

TALKED TO MR. LANDAUER. HE SAID HE HAS THE RES. BUILT AND HAS IT SET UP SO HE CAN MOVE HIS PUMP OFF THE CREEK AND PUMP INTO HIS MAINLINE ALREADY THERE. THE ONLY THING IS HE HAS NEVER DONE IT. I KNOW IT SHOULD BE CANCELLED BECAUSE OF NONE USE, BUT HE WASN'T TO SURE ABOUT IT, HE'D NEVER HEARD ABOUT IT, HE SAID. I TOLD HIM THAT SOMEONE WITH HIGHER AUTHORITY WOULD WRITE HIM AND EXPLAIN THE SITUATION. HE SAID HE BUILT IT DURING A DRY YEAR AND EVER SINCE IT HAS BEEN BUILT THE CREEK HAS HAD ENOUGH WATER IN IT, THUS NOT NEEDING THE SUPPLEMENTAL SOURCE.

David Forby
F.E.
6-26-73

Abstract of Permit No. 39580

Application No. 45071 Certificate No.

*CANC
6-26-73
DMU*

Name Henry & Gertrude Landauer
 Address Route 1, Box 357
 Forest Grove, Oregon

Source of water supply Reservoir to be constructed under Appl. No. R-45070, Permit No. R-5320

Use Supplemental irrigation

Point of diversion 320' N. & 500' E. from SW cor. Sec. 12, being within SW, SW, Sec. 12, T. 1 N., R. 4 W., W. M., county of Washington

Number of acres 74.2

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
12	44	11															1	19.8
		12										17.8	3.2					
		13							Lot 1 13	1.0								
		14	14.6	3.8														

Priority date June 17, 1968

Amount of water 1.1 a.f. stored water only

Time limit to begin construction February 12, 1970

Time limit to complete construction 10-1-70 extended to extended to

Time limit to completely apply water 10-1-71 extended to extended to

Remarks: This appropriation shall be limited to a diversion of 2 1/2 acre feet for each acre irrigated during the irrigation season of each year provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

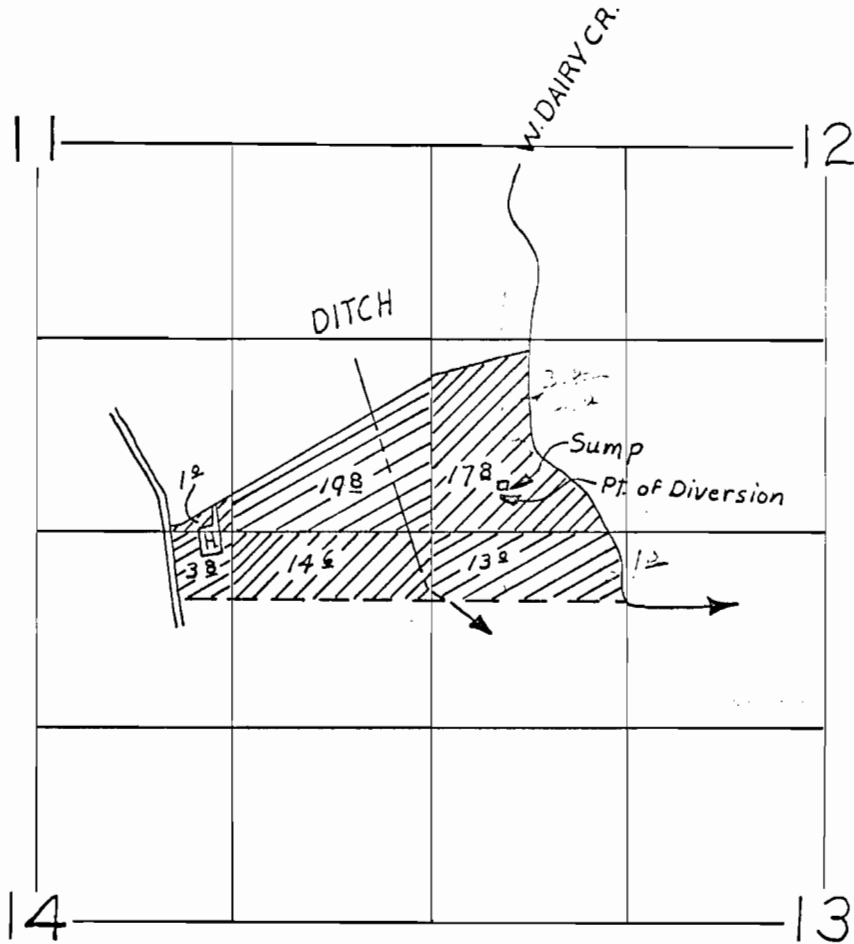
CANC
6-26-73
DMU

100

Basin 2, Vol. 1

T.1N.R.4W.W.M.

RECEIVED
JAN 27 1913
STATE ENGINEER
SALEM, OREGON



HENRY LANDAUER
LOCATION MAP

Application No. R-450704 4507
Permit No. R-5300 + 33680

378-3066

R-56464
56463

November 25, 1977

Henry & Gertrude Landauer
Route 1, Box 357
Forest Grove, OR. 97116

Upon final examination of your applications numbered R-56464 and 56463 for the issuance of permits, I have found that your application numbered R-56464 does not represent a reservoir with a storage volume of 1.1 acre feet.

In Item #5 of your application numbered R-56464, you state that we should look at the application numbered R-45070 for reservoir detail. This application describes a reservoir with a surface area of 0.14 acres with an average depth of 7.5 feet for a volume of 1.1 acre feet.

In Item #9 of your new reservoir application, you do not describe a reservoir with a storage volume of 1.1 acre feet, at the maximum, it would store .3 acre feet. However, from your old application it appears that the area submerged by your reservoir should be approximately 0.14 acres instead of 0.005 acres.

Please amend your application accordingly so that it represents a reservoir with a storage volume of 1.1 acre feet.

I am returning the application numbered R-56464 for correction. It is endorsed so that in order to retain its priority date, it must be received in this office on or before January 25, 1978.

Sincerely,

LARRY TOLL
Water Rights Engineer

LMT:td

R-45070
45071

August 27, 1973

Brink & Moore
Attorneys at Law
Lawyers Building
Hillsboro, OR 97123

Attention: Thomas J. Moore

Dear Mr. Moore:

Acknowledged is your letter of August 24, 1973, in regards to permits numbered R-5320 and 33680 in the name of Henry and Gertrude Landsuer.

These permits were issued approving the application of Henry and Gertrude Landauer to construct a reservoir and store therein 1.1 acre feet of water, and for the appropriation of 1.1 acre feet of stored water from the reservoir for supplemental irrigation of 74.2 acres. These permits had a time limit to complete construction on or before October 1, 1970, and a further time limit to make beneficial use of the stored water for supplemental irrigation on or before October 1, 1971.

We received a letter dated January 8, 1971 that indicated the reservoir was constructed and storing water in 1968. However, we have never received notices that the water had been beneficially used for the intended purposes.

On March 31, 1971, we received a request from Mr. Landauer regarding the use of water from the reservoir, a copy of our reply dated May 30 is enclosed, and I feel that his question regarding the use of stored water was answered quite clearly.

Since Mr. Landauer has stated to our field engineer that he has not used the water from the reservoir under the terms of the permit, the existing permit cannot be considered valid and it does not appear that a certificate can be issued since statutes provide that a measure of a right is the beneficial use of water.

Brink & Moore
Page 2
August 27, 1973

Since the reservoir does exist and may be of benefit to the Landauers for some purpose, it will be necessary that new applications for the storage and use of water be submitted to this office. If this is not done, no permit would exist and the reservoir would have to be drained. Enclosed are application forms for your client. If I can assist you further, please contact me.

Very truly yours,

VESTAL R. GARNER
Assistant

VRG:tml
Enclosures
cc: Henry and Gertrude Landauer
Route 1, Box 357
Forest Grove, OR 97116

BRINK & MOORE
ATTORNEYS AT LAW
LAWYERS BUILDING
HILLSBORO, OREGON 97123
TELEPHONE 648-4108

MERVIN W. BRINK
THOMAS J. MOORE
BERNARD B. BRINK

August 24, 1973

RECEIVED
AUG 27 1973
STATE ENGINEER
SALEM, OREGON

Mr. Vestal R. Garner
Assistant State Engineer
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Re: File No. R-45070
45071

Dear Mr. Garner:

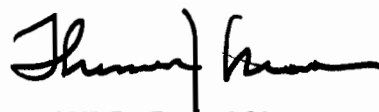
Mr. Henry Landauer has consulted me concerning your letter of July 11, 1973. I am informed that Mr. and Mrs. Landauer made application for a reservoir permit about 1968. I am informed that a reservoir was then constructed.

Later, Mr. Landauer contacted the State Engineer's Office to ascertain how the stored water could be used with reference to his other water right. He advised me that your office referred this matter to the watermaster but that he received no information or direction from the watermaster. Consequently, he assumed that the stored water should be used when the water was cut off under his permit to appropriate from West Dairy Creek.

Mr. Landauer desires to maintain the reservoir and does desire to use the stored water for irrigation purposes.

It appears that possibly a new application should be filed. I would appreciate your suggestions concerning this matter.

Very truly yours,


THOMAS J. MOORE

TJM:dt

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

Show to whom, date and address
where delivered

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

56462

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

JUL 12 1973

SHOW WHERE DELIVERED (*only if requested*)

3

45071

gkd

65-16-71649-11 847-188 GPO

July 11, 1973

R-45070
45071

Henry and Gertrude Landauer
Route 1, Box 357
Forest Grove, OR 97116

Dear Mr. and Mrs. Landauer:

On June 26, 1973, a representative of this office contacted you in regards to the final proof survey in connection with permits numbered R-5320 and 33680. These permits describe the construction of a reservoir and storage of 1.1 acre feet of water to be used for supplemental irrigation of 74.2 acres.

According to our engineer who contacted you, the reservoir has been constructed, however, you have not used the water from the reservoir for supplemental irrigation of the land described by the permit.

According to the terms of the permits, complete application of water to beneficial use was to have been made by October 1, 1971. According to the field engineer's report, proof of appropriation of water has not been made.

In accordance with the provisions of ORS 537.260 you are hereby notified that unless we receive proof that beneficial use of water has been made prior to October 1, 1971, and has been in use since that date within 60 days from the date of this letter your permits will be canceled without further notice.

You should also be informed that to store water without a permit and for no beneficial purpose is in violation of state statutes. Your reservoir is not to be used for supplemental irrigation and it either should be drained or used for some beneficial purpose and a permit established to allow for the storage and use of the water in your reservoir.

Very truly yours,

VESTAL R. GARNER
Assistant

VRG:ikd
cc: Clayton Gardner
Watermaster, District #1
CERTIFIED - Return Receipt Requested

May 30, 1972

18264
R-45070
45071

Henry Landauer
Route 1, Box 357
Forest Grove, Oregon 97116

Dear Mr. Landauer:

Permit numbered R-5320 was issued to you describing the construction of a reservoir and the storage of 1.1 acre feet of water from seepage and winter runoff. Permit numbered 33680 describes the appropriation of the 1.1 acre feet of stored water for supplemental irrigation of 74.2 acres.

In a letter dated January 8, 1971, you notified us that you had completed the reservoir in 1968 but that you had not yet used the water from the reservoir, and further that you planned to use the same pump that you used for appropriation from the creek under a different right. If, since that date, you have completed the irrigation of land from the water stored in the reservoir, you should complete and return the enclosed Form C.

The primary right for the lands described in permit numbered 33680 is included in certificate 20001. This certificate was issued in evidence to the right to appropriate not to exceed 0.928 cubic foot per second of water of West Dairy Creek for the irrigation of 74.2 acres under a priority date of July 10, 1939. The use of water under this right is restricted to the direct flow of West Dairy Creek and has no connection with that stored in your reservoir. If the rights with earlier priority dates than July 10, 1939, require all the water available and you are shut off from the use of water under this right, you would still be entitled to pump from your reservoir up to a storage capacity of 1.1 acre feet of stored water. The permits involving a reservoir only provide for filling this during the runoff season and any use of water for that one capacity.

Very truly yours,

Trevor Jones
Assistant

TJ:ds
Enclosure

M C

APP. 45071 March 31, 1972

Dear Sir:

In 1968 I applied for a reservoir for supplemental irrigation for my 1939 right. I completed this reservoir in Aug 1968 and notified you of same.

Because of the many irregularities of the water regulation on West Dairy Creek. I wrote to you several times asking if we were getting the proper water regulation. To date I have not been supplied with this information.

Would the regulation of my 1939 right have any effect on how this supplemental water was used?

Would you please tell me what would be the proper way to bring this to a conclusion

Sincerely

RECEIVED
APR 3 1972
STATE ENGINEER
SALEM OREGON

Henry Landauer

RT 1 Box 357

Forest Grove Oregon 97116

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

Show to whom, date and address
where delivered

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

53812

1

Henry Landauer

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

2-29-72

3

65-15-71548-11 847-108 GPO

R-45070-1

February 28, 1972

Henry and Gertrude Landauer
Route 1, Box 357
Forest Grove, Oregon 97116

R-45070
.45071

According to the terms of your permit No. R-5320 and 33680, for the storage of 1.1 af from seepage and winter run-off, and appropriation of 1.1 af stored water only from a reservoir for the supplemental irrigation of 74.2 acres, complete application of water was to have been made by October 1, 1971.

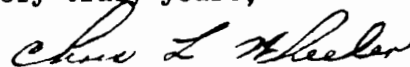
Complete application of water means the application of water to beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 13, 1971.

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 State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation 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.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 100
Certified
Return receipt requested

January 13, 1971

R-45070
45071

Henry and Gertrude Landauer
Route 1, Box 357
Forest Grove, Oregon 97116

Dear Sir and Madam:

This will acknowledge receipt of your letter dated January 8, 1971 in connection with permits numbered 33680 and R-5320. We can accept your letter as sufficient notice of beginning of construction for both permits and completion of construction for the reservoir permit number R-5320.

Under the terms of your permit number 33680 the dates for completion of construction and complete application of water are respectively October 1, 1970 and October 1, 1971.

If you had completed construction work for permit number 33680 on or before October 1, 1970, then would you please complete and return the enclosed Form B (notice of completion of construction) for your permit number 33680. To consider construction complete for this permit would require that you have on hand all of the equipment and/or constructed all of the facilities for the use of water on or before October 1, 1970.

Very truly yours,

Myron V. Bish
Assistant

MVB:cjs
Enclosure

Jan 8 1971

~~Dear~~ Sir:

In regard to Permit No R-5320.
The Pond was completed in Aug. 1968.
I have not used water out of the
Pond yet. I plan to use the
same 10 horse pump I have on
the creek while I am shut off.

Sincerely

Henry Landauer

Rt 1 Box 357

Forest Grove, Oregon
97116

RECEIVED
JAN 11 1971
STATE ENGINEER
SALEM OREGON

R-45070
45071

February 26, 1969

Henry & Gertrude Landauer
Route 1, Box 357
Forest Grove, Oregon 97116

Dear Sir and Madam:

R-45070, permit No. R-5320,
application No. 45071, permit No. 33680 with a blueprint.

45071
R-45070

September 5, 1968

Henry and Gertrude Landauer
Rt. 1, Box 357
Forest Grove, Oregon 97116

Dear Sir and Madame:

This will acknowledge receipt of the returned applications No. R-45070 and 45071 and the map designating the number of acres irrigated in each quarter-quarter section.

These applications are now in satisfactory form for approval by issuance of permits.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:dlw

45071
R-45070

June 28, 1968

Henry and Gertrude Landauer
Rt. 1, Box 357
Forest Grove, Oregon 97116

Dear Sir and Madame:

This will acknowledge receipt of your application for a permit to excavate a reservoir and store 1.05 acre feet of water therein from winter run-off for irrigation, and the fee of \$20 for which our receipt No. 9840 is enclosed. This application has been filed and numbered R-45070.

Also acknowledged is receipt of your application for a permit to appropriate 1.05 acre feet of water from the reservoir for the supplemental irrigation of 74.2 acres, a map, and the fee of \$26.75 for which our receipt No. 9841 is enclosed. This application has been filed and numbered 45071.

When the number of acre feet of water stored in a reservoir is designated to the hundredth of a foot, we do require a copy of your measurements indicating the capacity. Otherwise, the quantity of water should be designated to the nearest tenth of an acre foot.

Item No. 8 on the surface water application No. 45071 describes the supplemental irrigation of 74.2 acres. The application map shows the irrigation of 64.4 acres. The application and map must be in agreement.

I am returning both applications and the map for correction and completion. The applications are endorsed so that in order to retain their dates of priority, they must be returned on or before August 28, 1968.

Very truly yours,

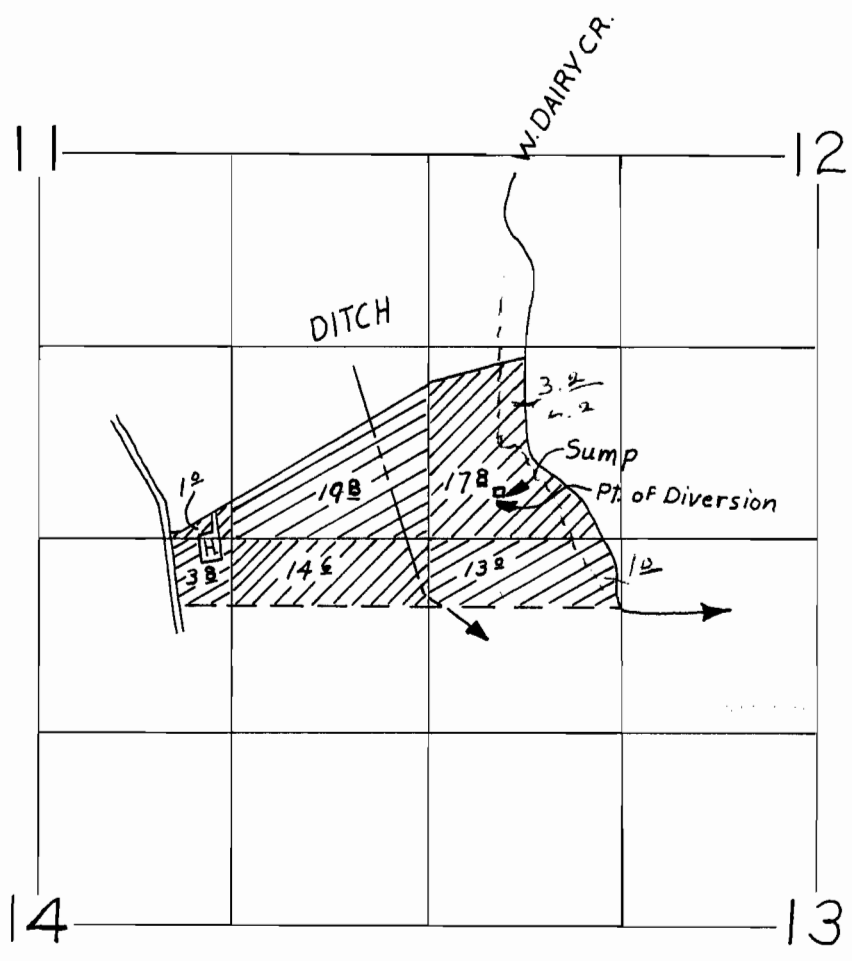
CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek, Assistant

LWJ:dlw
Enclosures

T.1N.R.4W.W.M.

RECEIVED
AUG 27 1968
STATE ENGINEER
SALEM, OREGON



HENRY LANDAUER
LOCATION MAP

Application No. R-450704 45071
Permit No. R-5300 + 33680