100' ft.

2" P.V.C. (MAIN) , 400 ft.

200' GARDEN HOSES

SPINKLERS : LANN TYPE SHOWER : 7

MAX. USE : 2 @ 5 gpm.

LIFT: SUCTION 10'

DISCHARGE : 15'

$$\frac{(6^2)(15)}{2.5 + 127} = 0.67$$

USE: LANN & GARDEN.

$$\frac{(2)(5)}{450} = 0.02$$

TIE: 41033-179-165R

MON'T =

$$\begin{array}{r} 23 \overline{) 24} \\ 26 \overline{) 25} \text{ BC} \end{array}$$

B. Sue Janner

WZE 10-23-85

ROBUE R

WRT-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. 5000040921 PERMIT NO. 017671 CERTIF. NO.
 ORIG. NO. A000224191 PREV. NO. A000224191/SUPER. NO.

NAME: WALLACE & GLENNA GIACOLINI

ADDRESS: 480 BARTLETT LN

CITY/STATE/ZIP/COUNTY: GRANTS PASS, OR 97526

17

STREAM-ID 15 1680

RIV.MI.

WM.DIST. 14 W.R. TYPE SA STATUS V

CANCEL YEAR----

CONSTR.COMPLT--> 07 17 1979

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 04 08 1947

PUT TO USE-----> 07 17 1979

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> 11 03 1978

SURVEYED----->

EXAM.FEE-----> 20.00

RECORDING FEE----->

15.00

PERMIT ISSUE--> 01 17 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> 01 17 1979

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

 POINT-OF-DIVERSION DATA;
 TWP/SECT QTR/QTR STREAM-ID

RIV.MI. RATE

STATUS S OR P

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

3505 070W 26 A A 15 1680

0.010

V P

 ** POD: 990'S & 130'W FM NE COR
 ** S 26. CHANGES POD PART OF
 ** C-38647 RR C-47516.

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

3505 070W 26 A A 17 1R 100 0.70

V P

47516

W.R.I.S.

Assembled 4-8-85 by SGA

Entered by

Verified by

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF WALLACE & GLENNA GIACOLINI FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4092

On November 3, 1978, an application was filed in the office of the Water Resources Director by Wallace and Glenna Giacolini for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38647, Volume 30, State Record of Water Right Certificates, in the name of J. E. Bartlett, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Rogue River for irrigation of a certain 0.7 acre in Lot 6 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 26, Township 35 South, Range 7 West, W.M., with a date of priority of April 8, 1947.

The authorized point of diversion of record for said right is located 1300 feet South and 300 feet West from the Northeast Corner of Section 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 980 feet South and 130 feet West from the Northeast Corner of Section 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 35 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 November 20 and 27; and December 4, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections 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, as described herein, without loss of priority, is approved.

V31P564

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

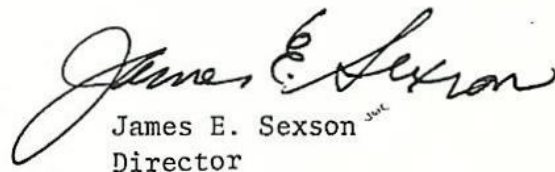
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 38647, Volume 30, 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 17th day of January, 1979.


James E. Sexson
Director

RECEIVED

JUL 17 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
point of diversion from Rogue River

PURSUANT TO TRANSFER APPLICATION NO. 4092

I, Wallace Diacofine, 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 7-1-, 1979

7-15-79
Date

Wallace Diacofine
Signature

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

ok.
Jcy

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NOV 3 1978

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Wallace Giacolini or Glenna Giacolini

(Name of applicant)

of 480 Bartlett Lane

(Mailing address)

Grants Pass

(City)

State of Oregon 97526

(Zip Code)

479-1908

(Phone number)

do hereby make application for change

in point of diversion

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

1. Is the water right recorded in your name? no -- J. E. Bartlett

(If not, give name)

2. Was your water right determined by Decree of Court? no If so, give title of proceedings

(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? yes If so, give number

(Yes or No)

of permit 17671 Number of certificate 38647

A-22419

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 Rogue River5. What is the date of priority of your water right? April 8, 19476. The authorized point of diversion is located 1300 ft. S and 300 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Sec. 26 being within the NE 1/4 NE 1/4 of Section 26 Tp. 35 S R. 7 W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine 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 980 ft. S and 130 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Sec. 26 being within the NE 1/4 NE 1/4 of Section 26 Tp. 35 S R. 7 W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine 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
35 S	7 W	26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.7

(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

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

KNOW ALL MEN BY THESE PRESENTS, That Harold T. Moody and Etta I. Moody, husband and wife, Grantors, in consideration of \$ 1.00 and other valuable consideration to them paid by Wallace Giacolini and Glenna Giacolini, husband and wife, Grantees, do hereby grant, bargain, sell and convey unto the said Grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Josephine and State of Oregon, bounded and described as follows, to-wit:

That part of Government Lot 6, Section 26, Township 35 South, Range 7 West of the Willamette Meridian, described as follows:

Commencing at the Southwest corner of said Lot; thence East 314.6 feet; thence North 218 feet to the true point of beginning; thence North 200 feet; thence South 85°34' East 880.4 feet to the Westerly meander line of Rogue River; thence South 37°45' West along said meander line to a point which bears South 85°34' East 733.9 feet, more or less, from the true point of beginning; thence North 85°34' West 733.9 feet, more or less, to the true point of beginning;

LESS AND EXCEPTING the following described piece of land:

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NOV 3 1978

WATER RESOURCES DEPT
SALEM, OREGON

July 12, 1978

DESCRIPTION OF 1.5 ACRE TRACT OF W. GIACOLINI PROPERTY:

That part of Government Lot 6, Section 26, Township 35 South, Range 7 West of the of the Willamette Meridian, Josephine County, Oregon more particularly described as follows:

Commencing at the southwest corner of said Government Lot; thence East on record bearing for 314.6 feet; thence North on record bearing for 218 feet; thence South 85°34' East for 441.0 feet to a 5/8" diameter iron rod and the true point of beginning; thence North 0°01'20" West for 190.0 feet to an iron rod 5/8th of an inch in diameter; thence South 85°34' East for 409.3 feet to the westerly edge of Rogue River; thence South 34°56' West along said river's edge for 219.8 feet; thence North 85°34' West for 283 feet more or less to the true point of beginning containing 1.5 acres.

Also the right to use a non-exclusive 16 foot easement for ingress and egress to the above described property as described in Volume 139 at Page 267 of Josephine County Deed Records and also across the existing roadway lying between the easterly terminus of said described easement and the westerly line of the herein decribed tract of land.



14. Reasons for the proposed changes are Need to establish own diversion point
on own property

15. Construction work will be completed on or before October 1, 1979

16. The water will be completely applied to the proposed use on or before October 1, 1980

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.

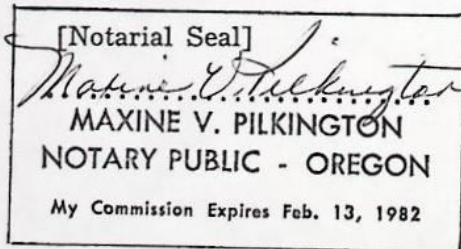
AFFIDAVIT OF APPLICANT

I, Walter Diacolisi and Glenna Diacolisi, 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 2nd day of November, 1978.

Walter Diacolisi
Glenna Diacolisi
(Name of applicant)

Subscribed and sworn to before me this 2nd day of November, 1978.



Maxine V. Pilkington
NOTARY PUBLIC FOR OREGON

My commission expires February 13, 1982

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4092

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Wallace & Glenna Giacolini for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38647, Volume 30, State Record of Water Right Certificates, in the name of J. E. Bartlett, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Rogue River for irrigation of a certain 0.7 ac in Lot 6 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Sec 26, T 35S, R 7W, WM, with a date of priority of April 8, 1947.

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The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 980 ft S & 130 ft W from the NE Corner of Sec 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 26, T 35S, R 7W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon on January 10, 1979, at 9:30 a.m. Any 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 Wallace & Glenna Giacolini, 480 Bartlett Lane, Grants Pass, OR 97526; 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 OBJECTIONS ARE 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 Dept. upon request.

Dated at Salem, Oregon this 14th day of November, 1978.

James E. Sexson
Director

No. 4--Mon.--Nov. 20, 27 & Dec. 4, 1978

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 5 1978

WATER RESOURCES DEPT.
SALEM, OREGON

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 WATER RIGHT TRANSFER, 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 November 20, 27 & December 4, 1978

Subscribed and sworn to before me this 4th day of December, 19 78

A. Kathleen Zahner
Notary Public of Oregon.

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



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: November 9, 1978FROM: ** Robert B. Steimer, District #14**RECEIVED**

NOV 13 1978

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4092
IN THE NAME OF Wallace or Glenna GiacoliniWATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of diversion
may be made without injury ~~XXXXXXXXXXXXXXXXXXXX~~ to existing water rights.

Headgate notices ~~XXXX~~ have not been issued for diversions from the source
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 - Permit 36150
(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 judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other
water rights because _____

**

Robert B. Steimer
Watermaster's signature or initials