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JAN 13 1971

WATER RESOURCES  
SALEM, OREGON

BOOK 27 PAGE 1025

WARRANTY DEED

For a true and actual consideration of Ten Thousand Five Hundred Dollars (\$10,500.00), **CECIL G. HILEMAN** and **KATHERINE E. HILEMAN**, husband and wife, herein called the grantors, hereby convey unto **BOMER McMILLIN** and **NEOMA M. McMILLIN**, husband and wife, herein called the grantees, all that real property situated in the County of Lincoln, State of Oregon, described as follows:

Beginning at a point on the East line of Section 3, T 7 S, R 10 W, W.M., that is 44.37 feet South of the Northeast corner of said Section 3; thence South 82°45' West, 180.00 feet to the Easterly boundary of the Bear Creek County Road No. 100; thence Easterly along the easterly boundary of said County Road, 223 feet to its intersection with the South line of the McMILLIN tract as established by Court Decree of Dec. 14, 1939, in Suit No. 4766; thence Easterly along said court established boundary 256 feet to the East line of Section 3, T 7 S, R 10 W, W.M.; thence North along East line of said Section 3, 893.78 feet to the point of beginning.

and grantors covenant that they are the owners of the above described property free and clear of encumbrances, except the 1971-72 real property taxes which grantees hereby assume and agree to pay, and will warrant and defend the same against all persons who may lawfully claim the same.

Dated this 10th day of August, 1971.

*Cecil G. Hileman*  
Cecil G. Hileman

*Katherine E. Hileman*  
Katherine E. Hileman

STATE OF OREGON  
County of LINCOLN

August 10, 1971. Personally appeared the above named **CECIL G. HILEMAN** and **KATHERINE E. HILEMAN**, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. WITNESS MY

*John W. Hileman*  
Notary Public for Oregon  
My Commission Expires 1-16-74

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JAN 13 1998

TIMES MIRROR LAND AND TIMBER COMPANY, an Oregon Corporation, Grantor, conveys to SIMPSON TIMBER COMPANY, an WASHINGTON Corporation, Grantee, the following described real property:

WATER RESOURCES  
SALEM, OREGON

All that real property located in LINCOLN, Oregon, further described in Exhibit "A" attached hereto and incorporated herein by this reference, together with all timber and minerals located on such property and easements, profits and other rights in gross or appurtenant to such real property.

"TIMES MIRROR LAND & TIMBER COMPANY reserves the right to cut up to seventy (70) million board feet of "Merchantable Timber" from the real property herein described for a period of ten (10) years from date of June 30, 1988, in accordance with the terms and conditions contained in "Timber Reservation Agreement" dated June 29, 1988 between Simpson Timber Company, a Washington Corporation, and Times Mirror Land & Timber Company, an Oregon Corporation."

The true consideration for this conveyance is \$17,515,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATION. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED THE 29<sup>th</sup> DAY OF JUNE, 1988.



TIMES MIRROR LAND AND TIMBER COMPANY

By Raymond M. Lethy  
Raymond M. Lethy  
Title Vice President

)  
) ss. June 29, 1988  
)

Personally appeared Raymond M. Lethy, who being duly sworn did say that he is the Vice President of TIMES MIRROR LAND AND TIMBER COMPANY and that the foregoing instrument was signed on behalf of said corporation by authority of its board of directors and he acknowledged said instrument to be its voluntary act and deed.

Before me: Leslie E. Williams  
Notary Public of Oregon  
My Commission Expires: 1/29/90

Until a change is requested, all tax statements shall be sent to the following address:

Simpson Timber Company  
900 Fourth Ave.  
Seattle Washington 98164  
ATTN: Joseph E. Reed

AFTER RECORDING, RETURN TO:

Simpson Timber Company  
900 Fourth Ave.  
Seattle Washington 98164  
ATTN: Joseph E. Reed

(Tract 4): That portion of U. S. Lot 4, Section 1, T 7 S, R 10 W, W.M. in Lincoln County, Oregon, lying southerly and westerly of Slick Rock Creek.

(Tract 5): Lot 1, Block 4, SLICK ROCK RETREAT, in Lincoln County, Oregon.

PARCEL 31: Lots 1, 2, 3 and 4; the SE1/4 of the NE1/4; the SE1/4 of the NW1/4; the NE1/4 of the SE1/4; the NW1/4 of the SW1/4 and the S1/2 of the S1/2, all in Section 2, T 7 S, R 10 W, W.M. in Lincoln County, Oregon.

Except from the NW1/4 of the SW1/4 that parcel conveyed to Lincoln County for Bear Creek County Road purposes by deed recorded November 1, 1976 in Volume 69, page 1508, Film Records.

PARCEL 32:

(Tract 1): The SE1/4 of the SE1/4 of Section 3, T 7 S, R 10 W, W.M. in Lincoln County, Oregon.

(Tract 2): The SW1/4 of the SE1/4 of Section 3, T 7 S, R 10 W, W.M. in Lincoln County, Oregon.

Excepting the following: That part of said Section 3 that lies between Bear Creek County Road and the center of Bear Creek.

PARCEL 33:

(Tract 1): The E1/2 of the NE1/4 of Section 4, T 7 S, R 10 W, W.M. in Lincoln County, Oregon.

Save and Except therefrom the following described tract of land:

Beginning at the northeast corner of Section 4, T 7 S, R 10 W, W.M. in Lincoln County, Oregon; thence west along the north line of said Section 4, 730 feet; thence south 1253 feet; thence east 730 feet to the east line of said Section 4; thence north along the east boundary of said Section 4, 1253 feet to the true point of beginning.

Together with an easement for ingress and egress and utility purposes being 10 feet in width on each side of the following described center line:

Beginning at a point on the north line of said Section 4; said point being 427.33 feet west of the northeast corner of said Section 4; running thence south  $53^{\circ}21'30''$  west 223.63 feet; thence west to a point on the west line of the tract above excepted.

(Tract 2): A permanent, non-exclusive easement for right of way purposes on that strip of land 30 feet in width, 10 feet on each side of the following described center line:

Beginning at a point on the north line of said Section 4, said point being 427.33 feet west of the northeast corner of said Section 4; running thence north  $58^{\circ}$  east 71.5 feet; thence north  $68 \frac{1}{2}^{\circ}$  east 52.5 feet to a point located south  $68 \frac{1}{2}^{\circ}$  west 15 feet from the west property line of the Sparks tract as described in Instrument recorded December 9, 1974 in Volume 53, page 1380, Film Records; thence

northerly along a line being 15 feet westerly of the east property line of the said Sparks tract a distance of 261.63 feet, more or less, to the south edge of Oregon State Highway 110, in Lincoln County, Oregon.

PARCEL 34:

(Tract 1): U. S. Lot 1 in Section 6, T 7 S, R 10 W, W.M. in Lincoln County, Oregon.

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WATER RESOURCES DIV.  
SALEM, OREGON

**NORMA N. McMILLIN**

The system and uses are generally described by the inspection report for permits No. 36348, 39436 and transfer No. 6465.

Irrigation is by a gravity pipeline with 25-30 psi. Using garden hoses and sprinklers. Domestic use is pressurized by a Century 3/4 H.P. electric motor using a Wards 1 $\frac{1}{4}$ " x 1 $\frac{1}{2}$ " centrifugal pump - Model No. 24182.

**PIONEER HISTORY**  
OF  
**NORTH LINCOLN COUNTY, OREGON**  
**VOLUME II: PIONEER FAMILIES**

December, 1986



Mr. and Mrs. JACOB JOHNSON

"JAKIE AND SISSY"

TAFT'S FIRST RESIDENTS

NORTH LINCOLN PIONEER AND HISTORICAL ASSOCIATION

RECEIVED

CLERK RECORDS DEPT  
SALEM, OREGON

**PIONEER HISTORY**  
**OF**  
**NORTH LINCOLN COUNTY, OREGON**  
**VOLUME II: PIONEER FAMILIES**

Edited by Mildred Harmon Salazar

OLDTOWN PRINTERS  
Waldport, Oregon  
1986

through the efforts of Mr. Boyer, the Salmon River Cutoff was approved and built, reducing the time to Portland by one-half. Thus the Lincoln City area was no longer isolated from either the north, east, south—or west.

### Haying at the Horner Ranch

by Sarah Walburn Drayton and Mable Walburn Howard

Before Roy Horner joined the Marines he had laid the foundation for a sizable barn. It consisted of hemlock logs, hewed flat, resting on large cedar blocks in most places, but on big rocks where the ground was higher. It sat there like that for six years. When Roy decided to build the barn, he found that bugs had gotten into some of the logs. Knowing where there was a huge tree with a big pocket of liquid pitch up beyond his place, he took along two pails, drilled a hole in the tree and drained out enough pitch to fill the pails, then inserted a plug in case he had use for more. He poured the pitch on the logs to preserve them, as one would use creosote.

Dad split out a good supply of cedar timbers and boards, and with the aid of Jack Tremewan, a distant neighbor, to frame it, he built the barn, splitting out more lumber and the roof shakes as needed. There were stanchions for six cows and a calf pen on one lean-to side and an open feed rack area on the other. Down the center and over both feeding areas was space for hay.

There was no machinery on the place, so all the haying (grass hay) had to be done by hand—mowing with a scythe, raking with large homemade wooden rakes, shocking with a pitchfork, and then loading it on a sled pulled by one of the riding horses. (The other one had been sold.) At the barn there was a large fork for raking the hay into the mow, and the Model A Ford to pull the rope that drew the fork up.

Some years Dad mowed the hay alone, with the family helping with the raking, but as he enlarged the field to a total of fifteen acres, he needed help, as the pictures taken in July of 1930 show. Of course, good haying weather is in July and August, but the sun beating down and often no breeze could be very uncomfortable for the workers. About two days of hot weather was required for the hay to dry enough to rake. Then three swaths were brought together into a windrow, starting sometimes while the mowers were still cutting farther



Horner's hay was cut by hand with scythes.

down in the field. The hay had to sit a day or so more for the undersides to dry and then be shocked and hauled in, all the time racing against the weather. If it should rain—even a little—the hay had to be spread out again to dry. Not only did that mean more work, but the hay wouldn't be as well liked by the livestock.

The north side between the barn and the house was a little higher than the rest of the field and usually got quite dry, so Dad decided to build an irrigation ditch to water that area. Because a fork of Drift Creek ran past the barn, Dad decided to go up the creek about a hundred feet to bring water in on the good grade. That meant lumber, and quite a bit of it. All the reasonably close cedar logs having already been used for the house and the barn, the nearest was between a fourth to a half mile up the hills. There was no choice. While Dad split out the planks we girls dragged them home using a rope around one end. The load hanging up on brush or roots was frustrating, but we eventually got enough to do the job of building a flume on the ground part of the way and up on supports other places. We stuffed the cracks with moss, which made a very secure waterway. Dad dug a ditch from the barn along the edge of the field and used the water for flood irrigating. Needless to say, this greatly improved the hay yield.

### Otis and Mary Crowley McMillen

by Mildred Salazar

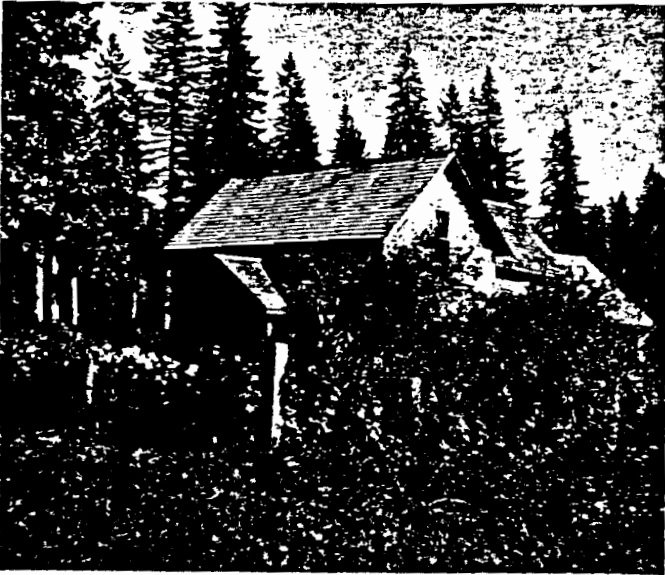
Born June 1, 1865, in Forest Grove, Oregon, by 1894 Otis E. McMillen, twenty-nine years old, with his wife Mary, twenty-four, had settled on a one-hundred-sixty acre homestead on Bear Creek in the Rose Lodge area. Their first North Lincoln County home was a log house with a dirt floor.

Otis was blue-eyed, brown haired, and of medium height. He had little patience with cows, but greatly prided himself on his horses. He became a freight driver who made regular trips with horse teams and wagons from Rose Lodge to Sheridan and Willamina and back, pulling loads for homesteaders—winter supplies of groceries, horse or cow feed or whatever was needed. He cleared the rough land of his homestead to grow fields of hay for his horses, an orchard which included a variety of apple trees, and a copious garden.

Although Mary was born in Polk County (March 13, 1870), her parents were James R. and Martha Crowley of Missouri who in 1887 bought and moved to one-hundred-fifty acres of Cascade Head meadow above the Salmon River, formerly owned by his brother, John W. Crowley. At sixteen, Mary Crowley married Otis McMillen July 1, 1886, at Salt Creek by Buell, and through the years gave birth to one girl and five boys who lived and some who died and were buried in unmarked graves on the homestead. Aleen was born in 1888, Ralph in 1889, Clyde in 1893, Howard in 1897, Merle in 1901, and finally Lloyd in 1908. Mary gave birth to Howard at her parents' home—Crowleys had left Cascade



Mable Walburn helps with the haying. Roy Horner's barn is shown.



Otis McMillen's new two-story homestead house on McMillen Creek was built in about 1903.

Head and now lived "at Alder Brook or Crowley Creek, whichever you want to call it," Howard says.

In about 1903, Otis McMillen built a new, two-story house on McMillen Creek; a house accommodating a large kitchen which eventually had some built-in cupboards and a sink, but never indoor plumbing; a nice, big living room heated with a wood stove and graced by both an organ and a graphophone with amplifying horn to intensify the sound of its cylinder records, a lounge, rocking chairs, and a flowered linoleum floor covering; one bedroom with clothes closet downstairs, and three bedrooms upstairs where the children slept in iron beds and hung their clothes on hooks in the walls.

Mary took the time and energy to grow lots of flowers in the yard and in pots on the porch. Her dahlias were dinner-plate size, a clematis vine ran up the side of the house, and rose, lilac, and snowball bushes added beauty and fragrance.

Her housewifery included canning, putting sausage and other fried meats down and covering them with lard in crocks. These had to be stored in a cool place, a cellar or milk house where milk, cream, and butter were kept.

All boys except Aleen, Mary's children were extremely active—both working and playing hard. One story is told that one of the children climbed a tree and another set fire to it. Tales of other onery tricks are part of the family folklore, but hard work used up most of their energy.

Howard, now eighty-eight and living at home in Otis, adopted the work ethic early in life. He says, "Anyone who wanted somebody to work would come after me when I was twelve years old because I would go. I cleaned out Mrs. Dodson's roses every spring, and if a neighbor had to leave and had nobody to milk the cow, he or she would get me to go do it. Mother and us kids used to go out to the valley and pick hops. Dad took us in the wagon over the muddy road and the rough corduroy of split-out trees slabbed off in 2X12 or 2X6 slabs, turned us loose and left us. Accommodations were hop shacks—just a place to cook and eat—that was about it. We slept on the ground. We always looked forward to it, but it was hard work, too, and uncomfortable because some days were cold in the morning and got pretty hot. We worked anyway, I guess, when they could get it out of us."

Short and stubby, Mary became heavy set as she grew older, but remained very active. She never allowed herself to be lonely, but got around on her horse Jack and visited the neighbors. Mary looked in on the Dodsons, Funks, Slaters, Hunts—at the store and post office, Wendelins, Hubbards, and other families in the area. Mary's father, James Crowley—a tall man with big, white whiskers—lived with Otis and Mary's household for a number of his last years.

The McMillen children attended school in the summertime. According to Howard, "You'd walk barefooted to school . . . stub your toe against a rock and knock your toenails off and go on, bleeding . . . chase chipmunks along the rail fences . . . see ice in the morning. That old school up on top had no water, and we had to pack it from out of the bottom. The school was above the old post office and store—Dodson's place. Charlie Hart used to be my teacher . . . and Mervin Boyer. I don't remember any of the women;



This photo depicts Otis McMillen hauling lumber from his large farm on Bear Creek. The other man is tentatively identified as his son, Howard. The McMillens . . .



mostly young girls would come here to teach. Charlie Hart lived back up a trail, but he'd ride to school on a bicycle and coast the other part, I guess. If he didn't have a bicycle, he'd come runnin'. The school was built about 1905 out of split-out lumber. Some kid had to be the janitor—pack the water, pack in the wood, keep the fire going. That was it. I don't believe the old building is up there anymore. I haven't been up there for years where the school was on the fern flat on top.

"Mrs. Dodson had lots of roses—that's why they called it Rose Lodge. They kept people there overnight; homesteaders coming in could stay there. In fact, if you'd stop anyplace, you could stay. They'd make room for you, and if they didn't have any room for you, they'd hang you up on a nail!"

Otis McMillen's two youngest boys, Merle and Lloyd, attended high school, but the older children went to work and didn't get to finish the grades. Nevertheless, Howard met his future wife Beulah Kenworthy in school. Her parents, John and Lavenia Kenworthy, moved from Eastern Oregon to Bear Creek on the August Waltrenberg place. Later they lived on the Jake Schlauger place. John Kenworthy worked in a logging camp. Mr. Hart was Beulah's teacher, too. She says, "He didn't dress up; he was just ordinary, but he was a good teacher and everybody liked him." Beulah ran down a steep trail to school. School friends, Elsie Manning, Vada Mann, and Beulah organized parties at each other's homes and attended all-night dances upstairs in the Rose Lodge grange hall. After leaving school, Beulah worked helping Mrs. Alex Fraser, a very hard-working woman, in both the house and the dairy. Frasers made cheese. Their dairy farm covered a

great deal of Salmon River tideland at Otis where Highway 101 and Highway 18 meet.

Howard and Merle bought eighty acres of Indian land along the coast in northwest Oceanlake, approximately from Shilo Inn south to The Dorchester House. Howard calls the acreage a cascara bark ranch. He says it was harvested by someone else while his and Merle's backs were turned. Cascara bark brought about six cents per pound in the 1930s; now it brings about a dollar per pound.

Howard and Beulah Kenworthy were married January 6, 1918. At first they camped out quite a bit because Howard worked here and there. He drove the mail stage for six months—a buckboard with four horses hooked to it—for Quinns who had the contract. Howard remarks that when postal service first began in this area, mail to the coast was brought in on foot; then one day a week on horseback; and finally every day by stage mail route. Viola Ruth, Beulah and Howard's first child, was born in Willamina, but soon they moved back to the coast and Norman was born. Later the young family was in Salem hauling potatoes when tragedy saddened the young couple. Three-year-old Norman fell out of the wagon and died under the wheel.

Howard brought the family back to Rose Lodge to live on the Old Salmon River road. Too far for Viola at six to walk to school, she stayed at home until she was seven. By then they had moved to the farm where Draytons live now, north of Salmon River, and Viola started school. Here they had a small dairy of eight cows and ran sheep on open pasture.

Beulah gave birth to Kenneth McMillen June 26, 1925;



Aleen McMillen Conrow Baker and daughter, Ruby, Otis McMillen, and James Crowley



Mary Crowley McMillen and two of her grandsons, Kenneth and Arnold.

eighteen months later, February 5, 1926, Arnold McMillen was born, with Mrs. Fanny Maki in attendance as midwife. Arnold remembers that when he was about four years old, ladies came to a quilting party at his mother's, and each made a block for a friendship quilt. Viola did well in school and her teacher decided to give her two years work to put her in the class she should have started with. She attended Rose Lodge School until the sixth grade and older were sent to Lone Rock School. Later another room was built on at Rose Lodge, and her class returned and graduated from the eighth grade there. Kenneth attended first grade at Rose Lodge.

Viola, describing visits with her grandparents Otis and Mary, says, "It was my pride to go up there and stay." She delighted in Mary McMillen's flowers and Otis McMillen's love for horses and apples. "Grandfather was great for horses—they were his pride and joy; and whenever we kids would come over, the first thing he did was go to the cellar and get a great big pan of apples for us," she recalls.

In the early thirties Ralph McMillen and Howard McMillen were partners in a logging operation, contracting to harvest private timber.

During these years Howard built roads. He took road-construction contracts, hiring a great many men to do the

work of operating horse-drawn breaking plows and fresnos to cut down the terrain and fill gullies with the dirt moved by switch scrapers. The men lived in a camp up on Bear Creek; Arnold McMillen—four years old then—remembers that. He also remembers seeing his father and the crew grading and filling with horses and fresnos at the ends of the concrete bridge across Bear Creek. Now he wonders where all the fresnos disappeared to. "Where did they go?" he asks his father. "They would have made nice keepsakes."

"Maybe thrown down in mud and covered up," Howard replies.

Howard worked on part of the road that goes toward Neskowin. He subcontracted this end of it. The big hemlock trees were cut from the right-of-way and piled up to lie there and rot. The government would not permit them to be either sold or burned. He constructed roads in Rose Lodge and Otis, and he gave the right-of-way for the North Bank Road. He also built a half-mile piece east of Kernville toward Siletz where a big cedar floodgate required here had to be floated in at high tide—which came after dark. The culvert under the road allowed water to run out until high tide; then it closed and prevented the area from being flooded. The road over to Bay Ocean, now washed out by wave action, and roads at Cloverdale are also among Howard's road jobs.

In July 1932, Merle McMillen opened a cheese factory in Rose Lodge to make whole milk and brick cheeses and Howard McMillen moved his family to Taft, one mile up Schooner Creek to the first farm on the right where the big barn is still located. Howard bought the farm, cleared the land, built the barn and painted it red, remodeled the house, and started a dairy. Part of the milk was gathered up and taken to Tillamook and part to McMinnville. A man and his son hired on to help with the dairy, but the work of clearing land, milking by hand, washing milk vessels, feeding cattle, and cleaning barns required hard work from every family member, as well. Howard's daughter Viola reminisces, "Everybody worked around our place. Nobody sat idle, I'll tell you that! My dad believed that when you were old enough to walk, you were old enough to have work to do."

Up at four-thirty or five a.m., Viola, Kenneth, and Arnold walked to school after their allotted heifers were



milked by hand and other chores completed until they walked home after school and did them all over again. McMillens sold milk. They came back in the ten-gallon cans. Carrying soapy suds and hot water to wash and scald these heavy cans was hard work for a young girl. The high school—now Taft Elementary building—had classes taught by four teachers. Among Viola's teachers were Miss Larsen, Mr. Dodson, Mr. Hermanson, Miss Beck—a tough teacher who got a lot out of her students—and Mr. Linglebock.

The second year, the McMillen children rode to school with Urho Niemi who drove a truck made over into a school bus. Because McMillens lived just within a mile from school, they were supposed to walk, but the bus had room for them, and Urho's mother insisted that he pick them up. Arnold started first grade in 1933.

Virginia Lorene McMillen was born February 23, 1934, at the Schooner Creek farm.

The town of Taft, grown and changed from its turn-of-the-century aspect, in the thirties had boardwalks, Mitchell's Drug Store, Stafford's Butcher Shop, The Pines Hotel, Joe DeJardin's Grocery Store, which then became Abe Abram's and DeJardin kept the post office, and Helen Winters' variety store, The Shop. Viola thought The Shop was a great place to go because Mrs. Winters was so very nice to everyone. Mr. Winters was friendly, too. There was also a movie theater, a rooming house or hotel behind Hershey's, cabins along the bay near the high school, the beach and the dock, and Robison's big, stucco house on the hill overlooking Taft.

When Arnold was seven or eight and Kenneth nine or ten, they took their pony and a burro down to Taft and charged tourists to ride. Arnold had bought the burro for fifteen cents at the Redhead Roundup from a drunk supposedly taking care of it. The actual owner let Arnold keep and pasture the burro for quite awhile before he finally came after it and took it away.

Viola graduated from Taft High School in 1936. Wanting to try her wings, she left home in 1937 to work in Mann's Hardware store in Oceanlake (now Don's Second Hand store at 925 N. Hwy 101). With a friend, Opal Mercier, Viola joined everyone else in attending dances at the Oceanlake Dance Hall, and of course met "a great dancer," Walter Plummer, whom she married a year later.

Walter came to Oceanlake in 1925 with his parents Ella Miles Plummer and Byron Plummer. In the small shop adjacent to the mortuary, he ran a shoe repair business and she a bread bakery. Walt had an agate shop and helped install the Delake water system. In 1929 he started his own shoe repair shop. Viola and Walt's first daughter, Lorraine, was born in a small maternity home at 1771 N. 12th Street run by Dora Schmidt. They adopted their second daughter, Kathleen, in March of 1949. Walter and Viola moved to Portland in 1940 to work in the Kiser shipyards.

Albert A. Schlappi, a Tillamook dairyman, wanted Howard's dairy so he sold it and bought the Jane Baxter farm at Otis east of Pixieland and built a little house on it above the road. While the family lived here, the children attended Otis school where Arnold's favorite teacher—Mr. Hershel Bond—taught him. After just one winter of being bothered by trucks on the highway shaking the house and making so much noise the family couldn't sleep, Howard traded that farm to Frank Murray for his farm above the southwest side of the lake, originally the John Affolter homestead.

Mary Crowley McMillen died in 1941 and Otis McMillen died January 14, 1945.

Again in the dairy business with about ninety head of cattle, everybody in Howard's family had to work, and he hired Andy Linville to help on the Rock Creek Dairy. The dairy farmer's life is very confining, but a few times Howard got away to go moose hunting in Canada.

In 1958 he sold their North Lincoln property and moved to a hay ranch near the Crooked River Bridge at Terrebonne between Redmond and Madras. Arnold visited them at Terrebonne one winter and was very impressed by the clear view of the mountains—Hood, Jefferson, and The Sisters. He went to look at them more closely and thus began his lifelong avocation of mountain climbing. Since then he has climbed Mount Hood thirty times; the Sisters, Jefferson, Rainier, Adams, and St. Helens seven times each, winter and summer. He also climbed Mount McKinley, Mt. Logan, and Aconcagua in South America.

On one climb of Mt. St. Helens on the third day of January, the temperature on top was thirty degrees below zero. Arnold's German shepherd dog climbed the mountain with him. Near the top in freezing wind blowing about forty miles an hour the dog hesitated, but when Arnold went ahead, the dog followed, having to switch back and forth on the steep, frozen snow because his claws wouldn't dig in as Arnold's crampons did.

After six years, Howard hadn't been paid for his Delake dairy farm. Although he liked the eastern Oregon hay ranch, the wind blew a lot there in the spring, and Beulah wanted to move back near the children. Howard repurchased the farm in 1961.

Arnold spent a year in the United States Marine Corps. When he returned home, he ran Howard's dairy farm for several years and then he bought it. Working almost sixteen hours a day and milking cows daily, Arnold stayed in good shape for mountain climbing. Now because he has multiple sclerosis and is no longer able to walk he goes on horseback everywhere he wants to, including the Pacific Trail from California to the Canadian border.

Arnold remarks, "There were a lot of homesteads back in the hills with orchards still there, still producing apples. But, of course, that's all gone now. They've logged this whole country off and everything's been torn down and burned up. (Pioneer cabins.) Everything's gone! There used to be some good trails back to the homesteads, but of course you could never find them because it's changed so much."

Howard replies, "Yes, it was a whole lot better place to live at that time than it is now—now so many people to bother you and what few was there was all neighbors and helped one another. Now you don't even know your neighbor, do you? There was no road, but nobody was in that big a hurry either. If you needed anything you went to Willamina—about that far—for a load of groceries or horse feed or cow feed or whatever you needed. So, that's about the way it was. There was Indians, but they were all pretty neighborly. This was all Indian land at one time. There was Joe Dick, William Dick, and Mose Gillam, Logans, Curls, Baxters. All the bottom there was the Baxter place. The house was above the road. Finally the people who bought it put a big mobile on it . . . both houses are on it. That's where Jane Baxter lived. She was just an old lady . . . Indian woman . . . same as everybody else."

And Arnold continues, "This area has sure changed—it's unbelievable. When Dad was young he used to pasture colts up on Cascade Head. Now it's all tansy ragwort. Forest Service roads are all covered with it. The timber back here is infested with it. Anywhere the timber is taken off, it's going to pop right up because the seeds are already there. Now it's going to spread everywhere. It's one of the worst poisons this country has got. It kills cows, horses, and goats. Sheep will survive, but they say after so many years of eating ragwort that way, the sheep will be sterile and won't have any more young. It will kill a goat within forty-eight hours. I think it will do the same thing to a horse. I've heard of people saying that this patch of ragweed, if you turn a horse into it, within two days he's dead and a cow takes five months, but if it eats a little bit, it may kill them two years later. It will finally

them. We lost quite a bunch over there. We bought some alfalfa hay and they can't separate it out of the leaves. See, they won't eat it unless they can't get anything else. I think all together we lost about forty-thousand dollars, counting the cows we lost, and some wouldn't breed anymore and seven cows died right out."

Arnold and his wife Mary Lou live on part of the dairy farm, having sold most of it. Arnold has two children; Mary Lou six.

Kenneth, who served in the Army from 1944 to 1947, lives in Otis. He has three daughters.

Virginia Affolter McBain, the mother of six children, lives in Otis.

Viola's neat little house surrounded by perfectly groomed flower beds, is in Oceanlake. Her daughters Lorraine and Kathleen are married and live out of the state.

## Will and Emma Bloom: Homesteaders

by Lillian Maki

It took courage, determination and great physical strength to become a homesteader in the mountains of North Lincoln County in the first decade of the twentieth century. Seventy years later the descendants of those doughty pioneers live an entirely different kind of life. But Myrabelle Bloom Mahan has told me that she did not think of the early years on the homestead as unusual or unbearable. Her memories of the area that was home to her as a child of four, to young womanhood, are pleasant. She enjoyed fishing, hunting and exploring the wilderness with her father, and her relationship with her family that included her two sisters and mother was warm and sustaining. In an adjoining homestead, for several years, lived an uncle, an aunt, and four cousins.

Free land, still to be obtained in the West under the 1862 Homestead Act, appealed to the Will Bloom and Harry Fister families, who were living in Clearfield, Pennsylvania. (Will and Harry were married to sisters, the former Emma and Lucy Fetzer.) The two men came West in June, 1907. They worked at odd jobs mostly connected with logging and forest products. For awhile they worked in the woods in the area of Eagle Creek. Soon they were settled in the Beaverton area and Will got work hauling cordwood to Portland, a distance of seven miles. It took all day, with team and wagon. He would stay the night and return the next day for another load of wood. During their two-year stay in Beaverton the men located land to homestead, 160 acres each, about four miles from what is now Rose Lodge, in the hills. The more choice areas along Salmon River had been taken ten to fifteen years earlier.

The men had sent for their wives and children in September 1907; the journey by train took seven days to reach Union Station in Portland from Clearfield, Pennsylvania. In the group were five children; Blooms had two girls, Myrtle and Myrabelle; Evelyn was born in Beaverton. The Fisters had Gerald, Jane and Lena; Ethel was born while the family was living on the homestead. During their stay in Beaverton, the preparations to move into the wilderness, with several small children had to be planned with special attention to food and shelter. By train and by team and wagon they reached the Rose Lodge Post Office in October, 1909, where they stayed all night. From there they had to walk the four miles over a narrow road part of the way, and the rest by what was scarcely a trail, in the driving October rain. That autumn the rainstorms were more than usually severe. Myrabelle and Myrtle, aged four and six, had to walk. Evelyn, age one, had to be carried. Myrabelle remembers that she was wearing a red velvet coat, and she was soaked to the skin. The red dye in the coat had colored Myrabelle from neck to feet the shade of a boiled lobster.

The men had pitched a tent and made make-shift beds; their cooking facilities were a fire outside the tent. Soon the ten souls had temporary living quarters. The bed made of alder poles, and filled in with ferns and boughs, took up most of the room. They had to hurry to build their cabins, for winter was coming. They used alder logs and filled in the cracks with moss; they made cedar shakes for the roof. It was the job of the five children old enough to help, to gather the moss. Bloom's cabin was finished first and no time was wasted in building a cabin for Fisters on their adjoining homestead. The same stream furnished both homes with water. Everything had to be carried up to the homestead on the backs of the men—the stoves and the few treasures they had brought from Pennsylvania; like Mrs. Bloom's Singer sewing machine.

While the Blooms lived in Beaverton they had become acquainted with the Shackelfords. There was Paul and Elizabeth and their grown children Will and Mary. The family had obtained 640 acres under the Donation Land Act, in 1852;\* they had come to Oregon by covered wagon. Will and Mary took up homestead land which was available near the Blooms and the Fisters. Erick Lund was another bachelor who homesteaded about a mile away. Erick liked to tease his neighbors and put up signs in the woods near their cabins; his references to an Old Maid infuriated Miss Shackelford. There was a desperate need for Erick to get a laugh or two out of life in the wilderness.

Mrs. Fister and Mrs. Bloom decided to have some fun, too. They thought Erick needed to have curtains in his cabin. One day when Erick was away from home they put up their flour sack creations in his house. When Erick came home he was astonished to see the unmistakable feminine touches that had appeared. In spite of his predilection for teasing he was quite shy; for an hour or more he hid in the thick brush hoping the visitors would leave so he could return to his home without being painfully embarrassed. No sign of the invaders appeared during his wait so he decided he would enter his home. Only his cat was there to greet him.

The curtains came in handy for the cat because Erick also had a dog. The two pets acted like the traditional enemies that they are, and this furnished amusement for the entertainment-starved homesteader. When Erick let the dog into the house, it would take after the cat. The cat was able to claw his way up the curtains and lie on a shelf, out of the dog's reach.

The Blooms had their animals, too. Eventually a cow, and a horse, and a dog called Sport. Their cat turned out to be a strange one; it was given to them by an earlier settler when the animal was just a kitten. (The girls called the settler "Daddy" Buster, and the cat, Buster.) As the kitten grew to maturity it began to be obvious that the mother, a domesticated animal, had mated with a wildcat. Buster was the color of a wild cat, and larger than its domesticated cousins. He had the same tufts of fur around its face as his wild ancestors. The Blooms had the cat for seven or eight years. Each spring when the weather became mild Buster disappeared. In the autumn, after a few rainstorms, the Blooms would hear a loud "Meow" in the vicinity. They would catch a glimpse of Buster, and put food out on the porch for him; he would slyly sneak in and eat it. Some days, when he felt a little bolder, he would sit on the window ledge, to look in on the family, and become reacquainted with his old friends. Eventually he would come into the house to enjoy his cozy retreat behind the kitchen stove. But he was always a little testy. One day Myrabelle decided to play with him, and went through the motions of having him play a piano on the sewing machine. Buster had no use for a game

\*Congress passed the Act in 1850, giving large tracts of land in Oregon to settlers. This prevented depopulation to the gold fields of California.

# The United States of America,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 6832.

Application 13296.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States Certificate of the Register of the Land Office at Portland, Oregon, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

OTIS E. McMILLER

has been established and duly consummated, in conformity to law, for the Lots one, two, three, and four of Section three in Township seven south of Range ten west of the Willamette Meridian, Oregon, containing one hundred sixty-two acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said Otis E. McMillen

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Otis E. McMillen

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the fourth day of NOVEMBER, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-second.

By the President: *Theodore Roosevelt*

By *Fred. M. Klean*, Secretary.

*H. J. ...*  
Recorder of the General Land Office.

MEMORANDUM OF LAW IN SUPPORT OF  
CLAIM OF WATER RIGHT TO WATERS OF  
MCMILLEN CREEK BY NORMA MCMILLIN

The applicant, Norma McMillin, is entitled to an adjudicative decree of a water right in her favor to the waters of McMillen Creek, a tributary of Bear Creek, Lincoln County, Oregon.

A land patent was issued to Otis E. McMillen, a predecessor in interest of Norma McMillin, on November 4, 1907, under the Homestead Act of 1862 and supplemental acts of Congress (Exhibit "A", attached).

In California Oregon Power Co. vs. Beaver Portland Cement Co., 295 U.S. 142 (1935), the United States Supreme Court held that Federal patents to land in the desert land states, which includes Oregon, carried no common law right to waters flowing through or bordering the lands conveyed. Rather, the court held, water rights in all non-navigable waters in these states were subject to the water law of the state. 295 U.S. at 160-61. In arriving at its conclusion, the Supreme Court in California Oregon Power Co. noted with approval four cases decided by the Oregon Supreme Court that had held no Federal patent issued after passage of the Desert Land Act of 1877 carried riparian rights beyond the right to use a reasonable amount of water for domestic use.

In Hough vs. Porter, 51 Or. 318, 95 P. 732, 98 P. 1083 (1909), one of the four Oregon cases cited by the U.S. Supreme Court, the Oregon Supreme Court held that riparian owners of land patented after passage of the Desert Land Act are entitled to an amount of water reasonably essential to domestic use and for stock watering. 51 Or. at 404. See also Allen vs. Magill, 96 Or. 610, 618-19, 189 P. 986, 190 P. 726 (1920); Hill vs. American Land and Livestock Company, 82 Or. 202, 207, 161 P. 403 (1916); Hedges vs. Riddle, 63 Or. 257, 260, 127 P. 548 (1912). These latter cases are the remaining three of four noted with approval by the United States Supreme Court in California Oregon Power Co.

The Oregon Supreme Court made a statement of similar effect in Shook vs. Colohan, 12 Or. 239, 244, 6 P. 503 (1885):

"When a natural stream of water flows through land belonging to different persons, each usually has the right to enjoy it for the ordinary purposes of life; the right to drink of it, to use it for culinary purposes, and to water animals."

In In re. Willow Creek, 74 Or. 592, 627, 144 P. 505, 146 P. 475 (1915), a proceeding to determine the relative rights of claimants to water rights under the Water Code of 1909 (now ORS 539.010-.240), the Oregon Supreme Court stated:

"In the arid and semi-arid lands of the west, the early home-builders first settled upon the streams and other bodies of water. The rights of such people to reasonable use and benefit of water flowing over their lands which they have appropriated or used for a beneficial purpose should be carefully considered and not abrogated. Those obtaining title to land take the same subject to the laws then prevailing and defining the appurtenances thereto. When such rights have become vested, they cannot be taken away by legislative enactment nor judicial decree."

ORS 539.010(1) provides for protection of water rights vested before 1909. That statute provides:

"Actual application of water to beneficial use prior to February 24, 1909, by or under authority of any riparian proprietor or the predecessor in interest of the riparian proprietor, shall be deemed to create in the riparian proprietor a vested right to the extent of the actual application to beneficial use; provided, such use has not been abandoned for a continuous period of two years."

The right of Otis E. McMillen to a reasonably sufficient amount of water for his domestic use and stock watering vested, under Oregon law, with the issuance of the Federal patent to his land in 1907. As the attached affidavits of Otis E. McMillen's sons indicate (Exhibits "B" and "C", attached), the McMillen family used water from McMillen Creek, a tributary of Bear Creek, for domestic use and stock watering at least from 1907. Otis E. McMillen's vested water right was used continuously from its inception and passed to Clyde McMillen, Otis E. McMillen's son, when Clyde McMillen took over the homestead. Clyde McMillen later sold his family's homestead to Norma McMillin. At no time, from the vesting of Otis McMillen's water right in 1907 to the present, has the use of a reasonable amount of water from McMillen Creek for domestic use been abandoned for a continuous two year period.

All that applicant, Norma McMillin, requests is that she be granted a vested right to sufficient water for her reasonable domestic use.

Based on the above law and facts, Norma McMillin has a right to water that vested prior to 1909, and her water right is entitled to protection under ORS 539.010(1).

AFFIDAVIT OF HOWARD MC MILLEN

RE. CLAIM OF WATER RIGHT TO WATERS OF MC MILLEN  
CREEK BY NORMA MC MILLIN

STATE OF OREGON            )  
                                  ) ss.  
County of Lincoln         )

I, Howard McMillen, being first duly sworn, do depose and say as follows:

1. I am a resident of Lincoln County, Oregon, currently living at 380 Salmon River Highway, Otis, Oregon 97368.

2. I was born in 1897, and I am now 92 years old.

3. My father, Otis E. McMillen, homesteaded land next to the creek known as McMillen Creek, a tributary of Bear Creek, in Lincoln County, Oregon. My father began homesteading this land before 1909. My father was granted a federal patent to this land in 1907.

4. I was raised on my father's homestead, and I recall that between six and eight people lived in our house at any one time.

5. I recall that from the beginning of our settlement upon the homestead, my family had a garden every year of sufficient size to feed six to eight people. We used water from McMillen Creek, a tributary of Bear Creek, to water this garden. Initially, water to irrigate the garden was carried by bucket.

6. I recall that from the beginning of our settlement upon the homestead, my family raised about a dozen head of cattle on the homestead, and that there were also about six horses on the property at any one time. We used water from the tributary to provide water for the cattle and horses.

7. For our household use, I recall that from the beginning of our settlement upon the homestead, my family carried water to the house from McMillen Creek in three-gallon buckets. Sometimes, two buckets were carried at one time. At least ten trips to the tributary and back were made per day to collect water for our household use.

8. I recall that my family installed a rock dam to back up the waters of McMillen Creek to better able the



collection of water. I was about seven or eight years old when the rock dam was constructed.

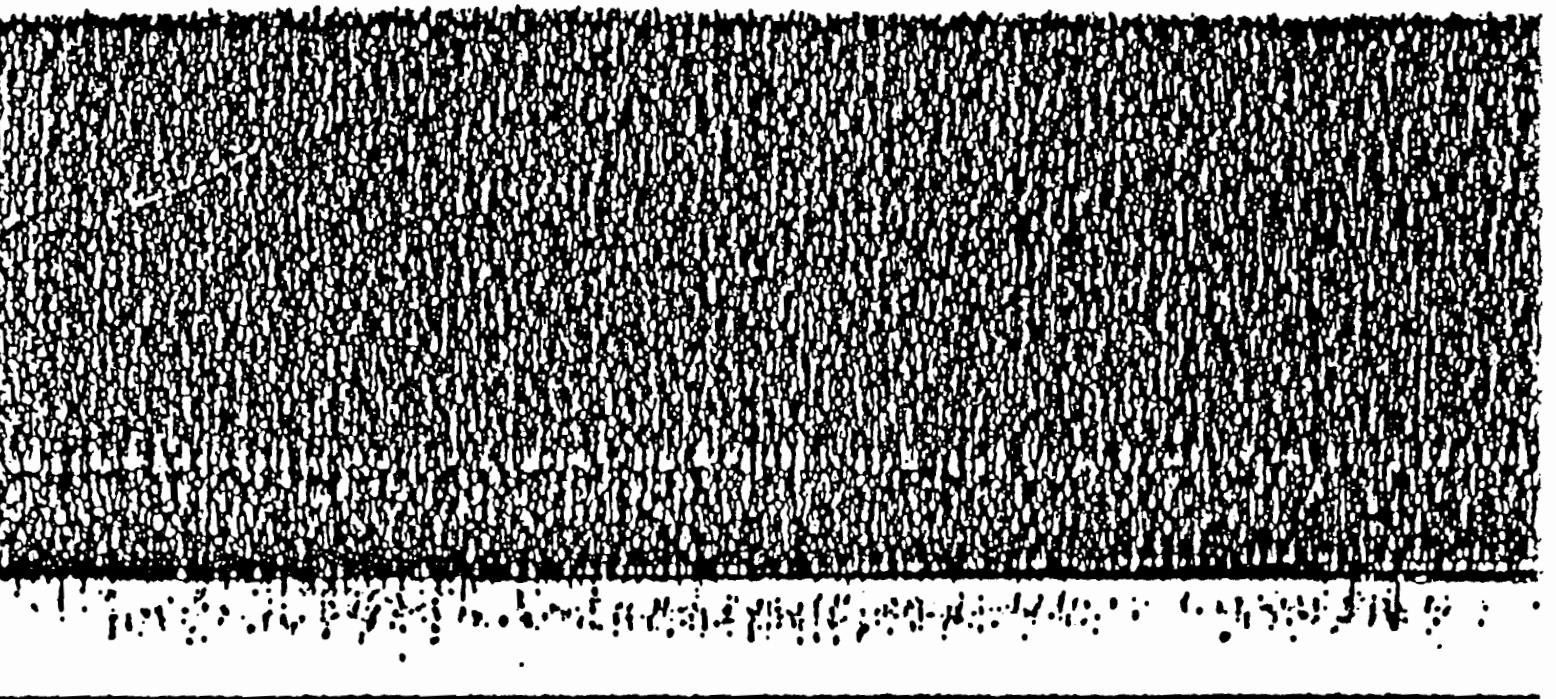
9. I recall that my family eventually installed a pipe to convey water from McMillen Creek to our homestead for our domestic use.

10. The attached map marked as Exhibit "A" indicates the location of my father's house and the location of the water pipe my family installed in McMillen Creek.

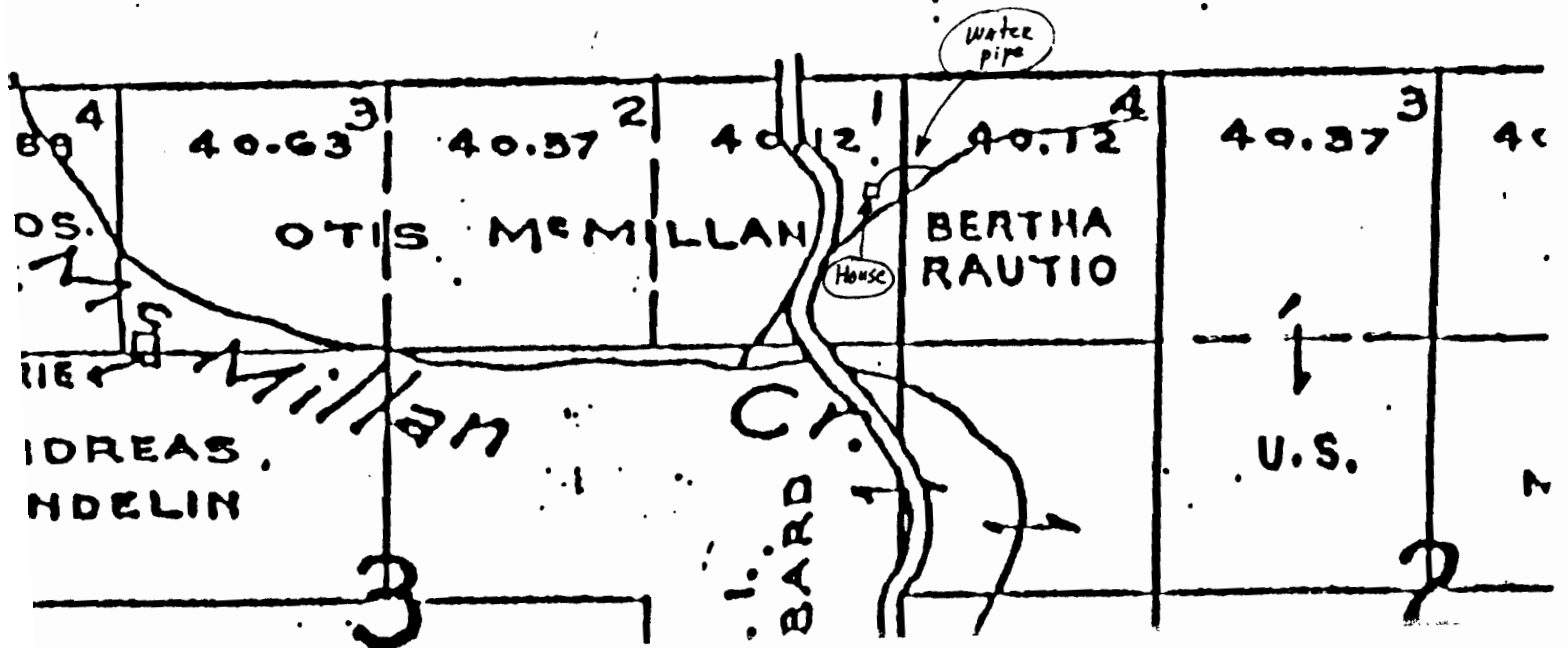
Howard McMillen  
Howard McMillen -

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of October, 1989.

Donna L. [Signature]  
Notary Public for Oregon  
My commission expires: 5-8-00



# 7 S., RANGE 10 OLD COUNTY ORE.



AFFIDAVIT OF MERLE MC MILLEN

RE. CLAIM OF WATER RIGHT TO WATERS OF MC MILLEN  
CREEK BY NORMA MC MILLIN

STATE OF Florida )  
County of Dade ) ss.

I, Merle McMillen, being first duly sworn, do depose and say as follows:

1. I am a resident of Dade County, Florida, currently residing at 9285 S.W. 136th Street Circle, Miami, Florida 33176.

2. I was born in 1901, and I am now 88 years old.

3. My father, Otis E. McMillen, homesteaded land next to the creek known as McMillen Creek, a tributary of Bear Creek, in Lincoln County, Oregon. My father began homesteading this land before 1909. My father was granted a federal patent to this land in 1907.

4. I began to live on my father's homestead within five days of my birth. I recall that between five and six people lived on the homestead at any one time.

5. I recall that from the beginning of our settlement upon the homestead, my family had a garden every year of sufficient size to feed five to six people. We used water from McMillen Creek, a tributary of Bear Creek, to water the garden. Initially, water to irrigate the garden was carried by buckets.

6. I recall that from the beginning of our settlement upon the homestead, my family raised four to five head of cattle on the homestead and that there were also at least two horses on the homestead at any one time. I also recall that at one time we were raising over 30 goats on the property.

7. For our household use, I recall that, from the beginning of our settlement upon the homestead, my family carried water to the house from the tributary in 2½ to 3-gallon buckets. Approximately a dozen trips to McMillen Creek and back were made per day to collect water for our household use.

8. I recall that my family eventually installed a pipe in McMillen Creek to convey water for our household use. This pipe was installed in 1917 or 1918. The size of the original water pipe was three-quarters (3/4) of an inch in diameter.

9. I recall that my family constructed a ditch to convey water from McMillen Creek for irrigation purposes. This ditch was constructed about 1918.

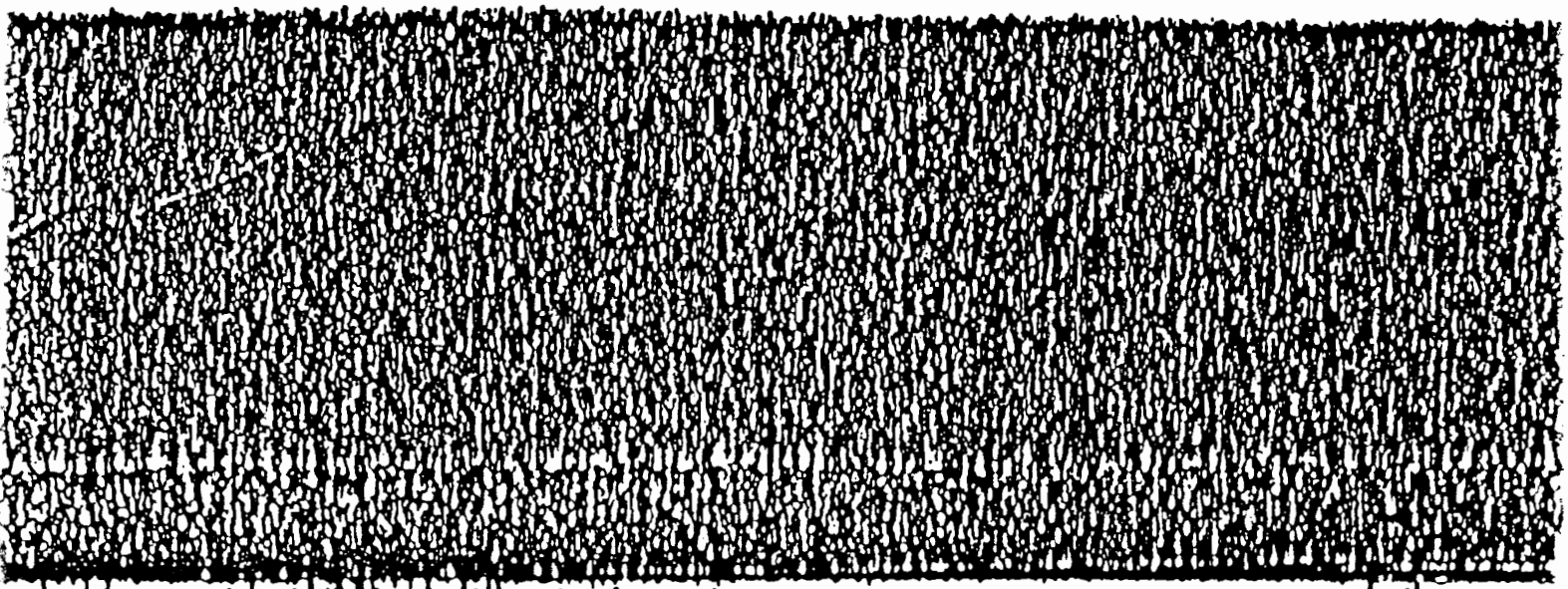
10. The attached map marked as Exhibit "A" indicates the location of my father's house and the location of the water pipe my family installed in McMillen Creek.

Merle McMillen  
Merle McMillen

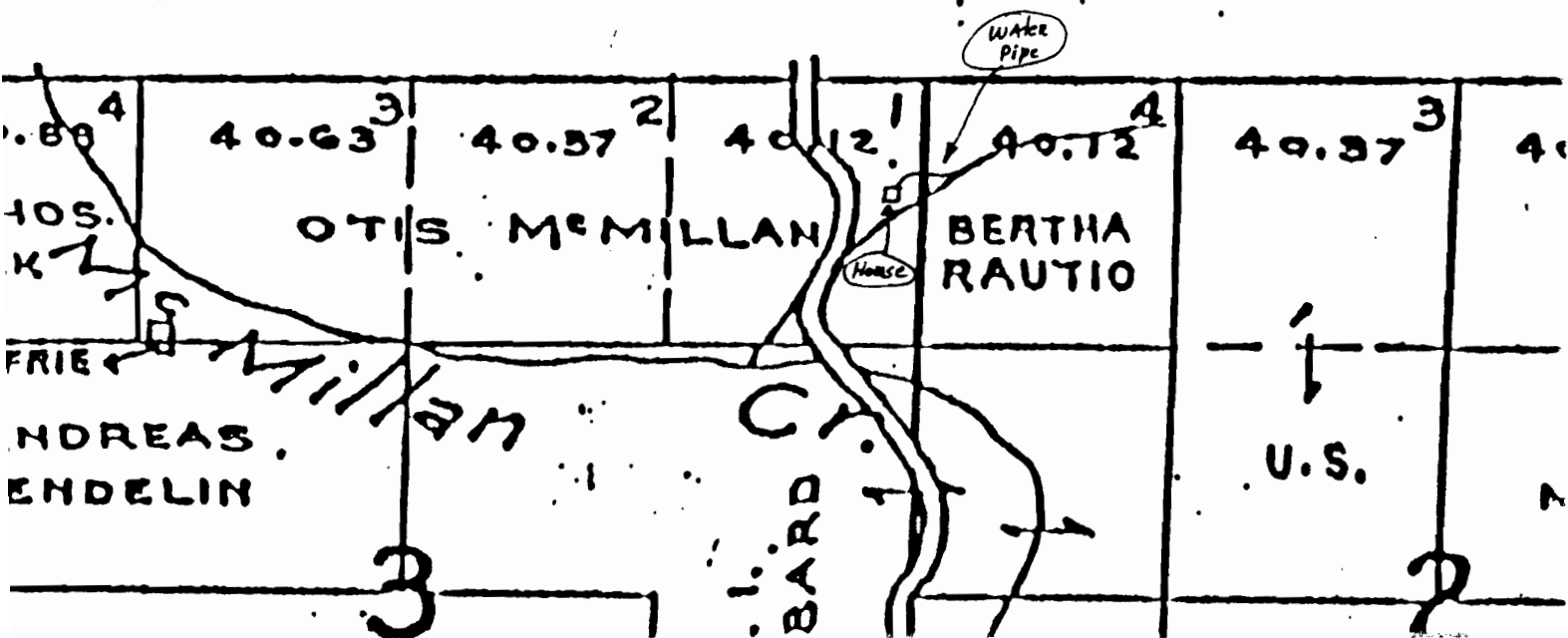
SUBSCRIBED AND SWORN to before me this 29 day of October, 1989.

Barbara Wayne  
Notary Public for Yazoo County, Florida  
My commission expires: SEP 15 1991

Merle



# 7 S., RANGE 10 E. COLN COUNTY ORE.





## Twenty-third

### Howard McMillen

Howard H. McMillen, 94, died Thursday, Nov. 21, at Larsons Foster Care in Lincoln City. He was born July 29, 1897, in Rose Lodge to Otis and Mary (Crowley) McMillen.

In Rose Lodge in 1918, he married Beulah Kenworthy, who preceded him in death in 1989.

As a contractor, McMillen built many of our communities' roads with horse-drawn equipment, including the Highway 18 cut between Otis and Rose Lodge, the Siletz River basin road, and the Cloverdale football field.

He was one of our first mailmen, driving stage-coach 74 years ago along the beach but only at low tide. He would swim the horses then float the

427/91

buckboard across the Salmon River.

His father homesteaded up Bear Creek in 1862, making Howard truly one of our earliest pioneers.

He was also a dairyman who owned his own farm and was a hay farmer in Redmond.

Surviving are his sons, Arnold McMillen of Otis and Kenneth McMillen of Sweet Home; daughters, Virginia McBaine of Neotsu and Viola Wolfe of Otis; one brother, Murel McMillen of Florida; 21 grandchildren, 28 great-grandchildren and four great-great-grandchildren.

Funeral services were held Monday, Nov. 25 at Pacific View Memorial Chapel, Dr. James E. Jones officiating. Interment followed at Pacific View Memorial Gardens.

Pacific View Memorial Chapel handled the arrangements.

*In Loving Memory Of*

HOWARD HENRY McMILLEN

*Date of Birth*

JULY 29, 1897

ROSE LODGE, OREGON

*Date of Death*

NOVEMBER 21, 1991

LINCOLN CITY, OREGON

*Funeral Services*

MONDAY, NOVEMBER 25, 1991

11:00 AM

PACIFIC VIEW MEMORIAL CHAPEL

LINCOLN CITY, OREGON

*Officiating*

DR. JAMES E. JONES

*Interment*

PACIFIC VIEW MEMORIAL GARDENS

*Serving the Family*

PACIFIC VIEW MEMORIAL CHAPEL

LINCOLN CITY, OREGON

RECEIVED

NOV 25 1991  
WATER RESOURCES DIV.  
SALEM, OREGON

E A S E M E N T

IN CONSIDERATION of an Easement conveyed to Grantor, receipt of which is hereby acknowledged, PUBLISHERS PAPER CO., a Delaware corporation, Grantor, does hereby give and grant to HOMER and NORMA M. McMILLIN, husband and wife, Grantees, and their heirs, personal representatives and assigns, a permanent, nonexclusive easement for water pipeline purposes over that strip of land and existing water pipeline located in Lincoln County, Oregon, being five feet on either side of a centerline described as follows, to-wit:

Beginning at a point on the West property line of the Northwest quarter of the Northwest quarter of Section 2, Township 7 South, Range 10 West, Willamette Meridian, Lincoln County, Oregon; said point of beginning being located 345 feet southerly of the Northwest property corner of said Section 2; thence proceed North 48° East, 48 feet; thence South 78° East, 45 feet; thence North 75° East, 15 feet; thence South 75° East, 33 feet; thence North 20° East, 30 feet; thence North 80° East, 75 feet more or less, to the intake.

Said easement is for the benefit of the Grantees, their heirs, personal representatives and assigns, and their licensees. Grantor reserves the right to relocate the water system and provide an alternate source of water on a temporary basis during periods of active logging or road construction operation, provided however, that such relocation and alternate source provision will be done at Grantor's sole expense.

IN WITNESS WHEREOF, PUBLISHERS PAPER CO., by authority of its Board of Directors, has caused these presents to be signed by its \_\_\_\_\_ President and \_\_\_\_\_ Secretary, and its corporate seal to be hereunto affixed this 2 day of February, 1972.

PUBLISHERS PAPER CO.

By

*[Signature]*  
President

By

*[Signature]*  
Secretary



STATE OF OREGON )  
County of Clackamas ) ss.  
Lincoln

February 2, 1972

Personally appeared S. J. Robinson and  
Rodger O Smith who, being duly sworn, each for  
himself and not one for the other, did say that the former is the \_\_\_\_\_  
President and that the latter is the \_\_\_\_\_ Secretary of PUBLISHERS  
PAPER CO., a Delaware corporation, and that the seal affixed to the foregoing  
instrument is the corporate seal of said corporation and that said instrument  
was signed and sealed in behalf of said corporation by authority of its board  
of directors; and each of them acknowledged said instrument to be its voluntary  
act and deed.

Before me: Marie Sheffield  
Notary Public for Oregon

My Commission Expires: 4/30/72



APPROVED

[Signature]

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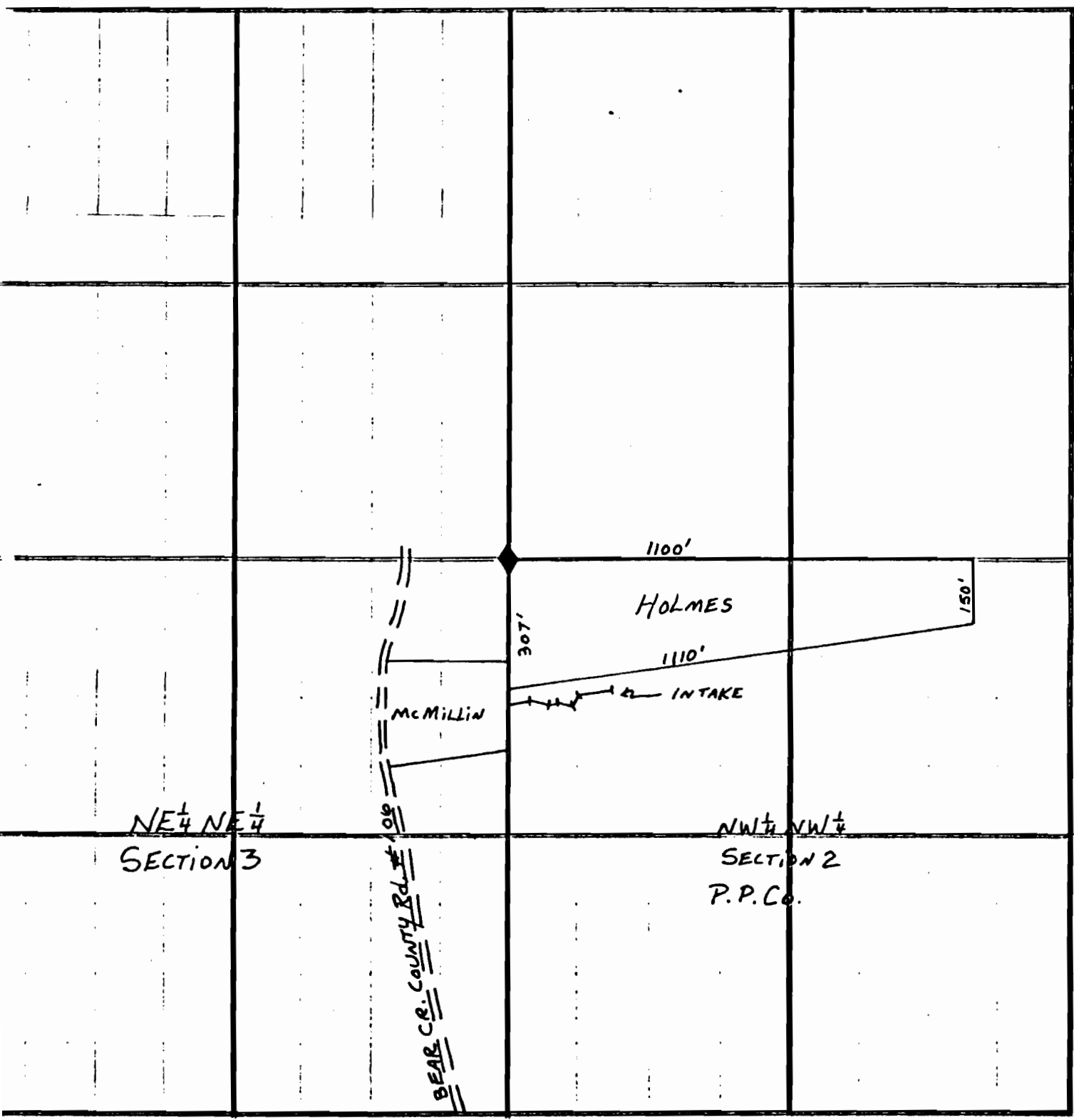


# McMillin Water System Exhibit "A"

wn 7 South

Section 2 & 3

Range 10 West



NE 1/4 NE 1/4  
SECTION 3

NW 1/4 NW 1/4  
SECTION 2  
P.P.CO.

BEAR CR. COUNTY Rd. # 109

1100'

HOLMES


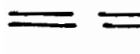
1110'

INTAKE

307'

150'

McMillin

 WATERLINE  
 COUNTY ROAD

SCALE: 1" = 330'

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

TO: Reed Marbut  
FROM: Don Knauer

DATE: July 17, 1992

SUBJECT: Indorsement of SWR-51

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Norma N. McMillin  
ADDRESS: 379 N. Bear Creek Rd.  
Otis OR 97368

SOURCE: McMillen Creek a tributary of Salmon River.

USE: Irrigation and domestic use for one family.

PRIORITY DATE: 1894

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.03 CFS for irrigation of 2.4 acres and 0.005 CFS for domestic use.

DIVERSION POINT:

NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 2, T. 7 S., R. 10 W., W.M.

PLACE OF USE:

Domestic NE $\frac{1}{4}$  NE $\frac{1}{4}$   
2.4 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 3,  
Township 7 S., Range 10 W., W.M.

PERIOD OF USE:

The irrigation season is May 1 to October 31. Domestic use allowed all year.

FILE C:\WP51\SWR\CLAIMANT\SWR-0051.0IM

NOTE: Change in diversion point location. See T-6465.

INTERDEPARTMENT MEMO

TO: Watermaster District # 16  
FROM: Adjudication Section  
RE: Surface Water Registration

Enclosed is a copy of a Registration Statement and accompanying map that has been filed in your district. It has been numbered SWR #51.

We are gathering information about this claim to a pre-1909 water use and would like you to assist us by filing out the checklist below and including any comments that you think might be of significance.

(Yes or No)

- 1. Do you know anything about this water use? No
- 2. Have there been any distribution problems relating to this claim? No
- 3. Do you have reason to believe that the claimed priority date is not accurate? No
- 4. Does the quantity of water claimed look unreasonable for the uses named? No
- 5. Does the place of use look to be accurately depicted by the CWRE map enclosed? ?
- 6. Do you know if there has been a period of more than a five years of non-use? No
- 7. Should someone in our section contact you concerning this claim? No

If you answered yes to any of the above questions, please explain below on an additional sheet of paper. # 5 should be a yes if it was done right!

Attach any memo's or correspondence that deal with this water use and return to the Adjudication Section at the address below.

Thank you for your assistance.

Sincerely,

Adjudication Section

Enclosures

*INTEROFFICE MEMORANDUM*

*Oregon Water Resources Department  
Adjudication Section*

*TO: SWR-51*

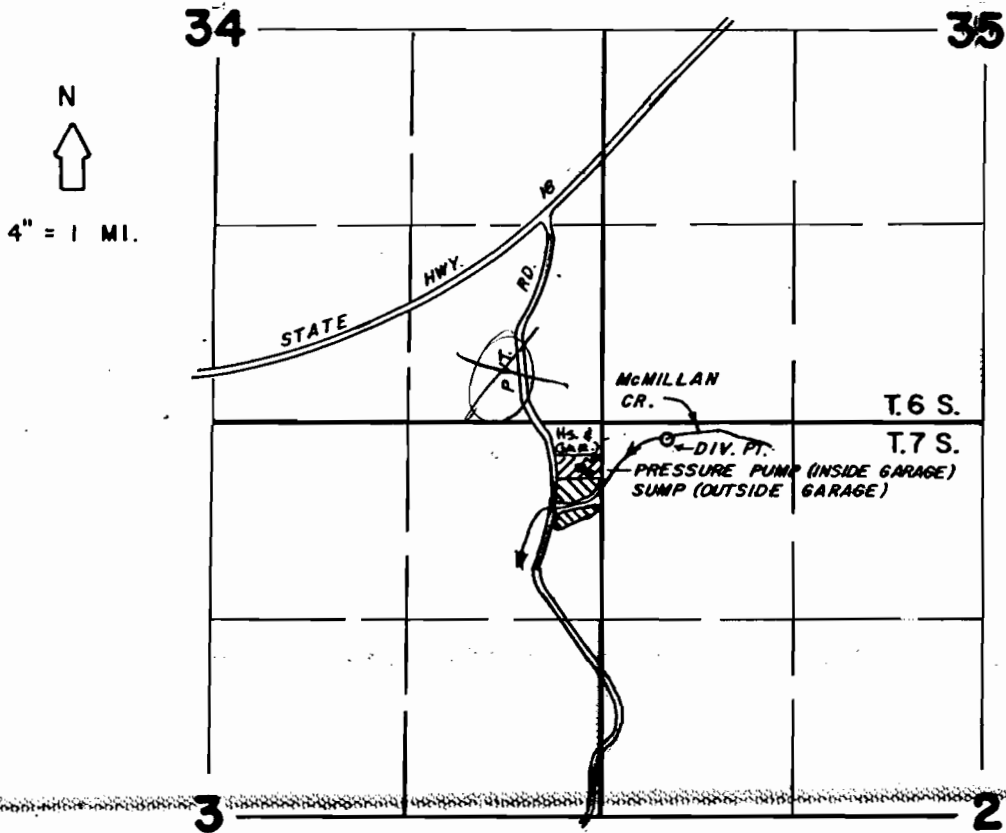
*FROM: Don Knauer*

*DATE: July 17, 1992*

*SUBJECT: FIELD INSPECTION*

*On July 14, 1992 I met with Mr and Mrs McMillin at the home on this property. We talked about the surface water registration process and adjudications. She showed me their point of diversion and the system they use to deliver water to their home from the stream. Everything is the same as described in the field report by Norby dated 9-6-73.*

# T. 6 & 7 S. R. 10 W. W.M.



1971 CERT. NO. 41001 - 1.0 AC. & DOM.



1974 CERT. NO. 46894 - 1.4 AC.

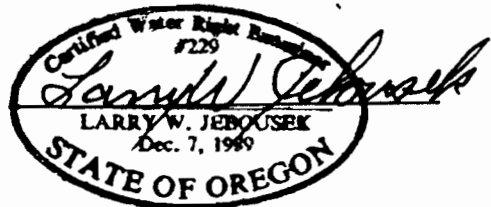
WATER RIGHT MAP FOR

**NORMA N. McMILLIN**

SURVEYED ON JANUARY 2, 1992

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

BY:



DIV. PT. LOC. 114' S. & 452' E. OF NW COR. SEC. 2

SCALE 1:9600



QUINCY TWP. 10 S. 10 E. 17400  
LINCOLN COUNTY  
17400

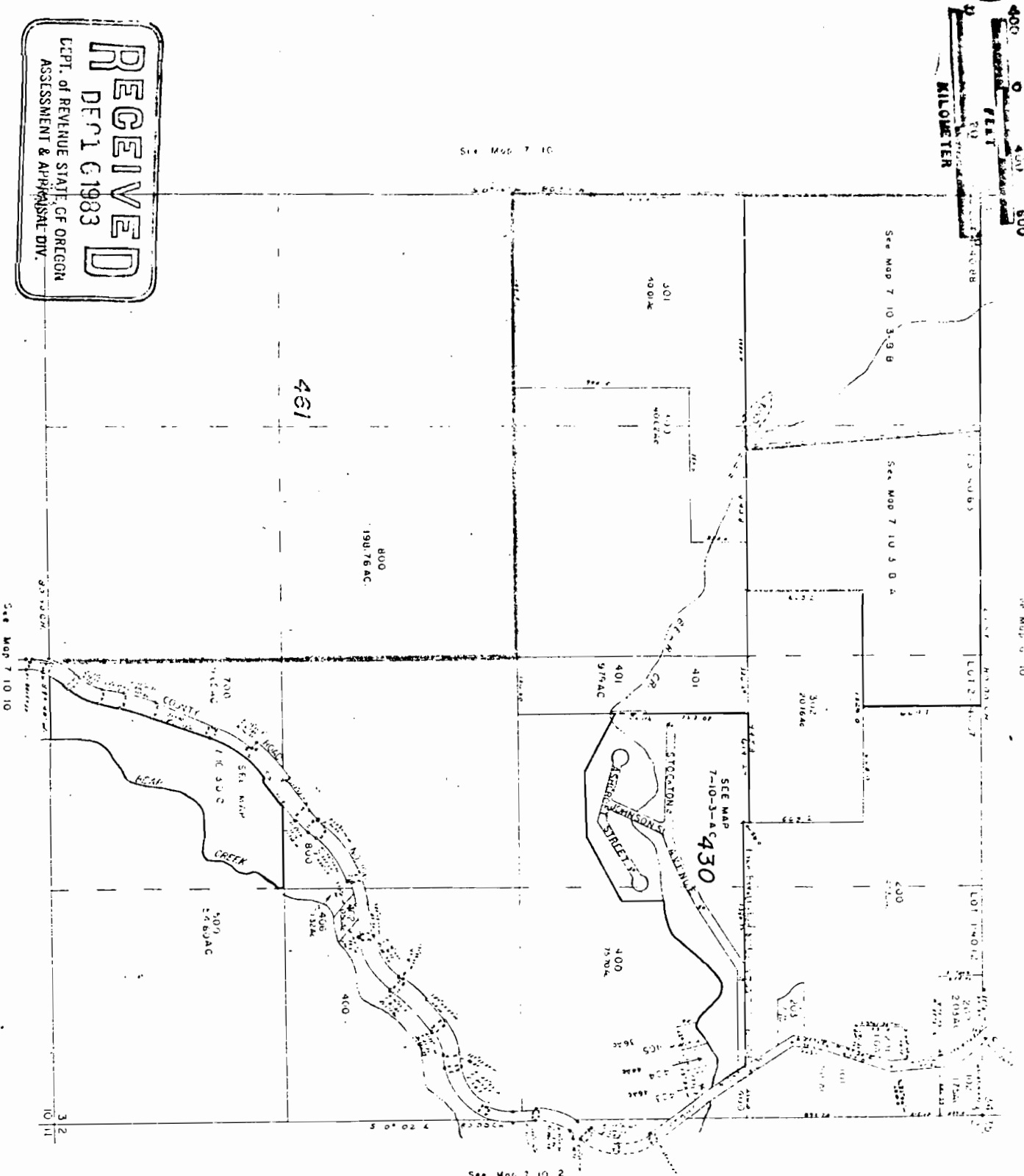
17400  
& INDEX

See Map 7 10

See Map 7 10

See Map 7 10 2

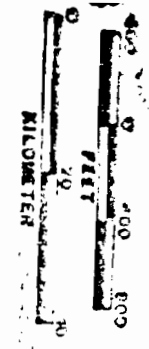
**RECEIVED**  
 DEPT. OF REVENUE STATE OF OREGON  
 ASSESSMENT & APPRAISAL DIV.



See Map 7 10 10

3 12  
10 11

SCALE 1:9600



SECTION 2, T12N, R10W, W11  
LINCOLN COUNTY, OREGON

See Map 6 10

100  
150  
200  
250  
300  
350  
400  
450  
500  
550  
600  
650  
700  
750  
800  
850  
900  
950  
1000

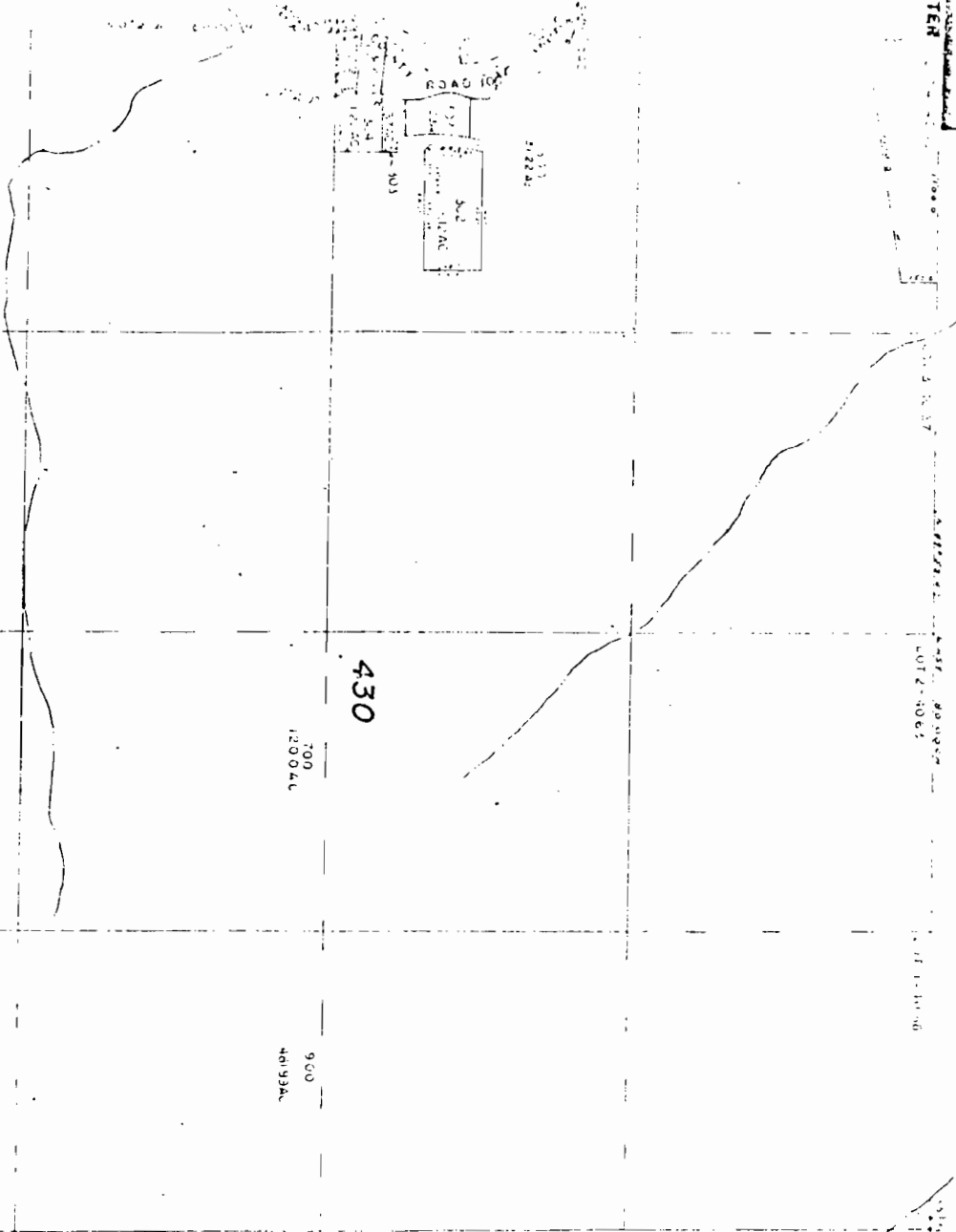
430

700  
1200 AC

900  
46193 AC

30° 21' 6" 60' 00" N

See Map 7 10 1



**RECEIVED**  
MAY 16 1963  
OFFICE OF REVENUE STATE OF OREGON  
100 EAST WASHINGTON ST. PORTLAND, OREGON

W 84° 57' 30" 80' 00" W  
See Map 7

2  
11/2

INTEROFFICE MEMORANDUM

Oregon Water Resources Department  
Adjudication Section

TO: SWR-51

FROM: Don Knauer

DATE: June 4, 1992

SUBJECT: PRELIMINARY REVIEW OF DATA

#5 - HOW MUCH

FOR

DOMESTIC - 0.005

IRRIGATION - 0.03

I made a preliminary review of the form, for this claim. There were three questions on this data.

- 1) question #5 on the form, how much water
- 2) note from CWRE about system and uses
- 3) what is bargain and sell deed, book

LARRY S.  
June 2, 1992

CALMANT

I spoke with Larry Jebousek, CWRE at my office on June 2, 1992 and he gave me the following information:

- 1) Domestic use = 0.005 cfs  
Irrigation use = 0.03 cfs
- 2) he said he might have copies of WRD field inspection reports, I got copies from WRD files on June 3, 1992
- 3) he said the deed must have been included by the Attorney and he thought the intent was to show ownership of the property where the spring actually is

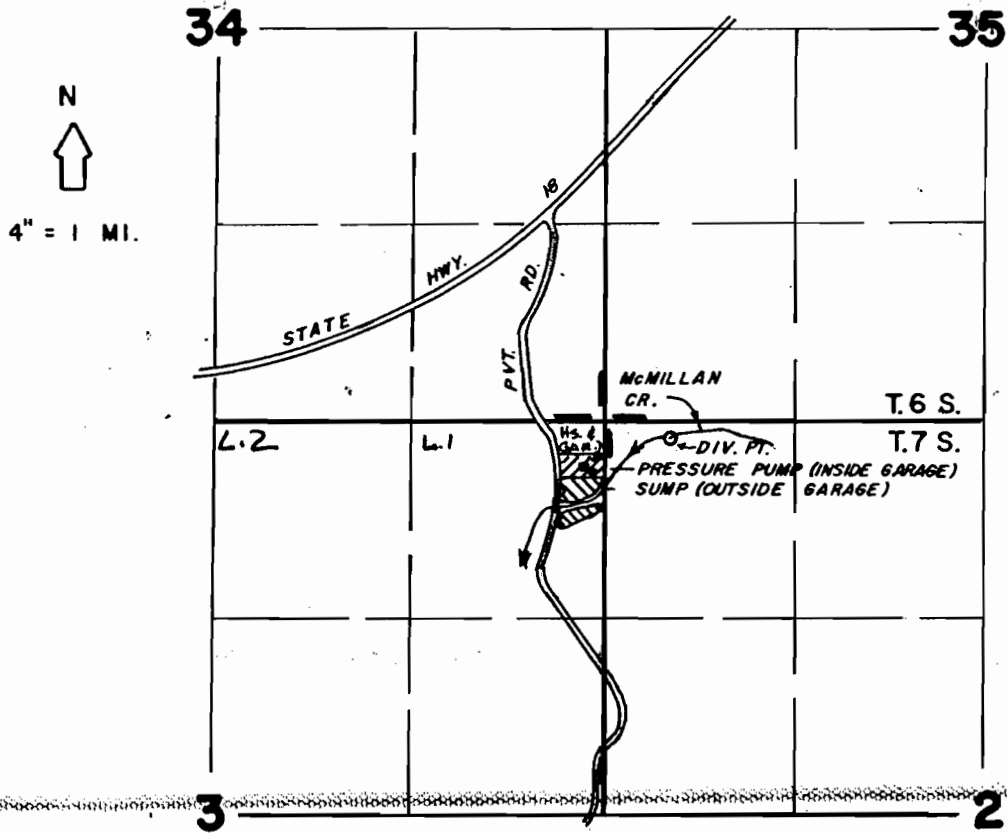
I asked him for a legible copy of the Warranty Deed book 27 page 1025 and he said he would check his files and get me a good copy.

July 14, 1992 - MET Mr & Mrs McMILLIN - TALKED ABOUT SWR PROGRAM - SHE SHOWED ME THE DIVERSION POINT & SYSTEM. IT'S THE SAME AS DESCRIBED IN FIELD INSPECTION REPORT 9-6-73 BY NORBY.

Don



# T. 6 & 7 S. R. 10 W. W.M.



1971 CERT. NO. 41001 - 1.0 AC. & DOM.



1974 CERT. NO. 46894 - 1.4 AC.

WATER RIGHT MAP FOR

**NORMA N. McMILLIN**

SURVEYED ON JANUARY 2, 1992

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BY:



DIV. PT. LOC. 114' S. & 452' E. OF NW COR. SEC. 2

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

RECEIPT # 82504 CHECK ENCLOSURES Jek  
 CHECK BASIN MAP 18-Mid-Coast UNADJUDICATED AREA ? yes  
 SURFACE WATER REGISTRATION NUMBER 51  
 PRELIMINARY DATA BASE ENTRY Jek  
 ACKNOWLEDGEMENT LETTER Jek ENTER ON STREAM INDEX R  
 PUBLIC NOTICE PUBLICATION R WATERMASTER CHECKLIST R  
 CHECK QUADRANGLE MAP R CHECK GLO PLATS R

**FORM REVIEW**

- blanks filled in
- signed
- date received stamped

**MAP REVIEW**

- source and trib
- diversion point location
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

Basin 18  
Mid-Coast

From  
APPL  
FILES  
6-3-92  
Jek

7-14-92  
SARVE  
SYSTEM  
AS IN  
USE  
7-6-73  
FIELD INSPECTION  
By Morrey  
Jek

WATER RIGHT RECORD CHECK Jek ENTER ON PLAT CARDS \_\_\_\_\_  
 FIELD INSPECTION Not Performed FINAL FILE REVIEW \_\_\_\_\_  
 FINAL DATA BASE ENTRY \_\_\_\_\_

A:SWRCHECK  
12-24-91

INFO: Mr & Mrs McMullan showed us the house, the house using water and what they irrigate they irrigate by pump. The excess water flows back into the creek

SOURCE: McMullan Creek

Div Pt: Plastic pipe w/ screen sits in pool in farm field by a small rock dam.

MOTOR: 1/2 Century

3/4 hp 3480

PUMP: 1/2 hp

Cent D.D.

1 1/4 x 3/4

Pipe: 1/4" plastic from Div Pt to the tank, 1" plastic branches off to other Domestic.

Gas tank hose to garage pump  
3x3x4 set in concrete near garage pump

HEADS: Assorted lawn sprinklers

LIFT: -10

PROP: L & G Domestic Use

TIE: NEW Cor Sec 3 B.C.

Photo 41391-172 (28)

David F. Kelly

9-1-73

FROM FILE # 48421  
6-3-82  
New

Info: Mr & Mrs McMillin

Source: McMillin Co

Divs See F.P. report App # 4842, same Divs Pt.

Gravity system - press system - see F.P. Report (bid)

Heads: saw 3 lawn sprinklers on this parcel

Crops L & G.

Remarks Mr. McMillin said this permit for land South of Cr. & also for some land North of Cr. which was surveyed by Norby on this photo

Tie: 41041 172-281

8-13-76

Larry D. Funn  
Field Engineer

From File # 52435  
6-3-92  
DCA

FROM: T-6465

3 T.7S. R.10W. W.M.  
COLN COUNTY  
1"=400

**RECEIVED**

MAR 04 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

Proposed New  
Point of DIVERSION 7103  
114 ft. South & 452 ft. East  
of Sec Corner  $\frac{34}{3} \frac{35}{2}$  & INDEX

See Map 5 10

EAST 10.00 CH.

LOT 2 - 40.37

LOT 1-40-12

34 35  
3 2

DEAD NOS.

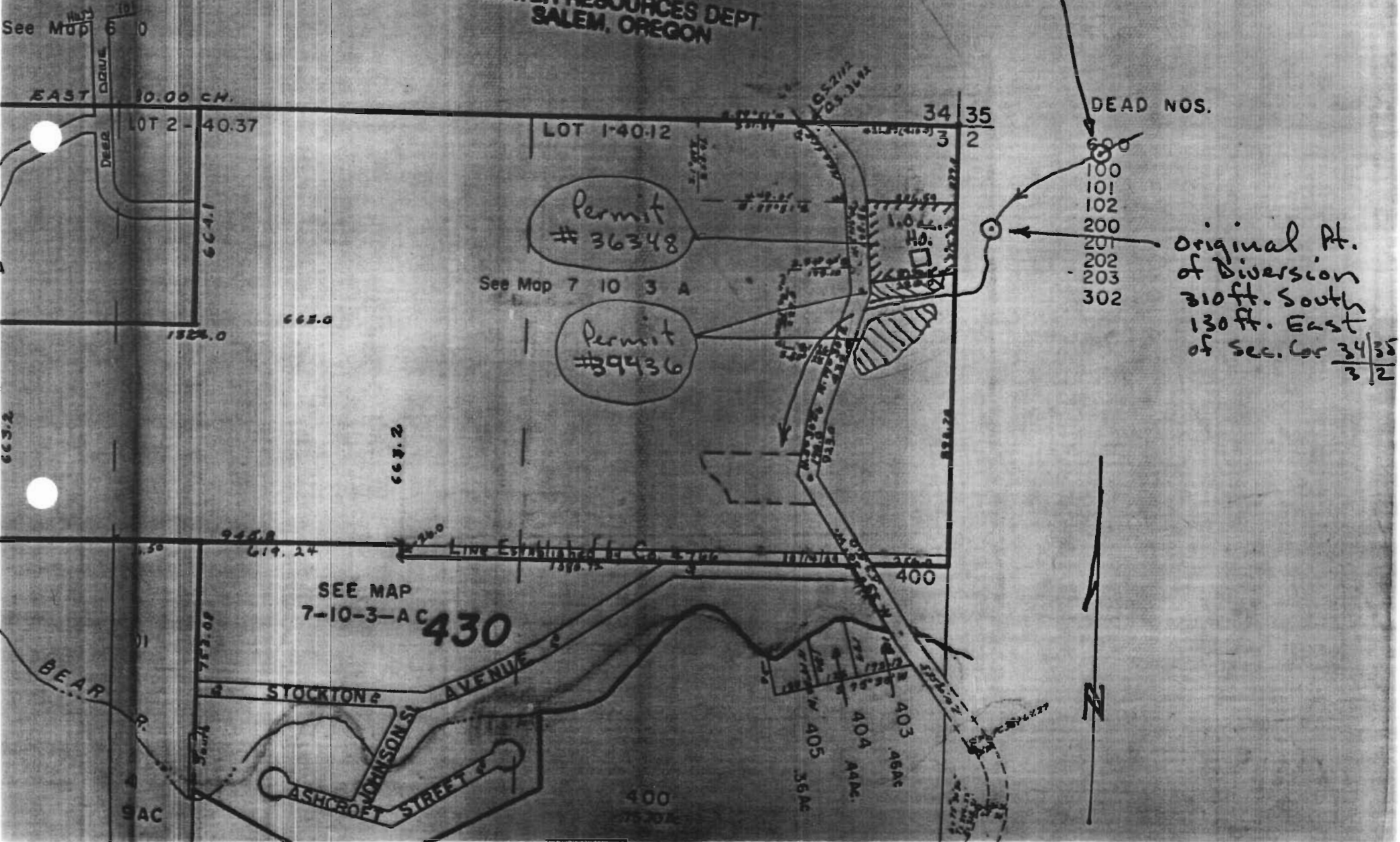
- 100
- 101
- 102
- 200
- 201
- 202
- 203
- 302

Permit  
# 36348

See Map 7 10 3 A

Permit  
# 39436

Original Pt.  
of Diversion  
310 ft. South  
130 ft. East  
of Sec. Cor  $\frac{34}{3} \frac{35}{2}$



SEE MAP  
7-10-3-AC  
**430**

BEAR R.  
SAC

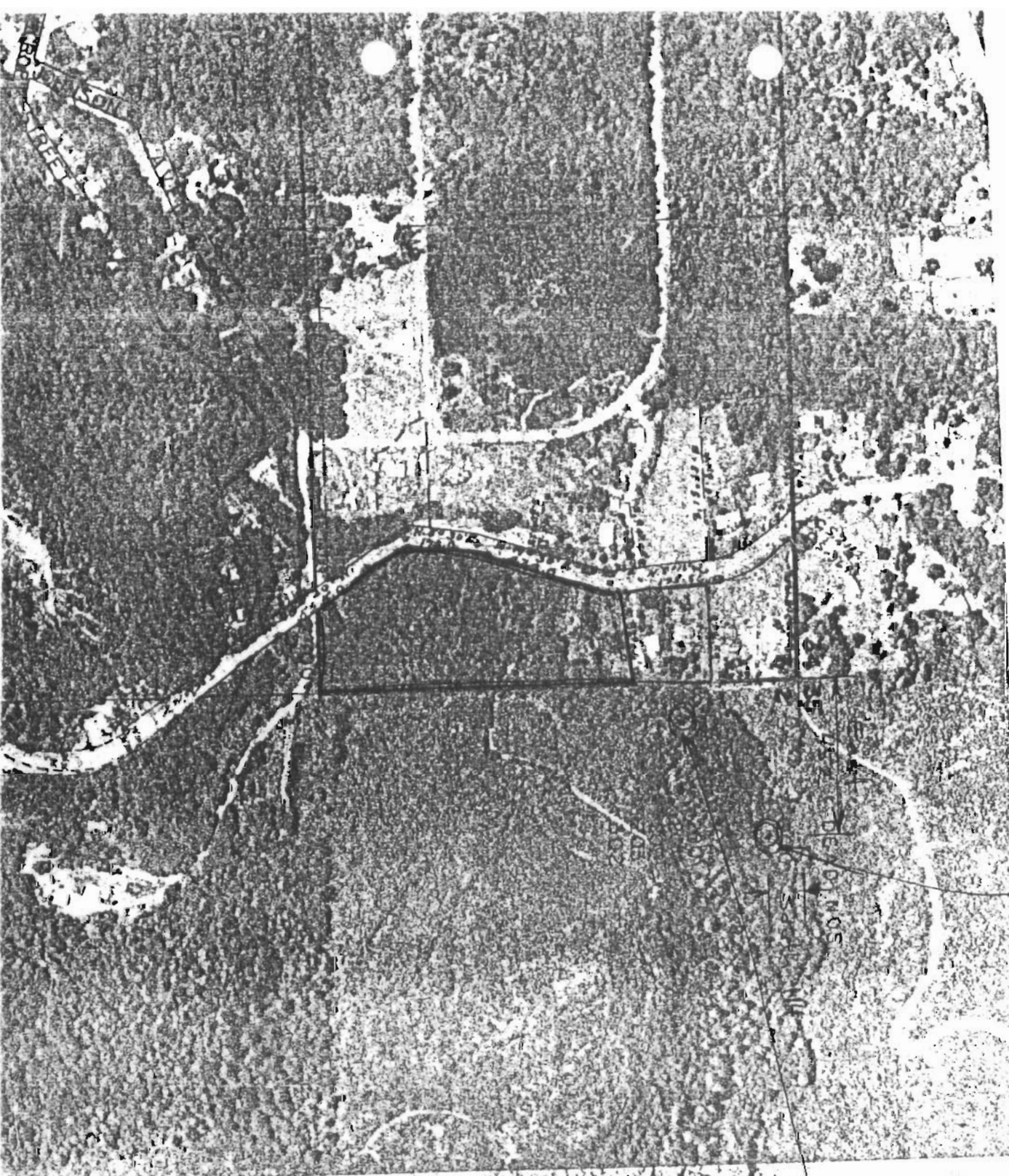
STOCKTON AVENUE  
JOHNSON ST  
ASHCROFT STREET

403 46Ac  
404 44Ac  
405 36Ac

From 1945  
1-1945 Scale 1" = 400'

Proposed New  
Point of Diversion  
114 ft. South and 452 ft. East  
8. INDEX

7103

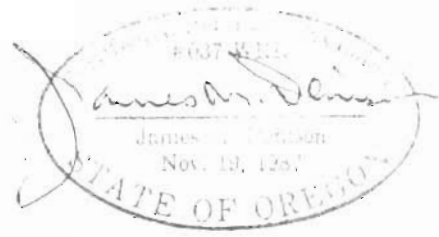


Original  
pt. of diversion  
310 ft. South and  
130 ft. East of  
Section corner  
3435  
3

Deed MF 26-784  
Deed MF 27-1625

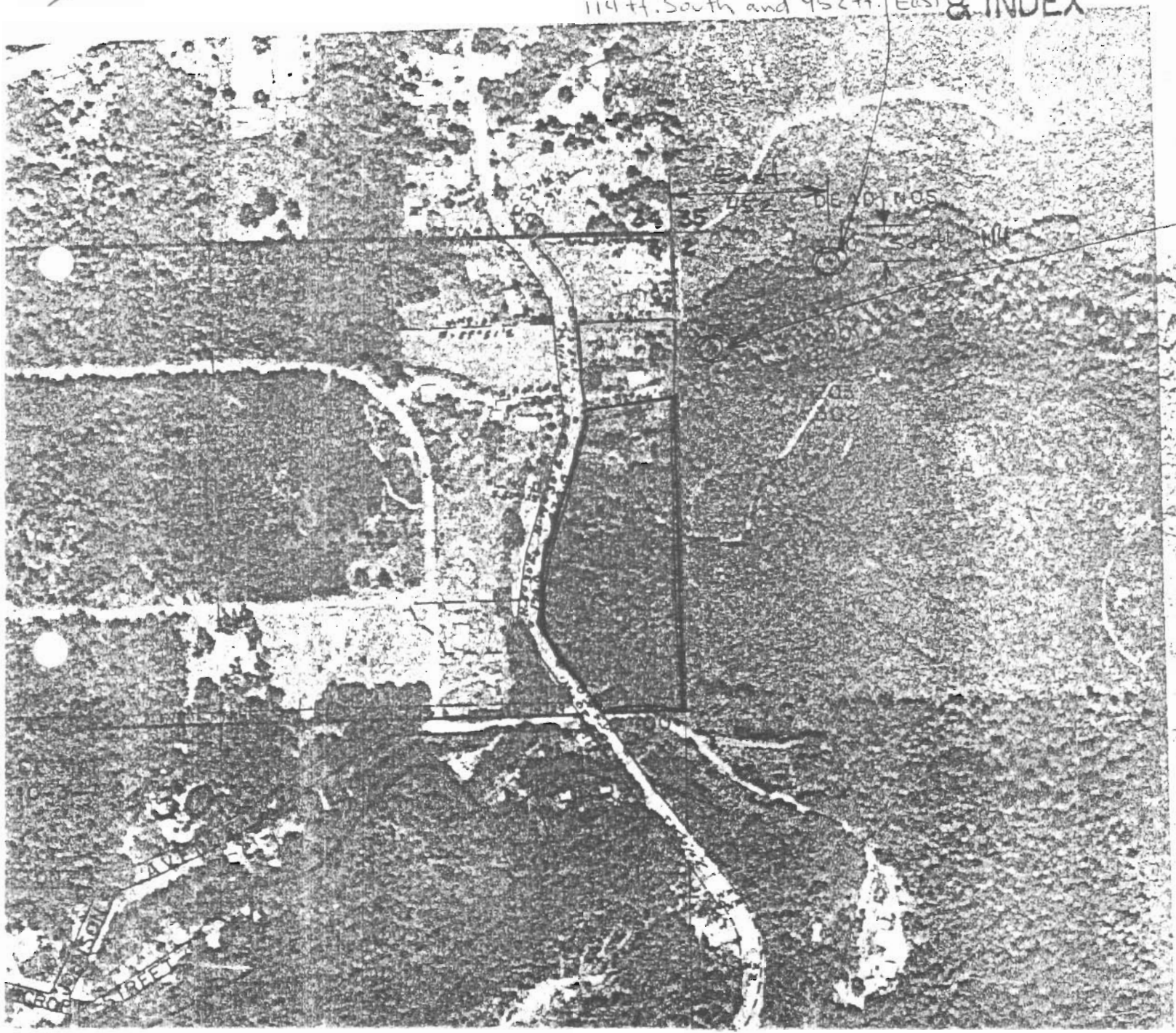
From  
T-6465 Scale 1" = 400'

Proposed New  
Point of Diversion  
114 ft. South and 452 ft. East & INDEX  
7103



Original  
Pt. of diversion  
310 ft South and  
130 ft East of  
Section corner  $\frac{34}{35}$

Deed MF26-784  
Deed MF27-1025



## STATE OF OREGON

COUNTY OF LINCOLN

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That NORMA N. MCMILLIN

of Rt. 1, Box 163, Otis, State of Oregon, 97368, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of McMillan Creek

a tributary of Bear Creek for the purpose of irrigation of 1.4 acres

under Permit No. 39436 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 20, 1974

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 2, T. 7 S., R. 10 W., W. M., 310 feet South and 130 feet East from the NW Corner, Section 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

1.4 acres Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Section 3  
T. 7 S., R. 10 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 17, 1978

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46894

T-6465



STATE OF OREGON  
COUNTY OF LINCOLN  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That HOMER McMILLIN**

of **Route 1, Box 163, Otis**, State of **Oregon**, **97368**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **McMillan Creek**

a tributary of **Bear Creek (Salmon River)** for the purpose of **domestic use for one family and irrigation of 1.0 acre**

under Permit No. **36348** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **July 8, 1971 for 0.01 cubic foot per second and August 11, 1971 for 0.005 cubic foot per second**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.015 cubic foot per second, being 0.005 cubic foot per second for domestic use and 0.01 cubic foot per second for irrigation**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 2, T. 7 S., R. 10 W., W. M., 310 feet South and 130 feet East from NW Corner, Section 2.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,**

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

**Domestic and 1.0 acre Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Section 3  
T. 7 S., R. 10 W., W. M.**

*R/R FOR DOMESTIC USE*

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **October 24, 1974**

.....**Chris L. Wheeler**.....  
State Engineer

Recorded in State Record of Water Right Certificates, Volume **33**, page **41001**

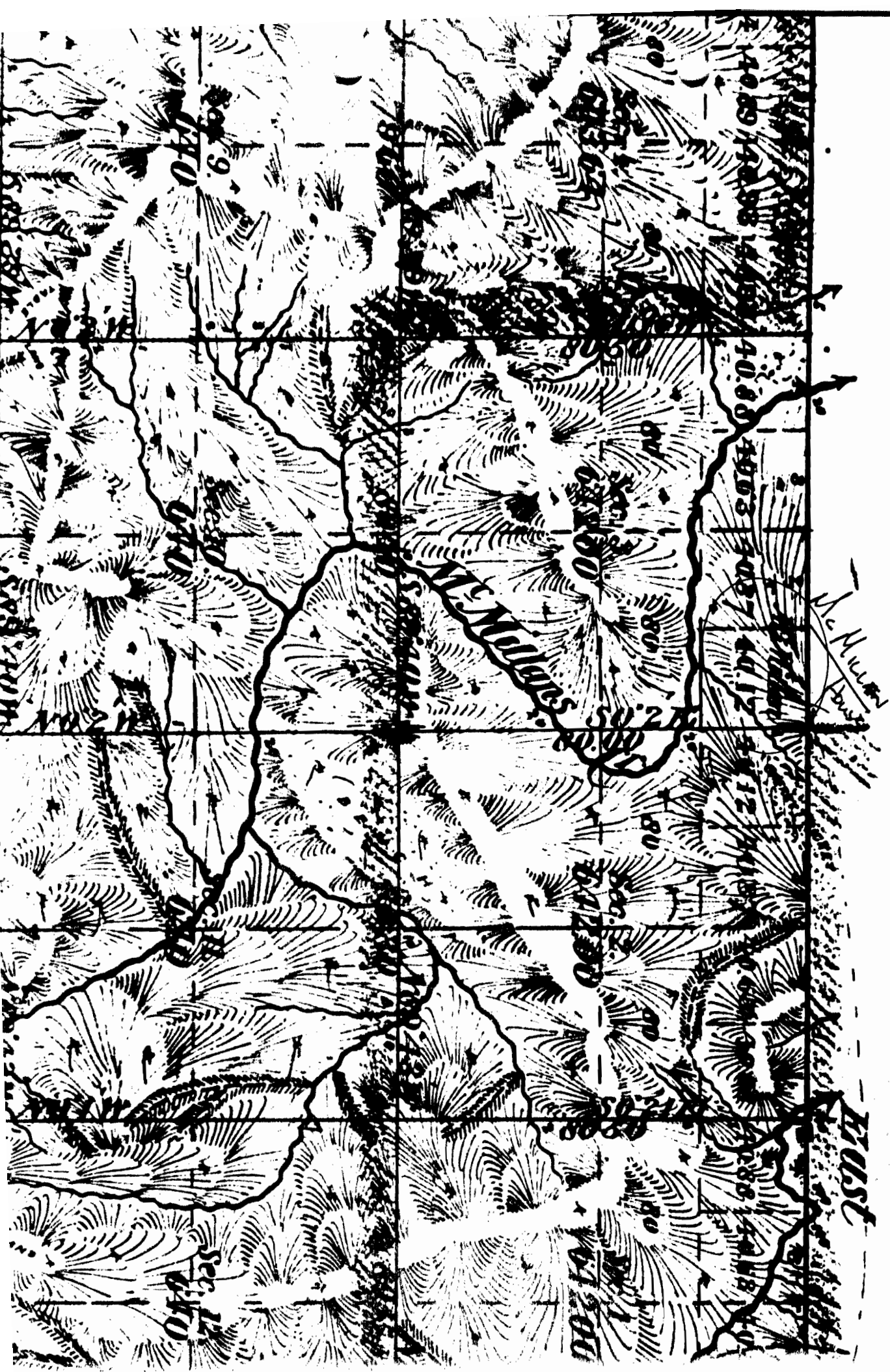
*F 6465*

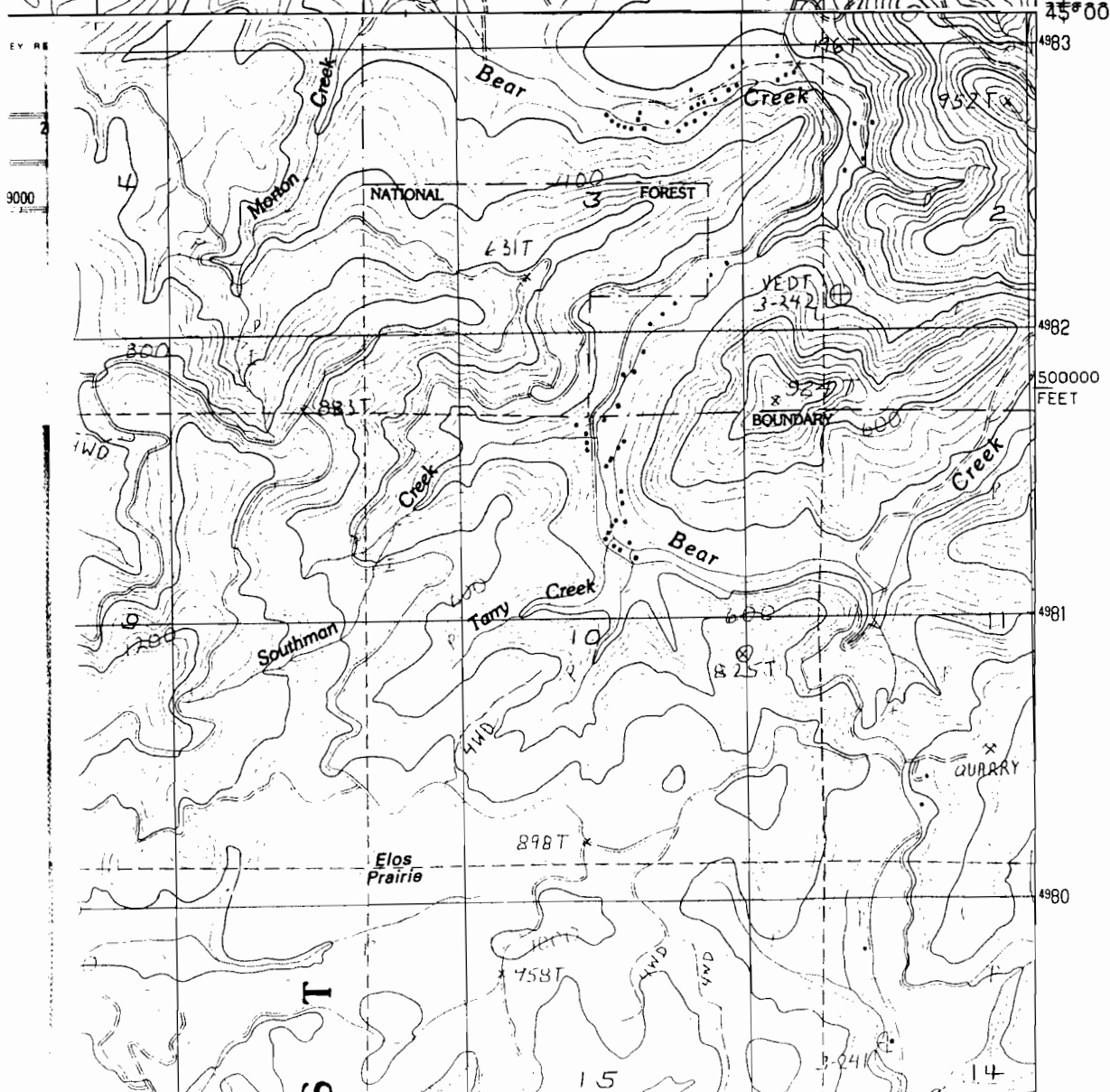
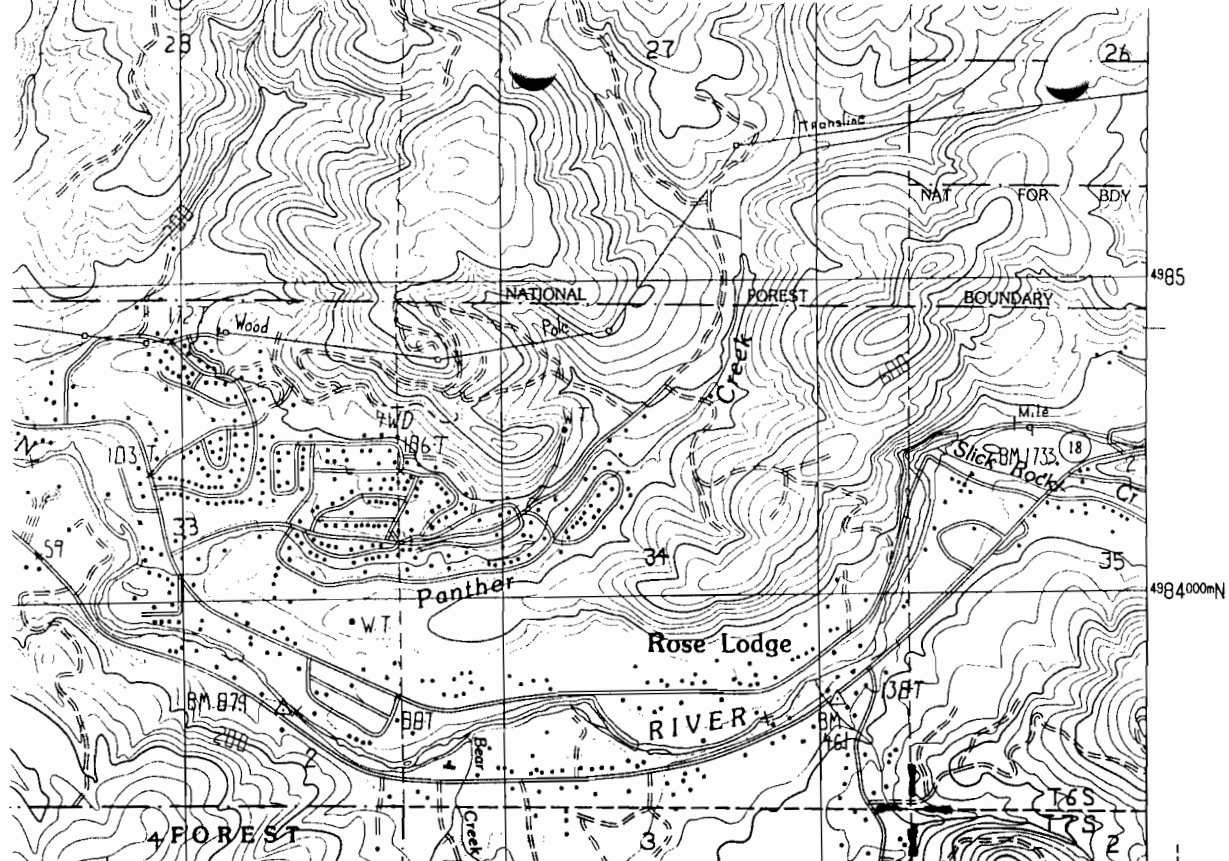


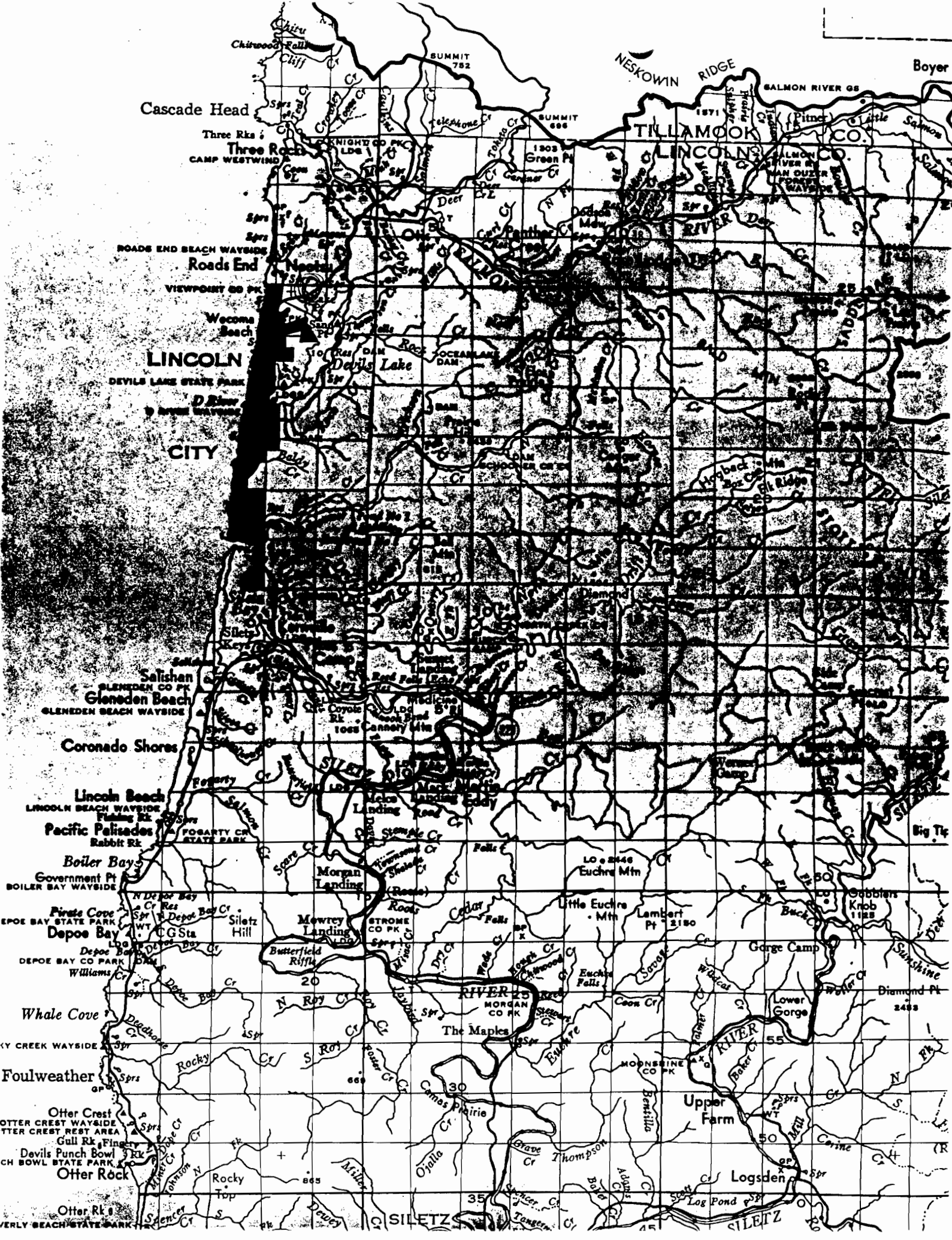
T7S R10W 1898

McMILLAN

A D C B a C







January 13, 1991

Norma N. McMillin  
379 N. Bear Creek Road  
Otis OR 97368

RE: Surface Water Registration # 51

Dear Ms. McMillin,

This will acknowledge that your Surface Water Registration Statement in the name of Norma N. McMillin has been received by our office. The fees in the amount of \$ 175.00 have been received and our receipt # 82504 is enclosed. Your registration statement has been numbered SWR-51.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer  
Adjudications Section

enc

A:SWR-0051.001



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**  
 3850 PORTLAND ROAD NE  
 SALEM, OR 97310  
 378-3739/378-8130 (FAX)

RECEIPT # **82504**

RECEIVED FROM: Norma McMillin APPLICATION

BY: \_\_\_\_\_ PERMIT

TRANSFER

CASH:  CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175<sup>00</sup>

01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$ <u>175<sup>00</sup></u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS	
_____	OTHER: (IDENTIFY) \$

03-00-0 WRD OPERATING ACCT			
<b>MISCELLANEOUS:</b>			
840.001	COPY FEES		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6): (IDENTIFY)		\$
<b>WATER RIGHTS:</b>			
842.001	SURFACE WATER	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$	842.002 \$
842.005	TRANSFER	\$	842.004 \$
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.023 \$
	LANDOWNER'S PERMIT	\$	842.019 \$
			842.024 \$

06-00-0 WELL CONST START FEE			
842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

45-00-0 LOTTERY PROCEEDS	
864.000	LOTTERY PROCEEDS \$

69001 SUSPENSE ACTIVITY		LIC NUMBER
842.115	POWER LICENSE FEE(FW)	
842.115	HYDRO LICENSE FEE(FW)	
832.009	HYDRO EXAM FEE(GF)	

RECEIPT # **82504** DATED: 1/13/92 BY: H. Acheson

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal