

December 29, 1995

FEB - 2 1996
WATER ...
SALEM, OREGON

Adjudication Water Rights Dept.
Salem, OR

Re: Filing NO SWR-232 Amendment
Phyllis Ann Stephens

Attn: Reed Marbut

I realize an error was made in my filing on December 23, 1992. I understand there was a law passed in 1995 allowing amendments and I want to take advantage of that opportunity.

We have always had ditches from these streams that are used as fences between pastures and also, the ditches sub-irrigate in the summer. The CWRE inadvertently did not claim these uses and it would be unfair to accurately evaluate our filing without these additional uses being used in consideration of our water rights.

Please advise me if I need to do anything else for this amendment.

I do not know if there is an additional fee but if there is, let me know and I will send it to you.

Thank you for your assistance.

Very truly yours



Phyllis Ann Stephens
PO Box B
Manzanita, OR 97130

MANZANITA LUMBER CO.
P.O. Box 70 (778 LANEDA AVE.)
MANZANITA, OR 97130

503-368-5337

503-368-5430 (FAX)

DATE: 12/29

TO: ADJUDICATION WATER RIGHTS DEPT

TIME: 4:15

ATTN: DON KNAUER

FROM: Phyllis Stephens

PAGES: 2

REMARKS:

2:30 Phyllis Stephens
SWR 232
- amendment question
(503) 368-5407

December 29, 1995

Adjudication Water Rights Dept
Salem, OR

Re: Filing NO SWR-232 Amendment
Phyllis Ann Stephens

Attn: Don Knauer

I realize an error was made in my filing on December 23, 1992. I understand there was a law passed in 1995 allowing amendments and I want to take advantage of that opportunity.

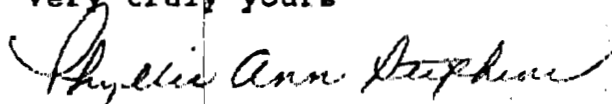
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Thank you for your assistance.

Very truly yours

A handwritten signature in cursive script that reads "Phyllis Ann Stephens". The signature is written in dark ink and is positioned above the printed name.

Phyllis Ann Stephens

PO Box B

Manzanita, OR 97130

January 2, 1996

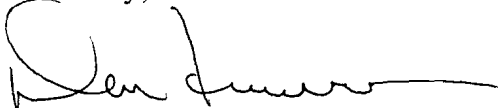
PHYLLIS ANN STEPHENS
PO BOX B
MANZANITA OR 97130

re: SWR-232

Dear Ms. Stephens,

This will acknowledge the receipt of your request for amendment of your surface water registration statement. I have forwarded the request to Reed Marbut because I am not working in the Adjudication Section. You should contact Reed for any adjudication matters.

Sincerely,



Don Knauer
Program Representative



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

**HANDFORTH
LARSON &
BARRETT, INC.**

Civil Engineering & Surveying

P.O. Box 219
160 Laneda Avenue
Manzanita, OR 97130

RECEIVED

DEC 24 1992

TEL: 503-368-5394
FAX: 503-368-5847

**CLAIM OF BENEFICIAL USE AND SITE REPORT
FOR PHYLLIS ANN STEPHENS
UNDER PRE-1909 ADJUDICATED WATER RIGHT**

**WATER RESOURCES DEPT.
SALEM, OREGON**

GENERAL INFORMATION - The current land owner and Registrant are one person, Phyllis Ann Stephens, P. O. Box B, Manzanita, OR 97130, Tel. 368-5407. Mrs. Stephens was interviewed during the site visit. Mrs. Stephens was born on December 17, 1930 and has a lifetime of personal knowledge regarding the water use on the farm. Mrs. Stephens's grandfather, William Schollmeyer, received Homestead Certificate No. 2921, dated Feb. 18, 1891, for a portion of the subject property. The farm was originally homesteaded beginning in 1884 and water has been used for stock watering from these creeks ever since. The water use consists of in-creek stock watering for 90 head of cattle. The water use, places of use and general description of the use are generally as noted on the registration certificate, the accompanying affidavit by the Registrant dated December 23, 1992, and as shown on the final map.

SOURCE - There are two creeks used for stock watering as shown on the final map, Neah-Kah-Nie Creek and Alder Creek. Alder Creek consists of the main creek with several minor unnamed tributaries. Neah-Kah-Nie Creek is tributary to Alder Creek which is tributary to the Nehalem Bay. Both of the creeks also provide for general surface water drainage of the local area.

DIVERSION POINT - The diversion points are along the length of the creeks within the limits of stock use as shown on the final map.

PIPE - None. The cattle drink directly from the creek.

HEADS - Not applicable.

USES - In-creek stock watering for 90 head of cattle.

LIFT - Not applicable.

SURVEY TIE - East 1/4 corner of Section 28, T3N, R10W., W.M. Found iron pipe, with brass cap set by Tillamook County Surveyor.

SPECIAL CONDITIONS - None

REMARKS - None

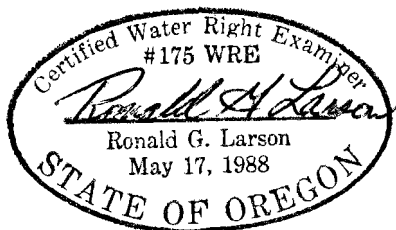
**SITE REPORT for Phyllis Ann Stephens
PRE-1909 ADJUDICATED WATER RIGHT**

Page 1 of 2

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DEC 24 1992

The final proof survey and inspection of the use was completed by me on December 21, 1992, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



Ronald G. Larson

Ronald G. Larson
Certified Water Right Examiner
Signed December 23, 1992

I, Phyllis Ann Stephens, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of a pre-1909 adjudicated water right, as described in the accompanying certificate of registration and affidavit.

Phyllis Ann Stephens

Phyllis Ann Stephens
Signed December 23, 1992

**HANDFORTH
LARSON &
BARRETT, INC.**

Civil Engineering & Surveying

P.O. Box 219
160 Laneda Avenue
Manzanita, OR 97130

TEL: 503-368-5394
FAX: 503-368-5847

December 23, 1992

DEC 24 1992

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SALEM, OREGON

Water Resources Dept.
3850 Portland Road NE
Salem OR 97310

RE: Phyllis Ann Stephens Pre-1909 Adjudicated Water Right Claim,
Tillamook County, Oregon.

Gentlemen:

Enclosed you will find a registration statement, final proof survey map and site report for a pre-1909 adjudicated water right claim for Phyllis Ann Stephens together with a recording fee of \$200. The legal description of the property is: SW 1/4 SE 1/4 and SE 1/4 SE 1/4 Section 21, T3N, R10W, W.M., and NW 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 28, T3N, R10W, W.M.

Should you need any additional technical information, please contact:

Ronald G. Larson, PE, PLS, CWRE
HANDFORTH LARSON & BARRETT, INC.
P. O. Box 219
Manzanita, OR 97130

Please notify both Mrs. Stephens and myself regarding any additional information or testimony you may need in processing this claim.

Very truly yours,
HANDFORTH LARSON & BARRETT, INC.



Ronald G. Larson, PE, PLS, CWRE

RGL\ms <wra\stephens.wra>
cc: Phyllis Stephens
encl.

DFC 2-10-92

AFFIDAVIT TO ACCOMPANY A CERTIFICATE OF REGISTRATION
FOR A CLAIM FOR A PRE-1909 ADJUDICATED WATER RIGHT
IN THE NAME OF PHYLLIS ANN STEPHENS

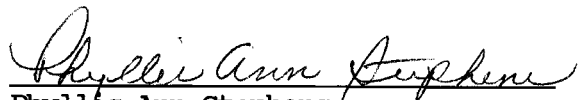
State of Oregon)
) ss.
County of Tillamook)

Phyllis Ann Stephens, after being first duly sworn by me, declares that:

My name is Phyllis Ann Stephens. My grandfather, William Schollmeyer, emigrated to the United States in 1884 and built a home that year on his homestead in the Nehalem area. He received Homestead Certificate No. 2921 dated February 18, 1891. The homestead included the North half of the Northeast one-quarter and the Southwest one-quarter of the Northeast one-quarter of Section 28, T3N, R10W, W.M. The John Lange family emigrated to Nehalem on the same boat as the Schollmeyer family and received a homestead to the Southeast one-quarter of Section 21, T3N, R10W, W.M., recorded as Homestead Certificate No. 3267 dated November 23, 1891. Herman Tohl homesteaded the Southeast one-quarter of the Northeast one-quarter of Section 28, T3N, R10W, W.M., recorded as Homestead Certificate No. 3529 dated October 15, 1892. The present farm consists of land from these three homesteads. The enclosed letter written by Edna Stevenson, relative of August Schollmeyer, dated 6/1/92, documents Mrs. Stevenson's personal knowledge of cattle ranching on the three parcels. Copies of each of the homestead certificates are enclosed. The South half of the Southeast one-quarter of Section 21, T3N, R10W, W.M. was subsequently purchased by Schollmeyer from Lange. The Southeast one-quarter of the Northeast one-quarter of Section 28, T3N, R10W, W.M. was subsequently purchased by Schollmeyer from Tohl.

My father, August Schollmeyer, was born in Nehalem in 1893 and lived and worked on the Schollmeyer homestead property in the Nehalem area his entire life. He passed away in 1979. My father wrote a letter for his family in 1968 (copy of a portion enclosed), in which he recalled when he and the younger members of his family would go to the Fred Lange farm and watch them do chores. Mr. Lange had built a water flume running down the field from a stream to his barn. In addition to other uses, the cattle drank the water in this flume.

The ditches in the center of the farm that are used to direct the streams through the farm have continuously been used by cattle for stock watering since the start of the homestead in 1884. Originally, the farm was a dairy with milking cows. In the early days, milk was sold by team and wagon, pouring the customer's milk into their own containers from the cans on the wagon. Later on the farm was a Grade A dairy, with milk bottled in glass milk bottles and delivered door to door and to the grocery stores in Manzanita and Nehalem. The farm continued as a dairy until 1950. At that time, the dairy cows were sold and the farm was changed to beef cattle and has continued to produce beef to the present time.

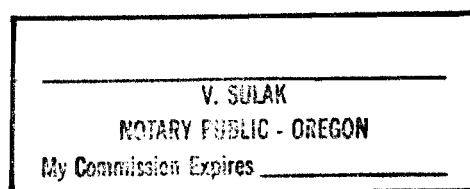

Phyllis Ann Stephens

Signed and sworn to before me on December 23, 1992 by Phyllis Ann Stephens.



Notary Public

My Commission expires: 1-3-94



1884. Wm Schollmeyer and family and Fred Lange
and his family emigrated from Germany on
the same boat. They both took up homesteads
joined - Lange just north of Schollmeyers. Wm
Johl homesteaded south of Schollmeyer. Later
Wm Schollmeyers son bought the acreage
homesteaded by Lange & Johl - These 3 make
up the present farm. Through this farm
run two creeks both of which have
been used for irrigation purposes - one
heads at the Lake - the other on the
upper part of the Lange place. The entire
area has always had cattle. Used water for
cattle to drink.

Edna T. Stevenson

6/1/92

RECEIVED

DEC 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON



(4-105)

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 2921APPLICATION to 23

Whereas There has been deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER of the LAND OFFICE at Oregon City Oregon whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862. "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William Schollmeyer has been established and duly consummated, in conformity to law, for the North half of the North East quarter the South West quarter of the North East quarter and the North West quarter of the South East quarter of Section twenty eight in Township three North of Range ten West of Willamette Meridian in Oregon containing one hundred and sixty acres.

according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye, That there is, therefore, granted by the United States unto the said William Schollmeyer the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said William Schollmeyer 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.

In testimony whereof I, Benjamin Harrison, 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 eighteenth day of February in the year of our Lord one thousand eight hundred and ninety one, and of the Independence of the United States the one hundred and fifteenth

By the President:

Benjamin Harrison

Secretary.

W. M. Mowbray

Recorder of the General Land Office.

RECORDED, Vol. 7 Page 96

n-354

354 b-20 m

RECEIVED
DEC 24 1992
WATER RESOURCES DEPT.
SALEM, OREGON

THE UNITED STATES OF AMERICA. *Bh Npg 153*

Homestead Certificate No. *3529*
Application *7432* } ss.

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 the Register of the Land Office at *Oregon City Oregon* whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of *Norman Tohl*

has been established and duly consummated, in conformity to law, for the Lot numbered one of section thirty three and the East half of the South East quarter and the South East quarter of the North East quarter of section twenty eight in Township three North of Range ten West of Willamette Meridian in Oregon containing one hundred and forty four acres and forty-one 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 *Norman Tohl* the tract of land above described:

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said *Norman Tohl* 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.

IN TESTIMONY WHEREOF, I, *Benjamin Harrison* 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 *Fifteenth* day of *October*, in the year of our Lord one thousand eight hundred and *Ninety Two*, and of the Independence of the United States the one hundred and *Nineteenth*.

BY THE PRESIDENT: *Benjamin Harrison*

By *E. Macfarland* Asst. Secretary.

D. P. Roberts Recorder of the General Land Office.

Recorded Vol. *9* Page *250*

Filed for Record at *4* o'clock *P. M.*, *December 7th* A. D. 189*9*, and recorded at the request of

Norman Tohl

Norman Mason

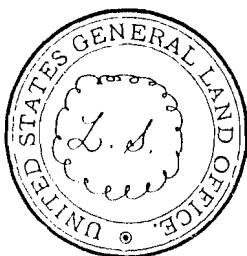
By Deputy.

County Clerk

RECEIVED

DEC 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON



Homes land
certificate
No. 3267
Application
6457

The United States of America, 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 the Register of the Land Office at Oregon City, Oregon, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John Sange has been established and duly consummated, in conformity to law, for the South East quarter of Section twenty one in Township three North of Range ten West of Willamette Meridian in Oregon, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

Now know ye, That there is, therefore, granted by the United States unto the said John Sange the tract of Land above described; To have and to hold the said Tract of Land, with the appurtenances thereof, unto the said John Sange 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.

In Testimony Whereof, I, Benjamin Harrison, 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 third day of November, in the year of our Lord one thousand eight hundred and ninety one, and of the Independence of the United States the one hundred and sixteenth.

L. S.

Recorded Vol. 7, Page 450

J. R. Cornell, Recorder of the General Land Office, ad interim.

Filed for Record March 24, 1892, at 8 o'clock A. M.

W. W. Conder,

County Clerk.

By the President: Benjamin Harrison,

By E. Macfarland Asst. Secretary.

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DEC 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP See NAME North Coast # 1 UNADJUDICATED AREA ? yes
RECEIPT # 95492 S W R NUMBER 232
CHECK ENCLOSURES See PRELIMINARY DATA BASE ENTRY See
ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION See

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 _____

February 12, 1993

PHYLLIS ANN STEPHENS
PO BOX B
MANZANITA OR 97310

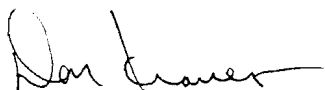
Dear MS STEPHENS,

This will acknowledge that your Surface Water Registration Statement in the name of PHYLLIS ANN STEPHENS has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95492 is enclosed. Your registration statement has been numbered SWR-232.

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

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

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0232.001



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

RECEIPT # **95492**

STATE OF OREGON
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455/378-8130 (FAX)

RECEIVED FROM: James H. Stephens

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

3422

☐

TOTAL REC'D

\$ 200.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

831.087 PUBLICATIONS/MAPS

830.650 PARKING FEES Name/month

OTHER: (IDENTIFY)

\$ 200.00

\$

\$

\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES

850.200 RESEARCH FEES

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6): (IDENTIFY)

\$

\$

\$

\$

WATER RIGHTS:

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

842.016 WELL DRILL OPERATOR

LANDOWNER'S PERMIT

EXAM FEE

\$

\$

\$

EXAM FEE

\$

\$

842.002

842.004

842.006

842.023

842.019

842.024

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

\$

\$

CARD #

CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)

842.115 HYDRO LICENSE FEE(FW/WRD)

\$

\$

HYDRO APPLICATION

\$

RECEIPT #

95492

DATED: 12/21/12

BY: [Signature]

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal