

south bank but the loose shale of Shellrock mountain discouraged even the stout-hearted drovers.

Long after the settlement of Hood River and removal of the Indians, the little point now to become a county park was still only a birdseye spot near an incredibly steep trail to the Columbia.

### IT IS HARD

to visualize the land along the Columbia river as it was until waters of Bonneville lake rose to a 72-foot level after completion of the dam in 1938.

Thousands of acres of good river-bottom land suitable for farming, long sandbars and great groves of trees were drowned under <sup>(the dam back)</sup> ~~these~~ waters. Only those who remember Morton's farm at Ruthton or Koberg's <sup>extensive</sup> ~~great~~ truck gardens and fine beach east of Hood River know the extent of that drowning.

### FIRST IN THE AREA

of the newly acquired park was Arthur Phelps, a cooper by trade who came to the creek now named for him from the Cascades, after the massacre there in 1856.

Following the creek upstream a mile or so, he started a two-man mill operation making oak kegs in 1858. Shipped to The Dalles, these barrels were filled with whiskey and packed into the gold mining ~~camps~~ camps of central and eastern Oregon.

### FIRST WHITE MEN

to file pre-emption claims on the land around present Ruthton Point on the river were Amos Underwood, veteran soldier, and

bank, to the mouth of the White Salmon river.

Marden developed a profitable farm on the rich river-bottom soil. Springs above the bluff gave him irrigation water. The rising of the Columbia each spring kept the lowland on the Columbia rich for farming.

Marden's farm was isolated from the tiny Hood River settlement by the great cliff behind it. To ship produce to The Dalles or Portland, he moved it by small boat to the steamer landing at the mouth of the Hood river.

#### INTREPID JOEL PALMER

tried to build a wagon road down the Gorge from The Dalles in 1863. It served --and very poorly at that --only one summer. But it <sup>hacked</sup> ~~had~~ a rough road up over the bluff from Marden's farm.

#### IN 1872

Charles H. Haynes and his brother-in-law James F. Sanders bought the Marden place. They developed more of the land which the little-park-with-no-name overlooks.

~~Haynes~~ <sup>Haynes</sup> and Sanders grew strawberries, peaches, vegetables, hay and ran livestock. All farm produce bound for market still went by boat to meet the steamers at Hood River landing.

#### A WAY UP THE BLUFF

to the Valley took a little better shape when the state of Oregon tried to build a road from The Dalles to Portland in 1876. John Marden, who had moved to The Dalles, was in charge of construction. The road petered out around the Cascades, but it did give Haynes and Sanders a better wagon road to the Valley from their farm.

where the head gate of said company is situated on the west bank of Hood River, in pursuance  
ter of section 20 in Tp. 2 N.R. E.W.M. on the west bank of Hood River, in pursuance  
with the order and direction of the Board of Directors of said company.

Subscribed and sworn to before me this 16th day of October, 1891.

(Seal)

Geo.P. Crowell,

Notary Public for Ogn.

Transcribed from Wasco Co. Records Book B Mining and Water Claims.

Book 1  
Page 26

Page 2

Ditch Notice of J.W.Morton.

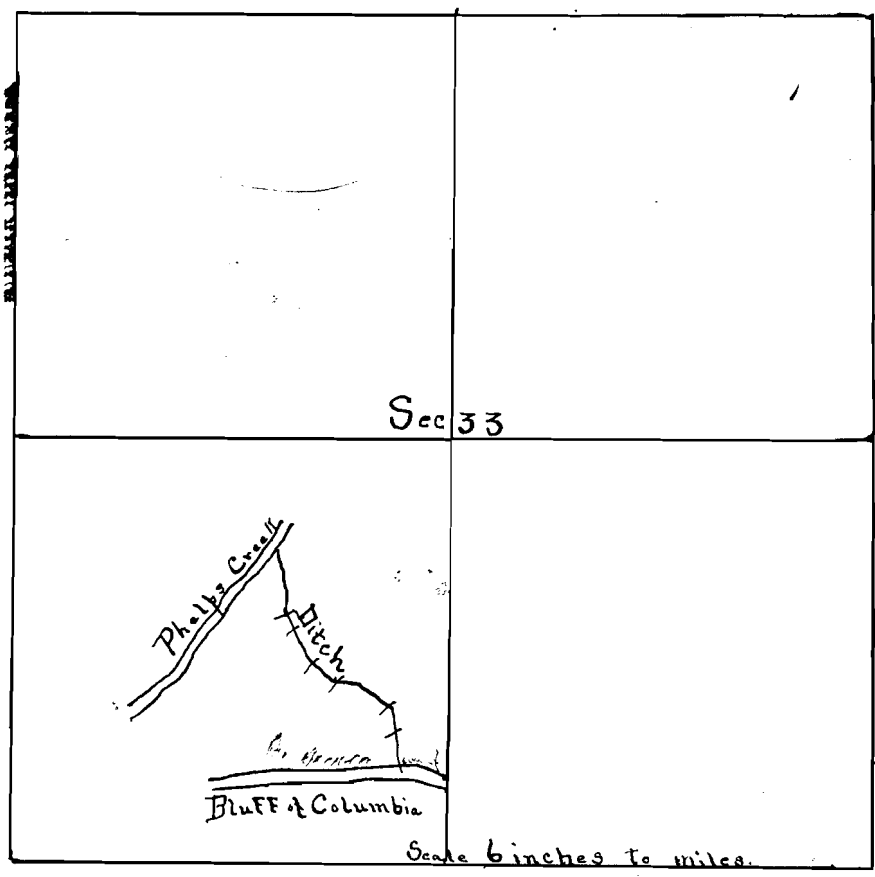
Hood river, Oregon. Dec. 29th, 1891.

I, J.W.Morton, hereby certify that the irrigating ditch in accordance with the accom-  
panying diagram and survey was taken out and used by <sup>J.M. Marden</sup> ~~J.W.Morton~~, on or about the year 1864  
and has since been used continuously by his successors in Wasco Co. Oregon.

I further claim the right and privilege to use said water ditch for irrigating pur-  
poses and the right to the flow of seventy five inches <sup>of water</sup> in said ditch.

J.W.Morton, Hood River, Wasco Co. Oregon.

Note: See Page 167 of this volume for  
directions.



Description of Survey.

Beginning at a point 80 rods South of Sec. post corner of sec. No. 27, 28, 33, 34, Township 2 N. of range 10 East, Thence 101 rods & 15 links west, Thence 28 rod south Var. S 1° W. to point of beginning ditch a stone dam and large fir stump on west side of creek about 3 feet from head of said Ditch. thence N. 1° E 28 rod. thence N 12° W 6 rods, thence N 45° E 16 rods, thence N. 50° E 9 & 1/2 rods, thence N. 84° E 9 rods, thence N 82° E 12 rods, Thence N. 21° E 10 rods, to intersect a spring at foot of South bluff of Columbia River said ditch to be used for irrigating purposes on Sec. 28 in township above named.

I certify that the above is correct and is a copy of the survey as made by me on the 28th day of December, 1891, and that the plat annexed is made by me from the notes above and is correct.

Dated HoodRiver, Oregon.

Dec. 29, 1891.

C.J.Hayes,

Surveyor.

Transcribed from Wasco Co. Records Book B Mining and Water Claims, Page 5

Filed Aug, 19, '92.

Notice of Location Water Right.

Notice is hereby given that the Oregon Land, Irrigation Lumber and Fuel Company, a corporation organized and existing under and by virtue of the laws of the state of Oregon, with its principal place of business in the City of Portland, in said State, by virtue of the laws of the United States, and also by virtue of an act of the Legislative assembly of said state, entitled An Act to provide for the appropriation of water from the lakes and running streams of the State of Oregon, for purposes of irrigation and supplying water for household and domestic use, and for watering livestock upon dry lands and for making charges for water. "supplied", allowing the condemnation of lands for right of way, prescribing the manner of making appropriations and effecting condemnation of lands, allowing the condemnation of rights of riparian proprietors, arising from their location; regulating the manner of constructing and operating ditches or canals, flumes, reservoirs, distributing ditches and feeders, prescribing right of recovery of damages resulting from the construction and operation of the same, securing the protection of highways, granting a lien upon crops raised by irrigation and providing for its enforcement, declaring all such ditches, or canals or flumes, to be real estate and providing for conveyances of the same. providing punishment for trespasses; prescribing the manner of settlement of conflicting rights by suit; and grant

28420

J. W. MORTON

A F F I D A V I T

COMPARED

Filed for record July 15, 1924 at 11:10 A.M.

State of Oregon

ss A F F I D A V I T

County of Hood River

*In Ditch Notice (page 22 & 23)  
of the records*

I, J. W. Morton, after being first duly sworn, depose and on oath say, that I am a resident of the city of Hood River, Oregon. That I am over the age of twenty one years. I further say, that the Ditch Notice of J. W. Morton, Hood River, Oregon, Dec. 29th, 1891, recorded in Book 1, Page 22, records of Water and Mining Rights of Hood River County, Oregon, was incorrectly recorded, in that the name of J. M. MARDEN should be used instead of the name J. W. Morton, at the place in said record of said Ditch Notice where the name J. W. Morton is used the second time after the words "used by". in reading from the beginning of said Ditch Notice, as above recorded, in said Book 1, P. 22, records of Water and Mining Rights of Hood River County, Oregon.

I further say, that the map of said ditch as recorded in said Book 1, pages 22 and 23, records of Hood River County, Oregon, as to Water and Mining Rights, should show the said ditch to be in Twp. 3, N.R. 10 E.W.M. Hood River County, Oregon, instead of Twp "2", N. "

(Signed) J. W. Morton.

Subscribed and sworn to before me this 15th day of July, 1924

Kent Shoemaker, County Clerk

(COUNTY COURT SEAL)

By E. E. Shoemaker, Deputy

28510

J. W. MORTON

COMPARED

A F F I D A V I T

Filed for record August 5, 1924 at 1:20 P.M.

STATE OF OREGON

ss

County of Hood River

I, J. W. MORTON, after being first duly sworn, depose and on oath say, that I am a resident of Hood River, Oregon. That I am over the age of twenty one years. That on the 4th day of August, 1924, I measured the water in my irrigation ditch leading from Phelps creek, at a point about two hundred yards below the intake of said ditch, and found the amount of water flowing in said ditch at said point to be Five Miners inches and no more.

The said irrigation ditch is situated in section 33, T. 3 N. R. 10 E.W.M. Hood River County, Oregon.

J. W. Morton.

Subscribed and sworn to before me this 5 day of August, 1924

(COUNTY COURT SEAL)

Kent Shoemaker, County Clerk.

DEC 15 1952

## III - Relative Location

The Homesite under discussion is located approximately 170 miles from the Pacific Ocean, noted for its beaches, ever gaining in their popularity. It is about 60 miles from Portland, Oregon's City of Roses. The great new Columbia barrier, one of the world's most unique power and navigation dams, Bonneville Dam, is but 25 miles downstream. Within this dam has been built the world's highest lift in shiplock, 66 feet, to pass craft from world ports. The United States Engineers are now engaged in dredging the Columbia channel, of tidal influence below the dam, and when this project was completed in 1941, enabled ocean going vessels to play as far up the Columbia River as The Dalles, Oregon, 200 miles inland, the only seaport of the world set behind two mountain ranges. From the windows of the estate's home, one may see ships from the seven seas passing by:

All the Cascade Mountain area of this district is a playground. Lakes and streams abound with trout; and Salmon and Steelhead are plentiful in the Columbia river practically the year around. The deer and black bear are to be seen in the fall. A short journey to eastern Oregon will take the sportsmen to districts, where annually elk hunting is available. Mountain climbing and camping beside highland lakes and in valleys filled with alpine flowers are lures for summer months. During the winter seasons those who care for winter sports have to travel only short distances to ski jumps and natural toboggan slides.

## NATURAL ISOLATION GIVES PRIVACY

One of the most unique appeals found in this estate is the isolation that has been given it by the barriers of cliff that nature has thrown up. It is actually within a few hundred feet of one of the nation's busiest motor highways, beside an inland waterway. But it sits high above both. The dwellers there can see, but if they chose, cannot be seen.

## \* HISTORIC BACKGROUND

The estate is a part of one of the first claims filed in this section of Oregon. The original donation land claim was pre-erected by the late Amos Underwood, a noted Indian fighter, in the year 1856, just after the Massacre of the Cascades, whither he had gone with federal soldiers to lift the siege. Six Indians, all chiefs, were hanged

#### IV

their complicity in this Massacre. One of them, Neif Chenoweth, before submitting to the noose, made a notable address and gave his daughter to Underwood, who accepted the responsibility and made her his bride.

Underwood before completing his claim, sold his right of equity to John Marden, pioneer trader to The Dalles. The latter, who won note for his superintendency of construction of The Dalles and Sandy Wagon Roads, a state project, forerunner of the Columbia River Highway, within a few years sold the place at a huge profit to C.J. Haynes, who established the first commercial fruit orchard in Hood River. Haynes, however, grew peaches, which he sold at fabulous prices to miners of the frontiers in this area in their different camps.

Gus Miller, a native of Ohio, owned and did a great amount of improving on the property. He gave it the name of "Wildbrook", a most appropriate name. This name has been officially registered with the Oregon Secretary of State.

Mr. Miller came to Hood River Valley in 1906, lured by prospects of the fruit development there. He had long worked in the contracting business, engaged on reclamation work for the United States Dept. of Interior in Wyoming and Montana. He purchased "Wildbrook" in 1919 and moved there in 1920. Mr. Miller was the type of man who has inbred in him a distaste for impermanency of construction. He erected on "Wildbrook", at a most alluring site, one of the most substantial homes of this section of Oregon. He also engaged in much permanent work in the construction of an irrigation system and a water system to give an ample domestic supply to his house. Substantial masonry walls have been erected along the top of the Columbia cliff. This work is of a type that blends with the wild, rugged beauty of the natural environs. He engaged in much work in providing for fish ponds and in removing rock formations, where unsightly, and in the planting of gardens to enhance natural shrubs and flowers. However, in the main he left the estate as nature has builded it.

It was this that attracted the present owners, Mrs. Donna A. Meredith, and her sons Thomas C., Robert Bruce, and Richard C. They feel that the place lends itself to their individual tastes, and can be improved to a greater extent with some their ideas.

2-6-95

SWR-126 & 349

ANTHONY KUZIN 386-3322

---

TOLD HIM I HAVEN'T RECEIVED  
CURR-COMP. MAP - HE SAID  
WE WOULD CHECK HIS RISES  
AND GIVE ME A CALL.

*J. E. Kanner*

2-16-95

MR KUZIN CALLED TO SAY HE  
WILL FINISH THE WORK AND  
GET IT SENT IN.

*J. E. Kanner*



KUBIN-201

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 - 106 : GAY  
- 349 : FOX

June 16, 1993

ANTHONY KLEIN  
1109 COUNTRY CLUB ROAD  
HOOD RIVER OR 97031

RE: File# SWR-126

DEAR ANTHONY KLEIN,

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 Susan D. Gay (Struck) & Anthony Gay. 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."
paper	OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."
$\frac{1}{10}$ 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." The .5 ac is partially within the SW SE and partially within the NW SE, you must show the acreage in each.

July 16, 1993

MR. KLEIN CALLED TO SAY  
HE'S WORKING ON THIS -  
WILL GET THE CORRECTIONS  
AS SOON AS POSSIBLE  
L. DEER

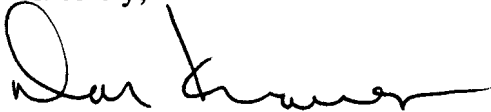


I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

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", written over a horizontal line.

Don Knauer  
Adjudication Specialist

Enclosures

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP OK NAME Hood # 4 UNADJUDICATED AREA ? YES  
RECEIPT # 95176 (Columbian) S W R NUMBER 126  
CHECK ENCLOSURES OK PRELIMINARY DATA BASE ENTRY DWP  
ACKNOWLEDGEMENT LETTER OK ENTER ON STREAM INDEX \_\_\_\_\_  
CHECK QUADRANGLE MAP TCB CHECK GLO PLATS \_\_\_\_\_  
Hood River 114 WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION SCR

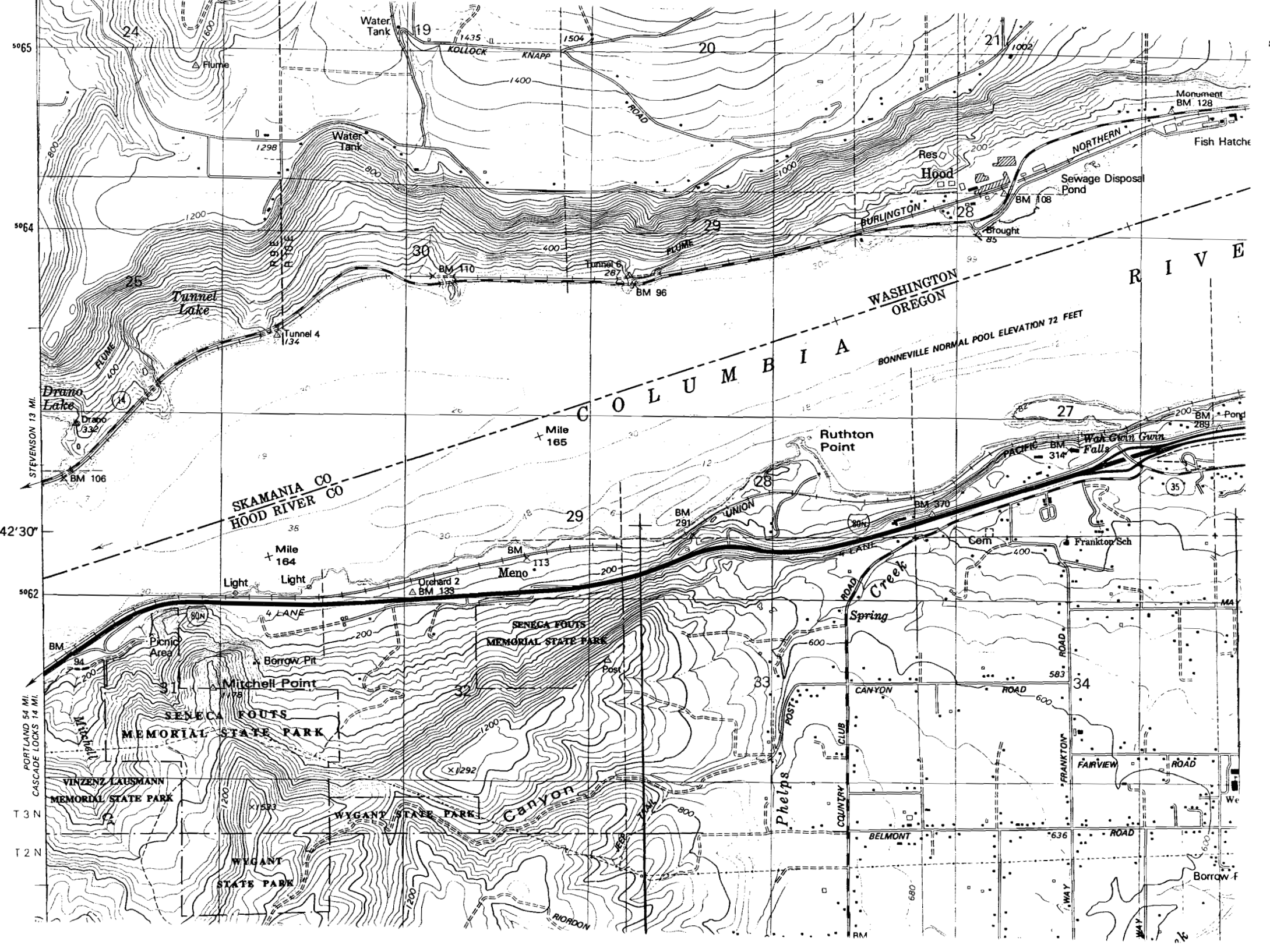
**FORM REVIEW**

\_\_\_\_\_ blanks filled in  
\_\_\_\_\_ signed  
\_\_\_\_\_ date received stamped

**MAP REVIEW**

#3 \_\_\_\_\_ ✓ 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  
#12 \_\_\_\_\_ ✓ P.O.B. of survey  
\_\_\_\_\_ dimensions and capacity of diversion system  
#14 \_\_\_\_\_ "beneficial use" type title  
\_\_\_\_\_ "permanent-quality" paper  
#15 \_\_\_\_\_ 1/10 acre

WATER RIGHT RECORD CHECK \_\_\_\_\_ FIELD INSPECTION \_\_\_\_\_  
FINAL FILE REVIEW \_\_\_\_\_ FINAL DATA BASE ENTRY \_\_\_\_\_  
ENTER ON PLAT CARDS \_\_\_\_\_



January 14, 1993

SUSAN D & ANTHONY S GAY  
305 MORTON RD  
HOOD RIVER OR 97031

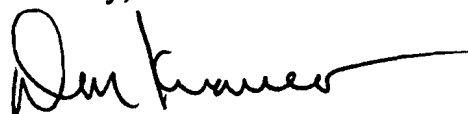
Dear MRS & MR GAY,

This will acknowledge that your Surface Water Registration Statement in the name of SUSAN D & ANTHONY S GAY has been received by our office. The fees in the amount of \$66.00 have been received and our receipt #95176 is enclosed. Your registration statement has been numbered SWR-126.

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

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0126.001



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

RECEIPT # 95176

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIVED FROM: Riverside Farms  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: #  24-201 OTHER: (IDENTIFY)

TOTAL REC'D \$ 66.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ 66.00
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

**02-00-0 FEDERAL FUNDS**

_____	OTHER: (IDENTIFY)	\$
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**03-00-0 WRD OPERATING ACCT**

<b>MISCELLANEOUS:</b>		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$
<b>WATER RIGHTS:</b>		
842.001	SURFACE WATER	EXAM FEE \$
842.003	GROUND WATER	842.002 \$
842.005	TRANSFER	842.004 \$
<b>WELL CONSTRUCTION</b>		842.006 \$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$
842.016	WELL DRILL OPERATOR	842.023 \$
_____	LANDOWNER'S PERMIT	842.019 \$
_____		842.024 \$
		<b>RECORD FEE</b>
		<b>LICENSE FEE</b>

**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	\$
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**07-00-0 HYDRO ACTIVITY**

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # 95176 DATED: 12/15/92 BY: C. Engel