

4830 Cronson Road
Ashland, OR 97520
c. Nedine Burns

3319

STATUS OF APPLICATION

Change in point of diversion
Date filed 10-2-75
Date of hearing _____
Place of hearing _____
Date of order 12-18-75 Vol. 26, page 243
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43588

SEP 4 1980

Survey
2-79

49456

DESCRIPTION OF WATER RIGHT

Name of stream Tolman Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 0.5
Name of ditch Tolman Ditch
Date of priority 1853
In name of Cariana B. Hittle
Rogue River Adjudication, Vol. 4, page 11
App. No. _____ Per. No. _____ Cert. No. 15991
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
10-2-75	35.00	49778
TOTAL . . .		
12-11-75	4.00 Cert. Fee	50646

FEEES REFUNDED

Date	Amount	Check No.

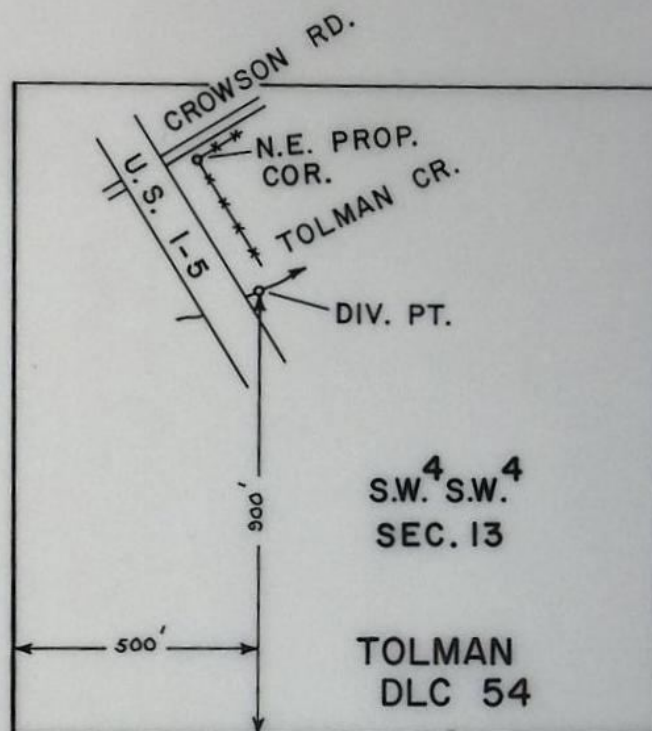
REMARKS

Previous Transfer W-74 involves another part of right

TO BE ENTERED WHEN CHECKED

INDEX SANDS:	
Name	Entered DB
Stream	DB
Pt. of Div.	DB
Calendar	✓
CHECKED TO RECORDS:	
Twp. & Rge.	20
Decree-vault	DB
Decree-safe	DB
Cert. of W/R	DB
Per. Folder	DB
Chalindex	
Cross Ref.	
Power Claim	
Abstracts	

T.39S., R.1E., W.M.



SCALE: 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3319

Application No. _____ Permit No. _____
IN NAME OF

BOBBY N. & VERA N. BURNS

Surveyed MAR. 28 1979, by B. SUND

D.H.M.

P.T.S. - 1979 - 14 - A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF BOBBY N. AND VERA NADINE BURNS)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
TOMAN CREEK)

ORDER APPROVING
TRANSFER NO. 3319

On October 2, 1975, Bobby N. and Vera Nadine Burns filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Toman Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Corinna B. Hittle for the irrigation of, among other lands, 0.5 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 39 South, Range 1 East, W.M., with a date of priority of 1853, as evidenced by certificate of water right recorded at Page 15991, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Tolman ditch from a point of diversion located 140 feet North and 430 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 39 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 870 feet North and 500 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 39 South, Range 1 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Toman Creek, to wit:

From a point located 140 feet North and 430 feet West from the Southeast corner of Section 14, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 14, Township 39 South, Range 1 East, W.M.

To a point to be located 870 feet North and 500 feet East from the Southwest corner of Section 13, being within the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W.M.

for the irrigation of 0.5 acre in $SW\frac{1}{4}$ $SW\frac{1}{4}$, Section 13, Township 39 South, Range 1 East, W.M., with a date of priority of 1853, is approved.

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, 1976.

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 0.006 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 certificate of water right heretofore issued to Corinna B. Hittle and recorded at Page 15991, Volume 13, 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 receipt of 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 Bobby N. and Vera Nadine Burns confirming the change in point of diversion.

Dated at Salem, Oregon, this 18th day of December, 1975.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF JACKSON

Superseded by
Darl, Mo.Sp. Or. V. 243
(7-3319)

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Bobby N. & Vera N. Burns

of 488 Clewson Road, Ashland, OR 97520
of ~~City Hall, Chicago, Ill.~~, State of ~~Illinois~~, has a right to the use ofthe waters of Tolman ~~Poman~~ Creek, a tributary of Neil Creek
for the purpose of irrigation of ^{0.5} ~~36~~ acres, and Domestic use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1853;

that 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 ^{0.006} ~~3.20~~ cubic foot per second, if available at the original point of diversion, SE 1/4 SE 1/4 as projected within Condrey DLC 52, Section 14, T. 39S, R. 1E, W.M., 140 feet North and 430 feet West from the SE Corner Section 14.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Part of D.L. 2, No. 54
(Tolman D. C.)
in T. 39 S., R. 1 E., W. M.Pt. of div. ch. for 42 ac. -
Sp. Or. V. 9, p. 4530.5 acre SW 1/4 SW 1/4
as projected within Tolman DLC 54
Sec 13
T. 39 S., R. 1 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered Dec. 18, 1975 and together with certificate of water right recorded on Page 43588, Volume 35, SRWRC supersedes certificate of water right recorded on Page 15991, Volume 13, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15991

C-49456

P.O.D. - SW 1/4 SW 1/4, as projected within Tolman DLC 54, Section 13
T. 39S, R. 1E, W.M., 900 feet North and 500 feet East from
SW corner Section 13.

POD
POU
USE
Add'l POD

County Jackson

1. Name Bobby N. & Vera N. Burns
Address 488 Cromson Road, Astland, Or 97520

2. Source of Supply 1 Tolman
Tolman Creek, Trib of _____

3. Use irrigation

4. Amount of Water _____ Priority Date 1853

5. Proposed Point of Diversion 870 feet North and 500 feet East, from SW
Corner, Sec. 13, w/2 SW 1/4 SW 1/4, Sec. 13, T. 39S., R. 1E., W.M.,

6. Completion Date October 1, 1976

7. Place of Use:

[illegible]

Info: Mrs Burns, as filed.

MOTOR: GE $\frac{1}{2}$ HP @ 3450

pump: 1" x $\frac{3}{4}$ "

DIV. PT: DIRECT 1" - 30 ft PLASTIC

PIPE: MAIN: GARDEN HOSE - 200 ft - $\frac{3}{4}$ "

SPRINKLERS: 1 MAX.

LIFT: 15 ft.

USE: LAWN - GARDEN

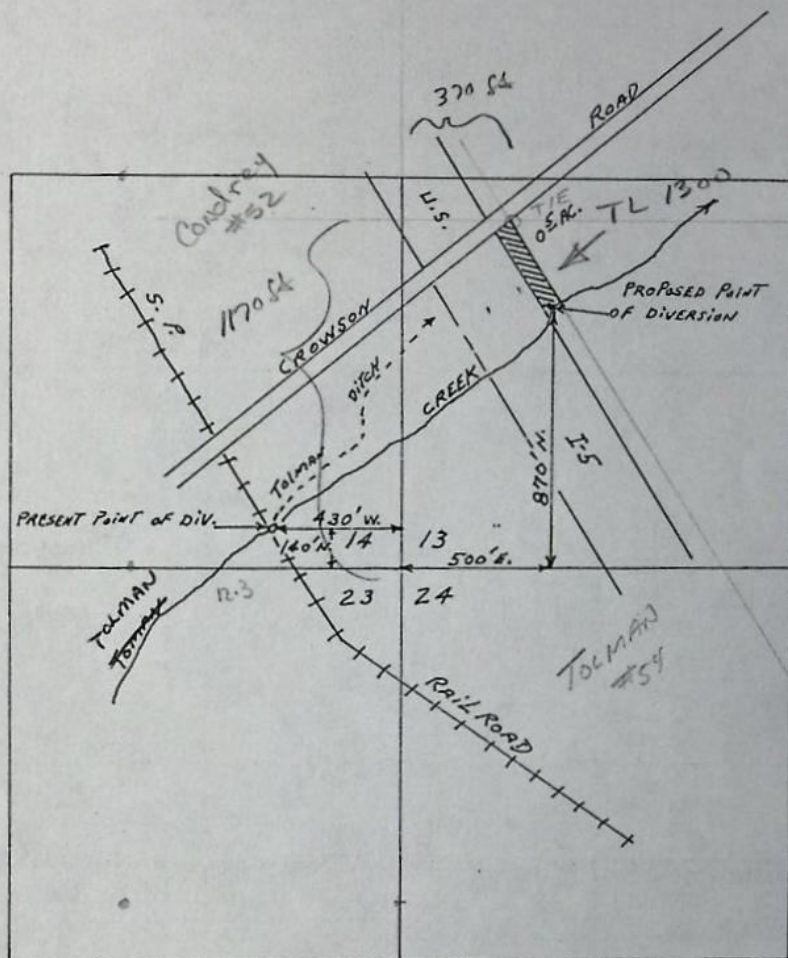
TIE: PTS - 1979-14-1A, ^{NE.} PROP. COR. & ASSESSORS MAP.

Bruce R. Lund
F.E.

3-28-79

$$\frac{(\frac{1}{2})(6.61)}{114 + 15} = 0.026 \text{ c.f.s.}$$

T.39S. R.1E. W.M.



7-3319

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OCT - 2 1975

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Bobby N. and Vera Nadine Burns
488 Crowson Road, Ashland, Jackson
of 488 Crowson Rd. Ashland, County of Jackson
Oregon 97520
State of Oregon, do hereby make application for change in point of diversion.

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

1. The source of present water right is Toman Creek
(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 Tolman Ditch.
4. The point of diversion is located 140 ft. N. and 430 ft. W. from the SE
(N. or S.) (E. or W.)
- corner of Sec. 14 being within the SE 1/4 SE 1/4
(Section or subdivision)
- of Section 14 Tp. 39 S. R. 1 E. W. M., in the County of Jackson.
(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
39	S 1	E. 13											0.5					

part
0.005 cfs

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? 1853
9. Was your water right acquired by State Engineer's Permit? No. If so, give number
(Yes or No)
- of permit none.

10. Do you hold a water right certificate? Yes. If so, give number of certificate 15991.
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
Yes. If so, give title of proceedings Rogue River Decree (Page 11, Col. 1).
(Yes or No)

12. Is the water right recorded in your name? No, Corinna B. Hittle.
(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 870 ft. N. and 500 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Sec. 13 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 Tp. 39 S. R. 1 E. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch to be used is pump.

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.?
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Ditch too costly to maintain.

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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

SS.

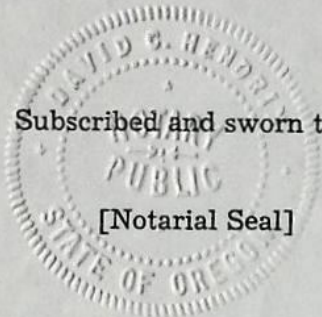
I, Bobby N. Burns and Vera Nadine Burns, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 26th day of September, 1975

X Bobby N. Burns

X Vera Nadine Burns
(Name of applicant)

Subscribed and sworn to before me this 26th day of September, 1975



[Notarial Seal]

David C. Hendrix

NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1976

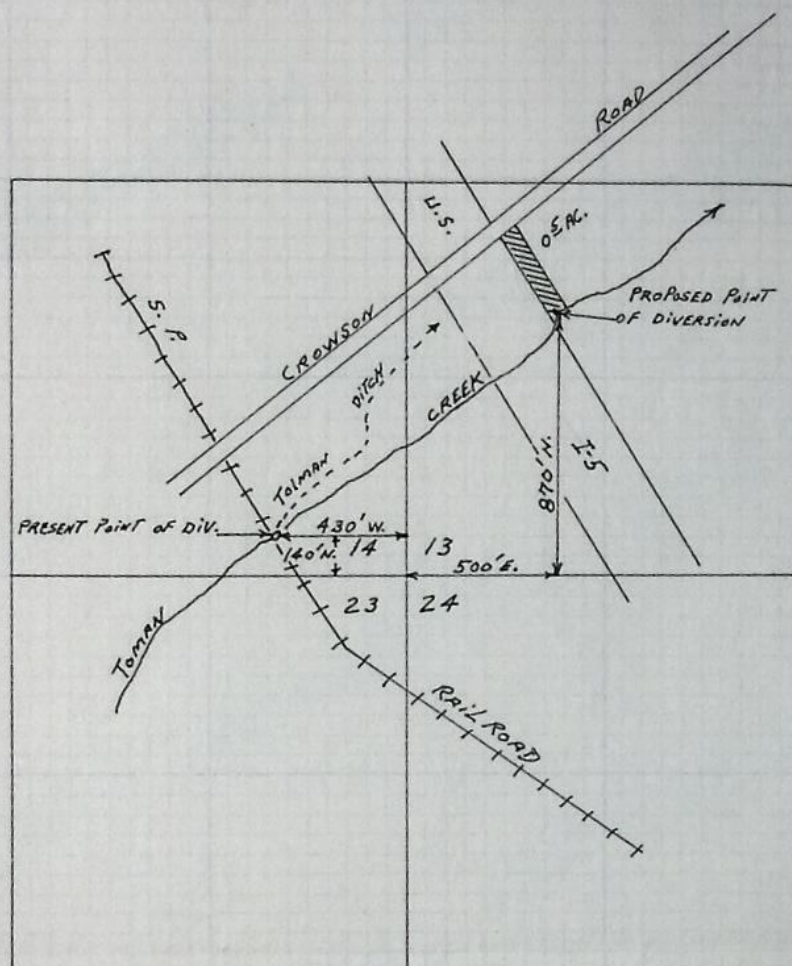
Remarks

Empty lines for 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.

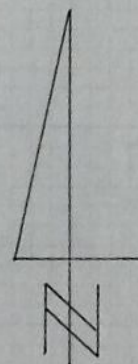
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WATER RESOURCES DEPT.
SALEM, OREGON

T.39S. R.1E. W. M.



MAP TO ACCOMPANY APPLICATION OF
BOBBY N. AND VERA NADINE BURNS FOR
CHANGE IN POINT OF DIVERSION

SCALE 8" = 1 MILE



9-23-75

STATE OF OREGON Medford, Oregon
INTEROFFICE MEMORANDUM - JACKSON COUNTY

Re: Your interoffice
memo of Dec. 4, 1975

TO: Trevor Jones, Administrator
Water Rights Division
FROM: David C. Hendrix, Water Master, District 13
DATE: December 10, 1975
SUBJECT: T-3319 Bobby N. and Vera Nadine Burns - recording fees.

Please find attached a personal check from Mrs. Nadine Burns to cover cost of recording two certificates. The amount of check is \$4.00.

RECEIVED
DEC 11 1975
WATER RESOURCES DEPT.
SALEM, OREGON

4478

Telephone 482-3746
(Area Code 503)

**Gail S.
Brewer Real Estate**



1255 SISKIYOU BOULEVARD • ASHLAND, OREGON • 97520

Sept. 19, 1975

THIS IS TO CERTIFY THAT I THE UNDERSIGN, GAIL S. BREWER, GIVE MY CONCENT
TO CHANGE THE DIVERSION POINT ON LAND KNOWN AS AND BY 488 CORWSON ROAD,
ASHLAND, OREGON FUTHER DESCRIBED IN TITLE POLICY ISSUED BY CRATER TITLE CO.
OF MEDFORD, OREGON BEING POLICY # CTI 28324, being about 100 feet from the
southwest corner of decribed land at about a 45% angle and 42 feet east from
fenceline on west side of property.

Signed:

A handwritten signature in cursive script, appearing to read "Gail S. Brewer".

Witness:

A handwritten signature in cursive script, appearing to read "J. H. H. H.". The signature is somewhat stylized and difficult to decipher.

T-3319

SCHEDULE A

Amount \$ 18,750.00

Date August 5, 1974

At 8:30 A.M.

INSURED

BOBBY N. BURNS and VERA NADINE BURNS

The fee simple title to said land is, at the date hereof, vested in

ROBERT L. BREWER

The land referred to in this policy is described as:

Commencing at a point in the center of the Crowson Road, which point is 12.15 chains South and 7.91 chains East of the Northwest corner of Donation Land Claim No. 54, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 51° 00" West, along said road centerline, 200.12 feet to the true point of beginning; thence South 51° 00' West, 100.00 feet; thence South 31° 37' East, 435.6 feet; thence North 51° 00' East, 100.00 feet; thence North 31° 37' West, 435.6 feet to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 512, Page 154, Jackson County, Oregon, Deed Records.

RECEIVED

OCT - 2 1975

WATER RESOURCES DEPT.
SALEM, OREGON

7-3319