

Application No. 14143Permit No. 10239Certificate No. 13683Stream Index, Page No. 2-74

Application Record, Book No. _____

Name Harry Commons

By _____

Address Halsey, OregonDate filed June 9, 1931Action suspended until July 9Returned to applicant June 9

Date completed _____

Date of approval Sept. 25, 1931

CONSTRUCTION

Date for beginning Sept 25, 1932Date for completion October 1, 1933

Extended to _____

Date for application of water Oct. 1, 1934Extended to 10/1/38 10/1/39

PROSECUTION OF WORK

Form "A" filed June 1, 1932Form "B" filed October 3, 1933Form "C" filed August 15, 1939

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued July 1, 1941Receipt for recording fee No. 27391 for \$1.00,
3/25/41.

FEES PAID

Date	Amount	Receipt No.
<u>6/9/31</u>	<u>\$9.50</u>	<u>13852</u>
Total		

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

0.38
~~0.28~~ sf. from Muddy Creek, trib. of Willamette for irig 30 acres
 10-9-34- Card for C.
 10-24-38- Card for C.
 10-30-39- Card for C.

Form A

NOTICE OF BEGINNING OF CONSTRUCTION

OR
I, Harry Commons, the holder of Application No. 14143, being
Pumping plant Permit No. 10239, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) for the appropriation of 5 cu. ft. second-feet of the waters of Muddy Creek
 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 therein on the 15 day of April, 1932,
 being within the time limitation as fixed in said permit for the beginning of construction work.

Plowing & leveling 1 man & 3 horses, the field leveled, ditches
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this
made, borders made, field sowed & up, field surveyed twice
 statement, and any additional information which may tend to show the beginning of work in good faith.
pump ready to be installed, motor purchased & part of flume.

IN WITNESS WHEREOF, I have hereunto set my hand this 31 day of May, 1932.

Halsey, Oregon.
 (Present Address)

Harry R. Commons
 (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

I, Harry Commons, the holder of Application No. 14143, being
 Permit No. 10239, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) for the appropriation of 0.38 second-feet of the waters of Muddy Ch
 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 the 20th day of July, 1933,
 being within the time limitation as fixed in said permit or as extended by the State Engineer 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 WITNESS WHEREOF, I have hereunto set my hand this 3 day of Oct, 1933.

(Present Address)

Harry Commons
 (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form D should be used in reporting progress of work if more than one year has been allowed for completion.

Form C

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

OR
I, Harry Commons, the holder of Application No. 14143, being
 Permit No. 10239, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) for the appropriation of 0.38 second-feet of the waters of
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the 15th day of August, 1933,
 being the time limitation as fixed in said permit or as extended by the State Engineer for the complete
 application of water to a beneficial use.

Remarks:

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may
 have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Nov, 1933.

(Present Address)

Harry R. Commons
 (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

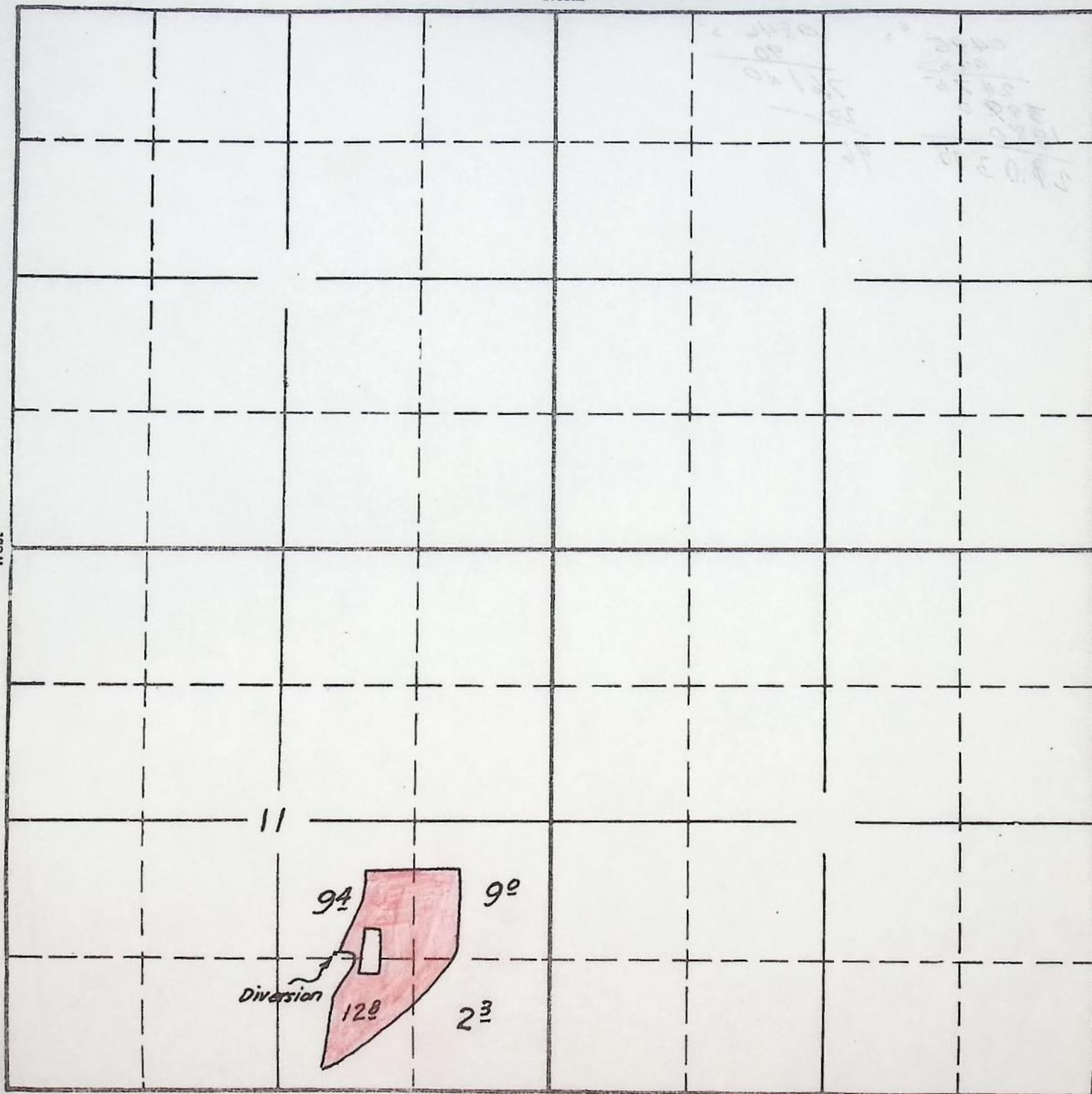
SECTION

TOWNSHIP 14S., RANGE 4W., W. M.

North

West

East



Chester Cummings
Surveyed July 13 1940

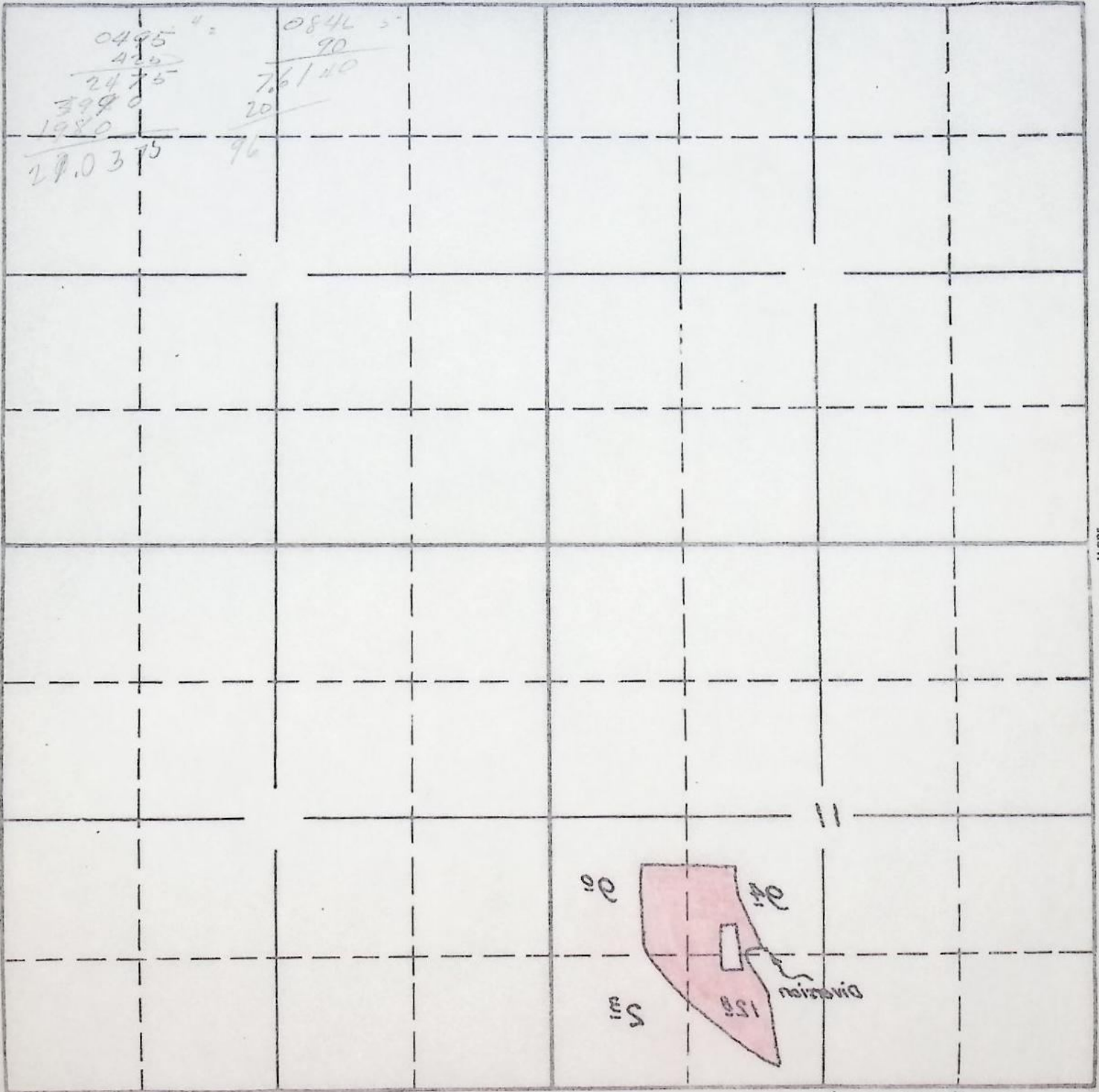
South

APPLICATION No. 14143

PERMIT No. 10239

TOWNSHIP 14.2, RANGE 4W, W.M.

North



Surveyed July 13 1940
Chester Cummings

PERMIT No. 10539
APPLICATION No. 14143

South

13683

County.....Linn.....

1. Name Harry Commons 2. Address Halsey, Oregon

3. Source of supply Muddy Creek

Tributary of Willamette River

4. Amount of water 0.38 c.f.s. 5. Priority date June 9, 1931

6. Use Irrigation ~~2 #4 NW 1/4 SE 1/4~~

7. Location of point of diversion, #1, 2, 3, SW 1/4 SE 1/4 Sec. 11, Twp. 14 S, Range 4 W, W. M. ✓
(Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described

This column must be filled in if water is used for irrigation

STATE PRINTING DEPT.

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.;
length on bottom ft.; material used and character of construction,

(b) Give description of headgate: Width, ft.; depth, ft.; material used and character
of construction,

(c) Size of canal: Width on top (at waterline) ft.; width on bottom, ft.; depth of
water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft.

Give general description:

(d) Pipe line: Description of intake,

Length of pipe, 550 ft.; size at intake, 5" in.; size at 550 ft. from intake, 3 in.; size
at place of use, 3 in. Difference in elevation between intake and place of use, 18 ft.

Is grade uniform? Fairly Actual capacity of pipe line, sec.-ft.

Give general description: Tarred steel and Galvanized
(Material: Steel, wrought, cast iron, wood stave, etc.)

15 Sprinklers

(e) Pumping plant: Give size and type of pump, 1 1/2" Centrifugal + 4" Water Lifter

Suction lift, ft.; discharge lift, 18 ft. Type of motor used Electric

Horse power rating, 5 H. P. Actual capacity of pump, sec.-ft.

10. During what months is water beneficially used? Irrigation season

11. State character of soil Silt Loam

Kind of crops raised Hay Vetch + Clover

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use? See proof map

13. If not, wherein is such map in error?

14. Domestic use: Give number of families actually using water at this time

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

} ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 193.....

Subscribed and sworn to before me this day of, 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

} ss.

We,, and of, being first duly sworn, depose and say that 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.....; 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 appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this day of, 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Chester A. Cummings, do hereby certify that I have made an inspection of the works described herein and in Permit No. 10239, on the 13th day of July, 1940, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

Chester A. Cummings
(Name)

(Title)

PROOF OF APPROPRIATION

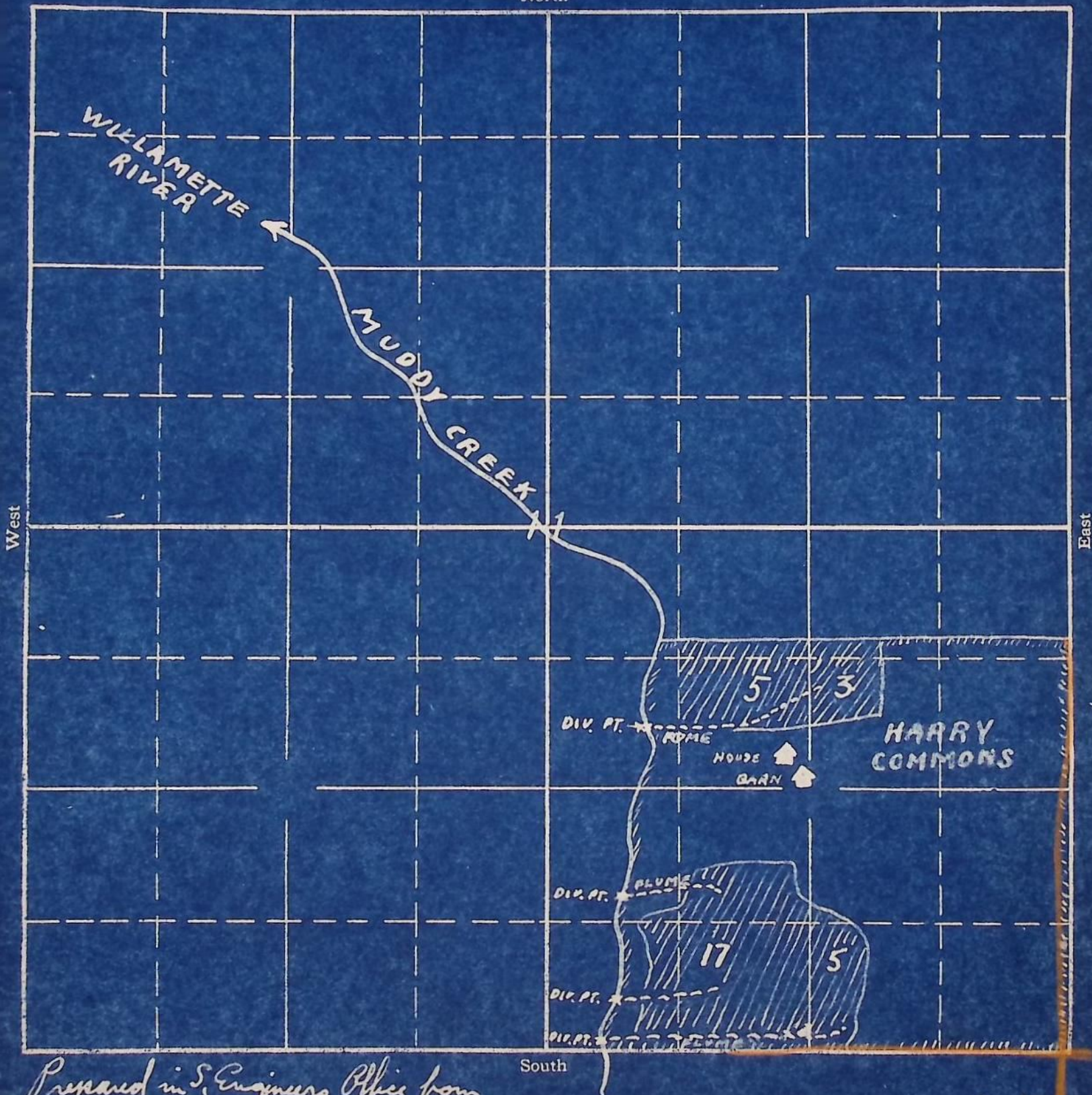
Permit No.

Recording fee paid

Receipt No.

TOWNSHIP 14S, RANGE 4W, W. M.

North



South

Prepared in S. Engineers Office from
data obtained from applicant.
6/18/31-18

APPLICATION No. 14143
PERMIT No. 10239

March 4, 1941

Mr. Harry Commons
Halsey, Oregon

Dear Mr. Commons:

If you will complete and return the final proof under your Permit No. 10239, accompanied by the statutory certificate recording fee of \$1.00, your water right will be confirmed by issuance of a certificate when the next group is issued.

This is as explained in our letter of January 29, 1941, transmitting the proof to you for your signature.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:BB

January 29, 1941

Mr. Harry Commons
Halsey, Oregon

Dear Mr. Commons:

If you will sign the enclosed final proof and return it to this office, accompanied by the statutory certificate recording fee in the amount of \$1.00, your water right under Permit No. 10239 will be confirmed by issuance of a certificate granting a right to the use of water as indicated on the proof, when the next group of certificates is issued.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

RE
enc.1

November 7, 1939

Mr. Harry Commons
Halsey, Oregon

Dear Sir:

This acknowledges receipt of Form C, being a notice of the complete application of water under your Permit No. 10239.

The matter of issuance of the certificate under this permit will be given consideration as soon as a representative from this office can make an inspection of the project covered by the permit, which probably will not be until spring, for the purpose of checking the amount of water used as described in the permit. In the meantime, the permit which you hold will be valid and sufficient evidence of the water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

BB

November 5, 1938

Mr. Harry Commons
Halsey, Oregon

Dear Sir:

This is to notify you that your application for an extension of time under your Permit No. 10259 has been given favorable consideration, and the time limit for the complete application of water is being extended until October 1, 1939.

Since the statutes contemplate that an annual report shall be made to the State Engineer on the progress of work, it is deemed advisable to grant extensions of time of one year only.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

LN

14143

Permit No. 10239

APPLICATION FOR EXTENSION OF TIME

The Engineer of Oregon:

I, Harry Commons, of Halsey,
state of Oregon, am the owner and holder of Permit No. 10239, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before 10/1, 1938, and complete application of water is required to be made on or before 10/1, 1938.

I have heretofore done the following work described under said permit: The dam and pump was abandoned and 1938 purchased new pump operated by 5 HP motor and purchased about 1300 ft of pipe about 1 1/2" little more than 1/2 3" and balance 2". Purchased 15 sprinkler heads. All have been installed. Built about 1/4 mile of power line system. Completed about middle of July 1938, and used during remainder of irrigation season.

pump, motor, pipe & sprinkler heads \$1119. pole, conductors etc on trans.
costing \$, and I estimate the cost of completion to be \$. line addition, also labor constructing additional.
none

I have heretofore used water under said permit to the following extent: irrigated about 15 acres. Garden, lawn, orchard, radish clover and oats - 10 acres additional was irrigated by old system. Due to the necessity of irrigating by sprinkler system, it is more economical to irrigate the land in a more compact body than shown by map accompany filed with application

I am unable to {complete construction work
make complete application of water} within the required time, for the following reasons, to wit: It will required about two year to irrigate the 30 acres -

(If additional space is required, attach separate sheet)

(OVER)

WHEREFORE, I ask that the State Engineer extend the time for the

{completion of construction work}
{complete application of water } under said permit to Oct 1, 1940.
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon }
County of Marion } ss.

I, Harry R. Commons, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of October, 1938.

Harry R. Commons
Subscribed and sworn to before me this 26th day of October, 1938.

[Notarial Seal]

Jeanie Baxter
My commission expires July 19, 1941

Extend one year

October 23, 1934

Mr. Harry R. Commons
Halsey, Oregon

Dear Sir:

This will advise you that your application for extension of time under your Permit No. 10239 has been given favorable consideration and the time limit for the complete application of water has been extended until October 1, 1938.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

PERMIT No.

APPLICATION FOR EXTENSION OF TIME
FOR COMPLETE APPLICATION OF WATER

TO THE STATE ENGINEER OF OREGON:

I, Harry R. Commons, of Halsey,
State of Oregon, do hereby certify:

That I am the owner and holder of Permit No. 10,239 to appropriate the public waters
of the state of Oregon.

Under the terms and conditions of said permit, complete application of water was required to
have been made by Oct 1, 1934.

That I have heretofore made application of water under said permit to the following extent:

Have purchased pump installed pump. Pump is operated by Auto Engine. Water from pump is delivered into flume. Flume is constructed of 1" lumber 12" wide and 12" deep. Flume about 50' long. From the flume water is carried to lands. Length of canal approx 1/4 mi. In addition have constructed ditches as part of dist system. Will be necessary to construct additional flumes and pipe as part of distribution system in order to irr. all lands. Irrigated in 1933 about 9 ac. In 1934 irrigated one acre additional and prepared 3 ac additional but was unable to irrigate same as engine broke down.

That I am unable to make the complete application of water within the required time, for the following reasons, to wit:

Have not been able for financial reasons to irrigate all of the lands described in permit. Have refinanced by Gov. loan.

Under present financial circumstances ~~but~~ will not be able to irrigate all land, inside of 4 or 5 years.

WHEREFORE, I ask that the State Engineer extend the time for the complete application of water under said permit to Oct 1, 1935.

Harry R. Commons.
Signature of Applicant

hcf.

Signature and Address of Witness

January 3, 1934.

Mr. Harry E. Commons,
Halsey, Oregon.

Dear Sir:

This acknowledges receipt of the affidavit submitted in connection with your Permit No. 10259. The affidavit is not accompanied by any explanation, and I am therefore uncertain as to the reason for its submittal, but it has been filed in our records.

According to our records, you submitted the notice of completion of construction on October 3rd and this permit has therefore been placed in good standing until October 1, 1934, which is the time limit for the complete application of water to the proposed use.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. E. Bovelto, Assistant.

VSB:LN

c.c. Amor A. Tussing.

AFTER FIVE DAYS RETURN TO
TUSSING & TUSSING
ATTORNEYS AT LAW
HALSEY, OREGON

Chas E Stricklin

State Engineer

Salem

Oregon

September 25, 1931

Mr. Harry Commons,
Halsey, Oregon.

Dear Sir:

Herewith you will find Application No. 14143, Permit No. 10229, together with blue print.

This application has been approved and recorded in this office.

RECEIVED
DEC 30 1933
STATE ENGINEER
SALEM, OREGON

A F F I D A V I T.

IN THE MATTER OF PERMIT)
No.10239, of HARRY R.COM-)
MONS, Approved Sept.25,)
1931, Appropriating Pub-)
lic Waters of Muddy Creek)
in Sec. 11, Tp. 14,S.of R)
4 W.of Will.Merd,in Linn)
County,Oregon. (

State of Oregon, County of Linn.)ss.

I, Harry R.Commons, being first duly sworn depose and say:- I am the permittee above named. That on the issuance to me of said permit, I began the construction of the necessary work to be done to complete said project and have prosecuted the same under all the circumstances with reasonable diligence and have at no time by any act waived any right or abandoned in any manner my rights under said permit. That in pursuance of my said work I have completed all the work to be done at the point of diversion and installed all the machinery and work thereat and constructed the entire flume mentioned in the application on which said permit was granted and have irrigated to an extent of not less than one-third the area to be irrigated by said contemplated works under said permit. That I make this affidavit for the purpose of showing good faith and reasonable diligence in said matter and that I have in no wise abandoned or intended to abandon in any respect said irrigation project.

Harry R. Commons.

Subscribed and sworn to before me this 29th Day of December,1933.
My Commission Expires,
Feby 29, 1936.

Amos G. Truesing
Notary Public for Oregon.

State of Oregon, County of Linn.)ss.

We,Roscoe R.Sisk and Frank G.Gansle,each over age of majority and residents of Linn County,Oregon and residing near and in Halsey,Oregon, respectively, being first duly sworn depose and say:- We are acquainted with the above named Harry R.Commons before and continuously since the grant to him of the permit above named. That we have no interest in said project. That we are familiar with the lands to be irrigated and we each depose and say, that the work ~~alleged~~ alleged to have been performed in relation thereto,in the foregoing affidavit of Harry R.Commons, has in fact been actually performed, and as in his affidavit set forth. Roscoe R. Sisk Frank G. Gansle

S ubscribed and sworn to before me this 29th day of December,1933.

My commission expires Feb.29,1936.

Amos G. Truesing
Notary Public for Oregon.

COUNTY Linn

PROOF OF APPROPRIATION OF WATER

1. Name Harry Commons 2. Address Halsey, Oregon
3. Source of supply Muddy Creek
Tributary of Willamette River
4. Amount of water 0.38 sec. ft. 5. Priority date June 9, 1931
6. Use irrigation
Diversions #1, 2, 3-SW $\frac{1}{4}$ SE $\frac{1}{4}$
7. Location of point of diversion, Div. #4 NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp. 14 S, Range 4 W, W. M.
(Legal Subdivision)
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

[illegible]

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height,ft.; length on top,ft.;
length on bottomft.; material used and character of construction,
.....
- (b) Give description of headgate: Width,ft.; depth,ft.; material used and character
of construction,
.....
- (c) Size of canal: Width on top (at waterline)ft.; width on bottom,ft.; depth of
water,ft.; grade,ft. fall per 1,000 ft. Actual capacity, sec.-ft.
Give general description:
.....
- (d) Pipe line: Description of intake,
.....
Length of pipe,ft.; size at intake,in.; size atft. from intake,in.; size
at place of use,in. Difference in elevation between intake and place of use,ft.
Is grade uniform? Actual capacity of pipe line, sec.-ft.
Give general description:
(Material: Steel, wrought, cast iron, wood stave, etc.)
.....
- (e) Pumping plant: Give size and type of pump,
Suction lift,ft.; discharge lift,ft. Type of motor used
Horse power rating, H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used
11. State character of soil
Kind of crops raised
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use?
13. If not, wherein is such map in error?
.....
14. Domestic use: Give number of families actually using water at this time
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use
.....

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

} ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 193.....

Subscribed and sworn to before me this day of, 193.....

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

} ss.

We,, and of, being first duly sworn, depose and say that 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.....; 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 appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this day of, 193.....

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, _____, do hereby certify that I have made an inspection of the works described herein and in Permit No. _____, on the _____ day of _____, 193____, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ and I recommend the issuance of a water right certificate for this amount.

(Quantity of water in second-feet or acre-feet)

NOTE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

(Name)

(Title)

PROOF OF APPROPRIATION

Permit No. _____

Recording fee paid

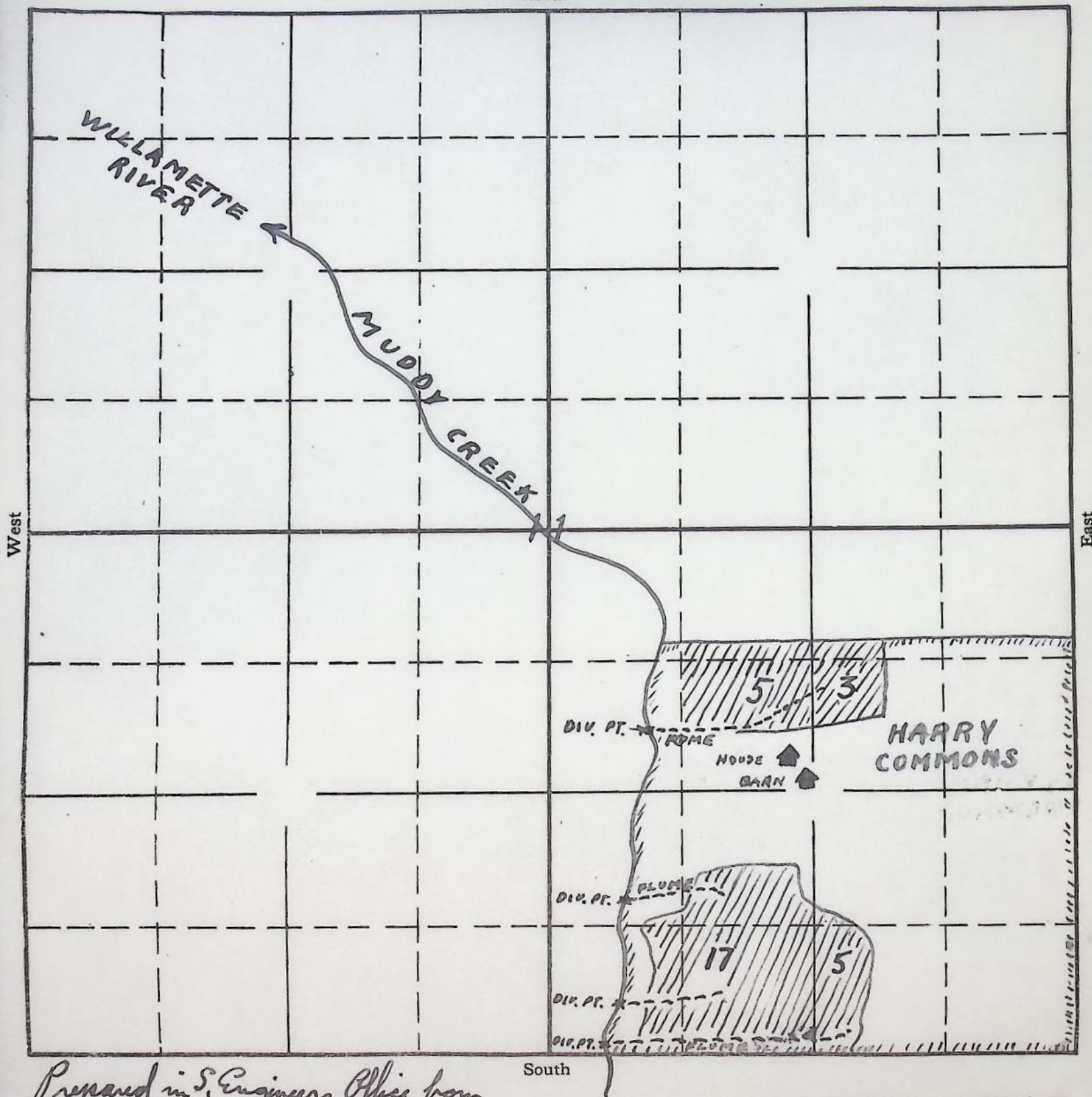
Receipt No. _____

SECTION

11

TOWNSHIP 14S, RANGE 4W, W. M.

North



Prepared in S. Engineers Office from
data obtained from applicant.
6/18/31-18

APPLICATION No. 14143
PERMIT No. 10239

*

6.9 0

8.0 0

1 2.8 0

2.3 0

3 0.0 0 *

5.0 0

3.0 0

1 7.0 0

5.0 0

3 0.0 0 *