

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 89376 CHECK ENCLOSURES Deek  
CHECK BASIN MAP Deek <sup>Mid. Will.</sup> - 2B-3 UNADJUDICATED AREA Yes + Deek  
SURFACE WATER REGISTRATION NUMBER 79  
PRELIMINARY DATA BASE ENTRY Deek  
ACKNOWLEDGEMENT LETTER DEK ENTER ON STREAM INDEX h  
PUBLIC NOTICE PUBLICATION Deek <sup>10-5-92</sup> WATERMASTER CHECKLIST h  
CHECK QUADRANGLE MAP Deek CHECK GLO PLATS h

FORM REVIEW

☒ blanks filled in  
☒ signed  
☒ date received stamped

MAP REVIEW

3 ☒ source and trib NO TRIB?  
☒ diversion point location  
☒ conveyances (pipes, ditch, etc.)  
☒ place of use LAWN & GARDEN?  
☒ scale  
☒ township, range, section  
☒ north arrow  
☒ CWRE stamp  
☒ disclaimer  
☒ date survey was performed  
☒ P.O.B. of survey  
12 ☒ dimensions and capacity of diversion system  
☒ "beneficial use" type title WATER  
15 ☒ "permanent-quality" paper 1/10 10-5-92

WATER RIGHT RECORD CHECK                      ENTER ON PLAT CARDS                     

FIELD INSPECTION                      FINAL FILE REVIEW                     

FINAL DATA BASE ENTRY                     

A:SWRCHECK

12-24-91

May 27, 1994

LARRY W JEBOUSEK  
4682 CASCADE HWY SE  
SUBLIMITY OR 97385

RE: SWR-79

Dear Larry,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of BENITIA EBNER you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\W\S\C\0\SWR-0079.002



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

Alright you guys, this is a test, DO YOU KNOW WHAT TIME IT IS? The answer is, it's time to get the maps, reports, answers, mylars and all that kind of stuff back to the Water Resources Department. There's talk around the office of putting together a "map-patrol" with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a detriment to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:\wp51\swr\claimant\cwrememo.94

SWR-79 : EBNRZ

-321 : MURKIN

May 27, 1993

LARRY W. JEBOUSEK  
4682 CASCADE HIGHWAY SE  
SUBLIMITY OR 97385

RE: File# SWR-79

DEAR LARRY W. JEBOUSEK,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Benita A. Ebner c/o Douglas Ebner. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

conveyance

ORS 539.120 "...the location of .... and each ditch, canal, pipeline or other means of conveying the water..."

diversion point size

OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."

$\frac{1}{10}$  acre

OAR 690-28-025-(4)-(d) "The number of acres irrigated in each quarter quarter shall be shown to the nearest tenth of an acre."

I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.



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

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", with a stylized flourish at the end.

Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\SWR-079.00M

## INTERDEPARTMENT MEMO

TO: Watermaster District # 10 *Dave Carroll*  
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 #21. *Bernice A. Elmore, 96 Douglas Elmore*

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.

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

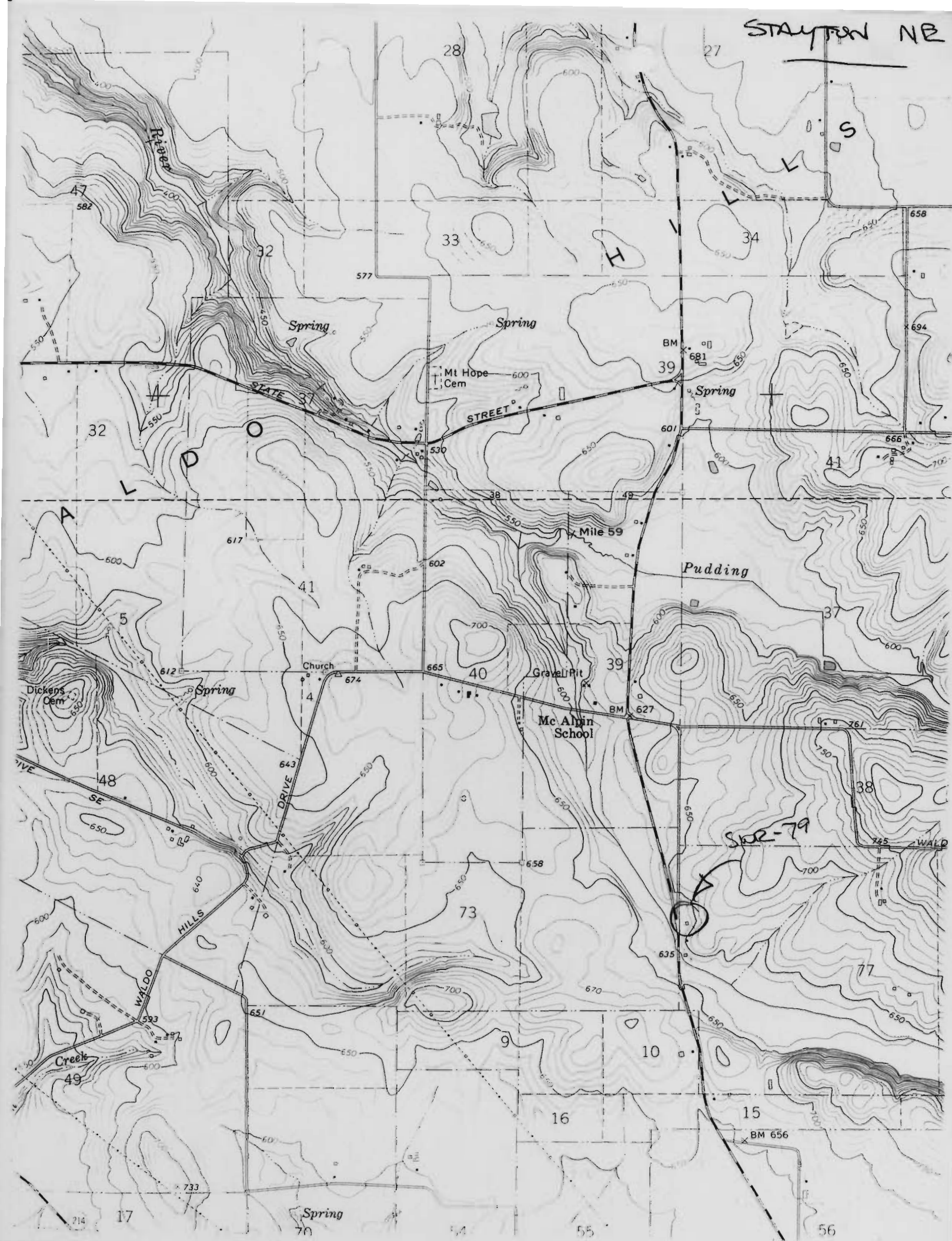
Thank you for your assistance.

Sincerely,

*William Lott*  
Adjudication Section

Enclosures

STAYTON NE



**Claim 38**  
Acres 312.71  
Mary Centre  
Claim 40 - Not. 39  
Cer. 279

**Claim 39**  
Acres 315.85  
Jonathan Centre  
Claim 39 - Acres 315.85  
Cer. 339 Not. 40

**Claim 41**  
Acres 498.45  
Samuel Centre  
Not. 274 - Claim 37  
Acres 498.45  
Cer. 271

**Claim 38**  
Acres 320.19  
R.M. Alpine  
Not. 38

**Claim 38**  
Acres 320.19  
William Morley  
Not. 28. Claim 77  
Acres 641.35

**Claim 30**  
Acres 638.10  
David Simpson  
Not. 30 - Claim 56  
Cer. 265

**Claim 19**  
Acres 323.55  
Thomas L. Fine  
Not. 19

**Claim 73**  
Acres 642.09  
T. Patton  
Not. 73  
Cer. 269

**Claim 33**  
Acres 320.19  
Not. 33

**Claim 55**  
Acres 100.00  
Price  
Claim 55

**Claim 10**  
Acres 400.00  
John M. S.  
Not. 10 - Claim 10  
Acres 400.00  
Cer. 25

**Claim 11**  
Acres 400.00  
Not. 11

**Claim 12**  
Acres 400.00  
Not. 12

**Claim 13**  
Acres 400.00  
Not. 13

**Claim 14**  
Acres 400.00  
Not. 14

**Claim 15**  
Acres 400.00  
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**Claim 16**  
Acres 400.00  
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**Claim 17**  
Acres 400.00  
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**Claim 18**  
Acres 400.00  
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**Claim 19**  
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**Claim 20**  
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**Claim 21**  
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**Claim 22**  
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**Claim 23**  
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**Claim 36**  
Acres 400.00  
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**Claim 37**  
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**Claim 38**  
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**Claim 46**  
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**Claim 62**  
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**Claim 63**  
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**Claim 64**  
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**Claim 65**  
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**Claim 66**  
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**Claim 67**  
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**Claim 68**  
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**Claim 69**  
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**Claim 71**  
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**Claim 72**  
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**Claim 73**  
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**Claim 74**  
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**Claim 75**  
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**Claim 76**  
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**Claim 77**  
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**Claim 78**  
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**Claim 79**  
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**Claim 80**  
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**Claim 81**  
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**Claim 82**  
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**Claim 84**  
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**Claim 85**  
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**Claim 86**  
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**Claim 89**  
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**Claim 90**  
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**Claim 91**  
Acres 400.00  
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**Claim 92**  
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**Claim 93**  
Acres 400.00  
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**Claim 94**  
Acres 400.00  
Not. 94

**Claim 95**  
Acres 400.00  
Not. 95

**Claim 96**  
Acres 400.00  
Not. 96

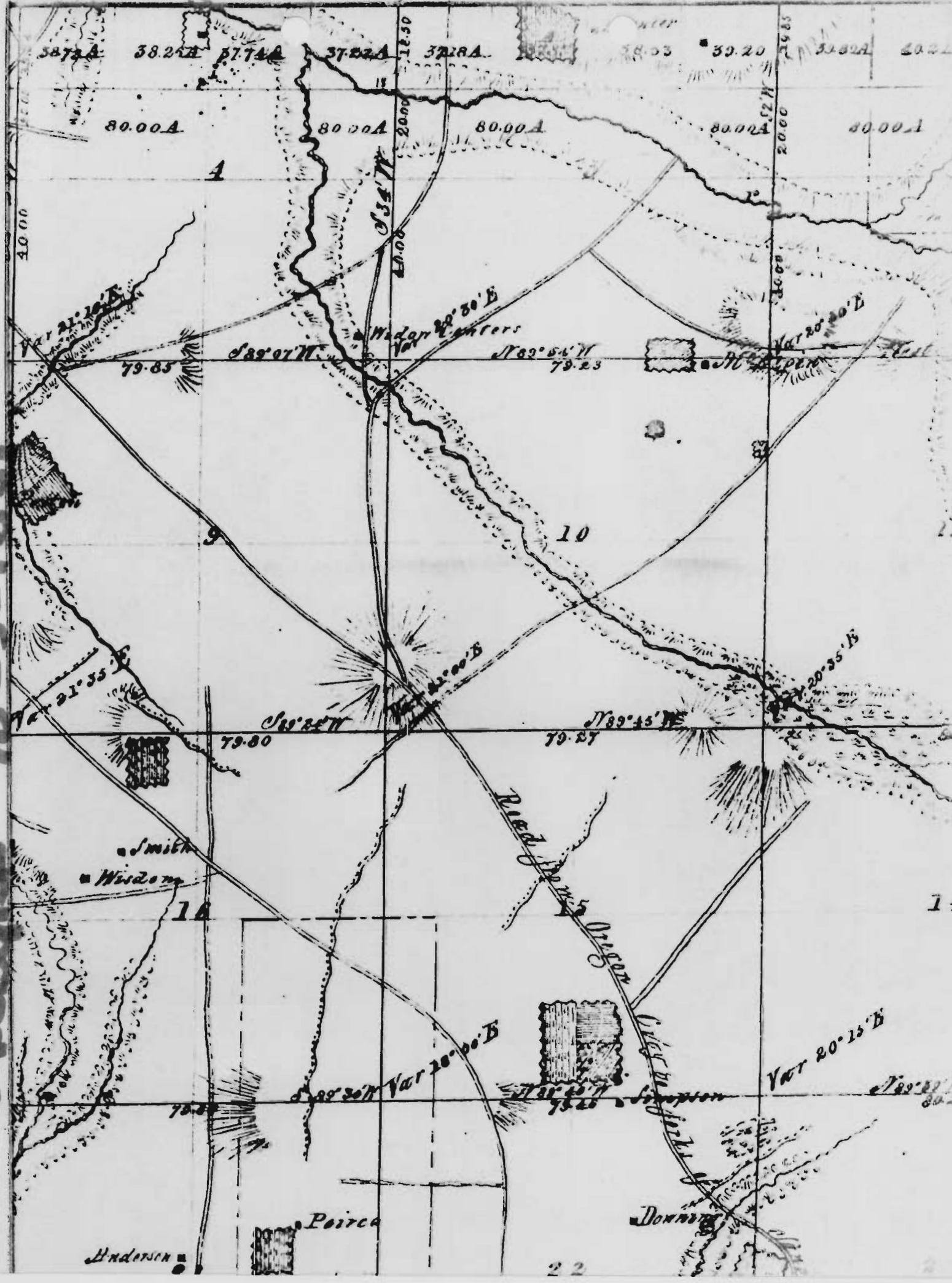
**Claim 97**  
Acres 400.00  
Not. 97

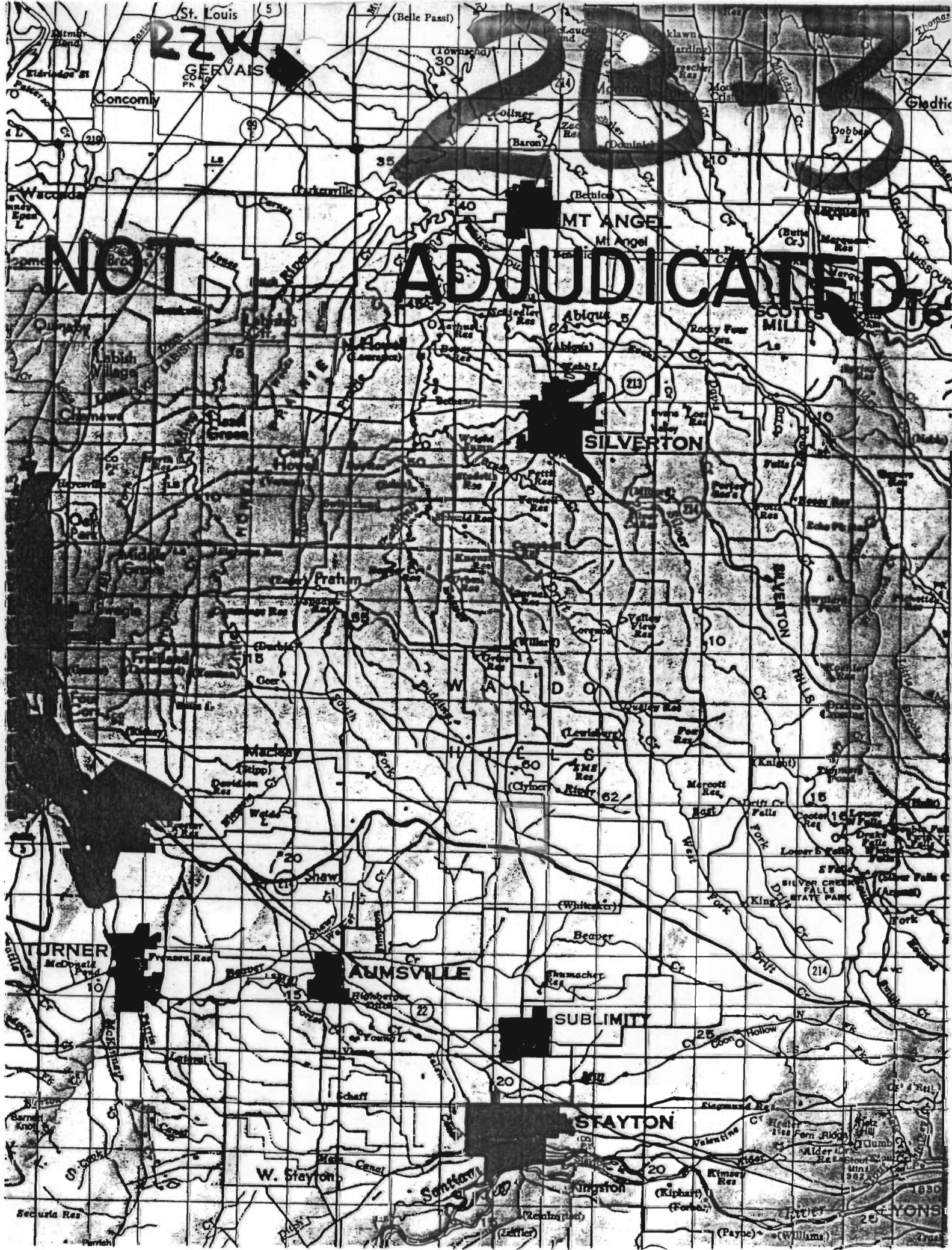
**Claim 98**  
Acres 400.00  
Not. 98

**Claim 99**  
Acres 400.00  
Not. 99

**Claim 100**  
Acres 400.00  
Not. 100

Surveyed 12-5-1851





July 17, 1992

Benitia A. Ebner  
c/o Douglas Ebner  
4185 Cascade Hwy SE  
Sublimity OR 97385

RE: Surface Water Registration Statement

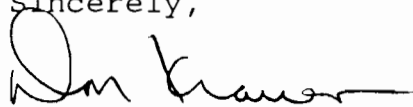
Dear Mr. Ebner,

This will acknowledge that your Surface Water Registration Statement in the name of Benitia A. Ebner has been received by our office. The fees in the amount of \$ 200.00 have been received and our receipt # 89376 is enclosed. Your registration statement has been numbered SWR-79.

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  
Adjudication Specialist

enc

C:\W\SW\SWR-0079.001



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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT #

3850 PORTLAND ROAD NE  
SALEM, OR 97310  
378-8455/378-8130 (FAX)

RECEIVED FROM:  
BY:

*Bernita Ebron*

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☒ 90-3699☐

TOTAL REC'D

\$200.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

831.087 PUBLICATIONS/MAPS

830.650 PARKING FEES Name/month

OTHER: (IDENTIFY)

\$200.00

\$

\$

\$

02-00-0 FEDERAL FUNDS

OTHER: (IDENTIFY)

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES

850.200 RESEARCH FEES

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6): (IDENTIFY)

\$

\$

\$

\$

WATER RIGHTS:

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

842.016 WELL DRILL OPERATOR

LANDOWNER'S PERMIT

EXAM FEE

\$

\$

\$

EXAM FEE

\$

\$

842.002

842.004

842.006

842.023

842.019

842.024

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

\$

\$

CARD #

CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)

842.115 HYDRO LICENSE FEE(FW/WRD)

\$

\$

HYDRO APPLICATION

\$

RECEIPT #

DATED: 7/16/92

BY: *C. W. [Signature]*

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

RECEIVED

MAY 27 1994

WATER RESOURCES DEP  
SALEM, OREGON

ADDENDUM TO

SWR-79

BENITIA A. EBNER

The spring is covered with a 6'x6' wood frame house. Spring development is covered by a plank floor and not visible.

Pump Unit is a Red Jacket.

Pump: 1"x3/4" Centrifugal, Model #50 RJ.

Motor: 1/2 H.P. electric, Model #C48j2DB11A11.

Pressure Tank: 30 gal. with ON setting at 40 psi and OFF at 50 psi.

Pipeline is 1 1/4" PVC from pump house to house. Yard irrigated from stand-pipes with garden hoses and sprinklers.

Capacity calculations based on 1/2 H.P.

Suction Lift: 10'

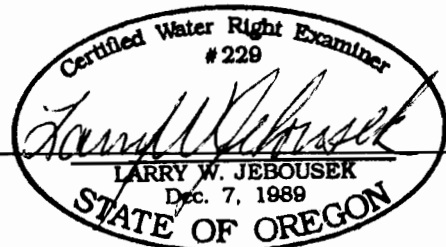
Discharge Lift: 20'

Pressure Head: 45 psi = 104'

$$\frac{6.61 \times 0.5}{10 + 20 + 104} = 0.025 \text{ cfs}$$

Occupant: Doug Ebner, son of claimant.

Re-inspected May 24, 1994.



1. 8 S. R. 1 W. W. M.

4 3  
9 10

1/4 COR.

J. CENTRE  
DLC 39

R. McALPINE  
DLC 38

W. MORLEY  
DLC 77

W. T. PATTON  
DLC 73

1" = 400'

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

SPR.

HS.

CTR. SEC.

1/4 COR

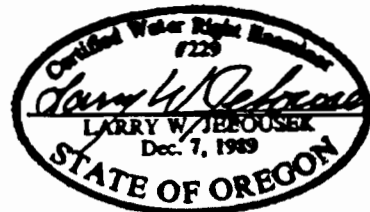
WATER RIGHT MAP FOR

BENITIA A. EBNER

SURVEYED ON MAR. 21, 1992

SPR. LOC. 1230' S. & 165' E. FROM NW COR. W. MORLEY DLC 77

BY



RECEIVED

JUL 16 1992

A HISTORY  
WATER RESOURCES DEPT.  
SALEM, OREGON

of

# THE SILVERTON COUNTRY

By

ROBERT HORACE DOWN, M.A.

*Head of the Department of History in Franklin High School  
Portland, Oregon*



THE BERNCLIFF PRESS  
Portland, Oregon  
1926

Main Street, Silverton. About 1883, Looking Toward the Bridge Across Silver Creek. Note the Pedestrian in Hoop Skirts at the Farther End of the Sidewalk on the Left. The Oak Tree Disappeared in the Seventies.



JUL 16 1992

SOURCES DEPT.  
M, OREGON

A HISTORY OF THE SILVERTON COUNTRY

holy goods, food and treasured possessions of every kind, taking the westward way. Along the route the drama of 1849 was repeated. Cholera, scurvy, dysentery, accident, thirst, hunger, fatigue, Indian attack, quarrels, discouragement and every other ill attacked the trains. Against these foes were set hope, ambition, steady determination, patience, humor and the fighting spirit of the frontier."

John Fernemin was captain of a train that departed from Urichville, Ohio, April 15, and arrived at Oregon City, October 15, 1850. Out on the Big Blue River in Nebraska the people of the train began dying of the cholera. A Mr. Painter died there. A few days after that another man took sick. Almost every morning they passed some other train that had lost from five to ten people. In the morning the big wolves circled about the camp, timber wolves on the outer circle and the smaller coyotes on the inner circle. As soon as the morning start was made the wolves rushed in and began digging into the graves and by the next morning would again overtake the train. One wagon gave out because some dishonest wagon maker had made a hub of soft poplar wood."

The pioneers of 1850 scattered themselves well over the Silverton Country. In the Silverton and Waldo Hills were Christ F. Mascher, Chisholm Griffith, Elias F. Colby, William Morley, Lawrence Eisenhardt and his son Christ Eisenhardt, Charles W. Scriber and Reuben Lee. Near Mount Angel were George Settlement and James McKee. Along the Abiqua those who staked out claims were George Woolen, Harris Dent, Daniel Boone Markham and Nimrod Jenkins. Ezekiel Hendricks, Jacob Baughman, Robert Hanna, and Mackey W. Smith settled on Butte Creek; Benjamin C. Duniway and Alvis Williams over on Butte Creek; Benjamin C. Duniway and Alvis Williams settled over in Clackamas county, but for several years had interests on this side of Butte Creek.

NOTES AND AUTHORITIES

<sup>1</sup> Cleland, Hist. Call. 232 ff.

<sup>2</sup> Richard Stout was born in North Carolina, December 24, 1796, the son of Joseph S. Stout and Rachel Woods his wife, who were married in that state December 8, 1793. Richard Stout took as his wife Sally C. Osborn, the marriage occurring March 27, 1817. Some time previous to 1820 the Stout family crossed the Alleghenies into Roane county, Tennessee. The eldest daughter of Richard was

A HISTORY OF THE SILVERTON COUNTRY

Elizabeth, born August 1, 1811. She married Green Gay, September 15, 1838. Susan M. Stout, daughter of 1845, was born in Roane county, January 19, 1823. Anna M. Stout, born January 5, 1824, married John Hart on February 26, 1838. Sally Ann, born June 23, 1827, married a Mr. Pickering who served in the Civil War in the Oregon regiment and later migrated to California, as did Sarah, who married a Mr. Wood. Cordelia was the wife of Daniel Boone Markham, son of Samuel Markham and half-sister of Edith Markham, distinguished American poet. Lydia A. Stout, youngest daughter of Richard, was born April 21, 1829 and married Isaac McCully, March 2, 1851. Sally Ann, after the death of her husband on the plains, married John Patterson (cc. v.).

It is not known definitely when Silas M. Stout came to Oregon but probably in 1845. In Missouri, September 22, 1842, he married Lavina . . . His American claim was in sections 22, 23 and 27 township eleven south and five west in Benton county, Oregon, on which he settled March 16, 1851. He was a member of the Methodist Episcopal Church South and for many years was a circuit rider in the Willamette Valley, his circuit extending from Lane county north to the Silverton country. He often preached at the Allen church or held services at his father's house on the Abiqua or at Samuel Allen's. He was one of the early trustees of Corvallis College, a school founded by his denomination which finally grew into Oregon Agricultural College. Den. Cor. 862.

<sup>1</sup> George Washington Shaver was born in Campbell county, Kentucky, March 2, 1822, raised a farmer, then a pioneer, next a settler, a hunter, a fuel dealer and finally a capitalist; such was the eventful and romantic life of George W. Shaver, who crossed the plains in 1850 and settled for a time in the Waldo Hills, five miles south of Silverton. He married Sarah Dixon, in Portland, Oregon, February 2, 1854, having gone there from southern Oregon, where he had been a failure in mining. Returning to his farm near Silverton in the same year, he remained until 1860. Here Captain James W. Shaver of Portland was born, October 2, 1860. After the removal of the family to Portland, Mr. Shaver organized the Shaver Transportation Company and for several years had steamers running between Portland and San Francisco. Another son, John R. Shaver, has been sheriff of Clackamas county. Mr. Shaver, the elder, died October 25, 1890. Port and Bkg. Rec. 151.

<sup>2</sup> Randolph C. Gibson was born in Warren county, Kentucky, on the 27th day of February, 1818; died in 1886. In the East, on Christmas Day, 1843 or 1844, Mr. Gibson was united in marriage with Mary Susan Owens, who was a native of Missouri, where two children were born. In 1849, in company with the Graves and the Glovers, the family crossed the plains, settling on the Abiqua, where a third child, Randolph E. (Bud) Gibson was born, on the 15th day of August, 1850. In that same year, on November 25, Mrs. Gibson and the two older sons died from a fever contracted while Mrs. Gibson was washing some bed clothing which had been used on the plains, where a number of the train had died from the cholera or some malignant type of fever. There was at that time no cemeteries in the country, and as Mrs. Gibson had once remarked about a spot on the claim suitable for a cemetery, she and the two children were interred there. Later the spot was used as a burial ground for others of the early settlers: Mrs. William Glover; one of the Palmer children; a sister of Mrs. Cahill and two Cahill children and perhaps some others. Recently, however, all the graves were removed to other cemeteries. Mr. Gibson subsequently remarried, his second wife dying on Christmas day, 1890.

Randolph E. (Bud) Gibson married Eliza Pendleton, who was born in Centry county, Missouri, on the 13th day of April, 1854. They had four children: May Mary Carrie, born March 5, 1871; James H., born March 18, 1874; Edith, born October 22, 1878, and Homer, born February 26, 1892. Randolph E. died April 3, 1911. The Gibson donation claim consisted of 648 acres in sections 14 and 15, township six south and one west on which the family settled October 22, 1850. Den. Cor. 1855.

One of the unsolved mysteries of pioneer days was brought about by the discovery of an open grave on the land of Mr. Gibson, on land afterward acquired by M. Cooley. It was hidden away in a fir thicket in such a place as would ordinarily be found only by actually stumbling upon it. It will probably never be known who dugged it, for whom it was intended, or why. Many interesting speculations have been raised, and some of the older generation still nod their heads knowingly when the topic is mentioned. Mr. Gibson was believed to be hoarding money somewhere about his place and it may be that some one planned to lure him to the spot.

<sup>3</sup> William Glover was born in St. Charles county, Missouri, in 1822. In Montgomery county, in that state, on October 19, 1843, he married Jane Jeti Graves.

RECEIVED

JUL 16 1992

SOURCES DEPT.  
OREGON

A HISTORY OF THE SILVERTON COUNTRY

who was born in Pennsylvania county, Virginia, in 1827. She died at Salem, Decem-  
ber 11, 1891. Burial records show that William Glover came to Oregon in 1847. See Hist.  
Ore. 17, 183. He took up a land claim at Mount Angel, Oregon in 1858. Don. Cer.  
No. 173.

Joseph Glover also crossed the plains this year and took a donation claim in the  
vicinity of Hills. His wife was Sarah Koenig. Charles P. Glover was born in Missouri,  
June 7, 1840. In 1865 he married Charlotte, a daughter of John H. Palmer, a pioneer  
of 1843. They had eleven children. Port and Blog. Rec. 927.

John P. Graves was a native of Virginia, where he was born in the year 1824.  
In Warren county, Missouri, March 21, 1844, he married Maria \_\_\_\_\_. Crossing  
the plains in 1849, he took a donation claim consisting of 640 acres in sections 12 and  
13, township six south, range one west, on which he began improvements, according  
to the requirements of the donation land law, on October 13, 1854. The Graves home  
was distinctly one of old southern hospitality to all the country round, and Mrs.  
Graves is still remembered as one of the most gracious of pioneer women.

Caland, Hist. Calif. 244 ff.

McCord MS.

Christ F. Mascher was born in Germany, December 29, 1811. At the age of  
thirty-five years he left his native shores and migrated to America. He was one  
of the forerunners of the great stream of people—the best blood of Germany—that  
sought refuge in this country for several years prior to the civil war. Among these  
men was Carl Schurz and they have left the imprint of their personality and char-  
acter indelibly stamped upon the history of the United States.

Soon after his arrival in America, Mr. Mascher settled near Baltimore, Mary-  
land, where he soon married Miss Sarah Eisenhardt, also a native of Germany.  
From Maryland the family removed to Missouri in 1844 and thence to Oregon  
across the plains. Arriving in the Waldo Hills, Mr. Mascher secured the right to  
a claim of six hundred forty acres three miles south of Silverton, where he spent  
the remainder of his life. He was active in the interest of the Christian Church, of  
which he was a member, and assisted in her seventy-fifth year. Of the six children  
born, only one, L. Frederick Mascher, is living. He was born on the place where  
he resided, December 6, 1850, soon after the arrival of his parents in Oregon. His  
marriage to Alice J. Allen, a daughter of Henry Allen, occurred in 1875. He had  
three children, Lillian M., deceased, married L. J. Burnham; Grace and Minnie.

Clabhorn Griffith was born in Henry county, Kentucky, in 1806, where at  
the age of twenty-one years he married Maria Clayton.

He arrived in Oregon, October 12, 1850, in a train consisting of one hundred  
wagons, which was under the leadership of Dominic Mansfield, who settled near  
Albany. They had one experience of unusual interest on the journey across the  
plains. An Indian chief, with a great following of warriors, approached the train.  
Mansfield took twenty armed men and went out to meet them and to prevent them  
from stampeding the loose livestock if such should be their intentions. The Indians  
followed the train two days. The donation claim was in sections 23, 29, 31 and 32,  
in township seven south one west, on which settlement was begun March 6, 1851.  
Don. Cer. 318.

Elias F. Cady was born in Sullivan county, New Hampshire, in 1811. At  
Bristol, in the state of his nativity, in June, 1841, he married Mary M. \_\_\_\_\_. The  
family arrived in Oregon in November, 1850. The donation claim was in sections 23,  
29, 31 and 32 in township seven south one west, on which he settled September 1,  
1851. One account states that the Cady's came to Oregon with the Davaports, but  
this is erroneous, as they came next year. Don. Cer. No. 541.

William Morley was a native of Athens county, Ohio, where he was born in  
the year 1817. His wife was Margaret \_\_\_\_\_. When he was married he was born in  
Missouri, in December, 1841. He arrived in Oregon Territory in September, 1850,  
and on November 15, 1851, he made settlement on a donation claim of 640 acres in  
sections 30 and 31 in township eight south one west. Don. Cer. No. 754. He was  
a younger brother of John Morley. It is said that Joseph Morley, a relative, also  
had a land claim between Silverton and Sublimity. Brown MS.

Lawrence Eisenhardt was born in Wurttemberg, Germany, in the year 1800  
and as a boy witnessed the stirring scenes of the wars of Liberation from Napoleon.

A HISTORY OF THE SILVERTON COUNTRY

In November, 1855, he married Mary Ann \_\_\_\_\_. Carl, a son, was born to Ger-  
many in 1851. It is not known with certainty in what year the family migrated to  
America. On August 22, 1849, Lawrence Eisenhardt appeared before the district  
court of the United States for the District of Maryland and declared his intention  
to become a citizen of the United States. He was admitted to citizenship in the  
United States court at Oregon City, September 6, 1852. Lawrence Eisenhardt took  
a land claim in sections 11, 12 and 14, township seven south one west in Silverton  
Hills, on land later owned by Mitchell Shadle and Mathew Small, on which he settled  
December 5, 1854. Don. Cer. No. 321.

Christ Eisenhardt had a land claim of 320 acres in Section 11 seven south and  
one west on which he settled October 15, 1855. His wife was Mary Ann Stanton,  
whom he married in Marion county, October 12, 1854. It is said that he came to  
America at the age of two years, which would make the arrival of the family in  
1851. Don. Cer. No. 287.

Of the children of Lawrence Eisenhardt, Julia married George W. Owsen; William;  
Lawrence Jr. married Mary, a daughter of Dr. A. C. Hutton. She was a sister  
of Tuleman Hutton. Brown MS.

Charles W. Scriber was born in Green county, New York, in 1822. Mrs.  
Scriber was Mary Jane \_\_\_\_\_. They were married in Washington Terr. February  
21, 1851. Mr. Scriber arrived in Oregon September 3, 1850, and took a donation  
claim in sections 17, 19 and 20, township seven south one west, on which he settled  
February 25, 1852. Don. Cer. No. 201.

Rauben Lee was born in Macoupin county, Illinois, November 25, 1827. He was  
descended from John Lee, a soldier of the American Revolution, who was one of the  
earliest settlers in Macoupin county. He crossed the plains with one wagon and  
four yoke of oxen. Reaching the vicinity of the Blue Mountains, he sold his cattle  
and taking horse rode to The Dalles. After spending a short time in the village  
of Portland where he was offered lots at from \$2.00 to \$12.00, he came to the Sil-  
verton country and settled on a claim of 320 acres in the southeast of 1852. March  
6, 1855, he was united in marriage with Frances Drinkwater. She died January 11,  
1872, leaving eight children. Mr. Lee was three times married. While living on  
the Williams, he was caught in the great flood of 1861 and lost all but his land.  
Later he lived at Brooks and finally at Astoria.

The original owner of the larger portion of the present town of Mount Angel,  
which is four and one half miles north of Silverton, was George Settlemyer. He was  
born at Cape Girardeau, Girardeau county, Missouri, October 11, 1807, and died near  
Woodburn, Oregon, April 25, 1866. George Settlemyer was descended from a long  
line of Americans who settled in Berks and Bucks county, Pennsylvania. Adam  
Settlemyer, the father of George, was a native of North Carolina and a pioneer of  
Missouri. It is said that he crossed the first wagon in Girardeau county.

George Settlemyer was the type of American of Daniel Boone and George Rogers  
Clark, a born frontiersman, hardy, self-reliant, anxious to get on in the world, honest  
and persevering. He was farming in the vicinity of Elgin, Illinois, when the gold  
excitement broke out in California in 1849 gathering up his household goods and  
family, he began the long journey across the plains. Near Feather river his wife  
contracted a fever which caused her death. She was Elizabeth Ryan, born in Mis-  
souri.

After spending a short time in California, George Settlemyer came north to Ore-  
gon, arriving in 1850 and secured a donation claim of 320 acres, at the location above  
named. There he resided until a short time before his death.  
The Settlemyer family was of pioneer quality and high quality. The children  
were Adam (deceased), Mrs. Mary Ann Allen, Will and F. Henry W. Jesse Holland,  
Alexander A. (deceased), Martin R. and George M. of Portland, Oregon.  
Jesse Holland Settlemyer was the founder of Woodburn, Oregon, a city of about  
two thousand inhabitants and situated nine miles north of Silverton. He was born  
near Alton, Illinois, February 5, 1840.

James McKee was born in Louisville, Kentucky. He married Lydia Truett.  
The issue of this marriage still living is David McKee, born in Louisville, Ky.,  
May 23, 1835 and Benjamin Franklin McKee, born in Franklin county, Missouri,  
March 9, 1837. The family crossed the plains to Oregon in 1850, settling at McKee's  
Creek. Mrs. James McKee died in Missouri in 1850. In 1864 David McKee married  
Caroline Melissa Hall, daughter of L. D. Hall, of Howell Prairie, to whom were  
born 13 children, eight of whom are still living. Benjamin was admitted to marriage  
in 1869 to Ann Morris, a sister of the late Mrs. Alexander D. Scott, coadjutor of Judge  
John H. Scott of Salem, Oregon.

JUL 1 1992

WATER RESOURCES DEPT.

FORM No. 723-BARGAIN AND SALE DEED (Individual or Corporate)

43281

REEL  
244

PAGE  
1617

1-174

BARGAIN AND SALE DEED

8-11 KNOW ALL MEN BY THESE PRESENTS, That EDWARD FRANCIS EBNER and BENITIA ANN EBNER, hereinafter called grantor, EDWARD FRANCIS EBNER and BENITIA ANN EBNER, as tenants in common, and not as tenants by the entirety, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

Beginning on the West line of the William Morley DLC No. 77 in T 8 S. R 1 W of the W.M. in Marion County, Oregon, at a point which is South 1° 26' East 1.163 chains from the NW corner thereof; thence South 1° 26' East 17.402 chains; thence East 3.698 chains; thence South 1° 26' East 0.70 of a chain; thence East 26.043 chains; thence North 0° 33' West 19.489 chains; thence South 89° 35' West 4.953 chains; thence South 0° 20' East 1.356 chains; thence West 25.099 chains to the place of beginning.

SAVE AND EXCEPT all roads and roadways.

ALSO: Beginning on the West line of the William Morley DLC in T 8 S, R 1 W of the W.M. in Marion County, Oregon, at a point which is 18.565 chains South 1° 26' East from the NW corner thereof; thence East 3.698 chains; thence South 1° 26' East 0.70 of a chain; thence East 26.043 chains; thence South 0° 33' East 22.61 chains; thence West 29.433 chains to the West line of the said William Morley Claim; thence North 1° 26' West along the said West line 23.336 chains to the place of beginning.

SAVE AND EXCEPT all roads and roadways.

Beginning on the West line of the Robert McAlpine DLC in T 8 S, R 1 W of the W.M. in Marion County, Oregon, at a point which is South 16.295 chains from the NW corner thereof; thence East 25.05 chains, more or less, to a

TO HAVE AND TO HOLD the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ love and affection

However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 19th day of March, 1981; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized therefor by order of its board of directors.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of Marion

March 19, 1981.

Personally appeared the above named Edward Francis Ebner and Benitia Ann Ebner,

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon  
My commission expires 7-20-83

STATE OF OREGON, County of Marion

Personally appeared

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

a 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:  
Notary Public for Oregon  
My commission expires:

Edward Francis Ebner, et ux

GRANTOR'S NAME AND ADDRESS

Edward Francis Ebner, et ux

GRANTEE'S NAME AND ADDRESS

After recording return to:

Duncan, Tiger & Rothlisberger  
545 N. Third Ave.  
Stayton, OR 97383

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

Edward F. and Benitia A. Ebner  
4182 Cascade Hwy SE  
Sublimity, OR 97385

STATE OF OREGON,

County of Marion

I certify that the within instrument was received for record on the day of March, 1981.

at o'clock M., and recorded in book reel volume No. on page or as document/tee./file/instrument/microfilm No.

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

L.S.

55898-000 1-08-1-03-0-0963-2341-00  
55921-000 1-08-1-10-0-4175-2407-00  
55980-000 1-08-1-10-0-2651-2432-00  
55983-000 1-08-1-10-0-6314-2387-00

739-370

707-128

**RECEIVED**

JUL 16 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

RUN IN

115  
1121

RECEIVED

JUL 16 1992

WATER RESOURCES DEPT.

SALEM, OREGON

1618  
442

DEPUTY

EDWIN H. RICHARDS  
MARION COUNTY CLERK

MAR 23 4 01 PM '91

43281

Reel 244 Page 1617

records:

in Marion County

recorded by me

received and duly

that the within was

I hereby certify

County of Marion )

STATE OF OREGON )

ss.

point in the westerly line of that certain property conveyed to John Everett  
Mortley by deed recorded October 18, 1909, in Volume 109, Page 201, Deed  
along the westerly line thereof; thence South 0° 20' East 1.996 chains  
to the place of beginning.  
Beginning on the West line of the Robert McAlpine DLC in T 8 S, R 1 W of  
the W.M. in Marion County, Oregon, at a point which is South 18.291 chains  
from the NW corner thereof; thence East 25.061 chains; thence South 0° 20'  
East 15.041 chains; thence West 25.099 chains to the West line of the  
William Mortley DLC in said Township and Range; thence North along the  
West lines of the William Mortley Claim and the R. McAlpine Claim 15.047  
chains to the place of beginning.  
SUBJECT to the rights of the public in that part of the herein described  
premises lying in roads and roadways.

43281

PAGE  
REEL 244  
PAGE 1618

MAR 23 1991