

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK

GARY STOVER, as Trustee of the Three
Rivers Timber Trust U/A Dated September
30, 2024; ACC OUTDOORS LLC, an Oregon
limited liability company; and NICHOLAS
STOVER, an individual,

Plaintiffs,

v.

ANDREW DAVID HUNTER, an individual;
ANTHONY HENRY COLLINS, an
individual; and KENT CURTISS FLORO, an
individual,

Defendants.

Case No.: 26CV29515

COMPLAINT (TRESPASS)

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION**

Plaintiffs Gary Stover, as Trustee of the Three Rivers Timber Trust U/A Dated September
30, 2024, ACC Outdoors, LLC, and Nicholas Stover (“Plaintiffs”) allege as follows:

INTRODUCTION

1.

Three Rivers is a scenic tributary of the Nestucca River that offers prime spawning habitat
for salmonids. For this reason, anglers have flocked to Three Rivers to fish. However, Three Rivers
is not a waterway owned by the State of Oregon. Three Rivers, which is too shallow in places to
permit commercial boat traffic, is not navigable and was not navigable on February 14, 1859, when
Oregon entered the Union. Accordingly, title to Three Rivers and its riverbed is vested in those,
like Plaintiffs, whose deeds describe the riverbed. Despite informing anglers of the private
ownership of Three Rivers, anglers have refused to give up Three Rivers as a fishing destination.

1 2.

2 Defendant Kent Curtiss Floro, Defendant Anthony Henry Collins, and Defendant Andrew
3 David Hunter (collectively, “Individual Defendants”) have each been told he was trespassing on
4 portions of Three Rivers owned by Plaintiffs, refused to leave, and evinced an intent to return to
5 again fish—and trespass on—Three Rivers. Accordingly, Plaintiffs seek a declaratory judgment
6 from this Court declaring the private ownership of Three Rivers and an injunction prohibiting
7 Individual Defendants from again trespassing on Plaintiffs’ properties.

8 **PARTIES**

9 3.

10 Plaintiff Gary Stover, as Trustee of the Three Rivers Timber Trust U/A Dated September
11 30, 2024, now resides, and at all relevant times has resided, in Tillamook County, Oregon. Plaintiff
12 Gary Stover owns and resides at the real property located at 33140 Highway 22, Hebo, Oregon, in
13 Tillamook County, which is Tax Lot 1100 in Section 24, Township 4 South, Range 10 West,
14 Willamette Meridian (“Gary Stover Property”). The Gary Stover Property is legally described in
15 Instrument No. 2024-004194, recorded October 3, 2024.

16 4.

17 Plaintiff ACC Outdoors LLC is an Oregon limited liability company with its principal
18 business address in Tillamook County, Oregon. Plaintiff ACC Outdoors LLC owns the real
19 property located at 33100 Highway 22, Hebo, Oregon, in Tillamook County, which is Tax
20 Lot 1101 in Section 24, Township 4 South, Range 10 West, Willamette Meridian (“ACC Outdoors
21 Property”). The ACC Outdoors Property is legally described in Instrument No. 2017-001937,
22 recorded March 30, 2017.

23 5.

24 Plaintiff Nicholas Stover owns the real property located at 32910 Highway 22, Hebo,
25 Oregon, within Tillamook County, which is Tax Lot 1600 in Section 13, Township 4 South, Range
26 10 West, Willamette Meridian (“Nicholas Stover Property”). The Nicholas Stover Property is
27 legally described in Instrument No. 2021-01334, recorded February 16, 2021.

1 6.

2 Defendant Andrew David Hunter is, on information and belief, a resident of Salem,
3 Oregon.

4 7.

5 Defendant Anthony Henry Collins is, on information and belief, a resident of Salem,
6 Oregon.

7 8.

8 Defendant Kent Curtiss Floro is, on information and belief, a resident of Salem, Oregon.

9 **JURISDICTION AND VENUE**

10 9.

11 This Court has subject matter jurisdiction over this suit because it has personal jurisdiction
12 over each of the parties to this suit.

13 10.

14 Venue lies in this Court because this suit concerns Individual Defendants' trespass on a
15 privately owned waterway, Three Rivers, that runs through Tillamook County, Oregon.
16 Accordingly, the acts and omissions that form the basis for this suit took place in Tillamook
17 County, Oregon.

18 **FACTUAL BACKGROUND**

19 11.

20 Three Rivers is a tributary of the Nestucca River. It flows from its headwaters
21 approximately 12.5 river miles to enter the Nestucca at Nestucca River Mile ("RM") 9.8.

22 12.

23 The Nestucca River head of tide is located at RM 8.5. Three Rivers, which enters the
24 Nestucca upstream of the head of tide, is not subject to tidal influence.

25 13.

26 The Gary Stover Property comprises 18.46 acres, including approximately 550 feet of the
27 Three Rivers waterway between RM 1.0 and RM 2.0. The legal description in the Statutory

1 Bargain and Sale Deed for Tax Lot 1100 describes the Gary Stover Property as inclusive of the
2 bed and banks of the Three Rivers waterway.

3 14.

4 The ACC Outdoors Property comprises 22.08 acres, including approximately 870 feet of
5 the Three Rivers waterway between RM 1.0 and RM 2.0. The legal description in the Statutory
6 Bargain and Sale Deed for Tax Lot 1101 describes the ACC Outdoors Property as inclusive of the
7 bed and banks of the Three Rivers waterway.

8 15.

9 The Nicholas Stover Property comprises 1.11 acres, including approximately 300 feet
10 along and to the centerline of the Three Rivers waterway between RM 1.0 and RM 2.0. The legal
11 description in the Statutory Warranty Deed for Tax Lot 1600 describes the Nicholas Stover
12 Property as inclusive of the northeasterly bank and the bed to the centerline of the Three Rivers
13 waterway.

14 16.

15 Plaintiffs own the riverbed, consistent with the descriptions in Plaintiffs’ deeds, so long as
16 the State of Oregon did not obtain title to the waterway under the “equal footing doctrine” upon
17 entry into the Union.

18 17.

19 Under the equal footing doctrine, “Oregon ‘gain[ed] title within its borders to the beds of
20 waters then navigable’ when it became a state in 1859.” *Hardy v. State Land Bd.*, 274 Or. App.
21 262, 265 (2015) (quoting *PPL Montana, LLC v. Montana*, 565 U.S. 576, 589–91 (2012)).
22 “[G]enerally, “[l]ands lying below the ordinary high water mark of navigable rivers are . . . owned
23 by the state and are considered to have been so held since the admission of that state to the Union.”
24 *Id.* (quoting *Northwest Steelheaders Association v. Simantel*, 199 Or. App. 471, 480 (2005))
25 (second alteration in original). In other words, the State of Oregon—and, thus, the public—only
26 have title to a waterway, if it is navigable.

18.

A waterway is navigable only “when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.” *Nw. Steelheaders Ass’n*, 199 Or. App. at 481 (quoting *The Daniel Ball*, 77 U.S. (10 Wall) 557, 563 (1870)). Navigability is a question of fact determined by federal law. *See Hardy*, 274 Or. App. at 267 (“[W]hether the river segment is, in fact, navigable, also determines whether it is navigable for the legal purpose of determining state ownership under the equal-footing doctrine.”).

19.

In 2015, Plaintiff Gary Stover retained Professor Stephen Dow Beckham to examine the evidence for or against the title navigability of Three Rivers. Professor Beckham issued his report in March 2015, concluding that the documentary history “provided no information of any navigable uses of Three Rivers at any time prior to or subsequent to Oregon Statehood on February 14, 1859.”

20.

Three Rivers is not navigable. It is owned privately by those, like Plaintiffs, who hold title to the riverbed.

21.

Plaintiffs hold title to the portions of Three Rivers described in their deed. Plaintiffs have the right to exclude others from using the portions of Three Rivers to which Plaintiffs’ individually hold title.

22.

Three Rivers provides spawning grounds and otherwise supports Chinook and ESA-listed coho salmon, steelhead and cutthroat trout, and Pacific and western brook lampreys. Oregon’s Department of Fish and Wildlife (“ODFW”) also operates the Cedar Creek Hatchery next to Three Rivers.

1 23.

2 Given the fish population and scenery, Three Rivers is sought after by anglers as fishing
3 grounds. Practically speaking, Anglers cannot float down Three Rivers to fish the waterway. Any
4 bank anglers, or those walking down the water course, are trespassing on private property when
5 fishing Three Rivers because the riverbed and banks of the waterway is privately owned.

6 24.

7 Plaintiff Gary Stover has posted “No Trespassing” signs along the Gary Stover Property to
8 inform the Defendants and others that they are not permitted to fish or be on Three Rivers, a private
9 waterway. Plaintiff Gary Stover and his agents have personally approached trespassing anglers,
10 including the Defendants, to inform them about the private nature of Three Rivers and that they
11 were trespassing on private property. Anglers, including the Defendants, disregard the warnings,
12 at best, and at worst, become angry at Plaintiff Gary Stover’s assertion of property rights. The
13 anglers, who otherwise lack public access to Three Rivers, necessarily destroy and disturb prime
14 salmon spawning grounds as they fish and walk down Three Rivers.

15 25.

16 Plaintiffs have requested assistance informing and removing trespassers from Tillamook
17 County Sheriff’s Office and the Tillamook County District Attorney without success. On
18 information and belief, the District Attorney mistakenly believes that all moving waterways, like
19 Three Rivers, are owned by the State of Oregon. The Tillamook County District Attorney has
20 created an untenable, unregulated environment for Plaintiffs where they lack the support of law
21 enforcement in protecting their respective property rights.

22 26.

23 The Individual Defendants are residents of Salem, Oregon who travel to Three Rivers to
24 fish the waters of Three Rivers without permission. Plaintiff Gary Stover, or his agents, have
25 informed each of the Individual Defendants that Three Rivers is private property and fishing Three
26 Rivers is trespassing. The Individual Defendants have each declined to respect the private nature
27 of Three Rivers and each indicated his intent to continue fishing Three Rivers.

1 27.

2 On or about July 14, 2021, Plaintiff Defendant Collins and Defendant Hunter trespassed
3 on the Gary Stover Property while fishing Three Rivers for approximately four hours. Plaintiff
4 explained to Individual Defendants that they could not fish Three Rivers because it was private
5 property. On information and belief, Defendant Collins and Defendant Hunter understands the
6 property lines of the Gary Stover Property and that they do not have permission to enter onto or
7 fish the Gary Stover Property.

8 28.

9 On information and belief, Defendant Hunter has subsequently entered without permission
10 the Gary Stover Property or other parts of Three Rivers on or about May 31, June 5, June 6, and
11 June 7, 2026. Defendant Hunter has attempted to convince others, including youth anglers, to
12 trespass on the Gary Stover Property to fish Three Rivers.

13 29.

14 On information and belief, Defendant Collins has subsequently entered without permission
15 the Gary Stover Property or other parts of Three Rivers on or about June 5 and June 7, 2026.

16 30.

17 On information and belief, Defendant Floro has subsequently entered without permission
18 the Gary Stover Property or other parts of Three Rivers on or about June 6, 2026. Defendant Floro
19 understands the boundaries of the Gary Stover Property and that he does not have permission to
20 enter onto or fish the Gary Stover Property.

21 31.

22 When trespassing on the Gary Stover Property to fish Three Rivers, Individual Defendants
23 have used unethical fishing practices, including illegal snagging of salmon, and trampled sensitive
24 salmonid spawning beds.

25 32.

26 On information and belief, Individual Defendants intend to return to fish Three Rivers
27 without permission and to trespass on properties owned by Plaintiffs. Efforts to educate Individual

1 Defendants have failed to persuade them to respect private property rights.

2 33.

3 Plaintiffs are without an adequate remedy at law and are thus entitled to equitable relief
4 from this Court. Plaintiffs are further entitled to a declaration that the Individual Defendants may
5 not access, use, or fish from the Plaintiffs' real property in Three Rivers absent permission of the
6 owner of the underlying riverbed.

7 **FIRST CLAIM FOR RELIEF**

8 **(Trespass – Individual Defendants)**

9 34.

10 Plaintiffs incorporate by reference the allegations in Paragraphs 1–33 of this Complaint.

11 35.

12 Plaintiffs have the exclusive right of possession to the deeded portions of Three Rivers on
13 each Plaintiff's respective property. The Individual Defendants have no right to access or fish the
14 portions of Three Rivers owned by Plaintiffs.

15 36.

16 Individual Defendants have each been caught on one or more of the individual properties
17 owned by Plaintiffs while fishing. The Individual Defendants each have refused to acknowledge
18 the private nature of Three Rivers or respect private property, contending through their actions that
19 they have the right to access and fish Three Rivers. Individual Defendants have trespassed and will
20 continue to trespass on the properties owned by Plaintiffs.

21 37.

22 Individual Defendants' repeated trespasses onto Plaintiffs' respective properties have
23 caused injury to the riverbed, which includes spawning habitat for salmonids, as well as emotional
24 harms. As a result of Individual Defendants' trespass, Plaintiffs have suffered no less than
25 \$100,000 in damages, or such other reasonable amount as a jury or court may award.

26 ///

27 ///

38.

Individual Defendants have expressed they intend to continue using Three Rivers—and, thus, Plaintiffs’ individual properties—to fish and refuse to acknowledge Plaintiffs’ property rights. Accordingly, Plaintiffs are entitled to entry of an injunction against each Individual Defendant prohibiting each from accessing, walking down, or fishing on the Gary Stover Property, the ACC Outdoors Property, and the Nicholas Stover Property.

*
**

WHEREFORE, Plaintiff prays for a judgment of this Court:

1. In favor of Plaintiffs and against Defendants on Plaintiffs’ claim for relief;
2. As to the First Claim, a judgment and money award in favor of Plaintiffs and against each Individual Defendant in the amount of \$100,000, or such other reasonable amount as a jury or court may award;
3. As to the First Claim, an injunction prohibiting Individual Defendants from entering the Gary Stover Property, the ACC Outdoors Property, and the Nicholas Stover Property, including a prohibition on walking down or fishing the portion of Three Rivers on Plaintiffs’ respective properties; and
4. Such other relief as the court deems just and equitable.

DATED this 12th day of June, 2026.

VF LAW

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Of Attorneys for Plaintiffs