

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE: May 21, 1992

SUBJECT: Indorsement of SWR-37

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Robert J. Palladino
ADDRESS: 43330 S.E. Marmont Rd.
Sandy OR 97055

SOURCE: Spring a tributary of Sandy River.

USE: Irrigation and domestic use for one family.

PRIORITY DATE: January 1, 1889

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.005 CFS for irrigation of 1.0 acre and 0.01 CFS for domestic use to include stockwater.

DIVERSION POINT:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 2 S., R. 5 W., W.M.

PLACE OF USE:

Domestic to include stockwater SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 8,
Township 2 S., Range 5 E., W.M.

PERIOD OF USE:

The irrigation season is May 1 to October 31. Domestic use allowed all year.

FILE C:\WP51\SWR\CLAIMANTS\SWR-0037.0IM

August 21, 1992

Frank Gearhart, President
C.I.I.B.R.
PO Box 3426
Gresham OR 97030

RE: Sandy Basin Pre-1909 Claims Received

Dear Mr. Gearhart,

Reed has asked me to send copies of the claim forms that we have received from property owners in the Sandy Basin. As you can see, there have been 4 filed in the Sandy Basin.

I have put the SWR number (claim number) on the upper right hand corner of the front page. Three of the claims were filed using the old forms. One claim was filed on the new form.

Please note that SWR-35 is currently being modified by Strauss and Halvorson so that the use includes maintenance of the reservoir.

We have received a total of 83 claims to date. These 83 claims are scattered throughout the unadjudicated areas of Oregon.

Sincerely,



Dwight French
Adjudication Section

Enclosures: Claim Forms for SWR- 32, 35, 37, and 65



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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

November 5, 1991

To: SWR - 37 File (Robert J. Palladino)
From: Don Knauer
Subject: Field Inspection

Dwight French and I met with Mr. Palladino and talked about the adjudication process. He made a few changes and corrections to his form. He signed the form and I notarized his signature.

He said they have about two dozen sheep as their domestic animals. There is a barn about 300 feet south of their house. The pipe line runs from the spring to the house then to the barn.

A:SWR-0037.002

The following surface water registrations were filed in the office of the Water Resources Director during the period of July 24, 1991 to July 31, 1991. By law, all water within the state belongs to the public (ORS 537.110). Persons who began using water prior to February 24, 1909, or who have a federal reserved water claim may register that claim as a vested water right. These persons may receive an approved order of registration from the Director which entitles them to appropriate the water until the right is finally determined by a court.

Persons, agencies or other interested parties are invited to provide comments on the following registrations. Comments should address whether the claim contains:

1. a wrong priority date,
2. a wrong quantity of water,
3. a wrong area of use,
4. a use that has been forfeited by five or more consecutive years of non-use less than fifteen years ago, or
5. a use that has been intentionally abandoned.

Comments on these registrations should be directed to the Adjudications Section of the Department at the above address, and must be received within 30 days from the date of this notice.

CLACKAMAS CO.

SWR 37

ROBERT J. PALLADINO, 43330 SE MARMONT ROAD, SANDY, OREGON 97055, A SPRING, TRIBUTARY OF SANDY RIVER FOR DOMESTIC, STOCK WATER AND 1 ACRE IRRIGATION. 0.015 CFS, 1889.
SW 1/4 SE 1/4 SECTION 8, T 2 S, R 5 E, W.M.

EX-100-1000000
AUG - 9 1991

WATER RESOURCES DEPT.
CLAYTON J. GARDNER

STATE OF OREGON
WATER RESOURCES DEPT.

INTEROFFICE MEMO

TO: Adjudication Section
FROM: Clayton J. Gardner C J G
DATE: August 7, 1991
SUBJECT: Surface Water Right #37

In answer to your memo of July 30, 1991.

I have no comments on the priority date or quality of the water.

The place of use appears to be correct for the stock water at the barn and possibly for the irrigation.

The original place of use appears to be an old house about 400' $\pm$ southeast of the present place of use. The old house appears to have been abandoned when the newer house was built.

The uses appear to be continuous.

CJG:cjk

AUG - 9 1987

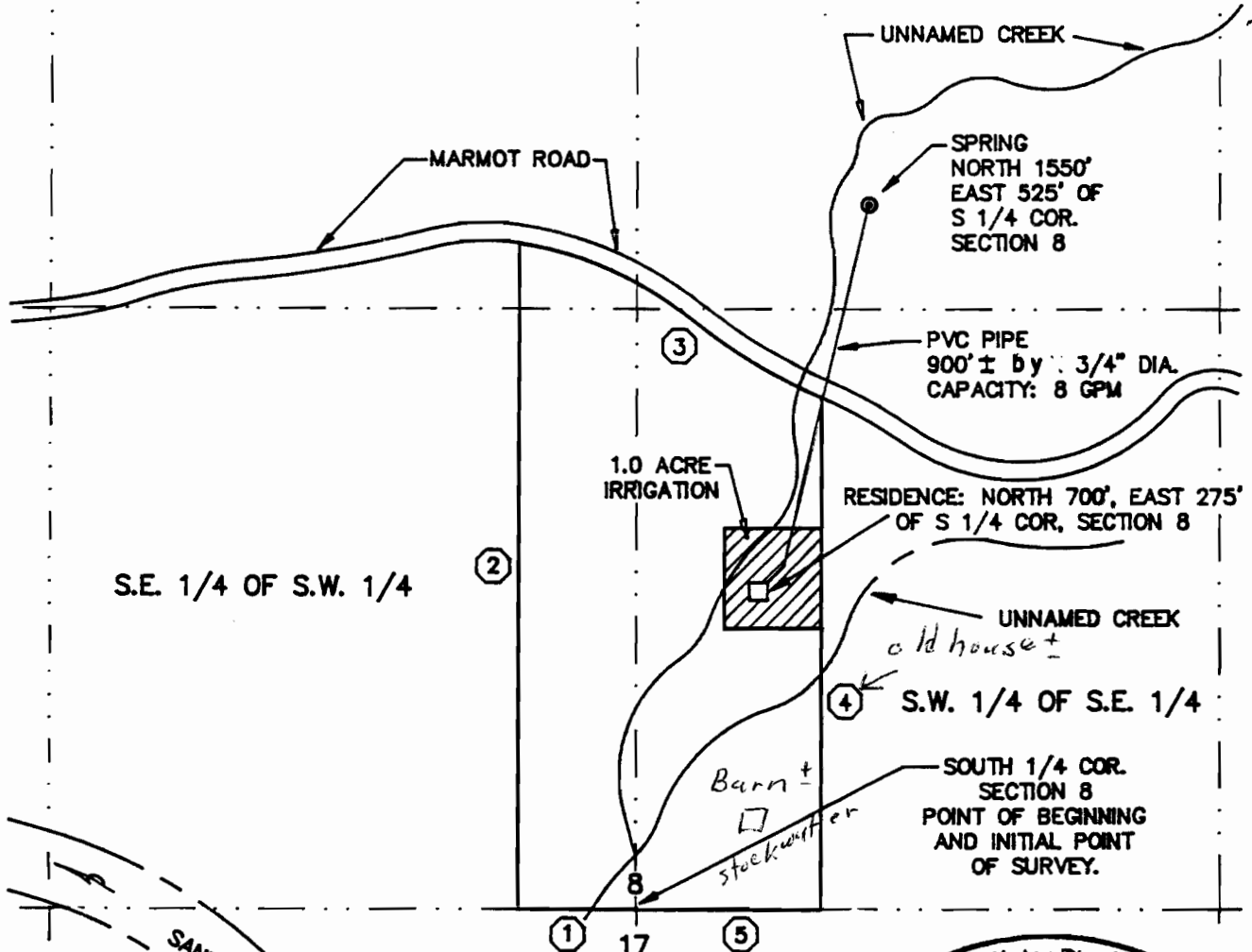
T.2S., R.5E., W.M.
CLACKAMAS COUNTY
OREGON



SCALE: 1"=400'
SURVEY PERFORMED: 91/05/22

N.E. 1/4 OF S.W. 1/4

N.W. 1/4 OF S.E. 1/4

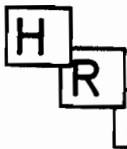


- ① WEST 285.00'
- ② NORTH 1463.00'
- ③ S'EASTERLY 752.00'
- ④ SOUTH 1125.00' *old house location*
- ⑤ WEST 418.00'

This drawing is an exhibit for a
Surface Water Claims Registration.
It is not a Land Survey. Property
lines and/or other lines of
occupation shown hereon are
not represented by the under-
signed to meet accuracy
standards of Land Surveys.



Claim No. _____



HANER, ROSS &
SPORSEEN, INC.
15 S.E. 82ND DR.
GLADSTONE, OREGON 97027

ROBERT J. PALLADINO
MAP TO ACCOMPANY REGISTRATION OF
CLAIM OF BENEFICIAL USE TO CERTAIN
SURFACE WATERS IN SANDY RIVER BASIN

626/F



TO:

Clayton Gardner
~~Dave Jarrett~~

DATE:

July 30, 1991

FROM:

Adjudication Section

SUBJECT:

Surface Water Registration

Enclosed is a registration that has been filed on pre-1909 surface water uses in your area. SWR #37

Please comment on the validity of the claim especially as it might relate to:

- priority date,
- quality of water,
- place of use, and
- continuous use without five or more consecutive years of non-use within the past 15 years.

Thank you for your assistance.

tle

0666

T.2S., R.5E., W.M.
CLACKAMAS COUNTY
OREGON

SCALE: 1"=400'
SURVEY PERFORMED: 91/05/22

N.E. 1/4 OF S.W. 1/4

N.W. 1/4 OF S.E. 1/4

UNNAMED CREEK

MARMOT ROAD

SPRING
NORTH 1550'
EAST 525' OF
S 1/4 COR.
SECTION 8

PVC PIPE
900' ± by 3/4" DIA.
CAPACITY: 8 GPM

1.0 ACRE
IRRIGATION

RESIDENCE: NORTH 700', EAST 275'
OF S 1/4 COR, SECTION 8

UNNAMED CREEK

S.E. 1/4 OF S.W. 1/4

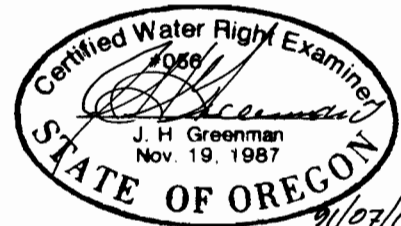
S.W. 1/4 OF S.E. 1/4

SOUTH 1/4 COR.
SECTION 8
POINT OF BEGINNING
AND INITIAL POINT
OF SURVEY.

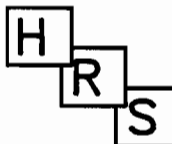
SANDY RIVER

- ① WEST 265.00'
- ② NORTH 1463.00'
- ③ S'EASTERLY 752.00'
- ④ SOUTH 1125.00'
- ⑤ WEST 418.00'

This drawing is an exhibit for a
Surface Water Claim Registration.
It is not a Land Survey. Property
lines and/or other lines of
occupation shown hereon are
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signed to meet accuracy
standards of Land Surveys.



Claim No. _____

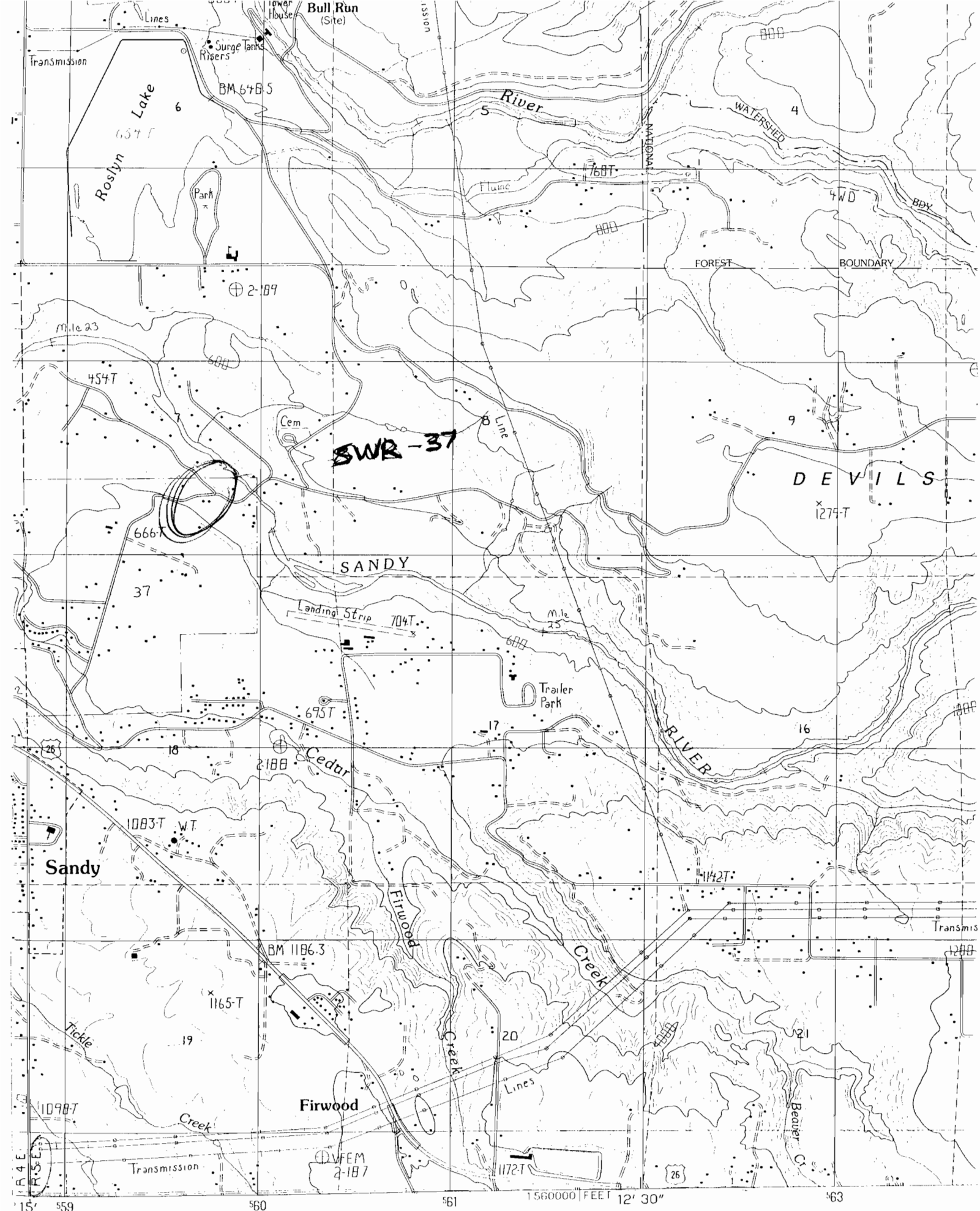


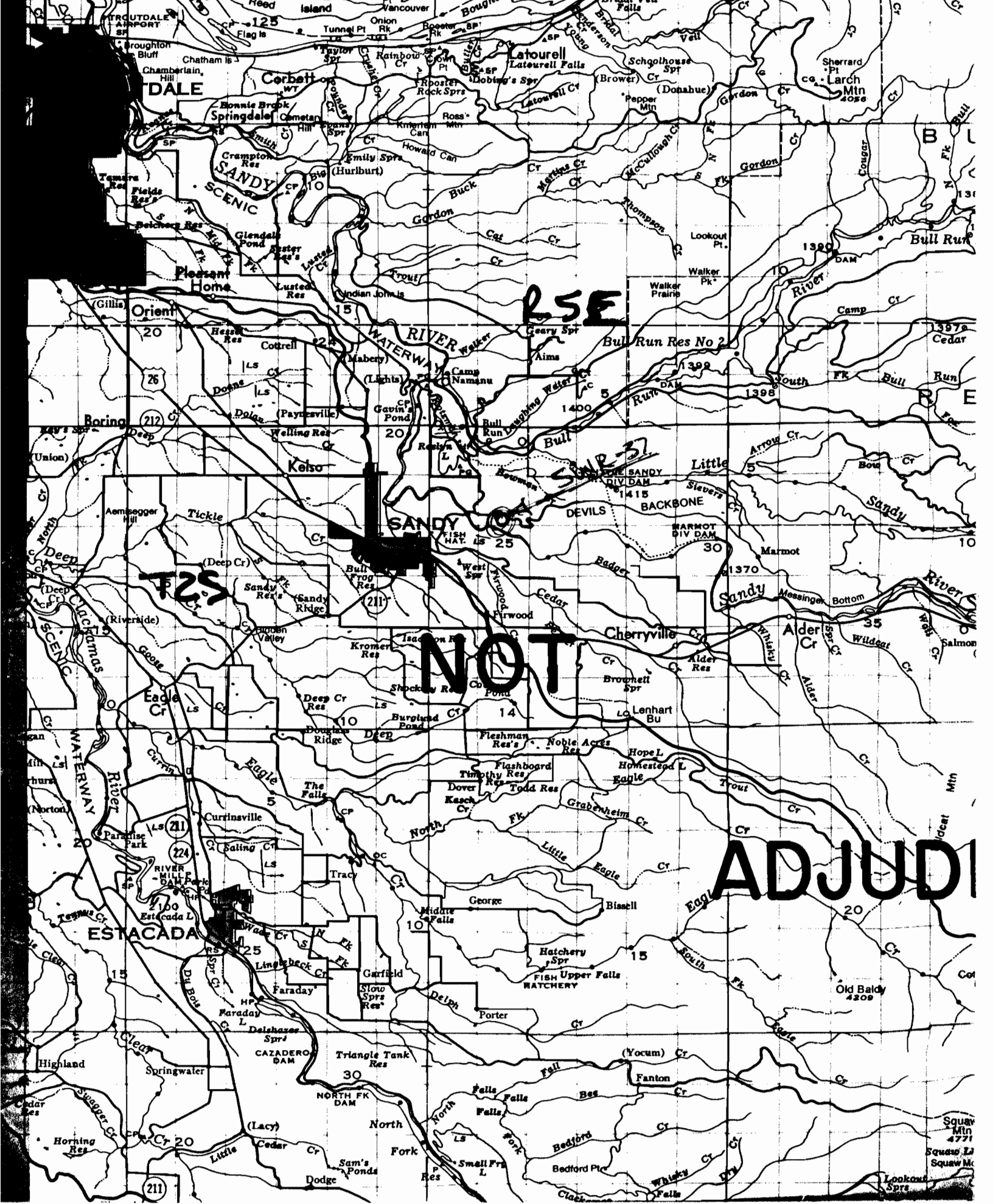
HANER, ROSS &
SPORSEEN, INC.
15 S.E. 82ND DR.
GLADSTONE, OREGON 97027

ROBERT J. PALLADINO

MAP TO ACCOMPANY REGISTRATION OF
CLAIM OF BENEFICIAL USE TO CERTAIN
SURFACE WATERS IN SANDY RIVER BASIN

626/F





July 26, 1991

WATER
RESOURCES
DEPARTMENT

Robert J. Palladino
43330 South-East Marmot Road
Sandy, OR 97055

Dear Mr. Palladino,

This will acknowledge your Registration Statement Claiming a Right to Appropriate Surface Water in the name of Robert J. Palladino. The fees in the amount of \$230.00 have been received and our receipt # 76758 is enclosed. Your registration statement has been accepted and numbered SWR-37.

In the future we will review your form and either file it as submitted or return it for completion or correction.

Sincerely,



Don Knauer
Adjudication Specialist

enc

cc: J.H. Greenman

A:SWR-37.LTR



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

Robert J.
Palladino

CALLIGRAPHY · PALEOGRAPHY

RECEIVED
JUL 24 1991

WATER RESOURCES DEPT.
SALEM, OREGON

43330 South-East Marmot Road · Sandy · Oregon · 97055 #503-668-7079

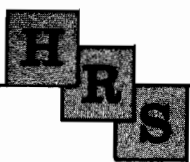
Oregon Water Resources Department
3850 Portland Road, NE
Salem, OR 97310

This application was prepared at my request by
Mr. Greenman who is a certified engineer for
such matters.

Thank you,

Robert J. Palladino

21 July, 1991



HANER, ROSS & SPORSEEN, INC.

ENGINEERS

CONSULTANTS

SURVEYORS

15 S.E. 82ND DR.
GLADSTONE, OREGON 97027
657-1384

REGISTERED ENGINEERS
OREGON • WASHINGTON • IDAHO
ALASKA • MONTANA



TO: Oregon Water Resources Department
3850 Portland Road, N.E.
Salem, OR 97310

TRANSMITTAL NOTICE

DATE: July 17, 1991

RE: Claim of Right to Appropriate
Surface Water

PROJECT NO: 626/F

TRANSMITTED HEREWITH:

NO. OF COPIES	DATED	TITLE
Orig	-	✓ Registration Statement Claiming Right to Appropriate Surface Water
Orig.	-	✓ Drawing entitled: Robert J. Palladino Map to Accompany Registration of Claim to Surface Water
	79/05/25	✓ Tape of interview with Caroline Vaeretti Hauser
	-	✓ Partial transcription of above tape
		✓ Check in amount of \$230.00

REMARKS:

- ☐ FOR APPROVAL
- ☐ FOR REVIEW
- ☐ FOR INFORMATION
- ☐ FOR QUOTATION
- ☐ PER YOUR REQUEST
- ☐ RETURN ONE SET BY:
- ☒ FOR Water Right Claim

cc: Robert Palladino

BY:

J. H. Greenman, P.E. CWRE

TRANSMITTAL

Robert J. Palladino

JUL 24 1981

WATER RESOURCES DEPT.
SALEM, OREGON

CALLIGRAPHY · PALEOGRAPHY

4333 O South-East Marmot Road · Sandy · Oregon · 97055 # 503 · 668 · 7079

Transcript excerpts from a taped interview with
Caroline (vaeretti) Hauser, Friday 25 May 1979,
at the Palladino home; formerly the vaeretti homestead
regarding the use of water from a spring located on the
hill opposite the present residence. Taped by R.J. Palladino.

"All of the people around here had wells....
we never had a well...

... the spring, and our dad piped the water into the house.

... we had indoor plumbing before anyone up here...

... from the time that my dad built the house he put
water in the house.

.. he couldn't afford pipes and he made pipes out of lumber.

... in time these filled up, by that time he could afford
pipes. He tore it up and put in pipes.

... we never had a pump...

... from this spring here, well, you're using it aren't you?
(Affirmative reply)

... you could shoot water over the house."

JUL 24 1981

WATER RESOURCES DEPT
SALMON OREGON

"... my folks still lived down here (pointing to old house)
when Joe (vaeretti, her brother) was living here (the
present house) and we used all the water we wanted.
... sprinkling the lawn... we would just turn it on
and let it run all night.

... making the barn, we were irrigating up here and they
(the parents) were irrigating down there and one night
the water stopped. That was the only time the water
stopped.

.. Joe had a water wheel here too.
... it was direct current "

Regarding her father Luigi Vaeretti. Luigi had walked
from Portland seeking out Paul Dunn, a co-worker
in the brick factory, who had homesteaded property.
He spent the night at Paul Dunn's brother's house,
and next day was introduced to Mr. Revenue, who
lived near the bridge over the Sandy River.

" he was 22 at that time....

he came down and laged this out." (the homestead)

" There were no banks — dad never wrote a check
in his life. "

Construction of old house — 1889 "I think it was"
new house — in the 1920's

JUL 1 1991
WATER... DEPT
I testify that I have heard the tape of
Caroline Vaeretti-Hauser recorded by
Robert J. Palladino and his transcript
is correct.

For an acknowledgment in an individual capacity
state of Oregon
County of Clackamas

This instrument was acknowledged before me

on May 28, 1991

by JUDITH R. HECKEL



My commission expires 3/3/95
Judith R. Heckel

LEGAL DESCRIPTION

A tract of land situated in the South one-half of Section 8, T2S, R5E, of the WM, Clackamas County, Oregon, described as: BEGINNING at the South one-quarter corner of said Section 8; thence West, along the South line thereof, a distance of 265.00 feet to a point; thence North, parallel with the North-South half section line of said Section 8, a distance of 1463.00 feet, more or less, to a point in the southerly line of Marmot Road (County Road No. 155), as traveled; thence southeasterly, along said southerly line, a distance of 752.00 feet, more or less, to a point in a line parallel with and 418.00 feet East of (when measured along the South line of said Section 8) the North-South half section line a distance of 1125.00 feet, more or less, to a point in the South line of said Section 8; thence West, along said South line a distance of 418.00 feet to the point of beginning.

This legal description is part of a water right claim/application submittal. It is not intended to convey real property. Its suitability for conveyance purposes has not been verified by the CWRE that prepared the claim/application map.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
RECEIPT # 76758 3850 PORTLAND ROAD NE
SALEM, OR 97310
378-3739/378-8130 (FAX)

RECEIVED FROM: Robert Palladino APPLICATION
BY: _____ PERMIT
TRANSFER

CASH: ☐ CHECK: # X 624-22 OTHER: (IDENTIFY) ☐ TOTAL REC'D 230.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>230.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

_____	OTHER: (IDENTIFY)	\$
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03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
842.001	\$	842.002	\$
842.003	\$	842.004	\$
842.005	\$	842.006	\$
	EXAM FEE		LICENSE FEE
842.022	\$	842.023	\$
842.016	\$	842.019	\$
		842.024	\$

06-00-0 WELL CONST START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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69001 SUSPENSE ACTIVITY

	LIC NUMBER	
842.115	POWER LICENSE FEE(FW)	\$
842.115	HYDRO LICENSE FEE(FW)	\$
832.009	HYDRO EXAM FEE(GF)	\$

RECEIPT # 76758

DATED: 7-24-91

BY: VJS

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 76758

CHECK ENCLOSURES OK

CHECK BASIN MAP OK

UNADJUDICATED AREA ? yes

SURFACE WATER REGISTRATION NUMBER 37

ACKNOWLEDGEMENT LETTER OK

ENTER ON STREAM INDEX OK

CHECK QUADRANGLE MAP OK

CHECK GLO PLATS _____

FORM REVIEW

- ☒ blanks filled in
- ☒ signed
- ☒ date received stamped
- ☒ date received filled out on back

MAP REVIEW

- ☒ diversion point location
- ☒ conveyances (pipes, ditch, etc.)
- ☒ place of use
- ☒ scale
- ☒ township, range, section
- ☒ north arrow
- ☒ CWRE stamp
- ☒ disclaimer
- ☐ date survey was performed
- ☒ P.O.B. of survey
- ☒ dimensions and capacity of diversion system - on form
- ☒ "beneficial use" type title
- ☒ "permanent-quality" paper

EXISTING WATER RIGHT RECORD CHECK _____

ENTER ON PLAT CARDS OK

A:SWRCHECK

4-26-91

Basin 3
SANDY

#2 - Question ABOUT
FRES 6
Dm = 200 } ?
STK = 200 }
IPR = 30

NO

#3 - How much
water for area

#7 - place of use
for area use

STOCK USE
NOT shown
on water

MUST BE
signed &
NOTARIZED

Taped interview with Caroline Hauser
by Robert & Catherine (d. 12 Apr. 1987)
Palladino at residence on
25 May 1979

Handle with Care
CASSETTE MAILER