

Application No. 5127

Permit No. 3087

Certificate No. 2458

*W. R. Simmons*

Stream Index, Page No. 1-17

Application Record, Book No. Tillamook One

**FEEES PAID**

Date	Amount	Receipt No.
Total		

**FEEES REFUNDED**

Date	Amount	Check No.

Filed .....

suspended until .....

ned to applicant .....

completed .....

of approval .....

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page

**REMARKS**

**CONSTRUCTION**

For beginning .....

or completion .....

tended to .....

or application of water .....

tended to .....

**PROSECUTION OF WORK**

"A" filed .....

"B" filed .....

"C" filed .....

**FINAL PROOF**

mailed .....

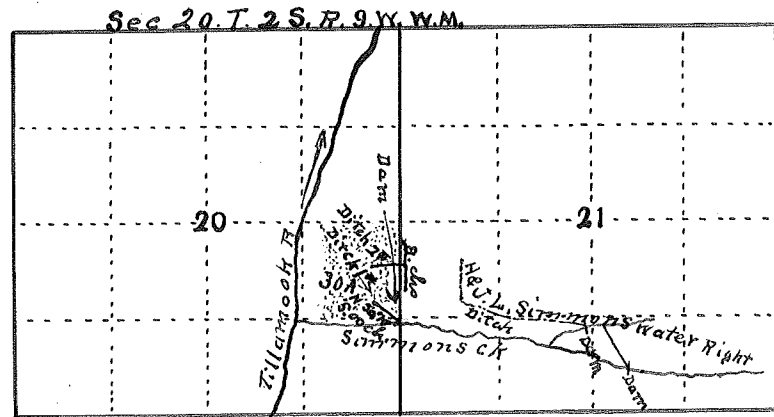
received .....

ertificate issued .....

t for recording fee No. ....

MAP  
of  
W.R. Simmons Water Right

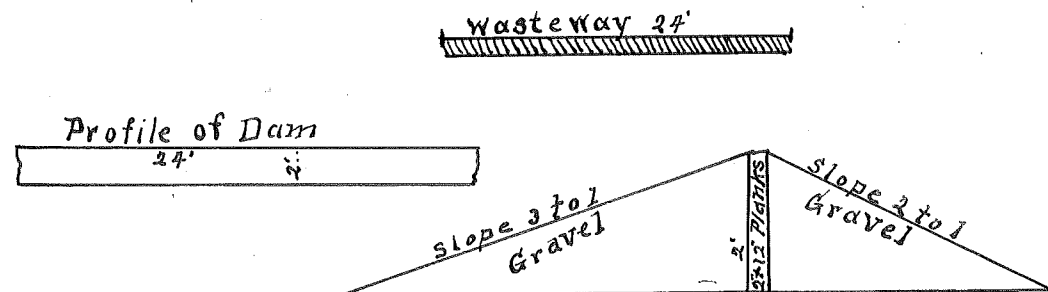
CERTIFICATE OF SURVEYOR



I, *A.M. Austin* of *Tillamook Oregon*  
do hereby certify that this map was made from notes taken  
during an actual survey made by me (or under my immediate  
supervision) on August 21<sup>st</sup> 1916, and  
that it correctly represents the works described in the ac-  
companying application, together with the location of  
streams and other ditches in the vicinity, and has written  
thereon the area in each smallest legal subdivision which  
it is proposed to irrigate.

*A.M. Austin*  
Surveyor.

App 5127  
Per 3087



OFFICE OF STATE ENGINEER  
RECEIVED  
SEP 6 1916

Application 5127  
Permit No. 3087

Division No. 1 Permit No. 3087 County of Tillamook

Application No. 5127

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

from H & J.L. Simmons water right

From Simmons Creek and waste water / Tributary of Tillamook River

- 1. Name W. R. Simmons
2. Postoffice address Tillamook, Oregon
3. For what purpose is water used? Irrigation ( 0.38 sec. ft.)
4. Did you begin the actual construction of the W.R. Simmons' Irrigation Ditch, (or other distributing works described in said permit), on or before September 12, 1917?
5. Give the date of completion of such construction work
6. When was all the water completely applied to the proposed use?
7. 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.

Table with 6 columns: Township, Range, Section, Forty-acre Tract, No. Acres Described in Permit, No. Acres Actually Irrigated. Row 1: 2 S, 9 W, 20, NE 1/4 SE 1/4 in Tillamook County, 30, 20. Includes handwritten note: checked on map record.

8. During what months is water beneficially used? *June, July, August and September. Water is used in June and winter as overflow for fertilization of soil.*
9. State the character of the soil and kind of crops raised *Sandy - hay and grain*
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? *Yes, except 100000 along one side of 30-000 tract is not mapped*
11. If not, state wherein such map is in error *No error, except as shown in foregoing answer.*
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 (or other distributing works)
- Same*
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 *Use for overflow as explained under 8 above.*

STATE OF OREGON,

County of *Tillamook*

} ss.

I, *W. B. Simmons*

, 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 *9th* day of *October*, 191*9*.

*W. B. Simmons*

Subscribed and sworn to before me this *9th* day of *October*, 191*9*.

*Sidney Johnson*

Notary Public for Oregon.

(Notarial Seal)

My commission expires *Dec. 16, 1919*



PROOF OF APPROPRIATION

Permit No.....3087...

1.00 fee paid

Receipt 2926

RECEIVED  
AUG 18 1916  
SALON

Approved: .....

Priority Date August 18, 1916.

July 14, 1942

Tillamook Water Commission  
Tillamook, Oregon

ATTENTION: Mr. P. L. Berkey

Gentlemen:

Pursuant to your letter of July 10, I am listing below three certificates of record in this office confirming right to the use of the waters of Simmons Creek.

<u>Name</u>	<u>Quantity</u>	<u>Use</u>	<u>Priority</u>	<u>Place of Use</u>
James L. & Henry L. Simmons Cert. # 734	0.3	Irrigation	March 14, 1914	Sec. 21, T. 2 S., R. 9 E., W. E.
W. R. Simmons Cert. # 2458	0.35	Irrigation	August 18, 1916	Sec. 20, T. 2 S., R. 9 E., W. E.
James L. & Henry L. Simmons Cert. # 12461	0.39	Irrigation	July 25, 1938	Sec. 21, T. 2 S., R. 9 E., W. E.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

EXH:LD

*for 4770 from 10/11/42  
all in file*

October 13, 1919.

Johnson & Handley,

Tillamook, Oregon.

Gentlemen:

Proof of appropriation of water underpermit No. 3087 of  
W. R. Simonis, together with \$1.00 recording fee, has been received  
and filed in this office.

This proof appears to be in proper form and will be  
presented to the Board at its next meeting for approval and issuance  
of final water right certificate.

Yours very truly,

R. W. Potter,  
Secretary.

GE.



Johnson & Handley,

LAWYERS.

107-8-9 I.O.O.F. BUILDING.

TILLAMOOK, OREGON,

RECEIVED  
TILLAMOOK  
10 1919

Mr. R.W.Potter,  
Secretary State Water Board,  
Salem, Oregon.

Dear Sir:

Answering your favor of the 2d inst., we are enclosing proof of water appropriation, Permit No. 3087, of W.R.Simmons, together with check for filing fee.

As will appear from the report, only 20 acres of the land are under irrigation, because of the insufficient supply of water. Your suggestion that application be made for additional water would appear not to be practicable under the circumstances. We have already appropriated all the water, and that is sufficient only for the 20 acres of land on the east side, as shown by the map in your office. Whatever you wish us to do to have your records show the exact situation, we shall be glad to do.

Yours very truly,

SSJ-W.

JOHNSON & HANDLEY.



October 2, 1919.

Johnson & Handley,

Tillamook, Oregon.

Gentlemen;

In compliance with your request of the 30th ultimo., I am enclosing blank for proof of appropriation of water under permit No. 3087 of W. R. Simmons.

This proof should be properly filled out and returned to this office, together with \$1.00 to cover recording fee, and the matter will be presented to the Board at its next meeting for approval and issuance of final water right certificate.

I am enclosing blank application and instructions for use in case Mr. Simmons desires to file a new application for the lands not now irrigated.

Yours very truly,

R. W. Potter,  
Secretary.

GB.

Johnson & Handley,

LAWYERS.

107-8-9 I.O.O.F. BUILDING.

TILLAMOOK, OREGON, Sept. 30-1919

Mr. M. F. Mers,  
Secretary of State Water Board,  
Salem, Oregon;

Dear Sir:

Mr. W. R. Simmons has shown us your letter of the 20th, inst., relative to water under Permit No. 3087, issued by your office.

Mr. Simmons tells us that the capacity of the water located is not large enough to irrigate the thirty acres which he contemplated irrigating at the time of his application but that it is only practicable to irrigate twenty acres. This twenty acres is now under irrigation and if you will kindly send us another blank for final proof, we will make proof of that and take any other steps that your office may require with respect to the remaining ten acres.

Yours very truly,

JOHNSON & HANDLEY,

By *W. Johnson*

SSJ:RW

OFFICE OF THE  
SECRETARY OF STATE  
Salem, Oregon  
2  
RECORDED

November 20, 1917.

Mr. W. R. Simmons

Tillamook, Oregon.

Dear Sir:-

Proof of appropriation of water under permit No. 3087, together with \$1.00 recording fee, has been received in this office.

I note you say you have only irrigated 10 acres of land up to this time. Under the terms of your permit you have until October 1, 1919 within which to completely apply water to the proposed use and I would suggest that you hold the proof until such time, or until you have completely applied water to the 30 acres described in the permit. I am returning the proof and recording fee herein. Before the proof is returned to this office, it will be necessary for the Notary Public to sign his name to your affidavit.

Yours very truly,

GB.

Secretary.

October 19, 1917.

Mr. W. H. Simmons.

Tillamook, Oregon.

Dear Sir:-

I am enclosing blank for proof of appropriation of water under permit No. 3087 which you will please fill out and return to this office, together with \$1.00 to cover recording fee and the matter will be presented to the Board at its next meeting for approval and issuance of final water right certificate.

Yours very truly,

GB.

Secretary.

JOHNSON & HANDLEY

LAWYERS

107-8-9 I. O. O. F. BUILDING

TILLAMOOK, OREGON. October 5th, 1917.

OFFICE OF STATE WATER COMMISSION  
RECEIVED  
OCT 8 1917

Hon. H. J. Lewis,  
State Engineer,  
Salem, Oregon,

Dear Sir:

We are enclosing herewith a notice of beginning of construction, notice of completion of construction, and notice of complete application of notice in the case of W. R. Simmons. Mr. Simmons has been using his water for almost a year but has neglected to make the proper reports to you.

We hope that this will be satisfactory and that none of Mr. Simmons rights will be forfeited.

Yours very truly,

JOHNSON & HANDLEY.



SSJ/K

5127

September 12, 1916.

Mr. W. R. Simmons,  
Tillamook, Or.

Dear Sir:

I enclose herewith your application No. 5127, being Permit No. 3087, which has been approved and recorded in this office. I also enclose one blue print map.

Application No. 5127.

September 8, 1916.

Mr. W. H. Simmons,  
c/o S. D. Johnson,  
Tillamook, Oregon.

Dear sir:

Enclosed please find my official receipt No. 6643 for \$3.00, which amount was transmitted with your letter of recent date as balance of fees on your application No. 5127 for permit to appropriate water.

The application will be taken up for approval as soon as the same can be reached and you will be further advised.

Very respectfully,

Percy A. Cupper,

Assistant State Engineer.

RS.

Enc.



# STATE OF OREGON

OFFICE OF THE

STATE ENGINEER  
SALEM

WATER RESOURCES  
DEPARTMENT

Application No. 5127.

W. H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE STATE WATER BOARD  
SECRETARY OF THE DESERT LAND BOARD

PERCY A. CUPPER  
ASSISTANT STATE ENGINEER

OFFICE OF THE ENGINEER  
RECEIVED  
SEP 8 1916  
SALEM, OREGON

September 2, 1916.

Mr. W. R. Simmons,  
Tillamook, Oregon.

Dear Sir:

I am in receipt of your application No. 5127 for permit to appropriate water which had been returned for completion.

Your attention is called to the fact that no map as required by the enclosed copy of instructions has been filed with this application. The fees on the application are a \$3.00 examination fee and \$4.50 filing and recording fee for the irrigation of 30 acres. Therefore, there remains due on this application the sum of \$3.00. Upon receipt of the required fees and maps, the application will be taken up for approval.

Very respectfully,

*Percy A. Cupper*  
Percy A. Cupper,

Assistant State Engineer.

RS.

*Map was forwarded  
some days ago.  
S. Johnson*

Application No. 5127.

September 7, 1916.

Mr. S. S. Johnson,

Tillamook, Oregon.

Dear Sir:

I am in receipt of your letter of the 4th instant transmitting blue print and tracing to be filed with application No. 5127 in the name of W. R. Simmons. The application appears now to be in proper form and will be taken up for approval upon receipt of the balance of fees, which amount to \$3.00.

Very respectfully,

Percy A. Cupper,

Assistant State Engineer.

RS.

LDING  
ORE.

5127

Sept. 4, 1916.

OFFICE OF STATE ENGINEER  
RECEIVED  
SEP 6 1916  
SALEM, OREGON

Hon. John H. Lewis,  
State Engineer,  
Salem, Oregon.

Dear Sir:-

I recently filed with you an applica-  
tion for water right for W. L. Simmons, and forgot to enclose the  
maps. I am herewith enclosing the maps.

Yours very truly,

ASJ/D.

1 B. P. Harming  
Sue 3 of 4

J. D. Johnson

map as required by the enclosed copy of instructions  
has been filed with this application. The fees on  
the application are a \$3.00 examination fee and  
\$4.50 filing and recording fee for the irrigation  
of 30 acres. Therefore, there remains due on this  
application the sum of \$3.00. Upon receipt of the  
required fees and maps, the application will be  
taken up for approval.

Very respectfully,

Percy A. Cupper,

Assistant State Engineer.

RS.

Application No. 5127.

September 2, 1916.

Mr. W. A. Simmons,

Tillamook, Oregon.

Dear Sir:

I am in receipt of your application No. 5127 for permit to appropriate water which had been returned for completion.

Your attention is called to the fact that no map as required by the enclosed copy of instructions has been filed with this application. The fees on the application are a \$3.00 examination fee and \$4.50 filing and recording fee for the irrigation of 30 acres. Therefore, there remains due on this application the sum of \$3.00. Upon receipt of the required fees and maps, the application will be taken up for approval.

Very respectfully,

Percy A. Cupper,

Assistant State Engineer.

RS.

OFFICE OF STATE ENGINEER

RECEIVED

AUG 19 1918

SALEM, OREGON,

5127

I, W. R. Simmons, of Tillamook, Tillamook County, Oregon, hereby apply for a permit to appropriate water from what is commonly known as "Simmons Creek," same being situated in Tillamook County, Oregon, and in the Northeast quarter of the Southeast quarter of Section Twenty, Township Two South, Range Nine West of the Willamette Meridian in Oregon.

The location of the point of diversion of the said water shall be known as the W. R. Simmons Irrigation Ditch, and the said appropriation shall be made for irrigation purposes.

The amount of acreage to be irrigated shall be ten acres, situated in the said Southeast quarter of the Southeast quarter of said Section Twenty, Township Two South, Range Nine West, W.M., Oreg.

The said water shall be diverted by a dam two feet in height and twenty four feet long at the top and twenty four feet long at the bottom.

This application is merely a preliminary application and will be immediately followed by a final application accompanied with the necessary map.

W. R. Simmons  
-Applicant-

Witnesses:

R. B. Howell, of Tillamook County, Oregon:  
E. S. Johnson, of Tillamook County, Oregon.

5127

OFFICE OF STATE ENGINEER  
RECEIVED  
AUG 19 1913  
SALEM, OREGON,

8:30 a.m.

Application No. 5127.

August 19, 1916.

Mr. S. S. Johnson,  
I.O.O.F., Bldg.,  
Tillamook, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 4600 for \$4.50, which amount was transmitted with your letter of the 17th instant together with application for permit to appropriate water in the name of W. R. Simmons. This application has been numbered 5127 and transferred to blank and is returned herewith for completion and maps. You will note from the enclosed copy of instructions that maps are required to be filed with all applications for permit to appropriate water.

Under separate cover I am sending you a supply of applications as per your request.

In order to retain its original date of priority, this application completed and accompanied by the required maps should be returned to this office on or before September 19, 1916.

Very respectfully,

Percy A. Copper,

Assistant State Engineer.

RS.  
Enc.

**JOHNSON**  
ATTORNEY AT LAW  
107-108 I. O. O. F. BUILDING  
TILLAMOOK, ORE.

OFFICE OF STATE ENGINEER

August 17, 1916.

RECEIVED

AUG 19 1916

SALEM, OREGON,

Hon. John W. Lewis,  
State Engineer,  
Salem, Oregon.

5127

Dear Sir:-

Herewith I am enclosing you preliminary application of W. L. Simmons for water location on what is known as "Simmons Creek" in this County. This application is only preliminary and is merely for the purpose of protecting Mr. Simmons' rights pending his making a survey and the final application. This final application will be sent you within the next ten days.

I have not one of your ordinary forms of application in my possession, and have searched Tillamook very carefully to find some of them but have not succeeded in obtaining possession of one. Would your office kindly send me a few of these blank applications and greatly oblige?

I herewith enclose check for \$4.50 being \$3.00 filing fee and 15 cents per acre for the amount of acreage proposed to be irrigated.

Yours very truly,

*S. S. Johnson*

SSJ/B.

*no maps  
received  
over check,*

*Application for Permit to Appropriate Water -  
Return for completion & maps.*



## NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W. R. Simmons, the holder of Application No. 5127, being  
 Permit No. 3087, issued by the State Engineer of the State of Oregon  
 for the appropriation of one second feet of the waters of Simmons Creek  
 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 30th day of Sept., 1916  
 being within the time limitation as fixed in said permit or extended by the State Water Board 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 subsequent appropriators may have notice.

Applied about all the water in creek, being less than appropriated

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of Oct, 1917

Simmons, Ore  
 (Present Address.)

(Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

W. R. Simmons

## NOTICE OF COMPLETION OF CONSTRUCTION

I, W. R. Simmons, the holder of Application No. 5127, being  
 Permit No. 3087, issued by the State Engineer of the State of Oregon  
 for the appropriation of one second feet of the waters of Simmons Creek  
 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 being within the time limitation as fixed in said permit or extended by the State Water Board 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 5th day of Oct., 1917

Simmons, Ore  
 (Present Address.)

(Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

W. R. Simmons

## NOTICE OF BEGINNING OF CONSTRUCTION

I, W. R. Simmons, the holder of Application No. 5127, being  
 Permit No. 3087, issued by the State Engineer of the State of Oregon  
 for the appropriation of one second feet of the waters of Simmons 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 12th day of Sept., 1917  
 being within the time limitation as fixed in said permit for the beginning of construction work.

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 statement, and any additional information which may tend to show the beginning of work in good faith.

I did all the work myself, using my own team and tools

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of Oct, 1917

Simmons, Ore  
 (Present Address.)

(Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

W. R. Simmons