ESTES SURVEYS

LAND SURVEYS
CONSULTING

WATER RIGHT SURVEYS
Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
585-7593

RECEIVED
NOV 04 1993
WATER RESOURCES DEPT
SALEM, OREGON

November 3, 1993

Tom Lauer, Adjudication Specialist
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Dear Tom: Re: File# SWR-566

Enclosed is the map for Pauline and Ulrich Buhler's 1892 claim. I have entered the coordinates for the pond.

You had a question about the sling system used to fill the water tank which was used to deliver the water to the berry fields. As related to me, Mr. Buhler devised a sling similar to the log dock boat slings to submerge his delivery tank for filling. The tank was then lifted out of the water and replaced on the trailer. Mr. Buhler would then use his farm tractor to pull the tank/trailer to the field.

I presume this completes the file for now. If you have any other concerns please give me a call.

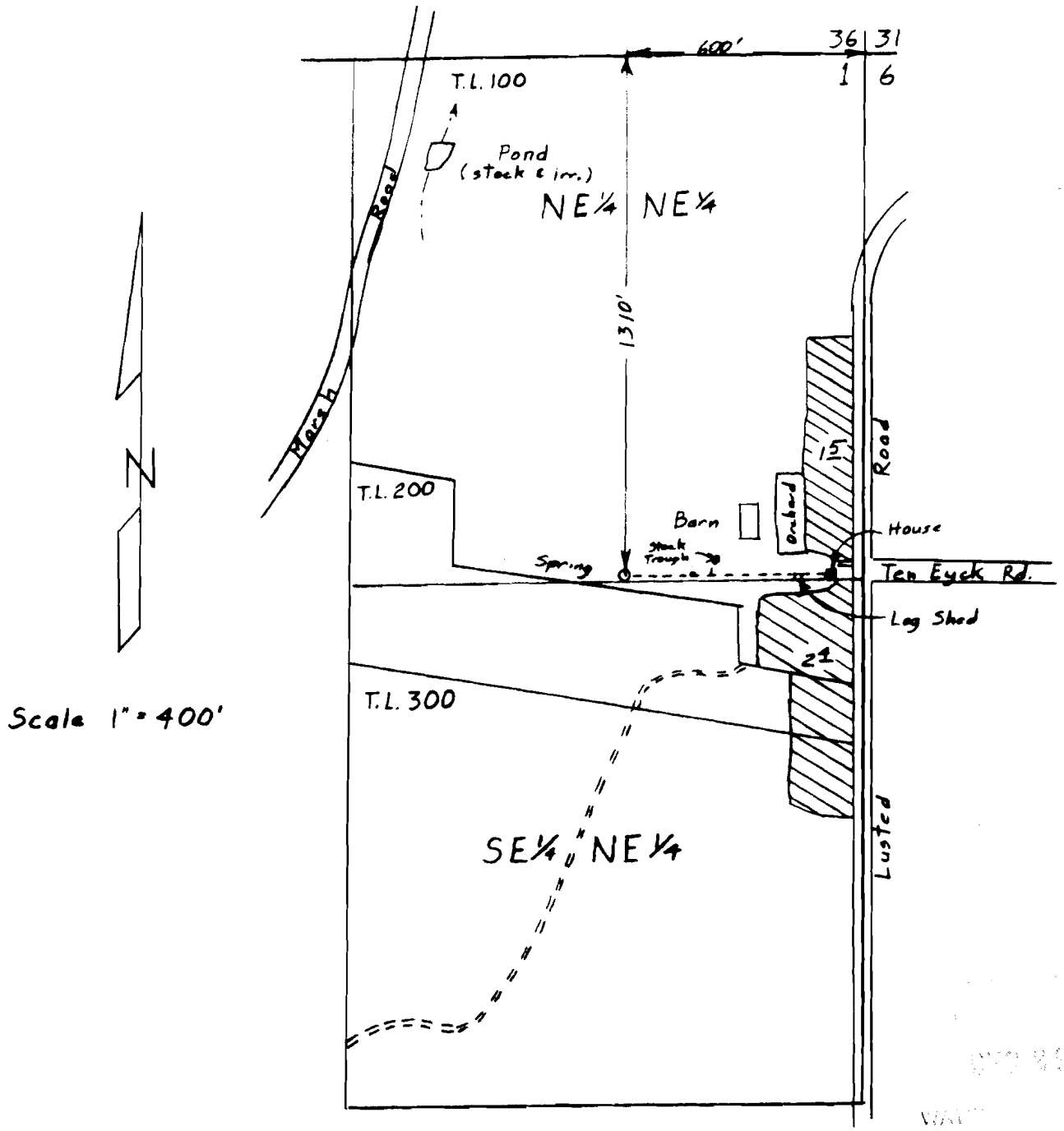
Sincerely,

Bruce

Bruce A. Estes, PLS, CWRE

cc Pauline Buhler

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W. M.



Adjudication Claim Map
for
PAULINE E. BUHLER
&
ULRICK F. BUHLER

Certified Water Right Examiner
#1
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

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NOTICE OF BENEFICIAL USE AND SITE REPORT

SURFACE WATER RECLAMATION
in name of

PAULINE E. BUHLER AND ULRICH F. BUHLER

INTRODUCTION: I spent over the evening and discussed with Pauline Buhler and her son Ulrich Buhler.

STORAGE: Irrigation and for domestic use and stock. Lowered stream for stock and irrigation.

SOURCE DIVERSION: NE 1/4 NE 1/4, section 1, T. 7 S., R. 1 E., W.M., 1320 feet South and 400 feet East from the N. corner of section 1. A steel dam, approximately 1000 cu. yards, is buried into the bed of the spring area. A submersible pump in the low point of the water through a 1 1/2" plastic pipe up to the pressure tank. Pressure then delivers the water to the house and barnyard. There is over a hundred feet of fall from the spring to the house land so it would have been not too difficult to have installed an hydraulic ram of some sort. The ram by Buhler installed the system sometime approximately 20 years ago.

STORAGE DIVERSION: A dam in NE 1/4 of 1/4, Section 1. Short drive or walk from the dam. According to what was related to the Buhlers when they acquired the property the irrigation was accomplished by filling water monitor tanks from the pump and transporting by the tank by a team of horses. Mr. Buhler built a piping system to fill the tank which was heated, pumped and filled by a tractor. That system was used until a few years ago. The pump was recently cleaned out and is being converted to a jet system.

USE: DOMESTIC (also at house and barnyard), STOCK, and IRRIGATION.

DOMESTIC: The house is 140' above the spring. The original plumbing, use must have been by hydraulic ram. The land and barnyard use would include irrigation of the farm's orchard, the small alfalfa field, etc.

STOCK: The original stock use at the barnyard near the house must have been by hydraulic ram using the domestic facilities. Most stock direct from the spring when at least a pond, the spring is a diversion structure for both stock and irrigation with the lowered stream running through it. The land flows on the ranch which gives from a half gallon to two gallons per minute. This pump was also used for the storage of the water. But that was a very seldom occurrence. There is no way to determine what the original use was but the tub with ram by Lewis and Clark. It had [illegible] gallons per minute or one gallon per minute. The ram [illegible] 20 gallons per minute.

NOTARY
Lynn Fisher
Expires - 4-1-94

Certified Water Right Examiner
#1
Bruce A. Estes
Bruce A. Estes
Nov. 19, 1987
STATE OF OREGON

Pauline E Buhler

OBJECTIVE:

The Buhlers are claiming vested water rights for their property. The purpose of this report is to organize and help explain the data used to substantiate the claim of the Buhler Family pertaining to the age of their house located at 13001 SE Lusted Rd., in Sandy, Oregon. The Buhlers claim the house was built in 1888 by George and Rhoda Thomas thus initiating use of water on the property. This report will also provide evidence for the continual use of the water on the property since that date.

BACKGROUND:

The Buhler House has recently been included in Clackamas County's Historic Resources Inventory (SHPO NO.: 1171). The county gives the home the historic name of the 'Frank and Rhoda Thomas Farm' and dates the home back to 1888. The Thomas Family were early Oregon pioneers. George Thomas (1827-1917) and his wife Rhoda Bilyeu (1837-1913) came to Oregon in 1845 and 1852 respectively, both originally from Missouri. They were married in the Scio area of Marion County in 1853. The couple moved to the Bull Run area in 1878 with their family including their son Frank Thomas. ¶ Clackamas County describes the architectural style of the Buhler/Thomas home as Vernacular, synonymous with Gothic Revival, in their report of the property. This style of architecture was built between 1850-1895 in the state of Oregon. This fact is confirmed by Kimberly V. Demuth, a professional historical consultant with Demuth Glick Consultants, LTD. (A letter from Ms. Demuth is included in this report). The house does include some elements attributed to the Queen Anne Style, but that style was common in the late 19th century also and does not conflict with the 1888 date. In fact, it helps to substantiate the 1888 date because in 1888 the house would be built toward the end of the Vernacular, Gothic Revival Period, and in the early or mid-Queene Anne period. Other historic homes built in the 1890's in the Sandy area begin to be much more ornate than the Buhler/Thomas house leading one to believe that the Buhler/Thomas house was built in the late 1880's. ¶ The

primary reason The Buhler family claims the date of 1888 for construction of the Thomas/Buhler House is because Lena Thomas Bickford(a direct decedent of George and Rhoda Thomas) stated that the house was built in 1887-1888 to Pauline Buhler. Pauline Buhler visited Lena in Washington State around 1957, soon after the Buhler's bought the subject property. (A sworn affidavit by Pauline Buhler attributing to this fact is included in this report). Lena Thomas (a very elderly woman in 1957) told how her family operated a Bed & Breakfast type of facility for the nearby Oregon Trail/Barlow Road during the trail's final days. Lena boasted of the farm's grape vineyards and strawberry fields and how people came from miles around to have some of the homemade wine and preserves. (Concord Grapes and strawberries still thrive on the property, but are currently in a wild state. One grape vine near the house has encompassed a 18-20 foot English Holly tree. The vine use to encompass some large dead apple trees nearby also, but those trees have recently been cut down for safety sake and the grape vine was cut back.) Lena made several trips by the old house because it was "the family homestead," but by the time the Buhler's bought the property Lena was too sick to travel so Pauline Buhler went to visit her in Southwest Washington. The Bed & Breakfast explanation helps to account for the large number of bedrooms in the house. The home originally had six bedrooms (and still does). George and Rhoda Thomas also had 8 children which would help to explain why the home had many bedrooms when the house was initially built.

The book, "Whistle Punks and Misery Whips," by the Sandy Pioneer and Historical Association states that "the Thomas Family moved to Bull Run in 1878 and lived near the northwest corner of Rosyln Lake." The book was compiled by some of the earliest settlers in the Sandy/Bull Run area, unfortunately, many of whom have passed away recently. The location of the NW corner of Roslyn Lake affirms that the Buhler house was the original Thomas House. Unfortunately, the legal history of the current Buhler property is not as clear as the oral history. The earliest deed for the exact location of the Buhler/Thomas house in the Thomas name is a Quit Claim deed signed on 19 March 1900 from the Oregon & California Railway Company to Frank Thomas, son of George and Rhoda Thomas. (Copies of all the mentioned deeds are included in this report). Frank Thomas lived in Estacada at that time and worked in the railway

business. He soon sold this land and the NE quarter of the SE quarter of Section One to his mother on 8 June 1901. This is somewhat unusual because many people interpret the 1878 deed to George and Rhoda as already including this portion of the SE quarter of Section 1.

Deeds in this area took a long time to be registered in the Clackamas County Courthouse and sometimes in an unusual manner. For example, the Quit Claim Deed to Frank Thomas was not registered until 1905, three years after the deed of Frank selling this same property to his mother. One possible reason for this confusion is because of the severe difficulty in surveying the property. In fact, we are still having problems with a property line in 1992. Another reason for possible delays and confusion is that the Bull Run area was the site for many proposed projects-some completed, others not. The most notable projects were the railroad to Mt.Hood, the Bull Run Watershed and Roslyn Lake. All three projects involved the subject property in one form or another.

Oral history of the area states that the Thomas family lived in the Slover house in the SE quarter of Section 1 or the NE quarter of Section 12 when they first arrived in 1878 and bought it from the Slovers. However, they soon wanted to live in a nicer house and decided to build a new one. Our assumption is that they built their house on the subject property we have been talking about, thinking that they already owned the property. Later they discovered that the Oregon & California Railway company had a claim to the land, explaining the Quit Claim Deed (to our understanding, meaning both parties had a claim to the land.). Frank Thomas probably handled the situation because he had connections in the financially troubled Railway company. We know that Rhoda Thomas died in the Buhler/Thomas house and that the house was put up for sale shortly afterward in either 1913-1914.

The property was involved in several legal battles after Rhoda Thomas' death because George Thomas was declared insane shortly after his wife's death. The Thomas family was apparently not pleased with this situation. This possible legal maneuvering between 1913 and 1916 occurred about the same time the Bull Run Trolley, Bull Run Powerhouse, Bull Run Reserve and Roslyn Lake were constructed. The property finally came into the hands of a prominent local family by the name of Dunn in 1916. Ever since then, the property has had steady ownership. However,

an example that not all deeds were recorded with Clackamas County is that the Buhlers bought the property from a widow named Mrs. Myrth Neilson, who had lived on the property for several years, in 1955. However, no record existed of Mrs. Neilson owning the property so the Buhler's lawyer found the Dunns and they legally sold the property to Myrth Neilson on the exact same day the Buhlers bought the property from Myrth Neilson.

The Buhler/Thomas house was constructed with square nails, another indication that the home was built in 1888. This fact was discovered recently when the Buhlers added a modest addition to the rear of the house. The type of windows used in the old home also indicate that the house was built well before the turn of the century. The Buhlers have discovered several historical items in the house and the farm area including the remnants of two stills (one still was in operation by a neighbor at the time the Buhlers purchased the property) and several old moonshine bottles, indicating that the production of homemade alcohol Lena Thomas referred to, continued well through the 1930's.

Large families have always lived on the property. The house has always had at least 6 bedrooms. The farm has also continuously raised many forms of livestock, as seen by the size and age of the barn. When the property was a Bed & Breakfast it catered to many people. The Thomas' ,as well as all the subsequent land owners, received the majority of their water from the springs originating from the cliffs immediately west of the house. (This fact is substantiated by the affidavit of Elsie Forrester included in this report).

The property was also the site of a logging mill on the banks of the Sandy River in the late 19th century. The pond located in the vicinity of the logging mill site was and still is the collection point for the several springs originating in the cliffsides (located in the modern tax lots 100-300 in T2 R4E S1, referred to as the Buhler property in this report). Ruins still exist of the mill which apparently stopped about the same time Rhoda Thomas solidified her claim to the land. The pond serves as a principle collection point for irrigation and stock water.

Moonshine production apparently started soon after the mill stopped. The moonshine production utilized high amounts of water from the property, but this water usage was transformed into other agricultural applications by the Buhler Family. However, a Mr. Strang continued to

produce moonshine from water originating from the property (tax lot 300), even after the Buhlers purchased it. This caused some dissension including the destruction of a corner survey marker because Mr. Strang claimed the water was on his property. The orchard has always received supplemental irrigation in the summer months from the days of the Thomas family until modern day according to local accounts. Other crops, such as strawberries, grapes and hay have received supplemental irrigation throughout the years on the property also. The actual point of the water diversion has varied in the years, but it has always been from the pond or upstream from the pond. The pond has also been the principle watering spot for livestock.

CONCLUSION:

Even though legal documentation is not as clear as we would like, it is a fact that George and Rhoda Thomas moved to the Bull Run area in 1878 and lived in the current Buhler house. Oral history and architectural data support the claim that the house was built in 1888. The construction of a home and farm initiated a use for water that has continued up through the present time. Therefore, the Buhlers claim vested water rights with the priority date of 1888. The Buhlers also wish to make clear they claim the right to maintain the level of their ponds for livestock and other agricultural purposes.

Alfred H. Buhler
Pauline E. Buhler

NOTARY
Lynn Fisher
Expires 4-1-94

Appendix A:

This appendix includes the report by Clackamas County on the subject property in the Historic Resources Inventory, Affidavits by Pauline Buhler and Elsie Forester, Copies of land deeds, copies of journal entries, copies from the book,"Whistle punks and Misery Whips," architectural letter from Demuth Glick Consultants, LTD. and a letter to Clayton Gardner first claiming our intentions to file for vested water rights.

Appendix B:

This appendix includes the certified water right examiner's map and accompanying information, an aerial photo of the property taken in 1912 and a letter from PGE substantiating the date of the photo.

A note should be made since Mr. Estes claimed in the document that the priority date for water usage was 1892. We had told him that we were going to file for that date as a compromise between the earliest deed date and the 1888 date. However, when the architectural information from Clackamas County and Demuth Glick was received it appeared that 1888 was more correct. Also, Lena Thomas was much more sure that the house was built in 1888 then Mr. Vedell Butler about his 1892 date. Mr. Butler simply stated that the house was built around that time and he was simply a neighbor not a family member like Lena (Please refer to the affidavit of Pauline Buhler). Any way you look at it the architectural data supports the oral history that the Buhler/Thomas house was built well before 1900.

CLACKAMAS COUNTY

HISTORIC RESOURCES INVENTORY 1989-92

HISTORIC NAME: **THOMAS, FRANK AND RHODA, FARM**
COMMON NAME:
PROPERTY ADDRESS: 13001 S.E. Lusted Road
OWNER: Buhler, Elmer S.
OWNER ADDRESS: 13001 S.E. Lusted Road, Sandy, OR 97055
RESOURCE TYPE: Building
PRESENT USE: Farm Complex
ORIGINAL USE: Farm Complex
THEME: Culture: architecture; Agriculture
ARCHITECT/BUILDER: Unknown
COUNTY: Clackamas
QUAD: Sandy
T/R/S: 2 4E 1
TAX LOT: 100
ADDITION: N/A
BLOCK: N/A
LOT: N/A
LOT SIZE: 37.89 Acres
ZONE: ~~GTD~~ TI20

SETTING: The Thomas House is located on the west side of Lusted Road, a two-lane thoroughfare, that is at the intersection with Ten Eyck Road. The site is level, sloping gently toward Marsh Road and the Sandy River. Across the road to the east is an open field. On the north there is an open field and wooded area, and to the south there is an open field surrounded by trees. This area is characterized as agricultural land and wooded parcels.

NOTEWORTHY LANDSCAPE FEATURES: Ornamental plantings; fruit trees

NON-CONTRIBUTING FEATURES: Non-historic sheds: Metal shed, concrete block building, shed w/ horizontal wood siding and machine shed

RECORDED BY: Koler/Morrison
DATE: December 1990

SHPO NO.: 1171

HOUSE

DATE BUILT: c. 1888
STYLE: Vernacular
PLAN/TYPE/SHAPE: L-plan
NO. OF STORIES: 1 1/2
FOUNDATION MATERIAL: Concrete; post-and-beam
BASEMENT: No
ROOF FORM AND MATERIALS: Intersecting gable w/ composition shingles
WALL CONSTRUCTION/STRUCTURAL FRAME: Wood/stud
PRIMARY WINDOW TYPE: Double-hung sash w/ architrave molding, some in pairs
EXTERIOR SURFACING MATERIALS: Vinyl siding
DECORATIVE FEATURES: Jigsawn brackets; champfered posts; chimney pot; patterned shingles
OTHER: Paneled door; 2 interior chimneys w/ corbeled caps
CONDITION: Good
EXTERIOR ALTERATIONS (DATE): Partially re-sided w/ aluminum (n.d.); balustrade replaced (n.d.); window replaced w/ aluminum slider, n. elev.; garage added (n.d.)

SHPO NO.: 1171

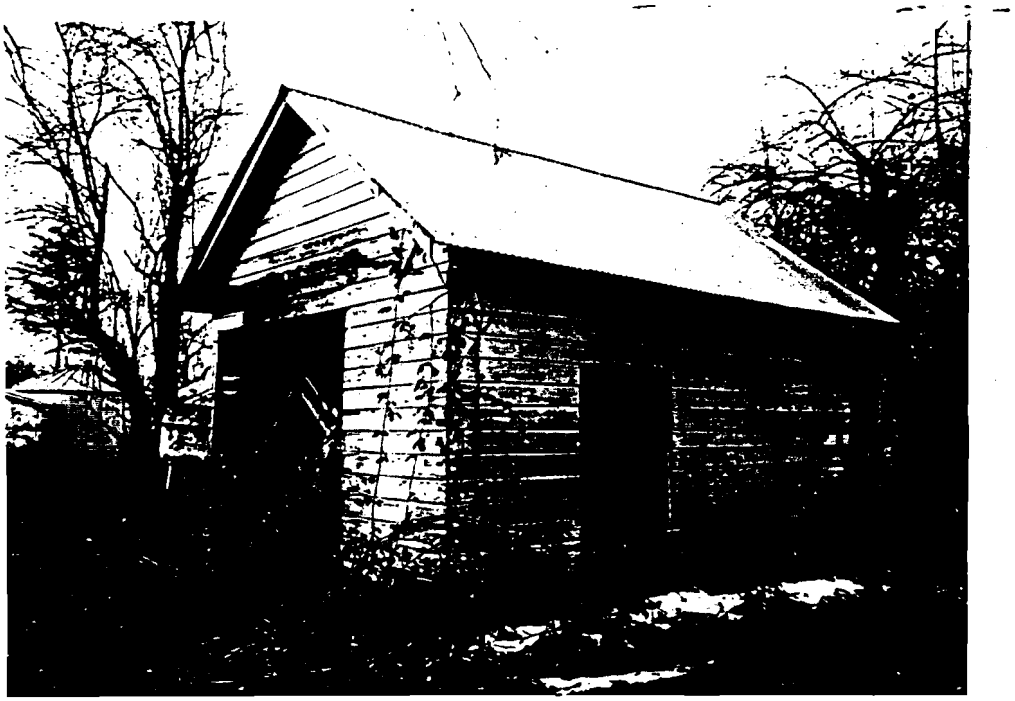
ROOT CELLAR/WOOD SHED

ESTIMATED DATE BUILT: c. 1900
STYLE: Vernacular
PLAN/TYPE/SHAPE: Rectangular
NO. OF STORIES: 1
FOUNDATION MATERIAL: Post-and-beam
BASEMENT: No
ROOF FORM AND MATERIALS: Gable w/ sheet metal
WALL CONSTRUCTION/STRUCTURAL FRAME: Wood/none
PRIMARY WINDOW TYPE: None
EXTERIOR SURFACING MATERIALS: Log, vertical boards in gable end
DECORATIVE FEATURES: None
OTHER: Paneled door
CONDITION: Poor
EXTERIOR ALTERATIONS (DATE): Lean-to added (n.d.)

SHED

ESTIMATED DATE BUILT: c. 1900
STYLE: Vernacular
PLAN/TYPE/SHAPE: Rectangular
NO. OF STORIES: 1
FOUNDATION MATERIAL: Post and beam
BASEMENT: No
ROOF FORM AND MATERIALS: Gable w/ compostion shingles ?
WALL CONSTRUCTION/STRUCTURAL FRAME: Wood/stud
PRIMARY WINDOW TYPE: Multi-light
EXTERIOR SURFACING MATERIALS: Double-bevel
DECORATIVE FEATURES: Purlins and braces
OTHER: Side-wall door
CONDITION: Poor
EXTERIOR ALTERATIONS (DATE): Moved from city of Portland (1950)

SHPO NO.: 1171



MILK HOUSE

DATE BUILT: c. 1900
STYLE: Vernacular
PLAN/TYPE/SHAPE: Rectangular
NO. OF STORIES: 1
FOUNDATION MATERIAL: No
BASEMENT: Post and beam
ROOF FORM AND MATERIALS: Gable w/ sheet metal
WALL CONSTRUCTION/STRUCTURAL FRAME: Wood/stud
PRIMARY WINDOW TYPE: None
EXTERIOR SURFACING MATERIALS: Wide, dropped siding w/o corner or rake boards
DECORATIVE FEATURES: None
OTHER: End-wall opening w/o door
CONDITION: Poor
EXTERIOR ALTERATIONS (DATE): Unknown

SHPO NO.: 1171

BARN

ESTIMATED DATE BUILT: c. 1880
STYLE: Gambrel
PLAN/TYPE/SHAPE: Rectangular
NO. OF STORIES: 2
FOUNDATION MATERIAL: Post-and-beam
BASEMENT: No
ROOF FORM AND MATERIALS: Gambrel w/ sheet metal
WALL CONSTRUCTION/STRUCTURAL FRAME: Wood/unknown
PRIMARY WINDOW TYPE: Multi-light
EXTERIOR SURFACING MATERIALS: Board-and-batten
DECORATIVE FEATURES: None
OTHER: End-wall sliding door; hipped roof vent
CONDITION: Poor
EXTERIOR ALTERATIONS (DATE): Unknown

SHPO NO.: 1171

STATEMENT OF SIGNIFICANCE

Historic Name: **THOMAS, FRANK AND RHODA, FARM**
Address: 13001 S.E. Lusted Road

The Thomas Farm is located in the Bull Run area, immediately west of Roslyn Lake. The resource may be evaluated as a farm complex. The dwelling may also be evaluated as an example of a turn-of-the-century dwelling.

HISTORICAL BACKGROUND

Early development of the Sandy-Boring area can be attributed to the proximity of the Barlow Road; the westernmost link of the Oregon Trail. The primary route of the Barlow Road, established by the 1850s, bisected the study area following present day Highway 26 to Sandy, then turning south towards and crossing the Clackamas River, continuing southwestward to Oregon City. Early settlers were few and widely scattered and included P. D. Terwilliger and L. Williams, who settled claims near the Multnomah County border, as well as Francis Revenue, who settled near present day Sandy. Revenue established a trading post on the Barlow Road. He also built the first school, a log building, in the area in 1870.

Despite the seemingly heavy traffic through the study area, few early pioneers filed donation land claims. Pioneers were interested in farming and sought arable, accessible land near and along the navigable waterways, which were more dependable thoroughfares than the muddy, rutted roads of the period. The topography of the Sandy-Boring area is hilly and therefore not well suited to the common agricultural practices of the mid-19th century. It was not until the 1870s that pioneers began to settle in the Sandy-Boring area.

The population of the county at this time was primarily composed of English, Irish and German immigrants, many of whom had lived in the Missouri, Mississippi or Ohio river valleys prior to moving westward to Oregon.

Mid-19th century dwellings were often of log or simple wood-frame construction. Many buildings exhibited an influence of the Classical Revival style of architecture, although generally this influence was limited to symmetrical facade arrangements, and suggestions of a cornice at the eave line and corner boards.

Like their residential counterparts, agricultural buildings from the period were generally simple buildings. Due to the nature of farming practices, barns and sheds were low-profile, broad buildings.

After the Civil War (1865-1883), the area experienced slow but steady growth. The Barlow Road continued to be an important roadway, operating as a toll road through the first decade of the

20th century. Phillip Foster's Place, at present-day Eagle Creek, south and west of the study area, was an important point on the Barlow Road. Foster, who was a partner in the Barlow Road enterprise, sheltered traveling pioneers and sold supplies. Foster sold his business to Richard Gerdes and Henry Welborn, who operated the mercantile at Eagle Creek after Foster turned his attention to farming.

Communities sprung up along the early roadways throughout the historic period. George Sharrock was the first person to establish ownership of land at the place now known as Sandy. Gerdes bought a portion of Sharrock's land, and in 1873 he established a post office and small store at Sandy. Several families arrived in the Sandy-Boring vicinity in the latter part of the 19th century, claiming homestead rights to large tracts of land. Many of these families stayed in the area for several generations. Willard H. Boring, for whom Boring Junction was later named, settled here during this period. In 1883 Boring donated land for the first school in the Boring vicinity.

During this period subsistence farming was the norm throughout the county, as well as in more level portions of the Sandy-Boring vicinity. Livestock and cereal grains were raised. Lumber complemented the rural economy and would later become the primary industry. Kitchen gardens were essential. Towards the end of the period oats began to surpass wheat as the number one crop and potatoes attained the rank of number three crop. Increasing numbers of livestock corresponded with an increase in hay production. The total number of acres in cultivation tripled during the period. Further, improvements in farm practices and building technology caused changes to agricultural buildings.

Dwellings from the period were simple wood-frame buildings; many showed an influence of the Gothic Revival style of architecture. This type is commonly referred to as the Vernacular or Western Farmhouse style. In contrast to earlier dwellings the buildings of this period had a vertical emphasis; windows were taller and roof pitch was steeper. Drop siding was the most popular exterior wall material although some buildings were clad with the more primitive lap siding. Windows had multiple lights or panes. The windows of earlier buildings (circa 1860) typically had six lights or panes in each sash. As window glass became more readily available panes became larger and the number became fewer. By the end of the period four lights per sash were common.

In general agricultural building continued to be low, broad buildings. However, beginning in the 1870s barns began to be taller to accommodate machinery, such as hay fork lifts.

During the Progressive Era (1884-1913) the population of Clackamas County tripled from 9,260 to almost 30,000, pushing the new comers to develop the hilly land well away from the river and the Barlow Road. By the turn-of-the-century wagon roads or

"market roads" crossed the county, facilitating the transference of farm products to loading points along the railroad or to urban markets.

Prior to the Progressive Era a few commercial operation had been established at Sandy, however, the decades after the turn-of-the-century would prove to be a time of rapid growth and development. By 1907, Sandy had two general stores, two blacksmith shops, a building material and furniture store, a drugstore, harness shop and saddlery, a meat market, stage and livery service, two building contractors, several churches, a prune dryer and two dance halls.

Interurban railroads also sought to fill the demand for better commuter and freight transportation, and entrepreneurs took advantage of the situation. In 1902 the Oregon Water Power & Railway Company was formed to run a line to eastern Multnomah and Clackamas counties to a dam on the Clackamas River. The first power source was in Portland, however, until a second power plant was constructed at Boring, trains in the outlying areas were powered by steam. In 1908 the company was sold to Portland Railway Light & Power Company.

Boring, named for the long time resident W.H. Boring, was one of towns which was established along an interurban railroad line. Boring Junction was platted in 1903, the year the interurban railroad line was constructed between Portland and Estacada. Estacada, located south of the Sandy-Boring study area, was billed as a recreational spot, as well as the site of the power company dam on the Clackamas River. The railroad line emanated from Portland at Sellwood. Stations were located at points including Lents, Linneman, Gresham, Haley, Boring, Barton, Eagle Creek and Estacada.

Entrepreneurs established commercial enterprises at the stations. In Boring, a store with apartments upstairs was built in 1904. In 1910 a building housing the post office and drug store was constructed across the street from the store. During the remainder of the historic period a cluster of houses and commercial buildings were constructed at junction of the interurban railroad line and state highway 212.

Many investors had expressed an interest in building a railroad up Mount Hood. In 1891 the builders of the Eastside Railroad, incorporated the Mount Hood Railway. A franchise was received but no construction took place. In 1904 the Mount Hood Railway & Power Company was incorporated. The corporation proposed to use power from Bull Run to compete with the power generation from the Portland General Electric Company, and to operate an electric railroad up the mountain. Three years later the same group of investors incorporated as the Portland & Eastern Railway Company. Difficulties arose over the proposed route from Portland. The railroad was finally constructed to Bull Run; however, it was never electrified and in 1912 the idea of a railroad to Mount Hood died.

While the Vernacular style of architecture continued to be the most popular architectural style in the Sandy-Boring area between 1883 and 1913, in rare instances more elaborate styles were constructed. Some rural folk adapted modest forms of the highly decorative eclectic styles, such as the Queen Anne and Eastlake, popular in cities during the latter years of the 19th century. The availability of machine made ornament, such as turned posts and balustrades, jigsawn brackets, and patterned shingles, allowed a modicum of decorative treatments to be used on even the most remote farmhouse.

At the turn-of-the-century innovative American styles, such as the Craftsman-Bungalow style of architecture, came into being. The designers of this type rejected the machine-made ornament of the late Victorian period and instead, embraced a hand-crafted appearance and a more natural use of materials. This building type became the most popular through the early decades of the 20th century.

Agricultural buildings changed dramatically during the Progressive Era. By the turn-of-the-century barns had become quite tall. Most barns were equipped with devices to raise hay to a second or third floor or loft. Barns were designed in a variety of shapes, including Gambrel and Gothic Gambrel.

During the Motor Age (1914-1940) transportation improvements and growth in population continued to fuel agricultural activity. By the 1920s specialized crops, such as fruit and nut cultivation, and dairying began to supplant general farming in the Sandy-Boring vicinity. Raising berries, such as strawberries, raspberries, loganberries and black caps, has since been a major component of the local economy.

Throughout the county the Craftsman-Bungalow style of architecture continued to be the most popular style, although some period revival styles buildings were constructed. After World War I, it was the influence of European architecture that inspired architects and builders to construct in the English Cottage and Tudor Revival styles. Concurrently, the Colonial Revival gained popularity. This style, as the name suggests, illustrated a strong sense a national pride.

Changes in agricultural buildings continued. Large barns were still constructed, but the most notable change was the introduction of buildings for large-scale specialized farming, such as dairying, another important component of the Sandy-Boring economy.

During the Depression the population remained constant and the towns remained as agricultural centers, but little construction occurred. Summer homes on Mount Hood are the notable exception. Here, diminutive cabins and commodious dwellings were often constructed with native materials in a hand-crafted manner. The

interurban railroad suspended commuter service to Boring in 1932. Two years later service was curtailed to Gresham. In 1942 freight service was resumed to Gresham and Sandy.

Since World War II, the Sandy-Boring area has witnessed dramatic changes. Most noteworthy is the conversion of agricultural land to suburban residential subdivisions. The construction of the Highway 26 through the study area has stimulated a host of suburban development from the north and west.

SUBJECT PROPERTY

Frank Thomas is believed to be the original owner of the subject farm. County deed records are unclear regarding the ownership of the subject property. According to county deeds, the property was part of a parcel owned by the Oregon & California Railroad Company in 1891. In ~~1905~~ 19 MARCH 1910 the railroad company gave a Quick Claim Deed to Frank Thomas, three years after he had given a deed to Mrs. Rhoda Thomas, his mother and wife of George B. Thomas.

George Thomas was a pioneer of 1845; his wife was a pioneer of 1852. George (1827-1917) was born in Copper County, Missouri, and came west with his parents, settling in Linn County. In 1853 he married Rhoda Bilyeu in Marion County. Rhoda (1837-1913) was also born in Missouri.

George, Rhoda and son Mack moved to the Bull Run area in 1878. They bought stock or "shares" in Cliffside Cemetery, incorporated in 1891. According to an article in the Sandy Pioneer, George Thomas and a Mr. Laughy built the first telephone lines in the area. The telephone service later became Cascade Telephone Company. In the early 1930s Thomas lost his leg in an automobile accident. At the time of his death, seven of their eight children were living. They were Nancy Donahue (Mrs. M.C.), Portland; Elizabeth Cockelreas (Mrs. J.T.), Bull Run; Mrs. Dinah or Diana Thomas of Portland; Martin V. Thomas, J.M. Thomas, A.C. Thomas, of Bull Run; and Frank E. Thomas of Estacada.

Martin V. "Buzz" Thomas, a farmer, was born in Scio, Marion County, in 1861. He was a member of the Damascus Grange, active in the Sandy Pioneer Association, Outside Guardian of the Sandy Rebekah Lodge No. 193 at the initial meeting in 1910.

Other owners of the property include A.O. and Martina G. Sherman, who purchased it in 1914 and sold in 1916 to James H. (-1963) and Anny V. Dunn (-1961). The Dunns are believed to have owned the farm through the historic period.

The Thomas Farm is composed of a house, barn and several outbuildings. The house is fine example of the Vernacular style. Characteristic elements include the perpendicular, rectangular volumes capped with a gable roof.

Many of the house's architectural features are commonly associated with the Queen Anne style, such as the decorative imbricated shingles in the gable end, champfered porch posts with jigsawn brackets and the corbeled chimney pots. It is unusual to have many Queen Anne elements on a rural dwelling. (refer back to page 10)

The house has had some alterations since construction. The most notable is the covering of the original siding at the first floor level with aluminum. Other changes include the replacement of the front porch balustrade and the attachment of a garage.

Behind the house is a small, log building, which was originally used as a root cellar. There are several sheds. Two appear to date from the historic period. A large, Gambrel barn is located at the western end of the complex. The barn has the distinctive Gambrel roof shape, which is mounted with a hipped cupola or vent.

Landscape features also contribute to the historic character of the farm. Ornamental plantings are in the yard of the house including large holly trees. Several massive deciduous trees have recently been cut-down near the side and rear of the house. To the north of the complex there are fruit trees.

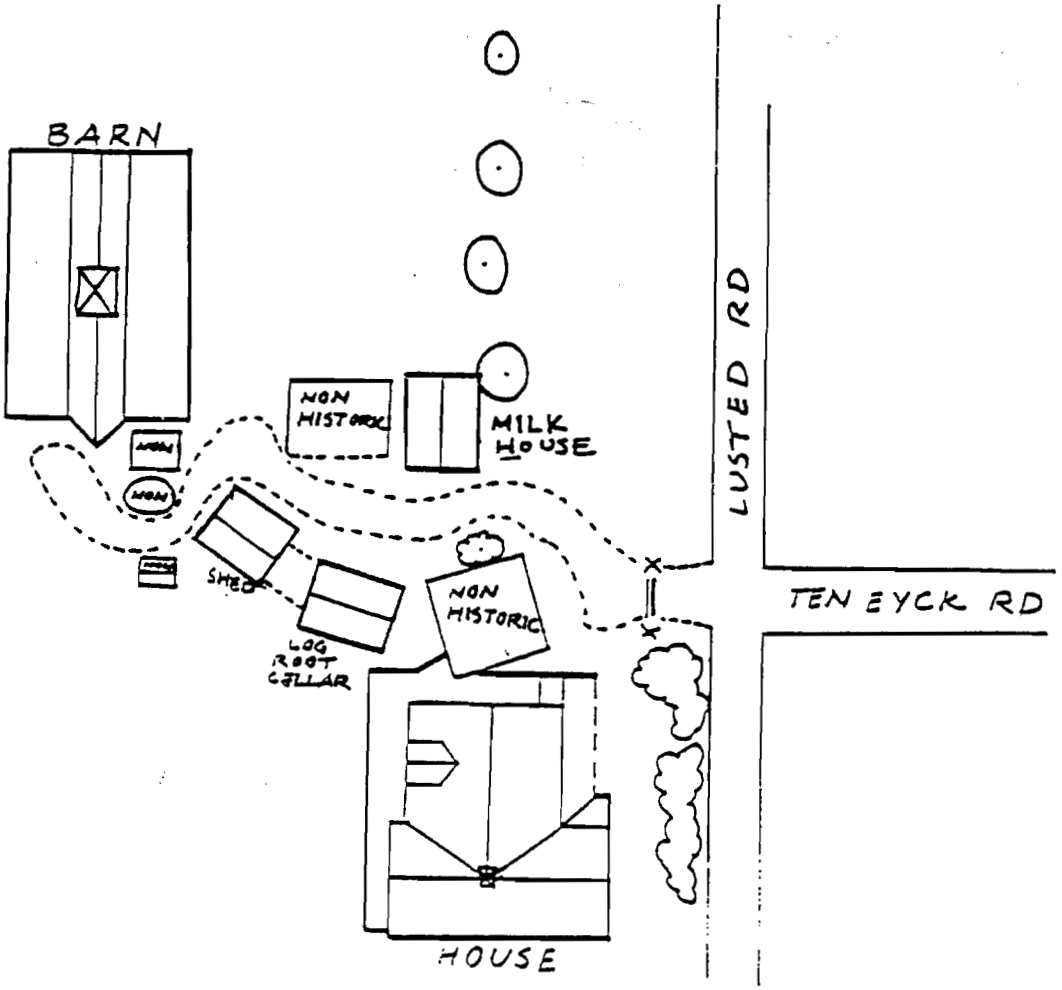
According to the current owner the subject property was one of three similar houses owned by the Thomas family. All are located near the west end of Roslyn Lake. None appear to have had the decorative treatment of the subject property.

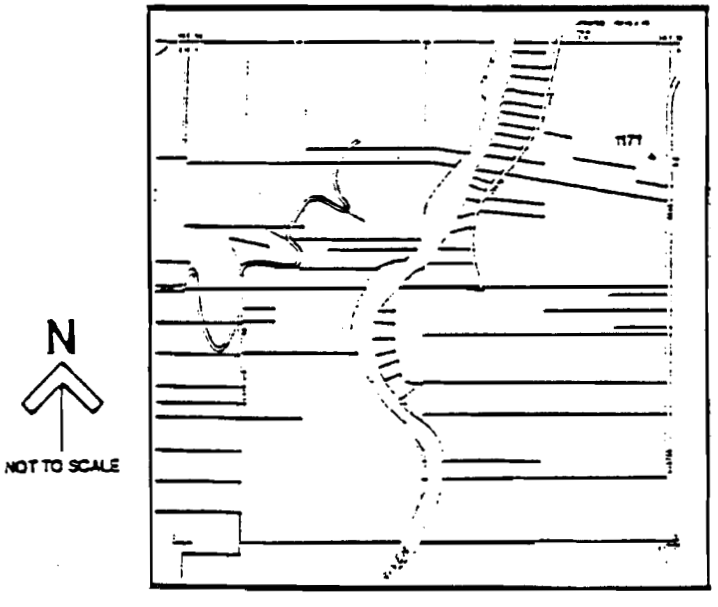
In the Sandy-Boring study area, there are 20 residences and thirteen farm complexes. Approximately 45% of the residences and approximately 38% of the farm complexes on the Clackamas County Inventory are designed in the Vernacular style. The Frank and Rhoda Thomas Farm is one of nine Vernacular residences and one of five Vernacular farm complexes in the study area built during the Progressive Era (1884-1913). This property contains one of two root cellars and one of seven Gambrel barns on the inventory in the study area.

Despite the changes to the exterior of the house, the property is significant for two reasons. The house is a rare example of its architectural type and the ensemble of buildings and landscape features are noteworthy.

SITE PLAN AND VICINITY MAP

Address: 13001 S.E. Lusted Road
Historic Name: **THOMAS, FRANK AND RHODA, FARM**





SHPO NO.: 1171

DEMUTH GLICK CONSULTANTS, LTD.

Urban Design • Historic Preservation • Landscape Architecture • Site/Project Planning

December 3, 1992

Pauline Buhler
13001 S.E. Lusted
Sandy, Oregon 97055

Re: Thomas, Frank and Rhoda House

I am writing to you regarding the age and architectural character of the Thomas House, located at 13001 S.E. Lusted Road, Sandy Oregon 97005. The Thomas House appears to have been built prior to 1900 for two reasons. The first being your letter dated 2/4/92, describing interviews with the former owners of the house, Mrs. Thomas and Mr. Butler who both said that the house to be built prior to 1893.

The second reason the Thomas House appears to have been built earlier that 1900 is because of its architectural character. The Clackamas County Historic Resources Inventory dates the house c. 1888, and lists the style as Vernacular. I believe the house was constructed between 1888 and 1895, and would consider it a Gothic Revival Style (Vernacular Gothic), which is one of the styles listed in the Oregon Architectural Style List developed by the State Historic Preservation Office, September 1992. The Gothic Revival Style according to this list spans from 1850 to 1895.

Some of the features which contribute to my projection on the building date are the L-shape plan, the building height of 1 1/2 stories, the intersecting steeply pitched gable roof, the porch arrangement with decorative brackets, champfered posts, and the patterned shingles in the upper story. The paired double-hung sash windows with architrave moldings are quite vertical in form, typical of Vernacular Gothic buildings, constructed prior to 1895. Though most of the original siding on the building has been covered over with vinyl siding, the decorative cut shingles which do remain, the jigsaw brackets, and the decorative chimney pots also indicate a early building date. These are architectural elements which are carried over from the Queen Anne era.

The interior of the building, as seen from the photographs you gave to me show wainscotting with a decorative cap, and decorative door surrounds with a circular corner piece, similar to moldings in Vernacular Gothic farmhouses I surveyed in Washington County which were constructed prior to 1900. I hope this information will answer your questions on this matter.

Sincerely,

Kimberly V. Demuth

Kimberly V. Demuth

1314 N.W. Irving Street, Suite 510, Portland, Oregon 97209
Tel: 503-242-1342 or 503-224-0043 Fax: 503-242-1389

Appendix IV

OREGON ARCHITECTURAL STYLE LIST

Log Colonial/Georgian Federal	1840-1870	EARLY OREGON BUILDINGS
Classical Revival	1840-1865	CLASSICAL REVIVAL
Romanesque Revival Gothic Revival Castellated	1850-1895	MEDIEVAL REVIVAL
Italianate Italian Villa Egyptian Revival Second Empire Baroque	1855-1890	RENAISSANCE AND BAROQUE REVIVALS
Stick/Eastlake Queen Anne Shingle	1870-1905	ECLECTIC STYLES OF MIXED ORIGIN
Richardsonian Romanesque Commercial Chicago School	1885-1915	PECULIARLY AMERICAN STYLES OF LATER 19TH CENTURY
Colonial Revival	1890-1915	COLONIAL REVIVAL
American Renaissance	1885-1915	AMERICAN RENAISSANCE
Prairie School Arts and Crafts Bungalow Craftsman	1885-1915	INNOVATIVE AMERICAN FORMS
English Cottage Tudor Jacobethan Georgian Colonial Spanish Colonial Mediterranean California Mission Pueblo Italian Renaissance French Renaissance Norman Farmhouse Classical Greek/Roman Romanesque Egyptian Gothic Exotic (Moorish, Far Eastern, Pre-Columbian)	1910-1935	HISTORIC PERIOD STYLES

Stripped Classical Art Deco Modernistic Adirondack Rustic National Park Half Modern	1915-1940	EARLY MODERN STYLES
Modern Commercial Northwest Regional Minimal Tract Ranch International Post Modern Late 20th C. Period Architecture Highway Commercial (strip development)	1935-PRESENT	MODERN PERIOD
Vernacular Industrial Agricultural Utilitarian Octagon/Round Altered	1840-PRESENT	OTHERS

*NOTE:	Gothic Revival Style includes:	Carpenter Gothic (High Victorian Gothic) Vernacular Gothic (Rural Gothic)
	Craftsman Style includes:	Craftsman Craftsman Bungalow American Foursquare
	Italianate Style includes:	Italianate Western False Front (conveys suggestion of Italianate style with elements such as decorative brackets)
	Commercial Style includes:	Pre-1900 and early 20th Century brick buildings and Western False Front having no decorative elements.
	International Style includes:	Functionalism Brutalism New Formalism

AFFIDAVIT OF PAULINE BUHLER

STATE OF OREGON)
) ss.
County of Clackamas)

I, PAULINE BUHLER, being duly sworn do depose and say:

I am the owner of the real property located at 13001 SE Lusted Road, Sandy, Oregon 97055. I am attempting to establish existing water rights on the property.

I have resided on this property since the 1950s with my husband, Mr. Buhler, who was deceased in 1991. We bought our home at 13001 SE Lusted Road in 1956. In 1957, I visited Lena Thomas in Toledo, Washington. Mrs. Thomas was raised on the property as a member of the A.C. Thomas family who had homesteaded the property before 1900. Mrs. Thomas told me that the farmhouse we now reside in was built in approximately 1887. Mrs. Thomas further related that even after she moved away from Sandy, Oregon, she came to visit the property annually to pick the grapes growing on the property. Mrs. Thomas also related that the water used on the farm was collected from a spring located over the hill and down the cliff edge, towards the Sandy River. This is the same system that we are using to this day.

I have also discussed with Mr. Veedel Butler, a retired PGE regional supervisor, the history of our farmhouse. Mr. Butler indicated that to his best understanding, the farmhouse was built in 1892. He discussed this with my husband, the late Mr. Buhler. To the best of my knowledge we have used the spring in question continuously throughout our tenancy and the spring was used continuously throughout the ownership of the property by the Thomas family.

I also remember that Mr. Strang, our neighbor on the eastern boundary, admitted to my husband and I that he destroyed the corner post on the property. We developed a dispute with Mr. Strang about this eastern boundary early in our ownership of the property. After he moved the corner post, we lost about one acre of land to our use during this dispute. Although we considered instigating legal action to pursue the boundary dispute, we decided against it. After that time, Mr. Strang admitted to us that had personally moved the boundary line and destroyed the corner post.

I make this affidavit freely, voluntarily, and with the understanding that I am under oath. My intention in making this affidavit is to establish a sworn statement that indicates my knowledge of the history of the property as it relates to our use of the spring located on our property. I am attempting to establish a continuous use of this spring on our property throughout the Thomas/Buhler ownership. I understand this is necessary in order to establish a water right with the state water resources board.

Pauline E Buhler
PAULINE BUHLER

SUBSCRIBED AND SWORN TO before me this 4 day of February, 1992.

Jeffrey A Crook
Notary Public for Oregon
My Commission Expires: 6-24-94

AFFIDAVIT OF ELSIE FORESTER

STATE OF OREGON)
) ss.
County of Clackamas)

I, ELSIE FORESTER, being duly sworn do depose and say:

I am 85 years of age and was born June 6, 1906. I am related to George Thomas and A.C. Thomas who lived in Clackamas County, Oregon near Sandy, Oregon. I am making this affidavit at the request of Pauline Buhler to help her establish the history of the water rights on the Buhler farm located at 13001 SE Lusted Road, Sandy, Oregon 97055.

I have lived my entire life in the Sandy, Oregon area. I was related to the Thomas family, who owned the Buhler property prior to the Buhler's purchase of the property in the 1950s. The Thomas family originally homesteaded this area and built two homes. Mr. A.C. Thomas lived in the Buhler family home in 1931. In the 1930's I visited that family home for a family dinner with the Thomas's. At that dinner, Mr. A.C. Thomas discussed the water being used on the property from a spring located over the hillside, down the cliff towards the Sandy River. Mr. Thomas indicated that the family had been using the water from that spring for as long as he had lived in the home. At the time I visited the Thomas's, the farmhouse was very, very old. At this family dinner we discussed the family history and that the Thomas's had resided on the property since the turn of the century.

I make this affidavit freely, voluntarily, and with the understanding that I am under oath. I have no personal interest in this property monetarily or in any other way.

Elsie Forester
ELSIE FORESTER

SUBSCRIBED AND SWORN TO before me this 24 day of February, 1992.

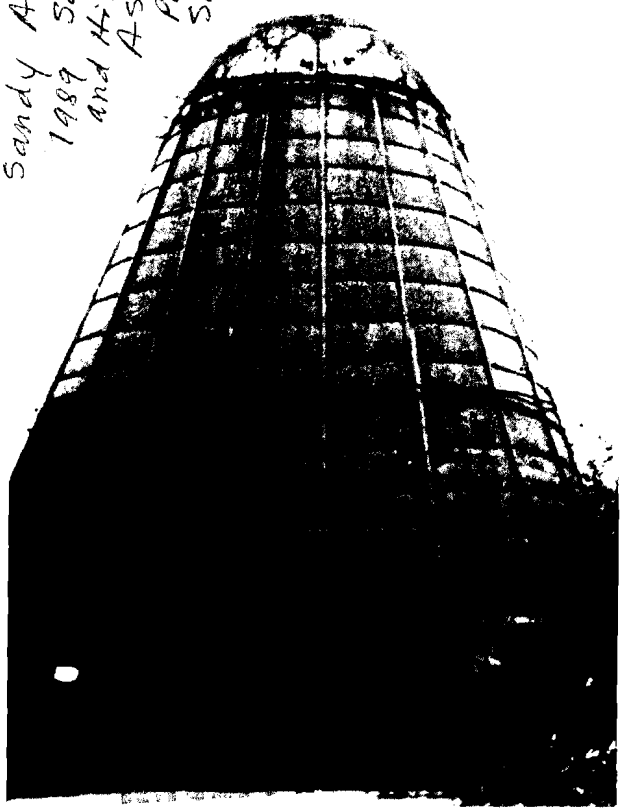
Notary Public for Oregon
My Commission Expires: 6-21-94

Asa C. and his wife, Maggie (Bell) Thomas were both children of early settlers in the Sandy-Bull Run area. A.C.'s father, George Thomas, was a pioneer in 1845 and his mother, Rhoda (Bilyeu) Thomas, was a pioneer of 1852. The family had settled in Scio, Oregon, where A.C. was born in 1864.

Maggie was the daughter of James and Susan Bell and was born in Scotland. The Thomas family moved to Bull Run in 1878 and lived near the northwest corner of Roslyn Lake.

A.C. and his wife built their home near the southwest corner of the lake and became active in civic affairs. They were members of the Sandy Pioneer Assoc. and A.C. was Master of the Sandy Grange for many years. A.C. died in 1956 and Maggie in 1970.

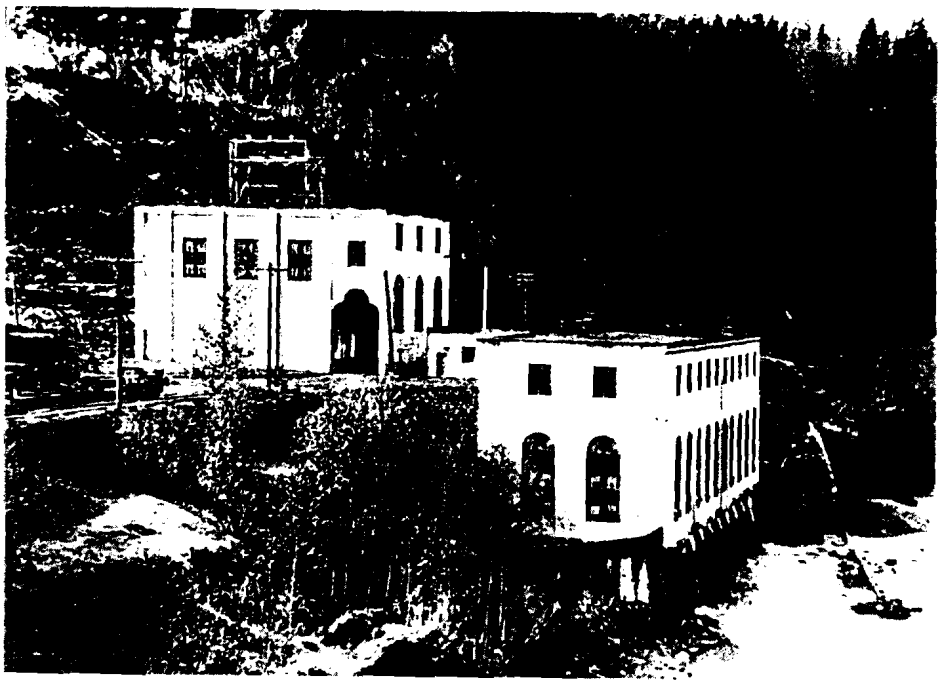
From "Whistle Pinks and Misery Whips" An Album of the Early Sandy Area 1989 Sandy Pioneer and Historical Association P.O. Box 652 Sandy, Ore. 97055



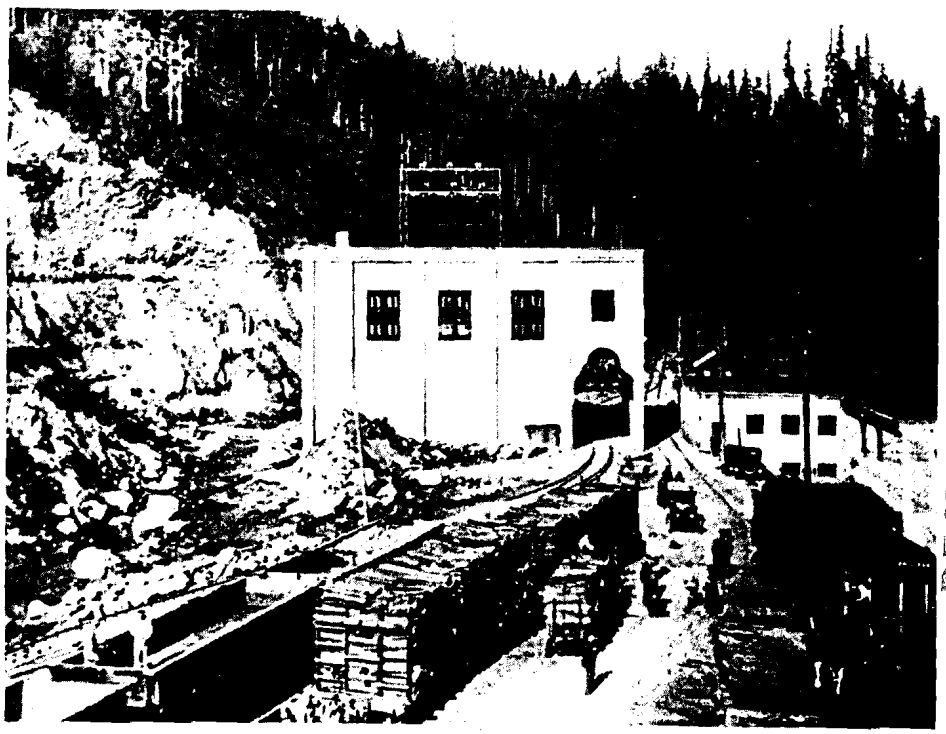
Before air quality standards were established and before wood products mills began utilizing the entire tree, wood waste was disposed of by burning. In the early days, when there were no fire safety regulations, mills often burned their waste in an open area or within low metal walls forming an enclosure of sorts. These methods constituted such a fire hazard that conical-shaped, metal enclosures, called "wigwam burners", were developed to safely contain the fires.

A conveyor from the mill carried the wood waste (sawdust, edgings, slabs, end-trim, etc.) to the burner. Like an Indian wigwam, the top was open to let the smoke out but, to prevent hot embers from escaping and starting fires nearby, the top was also screened.

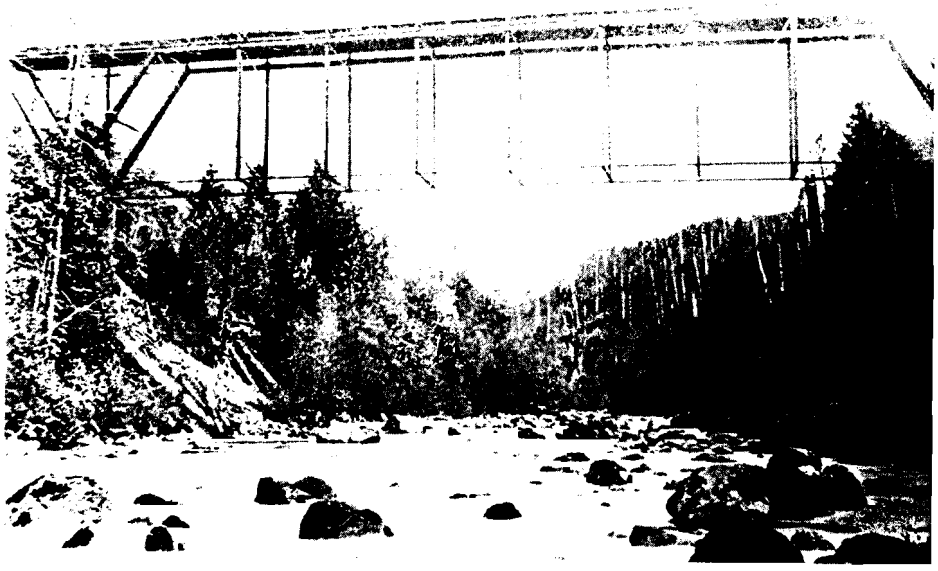
No longer in use, this wigwam burner is located on the site of the former Firwood Veneer Co. two miles southeast of Sandy on U.S. 26. In present-day wood manufacturing, sawdust and bark chips are sold to nurseries, and slabs are ground into chips for paper mills, so there is little or no waste. Wigwam burners were phased out in the late 1960's.



This powerhouse at Bull Run was completed in 1912. Electricity was generated by drawing water from Roslyn Lake, dropping the water down the hill in a buried conduit (upper left) and into the powerhouse turbines. The water then drained into the Bull Run River (lower right.)



The railroad to Bull Run began operating in 1911, one year before the powerhouse was completed. The Bull Run passenger depot, in right foreground, and the freight yard were located just east of the powerhouse. A wagon load of cordwood is awaiting transfer to a rail flatcar, and, alongside the depot, an inter-urban passenger car awaits customers for the return trip to Portland.



This bridge over the Bull Run River is about a mile upstream from PGE's Bull Run Powerhouse and is, therefore, rarely seen by the public. Built in 1893, it supports the pipe which carries water from the headworks to Portland, and is still in use.

Ernest Fischer stands while driving unloaded lumber wagon at the Sandy Fir Lumber Co., about 1910. The sawmill, just a short hike south of Sandy, was operated by John Straus and W.A. Proctor.

Riding behind Fischer are the two Wunische brothers, Max, left, and Alfred. Fischer was the eldest son of Herman and Ernestine Fischer, who settled on a farm near Sandy in the 1870's.

CL ..C' ..AS COUNTY
TI

Address: 13001 SE Lus
Bull Run

(dates) Elmer Buhler
Est. date of constr. ca 190
Owner as per Metsker map
DLC:
Arb No.: 10 (possibly 36)

COPY OF TITLE SEARCH DONE BY CLACKAMAS COUNTY HISTORICAL SURVEY ON THE BUHLER PROPERTY

TRANSACTIONS

Seller*:	Yr:	Inst:	Lt/Arb No(s).:	Buyer:	Bk/Pg:
~~Huber, C. O.~~	~~3/13~~				
Sherman, A.O.	7/16	D			
McKenzie, Jo w/ Ne	5/14	D			
Myers W. W. & est. of George	5/14	D	10, 12, 36	B. Thomas dusane	
Thomas, M.V. ummd	6/11	QCD	9, 10, 12, 36	Thomas, G.B. + w/ Rhoda	
~~Thomas, George B. & w/~~	~~4/10~~			~~Thomas, Martha V.~~	
Syndicate Investment Co.	5/08	D	x9 x10, x12, +14, +15, +16, +17, +18, +19, +30, +36	Mt Hood Ry. & Power Co.	
~~Oregon~~ One to Calif RR Co	4/05	QCD	9, 10, 12, 36	Thomas, Frank → signed 1900	
Thomas, Frank & w/	3/02	D	23, 9, 10, 12, 16, 17, 18, x19, 36	Thomas, Mrs. Rhoda 81-188 Reseaudw	
V.S.A.	2/91	Pat	1 to 13, 21, 22, 24 to 36 Inc	One & Calif. RR Co. 30-321	

The first time a name is listed copy it fully as it is recorded, followed by the the initials in parentheses. Each subsequent time the name is listed the intitials may be used. Use ditto marks where appropriate. Use an arrow in place of name when previous Buyer is subsequent seller. An "x" over a lot number indicates that the seller is conveying only part of the lot. Write legibly.

Recorder:
Date:

Book 40 Page 321

United States
TO
Oregon & Cal R.R. Co.

Kind of Instrument: Patent
Consideration: $

STATE OF OREGON, County of Clackamas, ss. I certify the within was filed and duly recorded by me in Clackamas County Records, Book of Deeds, Vol. 40, Page 321, on the 13 day of Feb 1894.
COUNTY CLERK
By _____ Deputy.

VOL. 40

E-35-171

Patent No. 1 Oregon & Cal. R.R. Co of Oregon.
United States of America

To all to whom these Presents shall come Greeting

Grant to Railroad Co.

X Whereas by the act of Congress approved July 25th 1866 and June 25th 1868 to aid in the construction of a Rail Road and Telegraph line from the Central Pacific Railroad in California to Portland in Oregon authority was given to the Oregon and California Railroad Company of Oregon a corporation existing under the laws of the State "to construct a railroad and Telegraph line" under certain conditions and obligations as expressed in said acts and provisions in order for providing to the said company every alternate section of public land designated by odd numbers to the amount of the alternate sections five miles on each side of the said road on the line thereof and within the limits of Twenty miles on each side of said road not sold reserved or otherwise disposed of by the United States and to which a Pre-emption or Homestead claim may not have attached at the time the line of said road is definitely fixed.

Book 1st Whereas an official statement having date January 31st 1870 from the Secretary of the Interior has been filed in the General Land Office showing that the commissioners appointed by the President under provisions of the fourth section of the aforesaid act have reported to him that the first section of twenty miles of the road and telegraph line commencing at East Portland in the county of Multnomah Oregon and terminating near Corvallis Benton on the right or east bank of the Willamette River in the County of Benton in said State has been constructed and fully completed and equipped in the manner prescribed by the acts relative thereto and the President of the Oregon & California Railroad Company of Oregon has applied for a conveyance of the title to the lands granted to said company by the acts of Congress of July 25, 1866 and June 25, 1868

And Whereas it appears that the said company has complied with the acts

three and four of section seven containing four hundred and two acres and two hundredths of an acre ——— North West quarter, South east quarter and Lots number One, Two and three of Section nine Containing Three Hundred and Ninety Nine Acres and Forty Three hundredths of an acre ——— Lots number two, three four six seven, One and North West quarter of South East quarter of section thirteen containing two hundred and Thirty three acres and ninety four hundredths of an acre ——— Lots number One, two, three, six seven and eight of section sixteen containing seventy five Acres and Twenty seven hundredths of an acre ——— Lot number one and South West quarter of North West quarter of section seventeen Containing seventy eight acres and Forty six hundredths of an acre ———

Township One Range Four

South West fractional quarter of section seven Containing One Hundred and sixty acres and Twenty hundredths of an acre ——— North East quarter of Section Seventeen Containing One hundred and Sixty Acres ——— South West quarter of Section twenty three Containing One Hundred and Sixty Acres ——— All of Section twenty four Containing Six Hundred and Forty Acres ———

Township two Range four

DEC 29 1992
WATER RESOURCES DEPT.
SALEM, OREGON

North East quarter and West half of section One Containing one hundred and ninety six acres and ninety eight hundredths of an acre ——— East half of North East quarter and South East quarter of section nine Containing two hundred and forty acres ——— All of Section Nine Containing Six hundred and Forty acres ——— All of Section eleven Containing Six Hundred and Forty Acres North half of North East quarter North half of North West quarter South West quarter of North West quarter North West quarter of South West quarter and South East quarter of Section Thirteen Containing Four Hundred acres ——— All of Section Fifteen Containing Four Hundred and Forty

TO	Filed of Instrument. Consideration. $	STATE OF OREGON, County of Clackamas, ss. I certify that the within was received and duly recorded by me in Clackamas County records, Book of Deeds, No. ____ Page ____, on the ____ day of ____ 189__ COUNTY CLERK By ____ Deputy.	VOL. 40

acres ____ North half of Section seventeen containing three hundred and twenty acres ____ North half of North East quarter, South East quarter of North East quarter and Lots numbered one two and four of section twenty containing one hundred and eighty five acres & three hundredths of an acre ____ North East quarter of North East quarter and South West quarter of Section twenty one containing two hundred acres ____ North half of North East quarter, South half of South East quarter, North East quarter of North West quarter, West half of North West quarter and South half of South West quarter of section twenty three containing three hundred and sixty acres ____ All of Section Twenty Five containing six hundred and forty acres ____ South half of North east quarter, South half of North West quarter and South half of Section twenty seven containing four hundred and eighty acres ____ East half of North East quarter, South West quarter of North East quarter, and South East quarter of South east quarter of Section thirty three containing one hundred and sixty acres ____ All of Section Thirty five containing six hundred and forty acres ____

Township Three Range Four

All of Section one containing six hundred and forty three acres and sixty eight hundredths of an acre ____ South East quarter of South West quarter of section three containing forty acres ____ Lots numbered two and three of section four containing forty one acres and fourteen hundredths of an acre ____ Lots numbered one and two of Section nine containing eighty two acres and twenty hundredths of an acre ____ All of Section eleven containing six hundred and forty acres ____ All of Section

P. W. G

Belle A

State o

County of Clackamas,)

ON THIS, the 17th day of April, A. D. 1905, personally came before me, County Clerk, in and for said County, the within named Thos. F. Ryan, Assignee, to me personally known to be the identical person described in and who executed the foregoing conveyance, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

WITNESS my hand and official seal, this, the day and year in the certificate above written.

(Seal of Court) W. W. Greenman,

County Clerk.

Filed and Recorded April 17th, 1905 at 3:15 P. M.

Henry E. Stevens, County Recorder.

Quit Claim Deed No. 2825. Issued for Contract No. 3011.

THIS INDENTURE, Made this 19th day of March, A. D. 1900, BETWEEN The Oregon and California Railroad Company, a corporation duly incorporated under the laws of the State of Oregon, party of the first part, The Union Trust Company, of New York, a corporation created and existing under and by virtue of the laws of the State of New York, party of the second part, and Frank Thomas, hereinafter called the purchaser, party of the third part; WITNESSETH: That in consideration of the sum of ------ Dollars, paid to the party of the first part, and the sum of Two Hundred and thirty nine 10/100 (239 10/100) Dollars, paid to the party of the second part by direction of the party of the first part, as per terms of Deed of Trust by party of the first part to party of the second part, of date July 1st, 1887, the Oregon and California Railroad Company doth hereby remise, release and quitclaim unto said purchaser, his heirs and assigns, all of the right, title and interest which it, the said Oregon and California Railroad Company, now has or owns, or may hereafter obtain or acquire, in and to the hereinafter described lands; and the said Union Trust Company of New York doth hereby release and confirm unto said purchaser, his heirs and assigns, the said lands, which are described as follows, to-wit:

The East Half of the North East quarter of Section One (1) Township Two (2) South Range four (4) East, Willamette Meridian, containing, according to the United States survey thereof, Seventy nine 73/100 (79 73/100) acres, be the same more or less, being understood to be part of the land granted by the United States to the said Oregon and California Railroad Company, and embraced within the terms of, and conveyed by a certain Deed of Trust, executed by the party of the first part to the party of the second part, as Trustee, and bearing date July 1st A. D. 1887.

TO HOLD the said premises, with the appurtenances thereto, unto the said purchaser, his heirs and assigns, forever freed and discharged from the lien, powers and trusts of said Deed of Trust or Mortgage of July 1st, 1887.

IN WITNESS WHEREOF, the said parties of the first and second parts have caused these presents to be sealed with their respective seals, and executed by their respective Presidents and Secretaries, the day and year first above written.

In presence of

David Loring (I.R.R. .50cts. Mar.19-1900)

C. G. Sutherland (G.H.A. Cancelled)

THE OREGON AND CALIFORNIA RAILROAD COMPANY,

By, R. Koehler, Second Vice-President.

THE OREGON AND CALIFORNIA RAILROAD COMPANY,

By, Geo. H. Andrews, Secretary.

(Seal of O. & C. R. R. Co.)

J. A. Shanghuessy

W. C. Fay

THE UNION TRUST COMPANY OF NEW YORK,

By, A. W. Kelley, Vice President.

THE UNION TRUST COMPANY OF NEW YORK,

By, J.V.B. Thayer, Secretary.

(Seal of U. T. Co. of N. Y.)

State of Oregon, }
County of Multnomah. } SS.

BE IT REMEMBERED, That on this 19th day of March, A. D. 1900, before me, the undersigned, a Notary Public in and for the said County and State, duly commissioned and qualified, personally came R. Koehler, Second Vice-President of the Oregon and California Railroad Company, and Geo. H. Andrews, Secretary of said Company, whose names are subscribed to the foregoing instrument as Second Vice-President and Secretary of said Company, both personally known to me to be the said individuals named and described in, and who executed the said instrument, and they severally acknowledged to me that he, the said R. Koehler, as Second Vice-President, and he, the said Geo. H. Andrews, as Secretary of the said The Oregon and California Railroad Company, executed the foregoing instrument as and for the act and deed of said Corporation, for the uses and purposes therein mentioned; and he, the said Geo. H. Andrews, being by me duly sworn, did depose and say that he is the Secretary of The Oregon and California Railroad Company, and resides at Portland, Multnomah County, Oregon; that he is the legal custodian of, and is acquainted with, and has in his possession, the corporate seal of said Company; that the seal affixed to the foregoing instrument as the seal of said Company is such corporate seal; that the same was so affixed by him as Secretary of said Company on the 19th day of March, A. D. 1900, by order of the Board of Directors of said Company, and that he signed his name thereto by the like order of the Board of Directors of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal of Notary)

David Loring,
Notary Public for Oregon.

State of New York, }
City and County of New York. } SS.

BE IT REMEMBERED, That on this 12 day of April, A. D. one thousand nine hundred, before me, a Commissioner of the State of Oregon in the State of New York, residing in said City of New

Book 81 — Page 179 SIGNED 8 June 1901 (3)

This Indenture Witnesseth, that Frank Thomas and Anne Thomas his wife,

for and in consideration of Ten Hundred DOLLARS

to him paid, he the bargained and sold, and by these presents do bargain, sell and convey unto

Mrs Nicda Thomas

the following described real estate, situate in Clackamas County, State of Oregon, to-wit:

The East half of the North East quarter, and the North East quarter of the South East quarter Section Eleven (11) in Township Two (2) South of Range Four (4) East of the Willamette Meridian in Clackamas County, Oregon.

TIES TWO PROPERTIES TOGETHER

Frank Thomas sold property to his mother on June 8, 1901

To Have and to Hold the said premises, with the appurtenances, unto the said Mrs Nicda Thomas her heirs and assigns forever; and we the said Frank Thomas and Anne Thomas his wife do hereby covenant to and with the said Nicda Thomas her heirs and assigns, that we are the owner in fee simple of said premises; that they are free from all incumbrances and that we will warrant and defend the same from all lawful claims whatsoever.

In Witness Whereof, we have set our hands and seals this 5th day of June A.D. 1901

Signed, Sealed and Delivered in the Presence of

J. V. Jonsrud
Jill Thomas

Frank Thomas (SEAL)
Anne Thomas (SEAL)

STATE OF OREGON,
County of Clackamas } ss

On this, the 5th day of June A.D. 1901, personally came before me, a Justice of the Peace in and for said County, the within named Frank Thomas and Anne Thomas his wife, to me personally known to be the identical persons described in and who executed the foregoing conveyance, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

DEC 29 1902

Witness my hand and official seal, this, the day and year in the Certificate above written.

J. V. Jonsrud (Seal)
Justice of the Peace Dist. No 13
Clackamas Co. Oregon

Filed for record and recorded March 5th A.D. 1902, at 11 20 o'clock A.M.

Tom P. Randall Recorder.

By Deputy.

U. S. Grant. By S. D. Williamson Secretary,
C. B. Boynton Recorder
Recorded Vol. 9. Page 251. of the General Land Office,
Filed for Record August 26th 1878.
Recorded September 2nd 1878.
W. H. H. Foste Clerk & Recorder
B. F. W. Foste Deputy

E. Stone & Wife to George B. Thomas

This Indenture Witnesseth, that E. Stone and Sarah E. Stone his wife, for the consideration of the sum of Six hundred dollars to me paid, have bargained and sold and by these presents do bargain, sell and convey unto Geo. B. Thomas the following described premises, to wit: The N E ¼ of the N E ¼ of Section 12 and the S E ¼ of the S E ¼ of Section 1, Township Two South of Range Four East containing one hundred and sixty acres situate in Clackamas County and State of Oregon. To have and to hold the said premises with their appurtenances, unto the said Geo. B. Thomas his heirs and assigns forever. And the said E. Stone does hereby covenant to and with the said Geo. B. Thomas his heirs and assigns that he is the owner in fee simple of said premises, that they are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatever. In Witness Whereof I have hereunto set my hand and seal this 24th day of July A. D. 1878. 1878

Done in presence of
Otto Schsley
F. Stolke

E. Stone
Sarah Stone

State of Oregon } ss.
County of Clackamas } On the 24th day of July A. D. 1878.
personally came before me a Notary Public in and

E. Stone on examination separately and apart from her said husband, acknowledged to me that she executed the same freely and without fear or compulsion from any one. Witness my hand this 24th day of July A. D. 1875.

Otto Schelling
Notary Public

Filed for Record August 24th 1875
at 11 o'clock A. M. Recorded
September 2nd 1875.
H. H. H. Forts Clerk & Recorder
By J. H. Forts Deputy

Know all men by these presents, that we Philip Prine and Christina Prine husband & wife of Clackamas County State of Oregon in consideration of the sum of twenty dollars ($20.00) lawful money paid by Robert Dean of same County and State do hereby bargain, sell and convey to said Robert Dean his heirs and assigns forever, the following described parcel of real estate, to wit; Beginning at the South East corner of the location land claim of John B. Childs and wife described in Notification No. 7313. claim 44. on map or plat of U. S. Survey on file in U. S. Land Office at Oregon City Oregon, running thence North 18.88 chains, thence South 77° West 18-34 chains; thence West 46-59 chains; thence South 1° 30' East 24.62 chains; thence South 71½° East 22-26 chains; thence East 22-46 chains to place of beginning. being parts of Sections 7 & 5. in T. 3. S. R. 4 E. Willamette Meridian containing 103 acres more or less (excepting 2 acres upon which the Karamough Chapel stands) together with the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining

W. H. H. Jones Clerk & Recorder
B. J. K. Teale Deputy

E. Slover & Wife to George B. Thomas

This Indenture Witnesseth, that E. Slover and Sarah E. Slover his wife, for the consideration of the sum of Six hundred dollars to me paid, have bargained and sold and by these presents do bargain, sell and convey unto Geo. B. Thomas the following described premises, to wit: The N E ¼ of the N E ¼ of Section 12 and the S E ¼ of the S E ¼ of Section 1, Township Two South of Range Four East containing one hundred and sixty acres situated in Clackamas County and State of Oregon. To have and to hold the said premises with their appurtenances, unto the said Geo. B. Thomas his heirs and assigns forever. And the said E. Slover does hereby covenant to and with the said Geo. B. Thomas his heirs and assigns that he is the owner in fee simple of said premises, that they are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatever. In Witness Whereof I have hereunto set my hand and seal this 24th day of July A. D. 1878.

Done in presence of
Otto Schorley
F. Stolke

E. Slover
Sarah Slover

State of Oregon } ss.
County of Clackamas } On the 24th day of July A. D. 1878, personally came before me a Notary Public in and for said County, the within named E. Slover and Sarah E. Slover his wife, to me personally known to be the identical persons described in, and who executed the within instrument, and acknowledged to me that he executed the same freely, for the uses and purposes therein named, and the said Sarah

FORM No. 883—WARRANTY DEED. 537 STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

(Revised 1953)

10190 BOOK 498 PAGE 279

KNOW ALL MEN BY THESE PRESENTS, That J. H. Dunn and Anny V. Dunn, husband and wife,

*, grantor*s

in consideration of Ten and No/100 - *Dollars,* and other valuable consideration

to them *paid by* Myrth True Neilson

, grantee

do hereby grant, bargain, sell and convey unto the said grantee, her heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas *and State of Oregon, bounded and described as follows, to-wit:*

The East half of the northeast quarter of Section 1, T. 2 S., R. 4 E. of the W.M., except the land described as beginning 250 feet south of thenortheast corner of the southeast quarter of the northeast quarter of said Section 1; thence south 150 feet; thence North 80° West 1330 feet to the west line of said southeast quarter of said northeast quarter; thence north 500 feet; thence South 80° East 300 feet; thence South 200 feet; thence South 80° East 730 feet; thence South 150 feet; thence South 80° East 300 feet to the place of beginning.

DEC 29 1992
VAULT
SALEM, OREGON

To Have and to Hold the above described and granted premises unto the said grantee, her heirs and assigns forever.

And the grantors do covenant that they are *lawfully seized in fee simple of the above granted premises free from all encumbrances,* subject to public roads, water rights, right-of-way for railroads, and easements for electric and telephone pole lines

and that they *will and* their *heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,* except as above set forth.

Witness their *hands and seals this* 13th *day of* July, *19* 55.

Anny V. Dunn (SEAL)

J. H. Dunn (SEAL)

STATE OF OREGON,
County of Multnomah } ss.

On this 13th *day of* July, *19* 55, *before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named* J. H. Dunn and Anny V. Dunn, husband and wife, *who* are *known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that* they *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.

Clarence A. Sotts
Notary Public for Oregon.
My Commission expires July 26, 1955.

WARRANTY DEED

J. H. DUNN, et ux

TO

MYRTH TRUE NEILSON

AFTER RECORDING RETURN TO

STATE OF OREGON

STATE OF OREGON, County of Clackamas, } ss.

I, Guy H. Pace, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for record and recorded in the records of said County at

DEED

1955 JUL 14 PM 3 46

Book BOOK 498 On Page PAGE 279

Witness my hand and seal of said Court affixed.
GUY H. PACE,
County Clerk,
Deputy

Recording Certificate

2 1 M 2 55 OCPRSCO-215

FORM No. 633—WARRANTY DEED. STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

(Revised 1958)

BOOK 403 PAGE 280 10891

KNOW ALL MEN BY THESE PRESENTS, That Myrth True Neilson, a widow,

, grantor

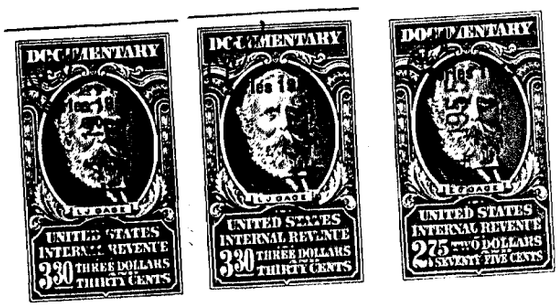
in consideration of Ten and No/100 - Dollars,

to her paid by Elmer B. Buhler and Pauline E. Buhler, husband and wife,

, grantees,

does hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

The East half of the northeast quarter of Section 1, T. 2 S. R. 4 E. of the W.M., except the land described as beginning 250 feet south of the northeast corner of the southeast quarter of the northeast quarter of said Section 1; thence south 150 feet; thence North 80° West 1330 feet to the west line of said southeast quarter of said northeast quarter; thence north 500 feet; thence South 80° East 300 feet; thence South 200 feet; thence South 80° East 730 feet; thence South 150 feet; thence South 80° East 300 feet to the place of beginning.



DEC 29 1992
WATER RESOURCES DEPT.
SALEM, OREGON

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantor do covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances, subject to public roads, water rights, right-of-way for railroads, and easements for electric and telephone pole lines

and that she will and her heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness her hand and seal this 13th day of July, 19 55

Myrth True Neilson (SEAL)

(SEAL)

STATE OF OREGON, } ss.
County of Multnomah

On this 13th day of July, 19 55, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Myrth True Neilson, a widow who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she 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.

Harriet A. Fitts
Notary Public for Oregon.
My Commission expires July 26, 1955

NOTARY PUBLIC

WARRANTY DEED

MYRTH TRUE NEILSON, a widow

TO

ELMER B. BUHLER, et ux

AFTER RECORDING RETURN TO

STATE OF OREGON, } ss.
County of Clackamas,

I, Guy H. Pace, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for record and recorded in the records of DEED of said County at

1955 JUL 14 PM 3 46

On Page 403 MAC 280 Book

Witness my hand and seal of said Court affixed.
GUY H. PACE,
County Clerk,
Deputy

Recording Certificate

Printed and for sale by Bushong & Company, Portland, Ore.

Know all Men by These Presents, *That* A. O. Sherman and Martina Sherman, husband and wife, of Clackamas County, *State of Oregon, in consideration of* Ten *Dollars, to* them *paid by* J. H. Dunn and Anny V. Dunn, husband and wife, of Multnomah County *State of Oregon, ha bargained and sold, and by these presents do grant, bargain, sell and convey unto said* J. H. Dunn and Anny V. Dunn, husband and wife, *heirs and assigns, all the following bounded and described real property, situated in the County of* Clackamas *and State of Oregon:*

The East half of the Northeast quarter of Section One (1) in Township Two (2) South of Range Four (4) East of the Willamette Meridian, except the land described as beginning 250 feet South of the Northeast corner of the Southeast quarter of the Northeast quarter of said Section One (1); thence South 150 feet; thence North 80° West 1330 feet to the West line of said Southeast quarter of the said Northeast quarter; thence North 500 feet; thence South 80° East 300 feet; thence South 200 feet; thence South 80° East 730 feet; thence South 150 feet; thence South 80° East 300 feet to the place of beginning.

DEC 29 1952

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also all their *estate, right, title and interest in and to the same, including dower and claim of dower.*

To Have and to Hold, *the above described and granted premises unto the said* J. H. Dunn and Anny V. Dunn, husband and wife, their *heirs and assigns forever. And* A. O. Sherman Martina Sherman, husband and wife, *grantor* s *above named do covenant to and with* J. H. Dunn and Anny V. Dunn, husband and wife, *the above named grantee* s their *heirs and assigns that* they are *lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances,* except a mortgage in favor of W. W. Myers, Guardian for $2000.00 *and that* they *will and* their *heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever* excepting always said mortgage.

In Witness Whereof, *the grantor* s *above named, ha* ve *hereunto set* their *hand* s *and seal* s *this* 17th *day of* June, *1916.*

Signed, Sealed and Delivered in the Presence of us as Witnesses:

J. O. Beck

F. C. Huecker

A. O. Sherman (SEAL)

Martina Sherman (SEAL)

(SEAL)

(SEAL)

DOCUMENTARY INTERNAL REVENUE

DOCUMENTARY INTERNAL REVENUE

COPY OF LETTER SENT TO WATERMASTER STATING INTENT TO FILE FOR VESTED WATER RIGHTS

To Emma. May 6th 1885.
Sandy.
Oregon.

Remember me as a Friend

nnie

Sandy May 6th 1885

To Miss Emma.
If you ever for friendship
repine,
Just Turn this leaf and
Think of mine.

A. Thomas.

COPY OF PERSONAL JOURNAL (EMMA POPPY)
WITH SIGNATURES OF MEMBERS OF
THE THOMAS FAMILY AND DATES
OF THE ENTRY DEMONSTRATING THAT
THE THOMAS FAMILY LIVED IN THE BULL RUN
AREA PRIOR 1900

from Autograph collection
of Stephen Kenny
31841 EAST Crown Point Hwy
Troutdale, Oregon 97060

To Emma

Where ever you may be
allways remember me
Lovely

Feb 12 1891 J M Thomas

Dear Emma

Friendship is a knot
Tied by an angels hand

Yours affectionately,

D. L. B.

Portland General Electric Company

December 23, 1992

Rick Buehler
13005 SE Lusted Road
Sandy, Oregon 97055

Re: Bull Run Project

Dear Mr. Buehler:

As described in my previous letter to you, PGE's Bull Run project first came on line in 1912. By necessity, the transmission lines associated with the plant must have been in place by that date.

Very truly yours,

Julie A. Keil

X-Sender: mccordml@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 06 Mar 2003 09:01:09 -0800
To: Gerry Clark <Gerald.E.CLARK@wrd.state.or.us>
From: Mike McCord <Mike.L.MCCORD@wrd.state.or.us>
Subject: Re: Surface Wtr. Reg

Thanks Gerry, that location does make more sense. Got the fax.

SWR-266

At 08:41 AM 03/06/2003 -0800, you wrote:

> Mike,
>
> I did a little bit of research and found a registration statement filed by Buhler. The registration appears to match the letter in terms of the character of use but identifies it as being located T2S, R4E rather than T2S, R5E; I am pretty sure the location in the letter is incorrect.
>
> I will fax you a copy of the registration statement and the associated map. If you need any additional information from the file, let me know.
>
> Gerry Clark
> Adjudication Specialist
> Oregon Water Resources Department
> 158 12th Street NE
> Salem, OR 97301
>
> Phone: (503) 378-8455 ext 295
> Fax: (503) 378-6203
>
> www.wrd.state.or.us

At 10:03 AM 3/4/03 -0800, you wrote:

> Gerry, I was looking through a general correspondence file for something and I ran across a letter that was received in 1991. The owner of the property filed a vested right claim in the form of a letter. They did not file a form during the 92-93 registration period. They were not very specific about the amount of water or acreage they were attempting to claim. They were specific as to the source and the type of use and that they maintain ponds with the claimed water. I will fax it to you along with a tax lot map. Please let me know what you think the status of this claim is. I am not even sure if the people who filed it even own the property or if they are still alive.

STATE OF OREGON

WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

TO: Gerry Clark

DATE: 3-4-03

FROM: Mike Mc Cord, Watermaster District 20
1678 South Beaver Creek Road, Suite L
Oregon City, OR 97045
Phone (503) 722-1410
Fax (503) 722-5926

This transmission contains 3 pages. (including the cover) Please let me know if you did not receive all pages or if any pages are unreadable.

Message: FYI - See my e-mail of 3-4-03

2 Oct 1991

13001 SE Lusted Rd.
Sandy, OR 97055

Clayton Gardner
Watermaster, NW Region
Columbia County Courthouse
St. Helens, OR 97051

Dear Mr. Clayton:

The purpose of this letter is to inform you that we are claiming vested water rights for our family farm in Township 2, Range 5E, Section 1 in the state of Oregon. The tax lot numbers are 100 - 300.

We are claiming water rights for water originating from our hillside for domestic use of our house which was built in the late 19th century. We are also claiming irrigation rights for our orchard and hay fields. The water for domestic and irrigation purposes is pumped up from our lower levels in the Sandy River Basin.

We are also claiming rights for two water storage ponds on our lower basin, primarily to ensure sufficient water for livestock as well as other agricultural purposes. We are claiming the right to maintain the water levels in these ponds. We claim the right to maintain culverts on these storage ponds to allow easement into our property.

We will supply the proper paperwork for you as it becomes available for us. Future paperwork we will include is documentation as to the age of our house and farm.

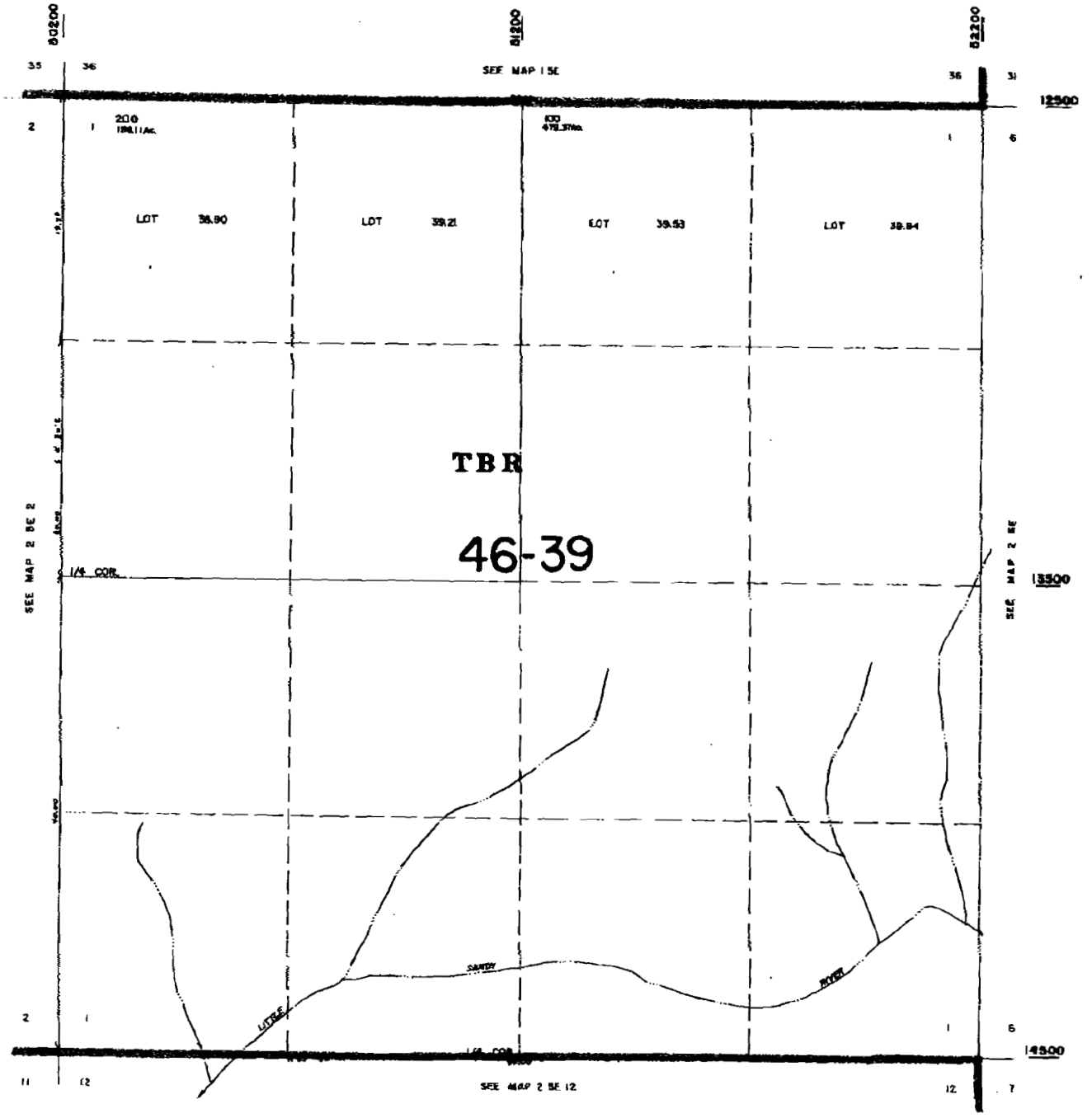
Sincerly,

Ric Buhler
c/o Pauline Buhler

This map was prepared for assessment purposes only.

SECTION 1 T.2S. R.5E. W.M.
CLACKAMAS COUNTY
1" = 400'

2 5E 1



2 5E 1
BOOK 25

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Yes NAME Sandy # 3 UNADJUDICATED AREA ? Yes

RECEIPT # 95552 S W R NUMBER 266

CHECK ENCLOSURES Yes PRELIMINARY DATA BASE ENTRY DWR

ACKNOWLEDGEMENT LETTER Yes ENTER ON STREAM INDEX _____

CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____

WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION SCN

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

✓ source and trib
_____ diversion point location — ~~bounds?~~
_____ conveyances (pipes, ditch, etc.) — 1021? NOW & ~~[illegible]~~
✓ 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
✓ 1/10th acre

~~#2 [illegible]~~

"SLING SYSTEM"? (REPORT)

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____

FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____

ENTER ON PLAT CARDS _____

C:\WP51\SWR\CHCKLIST.1

7-30-92

Marbut

Oregon

WATER
RESOURCES
DEPARTMENT

July 16, 1996

Mr. Ulrick F. Buhler
Mrs. Pauline Buhler
13001 S.E. Lusted Road
Sandy, OR 97055

RE: SWR 266

Dear Mr. and Mrs. Buhler:

Thank you for your May 26, 1996, letter concerning your Surface Water Registration Statement (SWR 266) and the other water use in your area. To be sure we understood your concerns, we reviewed your Registration and carefully researched the Snyder and Strang water right files.

As to SWR 266, it is complete and was timely filed. Your Registration meets all adjudication statute requirements; therefore, you are legally entitled to continue to use water under your Registration. If anyone questions your water use under SWR 266, please have them contact either Greg Beaman at (503)397-0633 or Reed Marbut at (503)378-8455, ext. 292. Greg is the Sandy River area Watermaster and Reed is in charge of the Department's adjudication program here in Salem.

I wish I could commit to initiate the Sandy adjudication in the near future; however, since we are currently in the midst of the Klamath Basin adjudication, we do not have the staff resources to initiate a second adjudication at this time. Therefore, it will be some years before we are able to begin adjudications in the other unadjudicated basins in the state. However, as I pointed out above, you are legally entitled to use water under SWR 266 pending the adjudication in the Sandy.

As to the Snyder right (App. No. 71954), we note that you indicated in a letter dated December 26, 1994, that you "... do not necessarily object to a pond for ornamental use...." You did ask to be notified of all future developments pertaining to the Snyder water right. A copy of the Proposed Final Order was transmitted to you. However, we did not receive any protests on this application, and the final order and permit were issued March 15, 1996. When the Sandy is adjudicated, and if and when you receive a decreed right from the court, your right will be far senior to the Snyder right.

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

371

26 May 1996

Martha Pagel
Oregon Water Resources
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RECEIVED
JUN - 3 1996
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Reference water right file # SWR 266

Martha Pagel:

This letter is to encourage you to expedite the adjudication process for our vested water right in the Sandy River basin. We filed around 1991 and it is now 1996 and we are told that there is still no limit on the amount of time we may have to wait. Please help us!

We own the historic Thomas/Buhler homestead in the Bull Run area. The house was built in 1888 and the water use began in 1887 and has been used continuously ever since. Those facts are amply supported in our case file and could withstand substantial legal scrutiny. Nevertheless, today the Bull Run/Sandy area is experiencing considerable growth, especially luxury homes, and we worry about the economic value of a water right we are unable to enforce. Neighbors have already diverted (or benefited from previous owner's actions) water from our property and obtained a water right for their pond-water right #R71954- as we wait for our rights to be adjudicated. 12 new homes are now utilizing Mr. Strang's 1948 water right, (located on our property) even though they are supplied by City of Portland water from the Bull Run Reserve. They prefer to use the local water for irrigation because "it is cheaper." We abhor lawsuits and want to be good neighbors, but we honestly feel that neighbors are taking advantage of our situation. As we wait for our water rights to be adjudicated, the community is told that more and more restrictions are coming down for our water use because Portland wants to expand the Bull Run Reserve, while minimum flow levels of the Sandy River must be met, plus water use will be limited for salmon protection, etc., etc. We know the humble little guys are going to get squeezed.

We feel that as more and more neighbors move in, they are abusing our rights and we are helpless. One neighbor even threatened us with a lawsuit, "because we have no real water rights" to even suggest that he can not build his 1/2 acre ornamental pond. He has not even bother to file for a water right, but he scares us. We need the water for our farm. It is our livelihood. It is just decoration for them.

We sincerely hope that you can understand our dilemma and will help us. Our case is very straight-forward and well documented. Quick adjudication is the simplest solution

for many problems and will prevent substantially greater conflicts and problems for the future as more and more people move into the area.

We want to thank you for your time and hope that we can resolve these difficulties as soon as possible. Mr. Bruce Estes is our water rights examiner and is available for any questions you may have also

Thank you again,

Ulrick F. Buhler
Trustee, Buhler Ridge Farms

Pauline Buhler
Trustee, Buhler Ridge Farms

BUHLER RIDGE FARM
13001 S.E. LUSTED RD.
SANDY, OREGON 97055
USA

RETURN RECEIPT
REQUESTED

CERTIFIED

P 335 682 842

MAIL

UNITED STATES
POSTAL SERVICE

0000

97310

U.S. POSTAGE
PHIO
PORTLAND, OR
97233
MAY 29, '96
AMOUNT

$2.52
00018886-02

Martha Pagel
Oregon Water Resources
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Oregon

WATER
RESOURCES
DEPARTMENT

November 8, 1993

BRUCE ESTES
6293 SUNNYSIDE RD NE
SALEM OR 97305

RE: SWR-266

Dear Bruce,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of ULRICK FREDERICK BUHLER 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-0266.002

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

Oregon

WATER
RESOURCES
DEPARTMENT

September 21, 1993

BRUCE A. ESTES
6293 SUNNYVIEW ROAD NE
SALEM OR 97305

RE: File# **SWR-266**

DEAR BRUCE A. ESTES,

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 reciepts 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 Ulrick Frederick Buhler. 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.

diversion point location	ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or .... recorded subdivision..." You must locate the pond which you described as a diversion point.

If I understand your report correctly, there was no irrigation system present at the time of your inspection. You told of a "sling system" that had been used and that they were converting to a pump system. Would you describe a "sling system" for me?

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

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

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

Sincerely,

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\2\SWR-0266.00M

Oregon

WATER
RESOURCES
DEPARTMENT

February 19, 1993

ULRICK FREDERICK BUHLER
13001 SE LUSTED RD
SANDY OR 97055

Dear MR BUHLER,

This will acknowledge that your Surface Water Registration Statement in the name of ULRICK FREDERICK BUHLER has been received by our office. The fees in the amount of $480.00 have been received and our receipt #95552 ~~is enclosed~~. Your registration statement has been numbered SWR-266.

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-0266.001

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 # 95552

OVER THE COUNTER

RECEIVED FROM: Pauline C. Parker
BY:

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☑ 24-12 OTHER: (IDENTIFY) ☐

TOTAL REC'D $ 1110.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	$ 480.00
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:	EXAM FEE		RECORD FEE
842.001	SURFACE WATER	$	842.002	$
842.003	GROUND WATER	$	842.004	$
842.005	TRANSFER	$	842.006	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
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	$

07-00-0 HYDRO ACTIVITY

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

RECEIPT # 95552 DATED: 12/29/86 BY: [illegible]

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