



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 16, 2004

LORRAINE GARDNER
41 FLORAL DR.
BROOKINGS, OR 97415

Reference: SWR 239 pre 1909

Dear Mrs. Gardner:

This letter is about our phone conversation on March 16th.

The new owners of the property will need to do the following:

1. Send a letter to the Department stating that the water has been continuously used.
2. Send a copy of the deed to the property

There is no charge for this service.

If you have any questions regarding the surface water registration, you may contact Teri Hranac at 503-986-0826.

Please, do not hesitate to contact me in the future for more assistance. My phone number is 503-986-0803.

Sincerely,

Connie Vance
Customer Service Rep.
Water Rights Information

cc: file SWR 239



H.J. NEWHOUSE

LAND SURVEYOR • OR 402 • CA 3605

POST OFFICE BOX 360
WEDDERBURN, OREGON 97491
TELEPHONE (503) 247-6923

Feb. 16, 1995

RECEIVED

FEB 21 1995

WATER RIGHTS DIVISION
SALEM, OREGON

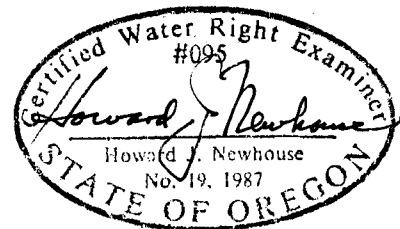
Mr. Don Knauer
Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, Ore. 97310

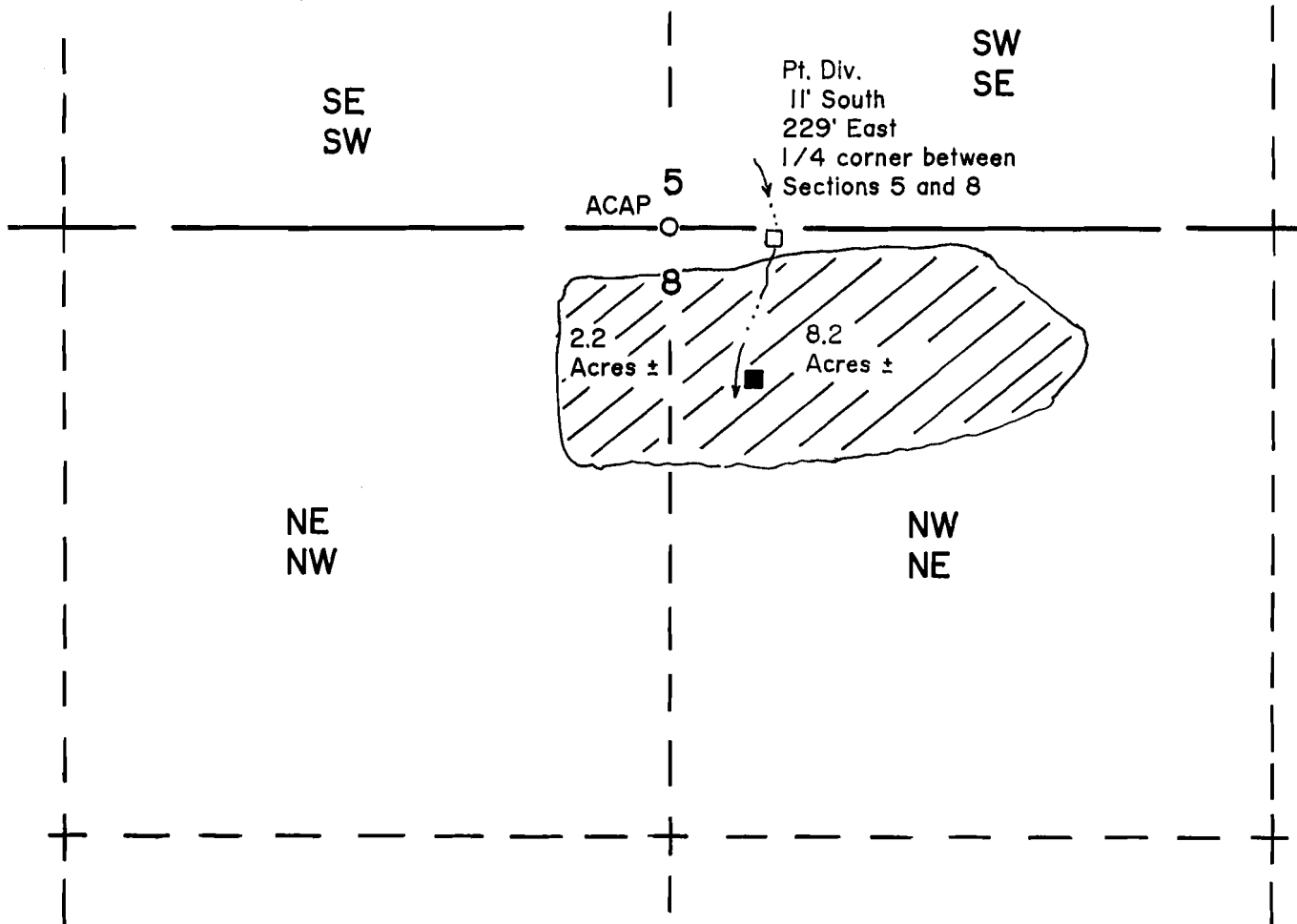
Refer: SWR 239

Refer: Pre 1909 Water Filing application for Elmer and Lorraine Gardner in North half of Section 8, T.39S., R.12W., W.M., Curry County, Oregon.

As of the summer of 1994 the Gardners are irrigating 3 acres, more or less. They now have a dam at the diversion point, approximately 2 feet high, eight to ten feet long, earth and rock. This is piped to a 50 gallon holding tank, then by 3 inch PVC pipe to the garden area, 400 feet more or less. (The holding tank to be increased to 100 gallons.) The whole system is gravity.

Sincerely yours,





The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property lines.

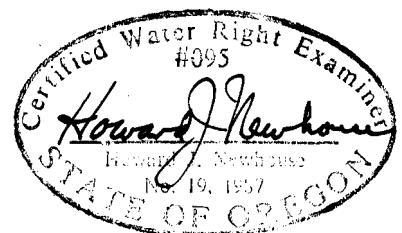


**PRE 1909
WATER FILING APPLICATION for
ELMER and LORRAINE GARDNER**
Located in the North 1/2, Section 8,
T 39 S R 12 W, W.M.,
Curry County, Oregon

Scale - 1" = 400' November, 1992

Elmer and Lorraine Gardner
P.O. Box 2601
Harbor, Oregon
97415

H.J. Newhouse - Land Surveying
P.O. Box 360
Wedderburn, Oregon 97491
(503) 247-6923
R.L.S. # 402
C.W.R.E. # 095



Book 242 page 19

DEC 27 1982
WATER RESOURCES DEPARTMENT
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM

1. Name of Registrant: Elmer H. Gardner
Mailing Address: P.O. Box 2601 Harbor, Oregon 97415
Telephone No: 469-6987

2. Source of water: Spring which forms defined channel
Tributary to: Chetco River

0.01 cfs 0.275 cfs

3. Purpose(s) for which water is used: Domestic and Irrigation
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: 2.2 under irrigation at present
to be extended to 10.4 acres

4. Priority Date
a) Date of first use: approximately 1900
b) Date water use development first initiated: approximately 1900
c) Name of party who initiated development: Sam Wilson
Homesteaded by Joseph Regner January 8, 1915 Patent# 452469

5. Amount of water claimed: 0.285, in CFS or ~~GPM~~

(Water put to beneficial use)
2-22-93 cfs Irrigation 0.275 cfs
wnshp 39 N/S, Range 12 E/W.

wnshp ___ N/S, Range ___ E/W.
(Additional pages if necessary)

1 / 1 day to 12 / 31 day - Domestic one family dwelling
- irrigation
Garden and lawn

Dear Don:
Do you have the
Homestead Entry
done by Joseph
Regner? I think
I sent you a
copy. Thanks
E. Gardner

Harbor, Oregon

12-23-92

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DEC 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
3850 Portland Road, N.E.
Salem, OR 97415

To Whom It May Concern:

The letter written by Bertie Lane Solomon was not notarized as I forgot to have her do it. She lives in Washington. If you would like to call her for verification, her telephone # is 206-884-2682. I talked to Don Knauer regarding this and he said it would be alright.

The priority date was determined by Bertie Lane Solomon's birthdate 5-07-1895. She was about 5 years old when Sam Wilson came to live on our place. 1900's. The photo of the headstone states he lived and died in the 1800's. He is buried in the Payne cemetery and this is now owned by Steve Cate.

The cottonwoods Bertie Lane Solomon talks about where the log cabin was built by John Cashner are still there. During the years the Chetco River has washed away several # of acres which was bottom land at one time. The orchard planted by Regan is also gone. The gardener also grew a hugh garden on this bottom land she talks about. Lane cut hay also there.

The United States of America,

to all to whom these presents shall come, Greeting:

RECEIVED

DEC 28 1992

WATER RESOURCES
SALEM, OREG

WHEREAS, a Certificate of the Register of the Land Office at **Roseburg, Oregon,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Joseph Regner**

has been established and duly consummated, in conformity to law, for the **west half of the northeast quarter and the east half of the northwest quarter of Section eight in Township thirty-nine south of Range twelve west of the Willamette Meridian, Oregon, containing one hundred 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 claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

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 **EIGHTH**

(SEAL)

day of **JANUARY** in the year of our Lord one thousand

nine hundred and **FIFTEEN** and of the Independence of the

United States the one hundred and **THIRTY-NINTH.**

By the President:

Woodrow Wilson

By

M. O. LeRoy Secretary,

A. L. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **452469**

RECEIVED

DEC 28 1992

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ATER RESOURCES DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That FRED GARDNER and HULDA GARDNER, husband and wife, hereinafter called grantors, in consideration of Ten and no/100 Dollars and the love and affection which they bear toward the grantees herein and for other good and valuable consideration, do hereby grant, bargain, sell and convey unto ELMER HOLLIS GARDNER and SADIE GARDNER, husband and wife, as tenants by the entirety, an undivided one half interest in the following described property, and to HOWARD MODESTO GARDNER as tenant in common with the aforesaid grantees a like undivided one half interest in the property hereinafter described, and unto the grantees' heirs, successors and assigns, all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Curry, State of Oregon, described as follows, to wit:

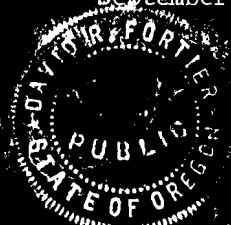
That portion of the West half of the Northeast quarter and the East half of the Northwest quarter of Section 8, Township 39 South, Range 12 West, of the Willamette Meridian, in the County of Curry and State of Oregon, lying West and North of the thread of the Chetco River in Curry County, Oregon.

TOGETHER with the right to use any and all access roads to said premises over and upon said premises, which grantors may hereafter have reserved or otherwise acquired.

EXCEPTING THEREFROM the following described parcel heretofore conveyed to SYLVESTER PAYNE and ANNE PAYNE, to wit: Beginning at the Southeast corner of the East half of the Northwest quarter of Section 8, Township 39 South, Range 12 West, W. M., Curry County, Oregon, thence West 624.0 feet; thence North 832.0 feet; thence East 455.0 feet, more or less, to the Chetco River; thence Southeasterly along said river to a point East of the point of the beginning; thence West 613.0 feet, more or less, to the point of beginning.

To Have and To Hold the same unto the said grantees, their heirs, successors and assigns forever.

Witness Grantors' hands and seals this 16 day of September, 1966.



Fred Gardner
Fred Gardner

Hulda Gardner
Hulda Gardner

STATE OF OREGON)
County of Curry) ss

September 16, 1966

Personally appeared the above named Fred Gardner and Hulda Gardner, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

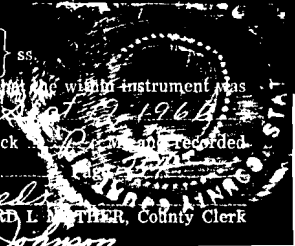
Before me:

David R. Fortier
Notary Public for Oregon

My commission expires January 7, 1970

State of Oregon)
County of Curry) ss

I hereby certify that the within instrument was filed for record at 1:45 o'clock PM on September 19 1966 in book 81 of Deeds of Bernard L. Mather, County Clerk



ELMER HOLLIS GARDNER, hereinafter referred to as GRANTOR, the spouse of the GRANTEE named below, inconsideration of Ten and no/100 Dollars and love and affection to the GRANTOR paid, does bargain, sell and convey unto LORPAINE PAYNE GARDNER, GRANTEE, and spouse of the GRANTOR, an undivided interest in the following described real property situated in Curry County, Oregon, including all the tenements and appurtenances belonging and otherwise appurtenant thereto, said parcel of real properties more particularly described in "Exhibit A" which is attached hereto and by reference incorporated herein.

TO HAVE AND TO HOLD, an interest in said real property unto the GRANTEE forever.

The above named GRANTOR hereby retains an interest in said real property and it is the intent and purpose of this instrument to create, and there is hereby created an estate of tenants by the entirety between the above husband and wife as to said real property.

Mail tax statements to:

Mr. Elmer Hollis Gardner
P.O. Box 2601
Harbor, Oregon 97415

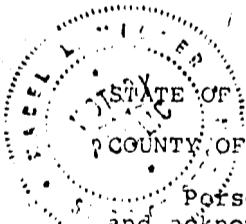
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DEC 28 1992

WATER RESOURCES
SALEM, OREGON

IN WITNESS WHEREOF, the GRANTOR has set his hand and seal
this 7th day of September, 1982.

Elmer Hollis Gardner
ELMER HOLLIS GARDNER



MAHEL L. MILLER
NOTARY PUBLIC (STATE OF OREGON)
: ss
CURRY COUNTY (OF CURRY)

Personally appeared the above named ELMER HOLLIS GARDNER, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me this 7th day of September, 1982.

Mahel L. Miller
NOTARY PUBLIC for Oregon
My Commission Expires: July 13, 1985

Return To: James W. Gardner
P.O. Box 1286
Gold Beach, OR 97444

18708 Rocky Bay Pt.

Gig Harbor, Wa. 98329

February 6, 1992

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DEC 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Phone # - 206-884-2682

Dear Loraine and Elmer;

I, Birdie Tolman Lane was born May 17, 1895 on the upper Chetco River on what is now known as the Tolman Estate owned by a Mr. Brim of Brookings, Oregon. We owned the property from about 1892 to 1928. My Mother Mrs. Frances Ann Prigmore Tolman sold the home where I, Cora, and Oliver were born to a Mrs. Helen Richardson. I understand she gave it to one of her Nephews who in turn sold to Mr. Brim. I got to thinking back about the property that you now own. Before I was born there was an old miner by the name of John Cashner who built a log cabin near some cottonwoods on the bottom land that was later planted to an orchard by Regan. By the time I was old enough to remember this cabin had rotted away, and all that was left was a few logs. It is possible that he used what is known as a Squatters Right. At this time in history many settlers used this right.

My father Ambrose Pendleton Tolman paid Jack McFerin \$500.00 who had a Squatters Right to the ranch my brother Will sold to Emery Wallace. He was drowned in the river just below the place, and his heirs Ralph and Harvey sold to Archie McVey. This ranch is the farthest up the Chetco River. At one time all the land around Harbor, and the Chetco River was an Indian allotment, and also Quale prairie.

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DEC 28 1992

Mrs. Green an Indian woman who was Mrs. Link Van Pelt, WATER RESOURCES DEPT.
mother of Smith River owned Long Nook which the Forest SALEM, OREGON
Service now uses. Your Dad, Fred told me that Link's
son Arthur Van Pelt came back to see if he could lay claim
to it. His brother was an attorney out of Portland, Oregon.
Arthur got up as far as the Heiney place had a heart attack,
and died there. I understand that if an Indian has a drop
of white blood that they can't claim an Indian Allotment.
The upper Chetco at one time was owned by Smith River, or
Harbor INdians. Johnny Lopas of Smith River had quite a
nice log cabin built ABOUT HALF WAY UP ON Longridge.
Charley Van Pelt, his daughter Alfa, and his sister Emma
all owned allotments there.

Mr. Wilson and son Sammy came to the place you now own
when I was about five years old. Our school records were
destroyed when the Court House in Gold Beach burned.

Mr. Wilson died and was buried in the Payne cemetery.

Father wasn't home at the time, and my brother Will built
his coffin. They lined it with some material that my Father
had bought for a dress for Mother. It was trimmed with a
black fring that was left from trimming my little brother
Johnny's casket. My brother Will read the twenty third Psalm,
and my Mother did the cooking for all who came. We all went
to his funeral as we allloved him. His son Sammy just up
and left, and we never heard of him again.

*approx.
1900*

*photo
enclosed
MY*

RECEIVED

DEC 28 1992

Homesteaded - 1-08-1915

Joe Rignor was the next to live there. He sold to a Mr. Reed. He had a wife, and small Son. Neither of them could make a living on the place so in time Mr. Reed sold to Bill Lane my brother-inlaw. He got a job with the Forest Service, and was lookout at snowcamp Station until they retired him. Bill had a house built on the bank of the creek that ran through the place. It was a good cold stream that ran all year round. This stream was the same one that the others who lived on the place used.

I hope that you can pick out what you need from the history as I remember it. When you try for a water right be very careful.

Sincerely

Biddie L. Lane

WATER RESOURCES DEPT.
SALEM, OREGON

THIS AGREEMENT, Made the 15th day of September, 19 51,
between H. A. Bizeau and Mae E. Bizeau, husband and wife,
hereinafter called the first party, and Fred Gardner and Hulda Gardner, husband and
wife of the County
of Curry and State of Oregon, hereinafter called the second party,

WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made
as hereinafter specified, the first party hereby agrees to sell to the second party and the second party agrees to
purchase from the first party the following described real estate, situate in the County of Curry
State of Oregon, to-wit:

That portion of the west half of the Northeast quarter and
the East half of the Northwest quarter of Section 8, Town-
ship 39 South, Range 18 West of the Willamette Meridian in
the County of Curry and State of Oregon, lying West and North
of the thread of the Chetco River in Curry County, Oregon.

RECEIVED

DEC 28 1952

WATER RESOURCES DEPT.
SALEM, OREGON

for the sum of Two Thousand Six Hundred and no/100-----(\$ 2,600.00) Dollars
(hereinafter called the purchase price), on account of which One Thousand and no/100-----
(\$1,000.00) Dollars is paid on the execution hereof (the receipt of which is hereby acknowledged by the
first party); the second party agrees to pay the remainder of said purchase price (to-wit: \$ 1,600.00)
to the order of the first party in monthly payments of not less than Thirty and no/100-----Dollars
each, payable on the 15th day of each month hereafter beginning with the month of October, 19 51
and continuing until said purchase price is fully paid. All or any part of said purchase price may be paid at any
time; all deferred balances of said purchase price shall bear interest at the rate of SIX per cent per annum from
this date until paid, interest to be paid monthly and in addition to the minimum monthly payments above
being included in required. Taxes on said premises for the current tax year shall be pro-rated between the parties hereto as of
the date of this contract.

In addition to said purchase price, the second party agrees to pay all taxes, city liens, water rents and other public charges which hereafter may
become a lien on said land promptly before the same become past due; that he will keep the buildings now or hereafter to be erected on said land in-
sured against loss by fire in an amount not less than \$_____ in some fire insurance company satisfactory to the first party, with loss, if
any, payable to the first party as his interest may appear; said policy of fire insurance shall be delivered to the first party and retained by him until the
said purchase price is fully paid. The second party shall be entitled to possession of said lands on date hereof, 19____, and may
retain said possession so long as he is not in default in the performance of his obligations under the terms of this contract. While any part of said pur-
chase price remains unpaid, the second party agrees to keep the buildings and improvements on said premises, now or hereafter erected, in good condi-
tion of repair, and not to suffer any waste or strip thereof. The second party agrees to keep said premises free of mechanics' and other liens, to save
the first party harmless therefrom and to reimburse the first party for all costs and attorney's fees incurred by him in defending against any of such
liens.

The first party agrees that at his expense and within 30 days from the date hereof, he will furnish unto second party a title insurance
policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the first party on or subsequent to the date of
this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. In lieu of title
insurance, as hereinabove provided, first party, at his option, may furnish the second party an abstract of title continued to the date of this agreement,
showing marketable title in the first party, as aforesaid. First party also agrees that when said purchase price is fully paid and upon request and upon
surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the second party, his heirs and assigns,
free and clear of encumbrances as of the date hereof excepting, however, the said easements and restrictions and the taxes, city liens, water rents and
public charges so assumed by the second party and further excepting all liens and encumbrances created by the second party or assigns.

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the second party shall fail to
make the payments above named, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein con-
tained, then the first party at his option shall have the right to declare this contract null and void or to foreclose the same by suit in equity, and in
either of such cases, all rights and interest created or then existing in favor of the second party as against the first party hereunder shall utterly cease
and determine and the right to the possession of the premises above described and all other rights acquired by the second party hereunder shall revert to
and re-vest in said first party without any act of re-entry, or any other act of said first party to be performed and without any right of the second
party of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this
contract and such payments had never been made; and in case of such default all payments heretofore made on this contract are to be retained by and
belong to said first party as the agreed and reasonable rent of said premises up to the time of such default. And the said first party, in case of such
default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid without any process of law, and take immediate
possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The second party further agrees that failure by the first party at any time to require performance by the second party of any provision hereof
shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said first party of any breach of any provision hereof be held to
be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the second party agrees to pay such sum
as the court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action.

In construing this contract, it is understood that the first party or the second party may be more than one person; that if the context so requires,
the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical
changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals in duplicate on this, the
day and year first above written.

H. A. Bizeau (SEAL)
Mae E. Bizeau (SEAL)
Fred Gardner (SEAL)
Hulda Gardner (SEAL)

WILSON

CHANNON

1911

Harbor Oregon
1-02-1993

Oregon Water Resources Dept.
3850 Portland Rd, N.E.
Salem, OR 97310

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JAN 11 1993

WATER RESOURCES DEF
SALEM, OREGON

Attn: Don Knauer

Re: Homestead Entry - Joseph Begner / Elmer Gardner

Attached is some information from Joseph Begner's homestead entry # 05457.

Please note that the homestead entry was made on October 11, 1909, and that he resided and made improvements on this land for 7 years.

I hope this will help to establish our pruy for the pre-1909 Water Right Permit.

Thank You
Elmer/Lorraine Gardner
P.O. Box 2601
Harbor OR 97455
Phone # (503) 469-6987

Please Note: per telephone call today - 1-5-93.
Re: Elmer Gardner pre-1909 form, I forgot to have it notarized. Sorry -
Lorraine/Elmer Gardner

The United States of America,

to all to whom these presents shall come, Greeting:

JAN 11 1893

WATER RESOURCES DEPT
SALEM, OREGON

WHEREAS, a Certificate of the Register of the Land Office at **Roseburg, Oregon,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Joseph Regner**

has been established and duly consummated, in conformity to law, for the **west half of the northeast quarter and the east half of the northwest quarter of Section eight in Township thirty-nine south of Range twelve west of the Willamette Meridian, Oregon, containing one hundred 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 claimant **the tract of Land above described;** TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant **and to the heirs and assigns of the said claimant** 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 there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

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 **EIGHTH**

(SEAL)

day of **JANUARY** in the year of our Lord one thousand

nine hundred and **FIFTEEN** and of the Independence of the

United States the one hundred and **THIRTY-NINTH.**

By the President:

Woodrow Wilson

By

M. O. LeRoy Secretary,

L. L. Lamar
Recorder of the General Land Office.

NOTICE FOR PUBLICATION
(PUBLISHER.)

WATER RESOURCES DEPT.
SALEM, OREGON 05457

DEPARTMENT OF THE INTERIOR,

U. S. LAND OFFICE at Roseburg, Oregon,

July 21, 1914

NOTICE is hereby given that Joseph Ragnar, of
Harbor, Oregon, who, on October 11, 1910, made
Homestead Entry, Serial 05457, No. 05457, for
the NE 1/4 of NW 1/4 and E 1/2 of NW 1/4 of (Kind of application or entry.)
Section 8,

Township 39 S, Range 12 W., Willamette Meridian,

has filed notice of intention to make Final Five-year
(If homestead, insert "five year" or "commutation," as case may be.)

Proof, to establish claim to the land above described, before
J. R. Bannard, County Clerk of Curry County, at his office, at
Gold Beach, Oregon, (Name of Officer.)
on the 8th day of
September, 1915.

Claimant names as witnesses:

- William Tolman, of Gold Beach, Oregon.
- Hermann Jansen, of " "
- Alfred Koch, of Harbor, Oregon.
- Julius Steinecke, of " "

Not coal land.

Register.

AFFIDAVIT OF PUBLICATION.

* Publisher: Return this form to the
Register at the end of the period of publi-
cation, with the "Affidavit of Publication"
properly executed.

I, _____, of the
(Publisher or foreman.)

(Name of newspaper.)

published _____ at _____
(Daily or weekly.) (Place.)

do solemnly swear that a copy of the above notice, as per clipping
attached, was published _____ in the regular and
(Daily or weekly.)

entire issue of said newspaper, and not in any supplement thereof,
for _____ consecutive _____, commencing with the
issue dated _____, 191 _____, and ending with the
issue dated _____, 191 _____

(Signature.)

Subscribed and sworn to before me this _____ day of _____, 191 _____

(Official designation.)

(Attach clipping here.)

No information now
in the office war-
ranteeing field invest-
igation.

[Handwritten signature]

QUESTION 6. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

1	2	Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
		No.1 This is bench and hill some quite good some poor	land 10	5	50,000
		No.2.About the same as 1 more good	land 15	none	
3	4	No.3.Very poor land,grazing	land 5	very scattering	8 acres
		No.4 mostly river bar and a little bottom	land 5	3 acres	
Estimates timber on place at					100,000

QUESTION 7. State the number of acres cultivated, kind of crop planted, and amount harvested, each year. If used for grazing only, state number and kind of stock grazed each year and by whom owned and compensation, if any, received. (See Note 2, page 3.)

ANSWER. 1st year 2 acres; 1 acre in garden stuff & potatoes. 1 acre in corn, beans and oats. good crops.
 2d year 5 acres in crops. 1 acre to garden and potatoes, and the balance to corn, beans, melons, fruit trees, etc. Good crops, want state exact amounts.
 3d year 5 acres under plow, cleared and seeded about 4 acres to tame grass. About same crops as before.
 4th year 5 acres to same crops as previous. Ten acres cleared and seeded to tame grass.
 5th year same amount as previous. Have ten acres more slashed and ready to burn and seed to tame grass this fall.
 6th year
 Since I have been on the place I have raised a great plenty of crops for
 7th year my own use and have sold beans, corn, potatoes and dried and fresh fruit.

QUESTION 8. Describe fully and in detail the amount and kind of improvements and number of acres under cultivation on each subdivision. State total value of improvements on the claim.

ANSWER.

Subdivision.	Character of improvements.
Sub.1.	Barn of split material 12 by 14 ft. 2 small sheds built on to the sides of the barn, have about 1200 feet of paling fence on this forty. 5 acres in cultivation or seeded to tame grass.
2.	Main house is 12 by 14 ft with 10 ft lean to, smoke house, chicken and tool house, sheds for apples, potatoes, etc. 2200 ft of paling fence, 15 acres. cleared and seeded to tame grass or else under the plow.
Estimates value of improvements at \$1000.00	

QUESTION 9. 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 or business?

ANSWER. no

QUESTION 10. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. no, not that I know of

QUESTION 11. Have you ever made any other homestead entry? If so, describe the same.

ANSWER. no

RECORDED
JAN 11 1893

DEPARTMENT OF THE INTERIOR.

WALTER S. JONES DEPT
SALINA, OREGON

HOMESTEAD ENTRY.

U. S. LAND OFFICE Roseburg, Oregon. No. 05457

FINAL PROOF. Receipt No. 1291985
1491021

TESTIMONY OF WITNESS.

QUESTION 1. What is your full name, age, and post-office address?

ANSWER. Hermann F. Jantzen, age 43, G old Beach, Oregon

QUESTION 2. (a) How long have you known the claimant in this case
and the west half of the northeast quarter and the east half of the
Northwest quarter of Section 8,

Township 39 S., Range 12 W., Willamette Meridian,
the land embraced in Homestead Entry, No. 05457, made at the
Roseburg, Oregon Land Office?

ANSWER. Claimant 4 years, land same length of time

(b) Is claimant married? ANSWER. not to my knowledge

QUESTION 3. Is said tract within the limits of an incorporated town,
or used in any way for trade or business?

ANSWER. no

QUESTION 4. (a) When did claimant settle upon the homestead?

ANSWER. Prior to my knowledge of the place, I came here 4 years ago

(b) At what date did claimant establish actual residence thereon?

ANSWER. can't see as to that

(c) Have claimant and family resided continuously on the home-
stead since thus establishing residence thereon?

ANSWER. Yes, ever since I have known him

(d) Have claimant and family ever been absent from the homestead
since thus establishing residence thereon?

ANSWER. no

(e) If there have been any such absences, give the dates covered
by such absences, stating who was absent and for what
reason.

ANSWER. none

QUESTION 5. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

		Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
1	2	Sub.1. Agricultural soil	20	5 acres	50,000
		Sub.2. Better than 1.	30	No timber	of value
3	4	Sub.3 Similar to 1 not as good.	10	5 acres	20,000
		Sub.4 Nearly all river bar	5	no timber	

QUESTION 6. State by subdivisions the number of acres cultivated, kind of crop planted, and amount harvested, each year. How many acres of the claim are now cleared, or broken, and under cultivation? If used for grazing only, state number and kind of stock grazed each year and by whom owned.

ANSWER. Since the 2nd year there has been about 5 acres in various crops and claimant has cleared and seeded and increased the amount of cultivated land each year. Cant give the amount planted to each crop yearly but I know he has raised plenty for his own use and has sold some produce besides. Has also grazed a few burros and a cow or two on the place.

QUESTION 7. Describe fully and in detail the amount and kind of improvements on each subdivision. State total value of improvements on the claim.

ANSWER.

Subdivision.	Character of improvements.
All improvements are on one and two:	Sub.1. About $\frac{1}{4}$ mile of pailing fence, barn of split lumber, 16 by 24 feet, 10 acres slashed, burned and mostly seeded to tame grass, 2 acres or more under the plow:
Sub.2.	House of split lumber about 16 by 20 feet, usual outhouses, a little more fencing than 1, 3 acres in cultivation and at least ten acres slashed and burned and seeded to pasture and hay. Has a hundred trees of various kinds planted out, some bearing, also berries of all kinds.
Estimates improvements to be worth from 800 to 1000 dollars.	

QUESTION 8. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER.

no

QUESTION 9. Have you any knowledge or information that claimant has sold or contracted to sell, optioned, mortgaged, or agreed to option or mortgage this land? If so, give full details as to whom, for what purpose, and in what amount.

ANSWER.

I have not

[Form approved by the Secretary of the Interior November 23, 1908.]

DEPARTMENT OF THE INTERIOR.

HOMESTEAD ENTRY.

U. S. LAND OFFICE Roseburg, Oregon, No. 05457

FINAL PROOF. Receipt No. 1291985
1491021

TESTIMONY OF WITNESS.

QUESTION 1. What is your full name, age, and post-office address?

ANSWER. William Tolman, age 37, Gold Beach, Curry County, Oregon.

QUESTION 2. (a) How long have you known the claimant in this case and the west half of the northeast quarter and the east half of the northwest quarter of Section m 8

Township 39 S. Range 12 W. Willamette Meridian,

the land embraced in Homestead Entry, No. 05457, made at the Roseburg, Oregon Land Office?

ANSWER. Land for 15 years, claimant since he established residence here.

(b) Is claimant married? ANSWER. Not to my knowledge

QUESTION 3. Is said tract within the limits of an incorporated town, or used in any way for trade or business?

ANSWER. no

QUESTION 4. (a) When did claimant settle upon the homestead?

ANSWER. Shortly after filing on said land about five years ago

(b) At what date did claimant establish actual residence thereon?

ANSWER. At right about that time

(c) Have claimant and family resided continuously on the homestead since thus establishing residence thereon?

ANSWER. yes

(d) Have claimant and family ever been absent from the homestead since thus establishing residence thereon?

ANSWER. no

(e) If there have been any such absences, give the dates covered by such absences, stating who was absent and for what reason.

ANSWER. none

QUESTION 5. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

	Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
1	2	Sub.1. Ordinary hill land.	20	very saattering timber
		2. Bench and bottom# land	30	no timber.
3	4	3. Quite rocky, good mostly for pasture.	10	few saattering trees
		4. Gravel bar and some bottom land.	20	possibly 10 acres.

Timber is very scattering about enough for farm use.

QUESTION 6. State by subdivisions the number of acres cultivated, kind of crop planted, and amount harvested, each year. How many acres of the claim are now cleared, or broken, and under cultivation? If used for grazing only, state number and kind of stock grazed each year and by whom owned.

ANSWER. Sub.1. 2 acres under plow each year, corn, potatoes, beans etc. He has harvested very good crops. Sub.2 From 5 to 10 acres. In general crops of all kinds and fruit trees, melons, corn, grass, etc. He raises as good crops as any in this section.

All improvements made in Subs. 1 and 2. Possibly fifteen acres cleared and seeded to grass or under plow on the plac.

QUESTION 7. Describe fully and in detail the amount and kind of improvements on each subdivision. State total value of improvements on the claim.

ANSWER.

Subdivision.	Character of improvements.
Sub.1. Barn of split lumber 12 by 15 ft. An acre enclosed in paling fence. 3 acres or better cleared and under cultivation.	Sub.2. House of split lumber about 12 by 15 feet, several sheds and outbuildings. About 5 acres fenced. 10 pr 15 acres cleared and seeded or under cultivation on this forty.
Estimates improvements to be worth \$1000.00	

QUESTION 8. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. no

QUESTION 9. Have you any knowledge or information that claimant has sold or contracted to sell, optioned, mortgaged, or agreed to option or mortgage this land? If so, give full details as to whom, for what purpose, and in what amount.

ANSWER. no

QUESTION 10. (a) Have you personal knowledge, from your own observation, that claimant and his family (if any) actually resided upon and cultivated this land each year in accordance with your above testimony?

ANSWER. yes sir

(b) How many times each year have you seen this land, and the claimant and his family residing thereon; and what other personal knowledge have you upon which your answers are based?

ANSWER. Have seen them 3 or 4 times each year, and have known by common report that he was there all the time and working very hard all the time

QUESTION 11. Are you interested in this claim, or related to the claimant? If so, how?

ANSWER. no sir, and I aver that I have given all of the foregoing testimony without any actual knowledge of the testimony given by either of the other persons testifying in this proof.

RECORDED
JAN 14 1894

William Tolman
(Sign plainly, with full Christian name.)

NOTE 1.—The officer before whom the proof is made will see that all answers are complete and responsive to the questions.

NOTE 2.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes (below), 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.

I HEREBY CERTIFY that the deponent was examined separately and apart from the other witnesses in the case; that the foregoing deposition was read to or by deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known (~~William Tolman~~);
(Give full name and post-office address.)

that I verily believe deponent to be the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me at my office, in Gold Beach, Curry County, Oregon,
(Town, county, and State.)
within the Rosburg, Oregon land district,
this 8th day of September, 1914.

J. R. Standard
Clerk of County Court of Curry County, Oregon.
(Official designation of officer.)

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 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, willfully and unlawfully subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by 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 Sec. 1750.)

NOTE.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

I HEREBY CERTIFY that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by

Julius Steinake of Harbor, Oregon (Give full name and postoffice address.);

that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in *Gold Beach* (Town.)

Curry County Oregon (County and State), within the *Roseburg Oregon*

Land District, this *27th* day of *September*, 19*29*

Geo. W. Smith
Clark of the County Court of
Curry County Oregon
(Official designation of officer.)

UNITED STATES LAND OFFICE at *Roseburg, Oregon*,
Oct. 11, 19*29*

I HEREBY CERTIFY that the foregoing application is for surveyed land 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.

Benjamin L Eddy
Register.

RECEIVED of the above-named applicant the sum of _____ dollars and _____ cents, being the amount of fees and compensation of the Register and Receiver for the entry of the land, hereinbefore described, under Section 2290, Revised Statutes of the United States.

\$ _____ Receiver.

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 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, willfully 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 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 Sec. 1750.)

NOTE.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

JAN 11 1930

WATER RESOURCES DIVISION
DALLAS, TEXAS

HOMESTEAD ENTRY

U. S. LAND OFFICE,

NO. _____

APPLICATION

Name _____

Date _____

Section _____

Township _____

Range _____

NOTATION OF ACTION.

(Space below for use in GENERAL LAND OFFICE only.)

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Dec NAME SOUTH COAST # 17 UNADJUDICATED AREA ? yes
RECEIPT # 95480 (CHETCO) S W R NUMBER 239
CHECK ENCLOSURES Dec PRELIMINARY DATA BASE ENTRY DWP
ACKNOWLEDGEMENT LETTER Dec ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION ACP

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

#13 ✓ source and trib
#13 ✓ diversion point location
#13 ✓ conveyances (pipes, ditch, etc.)
#13 ✓ place of use
#13 ✓ scale
#13 ✓ township, range, section
#13 ✓ north arrow
#13 ✓ CWRE stamp
#13 ✓ disclaimer
#13 ✓ date survey was performed
#13 ✓ P.O.B. of survey
#13 ✓ dimensions and capacity of diversion system
#13 ✓ "beneficial use" type title
#13 ✓ "permanent-quality" paper
#13 ✓ 4 1/2 ACRE

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

February 22, 1995

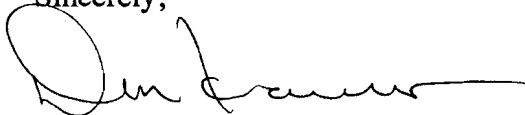
HOWARD J NEWHOUSE
PO BOX 360
WEDDERBURN OR 97491

RE: SWR-239

Dear Mr Newhouse,

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

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\2\SWR-0239.003



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

NEWHOUSE-95

2-6-95

SWR-239

HOWARD NEWHOUSE

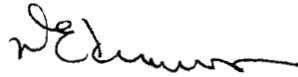
WA:

ASKED ABOUT MAP & INFO TO
COMPLETE THIS FILE. SENT
HIM COPIES OF LETTERS & ETC

TO: WATER RIG

FROM: DON KN

SUBJECT: PRE-1



Alright you guys, this is, it's time
to get the maps, report, Water Resources
Department. There's talk around the office of putting together a "map-patrol" with a tough
leader to travel around and retrieve the required documents.

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

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

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

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

SWR-239 GARDNER

September 3, 1993

HOWARD J. NEWHOUSE
PO BOX 360
WEDDERBURN OR 97491

RE: File# SWR-239

DEAR HOWARD J. NEWHOUSE,

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 Elmer H. Gardner. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

conveyance	ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..." You must show on the map the pipe line or other means of getting the water from the diversion point to the place of use.
diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems." You must show the size of the diversion point and conveyance system so that the maximum quantity of water can be calculated.




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", with a long horizontal flourish extending to the right.

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\2\SWR-0239.00M

February 23, 1993

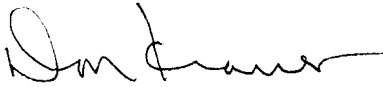
ELMER H GARDNER
PO BOX 2601
HARBOR OR 97415

RE: SWR-239

Dear Mr Gardner,

This is to acknowledge receipt of your Surface Water Registration Statement which you signed and had notarized. We do have copies of the homestead entry forms.

Sincerely,



Don Knauer
Adjudication Specialist

C:\WP51\SWR\CLAIMANT\SWR-239.002



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

February 17, 1993

ELMER H GARDNER
PO BOX 2601
HARBOR OR 97415

Dear MR GARDNER,

This will acknowledge that your Surface Water Registration Statement in the name of ELMER H GARDNER has been received by our office. The fees in the amount of \$230.00 have been received and our receipt #95480 is enclosed. Your registration statement has been numbered SWR-239.

You must sign the claim form and have your signature notarized. Oregon Administrative Rule 690-28-025 (1) requires that the registration statement be notarized. For this reason we are returning the claim form so that you can have your signature notarized. We have kept a copy of your form for our records. We will not process your claim until we have received your notarized registration statement. Please return it to my attention at this address.

If you have any questions regarding this process, please do not hesitate to give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0239.001



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 RECEIPT # **95480**
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIVED FROM: <u>Chloe Gardner</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: CHECK: # 2412 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 730.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>730.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

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	842.002	\$
842.003	GROUND WATER	842.004	\$
842.005	TRANSFER	842.006	\$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	842.023	\$
842.016	WELL DRILL OPERATOR	842.019	\$
	LANDOWNER'S PERMIT	842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

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

RECEIPT # **95480** DATED: 12/21/00 BY: C. Angel