

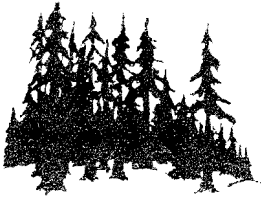
TABLE OF CONTENTS

Surface Water Registration Statement Pre-1909 Vested Water Right Claim	Page ---
CWRE Map for Heller's Water Right Claim	Page ---
Canceled Application of Charles Heller August 20, 1892	Page 1 - 39
Homestead Application by Charles Heller August 7, 1903	Page 40 - 51
Homestead Certificate and Water Patent 1904	Page 52 - 53
Oregon Detail List of Coos County 1915	Page 54 - 55
Survey and Classification of Property 1939 Detail of Tillable Acres	Page 56 - 59
Receipt Records Of Louis Heller 1920 - 1924 "Sawed Lumber"	Page 60 - 62
Homestead Pictures	Page 63 - 67
Supporting Statements "Nortirized" M.E. Bunch Page 68 William Culbertson Page 70 Walter Tripp Page 72 Russell Heller Page 73	Page 68 - 73
Additional Homestead Pictures	Page 74 -

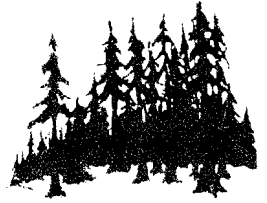
1992

DEC 21 1992

STATE OF OREGON  
Salem, Oregon



# FORREST J. HALES



FORESTER SURVEYOR  
1490 N. IVY • TELEPHONE 396-2596  
COQUILLE, OREGON  
97423

August 14, 1993

**RECEIVED**  
**AUG 17 1993**  
WATER RESOURCES DEPT.  
SALEM, OREGON

Don Knower, Adjudication Specialist  
Water Resources Dept.  
Salem, OR. 97310

Dear Don:

Ref. SWR 176

In regard to the "diversion point size" for this claim; Mr. Heller uses a 26 h.p. diesel tractor to power his irrigation pump. The power output of this tractor motor, according to Mr. Heller, is equal to a 13 hp electric motor. He moves the tractor from POD to POD as the need for irrigation demands. The lift at each location is about 20 feet. Therefore, by my calculations he can take a maximum of 4.3 CFS at any one time for irrigation. He also has a separate system for domestic use and stock watering which I estimate the use of to be 0.015 CFS for one family and up to 100 head of stock.

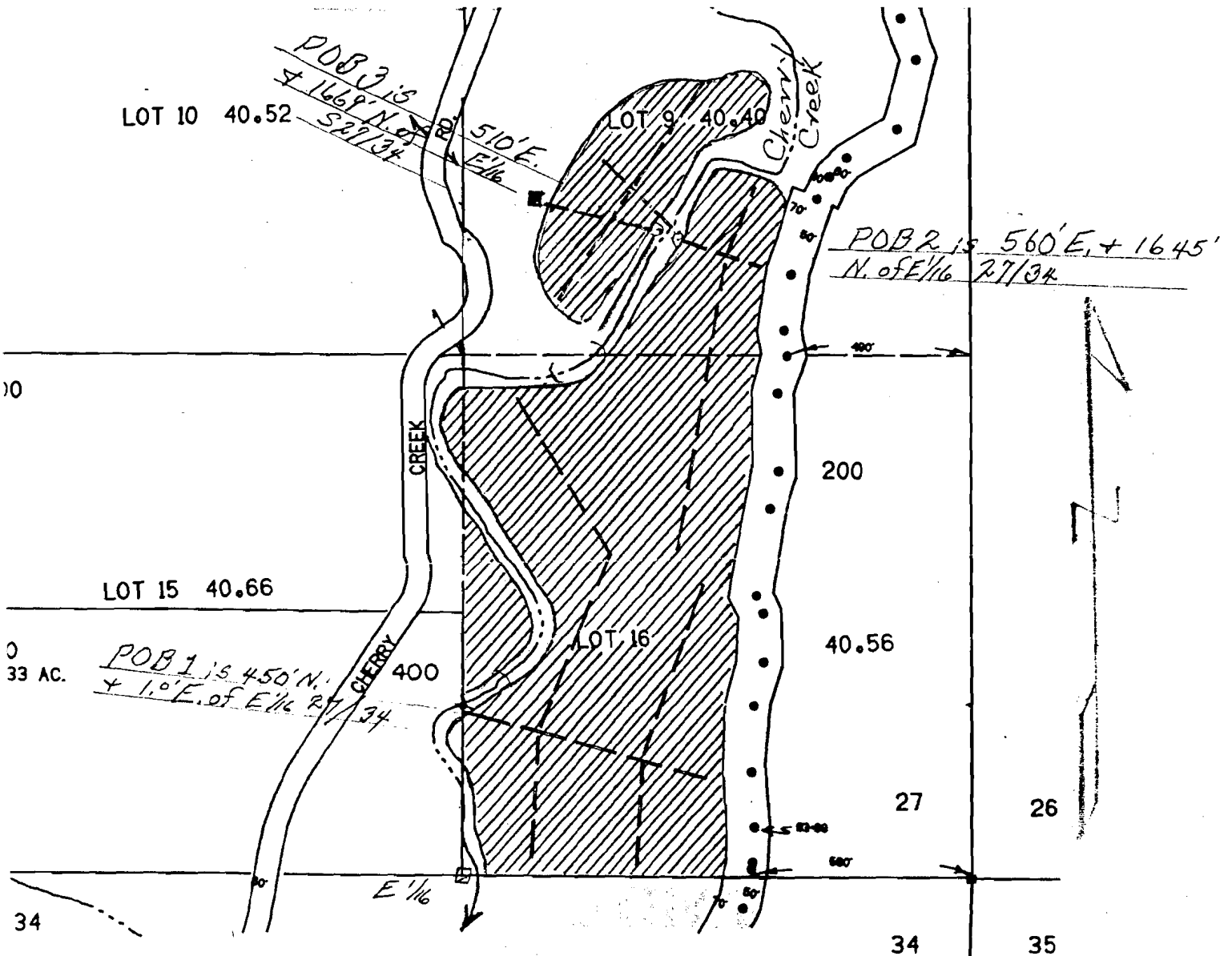
Sincerely,   
Forrest J. Hales, #059

Enclosures:  
Corrected original map for SWR 193  
New map on mylar for SWR 176

cc  Russell Heller

Map for a Claim for a pre 1909 Water Right

In: Section 27, T. 27 S., R. 11, W. W. M. in Coos County  
 Source: Cherry Creek, a tributary of Coquille River.  
 Scale of map: 1" equals 400 ft. Date of survey: September 7, 1992.  
 POB of Survey: BLM monument at E. 1/16th cor. 27/34.  
 DISCLAIMER: This map is not the result of a property survey and is not  
 not to be used as such.



DEC 24 1992

BLM, COOS COUNTY, OREGON

27 11 27

Summary of Cancelled Application of Charles Heller--Dated  
August 20, 1892.

Important information that can substantiate our Pre-1909  
Vested Water Rights Claim can be found on pages 9 thru  
13 for quick reference. These pages are a detailed state-  
ment from Charles Heller concerning the original date of  
Homestead on Cherry Creek.

PLAINTIFFS EXHIBIT

4-07

A

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON

1443391

"B" H. E. R.

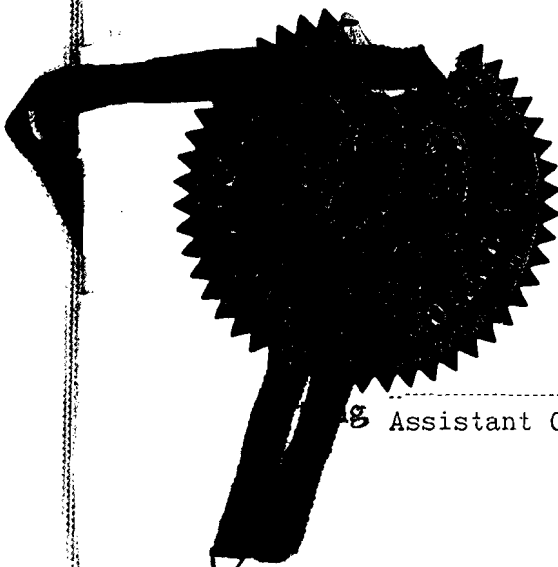
April 8, 1932.

I hereby certify that the annexed copies of papers filed under canceled application of Charles Heller dated August 20, 1892, to enter the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 27, T. 27 S., R. 11 W., W. M., Oregon, are

true and literal exemplifications of the originals on file in this office, in my custody.

IN TESTIMONY WHEREOF I have hereunto subscribed

my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.



*J. H. Gandy*

Assistant Commissioner of the General Land Office.

APR 8 1932

... 1892, at the time and place mentioned, said Heller appeared in person and by his Attorney E. B. Preble, Esq., and the O & C. P. ... appeared by its Attorneys Wm. Singer, Jr., of San Francisco, and Wm. B. Willis, Esq., The testimony of said Charles Heller and his witnesses was taken and not the ... ing time to consider the matter it was taken under advise etc.

REGISTRY RETURN RECEIPT sent

4-25 5-14a 1893

Reg. No. 130 from Post Office at Roxbury

\*Reg. Letter } Addressed to W. H. Kelly  
Reg. Parcel } San Francisco Cal

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED LETTER. PARCEL.

(SENDER'S NAME OR OTHER TITLE)

Sign on dotted lines to the right

*W. H. Kelly*

When delivery is made to other than addressee, the name of both addressee and recipient must appear.

Place letter or parcel in box to which is sent.

DEC 24 1893

5-14-2  
When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.  
A penalty of \$300 is fixed by law for using this card for other than official business.

**Post Office Department.**

OFFICIAL BUSINESS.

Post Office at

RETURN TO:

Name of Sender

*W. M. Crawford*

Street and Number,  
or Post Office Box.

Post Office at

County of

State of

DEC 21 1906

In the United States Land Office,

Roseburg Oregon, April 11th, 1895.

In the matter of the application of  
Charles Heller, to make homestead entry of  $\frac{3}{4}$  of  $\frac{32}{4}$  &  $\frac{32}{4}$  of NE $\frac{1}{4}$   
of section 27, Tp 27 S, R 11 W.

vs.

The Oregon & California R. R. Co., Grant Claimant.

On the 25th day of October 1892, Charles Heller filed his application to enter under the homestead laws, the above described lands, as the Son and Heir at law of Louis Heller, deceased.

The plat of the survey of said lands was filed in this office on the 16th day of August 1892, and on that day the Oregon and California R.R.Co., filed in this office its Indemnity selection list No. 27, embracing among other lands the tracts above described, said list was duly approved by this office on said day. The said R.R.Co., was duly notified of said application, and on the 14th day of Nov. 1892, filed its protest against the allowance of said application to homestead, claiming that the land inured to the benefit of said Company, by virtue of the Act of Congress approved July 25, 1866, granting lands to aid in the construction of said R.R. On the 15th day of Nov. 1892, this office issued notice of hearing to determine whether said land is subject to the right of said Company, to be had at this office Jan. 10, 1893, at the time and place mentioned, said Heller appeared in person and by his Attorney E.B. Preble, Esq., and the O & C.R.R. Co., appeared by its Attorneys Wm. Singer, jr, of San Francisco, and Wm. P. Willis, Esq., The testimony of said Charles Heller and his witnesses was taken and not there being time to consider the matter it was taken under advisement.



The P. R. Co., produced no witnesses. The matter comes on at this time for our consideration.

The testimony shows that Louis Heller, Father of applicant settled and established actual residence upon the land in dispute in Oct. 1868; and that he continuously resided upon the same with his family and to cultivate and improve it until the date of his death in 1899; that his widow and children continued to live upon and improve the land until the widows death in 1890, and that applicant and the other heirs of said Louis Heller, has since continued to reside upon and improve the said land and it is now their home; that the Heller family have placed improvements on said land of the value of three to four thousand dollars. After the testimony of said Charles Heller was taken showing the foregoing facts Wm. Singer, Jr., Atty for said Company, withdrew all objections to the application of said Charles Heller to enter the land subject only to the proof of citizenship of said Louis Heller, said Charles Heller having testified that he was born in California and that his father was a naturalized citizen of the U. S. The records of naturalization of Louis Heller could not be produced, as shown by his sons testimony for the reason they had been lost, and the testimony upon the question of Louis Heller's citizenship is as follows: Charles Heller, testifies that he had seen his fathers naturalization papers but could not find them and did not know where they were taken out. Had forgotten the Court. G.W. Morris, testifies that he had known Louis Heller since 1869; that he knew he had naturalization papers and voted that he saw the papers on a certain date when said Louis Heller, was initiated into a lodge of the I.O.O.F.; that he produced his papers on that occasion saying he thought it might be necessary.

DEC 24 1920

That the said Morris saw said Louis Heller vote several times and saw him sitting on Juries; that the papers he saw of Heller's were his final citizen papers; there are also on file in the case the affidavits of Tho's Morris, D.L. Watson & John F. Dally, all stating they had known said Louis Heller from about 1880 until the day of his death and that he always voted, served on Juries, and exercised all the rights and privileges of a citizen of the United States, and was so generally considered in the community where he lived. In the case of William Halley, "6 L.D. 301," the rule is laid down that: "an entry allowed on secondary evidence of citizenship will not be disturbed, when good faith is manifest and better proof of citizenship is not now obtainable. said rule was also approved in Southern Pac. R.R. Co., vs. Brown, "9 L.D. 173.

In that case the Hon. Sect'y says: while voting is not conclusive evidence of citizenship, it raises a prima-facie presumption thereof, which is sufficient in absence of proof to the contrary.

The foregoing cases are, in our opinion, decisive of the case at bar, and we therefore find that the citizenship of Louis Heller, has been established, and decide that the O & C.R.R. Co's Indemnity selection list No. 27, be canceled as to the land in dispute herein, and that the application of Charles Heller, to make homestead entry of the same be allowed.

Thirty days are allowed to appeal.

Register.

Receiver.

United States Land Office.

Roseburg, Oregon January 10th, 1893.

I John H. Shupe, Register, hereby certify that the testimony in the foregoing case was taken by me in my office on the day set for hearing; that before the witnesses were sworn I read to them Section 5392 of the Revised Statutes of the United States, and each were duly sworn by me; that each question and answer was taken down as given orally, in my office, and that before signing said testimony each witness read over his testimony and thoroughly understood the contents thereof; that said testimony was taken between the hours of 9 O'clock A. M. and 4 O'clock P. M. of said day,

*John H. Shupe* Register.

DEC 21 1893

Charles. Heller. Son and heir at law of  
Lewis. Heller. deceased. Homestead claimant.

vs

The Oregon and California R.R. Co.,

Involving title to the S 1/2 of S E 1/4, N E 1/4 of S E 1/4 and  
S E 1/4 of N E 1/4 of Sec 27, T1p 27 S. P II West.

Charles. Heller being called in his own behalf testifies  
as follows:

Ques. State your name, age, residence and occupation?

Ans. Charles Heller, age 32 years, residence Dora Cons Co  
Oregon, occupation, farmer.

Ques. Are you a native born, or a naturalized citizen  
of the United States, if either?

Ans. I am native born. I was born in Los Angeles, Califor,  
nia.

Ques. Are you the identical person who on October 22nd.  
1892 filed homestead application for the above described land  
land in this Office?

Ans. Yes sir.

Ques. State the name of your Father?

Ans, Lewis. Heller.

Ques. When did Louis Heller, your Father die?

Ans. In October 1889.

Ques. your Father, the said Lewis. Heller, a citizen of the  
United States, and if so by birth or naturalization?

Ans. He was a citizen of the United States, by natural  
-ization.

Ques. Have you his naturalization papers, and if not accou

DEC 21 1892

account for their absence?

Ans. No sir. They must have got destroyed some way. I cant find them. I have seen them.

Ques. Have you made diligent search and effort to find the said naturalization papers?

Ans. I have made all efforts to find them.

Ques. State if you know by what Court the said papers were issued?

Ans. I do not know. It has been so long ago that I have forgotten.

Ques. Since your Fathers death, have you had possession or access to his papers and property and effects?

Ans. My Mother has taken care of his papers and I have had nothing to do with them.

Ques. Is your Mother living, and if not, when and where did she die?

Ans. She is dead. She died on the same place in 1890.

Ques. Have you searched among your Mothers papers and effects for said naturalization papers?

Ans. I have searched everything through.

Ques. How long if at all, have you known the land embraced in the said homestead application to wit: the S  $\frac{1}{2}$  of S E  $\frac{1}{4}$  and N E  $\frac{1}{4}$  of S E  $\frac{1}{4}$  and S E  $\frac{1}{4}$  of N E  $\frac{1}{4}$  of Sec 27, in T $\frac{1}{2}$  P 27 S. of R II West of the W. M.?

Ans. October 1869.

Ques. Since you have been acquainted with the said land who has been in possession thereof and resided thereon?

Ans. Louis Heller, and his family.

DR. J. H. H.

~~XXXXXXXXXXXX~~ I mean my Father and his family.

Ques. State when, if you know, your Father said Louis Heller commenced to reside upon the said land?

Ans. October 1869.

Ques. Did he continue to reside there up to the time of his death?

Ans. Yes sir he staid right there.

Ques. During that time did he have any other home?

Ans. No sir.

Ques. Was he residing upon said land at the time of his death?

Ans. Yes sir. He died right there.

Ques. Where did your Mother die?

Ans. At the same house.

Ques. Since your your Father and Mothers death, who has been in possession and control of said land?

Ans. I and my brother.

Ques. Since your Father as you have testified went into possession of said land, has there been any time, that the said land was not in the possession and control of your Father or your Mother, or yourself and brother?

Ans. No sir, some of us was there all the time.

Ques. What if any, improvements did your Father in his life-time make upon said land. Describe the same fully?

Ans. A house, the main house is 30 x 16, ell 26 x 14 pretty good house rusticed and painted, barn 60 x 68, frame barn, orchard of 500 bearing trees, plow land about 25 or

802 20 617  
11

only to proof of citizenship of the said Louis. Heller.

G. W. Norris. being sworn on behalf of ~~EMIKX~~ Charles. Heller testifies as follows:

Ques. State your name age, residence, and occupation?

Ans. G. W. Norris. age 44 years, residence Fairview Coos County Oregon. occupation farmer.

Ques. Were you acquainted w in his lifetime, with Louis Heller, now deceased, Father of Charles Heller, homestead applicant herein, and if so how long did you know him?

Ans. I was acquainted with him silce 1869.

Ques. State if you know whether the said Louis Heller, deceased, in his lifetime was a citizen of the United States of America. And if he was how did you know it.?

Ans. I know that he had naturalization papers and voted.

Ques. State how you know of his havign naturalization papers?

Ans. Louis Heller was initiated into the Odd- Fellows order on November 18th, 1876, I was an officer of the Lodge at the time and on the night of his initiation he produced his naturalization papers, stating that he thought perhaps it might be necessary. I saw the papers on that date.

Ques. Do you know by what Court the said papers was issued, and if not why not?

Ans. I cant recall to memory the Court.

Ques. State fully what you know about the said Louis Heller deceased, in his lifetime, exercising the rights of citizen-

30 acres and fenced, about 60 acres pasutre land,.

Ques. When was the said house built, if you know?

Ans. I think it was in 1881.

Ques. What is the fact about your Father having built a house upon said land prior to 1881?

Ans. He built one out of rough split timber first.

Ques. When did he built the last named house.

Ans. In October 1869. He started right in then he settled on the land.

Ques. State when the said farm land was gotten under the plough?

Ans. First year cleared up some and begin to plow the next year, and he kept improving right along.

Ques. What is the value of the said improvements?

Ans. Well as near as I could judge, between \$3000.00 and \$4000.00,

Ques. Since your Fathers and Mothers death, have you continued to improve and cultivate the said land?

Ans. Yes sir.

Ques. State if you know, if your Father, anetecal upon and improved and possessed the said land with the intention of perfecting his title thereto, under the laws of the United States regulating the disposal of the public lands to settlers thereon?

Ans. Yes sir. He always claimed it as a homestead. He also had tried to get it surveyed for several years past.

~~RECEIVED~~

Attorney for the Oregon and California R. P. Co.,  
Mr Singer. ^ herewithdraws all objection of the Oregon and  
California R. P. Co., to the entry sought to be made subject



ship?

Ans. I have saw him vote several times, and I have saw him on the jury.

Ques. Were the naturalization papers to which you refer his final papers?

Ans. They were.

REC-21-111

L. A. Lawhorn, being called on behalf of the homestead claimant Charles Heller, testifies as follows:

Ques. State your name age residence and occupation?

Ans. L. A. Lawhorn, age 42 years, residence Fairview, Croas Co Oregon, occupation farmer.

Ques. In his lifetime, were you acquainted with one Louis Heller, ancestor of the homestead applicant herein. And if so how long did you know him?

Ans. Yes sir. Since July 1871 up to the time of his death.

Ques. State fully all you know about the said Louis Heller in his lifetime exercising the rights of citizenship?

Ans. He exercised all the rights of a citizen. In voting setting on juries.

*L. A. Lawhorn*

DEC 24 1905

3-25  
UNITED STATES LAND OFFICE.

Roseburg, Oregon. January 10th, 1893.

Charles. Heller, Son and heir at law of Louis Heller, dec'd.

vs

The Oregon and California R. R. Co.,

Involving title to the S  $\frac{1}{2}$  of S E  $\frac{1}{4}$ , N E  $\frac{1}{4}$  of S E  $\frac{1}{4}$  and S E  $\frac{1}{4}$  of N E  $\frac{1}{4}$  of Section 27, T'p 27 S, R 11 West. W. M.

On Oct 25, th 1892 Charles. Heller, filed his application to enter as a homestead, as The Son and heir at law of Louis Heller dec'd, the S  $\frac{1}{2}$  of S E  $\frac{1}{4}$  and N E  $\frac{1}{4}$  of S E  $\frac{1}{4}$  and S E  $\frac{1}{4}$  of N E  $\frac{1}{4}$  of Sec 27, T'p 27 S, R 11 West.

The said application being in conflict with the Indemnity selection -List NO 27, filed August 10th, 1892,- of The Oregon and California R. R. Co., the said Company was, on the 25th, day of October 1892. notified of the application of Heller to file, and allowed 30 days to protest against said entry. On the 14th, day of November the Oregon and California R. R. Co., filed its protest against said entry and asked that a hearing be ordered to determine the rights of the respective parties ~~part~~

On November 15th, 1892 notice of contest was issued by this office and the 10th, day of January was set for hearing .

On this the said 10th, day of January 1893 the said parties appeared, Charles. Heller in person and with his Attorneys, Lane and Lane, and E. B. Prebke, Esq, and the Oregon and California R. R. Co., by its Attorneys. Wm Singer. Jr, and Wm R. Willis. Esq  
The case was called up and the following testimony taken.

FILED

1893

RAILROAD CONTEST.—NOTICE OF HEARING.

United States Land Office,

Washington, D. C.

....., 188

.....

having applied for the ..... of section No. .... T. .... of R. .... under the laws; and the ..... Railroad Company having filed objections to the allowance of said application, claiming that said land was selected for the benefit of said company on the ..... day of ..... A. D. 188 , an investigation is hereby ordered to determine whether said land is subject to the right of the said company, and a hearing therein will be had before the Register and Receiver at this office on the ..... day of ..... A. D. 188 , at ..... o'clock A. M., at which time and place the parties interested are hereby summoned to be present and produce testimony.

*John H. ...*  
 Register.  
*W. M. ...*  
 Receiver

S- 27

State of Oregon)

) ss.

County of Coos )

I, Thomas J. Norris, being first duly sworn, depose and say that I am a resident of Coos County, state of Oregon and have been a continuous, non-interrupted resident of said county and state since the year 1868, that I was acquainted with the identical Louis Heller who settled upon the South Half of the South East Quarter, North East Quarter of the South East Quarter and the South East Quarter of the North East Quarter of Section Twenty Seven, Township Twenty Seven South, of Range Eleven West of Willamette Meridian, in Coos County, Oregon, that the said Louis Heller settled upon said land on the 4th day of October 1869, at \_\_\_\_\_ and that \_\_\_\_\_ the date of his said settlement upon said land he was a naturalized citizen of the United States, and that he resided with his family, continuously upon said land till the date of his death Feb. 15th 1870.

Thomas J. Norris

Subscribed and sworn to before me  
 this 16th day of October A.D. 1912.

A. J. Sherwood  
 Notary Public

for Oregon.

State of Oregon)  
)ss.  
County of Coos )

I, George W. Norris, being first duly sworn, de-  
pose and say that I am a resident of Coos County, State of Oregon  
and have been a resident of said county  
and state since the year 1865. That I was acquainted with the  
identical Louis Heller who settled upon the South half of the  
South East Quarter, North East Quarter of the South East Quarter  
and South East Quarter of the North East Quarter of Section  
Twenty Seven, Township Twenty Seven South of Range Eleven West  
of Willamette Meridian in Coos County, Oregon, that the said  
Louis Heller settled upon said land on the 4th day of October  
1869, and that at the date of his said settlement upon said land  
he was a naturalized citizen of the United States, and that I  
have seen the naturalization papers of the said Louis Heller.  
That he resided continuously upon said land, with his family  
till the date of his death February 13th 1892.

*George W. Norris*

Subscribed and sworn to before me  
this 19th day of October A.D. 1892.

*A. J. Sherwood*  
Notary Public

for Oregon.

S-74  
In the United States  
Land Office Roseburg  
Oregon.

In the Matter of the  
Contest of Charles  
Heller + others  
vs

R. R. Coyle

Affidavits

of  
Thos. L. and Geo.  
W. Norris as to Citi-  
zenship of Louis  
Heller, deceased.

Filed Oct 20, 1892,  
John H. Stimpert,  
Register.

S-30

United States Land Office,  
Roseburg, Oregon.

In the matter of the Application  
of  
Chas. Heller, to make Homestead  
Entry for the S  $\frac{1}{4}$  of S E  $\frac{1}{4}$  and  
S E  $\frac{1}{4}$  of N E  $\frac{1}{4}$  of Section 27, in  
Township 27 South, Range 11 West

Protest.

To the Register and Receiver of the United States Land  
Office, at Roseburg, Oregon;-

The Oregon & California Railroad Company protests against  
the Entry, above entitled, being permitted, on the following  
grounds;

The tracts applied for lie within the indemnity limits,  
and are a part and parcel of the land grant made by the Act of Con-  
gress approved the 25th July 1866, to the Oregon & California Rail-  
road Company. The said Act conferred a grant of quantity, " to  
the amount of twenty sections per mile "; and as the aggregate  
area of all lands lost to the said Company in place, within the  
primary limits of the grant, is more than equal to the aggregate  
area of all lands within the indemnity limits of the grant, all  
odd-numbered sections within both the primary and indemnity limits  
not disposed of at the date of the filing of the Company's Map of  
Definite Location, passed in pre sent by the terms of the grant-  
ing Act. The lands applied for by Heller have been identified by  
survey, were duly selected by the Company's Indemnity List No. 27,  
which was approved by you on the 16th August 1892; and thereupon  
the title of the Company was perfected, by relation of dates, as  
of the 23th March 1870, when its Map of Definite Location was fil-  
ed.

The said lands are now, and ever since the 26th March  
1870 have been, the private lands of the said Company, not subject  
to be filed for or entered under the Homestead, or other public  
land law.

*H. H. Mills*  
Land Agent O & C R R Co.



No. S-21

U. S. LAND OFFICE,

Public Lands

*[Faint, illegible handwritten text]*

*[Faint, illegible handwritten text]*

Filed \_\_\_\_\_, 188\_\_

*John G. Shupe*, Register.

H. M. SINGER, JR.

Attorney at Law,

*[Small, illegible text]*

188\_\_

*[Faint, illegible handwritten text]*

State of Oregon

County of Coos Co

I J. K. L. Watson hereby first  
duly sworn say that I was acquainted with  
Souis Keller late of Coos County Oregon in  
November 1869 until his death February 1887  
that said Souis Keller settled upon a tract of  
unsurveyed land on Cherry Creek in Coos County  
Oregon in the fall of 1869, that since the  
Government surveys have been made to said tract  
of land the same is embraced in the S. E. 1/4 of S. E. 4.

N. E. 1/4 of S. E. 4 + S. E. 4 of N. E. 4 of Section 27 Township  
27 South of Range 11 West of the Willamette meridian.  
That said Souis Keller resided upon said tract  
of land with his family continuously from the  
fall of 1869 until his death February 1887  
during which time he continued to improve  
and cultivate the same yearly and made  
valuable and lasting improvements thereon  
that after the death of said Souis Keller his  
widow Frances Keller continued to reside  
upon improve and cultivate said premises  
until her death February 1891 since which  
Charles Keller and Souis Keller the only  
children of said Souis Keller and Frances  
Keller have continued to reside upon and  
cultivate said premises, that to wit the work  
and improvements made on said premises  
by said Souis Keller and his family are of the  
reasonable value of \$3000.00 that I know it to be  
always the intention of said Souis Keller to

take said tract of land as a non-resident, but  
he has frequently told me so and advised  
with me about the same, I also know  
that said Lewis Hester tried to get said  
tract of land surveyed so he could file on it  
and perfect his title thereto -

I also ~~know~~ know that said Lewis Hester  
exercised all the rights of a citizen of the  
United States from the fall of 1869 until  
his death, that he voted at the elections I think  
acted as judge of election in his precinct several  
times and served as a juror before  
the Circuit Court of the State of Oregon for  
Clatsop County - he was always considered a  
citizen of the United States and his right to  
exercise the privilege of a citizen was never  
~~been~~ questioned he has told me he was  
a citizen of the United States I am  
creditably informed that he voted in  
Jacksonville Oregon in 1860 and I  
truly believe he was a citizen of the  
United States when I became acquainted  
with him in November 1869

R. L. Watson  
Subscribed and sworn to before me  
this 29th day of September 1872

John F. Hall  
Notary Public for Oregon

3-34  
United States Land Office,

Roseburg, Oregon,

Oct 22, 1892

I Charles Heller, being duly sworn say I am one of the heirs at law of Louis Heller deceased, and that my father was a naturalized citizen of the United States, but I am unable to furnish such evidence of the fact for the reason that his naturalization papers have been lost, and although I have used all means in my power to learn the court at which he was naturalized I have been unable to do so and therefore ask to furnish secondary proof of the same. I have written to every County Clerk, where I thought it possible my father could have been naturalized and have wholly failed so far to find the records desired, Charles Heller

Subscribed and sworn to before me this  
27<sup>th</sup> day of October 1892. John H. Sipe,  
Recorder

State of Oregon  
County of Coos Co

I J. B. Dulle being  
sworn say that I was acquainted with  
Louis Heller late of Coos County Oregon  
from the fall of 1869 until his death  
February 1889 - that said Louis Heller  
settled upon a tract of unsurveyed land  
on Cherry Creek <sup>in Coos County Oregon</sup> in the fall of 1859  
that since the surveys have been made <sup>to</sup> said  
land the same is embraced in the S<sup>1</sup>/<sub>4</sub> of S<sup>2</sup>/<sub>4</sub>  
NE<sup>1</sup>/<sub>4</sub> of S<sup>2</sup>/<sub>4</sub> + SE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 27 Township  
27 South of Range 11 West of the N. W. Meridian  
as I am informed and believe.

that said Louis Heller resided upon said  
tract of land with his family continuously  
from the fall of 1869 until his death  
February 1889, that after the death of said  
Louis Heller his widow Francis Heller  
and his only children and heirs at law  
Charles Heller and Louis Heller resided  
upon improved and cultivated said land  
until the death of said Francis Heller -  
February 1891 - since which time the said  
Charles Heller and Louis Heller have  
continued to reside upon improve and  
cultivate said premises - that in 1889

Sewer's Keller and his heirs have made  
valuable and lasting improvements on said  
premises - consisting of house, barn, out-houses  
fencing and clearing - or hard of 500-bearing  
said improvements are of the reasonable value  
of \$3000<sup>00</sup>. That I know it was always  
the intention of said Louis Keller since  
his settlement thereon to take and hold  
said premises as a Homestead claim  
he has frequently told me so. That said  
Louis Keller tried hard and made every effort  
he could to have said land surveyed so  
he could perfect his title thereto -  
That I have no interest in said land or  
in the controversy in relation thereto -

John B. Dulley  
Subscribed and sworn to before me  
this 29<sup>th</sup> day of September 1892

W. A. Lusk  
Notary Public  
for Oregon

United States Land Office.

State of Oregon }  
County of Coos } 1882

Roseburg, Oregon. August 20th. 1882.

I Charles. Heller, being first duly sworn say that I am the identical Charles, Heller who is an applicant as Son and heir at law of Lewis. Heller, deceased, to make homestead entry in the name of the Heirs at law, of the following described land viz: The S  $\frac{1}{2}$  of S E  $\frac{1}{4}$ , N E  $\frac{1}{4}$  of S E  $\frac{1}{4}$ , and S E  $\frac{1}{4}$  of N E  $\frac{1}{4}$  of sec 27  $\frac{1}{4}$  27, 3, of Range 11 West, W. M;

That my Father Lewis Heller, settled upon the land with the intention of homesteading the same on the 4th, day of October 1869; That he was a naturalized citizen of the United States at that time; That he, immediately after settlement, commenced improving the same & established permanent residence; That he lived upon the said land continuously with his family until the time of his death which occurred on the 13th, day of February 1889; That after his death his wife, *-Francisco Heller-* my Mother lived continuously upon the land until the date of her death in February 1891; That since the date of my Mothers death myself and my brother Louis. Heller, the only heirs of the said Charles Heller, and Francisco. Heller, his wife, deceased, have lived continuously upon the land until the present time; That my Father. Lewis. Heller, deceased made improvements upon the land, consisting of House, Barn, outhouses, fencing and clearing, Orchard of 500 bearing trees &c, to the reasonable value of \$3000.00; That it was my Fathers intention at all times after his settlement upon the land to homestead the same as soon as it was surveyed and he could be permitted to do so; That the land above described was settled upon by him at the date above

mentioned and was his only residence and home until his death, and after his death was the only home and residence of his wife Francisco Heller, and that it has been the only home and residence of the heirs, your applicant, - Charles. Heller, and Louis. Heller, - the only heirs of the said Lewis. Heller, and Francisco. Heller, his wife, now both deceased, -, since their death: That owing to the fact that the map of survey of the said land has only recently been filed in the Land office at Roseburg, Oregon, there has been no opportunity of entering the same until the present time; That this application for entry is made for the exclusive use and benefit of the beforementioned heirs of the said Lewis, and Francisco, Heller, deceased, and not for the benefit of any other person or persons whatever.

*Charles Heller*

Subscribed and sworn to before me this 27 day of Oct 1892.

*Johann Shupe  
Register*



S-39

U.S. Land Office  
Roseburg Or.

---

Affidavit of Charles  
Holler, an application  
to enter as a 165 ac  
Town and 160 ac. land of  
Lewis Holler dec'd.

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Filed Oct 22, 1892,  
John Stimpfe,  
Register

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United States Land Office  
Roseburg Oregon

Chas. Keller son and heir at law  
of Louis Keller, deceased -

Essex and California RR. Co.

Acting Secy of the Interior  
Washington D.C. 27. 5. 27. 8. 11. 11.

- Transcript for Chas. Keller -

It appears from records of said Land  
Office that this was filed therein Aug.  
16 1892 to resolve the title of the land  
in question, that on said day  
the said Company filed its identity  
list No. 27 upon the land in question  
claiming it to be within its identity  
territory; that Oct. 25 1892 said Chas.  
Keller in the last and son of our  
Louis Keller now deceased applied  
to the said Land Office for  
said land.

It appears from the  
transcript of Louis Keller, and in  
whom said claim is made, in 1892.

1 1869, [unclear]  
 2 said land, settled and built a  
 3 fence thereon and soon after [unclear]  
 4 his death 1884, said [unclear] his family  
 5 owned said land and that in [unclear]  
 6 instrument's [unclear] of the value of  
 7 \$3000<sup>00</sup> or \$4000<sup>00</sup>; and ever since the  
 8 death of said Louis Allen, said  
 9 Chas. Allen with the balance of  
 10 Louis Allen's family has resided  
 11 and now do reside upon said  
 12 land.

13  
 14 At the hearing in said  
 15 office, the attorney for said  
 16 Company Mr. Singer, immediately  
 17 upon the close of the testimony of  
 18 said Chas. Allen withdrew all  
 19 objections of said Company to the  
 20 said entry, except to be made by  
 21 said Chas. Allen subject only to  
 22 proof of citizenship of said Louis  
 23 Allen. (See page numbered "7",  
 24 Chas. Allen's testimony, immediately  
 25 following the said testimony).

26  
 27  
 28

2 standing that said witness in  
 3 his life, Mrs. [redacted] exercised her rights and  
 4 exercised the duties of citizenship  
 5 by voting and sitting as a juror.

6 G. W. [redacted] testified  
 7 in 1876 he saw and examined  
 8 the final naturalization papers  
 9 of said Louis Keller.

10 This evidence was not objected  
 11 to and if it had been made  
 12 obviously competent in the light  
 13 of the previous testimony of Charles  
 14 Keller that since his father's  
 15 and mother's deaths he had  
 16 thoroughly searched their papers and  
 17 effects without avail to find said  
 18 naturalization papers.

19  
 20  
 21 There is no question  
 22 but said land was settled on  
 23 by said Louis Keller in 1858  
 24 and subject to homestead, and  
 25 we submit that the testimony  
 26 sufficiently shows the deposit  
 27 of said Louis Keller, especially  
 28 in view of the [redacted] [redacted]

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United States  
Land Office

Chas Heller as  
son and heir of  
David Heller  
deceased

Grand Jur.  
R. S.

Applicant for  
Chas Heller

Law and Order  
District  
City of  
Heller

Having from his surviving part on  
his land 30000 or thereabouts  
improvements, the kind of land being  
part of land, the same  
of the same

W

TO BE USED IN ALL ENTRIES SINCE AUGUST 30, 1890.

# AFFIDAVIT.

Land Office at \_\_\_\_\_

(Date). Aug 20 1892

*I, Charles Heller, son and heir at law of Lewis Heller, dec'd, of W or a Coos Co Oregon,*

*applying to enter ~~for file for~~ a homestead, do solemnly swear that since August 30, 1890, I have not entered under the land laws of the United States, or filed upon, a quantity of land which, with the tracts now applied for, would make more than 320 acres, ~~except~~ <sup>for</sup>*

*settled upon by me prior to August 30, 1890. Said settlement was commenced*

*and my improvements consisted of*

*Charles Heller*

Sworn to and subscribed before me this 20 day of Aug, 1892

*John H. Gruber  
Register*

# HOMESTEAD AFFIDAVIT.

Land Office at *Roseburg, Oregon*

*August 30* 189*2*

*Charles Heller, son of Lewis Heller, deceased*  
*of Dora Co. Oregon*

I, the said *Charles Heller*, for an entry under section 2289, Revised Statutes of the United States, do solemnly swear that ~~I am~~ *the said Lewis Heller died, was* not the proprietor of more than one hundred and sixty acres

of land in any State or Territory; that ~~I am~~ *the said Lewis Heller died, was* a naturalized citizen of the United States; that he had never made homestead entry

prior to his death. *completing the entry of the said Lewis Heller died* that my said application is honestly and in good faith made, for the purpose of ~~settling~~ *and* cultivation, and not for the benefit of any other person, persons, or corporation, and that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary, to acquire title to the land applied for; that I am not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which I might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except myself, and further, that since August 30, 1890, I have not entered under the land laws of the United States, or filed upon a quantity of land, agricultural in character, and not mineral, which, with the tracts now applied for, would make more than three hundred and twenty acres.

*that Francisco Heller, the widow, of the said Lewis Heller died*  
*is now deceased, and her* *Lewis Heller - my brother -*  
*and myself* *legally surviving heirs of Lewis*  
*Heller* *Charles Heller*

Sworn to and subscribed before me this *30* day of *August* 189*2*  
*John H. Shupe*  
*Register*

If he insert statement that affiant is a citizen of the United States, or that he has filed his declaration of intention to become such, and that he is the head of a family, or is over twenty-one years of age, as the case may be. It should be stated whether applicant is *native-born* or not, and if not, a certified copy of his certificate of naturalization, or declaration of intention, as the case may be, must be furnished. See page 15, circular of January 1, 1889.

\*Here add an exception, if any, of land settled upon prior to August 30, 1890, giving date of settlement commenced, and describing any movements, and that the party has not heretofore made any entry under the homestead laws.

# NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.  
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other

## UNITED STATES LAND OFFICE,

Aug 20 1892

Charles Heller, son & heir at law of Lewis Heller (decd) being duly sworn according to law, deposes and says that he is the identical Charles Heller, son & heir at law of Lewis Heller (decd) for Government title to the S<sup>1/2</sup> of SE<sup>1/4</sup>; NE<sup>1/4</sup> of SE<sup>1/4</sup> & SE<sup>1/4</sup> of NE<sup>1/4</sup> of Sec 27, T<sup>2</sup> P<sup>2</sup> 7 S. R. 11 W.

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any deposit of cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office address is

Dora Coos County Oregon

Charles Heller

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by \_\_\_\_\_), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in \_\_\_\_\_, within the \_\_\_\_\_ land district, on this 20 day of Aug, 1892

John H. Shupe  
Register

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

### REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

Sec. 5382. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath swears or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See §1750.)



Application No.

# HOMESTEAD.

Land Office at

Aug 20

I, *Charles Nelson Souther* of *Dora* *Co.*  
*county Oregon*, do hereby apply to enter, under Section  
 Revised Statutes of the United States, the *SE<sup>4</sup> & NE<sup>4</sup> of Section*  
*SE<sup>4</sup> & NE<sup>4</sup> of Section 27* in Township *27 S*  
 Range *11 W*, containing *160* acres.

*Charles Nelson*

Land Office at

REGISTER OF THE LAND OFFICE.

I, \_\_\_\_\_  
 do hereby certify that the above application is for Surveyed Lands of the class  
 which the applicant is legally entitled to enter under Section 2289, Revised  
 Statutes of the United States, and that there is no prior valid adverse right to  
 the same.

Register

77-220

No.

HO homestead APPLICATION

Charles Heller, Jun  
and Helen Heller of

James Heller, decedent's

Will dated 20, 1897,

underlying of Heller's to

Property applicable to

under the provisions of the

Act of 1892, and

and Heller's

of Heller's

Notary

Range

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Coos } ss.

BE IT REMEMBERED, That on this 27th day of November, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Russell N. Heller

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Betty L. Penkley  
Notary Public for Oregon.

My Commission expires 2-03-92

DEC 27 1992

Summary of 1903 Homestead Application by Charles Heller --  
Dated August 7, 1903.

Testimony of witnesses for Homestead proof can be found on  
pages 44 thur 47 . These will give information on  
land improvements and farming practices by the Hellers.

DEC 28 1932

1112  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON

April 8, 1932.


1443391  
"B" *N.E.L.*

I hereby certify that the annexed copies of papers  
filed under F. C. No. 5689, are

true and literal exemplifications of the originals on file  
in this office, in my custody.

TESTIMONY WHEREOF I have hereunto subscribed

my name and caused the seal of  
this office to be affixed, at  
the city of Washington, on the  
day and year above written.



*J. H. ...*  
Assistant Commissioner of the General Land Office.

DEC 2 1932

Application No. 12956  
16

HOMESTEAD.

Land Office at Roseburg Ore

Aug 7 1903

I, Charles Heller of McKinley, Coos  
County, Oregon do hereby apply to enter, under Section 2289, Revised Statutes

of the United States, the S2 of S24, NE4 of S24, SE4 of T24  
(being lots 8, 9, 15, 16)

of Section 29 in Township 29 S of Range 11 W

containing 160.53 acres.

Charles Heller

Land Office at Roseburg Ore

Aug 10 1903

I, J. J. Bridges

Register of the Land Office, do hereby

certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under Section 2289, Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

J. J. Bridges  
Register.

S-21  
12956  
No. 12956

HOMESTEAD APPLICATION.

Charles Heller

McKinley Co.

Aug 10 1903

Railroad claim eliminated  
as to S<sup>1/2</sup> Sec 27, T27S, R11W, Co. 10 -  
9003 close 500 to center  
Tracts July 24, 1903  
Refs to Sec. C "Nov 25, 1903  
Wood

Section 27 Town 27<sup>9</sup>

Range 11<sup>W</sup>

R. E. Moores & Co., Legal Blank Publishers, Salem, Or.

22-21-

RECORDED  
INDEXED

# HOMESTEAD PROOF—TESTIMONY OF WITNESS.

George W. Morris being called as witness in support of the Homestead entry of Chas. Keller for final proof, testifies as follows:

Question 1.—What is your name, age, and post-office address?

Answer. George W. Morris, 56 years, Fairview, Or.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes sir.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Farming & grazing land.

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. 400 acres upon the land for many years 30 years.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes, married.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. Not at all.

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. From 30 to 40 acres in cultivation. A large amount of crops raised since settled.

Ques. 9.—What improvements are on the land and what is their value?

Ans. House & barn on the homestead worth 6000—clearing of land 1500. That has and other improvements 2500.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes).

Ans. There is not.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not to my knowledge.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. Not at all.

x Geo W Morris

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 12 day of Oct. 1903.

[SEE NOTE ON FOURTH PAGE.]

L. H. Howard  
By R. F. [Signature]

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

# HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Liamson B. Larchman, being called as witness in support of the Homestead entry of Thomas Keller for 5000 acres, testifies as follows:

Question 1.—What is your name, age, and post-office address?

Answer. Liamson B. Larchman, 57 years, McKim, W.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes, sir.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No, sir.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Farming land principally.

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. He came acquainted with settler and the land in early 1871, was living with the father in part of the land at that time.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Residence has been continuous since 1871.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. Not absent at all.

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. 30 or 40 acres in cultivation. Crops have been grown every year since 1871.

Ques. 9.—What improvements are on the land and what is their value?

Ans. House \$500, outbuildings \$500, clearing \$1500. Orchard and other improvements \$600.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes).

Ans. Not known, revealed.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No, sir. — Yes, sir.

Liamson B. Larchman

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 2 day of October 1873.

[SEE NOTE ON FOURTH PAGE.]

S. H. Hazard, Clerk  
B. R. Arnold

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)



# HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Charles H. Nelson, being called as a witness in his own behalf in support of homestead entry, No. 12206, for Section 16, T. 27, S. 16, Sec. 27, SW. 11 W. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Charles Nelson, 431 1/2 Main St., Keokuk, Ia.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?\*

Ans. I was born in California

Ques. 3.—Are you the identical person who made homestead entry, No. \_\_\_\_\_, at the \_\_\_\_\_ land office on the \_\_\_\_\_ day of \_\_\_\_\_

12/14/1893, and what is the true description of the land now claimed by you?

Ans. Section 16, T. 27, S. 16, Sec. 27, SW. 11 W.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. Build first in 1867, rebuilt about 2 years later. Residence established by my father in 1867. Value of house \$500, orchard \$200.

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence therein? (If unmarried, state the fact.)

Ans. My wife and children. Residence has been continuous since 1867 by my father and myself.

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. None.

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. Since 1869 every season.

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Ordinary agricultural land, grazing land.

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. None other.

*[Faint handwritten text, possibly a signature or date]*

Ans. \_\_\_\_\_

5-6-

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 2 day of Oct. 1893

[SEE NOTE ON FOURTH PAGE.]

L. H. Hazard, Clerk  
W. H. May

\* In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five year) homestead cases.

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Charles H. Bellon, being called as a witness in his own behalf in support of homestead entry, No. 2000, for 1/4 Sec. 15 & 16, S. 27, T. 11 N., R. 11 W.

Ques. 1.—What is your name, age, and post-office address?

Ans. Charles Bellon, 43 years old, M. Minn. Co.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?\*

Ans. Yes, in the State of California

Ques. 3.—Are you the identical person who made homestead entry, No. 2000, at the

land office on the 1st day of

August 1903, and what is the true description of the land now claimed by you?

Ans. Same as Sub. 5, 9, 15 & 16, Sec. 27, T. 27, S. 27, R. 11 W.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. Built in 1869, residence established in 1869

Value of improvements \$500.00, Orchard \$500.00

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Wife & three children. Resided continuously since 1869 by my father and myself.

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. Not at all.

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. All of it since 1869 every year.

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Ordinary agricultural and grazing land.

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. None.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. None other.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what use?

Ans. No.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, state where the same is kept.)

Ans. Yes, on my farm, Charles Bellon

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 2nd day of Oct. 1903.

[SEE NOTE ON FOURTH PAGE.]

\* In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five year) homestead cases.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES. Chapter 4.

Sec. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully and contrary to such oath, states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1750.)

636277  
(4-800.)

**HOMESTEAD PROOF.**

LAND OFFICE AT

Original Application No. 12756  
Final Certificate No. 2689

Approved: *[Signature]* Register.  
*[Signature]* Receiver.

*Proofer*  
*Field Rep.*

**FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.**

SECTION..... OF THE REVISED STATUTES OF THE UNITED STATES.

I, *Charles Heller*, having made a Homestead entry of the *lots 8, 9, & 15*  
 of Range No. *1120*, Section No. *27* in Township No. *27 S*  
 of *Washington, Oregon*, subject to entry at *Washington, Oregon*  
 under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto  
 by virtue of section No. .... of the Revised Statutes of the United States; and for that  
 purpose do solemnly *swear* that I *am a citizen*  
 citizen of the United States; that I have made actual settlement  
 upon and have cultivated and resided upon said land since the *1st* day of *October* 18*89*,  
 to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised  
 Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government  
 of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead  
 laws of the United States, *except* *as provided in section 2288*

*Charles Heller*  
 I, *L. H. Hazard, Clerk*, of *Cross County, Ore.*  
 do hereby certify that the above affidavit was subscribed and sworn to before me this *22* day of  
*October* 18*89*.  
*L. H. Hazard, Clerk*  
*120 R. 11111*

5-8

# Homestead Affidavit

Under Section 2294, Revised Statutes, for settlers who cannot appear at the District Land Office.

Office of the Clerk of the Court

For Cass County.

I, Charles Heller of McKinley, Cass Co. Or. Aug 7 1903

having filed my Homestead Application No. \_\_\_\_\_ do solemnly swear that I am a native citizen of the U.S. and the head of a family

that said application No. \_\_\_\_\_ is made for the purpose of actual settlement and cultivation; that said entry is made for my exclusive use and benefit, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that I am now residing on the land I desire to enter, and that I have made a bona fide improvement and settlement thereon; that said settlement was commenced by my father in 1854 and at his death in 1889 I succeeded to the settlement from said date, that my improvements consist of building, barns and all farm outbuildings, fruit trees, fencing etc.

and that the value of the same is \$2000 ; that owing to long distance

I am unable to appear at the District Land Office to make this affidavit, and that I have never before made a homestead entry, ~~except~~

Charles Heller

Sworn to and subscribed before me this 7 day of August

Identify applicant, or applicant has been satisfactorily identified by \_\_\_\_\_

to be the identical person that he is

L. Heller

Clerk of \_\_\_\_\_ for \_\_\_\_\_

showing whether he is the head of a family, or over 21 years of age, and his intention to become a citizen, whether he and his family are the date of actual settlement, describing the improvements, and the reason for not appearing at the office, by drawing a line over the name, if not, draw a line over

DEC 20 1903

RECORDED

5-9

4-196.

# HOMESTEAD.

Land Office at

Dec 30 1907

FINAL CERTIFICATE  
No. 5689

APPLICATION  
No. 12756

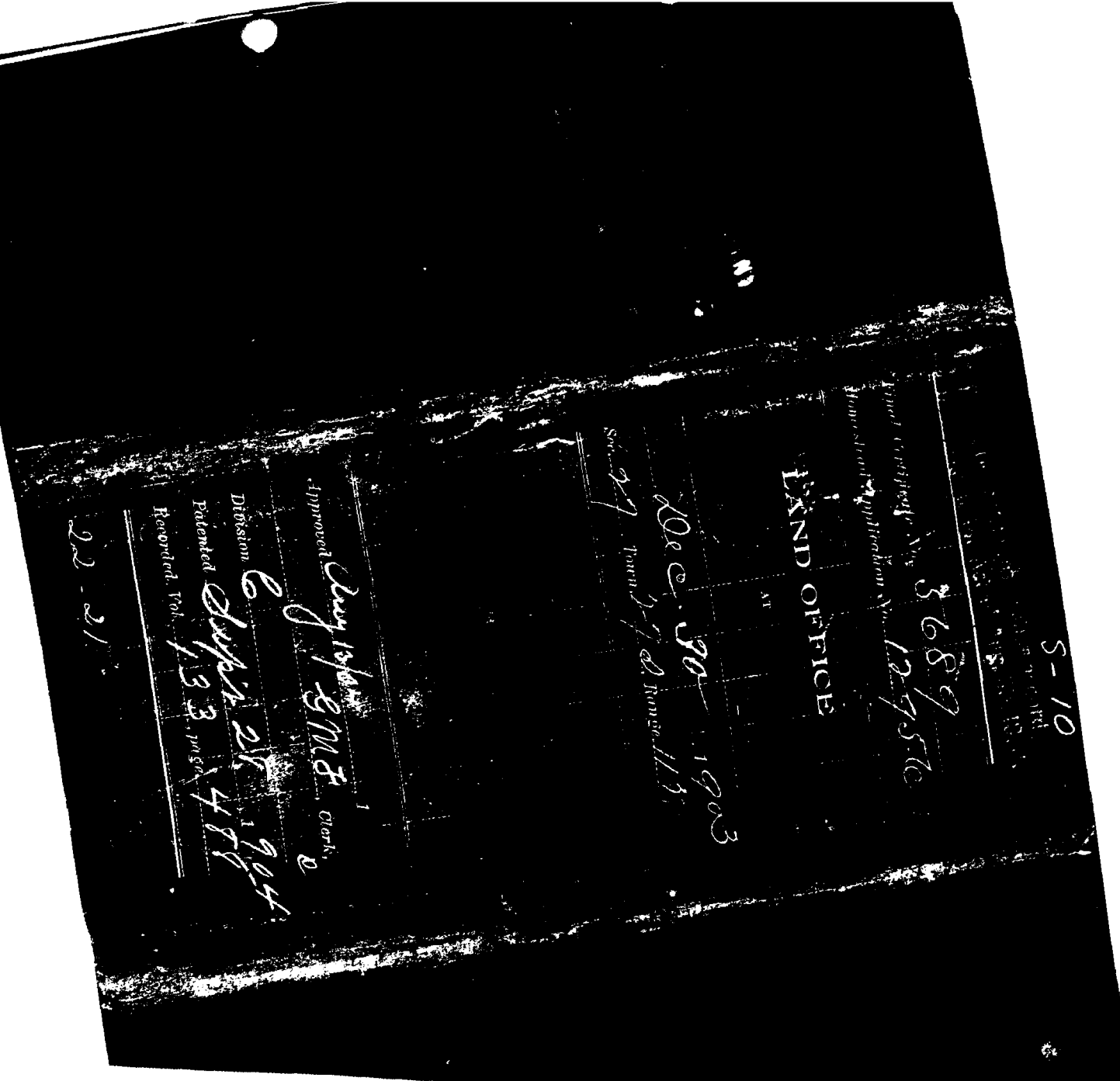
It is hereby certified That, pursuant to the provisions of Section No. 2291, Revised Statutes of the United States, Charles Heller has made payment in full for Lots 8, 9, 15, 16

of Section No. 27, in Township No. 27 S, of Range No. 11 W, of the Willamette Principal Meridian, Ore., containing 160.53 acres.

Now, therefore, be it known, That on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Charles Heller shall be entitled to a patent for the tract of land above described.

\* Correct area 160.53 acres.

J. J. [Signature]  
Register.



STATE OF OREGON,

County of Coos

ss.

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 27th day of November, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Russell N. Heller

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Betty L. Pinkley  
Notary Public for Oregon.

My Commission expires 2-05-93

BCC 2000

Defendants Exhibit No. 6.

THE UNITED STATES OF AMERICA

Homestead Certificate No. 5689 :

Application 12956 :

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of Register of the Land Office at Roseburg, Oregon, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settler on the Public Domain," and the acts supplemental thereto, the claim of Charles Heller has been established and duly consummated, in conformity to law, for the Lots numbered eight, nine, fifteen and sixteen of Section twenty-seven South of Range eleven West of Willamette, Meridian in Oregon, containing one hundred and sixty acres and fifty-three hundredths of an acre, 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 Charles Heller the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Charles Heller 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 TESTIMONEY 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.

Given under my hand, at the City of Washington, the twenty-eighth day of September, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-ninth.

By the President: T. Roosevelt

By: F. M. McKean, Secretary,

C. H. Brush, Recorder of the General  
Land Office.

State of Oregon :  
 :SS  
 County of Coos :

I, L.W. Oddy, County Clerk of Coos County, Oregon do hereby certify that the annexed copy of Patent from the United States of America to Charles Heller is a true and correct copy of the Original Patent introduced into evidence at the trial in the case of S.D. Pulford as Administrator Vs. Charles Heller and Amanda Heller, case No. 10156, and same being marked Defendants Exhibit 6 .

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Circuit Court this 5th day of April, 1935.

*L. W. Oddy*  
 County Clerk

STATE OF OREGON,

County of COOS

} ss.

FORM NO. 23 — ACKNOWLEDGMENT  
 STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 27th day of November, 19 92, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Russell N. Heller

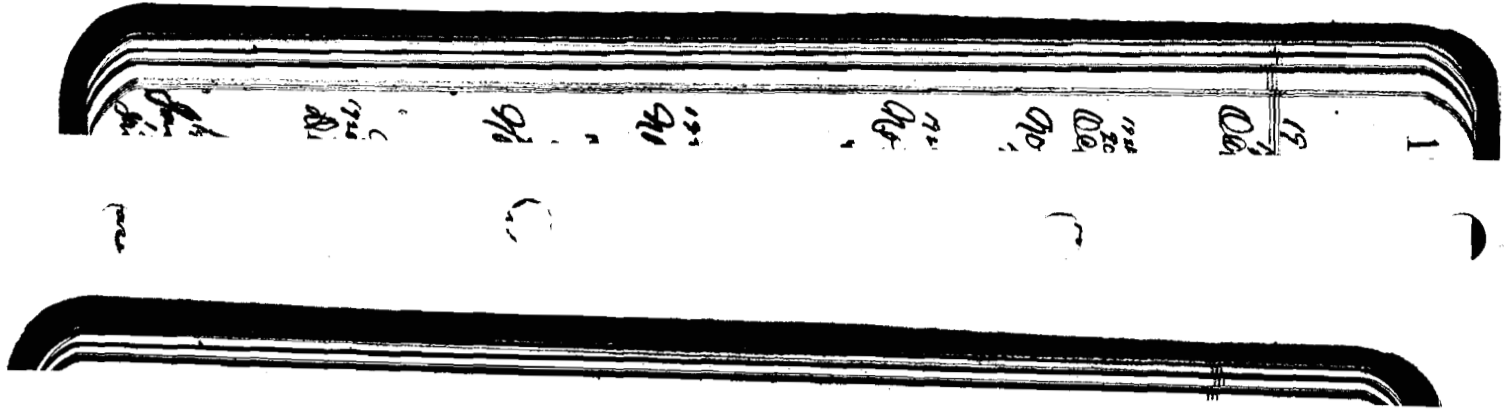
known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Betty L. Purkley*  
 Notary Public for Oregon.  
 My Commission expires 2-05-93

DEC 27 1935





Summary of 1915 Oregon Detail List of Coos County for  
L. F. R. Heller .

This is an assement of personal property on Engines and  
Manufacturing Machinery which consists of Sawmill Equip-  
ment that was owned by Louis and Charles Heller.

DEC 22 1914

Summary of 1915 Oregon Detail List of Coos County for  
L. F. R. Heller .

This is an assement of personal property on Engines and  
Manufacturing Machinery which consists of Sawmill Equip-  
ment that was owned by Louis and Charles Heller.

DEC 22 1992

PROPERTY TAX  
SALE

Summary of 1939 Survey and Classification of Property Owned  
by Charles Heller.

This is a reference as to how many tillable and irrigated  
acres on the Heller Homestead.

DEC 28 1932  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

Listed below is the survey and classification of your property in Coos County, Oregon, as made for assessment purposes in 1937 and the assessed valuation on same for 1940.

CARD NO. 1 NAME Chas. Heller DESCRIPTION Lot 8 SEC. 27 TWP. 27 R. 11  
Less 3.00 acres  
35.89 Acres

CLASSIFICATION	NO. ACRES	UNIT PER ACRE	VALUE	TOTAL VALUE
<i>A-1 Tillable Bottom</i>				
Good " "				
Inferior " "				
A-1 " Marsh				
Good " "				
Inferior " "				
A-1 " Slope or Bench				
Good " " " "				
Inferior " " " "				
<i>Total Tillable Lands</i>				
<i>Meadow Bottom, almost clear</i>				
" " <i>in stumps and pasture</i>				
" <i>Marsh, almost clear</i>				
" " <i>in stumps and pasture</i>				
<i>A-1 Brush Bottom</i>				
Good " " <i>Bench</i>	92.6	5	160	
<i>Brush Marsh</i>				
<i>Hill Land</i>	373	3	10	
<i>Other Classifications</i> <u>Timber</u>			890	
<i>Total Non-Tillable Lands</i>				
	35.89			1060
<i>Improvements</i>				
<i>Gross Total</i>				
	35.89			1060

171  
34

Note: The survey and computation of acreage was made on low lands only, no survey being made of non-tillable hill lands. The total acreage as shown above is taken from Deed Records.

All assessments are made subject to market facilities such as proximity to market, roads and other transportation, etc.

By meadow bottom is meant such lands as are used as pasture and not tillable. Sloughs, creeks, etc., are not considered as tillable lands and are not computed under that heading, but under non-tillable lands.

If you are not satisfied and have any criticism to make of the above classifications and values, kindly take such matters up with the Assessor's Office.

J. P. BEYERS, Assessor.

SEE ALSO...

...

5

Listed below is the survey and classification of your property in Coos County, Oregon, as made for assessment purposes in 1939 and the assessed valuation on same for 1940.

CARD NO. 1-1 NAME Frank Holley DESCRIPTION Lot 9 SEC. 27 TWP. 11N R. 11E  
~~Less 2.7 acres~~  
298 acres

CLASSIFICATION	NO. ACRES	UNIT PER ACRE	VALUE	TOTAL VALUE
A-1 Tillable Bottom				
Good " " <u>Small</u>	<u>901</u>	<u>70</u>	<u>630</u>	
Inferior " "				
A-1 " <u>Marsh</u>				
Good " "				
Inferior " "				
A-1 " <u>Slope or Bench</u>				
Good " " " "				
Inferior " " " "				
<u>Total Tillable Lands</u>	<u>901</u>			<u>630</u>
Meadow Bottom, almost clear				
" " <u>in stumps and pasture or Bench</u>	<u>1225</u>	<u>15</u>	<u>185</u>	
" <u>Marsh, almost clear</u>				
" " <u>in stumps and pasture</u>				
A-1 Brush Bottom				
Good " " <u>or Bench</u>	<u>355</u>	<u>5</u>	<u>15</u>	
Brush Marsh				
Hill Land	<u>1476</u>	<u>3</u>	<u>45</u>	
Other Classifications				
<u>Total Non-Tillable Lands</u>	<u>3079</u>			<u>245</u>
Improvements				<u>210</u>
<u>Gross Total</u>	<u>3980</u>			<u>1085</u>

214  
43

Note: The survey and computation of acreage was made on low lands only, no survey being made of non-tillable hill lands. The total acreage as shown above is taken from Deed Records.  
 All assessments are made subject to market facilities such as proximity to market, roads and other transportation, etc.  
 By meadow bottom is meant such lands as are used as pasture and not tillable. Sloughs, creeks, etc., are not considered as tillable lands and are not computed under that heading, but under non-tillable lands.  
 If you are not satisfied and have any criticism to make of the above classifications and values, kindly take such matters up with the Assessor's Office.

J. P. BEYERS, Assessor.

Listed below is the survey and classification of your property in Coos County, Oregon, as made for assessment purposes in 1939 and the assessed valuation on same for 1940.

CARD NO. 2 NAME Chas. Heller DESCRIPTION Lots 15 & 16 SEC. 27 TWP. 27 R. 11  
LESS Co Road 2.25 Ac  
79 1/2 ACRES

CLASSIFICATION	NO. ACRES	UNIT PER ACRE	VALUE	TOTAL VALUE
A-1 Tillable Bottom				
Good " " or Bench	220	70	1540	
Inferior " "				
A-1 " Marsh				
Good " "				
Inferior " "				
A-1 " Slope or Bench				
Good " " " "				
Inferior " " " "				
Total Tillable Lands	220			1540
Meadow Bottom, almost clear				
" " in stumps and pasture or Bench	077	15	10	
" Marsh, almost clear				
" " in stumps and pasture				
A-1 Brush Bottom				
Good " "				
Brush Marsh				
Hill Land	5640	3	170	
Other Classifications <u>Timber</u>			530	
Total Non-Tillable Lands	5717			710
Improvements				490
Gross Total	7917			2740

Note: The survey and computation of acreage was made on low lands only, no survey being made of non-tillable hill lands. The total acreage as shown above is taken from Deed Records.

All assessments are made subject to market facilities such as proximity to market, roads and other transportation, etc.

By meadow bottom is meant such lands as are used as pasture and not tillable. Sloughs, creeks, etc., are not considered as tillable lands and are not computed under that heading, but under non-tillable lands.

If you are not satisfied and have any criticism to make of the above classifications and values, kindly take such matters up with the Assessor's Office.

J. P. BEYERS, Assessor.

11/2

Cash Paid &amp; Checks received from lumber

<sup>1920</sup>  
July 11 S. Duck 9 80  
Hannamough  
9 Record 19 50

July 12 Bond

Warrick 91 04

July 14 Cash note 2 75

Hannam 140 00

257 09 257 09<sup>1920</sup>  
Aug 5 Hannam 69 05

Bennett 16 30

C. E. Bentley 13 90

99 25 99 25

356 34

A. A. Aiden 2 00

<sup>1920</sup>  
Aug 20 Busby 4 924 92<sup>1920</sup>  
Aug 25 Frank

Harrish 70 00

Sept 5 S. Duck from

Hannamough  
Caren 15 00

30 Police

Depler 2 30

Oct 5 J. P. Renter 3 80

S. Duck

Caren 60 00

122 L. F. R. Keller lumber Co,  
Cash & Check account

1920

Oct Dec 9  
Glen 13 00

1920 (Mast Rev) 28 00

Oct. H. Harmon 50 00

Nov from \$86.00

one kindly  
bill check

1920 to Book 60 00

Apr 10 Roca Account 5 10

School

do it 20%

Overamt 200

1920 235 75 265

7th By check

H. K. Henry 62 00

Harmon 5 25

By book 67 25

7th Broady

Sweden 94 00

By order of

Mr. Larson 6 00

1920 Die Pinkettes

Young 7 60

13 1/2 year M. H. 1 50

1921 Jan 10 to B. L. 6 00

1921 Feb 27 to C. 100 00

1923  
Jan 8

9 Sheehan  
a Broady 67 75

Intiation

For Clinton

10 90

Checks

Julia 6 00

1923 Feb 24 check self

April 27 10 00

check

Bulberson 25 00

April Walter

check

Smith 11 37

James

J. Paul

Clinton 36 00

June 8

Johnson 10 00

Oct 29 By check

one Baker 40 00

1920 Dec 11 M. B. 51 42

20 B. How for

cattle 50 00

one pig 10 00

old timer

Bulberson 14 50

123

L. F. R. Keller Co  
Cash & Check account

1921 Jan 27 Boos Co. 47 66

1921 Feb 10 Boos Co. 261 87

1922 March 12 By check

from school

1922 May 9 H. Harmon

check 10 00

5 Caden 210 00

1924 Jan 10 By check  
Walter Bunch 197 80

By check 10 00  
C. Johnson  
By check 50 00

1921 May 2 Photos  
Graph H 50

Shoe strings 30  
March 9 By check 200



124

L. F. R. Keller Co Cash & Checks account

1921  
May

11 By check  
 A. B. Sauter 30 40  
 1921  
 Fuel account 15 00  
 11 School  
 Dinner 7 80  
 July Pay for  
 Miller 6 50  
 1921  
 19 Gas 15 00  
 29 School  
 House 117 80  
 Clark 6 00  
 1921  
 26 Gas in  
 labor camp 60  
 12 School  
 balance  
 House  
 fuel 78 28  
 sold 5 lbs.  
 Lumber 3 00  
 1921  
 8 P. Mast 5 25  
 Nov 1921  
 13 B. Finley 1 25  
 1921  
 Gas 50 00  
 See By check  
 Lumber  
 Bounty 10 60

L. F. R. Keller Lumber 125  
Co. Cash & Checks  
Jan 10 1922

Jan 10 Holbrook  
 1922 Lumber  
 June Hall 12 50  
 July labor 3 50  
 1922  
 20 One Sake 4 75  
 25 71  
 1922  
 Harmon 10 00  
 21 Dinner  
 Bros 28 90  
 June 6 Arnold  
 Whiteox 1 50  
 44 89

These  
taken  
belong.

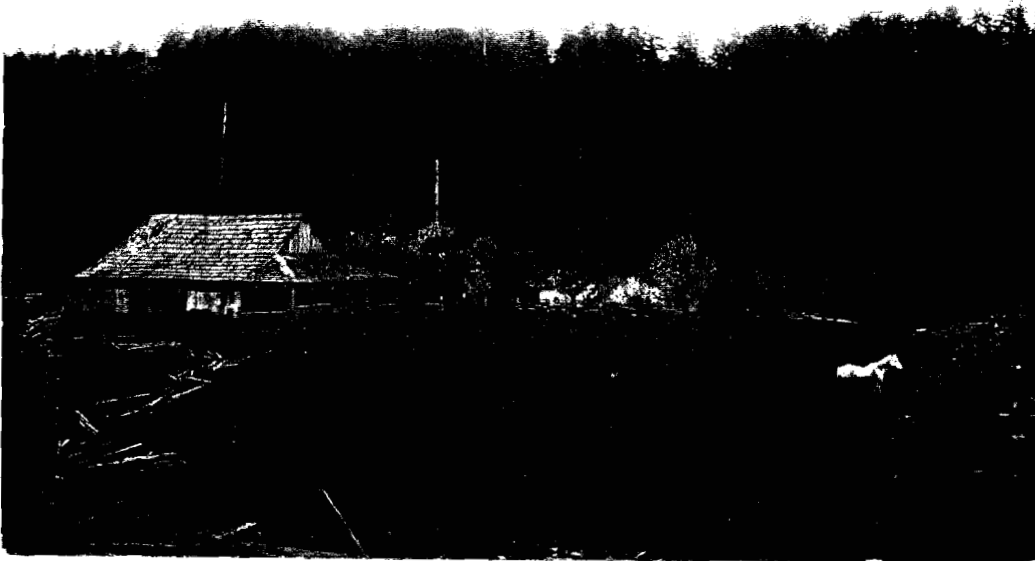
STATE OF OREGON,

County of Coos

BE IT REMEMBERED, That on this 27th  
before me, the undersigned, a Notary Public in and for said  
named Russell N. Heller

known to me to be the identical individual described  
acknowledged to me that he executed the same  
IN TESTIMONY WHEREOF  
my

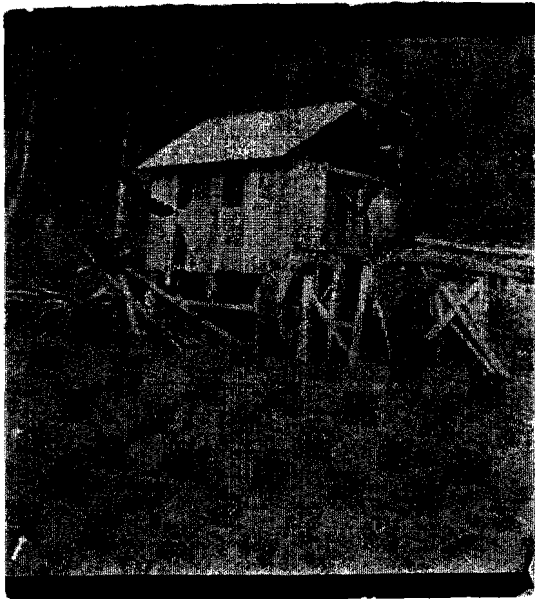
602



Pictures of the original Heller Homestead before the turn of the century.

Livestock owned, fields irrigated and vegetable garden is depicted.

DEC 28 1892  
SHELBY, MONTANA



Water Wheel by County Road  
which powered the Grist Mill.



Water Wheel Building in  
backdrop of picture.



Heller Sawmill located on  
Cherry Creek, Heller Home-  
stead.

DEC 22 1952

PHOTOGRAPHY  
SALEM, OREGON



Heller's Threshing Machine in use.



Heller's Combine in Use.



Heller's Horse drawn Hay wagon in use.



1923 Russell Gas Tractor  
suppling power to Heller's  
Threshing Machine.



Heller's Horses pulling  
Hay Wagon.

DEC 22 1932

ALERT has been given  
SALEM, OREGON



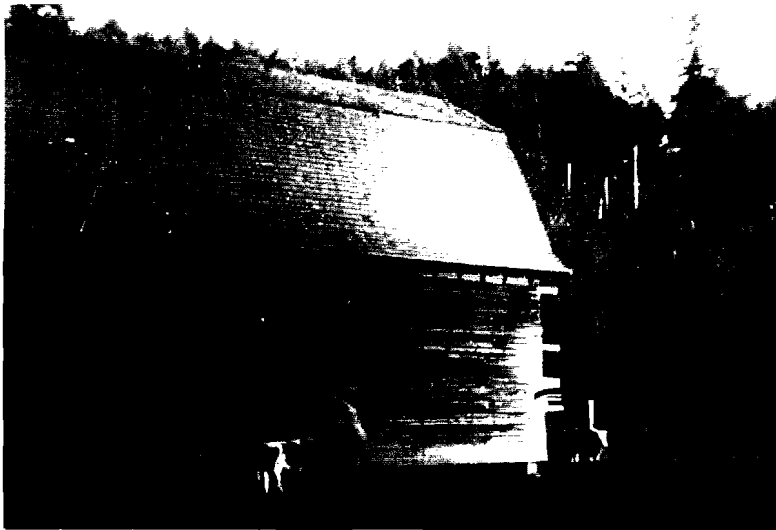
Construction of the Heller Sawmill located on Heller Homestead.



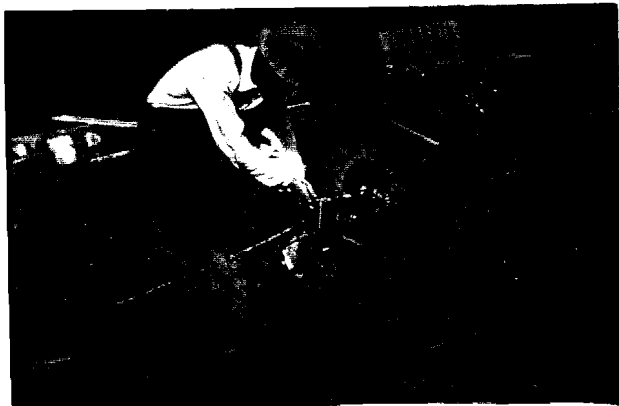
House built by Charles and Louis Heller on the Heller Homestead.  
House was white with blue trim.

DEC 28 1892

LIBRARY OF THE  
Heller, Charles



Heller's Barn build in the 1920's. Livestock depicted.



Gas powered cultivator built by Frank Heller in the early 1920's .



Electric Fence built by Frank Heller.

DEC 23 1942  
OFFICE OF THE  
SHERIFF, PHOENIX

M. E. "Mel" Bunch

M. E. "Mel" Bunch was born in 1911. His grandfather "Ham" Bunch homesteaded on the property north of the Heller Homestead. He grew up on Cherry Creek. He came to know the Heller Family quite well as being neighbors. He remembers Charles and Louis Heller plus their wives. He also remembers William, Frank, Clara, and Nevy Heller which were the children of Charles and Amanda Heller.

Mr. Mel Bunch remembers the Heller Farm as being wellkept. They had a large two story house which was painted white with blue trim. He also remembers the following; a 60 x 68 barn, threshing machine building, blacksmith building, and buildings for horses and milk cows.

Mr. Mel Bunch remembers having dinner at the Heller house in 1926 at which time they had a hand pump for water use for the house and livestock. The house was 300 feet east of Cherry Creek, which they had steel pipe running from the creek to the house and barns.

Mr. Mel Bunch said they had a dam and water wheel in Cherry Creek which he remembers being there in 1923. He said the Heller's generated their own electricity and ran a wood lathe. They also had a small water wheel over a small stream close to the county road which they used as a gristmill to grind grain.

Mr. Mel Bunch said the Heller's put together a sawmill to saw lumber for the Bunch's barn and many other buildings in 1924-1925.

Mr. Mel Bunch said that Charles, William, and Frank Heller were very good at building or inventing most anything they needed. He said that Frank Heller made a radio for the Bunch's which worked well and was the only one around as it was the first in this part of the country.

Mr. Mel Bunch remembers the Heller's growing a variety of crops. They raised oats, wheat, corn, fruit trees, and a big vegetable garden for them on twenty-five ( 25 ) acres. The grain was used for livestock and the excess was sold. All of these crops required water to grow.

Mr. Mel Bunch remembers the Threshing Machine and tractor that the Heller's had which threshed his Grandfather's crops each year. The Heller's first used a stationary steam engine in the early years for power of the thresher. Then later in 1923 they had a "Russell" gas powered steel tire tractor for power. They had a variety of power and used it for whatever they needed.

Mr. Mel Bunch remembers that the Heller's tried different ways to provide power for pumping water out of Cherry Creek into water ditches in the fields for flood type irragation. The best was putting a hydrolic water ram below the dam in Cherry Creek to pump water to the fields and gardens.

The below signed signature of M. E. "Mel" Bunch signifies that the above is true and accurate.



M. E. "Mel" Bunch

9-1-92

Date

STATE OF OREGON,

County of Clatsop } ss.

BE IT REMEMBERED, That on this 1st day of Sept, 1992  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named M.E. Burch

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.



Lela Helgeson

Notary Public for Oregon  
My Commission expires 7-7-95

DEC 27



WILLIAM CULBERTSON

William Culbertson was born in 1922. He was the nephew of Charles and Amanda Heller and Louis and Telitha Heller. His cousins were William, Frank, Clara, and Nevy Heller. He knew the Heller Family quite well as he spent alot of his younger years growing up with his cousins.

Mr. William Culbertson said that if anybody could invent and build something, it would be the Heller Family. He remembers Frank Heller building a radio which was a first in this part of the country. He said people from all around would get together on Saturday nights and listen to the Heller's radio.

Mr. William Culbertson remembers the dam and generator the Heller's had in Cherry Creek. He said they had electricity years before anybody else did.

Mr. William Culbertson remembers the small water wheel that was over the small stream by the County Road that they used as a grist mill to grind grain. He remembers the Heller's and Culbertson's having family picnics close to this water wheel under the big walnut tree.

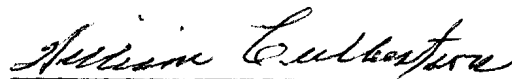
Mr. William Culbertson remembers the Heller's always having a sawmill which they sawed lumber for themselves and to sale to neighbors. He also remembers the Threshing Machine and gas powered "Russell" tractor they used to thresh their crops and neighboring crops which also included the Culbertson's crops.

Mr. William Culbertson remembers the Heller's growing a variety of crops; oats, wheat, corn, and approximately 500 fruit trees. They also raised beef cows, milk cows, and horses on the farm. All the crops and livestock required water. He remembers the Heller's having water pipe from Cherry Creek that pumped water to the house and barns.

Mr. William Culbertson remembers Frank Heller building an electric fence charger which worked well. He said it was the first one he had ever seen. He also remembers in about 1930, Charles Heller powered an irrigation pump with the gas powered "Russell" tractor. He said they used steel pipe with sprinklers to irrigate the fields and garden. He said it would really pump alot of water. They would set the tractor and pump along Cherry Creek in several spots to pump from. He remembers them pumping out from below the dam and out of the "Deep Hole" down in the South Forty.

Mr. William Culbertson was around the Heller farm until 1940. At this time he finished school and went into the service.

The below signed signature of William Culbertson signifies that the above is true and accurate.



WILLIAM CULBERTSON

9-21-92

Date

STATE OF OREGON,

County of Was } ss.

BE IT REMEMBERED, That on this 21<sup>st</sup> day of Sept., 1992,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named William A. Culbertson

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.

Lela H. Nelson

Notary Public for Oregon.

My Commission expires 7-4-95



WALTER TRIPP

Mr. Walter Tripp came to know the Heller Family; William, Frank, Nevy, and Amanda, when his sister Louise Tripp married Nevy Heller. Nevy and Louise were married in 1945. Walter visited and stayed at the Heller Farm alot during the summer months.

Mr. Walter Tripp remembers William, Frank, and Nevy as being quite inventive. They could build most anything.

Mr. Walter Tripp remembers the Heller's had around 50 head of cattle, grew hay, and raised a very large garden. He remembers the Heller's putting an electric fence up in the timber for grazing for the cows. This then left 30 acres that they grew hay from April till harvest after July 4th of each year. He said that there was a dam and a water wheel in Cherry Creek. The water wheel powered a generator which made electricity.

Mr. Walter Tripp remembers the dam the Heller's had in Cherry Creek. Below the dam he said there was a hydrolic water ram set-up. This pumped water up to the house, garden, and water in the fields for the cows as needed. He also remembers the Heller's had an irrigation pump that was powered by a gas powered tractor. He said that the water pump and tractor was set-up to pump in two different places in Cherry Creek. The first place was from below the dam in Cherry Creek and the second place was out of the "Deep Hole" in Cherry Creek. He remembers them replacing the gas powered pump with a " 1 " cylinder diesel pump in about 1947. He said it would handle 20-25 sprinklers and would run 7 days on 50 gallons of diesel.

The below signed signature of Walter Tripp signifies that the above is true and accurate.

*Walter Tripp*

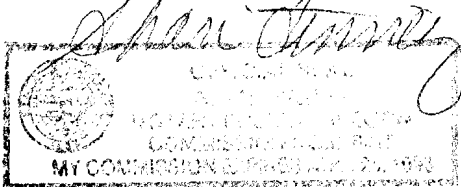
WALTER TRIPP

State Of Oregon  
County of Multnomah

*9-29-92*

Signed before me on September  
29, 1992 by Walter Tripp.

DATE



J. Peter O'Connell  
Notary Public  
1002 E. Main St.  
Portland, Oregon 97214

on 30 acres. We use water out of Cherry Creek  
Irrigation, Weststock, and irrigation.

living off this Homestead for over 100 years. They used  
to accomplish that, as we still do to this day.

Russell N. Heller signifies that the above is true and  
sell N. Heller

*Russell N. Heller*  
11-27-92

County of Coos  
STATE OF OREGON,

BE IT REMEMBERED, that on this 27th day of  
November, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Russell N. Heller

known to me to be the identical individual he  
acknowledged to me that he  
described in and who executed the within instrument and  
executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.

*Russell N. Heller*  
Notary Public for Oregon.  
My Commission expires 2-05-93

FORM NO. 23 - ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

73

76



Top Left : Corn Crop on Heller Homestead  
 Top Right : Dam in Cherry Creek on Heller Homestead.  
 Bottom Left : Heller's Steam powered Tractor

DEC 28 1904

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME SOUTH COAST # 17 UNADJUDICATED AREA ? OK DWF  
RECEIPT # 95360 S W R NUMBER 176  
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF  
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX \_\_\_\_\_  
OK 70 CHECK QUADRANGLE MAP CAK CHECK GLO PLATS \_\_\_\_\_  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION SCS

**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 ✓

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

August 25, 1993

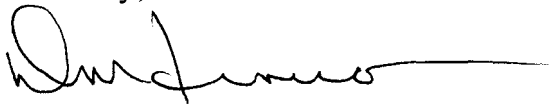
Forrest J. Hales  
1490 N. Ivy  
Coquille OR 97423

RE: SWR-176

Dear Mr Hales,

This will acknowledge the receipt of the map you prepared for the pre-1909 vested water right claim in the name of Russell N Heller. I will add the map to the file for future review.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WS\C\1\SWR-0176.002



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

July 27, 1993

FORREST J. HALES  
1490 N. IVY  
COQUILLE OR 97423

RE: File# SWR-176

DEAR FORREST J. HALES,

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 Russell N. Heller. 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.

<i>N</i> diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."
<i>U</i> paper	OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."
<i>U</i> <sub>10</sub> 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."



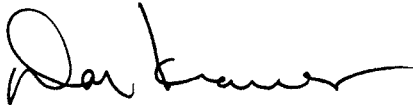


I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

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.

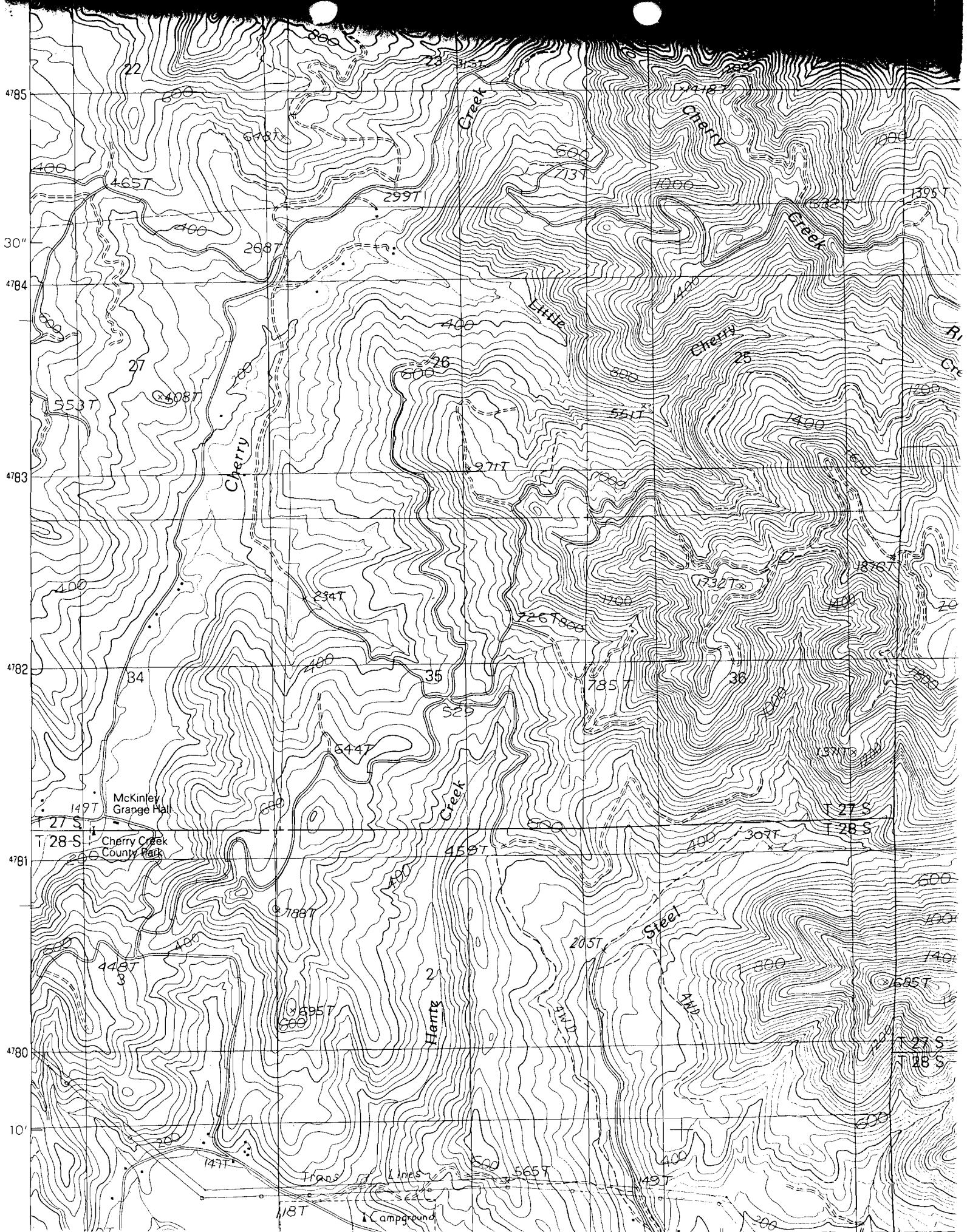
Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\1\SWR-0176.00M



January 22, 1993

RUSSELL N HELLER  
PO BOX 855  
COQUILLE OR 97423

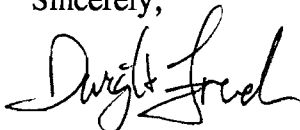
Dear MR. HELLER,

This will acknowledge that your Surface Water Registration Statement in the name of RUSSELL N HELLER has been received by our office. The fees in the amount of \$460.00 have been received and our receipt #95360 is enclosed. Your registration statement has been numbered SWR-176.

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,



Dwight French  
Adjudication Section

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0176.001



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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  
 378-8455/378-8130 (FAX)

RECEIPT # **95360**

RECEIVED FROM: <u>Russell Heller</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>96-292</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>460.00</u>
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01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$ <u>460.00</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	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$
<b>WATER RIGHTS:</b>		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
<b>WELL CONSTRUCTION</b>		
842.022	WELL DRILL CONSTRUCTOR	\$
842.016	WELL DRILL OPERATOR	\$
	LANDOWNER'S PERMIT	\$

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

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

07-00-0 HYDRO ACTIVITY		
842.011	POWER LICENSE FEE(FW/WRD)	\$
842.115	HYDRO LICENSE FEE(FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **95360**

DATED: 12-23-92

BY: R. Smith