

NOTICE OF BEGINNING OF CONSTRUCTION

RECEIVED
MAY 8 1978
WATER RESOURCES DEPT.
SALEM, OREGON

OK
CMF

I, LIUS MARK BURNS, the holder of Permit No. 42212
do, appropriate to the public waters of the state of Oregon, began the actual construction of the works described
herein on the 17 day of DECEMBER, 1977

Remarks: I BOUGHT TWO METAL 200 GALLON WATER TANKS
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
CO. WORTH OVER 300 DOLLARS. I HAVE OBTAINED A SMALL PUMP (3 HPS)
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
WHICH I AM FIXING UP NOW. THIS SUMMER I WILL COMPLETE THE WATER TANKS
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of MAY, 1978
LIUS M. BURNS 357 VISTA ST. ASHLAND, ORE 97520
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.
SP*35567-690

SM-
RECEIVED

Permit No. 12212

AUG 1975

APPLICATION FOR PERMIT

WATER RESOURCES DEPT
SALEM, OREGON

To Appropriate the Public Waters of the State of Oregon

I, Mr. Delius Burns (Name of applicant)

of 9913 Copco Road (Mailing address), Ashland, (City)

State of Oregon, 97520 (Zip Code), do hereby make application for a permit to appropriate the

following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation N/A

1. The source of the proposed appropriation is a Spring, (Name of stream) tributary of Fall Creek, a tributary of Klamath River.

2. The amount of water which the applicant intends to apply to beneficial use is 0.01 cubic feet per second (If water is to be used from more than one source, give quantity from each, not to exceed

3. The use to which the water is to be applied is domestic, including 1/2 acre of irrigation/lawn and garden. (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 660 ft. S. and 250 ft. E. from the NW corner of Section 2 (N or S), (E or W) (Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the NW 1/4 NW 1/4 of Sec. 2, Tp. 41 S., R. 4 E., W. M., in the county of Jackson. (Give smallest legal subdivision) (N or S)

5. The pipeline (Main ditch, canal or pipe line) to be 300 feet in length, terminating in the NE 1/4 NE 1/4 of Sec. 3, Tp. 41 S., R. 4 E., W. M., the proposed location being shown throughout on the accompanying map. (Smallest legal subdivision) (N or S)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 2" x 1 1/2" centrifugal pump, 3 H.P. gasoline engine. (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

* A different form of application is provided where storage works are contemplated. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

Basin 14, Vol. 1
Jerry Nick Hines

Municipal or Domestic Supply—

10. (a) To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 19

(b) If for domestic use state number of families to be supplied two families.

(Answer questions 11, 12, 13, and 14 in all cases.)

- 11. Estimated cost of proposed works, \$500.00.....
- 12. Construction work will begin on or before 1 year from date of priority.....
- 13. Construction work will be completed on or before October 1, 1978.....
- 14. The water will be completely applied to the proposed use on or before October 1, 1979.....

Celia Buma
(Signature of applicant)

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19

WITNESS my hand this day of, 19

STATE ENGINEER
By ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.01 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Fall Creek.

The use to which this water is to be applied is domestic use for two families, including the irrigation of lawn and garden not to exceed 1/2 acre in area.

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is August 31, 1976

Actual construction work shall begin on or before November 23, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979.

Complete application of the water to the proposed use shall be made on or before October 1, 1980.

WITNESS my hand this 23rd day of November, 1977

James E. Shuman
Water Resources Director

Application No. 54733
Permit No. 42212

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 31 day of Aug 1977, at 11:00 o'clock P. M.

Returned to applicant:

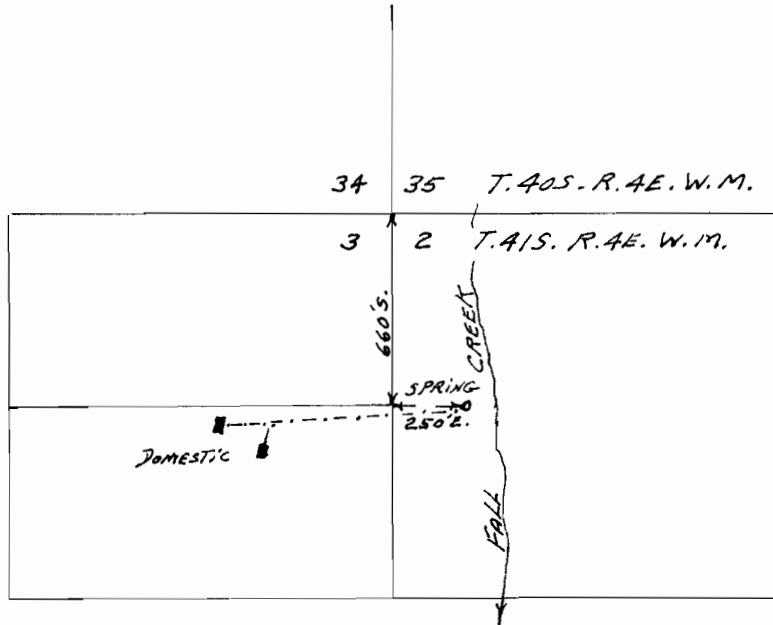
Approved:

Recorded in book No. of
Permits on page

STATE ENGINEER

Drainage Basin No. 1-A page 12-A

Fees



MAP TO ACCOMPANY APPLICATION OF
 DELIUS BURNS FOR DOMESTIC USE

SCALE 8" = 1 MILE

Application No. 54733
Permit No. 42212



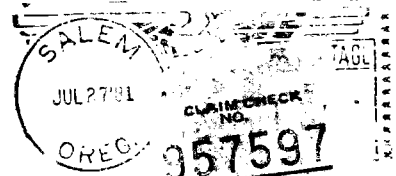
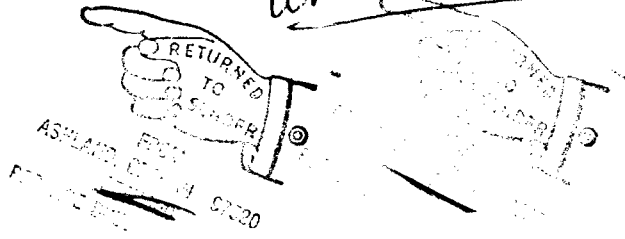
8-30-76



Water Resources Department

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

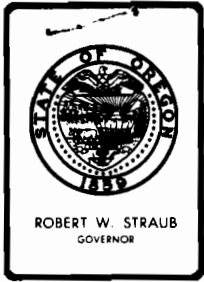
unclaimed



HOLD
DATE 7/31/81
7-29
1ST NOTICE
8-3
2ND NOTICE
8-12
RETURN

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56456

Detached from
PS Form 3849-A
May 1978



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

JUL 27 1981

File No. 54733

Mr. Delius Burns
9913 Copco Rd.
Ashland, OR 97520

According to the terms of your permit number 42212 which is for the appropriation of 0.01 cubic foot of water per second from Fall Creek for the domestic use for two families including the irrigation of lawn and garden not to exceed $\frac{1}{2}$ acre in area complete application of water was to have been made by October 1, 1980.

Complete application of water means the application of water to a beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of December 10, 1980.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days' notice by registered mail, order the cancellation of the permit..."

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit(s) may be canceled without further notice.

If, for any reason, you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved has changed hands and any part of the project has been completed, you should immediately assign the permit to the new owner and advise us of his name and address. An assignment form will be furnished upon request.

Sincerely,
James E. Sexson, Director

By *Bruce A. Estes*
Bruce A. Estes, Supervisor
Certificate-Survey Section

3-24-81
File 54733

Mr. Robert Plotnik called today regarding an assignment of permit 42212. He added that water has only been used for irrigation.

Since permit is for dam incl L.C.G., I suggested to file new application for irrigation only. He agreed.

Burns lives in Montana but Mr Plotnik will send us his address. I sent application blank.

ZES

Treed

Process as usual

for permit No protest

to be considered per

my letter 2/17/77

December 2, 1977

Delius Burns
9913 Copco Rd.
Ashland, OR 97520

54733

42212

75-6433 Delius Burns - legal description: 1.3! 400

THIS CONTRACT, Made this 20th day of June, 1975, between David Wilmett

and Richard and Laura Gillet, hereinafter called the seller, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Jackson County, State of Oregon, to-wit:

An undivided one Quarter interest in the following described property: The south half of the northeast quarter of the northeast quarter of section 3, Twp. 41South, Range 4 East of Willamette Meridian.

Application No. 54733 Permit No.

RECORDED JUN 23 1975 WATER RESOURCES DEPT

for the sum of Two thousand one hundred fifty Dollars (\$2,150.00) (hereinafter called the purchase price), on account of which none Dollars (\$) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller); the buyer agrees to pay the remainder of said purchase price (to-wit: \$2,150.00) to the order of the seller in monthly payments of not less than Fifty Dollars (\$50.00) each, month

payable on the 1st day of each month hereafter beginning with the month of July, 1975, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of 0 per cent per annum from until paid, interest to be paid and * being included in the minimum monthly payments above required. Taxes on said premises for the current tax year shall be pro-rated between the parties hereto as of the date of this contract.

The buyer warrants to and covenants with the seller that the real property described in this contract is (A) primarily for buyer's personal, family, household or agricultural purposes, (B) for an organization or (C) if buyer is a natural person, is for business or commercial purposes other than agricultural purposes.

The buyer shall be entitled to possession of said lands on June 1, 1975, and may retain such possession so long as he is not in default under the terms of this contract. The buyer agrees that at all times he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens; that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due; that at buyer's expense, he will insure and keep insured all buildings now or hereafter erected on said premises against loss or damage by fire (with extended coverage) in an amount

not less than \$ 0 in a company or companies satisfactory to the seller, with loss payable first to the seller and then to the buyer as their respective interests may appear and all policies of insurance to be delivered to the seller as soon as insured. Now if the buyer shall fail to pay any such liens, costs, water rents, taxes, or charges or to procure and pay for such insurance, the seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the seller for buyer's breach of contract.

The seller agrees that at his expense and within days from the date hereof, he will furnish unto buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. Seller also agrees that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since said date placed, permitted or arising by, through or under seller, excepting, however, the said easements and restrictions and the taxes, municipal liens, water rents and public charges so assumed by the buyer and further excepting all liens and encumbrances created by the buyer or his assigns.

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and revert in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this contract and such payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 2,150.00. However, the actual consideration consists of or includes other property of value given or promised which is the whole part of the consideration (indicate which).

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the buyer agrees to pay such sum as the court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action and if an appeal is taken from any judgment or decree of the trial court, the buyer further promises to pay such sum as the appellate court shall adjudge reasonable as plaintiff's attorney's fees on such appeal.

In construing this contract, it is understood that the seller or the buyer may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have executed this instrument in duplicate; if either of the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal affixed hereto by its officers duly authorized thereunto by order of its board of directors.

David R. Wilmett Richard M. Gillet Laura M. Gillet

*Delete, by lining out, whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable, Stevens-Ness Form No. 1308 or similar MUST be used for disclosures under the Truth in Lending Act and Regulation Z, unless the contract will become a first lien to finance the purchase of a dwelling in which event use Stevens-Ness Form No. 1307 or similar.

NOTE: The sentence between the symbols (A), if not applicable, should be deleted; see Oregon Revised Statutes, Section 93.030. (Notarial acknowledgment on reverse).

J. P. CORREIA
LARRY G. BACON
ROBERT F. KASTER

AREA CODE 916
TELEPHONE 842-4193
POST OFFICE BOX 510

CORREIA, BACON & KASTER
ATTORNEYS AT LAW
201 FOURTH STREET
YREKA, CALIF. 96097

February 23, 1977

Chris L. Wheeler
Deputy Director
Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

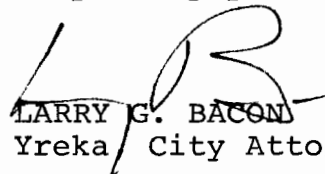
RECEIVED
FEB 24 1977
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Wheeler:

Thank you very much for your letter of February 17, 1977, in regard to Oregon water appropriations relating to streams that flow into California. I am enclosing herewith a copy of California Water Code Sections 1230 and 1231 for your review. As indicated in your letter, obviously the present appropriation applied for on Fall Creek is diminutive in nature, but it is also apparent that perhaps serious consideration should be given to legislation similar to the aforesaid California Water Code sections so as to prevent any problem in the future. Certainly such legislation would be beneficial for the protection of Oregon residents in regard to such streams as Elliott Creek, Dutch Creek, Middle Fork of the Applegate River, Dunn Creek, East Fork of the Illinois River, and Elk Creek which flow into Oregon along with numerous other streams. Regardless of the direction of the flow of this stream, it would appear that appropriations in both states should be protected. I would very much appreciate your Department's consideration of this matter, as it would appear to be in the best interests of the residents of both States.

Thank you very much for your consideration of this matter.

Very truly yours,


LARRY G. BACON
Yreka City Attorney

LGB:cw
Enclosure

*Advised him by phone that we used to have such law
but it was repealed by our leg about 10 yrs ago because
of fear of California retaliation.*

Article 3

APPROPRIATION FROM INTERSTATE STREAMS

Sec.

1230. Appropriation of water for use in another state.
 1231. Stream flowing across state boundary; exception.
 1232. Interstate lakes.

§ 1230. Appropriation of water for use in another state

Upon any stream flowing across the State boundary, an appropriation of water in this State for beneficial use in another State may be made only when, under the laws of the latter, water may be lawfully diverted therein for beneficial use in this State.

(Stats.1943, c. 368, p. 1615, § 1230.)

Derivation: Stats.1913, c. 586, p. 1012, § 15a, added Stats.1917, c. 195, p. 284, § 1.

Law Review Commentaries

Ownership of waters in the Hetch Hetchy basin and water shed. (1941) 16 S.Bar J. 380.

Library References

Waters and Water Courses ⇔130. C.J.S. Waters § 170.

§ 1231. Stream flowing across state boundary; exception

Upon any stream flowing across the state boundary a right of appropriation having the point of diversion and the place of use in another state and recognized by the laws of that state shall have the same force and effect as if the point of diversion and the place of use were in this State if the laws of that state give like force and effect to similar rights acquired in this State; provided, that this section shall not apply to the Walker River and its tributaries or claimed rights of appropriation therefrom in the State of Nevada, whether heretofore or hereafter initiated.

(Stats.1943, c. 368, p. 1615, § 1231. Amended by Stats.1961, c. 349, p. 1389, § 1, eff. May 13, 1961.)

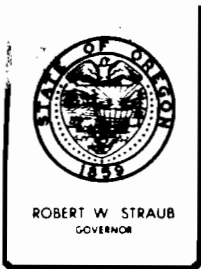
Historical Note

The proviso was added in 1961.

Derivation: Stats.1913, c. 586, p. 1012, § 15a, added Stats.1917, c. 195, p. 284, § 1.

Cross References

Change in point of diversion, use and purpose, see § 1700 et seq.



Water Resources Department

1178 CHEMEKETA STREET N.E., SALEM, OREGON 97310 PHONE

378-3739

February 17, 1977

Mr. Larry Bacon
Attorney at Law
P.O. Box 510
Yreka, California 96097

Dear Mr. Bacon:

In response to your telephone request, I have reviewed the file and we do not have any provisions to cover those conditions. If you desire to divert water in Oregon for your use, it would take a special act of the legislature to permit it. Relating to those statutes, it probably would also take such legislative act to give formal consideration to your protest, if filed. With the small amount of water involved (single domestic use) it doesn't appear to be practical. In view of both the serious legal questions and limited practical effect, the time for filing the protest will not be extended.

A memo of the telephone conversation and a copy of this letter will be in the file, however, to show the concern you have raised.

Sincerely,

Chris L. Wheeler
Deputy Director

CLW:eh

TO: Chris Wheeler

DATE: Feb. 17, 1977

FROM: Trevor Jones

SUBJECT:

Mr. Bacon called this A.M. and wants an extension of the 30 day period to file a protest (my letter 1/19/77). He said he has not completed his "documentation". The proposed source for application No. 54733 is some drainage as Yreka water supply. He asked about distribution and I told him this was on priority of right not preferential use in Oregon. I had no knowledge of any case of distribution in Oregon considering priorities in California. He said he read the Klamath Compact and at first thought didn't think it applicable. I said I wasn't able to discuss this. We touched on the small quantity of water requested in application No. 54733 and Mr. Bacon said they wanted to get on record in some way in Oregon as the City was concerned with water supply, particularly the last three years. I did say I thought some extension of time to protest was possible but I needed to look at the file to see if Delius Burns was pressing for a permit soon. Two weeks time apparently will suffice and I said I would write.

378-3066

January 19, 1977

File 54733

Mr. Larry Bacon
Attorney at Law
P.O. Box 510
Yreka, CA 96097

Dear Mr. Bacon:

We have been withholding action on the application of Delius Burns for a permit to appropriate water from a spring in Section 2, Township 41 South, Range 4 East, W.M. in Klamath County to allow you time to file a protest if desired. We had written November 18, 1976 following your phone call.

I assume a protest is not to be filed. We will delay action for thirty days from the date of this letter before approving the application by issuance of a permit in case my assumption is wrong.

Sincerely,

Trevor Jones

TJ:lds

378-3739

November 18, 1976

File 54733

Mr. Larry Bacon
Attorney at Law
P. O. Box 510
Yreka, California 96097

Dear Mr. Bacon:

As requested in your telephone conversation with Mr. Carver of this office, enclosed is an excerpt setting out the requirements for formally protesting Delius Burns' application for permit to appropriate water from a spring in the NW 1/4 NW 1/4 of Section 2, Township 41 South, Range 4 East, W.M.

The application will be held without action for a reasonable period of time.

Sincerely,

Eve L. Hansen
Administrative Assistant

Enclosure

Phone call
Nov. 16, 1976

Oct. 19, 1976 notice on Appl. # 54733

Larry Bacon, City Attorney for Yreka
P O Box 510
Yreka, Ca 96097

A# 54733 D. Burns.

City of Yreka intends protest

Send excerpt from R & R

378-3066

54733

19 October 1976

Delius Burns
9913 Copco Road
Ashland, Oregon 97520

Dear Mr. Burns:

We have received your map, legal description, spring description sheet, fees of \$35.00 and your application for a permit to use 0.01 cubic foot per second of water from Fall Creek for domestic use for 2 families including irrigation of $\frac{1}{2}$ acre lawn and garden. For reference, your application is No. 54733.

Permits will be issued for use of water from Klamath River and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is satisfactory and a permit will be issued in 30 to 60 days.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:lcj
ENCL: Receipt No. 55795
cc: Dave Hendrix, Watermaster, Medford



WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3066

ROBERT W. STRAUB
 GOVERNOR

NOTICE OF FILING APPLICATION FOR A PERMIT TO APPROPRIATE WATER

File No. 54733

Name Mr. Delius Burns
 Address 9913 Copco Road, Ashland, Oregon 97520
 Water source Spring, trib Fall Creek, trib Klamath River
 Use domestic for 2 families including not to exceed ½ acre lawn and garden
 Point of diversion NW¼ NW¼, Section 2, Township 41 South, Range 4 East, W.M.
 Amount of water 0.01 cubic foot per second

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
41S	4E	3	0.5															
			2 dom.															

Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 19th day of October, 1976.

James E. Sexson
 Water Resources Director



WATER RESOURCES DEPARTMENT

RECEIVED
AUG 31 1976
WATER RESOURCES DEPT
SALEM, OREGON

JACKSON COUNTY COURTHOUSE • MEDFORD, OR • 97501 • Phone 773-6211

August 30, 1976

ROBERT W. STRAUB
GOVERNOR

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

Mr. James E. Sexson, Director
Water Resources Department
Salem, Oregon

Attention: Mr. Larry Jebousek, Administrator
Water Rights Division

Dear Mr. Jebousek:

I am enclosing an application in the name of Mr. Delius Burns of 9913 Copco Road, Ashland, Oregon 97520, for a permit to appropriate 0.01 c.f.s. of water from a spring, tributary of Fall Creek, tributary of the Klamath River, together with U. S. Postal Money Order in the sum of \$35 to cover filing fees, the necessary map tracing, legal land description and spring description form.

Very truly yours,

John F. Cummins
Assistant Water Master,
District 13

JFC:pg

enclosures (5)

Application No. 54733
Permit No.

RECEIVED

APR 1971

WATER RESOURCES DEPT
CALIFORNIA

Application No. _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? No.
2. If not, give name and address of legal owner. B.L.M.
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? Yes.
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 100 g.p.m.
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? 50 g.p.m.
- Is flow measured or estimated? Estimated.
6. Does the stream flowing from spring form a well defined natural channel? Yes.
7. Does the water flow off the lands on which it first arises? Yes.
8. Give the name of the stream or other body of water into which water from the spring flows. Fall Creek.
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks Spring will be inclosed by fence.

Application No. 54733
Permit No.

Delius Burns
Signature of Applicant