cancelled 6-29-66

Name OF V. Howendobles	Perm	on No. 07-7- nit No. 129 nte No. 720	· -	Date		Receipt No
By	Stream Inde	x, Page No		·	REFUNDE	D
Name of W. Howenclobles By Address Viller Oregon	,	Record, Book No		Date	Amount	Check No
Date filed			•			
Action suspended until		, A	SSIGNMENTS			
Returned to applicant	Date	To whom	Addre		Volume	e Page
Date completed					-	
Date of approval			REMARKS			
CONSTRUCTION			•			
Date for beginning	***************************************					
Date for completion	*		•••••			
Extended to						
Date for application of water						
Extended to	•					
PROSECUTION OF WORK	••••	·			*****	
Form "A" filed	***************************************					***************************************
Form "B" filed						
Form "C" filed	•					
FINAL PROOF						
Blank mailed						
Proof received					***************************************	
Date certificate issued						
Receipt for recording fee No	1					

110	NOF WATER TO	<u> </u>
I, FV How	Condoborthe holder of Application	No. 314, being
The holder of Permit	t No. 12 9, issued by the State Eng	gineer of the State of
in accordance with the tenor of such per	rmit and the limitations endorsed there	on by the State Engi-
neer, have completely applied the water being the time limitation as fixed in said		
Remarks: fill has been	m applied - in me e permit had not been fully applied to beneficial	use, you should so state,
of that subsequent appropriators may have notice.	does not supply an	nount of
IN WITNESS WHEREOF, I have be	ereunto set my hand this2_day of_	January 1912
Tiller, Tregon.	2011	bler
Fill out, detach, and mail to the Secretary	y, Board of Control, Salem, Oregon.	

NOTICE OF COMPLETION OF CONSTRUCTION

holder of Application No. 314, being issued by the State Engineer of the State of cubic fort pu record Dead man Creek Oregon for the appropriation of in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein for the application of water to a beneficial use on the 13 day of 170 711, 1910, being within the time limitation as fixed in said permit for the completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNNSS WHEREOF, I have hereunto set my hand this

Board of Control, Salem, Oregon. Form D should be used in reporting en allowed for completion.

Form A

Form B

NOTICE OF BEGINNING OF CONSTRUCTION

the holder of Application No. 314, being 1, issued by the State Engineer of the State of Oregon for the appropriation of ot of the waters of Daudman Cxeek. in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described thereon by the application of water to a beneficial use on the 3 day of construction as fixed in said permit for the beginning of construction work.

should state the manner of beginning construction work, number of men and teams employed, the The date of this settement, and any additional information which may tend to show the

IN WITNESS WHEREOF, I have hereunto set my hand this.

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon.

A A COLD IN THE

all of W/R canceled

copy to watermoster (Youngquist)

certified copy to co. clork, Danglas Co

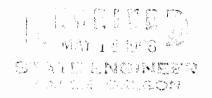
copy to Lerwill

Pi Ge copy App. / 41960

Note Vol. & page noon

copies to watermesters

AFFIDAVIT



STATE OF OREGON) ss.
County of Douglas)

We, Vernon and Alice Lerwill, being first duly sworn, depose ans say that we are the legal owners of the following described lands:

The Southwest quarter of the Southwest quarter of Section 13, Township 30 South, Range 2 West of the Willamette Meridian, containing 40 acres; all of the Northwest quarter and the North half of the Southwest warter of Section 24, Township 30 South, Range 2 West of the Willamette Meridian that lies on the North side of the South Umpqua River, containing 150 acres, more or less, excepting from said 150 acres one acre heretofore deeded as a cemetery site.

and the water right appurtenant thereto, which is for the appropriation of not to exceed 0.63 cubic foot per second of water from Deadman Creek, a tributary of the South Fork of Umpqua River, for irrigation of 9 acres in the NE½ SE½, 12 acres in the NW½ NE½, 3 acres in the NW¼ NW¼, and 26 acres in the NW¼ SW¼. Section 2½, Township 30 South, Range 2 West of the Willamette Meridian, as evidenced by Certificate Number 720, issued to F. V. Howendobler and L. L. Stevens, under date of priority September 17, 1909; that we have abandoned all of said water right and request the same to be cancelled.

to be can	celled.
	IN WITNESS WHEREOF, I have hereunto set my hand this12th
day of	May , 1966.
	Elmon Lewill
	Alice Lerwill
	Subscribed and sworn to before me this 12th day of
·	May , 1966. Deulah J. Leltaku Notary Public of Oregon
	Notary Public of Oregon

My Commission expires 3/27/67

	ے ت		Application No.	ZX	
£,					
	= *	Proof	of Appropriati	on of Water	
accordat	ice with the p	provisions of (Chapter 216, Laws of Oregon for thereunder.)	1909, and the regulations of	f the State Water Boar
		1			
	-		Ever Tribu		_
Name	7.6	1. H	ovendobles	4 L 2 - Ste	vens
Posto:	ffice addr	ess	Tiller	Ore.	
			r used?		
Did y	ou begin t	he actual o	construction of the	wendables &	Oliver Ditch
(or o	ther distri	buting wo	rks described in said perm	it), on or before <i>Cer</i>	+20-1910
	es.				
				(/- 12	th 1016
Give t	the date of	completion	n of such construction wor	k Upr 10	" 1970
***1	was all t	he water c	completely applied to the p	roposed use? Inc.	420:191
when	Was all t				
when	was all o			L	
The .d	lescription	of land gi	iven below corresponds to	that found in your p	/ ermit covering land
The .d	lescription irrigated,	of land gi		that found in your puse. In the blank co	/ ermit covering land olumn on the right
The d to be heade	lescription irrigated,	of land gi or if for ot eres actual	iven below corresponds to ther purposes, the place of	that found in your puse. In the blank co	/ ermit covering land olumn on the right
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9.	State the character of the soil and kind of crops raised Suche Sandy Sail.
#	Lay i principle Prop. Com + Garden jarons
10.	
	tion of diverting works and area of land where water is used?
11.	
11.	If not, state wherein such map is in error
12 .	If the dimensions of your ditch or dam do not correspond to those described in your permit,
	state what changes have been made, giving dimensions of ditch for other distributing
	works) ho cha ye nu made.
	······································
	· ·
13.	If water is used for power, mining, domestic, municipal, storage, manufacturing, or any
	other purpose than irrigation, give the extent and method of such use
	Chothing Sub ingation
STA	TE OF OREGON,
	County of January Sss.
	41/11 111
	I, J. J. Deing first duly sworn,
depo	se and say that I have read the above and foregoing proof of appropriation of water; that I
knov	w the contents thereof; and that the facts therein stated are true.
	IN WITNESS WHEREOF, I have hereunto set my hand thisday
of	(mgm) 1914.
	41,11
ينسعري	-11. Howerdother
٠	
· _ •	Subscribed and arrows to before me this
ۍ ر ر	Subscribed and sworn to before me this day of 191
ر ت	Colored Colore
(No	tarial Seal) Notary Public for Oregon.

S. M.

AFFIDAVIT OF WITNESSES

All Marchan
We, and fiff, funding,
of
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 129; that we and each of us have
been over and upon each tract described in said proof and from such personal inspection, have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.
C.W.Jackson
HI Pennel.
Subscribed and sworn to before me this day of July 191
(Notarial Seal) Notary Public for Oregon.
REPORT AND RECOMMENDATIONS TO STATE WATER BOARD
By Representative Taking Proof.
Orecommed that a certificate be
recommen may a compraro con
yaduly:

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

ORDER

On June 20, 1966, Vernon and Alice Lerwill submitted an affidavit that they are the swners of the following described lands, to wit:

The SW\(\frac{1}{4}\), Section 13, Township 30 South, Range 2 West, W.M.; all of the Northwest quarter and the north half of the Southwest quarter of Section 2h, Township 30 South, Range 2 West, W.M., that lies on the north side of the South Umpqua River, excepting one acre heretofore deeded as a cometery site;

and the water right appurtenant to said lands; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is for the use of not to exceed 0.63 cubic foot per second of the waters of Deadman Creek, a tributary of South Fork of Umpqua River for the irrigation of 12 acres in NE_{4}^{1} NW_{4}^{1} , 3 acres in NW_{4}^{1} NW_{4}^{1} , 26 acres in SW_{4}^{1} NW_{4}^{1} and 9 acres in SE_{4}^{1} NW_{4}^{1} , (errenesually described as SE_{4}^{1} NE_{4}^{1}), Section 2h, Township 30 South, Range 2 West, W.M., with a date of priority of September 17, 1909, and is evidenced by certificate of water right issued in the name of F. V. Howendobler and L. L. Stevens and recorded at page 720, Volume 1, State Record of Water Right Certificates.

ORS 540.621 provides that: Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right to the use of not to exceed 0.63 cubic foot per second of the waters of Deadman Greek,

a tributary of South Umpqua River for the irrigation of 12 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 26 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, (erroneously described as SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 24, Termship 30 South, Range 2 West, W.M., with a priority date of September 17, 1909, and is evidenced by certificate of water right recorded at page 720, Volume 1, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 29th day of June, 1966.

/s/ CHRIS L. WHEELER State Engineer Mr. M. John Youngquist Watermaster Dist. 15 County Courthouse Roseburg, Oregon

Dear Mr. Youngquist:

The enclosed comy of State Engineer's Order dated June 29, 1966, is for your records.

Please note the cancelation of the described water right in your Plat Card and Abstract Records. The abstract of the right should be located under South Umpqua hiver Misc., Basin 16, Volume 3.

Very truly yours,

CHRIS L. WHEELER State Engineer

By Walter N. Perry, Assistant

WNP:mor

Enclosure

July 1, 1966

Mr. & Mrs. Vern Lerwill Tiller Oregon

Dear Mr. & Mrs. Lerwill:

Inclosed is a copy of the order of the State Ingineer canceling certificate of water right issued to F. V. Howendobler and L. L. Stevens and recorded at page 720, Volume 1, State Record of later Right Certificates, as authorized by your affidavit dated June 14, 1966.

This copy is for your files.

Yours very truly,

CHAIS L. MESLER State Engineer

By
Marvin B. Bennett
Assistant

MBB:fm

nclosure

July 1, 1966

Mr. G. D. Myllenbeck Clerk-Recorder Douglas County Courthouse Roseburg, Oregon

Dear Sir:

Unclosed is a certified copy of the order of the State Engineer canceling a water right evidenced by certificate recorded at page 720, Volume 1, State Record of Water Right Certificates, which was recorded in your office on or about December 16, 1914.

Under the provisions of ORS 540.650, the county clerk shall stamp or write across the face of the recorded water right certificate which evidences the right the words: "Canceled by order of the State Engineer, deted June 29, 1966."

Yours very truly,

CHRIS L. WHECLER State Engineer

 $\mathbf{B}\mathbf{y}$

Marvin B. Bennett Assistant

MBB:fm

Enclosure

WATERMASTER DISTRICT NO. 15

COUNTY COURTHOUSE

ROSEBURG 97470

TEL. 672-3311



STATE OF OREGON STATE ENGINEER WATER RESOURCES DEPARTMENT

June 16, 1966

WATER DISTRIBUTION HYDROGRAPHIC SURVEYS SNOW SURVEYS

FILE NO. 11960

Chris L. Wheeler State Engineer 516 Public Service Building Salem, Oregon 97310

Attention: Trevor Jones, Assistant

Dear Mr. Jones:

Please find enclosed the affidavit you wanted the Lerwill's to sign.

I hope all is in proper form for the issuance of their permit.

Yours truly

M. John Youngquist Watermaster, Dist. 15

MJY:emb Encls.

April 27, 1966

Mr. M. John Youngquist Watermaster, District No. 15 County Courthouse Roseburg, Oregon

Dear Mr. Youngquist:

We cannot act on the authorization by Vernon and Alice Lerwill to cancel the right evidenced by certificate 720 in view of the statement they have attached to it which is contradictory. In the affidavit they say they have abandoned interest in the right and request it be canceled, and then attached to this a statement claiming the lands were still irrigated and they were not abandoning the right.

I don't think the Lerwill's quite understand what we are attempting to do. First they cannot change a point of diversion under a right describing the use of water from Deadman Creek so as to take water from the South Umpqua River which is an entirely different source.

They cannot have a permit for primary irrigation from the Jouth Umpqua River on lands which are already included in a right from another source. They can have a permit for supplemental irrigation. This would mean, though, they would have to use water from Deadman Creek as long as water was available under the older right before they could take water from the Umpqua. Since they say that the diversion works were destroyed when the road was built this seems pointless to me.

Mould you contact Mr. and Mrs. Lerwill once again and see how successful you may be clarifying it for them and, if necessary, we will prepare another affidavit. If you wish to discuss this further let me know and I will call you.

Yours very truly,

CHRIC L. HERLER State Sngineer

Trevor Jones, Assistant

By

Mr. P. W. Howendobler.

Tiller, Oregon.

Dear Sir,-

Asknowledgement is made of the receipt of proof of appropriation of water under your Permit No. 129, together with \$1.00 recording fee for certificate. This fee is for the recording of the certificate when issued, in the office of the county elerk of Douglas County, and you will receive the certificate from him after it has been so recorded. The Board will act upon your proof at the next meeting in November, and certificate will be issued as soon thereafter as possible.

Very respectfully.

Secretary.

March 14, 1966 (?)

Vern and Alice Lerwill Tiller Oregon

Dear Sir and Madam:

This will acknowledge your application for a permit to appropriate 0.375 cubic foot of water per second from the South Umpqua River for the irrigation of 30.0 acres, the accompanying map, and feez of \$15 for which our receipt No. 8767 is enclosed. The application has been filed and numbered 41960.

Also acknowledged is your application for change in point of diversion.

The transfer application to change the point of diversion cannot be filed.

Certificate 720 is to divert water from Deadman Creek, tributary of the South Umpqua River. A transfer for change in point of diversion cannot be made where you would change your actual source of appropriation.

Enclosed you will find our refund check No. 897 in the amount of \$18.

Application No. 41960 is in satisfactory form as written. However, in view of the fact that the transfer application is not acceptable, perhaps you would wish to cancel Certificate 720 and file on all the land as primary irrigation from the South Umpqua River.

If the land under Certificate 720 has not been irrigated once every five successive years, it is considered abandoned and should be canceled. If this is what you wish to do, we will prepare the affidavit to cancel Certificate 720 for your signature. We could then amend application No. 41960 to include the lands canceled under Certificate 720 with your written authorization.

We will withhold further action on application No. 41960 for thirty days pending your reply on this matter.

Very truly yours,

CHRIS L. WHEELER State Engineer

By Larry W. Jebousek, Assistant

LWJ:bs Enclosure 12 horas 98/9/4

OFFICE OF STATE WATER BOARD RECEIVED

AUG 1 1 1914

#92a 314 Mr John. H Sewis afrial-22-1910 Salem Orgg-Sir Tiller-Or I Shal inform. you that the How Endobler & Stevens Ditch is completed & watter is runing through Howendobler Helevens application & No 314 Vermit- 129. Firblige



October 26, 1909.

Mr. L. L. Stevens,

Tiller, Oregon.

Dear Sir:

I am returning application To. 314 (Permit No. 129), together with the accompanying map and will state that these are not required in this office, as the same have been recorded, and I will suggest that you keep these parers, as they will furnish a convenient means of showing that you have a water right appurtenant to these particular lands, and will also keep you informed as to the time allowed in which to complete the works and apply the water to beneficial use.

Very respectfully,

State Engineer.

(2 enclosures.)

SUBJECT: Application No. 314

STATE OF OREGON

OFFICE OF THE STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD OF CONTROL
SECRETARY OF THE DESERT LAND BOARD

SALEM, OREGON. 10/22/109

Mr. L. L. Stevens.

Tiller, Douglas Co., Ore.

Dear Sir:-

SALEM, - OREGON,

I enclose herewith Application No. 314, approved, hading Permit No. 129, in the names of F. V. Howendobler and L. I. Stevens together with map.

Very respectfully

State Engineer .

John H. Lewis

PAC-LA

Tiller One Och 26-09

It 2 Find your maf & Permit Of and Return Same

Jours Stever

Roseburg Commercial Club Roseburg, Oregon 314

Roseburg, Douglas County, Gregon,

Oct 7-09

John N Lewis Statt Engineer Salem- Org -

Dear Ju:

Enclosed fruid application 314, Corneted as per your sustances George also maps. Please send permit & L L Stevens. Viller Oregon and others

and oflege

Yours truly Chan H. Law her

Roseburg Commercial Club Roseburg, Gregon

#32a

Mps. - 335

Roseburg, Douglas County, Gregon,

John N Lewis Englineer SALEM. OREGON.

Salem. On
application 3/4

Dear Sin: In sang mail Law sending & Mus

Emma E Leg. of Dram. Oig certain papers perlanning ? application 335 sent to me by letter - I presume

that she has my applecation blanks (314)

and as soon as I receive same well for map

as your sustruction calls for and return by on

Yours truly Chas A Furduer

Roseburg Ou.

Application No. 314 Mr. Charles H. Gardner. Roseburg, Ore. Domr Sirs-I om in receipt of your letter of the lat inst. transmitting Application Re. 314, which was returned to you for the necessary maps. It will be accessary in connection with this application to have a map showing the location of the point of diversion from the stream , the ditch, and the land to be irrigated. It will not be necessary, however to secure the services of an engineer or surveyor, as the map my be made on the enclosed township plat, and will be satisfactory, so long as it shows the above information. This application will not lose its priority by reason of its return. provided it is received in this office within the near future. Very respectfully It to Ingineer. 17 0-LA

4320 Roseburg Commercial Club Roseburg, Gregon Roseburg, Douglas County, Gregon, app-314 John I Lewis Statt Engineer Salem -OFFICE OF STATE ELT-NEER Near Sir: RECEIVED Received on my arealess. OREGON. OREGON. of lug 21 - returning application 20 314 for correction. and maps. In so much that the application is for only one second foot: could not the requirement for maps be naiver - O rectice a statament on your Instructions to that effect. - The devances is great to the work - Would you Kindly return Thus - If the maps are absolutely necessary will you Kindly plus back application by return mail me ni Kereburg as I leave Town on the Old 4th - an

ang event will you answer by return weil.

Yours Truly

Chas H. Faideer

Application No 314



9/21/109.

Mr. Charles H. Gardner.

Roseburg, Ore.

Door Cir:-

I am returning herewith your Application No. 314 for completion as follows: answers to Questions 12, 13, 14 & 15 and maps furnished in so-cordance with the printed instructions, a copy of which is enclosed herewith.

In order to retain its original date of priority this application correct ed must be received in this office on or before October 22nd.

Very respectfully

PAC-LA

State Engineer.

Application No. 518. 3/



314.

September 17th, 1909.

Mr. Chas. H. Gardner,

Roseburg, Oregon.

Dear Sir:

I am in receipt of Application No. 332 in the name of F. Howendowser, and L.L. Stevens, together with draft for \$12.00. This application will be examined as soon as the same can be reached, and if found insufficient or incomplete will be returned for correction.

PAC/JC.

Very respectfully,

State Engineer.

Roseburg Commercial Club Roseburg, Gregon

#32a

Roseburg, Bouglas County, Gregon,

Stat & Engineer: Laleng-Oy

Sept 16-09

OFFICE OF STATE ENGINEER RECEIVED SEP 16 1909

SALEM, - OREGON.

Enclosed find application for a permet bæffrefrate nuter for ung ation purposesalso draft for 1200 viz. 300 examining fees and gor filing and recording fees for 60 acres @ 15 for acres -If application is correct please when & L.L. Stevens - Tiller - Oregon recept of same - But should any maps be required-would you you knowly notify
me by return mail the bodies are to the making
of maps while Jam to Com the weekYours trul
Chas It January
Rossburg CyRoseburg Commercial Club Roseburg, Gregon

132a

Roseburg, Bouglas County, Gregon,

app-314

John I Lewis State Engineer Salem -

Dear Sir;

OFFICE OF STATE ENTINEER RECEIVED.

Received on my arsatten, OREGON. of aug 21 - returning application to 314 for correction. and maps. In so much that the application to for only one second foot: could not the requirement for maps be vaived. O notice a statament in your Instructions to that effect. - The desauces is great to the work - Would you Kindly return Thus - If the maps are absolutely necessary will

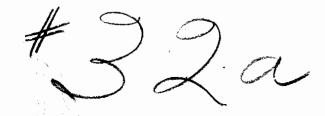
you Kindly send back application by return mail ? me ni Keseburg as I leave Town on the Old 4th - an

ang event will you answer by return weil.

Yours truly

Chas H. Landen

Application No 314



9/21/•09.

Mr. Charles H. Gardner.

Roseburg, Ore.

Door Sir:-

I am returning herowith your Application No. 314 for completion as follows: answers to Questions 12, 13, 14 & 15 and maps furnished in so-cordance with the printed instructions, a copy of which is enclosed herewith.

In order to retain its original date of priority this application correct ed must be received in this office on or before October 22nd.

Vory respectfully

PAC-LA

State Engineer.

Application No. 540, 3/



314.

September 17th, 1909.

Mr. Chas. H. Gardner,

Roseburg, Oregon.

Dear Sir:

I am in receipt of Application No. 332 in the name of F. Howendorier, and L.L. Stevens, together with draft for \$12.00. This application will be examined as soon as the same can be reached, and if found insufficient or incomplete will be returned for correction.

PAC/JC.

Very respectfully,

State Engineer.



Rosehurg, Bouglas County, Gregon,

Stat E Engineer: Lalen-Oy

OFFICE OF STATE ENGINEER RECEIVED

Sept 16-09

SEP 16 1909

SALEM, - OREGON.

Enclosed find application for a permet tappropriate natur for uniquetion purposesalso draft for 1200 viz. 300 examining fees and gor filing and recording fees for 60 acres @ 15 for acres -If application is correct please return & L.L. Stevens - Tiller - Oregon recept of same - But should and maps be required-would you you knowled notify
me by return mail the John like week
Yours trul

Chas It January

Rossbury On -