

Application No. 14634

Permit No. 11580

Certificate No. 12245

**FEES PAID**

Date	Amount	Receipt No.
6/30/32	5.00	15286
3/5/35	4.50	18442
Total		

Name Fannie Trimble

Stream Index, Page No. ~~15-279-70~~ 15-54

Application Record, Book No. \_\_\_\_\_

By \_\_\_\_\_

Address Brookings, Oregon

Date filed June 29, 1932

Action suspended until June 29, 1932

PRIORITY DATE - 6-29-32

Returned to applicant Aug 7 1962

Date completed \_\_\_\_\_

Date of approval 3-21-35

**CONSTRUCTION**

Date for beginning 3-21-36

Date for completion 10-1-37

Extended to \_\_\_\_\_

Date for application of water 10-1-38

Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed Mar. 21, 1935 10/11/38 W.M.

Proof received April 29, 1939

Date certificate issued October 18, 1939

Receipt for recording fee No. 24247, 4/22/39

**FEES REFUNDED**

Date	Amount	Check No.
_____	_____	_____

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**REMARKS**

0.34 sec. fl. from Henderson Creek for irrigation 17 acres  
9-16-35 - form 102  
3-7-36 - form 102  
9-4-36 - form 102

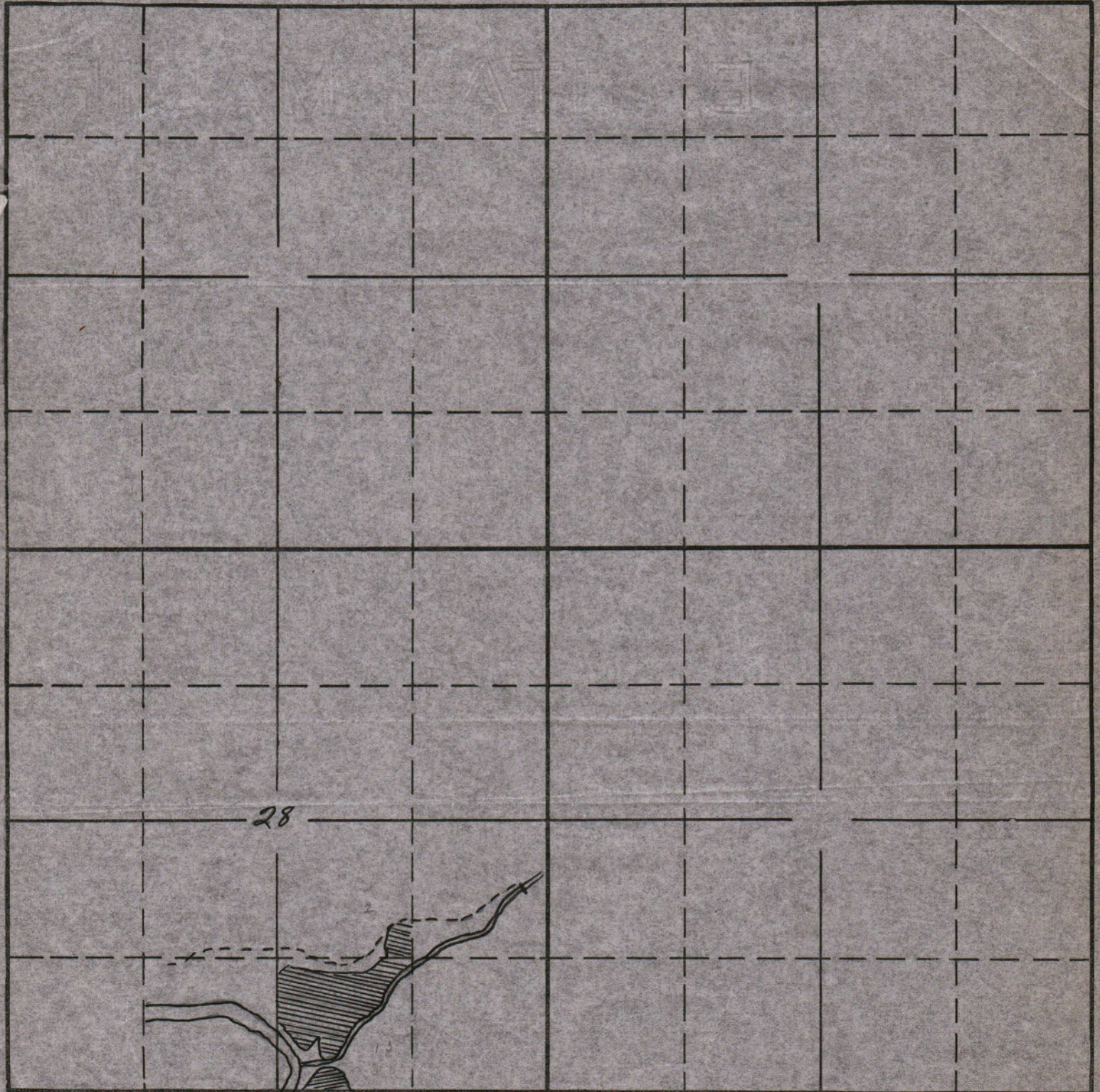
T7432 A POA Rejected

*PK for certificate*

SECTION

TOWNSHIP 38S, RANGE 8W, W. M.

North



South

APPLICATION No. 14634  
PERMIT No. 11580

SECTION

TOWNSHIP *38S*, RANGE *8W*, W. M.

North

West

East

28



South

APPLICATION No. *14634*

PERMIT No. *11580*

Permit No. 11580

12245

Application No. 14634

County Josephine

PROOF OF APPROPRIATION OF WATER

- 1. Name Fannie Trimble Peduoli 2. Address Brookings, Oregon.
- 3. Source of supply Henderson Creek  
Tributary of Illinois River
- 4. Amount of water 0.34 c.f.s./ 5. Priority date June 29, 1932.
- 6. Use Irrigation
- 7. Location of point of diversion, NE 1/4 SE 1/4 Sec. 28, Twp. 38 S., Range 8 W., W. M. (Legal Subdivision)
- 8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
38 S.	8 W.	28	SW 1/4 SE 1/4	15	12.0
			NW 1/4 SE 1/4	2	1.3

Actual capacity of pipe line: \_\_\_\_\_

Difference in elevation between intake and base of use: \_\_\_\_\_

If for irrigation, this appropriation shall be limited to 1/50th of one cubic foot per second or its equivalent for each acre irrigated throughout the irrigation season from April 1, to November 1, of each year and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

(c) Pipe line: Description of intake: \_\_\_\_\_

(c) Size of canal: Width on top (at waterline) \_\_\_\_\_  
Width on bottom \_\_\_\_\_  
Depth \_\_\_\_\_

(p) Give description of headgate: \_\_\_\_\_  
Height \_\_\_\_\_  
Material used and character of construction \_\_\_\_\_

This column must be filled in if water is used for irrigation

J.P. Raven Dam  
3-ac. 1891

*OK for*

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ..... ft.; length on top, ..... ft.;

length on bottom <sup>1.5</sup> ..... ft.; material used and character of construction, .....

*Old deluged-out wood dam*

(b) Give description of headgate: Width, <sup>None</sup> ..... ft.; depth, ..... ft.; material used and character

of construction, .....

(c) Size of canal: Width on top (at waterline) <sup>1.5</sup> ..... ft.; width on bottom, <sup>1.0</sup> ..... ft.; depth of

water, <sup>0.5</sup> ..... ft.; grade, <sup>(?)</sup> ..... ft. fall per 1,000 ft. Actual capacity, ..... sec.-ft.

Give general description: *Old earth ditch*

(d) Pipe line: Description of intake, .....

Length of pipe, ..... ft.; size at intake, ..... in.; size at ..... ft. from intake, ..... in.; size

at place of use, ..... in. Difference in elevation between intake and place of use, ..... ft.

Is grade uniform? ..... Actual capacity of pipe line, ..... sec.-ft.

Give general description: .....

(Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, .....

Suction lift, ..... ft.; discharge lift, ..... ft. Type of motor used .....

Horse power rating, ..... H. P. Actual capacity of pump, ..... sec.-ft.

10. During what months is water beneficially used? .....

11. State character of soil .....

Kind of crops raised .....

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? *Yes*

13. If not, wherein is such map in error? .....

14. Domestic use: Give number of families actually using water at this time .....

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use .....

**AFFIDAVIT OF APPROPRIATOR**

STATE OF OREGON,

County of Josephine

} ss.

I, Fannie Gumble Pedrioli

being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day

of April, 1939

Sign →

Fannie Gumble Pedrioli

Subscribed and sworn to before me this 17th day of April, 1939

H. Ballbath

Notary Public for Oregon

[Notarial Seal]

My commission expires May 26<sup>th</sup> 1942

**AFFIDAVIT OF WITNESSES**

STATE OF OREGON,

County of Josephine

} ss.

We, Charles W. Buck and C. H. Constock

of Kurby Oregon, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 11580; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Charles W. Buck

C. H. Constock

Subscribed and sworn to before me this 17th day of April, 1939

H. Ballbath

Notary Public for Oregon

[Notarial Seal]

My commission expires May 26<sup>th</sup> 1942

**REPORT OF PERSON MAKING INSPECTION**

(For use by representative of State Engineer)

I, Tom R Pearce, do hereby certify that I have made

an inspection of the works described herein and in Permit No. 11580, on the 18<sup>th</sup> day

of February, 1939, and found the foregoing statements and descriptions of works to

be accurate. In my opinion the appropriation has been completed to the extent of 0.27 sec ft.

(Quantity of water in second-feet or acre-feet)

and I recommend the issuance of water right certificate for this amount.

Tom R Pearce  
(Name)

Watermaster Dist #16  
(Title)

**NOTICE TO INSPECTORS**

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

upon each tract described in said proof, and from such personal inspection have knowledge that all necessary proof of appropriation of water under Permit No. 11580 that we and each of us have been over and

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to

of

County of \_\_\_\_\_  
STATE OF OREGON

**RECEIVED**  
APR 29 1939  
STATE ENGINEER  
SALEM, OREGON

**RECEIVED**  
APR 21 1939  
STATE ENGINEER  
SALEM, OREGON

**RECEIVED**  
FEB 20 1939  
STATE ENGINEER  
SALEM, OREGON

Receipt No. ....

Recording fee paid

Permit No. ....

**PROOF OF APPROPRIATION**

STATE PRINTING DEPT.

Subscribed and sworn to before me this \_\_\_\_\_ day

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day

the contents thereof, and that the facts therein stated are true.

depose and say that I have read the foregoing proof of appropriation of water; that I know

I, \_\_\_\_\_

County of \_\_\_\_\_

STATE OF OREGON

**VERIDVAIL OF APPROPRIATOR**

378-3066

March 27, 1987

Mansfield R. Cleary  
Attorney at Law  
PO Box 234  
Cave Junction, OR 97523

Dear Mr. Cleary:

REFERENCE: File Water Right Transfer T-5485, Triangle 3 Ranch

I thought we were finished with this file in May, 1984, when the transfer was approved.

Now I find out that when Elton and Virginia Berkman signed the affidavit to cancel 11.1 acres of supplemental irrigation right, so the water could be used in the reservoir, they were not the sole owners of the property. Enclosed is a copy of the affidavit.

It appears that, at the time, the property was jointly owned by Mr. and Mrs. Berkman, Edgar and Mildred Baumann and Cecil and Cora Cowgill.

So we can clear our records, please have all the joint owners sign the enclosed affidavit and return it to me. Thanks.

Sincerely,

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SRAwpc

cc: Norm Daft, Assistant Watermaster, District 4  
9399D



AFFIDAVIT

We, \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_,

being first duly sworn, depose and say that we are the joint owners of a water right and the land to which it is appurtenant, which is for the use of not to exceed 0.22 cubic foot per second of water from an unnamed gulch and reservoir for supplemental irrigation of 11.1 acres in SW 1/4 SE 1/4 of Section 28, Township 38 South, Range 8 West, WM, under a priority date of July 30, 1962, being a portion of the right described by the certificate recorded at page 34167, Volume 26, State Record of Water Right Certificates, in the names of Triangle 3 Ranch, that we have abandoned any and all interest in and to said water right and request the same be canceled.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
1987.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires:

**RECEIVED**  
JUL 12 1984  
WATER RESOURCES DEPT  
SALEM, OREGON

AFFIDAVIT OF ABANDONMENT

Come now affiants, ELTON and VIRGINIA BERKMAN, Triangle Three Ranch, being first duly sworn, depose and say:

The right to supplemental irrigation of 11.1 acres located in the S.W.  $\frac{1}{4}$  S.E.  $\frac{1}{4}$ , Section 28, Township 38 South, Range 8 West, of the Willamette Meridian in the County of Josephine, Kerby, Oregon as shown on Water Right Permit No. 28189, Certificate No. 34167, has been abandoned and we desire cancellation thereof.

The source of this water supply is the unnamed gulch and reservoir constructed under Appl. No. R-37741, Permit No. R-3085, a tributary of Montgomery Creek.

The point of diversion is located 450 feet North and 440 feet West from center S.E.  $\frac{1}{4}$ , being within N.W.  $\frac{1}{4}$  S.E.  $\frac{1}{4}$ , Section 28, Township 38 South, Range 8 West of the Willamette Meridian, County of Josephine, Kerby, Oregon.

Dated this 10 day of July, 1984.

Elton Berkman  
Elton Berkman

Virginia Berkman  
Virginia Berkman

STATE OF OREGON,

County of Josephine

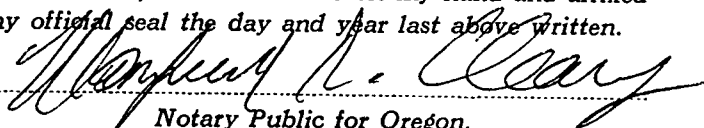
} ss.

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

BE IT REMEMBERED, That on this 10th day of July, 19 84,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Elton Berkman and Virginia Berkman

known to me to be the identical individual..... 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.

  
Notary Public for Oregon.  
My Commission expires 6-23-88

July 23, 1975

14634

Robert E. Craig & Co.  
Mining & Metallurgical Consultants  
Box 577  
Sun Valley, CA 91352

Dear Mr. Craig:

Here is a copy of certificate 12245 and supporting map as requested in your letter of July 8, 1975. Thank you for the \$1.00 for copying fees.

I have also enclosed copies of other rights that might be appurtenant to the lands in question.

The only other right of record is application numbered 52209 under the names of Ronald E. Brood and T.E. Markham. They have requested the use of water from springs for irrigation and domestic supplies within the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 28, Township 38 South, Range 8 West, W.M. I don't think this is part of the lands you are interested in, but if you need copies of it, a copying fee of \$1.95 would be required.

Very truly yours,

Thomas E. Shook  
Assistant

TES:cdp  
Encl. Receipt No. 48457

ROBERT E. CRAIG & Co.



MINING & METALLURGICAL  
CONSULTANTS  
BOX 577  
SUN VALLEY, CA. 91352  
(213) 767-2681

RECEIVED

JUL 11 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

July 8, 1975

Mr. Thomas E. Shook Assistant  
Water Resources Department  
1178 Chemeketa Street N.E.  
Salem, Oregon 97301.

Dear Mr. Shook:

SUBJECT: Your Letter Dated July 3, 1975:

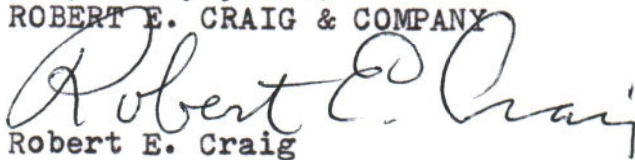
In response to your request of a more complete legal description of the area in which my client has expressed interest. I am enclosing a copy of the Land Sale Contract (Page One) I must admit it is a poor copy but the one I had to work with is no better.

We feel certain you can find title to the water rights of the specific area described in the copy enclosed.

You will find enclosed further \$1.00 cash to cover the cost described in your letter.

May I thank you for the consideration you have shown me in the matter and it is appreciated.

Very truly yours;  
ROBERT E. CRAIG & COMPANY

  
Robert E. Craig



~~STATE~~  
~~ENGINEER~~

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB  
~~GOVERNOR~~  
GOVERNOR

~~CHRIST WHEELER~~  
—State Engineer—

July 3, 1975

File No. 14634

Robert E. Graig & Co.  
Mining & Metallurgical Consultants  
Box 577  
Sun Valley, CA 91352

Dear Mr. Craig:

Our records show that there are several water rights of record within sections 27 and 28 of Township 38 South, Range 8 West, W.M. One, however, is in the name of Fannie Trimble Peduoli.

Certificate of water right recorded on Page 12245, Volume 11, State Record of Water Right Certificates, evidences the right to the use of not to exceed 0.27 cubic foot of water per second from Henderson Creek for the irrigation of 13.3 acres north of the creek under a priority date of June 29, 1932.

Such a perfected and developed water right remains valid indefinitely provided the water is used as described on the certificate. It is subject to forfeiture by failure to exercise the right for a period of five successive years.

A copy of the certificate and supporting map are available upon request and on receipt of a copying fee of \$1.10.

If you will send us a copy of the property description of the land in question, we will be able to advise you of all rights of record appurtenant to that piece of property. The information we need can be obtained from the deed, sales contract, or title insurance policy.

Very truly yours,

Thomas E. Shook  
Assistant

TES:cdp

3014

RECEIVED  
JUL 11 1975  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

JUL 11 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

Vol. 18 10/101

LAND SALE CONTRACT

THE STATE OF OREGON  
COUNTY OF JOSEPHINE

37087

THIS AGREEMENT, made and entered into this 23 day of January, 1961,  
by and between OSCAR H. HULT and FANNIE HULT, husband and wife, hereinafter  
referred to as Sellers, and ELTON H. BERGMAN and VIRGINIA BERGMAN, husband and  
wife, ROGER BAUMANN and MILDRED BAUMANN, husband and wife, and CECIL CORGILL  
and CORA CORGILL, husband and wife, hereinafter referred to as Purchasers,

WITNESSETH:

That Sellers in consideration of the covenants and agreements on the part  
of Purchasers hereinafter contained agree to sell and to convey to Purchasers  
and Purchasers agree to buy all that certain lot, parcel and piece of land,  
situate in County of Josephine, State of Oregon, described as follows, to wit:

West half of Northwest Quarter of Section 27, Township 38 South,  
Range 8 West of Willamette Meridian, Josephine County, Oregon.

LESS AND EXCEPT right of way for Redwood Highway.

East Half of Northeast Quarter, Northwest Quarter of Northeast Quarter,  
Northeast Quarter of Southeast Quarter, West Half of Southeast Quarter  
and Northwest Quarter of Southwest Quarter of Section 28, Township 38  
South, Range 8 West of Willamette Meridian, Josephine County, Oregon.

That Lots 1 (Sec. 27), 1, 7 & 8 Serial Nos. 6087, 6088, 6095 & 6096

EXCEPT rights of the public over any portion lying within the limits  
of public roadways; rights of way for irrigation and mining ditches;  
and easement for transmission and distribution of electricity granted The  
California Oregon Power Company as set forth in Volume 73, Page 204, and  
in Volume 114, Page 653, and in Volume 191, Page 534, Josephine County  
Deed Records.

together with the tenements, hereditaments and appurtenances thereto belonging  
or in any wise appertaining thereto; and it is mutually agreed that all irriga-  
tion fixtures are to be left upon the premises as part of the property purchased  
and are hereinafter referred to as Property.

That in consideration of this sale of Property by Sellers to Purchasers,  
Purchasers agree to and with Sellers as follows:

I.

PAYMENT: That the full purchase price is the sum of SEVENTY-FIVE  
THOUSAND and no/100 (\$75,000.00) Dollars, payable as follows:



**STATE  
ENGINEER**

**RECEIVED**

JUL 22 1975  
WATER RESOURCES DEPT.  
SALEM, OREGON

**WATER RESOURCES DEPARTMENT**

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-<sup>8201</sup> [REDACTED]

Robert W. Straub

[REDACTED]  
GOVERNOR  
[REDACTED]

July 18, 1975

FILE NO.

Water Resources Department  
1178 Chemeketa Street, N. E.  
Salem, Oregon 97310

Attention: Tom Shook

Dear Tom:

Enclosed is the copy of a property description in Township 38 South, Range 8 W.W.M., Section 27, which you asked for in your phone call of July 16.

Hope this gives you the information you need.

Very truly yours,

Robert B. Steimer  
Watermaster, District #14

RBS/sj

Enclosure



RECEIVED

JUL 22 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

VOL 19 PAGE 461

LAND SALE CONTRACT

THE STATE OF OREGON  
COUNTY OF JOSEPHINE

I  
I 30087

THIS AGREEMENT, made and entered into this 23 day of January, 1961, by and between OSCAR W. HULT and FANNIE HULT, husband and wife, hereinafter referred to as Sellers, and ELTON H. BERGMAN and VIRGINIA BERGMAN, husband and wife, EDGAR BAUMANN and MILDRED BAUMANN, husband and wife, and OSCIL CORCILL and CORA CORCILL, husband and wife, hereinafter referred to as Purchasers, WITNESSETH:

That Sellers in consideration of the covenants and agreements on the part of Purchasers hereinafter contained agree to sell and to convey to Purchasers, and Purchasers agree to buy all that certain lot, parcel and piece of land, situate in County of Josephine, State of Oregon, described as follows, to wit:

West Half of Northwest Quarter of Section 27, Township 38 South, Range 6 West of Willamette Meridian, Josephine County, Oregon.

LESS AND EXCEPT right of way for Redwood Highway.

East Half of Northeast Quarter, Southwest Quarter of Northeast Quarter, Northeast Quarter of Southeast Quarter, West Half of Southeast Quarter and Northeast Quarter of Southwest Quarter of Section 28, Township 38 South, Range 6 West of Willamette Meridian, Josephine County, Oregon.

Tax Lots 1 (Sec. 27), 1, 7 & 8 Serial Nos. 6067, 6069, 6095 & 6096

EXCEPT rights of the public over any portion lying within the limits of public roadways; rights of way for irrigation and mining ditches; easement for transmission and distribution of electricity granted The California Oregon Power Company as set forth in Volume 73, Page 294, and in Volume 114, page 453, and in Volume 151, Page 334, Josephine County Dead Records.

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining thereto; and it is mutually agreed that all irrigation fixtures are to be left upon the premises as part of the property purchased and are hereinafter referred to as Property.

That in consideration of this sale of Property by Sellers to Purchasers, Purchasers agree to and with Sellers as follows:

I.

PAYMENT: That the full purchase price is the sum of SEVENTY-FIVE THOUSAND and no/100 (\$75,000.00) Dollars, payable as follows:

ROBERT E. CRAIG & Co.



MINING & METALLURGICAL  
CONSULTANTS  
BOX 577  
SUN VALLEY, CA. 91352  
(213) 767-2681

**RECEIVED**

JUL 7 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

July 3, 1975

Mr. Chris Wheeler  
State Engineer  
Salem, Oregon 97310

Dear Mr. Wheeler:

I have made one (1) attempt to find answers to the questions following, at last one of my associates in Oregon was kind enough to supply you with your name.

My interest being in who has the water rights to the following described parcel.

It Could be under the name of Montgomery Ranch or Triangle Three Ranch, Inc. Or in the personal name of Mrs. Fanny Pedriolo. The legal description would be as follows, provided I have been given the correct discription.

Township 38 South, Range 8 West, Sections 27-28 County of Josephine, near Kirby, Oregon.

If there is any fee for this service, please advise and our check will be in return mail. Should this request for information not be available, would you be so kind as to advise where same could be obtained. As this is a matter of importance to a client any help you can provide will be most appreciated.

Very truly yours;  
ROBERT E. CRAIG & COMPANY

*Robert E. Craig*  
Robert E. Craig

cc: Fanny Mally



~~STATE~~  
~~ENGINEER~~

**WATER RESOURCES DEPARTMENT**

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB

~~GOVERNOR~~  
GOVERNOR

~~CHRIS W. WILKINSON~~  
~~State Engineer~~

July 3, 1975

File No. 14634

Robert E. Graig & Co.  
Mining & Metallurgical Consultants  
Box 577  
Sun Valley, CA 91352

Dear Mr. Craig:

Our records show that there are several water rights of record within sections 27 and 28 of Township 38 South, Range 8 West, W.M. One, however, is in the name of Fannie Trimble Pедуoli.

Certificate of water right recorded on Page 12245, Volume 11, State Record of Water Right Certificates, evidences the right to the use of not to exceed 0.27 cubic foot of water per second from Henderson Creek for the irrigation of 13.3 acres north of the creek under a priority date of June 29, 1932.

Such a perfected and developed water right remains valid indefinitely provided the water is used as described on the certificate. It is subject to forfeiture by failure to exercise the right for a period of five successive years.

A copy of the certificate and supporting map are available upon request and on receipt of a copying fee of \$1.10.

If you will send us a copy of the property description of the land in question, we will be able to advise you of all rights of record appurtenant to that piece of property. The information we need can be obtained from the deed, sales contract, or title insurance policy.

Very truly yours,

Thomas E. Shook  
Assistant

TES:cdp

ROBERT E. CRAIG & Co.



MINING & METALLURGICAL  
CONSULTANTS  
BOX 577  
SUN VALLEY, CA. 91352  
(213) 767-2681

RECEIVED

JUL 2 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

June 29, 1975

Department Of Water Resocurces  
Commerce Building  
Salem, Oregon 97310.

Dear Sirs:

SUBJECT: Water Rights Montgomery Ranch Mrs.  
Fanny Pedrioli:

I trust that the request for information has  
been directed to the proper Department. The legal  
discription as follows.

Township 38 South, Range 8 West, Sections 27-28  
County of Josephine, near Kirby, Oregon.

If any fee is involved for this information,  
please contact my office above and advise the cost,  
our check will be in return mail.

Vert truly yours;  
ROBERT E. CRAIG & COMPANY

*Robert E. Craig*  
Robert E. Craig

13819  
10245  
7713  
13935  
291  
281  
14634  
37742  
52209

July 6, 1962

Triangle 3 Ranch  
Kerby,  
Oregon

Gentlemen:

This will acknowledge receipt of two applications; one for a permit to construct a reservoir and store 2.5 acre feet of water therein from an unnamed gulch for irrigation purposes, and one for a permit to appropriate 0.15 cubic foot of water per second from an unnamed gulch for the irrigation of 12 acres, a small dam description, a tracing, and fees in the sum of \$30 for which our receipts numbered 34231 and 34232 are enclosed.

Your applications have been examined and filed in the order of their acknowledgment under files numbered R-377h1 and 377h2. It is noted that you wish to appropriate 0.15 cubic foot of water per second from the unnamed gulch and the reservoir. This is less than the maximum quantity which could be approved for appropriation to irrigate 12 acres. If you so desire, your application may be amended to appropriate 0.24 cubic foot of water per second.

During examination of your application it was noted that a right in the name of Fannie Trimble to appropriate 0.27 cubic foot of water per second from Hendersen Creek for the irrigation of 12 acres in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 28, T.38 S, R.8 W, is evidenced by water right certificate number 12245. There is correspondence in our files which indicates that the right from Hendersen Creek may have been abandoned. Please advise whether the 12 acres you wish to irrigate is being irrigated or has been irrigated by appropriation of water from any other source, particularly Hendersen Creek. It is noted that the map submitted with your applications identifies this stream as Montgomery Creek.

Triangle 3 Ranch

-2-

July 5, 1962

Further action on your applications will be withheld pending your reply.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Walter N. Perry, Assistant

WNP/gcj  
Enclosure

July 19, 1948

Mr. H. J. Sauer  
Real Estate and Insurance  
Kerby, Oregon

Dear Mr. Sauer:

This will acknowledge receipt of your letter dated July 17, 1948 and an affidavit stating that a water right initiated under Application No. 14634 in the name of Fannie Trimble has not been used for a period of over 10 years and you request, based upon such affidavit, that this right be revoked and record made of such revocation.

Our records show that the right which is referred to in the affidavit and in your letter was initiated by Fannie Trimble by filing an application in the State Engineer's office on June 29, 1932. This application was approved and permit issued on March 21, 1935. Our records also show that proof of having completed construction work and having applied water to beneficial use was filed in this office on April 29, 1939 and that a Certificate of Water Right was issued on October 18, 1939.

We have a statement from Mr. Tom Pearce, Water Master of Josephine County, dated April 29, 1939 that he had made an examination of the grounds and appropriation had been completed to the extent of the use of water for 0.27 c.f.s.

Since a Certificate of Water Right has been issued I respectfully refer you to Section 116-436, O.C.L.A., which specifically provides that any water right certificate which has not been contested and set aside within 90 days after it has been issued is conclusive evidence of the priority and extent of the appropriation except in those cases where the rights of appropriation shall have been abandoned after the issuance of the certificate. I also respectfully refer you to the decision of our Supreme Court in the case *In Re Willow Creek* (74 Or. 592) or which is more specifically found upon Page 660 wherein it is stated, "It is clear that abandonment does not take place, as a matter of law, without a trial of the facts." The question of abandonment of a water right is a question of law and fact and the courts have exclusive jurisdiction to make this determination. In other words, the State Engineer, water master, or no other person except the circuit court can hold that a water right has been lost, this must be tried in the circuit court of your county in appropriate proceedings.

Mr. M. J. Sauer

- 2 -

July 19, 1948

For these reasons I am returning herewith the affidavit included with your letter.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

CES:sk  
Encl.



**WM. J. MCLEAN**  
REAL ESTATE AND INSURANCE  
KERBY, OREGON

July 17, 1948

RECEIVED

JUL 19 1948

STATE ENGINEER  
SALEM, OREGON

State Engineer  
Salem, Oregon

Dear Mr. Stricklin:

I would like to submit an Affidavit regarding the non use of water taken from Henderson Creek through the Vinson-Bar Mining Ditch, sometimes known as the Montgomery Irrigation Project.

I have been using water from Henderson Creek under Permit No. 15504 since 1943. Due to the fact that other prior holders of water rights out of Henderson Creek have abandoned such rights of the same, I hereby respectfully request that all such prior rights be revoked and a record made of said revocation.

Yours truly,

M. J. Sauer

*m j Sauer*

MJS:mjw

STATE OF OREGON

COUNTY OF JOSEPHINE

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 12245

FANNIE TRIMBLE PEDUOLI of BROOKINGS  
State of Oregon, has made proof to the satisfaction of  
the State Engineer of Oregon, of a right to the use of the waters of  
Henderson Creek  
a tributary of Illinois River, for the purpose of  
Irrigation  
under Permit No. 11580 of the State Engineer, and that said right to the use of  
said waters has been perfected in accordance with the laws of Oregon; that the  
priority of the right hereby confirmed dates from June 29, 1932;

that the amount of water to which such right is entitled and hereby confirmed,  
for the purposes aforesaid, is limited to an amount actually beneficially used  
for said purposes, and shall not exceed 0.27 c.f.s. measured at the point of  
diversion from the stream,

or its equivalent in case of rotation.

The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, Township  
38 South, Range 8 West, W. M.

The amount of water used for irrigation, together with the amount  
secured under any other right existing for the same lands shall be limited  
to one-fiftieth of one cubic foot per second per acre, or its equivalent for  
each acre irrigated throughout the irrigation season from April 1 to November 1  
of each year,

and shall conform to such reasonable rotation system as may be ordered by the  
proper state officer.

A description of the place of use under the right hereby confirmed,  
and to which such right is appurtenant, is as follows:

12.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$   
1.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 28  
Township 38 South, Range 8 West, W. M.

The right to the use of water for the purposes aforesaid is restricted  
to the lands or place of use herein described.

REMARKS:

*Gave attention called to correspondence of  
Vitale Peduoli Fannie Trimble married Vitale Peduoli. I suppose  
they are allowing certificate to be issued in name of Fannie Trimble?  
Otherwise O.K.*  
Tom R. Plasse  
Watermaster.  
(Make any further remarks on reverse side)

STATE OF OREGON

COUNTY OF

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO.

of \_\_\_\_\_, has made proof to the satisfaction of the State Engineer of Oregon, of a right to the use of the waters of \_\_\_\_\_

for the purpose of \_\_\_\_\_ a quantity of \_\_\_\_\_ under Permit No. \_\_\_\_\_ of the State Engineer, and that said right to the use of said waters has been protected in accordance with the laws of Oregon; that the priority of the right hereby confirmed does not

exceed the amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed \_\_\_\_\_

or its equivalent in case of diversion. The point of diversion is located in the \_\_\_\_\_

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to \_\_\_\_\_ of one cubic foot per second per acre.

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

The right to the use of water for the purpose aforesaid is restricted to the lands or place of use herein described.

WITNESSES

(Make any further remarks on reverse side)  
\_\_\_\_\_  
Witness

RECEIVED  
JUL 28 1939  
STATE ENGINEER  
SALEM, OREGON

CHAS. E. STRICKLIN, STATE ENGINEER  
SECRETARY  
STATE RECLAMATION COMMISSION  
HYDROELECTRIC COMMISSION OF OREGON

STATE OF OREGON  
OFFICE OF THE  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

ADDRESS ALL COMMUNICATIONS  
CHAS. E. STRICKLIN, STATE ENGINEER  
SALEM, OREGON

AND REFER TO FILE NO. 14634

April 26, 1939

Mr. Tom R. Pearce,  
Watermaster District No. 16,  
Grants Pass, Oregon.

Dear Mr. Pearce:

Enclosed herewith is a proof in the name of Fannie  
Trimble Pedrioli covering Permit No. 11580.

I believe that you have inspected the appropriation  
figuring in this proof and found 13.3 acres irrigated under the  
permit.

If this is the case and you will make your customary  
report on the back of the proof and return it to this office, the  
matter of issuance of a certificate of water right will be given  
attention with the next group.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

*Ed K. Humphrey*  
Ed K. Humphrey, Assistant.

---

Grants Pass, Oregon, April 27th, 1939

EKH:BB

encl.

Dear Mr. Humphrey:

I have made my report on the back of the  
enclosed proof.

Very truly yours,

*Tom Pearce*

Watermaster District No. 16.

RECEIVED  
APR 29 1939  
STATE ENGINEER  
SALEM, OREGON

APR 26 1939  
April 26, 1939

Mr. Tom R. Pearce,  
Watermaster District No. 16,  
Grants Pass, Oregon.

Dear Mr. Pearce:

Enclosed herewith is a proof in the name of Fannie  
Trimble Pedrioli covering Permit No. 11580.

I believe that you have inspected the appropriation  
figuring in this proof and found 13.3 acres irrigated under the  
permit.

If this is the case and you will make your customary  
report on the back of the proof and return it to this office, the  
matter of issuance of a certificate of water right will be given  
attention with the next group.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EKH:BB  
encl.

14634  
April 26, 1939

Mrs. Fannie Trimble Pedrioli,  
Brookings, Oregon.

Dear Madam:

This will acknowledge receipt of final proof under Permit No. 11580, together with the statutory recording fee in the amount of \$1.00 for which Receipt No. 24247 is enclosed.

Mr. Tom R. Pearce, Watermaster of District No. 16, has not reported the extent to which he found the appropriation represented by this proof completed, but from statements contained in a letter from him I believe that he will recommend that a certificate be issued covering the irrigation of 13.3 acres.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EKH:BB  
encl.

14634

March 28, 1939

Fannie Trimble  
Brookings, Oregon

Dear Madam:

If you will sign the final proof which was mailed to you February 27th, have witnesses sign it and mail the same to this office accompanied by the statutory certificate recording fee in the amount of \$1.00, the matter of confirmation of your water right under Permit No. 11580 for the irrigation of 17 acres from Henderson Creek, will be given attention.

The proof must be signed before a notary public. If you have reconsidered the matter of this permit and wish to abandon it, your advice to that effect and your authority to cancel it will be appreciated.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

EKH:RE

Ed K. Humphrey, Assistant

February 27, 1939

Fannie Trimble  
Brookings, Oregon

Dear Madam:

If you will execute the enclosed final proof and have affixed the affidavit of witnesses and submit to this office accompanied by the statutory certificate recording fee in the amount of \$1.00, the matter of confirmation of your water right under Permit No. 11580 by issuance of a certificate will be given consideration.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE  
enc. 1



February 27, 1939

Mr. Tom Pearce  
Watermaster, District No. 16  
Grants Pass, Oregon

Dear Mr. Pearce:

This will acknowledge and thank you for your letter of February 16th explaining the situation in the matter of the appropriation as defined in Permit No. 11580 in the name of Fannie Trimble.

In the light of statements contained in your letter, I believe that it is probably best to send the proof to the permittee for signature and I am this date mailing it to the address suggested in your letter, together with a letter of explanation and instruction.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE

WATER RESOURCES DEPARTMENT

TOM R. PEARCE, WATERMASTER  
PROF. ENG. NO. 838

STATE OF OREGON  
OFFICE OF  
WATER DISTRICT No. 16  
GRANTS PASS, OREGON

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

February 18th, 1939

Mr. Chas. E. Stricklin,  
State Engineer,  
Attention Mr. Humphrey, Ass't.  
Salem, Oregon.

RECEIVED  
FEB 20 1939  
STATE ENGINEER  
SALEM, OREGON

Dear Mr. Humphrey:

Enclosed is form for proof of appropriation of water under Permit No. 11580, in the name of Fannie Trimble.

Report: When making inspection, I found that Fannie Trimble was not at home but Mr. Vitale Peduoli was present. I understand that he is now the husband of Fannie Trimble. The parties are in the process of improving the place and have acquired and living at the adjoining place, known as the Horstman property. Preparations were being made to repair the old dam and ditches which pertain to this proof. It appeared that the dam and ditches had not been used for some time. I found about 16.1 acres of land that apparently had been in cultivation.

The Illinois River Decree (Proof 121) shows an allowance of 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$  section 28, T.38 S., R.8 W., W.M. and the State Engineers' map shows a hachured area of 14.8 acres. This would leave, under this proof, approximately 12 acres that I could recommend as being irrigable in the above mentioned sub-division. Also I can recommend 1.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section.

I have called at the ranch twice and found that Fannie Trimble (or Mrs. Peduoli) was in Brookings, Oregon for the day. I requested that the parties call at my office and I would assist them in completing the proof. They have failed to call.

Very truly yours,

*Tom R. Pearce*

Watermaster District No. 16.

P. S. The address of Fannie Trimble, Brookings, Oregon. will probably reach the parties. I imagine the present address is Kerby, Oregon.

October 11, 1938.

Mr. Tom R. Pearce,  
Watermaster District #16,  
Grants Pass, Oregon.

Dear Mr. Pearce:

I am enclosing final proof blank under Permit  
No. 11580, in the name of Fannie Trimble.

You are requested to make your usual inspection  
at your convenience and submit the proof to this office  
with the \$1.00 certificate recording fee.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EE  
encl.

March 21, 1935

Fannie Trimble  
c/o Percy A. Capper  
Masonic Building  
Salem, Oregon

Dear Madam:

Herewith you will find Application No. 14634, Permit  
No. 11580, together with blue print.

This application has been approved and recorded in  
this office.

14634

March 6, 1935.

Mr. Percy A. Cupper,  
413 Masonic Building,  
Salem, Oregon.

Dear Mr. Cupper:

This will acknowledge receipt of your letter of March 4th with which you returned Application No. 14634, in the name of Fannie Trimble. This application is now considered to be in satisfactory form and has been placed in line for approval and issuance of a permit.

My receipt No. 18442 is enclosed for your remittance of \$4.60 as the balance of fees due.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovellet, Assistant.

LN  
encl.

PERCY A. CUPPER  
LAW AND ENGINEERING  
413 MASONIC BUILDING  
SALEM, OREGON

March 4, 1935

RECEIVED  
MAR 5 1935  
STATE ENGINEER  
SALEM, OREGON

State Engineer,  
Salem, Oregon.

Attention: Mr. Bovelie,

Dear Sir:

Re: Application No. 14634  
Fannie Trimble.

I am herewith inclosing Application No. 14634 in the name of Fannie Trimble, together with a sketch map and my check for \$4.60, of which amount \$4.50 is your minimum fee and 10¢ for a blue print.

Trusting you will find this satisfactory, I remain

Sincerely yours,

*Percy A. Cupper*

Percy A. Cupper.

PAC:GT  
Inc. 3.

*OK*

14634

February 23, 1935

Mr. Percy A. Cupper  
Masonic Building  
Salem, Oregon

Dear Mr. Cupper:

In compliance with your request by telephone today, I am inclosing Application No. 14634 in the name of Fannie Trimble for completion, endorsed so that in order to retain its priority it must be returned within thirty days or on or before March 30.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By  
V. S. Bovellet, Ass't.

VSB EL

14634

January 31, 1935

Mr. Percy A. Cupper  
Masonic Building  
Salem, Oregon

Dear Mr. Cupper:

Application No. 14634 in the name of Fannie Trimble has been called to my attention and I note that action was suspended under it about one year ago pending the settlement of certain litigation.

It will be appreciated if you will advise me at your early convenience what the present status of this matter is. If the applicant is now prepared to complete the application I will be glad to return it to you endorsed so that in order to retain its priority it may be returned within any reasonable time limit.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By V. S. Bovelie, Ass't.

VSB EL



January 22, 1934.

Mr. Percy A. Cupper,  
410 Masonic Building,  
Salem, Oregon.

Dear Mr. Cupper:

This is in reply to your letter of January 16th in which you state that the litigation concerning Application No. 14634, in the name of Fannie Trimble, has not yet been settled.

In view of this fact I am suspending action under the application for six months, or until July 22, 1934.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN

LAW OFFICES  
**CUPPER AND MINTO**  
410 MASONIC BLDG.  
SALEM, OREGON

January 16, 1934

JAN 17 1934  
STATE ENGINEER  
SALEM, OREGON

State Engineer's Office,  
Salem, Oregon.

Attention: Mr. Bovelle,

Dear Mr. Bovelle: Re: File No. 14634

Replying to your letter of the 15th instant relative to Application No. 14634 in the name of Fannie Trimble, I beg to advise that though I have made repeated attempts to get this litigation settled, I have not yet succeeded in getting the matter disposed of by the courts. My brief has been filed for a long time. I am again taking the matter up in an effort to get it disposed of.

I will thank you to hold the permit at least until the Circuit Court has passed upon the litigation.

Sincerely yours,

  
Percy A. Cupper.

PAC:GT

*Suspended 6 mos*

January 15, 1934.

Mr. Percy A. Cupper,  
410 Masonic Building,  
Salem, Oregon.

Dear Sir:

Application No. 14634, in the name of Fannie Trimble, has been brought to my attention, and I note that action was suspended under this application on January 10, 1933, in view of the fact that pending litigation had not been settled.

It will be appreciated if you will now inform me whether or not this matter has been settled, and if so, what disposal she wishes to make of the application.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovellev, Assistant.

VSB:LN

January 10, 1933.

Mr. Percy A. Cupper,  
410 Masonic Bldg.,  
Salem, Oregon.

Dear Mr. Cupper:

This acknowledges receipt of your letter of January 7, in which you request a further extension of time under Application No. 14634 in the name of Fannie Trimble until the litigation has terminated. I am, therefore, suspending action under this application for a period of six months or until July 10, 1933.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By V. S. Bovelie, Ass't.

EL

*Decision not  
settled 7/10/33 -  
suspend another 6 mos -*

LAW OFFICES  
**CUPPER AND MINTO**  
410 MASONIC BLDG  
SALEM, OREGON

STATE ENGINEER  
RECEIVED

JAN 9 1933

SALEM, OREGON

January 7, 1933

Mr. C. E. Stricklin,  
State Engineer,  
Salem, Oregon.

Dear Mr. Stricklin:

Attention: Mr. Bovelie

Replying to your letter of the 6th instant, please be advised that exceptions have been filed to the findings and order of determination filed by the State Engineer in the matter of the determination of the relative rights to the use of the waters of Illinois River and its tributaries, and these exceptions have not as yet been heard.

The exceptions in question involve the water rights of Mrs. Trimble and the other parties to the original contest. I would therefore appreciate a further extension of time on this permit until the litigation has terminated.

Thanking you for calling the matter to my attention,  
I remain

Sincerely yours,

*Percy A. Cupper*  
Percy A. Cupper

PAC:GT

*Proposed to mos &  
notify*

January 6, 1933.

Mr. Percy Cupper,  
Masonic Building,  
Salem, Oregon.

Dear Mr. Cupper:

Application No. 14634, which was submitted June 29, 1932, in the name of Fannie Trimble for permit to appropriate 1 second foot of water from Henderson Creek for irrigation purposes has been brought to my attention.

You requested when this application was submitted that action thereunder be suspended pending the outcome of the litigation in connection therewith. The matter was, therefore, suspended for a period of six months and it is now requested that you advise us what the present status of the matter is. If the applicant is prepared to complete the application at this time, we will be glad to return it endorsed so that it may be returned within any reasonable time limit. However, if the litigation in connection therewith has not been settled we will be glad to again suspend action for such time as may be required. Your early reply will be appreciated in order that we may bring our records up to date.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

October 10, 1932.

Mr. Niel R. Allen,  
Attorney & Counselor at Law,  
Grants Pass, Oregon.

Dear Sir:

In response to your letter of October 6, I have checked over our records and find that an application No. 14634 has been submitted by Fannie Trimble of Brookings, Oregon, for permit to appropriate one second-foot of water from Henderson Creek, tributary of the Illinois River, for irrigation purposes. The point of diversion is described as being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 28, Tp. 38 S., R. 8 W.W.M., and the place of use is described as being 20 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 28, Tp. 38 S., R. 8 W.W.M.

Mr. Percy Cupper, attorney for the applicant, has requested that this application be held awaiting the outcome of pending litigation.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

NIEL R. ALLEN  
ATTORNEY AND COUNSELOR AT LAW  
FIRST NATIONAL BANK BUILDING  
GRANTS PASS, OREGON

October 6th, 1932.

STATE ENGINEER  
RECEIVED

OCT 7 1932

SALEM, OREGON

State Engineer,  
Salem, Oregon.

Dear Sir:

Information has reached me that Mrs. Fannie Trimble or Pedrioli Vilale or Vilale Pedrioli has within the past two or three months filed an application to appropriate waters of Henderson Creek, otherwise known as Montgomery Creek, for lands in Section 28, Township 38 South, Range 8 West of Willamette Meridian.

The local Water Master has no record of this filing. Will you please give me the date, proposed point of diversion and proposed place of use of such an application if filed.

Very truly yours,

  
Niel R. Allen.

NRA:GEY