

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.
Claims received without the correct fee of \$200 will be returned.**

RECEIVED
SEP 26 2022
OWRD

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

1. File Information

| | | |
|---------------------------------|--|---|
| APPLICATION # R-85435 | PERMIT # (IF APPLICABLE) R-13591 | PERMIT AMENDMENT # (IF APPLICABLE) NA |
|---------------------------------|--|---|

2. Property Owner (current owner information)

| | | | |
|---|--------------------|----------------------------------|---|
| APPLICANT/BUSINESS NAME Michael Banks & Marianne Alderson | | PHONE NO. 509/520-6171 | ADDITIONAL CONTACT NO. 509/520-6230 |
| ADDRESS 82168 Couse Creek Rd | | | |
| CITY Milton Freewater | STATE OR | ZIP 97862 | E-MAIL mike@alderbanks.com |

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

3. Permit holder of record (this may, or may not, be the current property owner)

| | | | |
|--|-------|-----|---|
| PERMIT HOLDER OF RECORD Current Property Owner – see above | | | RECEIVED SEP 26 2022 |
| ADDRESS | | | |
| CITY | STATE | ZIP | OWRD |

| | | |
|------------------------------------|-------|-----|
| ADDITIONAL PERMIT HOLDER OF RECORD | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

4. Date of Site Inspection:

9/23/2020 & 7/18/2022

5. Person(s) interviewed and description of their association with the project:

| NAME | DATE | ASSOCIATION WITH THE PROJECT |
|---------------------------------|---------------|---|
| Michael Banks | Sept 23, 2020 | Owner/applicant |
| John Fazio, PE | March, 2022 | PE; provided additional site measurements |
| Michael Banks/Marianne Alderson | July 18, 2022 | Owner/applicant |
| John Fazio, PE | July 18, 2022 | PE |

6. County

Umatilla

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

| |
|------------------------------|
| OWNER OF RECORD NA |
| ADDRESS |

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

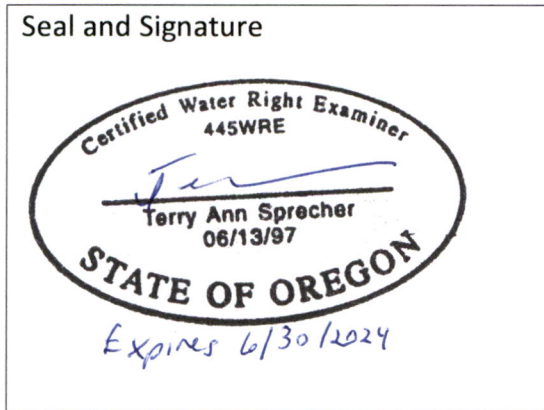
RECEIVED

SEP 26 2022

OWRD

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



| | | | |
|--|--------------------|----------------------------------|---|
| CWRE NAME Terry A Sprecher | | PHONE NO. 541 306-3709 | ADDITIONAL CONTACT NO. 541 419-0883 |
| ADDRESS 2445 NE Division St, Suite 300 | | | |
| CITY Bend | STATE OR | ZIP 97703 | E-MAIL Terry.sprecher@sprechergroup.com |

Permit Holder's of Record Signature or Acknowledgement

Each permit or transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

| SIGNATURE | PRINT OR TYPE NAME | TITLE | DATE |
|-------------------------|--------------------------|------------------------|---------------------|
| <i>Michael B. Banks</i> | Michael Banks | Owner/applicant | <i>16 Sept 2022</i> |
| <i>M Alderson</i> | Marianne Alderson | Owner/applicant | <i>15 Sept 2022</i> |
| | | | |
| | | | |
| | | | |

SECTION 3
CLAIM DESCRIPTION

OWRD

1. Reservoir source and, if from surface water, the tributary:

| RESERVOIR NAME OR NUMBER | SOURCE | TRIBUTARY |
|-----------------------------|-------------|-------------------|
| West Pond | Couse Creek | Walla Walla River |
| | | |
| | | |

2. Developed use(s), period of use, and acre foot (af) for each use:

| RESERVOIR NAME OR NUMBER | USES | SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE | VOLUME STORED (AF) |
|---------------------------------------|------------------|---|-----------------------|
| West Pond | Multiple Purpose | March 1 – April 14 | 1.2749 |
| | | | |
| | | | |
| Total Quantity of Water Stored | | | 1.2749 |

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Water is diverted from Couse Creek at POD1 (150' S and 610' E from the W ¼ corner of S 19), and is piped underground to the excavated part of West Pond; the end of pipe is visible in the floor of West Pond, at the south end.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

The permit allowed for the storage of 4 AF of water. The reservoir held 1.2749 AF of water in 2020. West Pond was constructed about 550 feet SSE from the permitted location, however, West Pond was constructed in the same ¼ ¼ section as permitted, draws water from the same POD as permitted, and the dam for West Pond is an off-channel dam.

5. Claim Summary:

| RESERVOIR NAME OR # | MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF) | MAXIMUM STORAGE DEVELOPED (AF) |
|---------------------|--|-----------------------------------|
| West Pond | 4.0 AF | 1.2749 |
| | | |

SECTION 4

SYSTEM DESCRIPTION

RECEIVED

SEP 26 2022

OWRD

Are there multiple reservoirs?

NO

A. Reservoir Location

1. Is the reservoir on-channel?

NO

2. Provide dam outlet location and/or point of diversion(s).

| TWP | RNG | MER | SEC | QQ | GLOT | DLC | MEASURED DISTANCES |
|-----|-----|-----|-----|-------|------|-----|--|
| 5N | 36E | WM | 19 | SW NW | Lot2 | -- | 360' north & 487' east from the west ¼ corner of Section 19 (Dam Location) |
| 5N | 36E | WM | 19 | NW SW | Lot3 | -- | 150' south & 610' east from the west ¼ corner of Section 19 (POD 1) |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (QQ).

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

YES

2. Pump Information

| MANUFACTURER | MODEL | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) |
|--------------|-------|---------------|--|
| Berkely | B1WP | 7836520 | Centrifugal |

3. Theoretical Pump Capacity

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|---|-----------------------------------|----------------------------------|
| 7.5 | 60 | 4 | 0 | 0.32 |

4. Provide pump calculations:

WRD's formula: (hp)(efficiency) / (lift + psi head) = capacity in cfs; WRD's efficiency factor for a centrifugal pump is 6.61; WRD's chart indicates the psi head for a 60 PSI system 152.4.

$$(7.5)(6.61)/4 + 152.4 = 0.32 \text{ cfs}$$

The property owner, using his pump curve, determined a total output of 0.27 cfs

5. Measured Pump Capacity (using meter if meter was present and system was operating)

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|----------------------|------------------------------|-------------------------------|
| Not measured | Not measured | Not applicable (NA) | NA |

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

C. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

RECEIVED

1. Does the system involve a gravity flow pipe?

SEP 26 2022

NO

D. Gravity Flow Canal or Ditch

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

OWRD

NO

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

NO

If "NO", skip items 2; answer items 3 through 8.

2. ~~Complete the table:~~

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

| MAXIMUM DEPTH (STORED WATER) | AVERAGE DEPTH (STORED WATER) | SURFACE AREA (IN ACRES) | VOLUME (IN ACRE FEET) |
|---------------------------------|---------------------------------|----------------------------|--------------------------|
| 5 ft | 4 ft | 0.461 | 1.2749 |

4. Provide reservoir volume calculations:

See attached Pond Plan View (Figure 2) and Area Capacity Curve (Figure 3). The maximum observed water depth occurred in 2020, and was 5 feet.

5. Provide the following information concerning the physical characteristics of the dam:

| CREST WIDTH (W) | DAM HEIGHT AT CENTERLINE (H) | DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L) | DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U) | WATER LEVEL AT INSPECTION | DOWN-STREAM SLOPE | UP-STREAM SLOPE |
|--------------------|------------------------------------|--|--|----------------------------------|----------------------|--------------------|
| 10 ft | 3' | 35 Ft | 6 Ft | 1' (9/23/2020) 2' (7/18/2022) | 15° | 24° |

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

See attached Fig 4

7. Describe the outlet works (size and type of the outlet conduit and location):

A gasoline-powered Northstar centrifugal pump is set up on a pump platform near the north end of West Pond to pump water to the irrigation system. An additional 3" fire hose can be connected to the pump, extending from the pump towards the creek (see Figure 2). The pump and fire hose are set up in the spring and placed in storage at the end of the irrigation season.

8. Describe the emergency spillway (dimensions and location):

| BOTTOM WIDTH (W) | TOP WIDTH (L) | SPILLWAY DEPTH (H) |
|--------------------------------|---------------|--------------------|
| NA – RESERVOIR IS NOT INSTREAM | NA | NA |

**SECTION 5
CONDITIONS**

OWRD

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

| | DATE FROM PERMIT | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS |
|-----------------------------------|------------------|--------------------|---|
| ISSUANCE DATE | May 1, 2003 | | |
| BEGIN CONSTRUCTION (A) | NA | January 27, 2005 | Excavation of pond began; see PFOs dated May 10, 2016 & November 19, 2019 |
| COMPLETE CONSTRUCTION (B) | NA | NA | |
| COMPLETE APPLICATION OF WATER (C) | October 1, 2022 | Spring 2020 | Water user excavated pond, built dam, constructed fill pipe, added outlet works, met other permit conditions, and filled pond. Maximum documented fill level occurred in 2020 |

* Must be within period between permit or any extension final order issuance and the date to completely apply water

2. Is there an extension final order(s)? YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? NO

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit? NO

Note: See #7 on Page 6: An outlet pipe was required, size not specified, and has been installed.

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

| DATE | BY WHOM |
|---------------|--|
| March 1, 2002 | Michael Banks. Note: the pump used to fill the reservoir is also POD 1 for Certificate 86341 |

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump *and*** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

Has the self-certification form previously been submitted to the Department? **NA Note: A copy of the ODFW Fish Screen Inspection Form is attached to this COBU Report. Because ODFW has approved the Fish Screen, the Self-Certification Form is not needed.**

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump *or*** the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **NA Note: see 6b, preceding.**

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

RECEIVED

SEP 26 2022

7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES

OWRD

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass device been installed?

NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

| DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM. | IF INSTALLED (DATE) | IF INSTALLED, BY WHOM |
|--|------------------------|-----------------------|
| No by-pass device is necessary because there is a direct diversion from the stream via a pump equipped with a fish screen; the fish screen keeps fish out of the pump and out of the diverted water. ODFW inspected the pump and fish screen on August 17, 2015, approved the installation, and did not indicate the need for a by-pass device. | NA | NA |

8. Other conditions required by permit, permit amendment final order, or extension final order

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Was submittal of a letter from an engineer required prior to storage of water? NO
- d. Was submittal of a water management and conservation plan required? NO
- e. Other conditions? YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

The permittee shall pass all live flow outside the storage season described above. Action: The reservoir is not in-channel and does not receive live flow, therefore this condition is met.

The January 17, 2020 Final Extension Order included the condition that this shall be the last extension of time granted for Permit R-13591. Action: The permittee has completed permit development, as described in this Claim of Beneficial Use Report, and is requesting a certificate for this water right.

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

| ATTACHMENT NAME | DESCRIPTION |
|---|--|
| Claim of Beneficial Map – Fig 1 | COBU Map |
| West Pond Plan View – Fig 2 | Plan view of West Pond |
| West Pond – Area Capacity Curve – Fig 3 | Area Capacity Curve indicating volume of stored water and surface area of pond |
| West Pond Cross Section – Fig 4 | Cross section of dam and West Pond |
| ODFW Fish Screen Inspection Form | Inspection date: September 17, 2015 |

RECEIVED
SEP 26 2022
OWRD

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The base map used for the COBU map is the Final Proof Map for Application 69183, for Certificate 86341. Information was added from Umatilla County Tax Map 5N36E. Aerial photos & GPS were used to locate the dam and West Pond; ground truthing was done via GPS and site-specific measurements. The Plan View and Cross Section of West Pond was created based upon: site-specific measurements, including those provided by pond lining company, GPS points, and aerial photography.

Map Checklist

RECEIVED

SEP 26 2022

OWRD

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- N/A If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- N/A Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

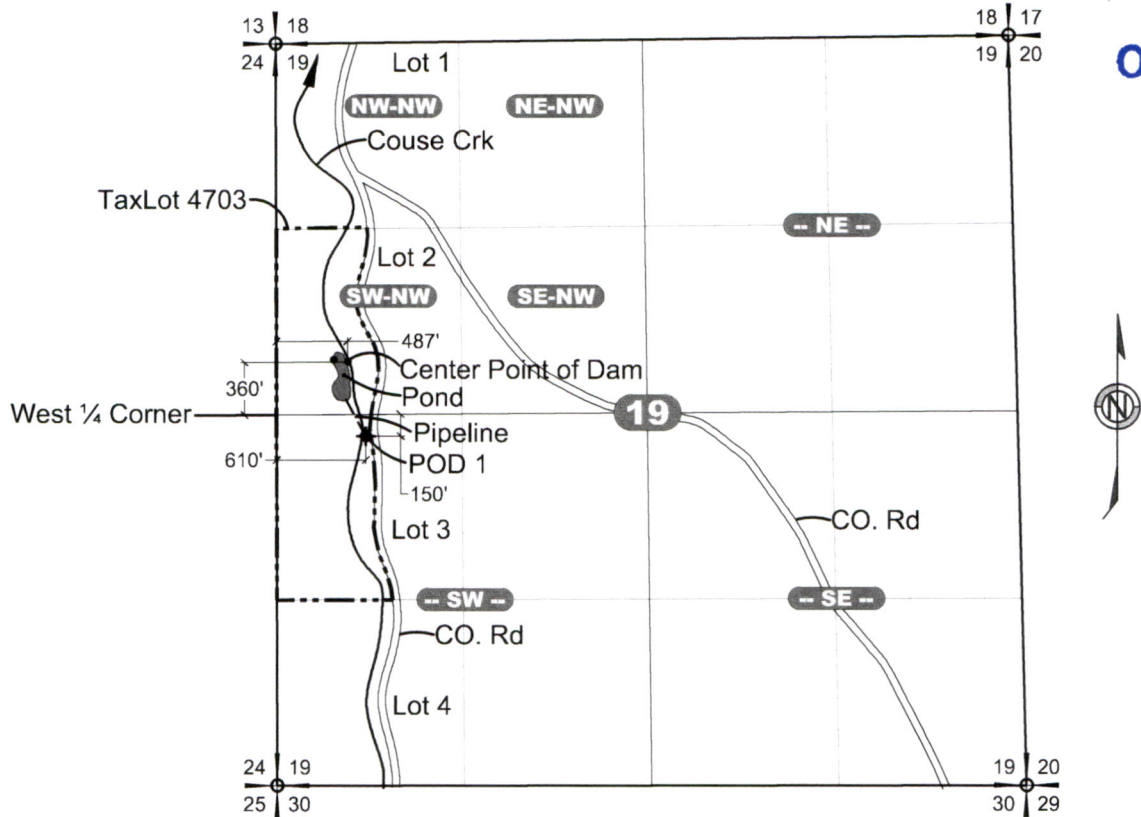
Claim of Beneficial Use Map

Section 19, T.5N., R.36E., WM
Umatilla County, Oregon

RECEIVED

SEP 26 2022

OWRD



NOTES

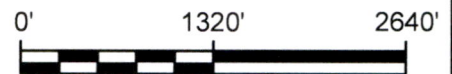
1. Fish Screen is located at POD #1.
2. Outlet works is shown in Figure 2.
3. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.
4. Base Map Source:
Final Proof Map for Application 69183 for Certificate 86341
Umatilla County Tax Map 5N36E



Expires 6/30/2024

LEGEND

- ⊕ Location of Center of Dam.
- ⊙ Location of POD and Fish Screen.
- - - Tax Lot Boundary



SCALE: 1" = 1320'

FIGURE

1

Claim of Beneficial Use Map
Application R-85435, Permit R-13591
82168 Couse Creek Rd
Milton-Freewater, OR 97862

CREATED BY: TAS
DRAWN BY: SJS



Sprecher
group

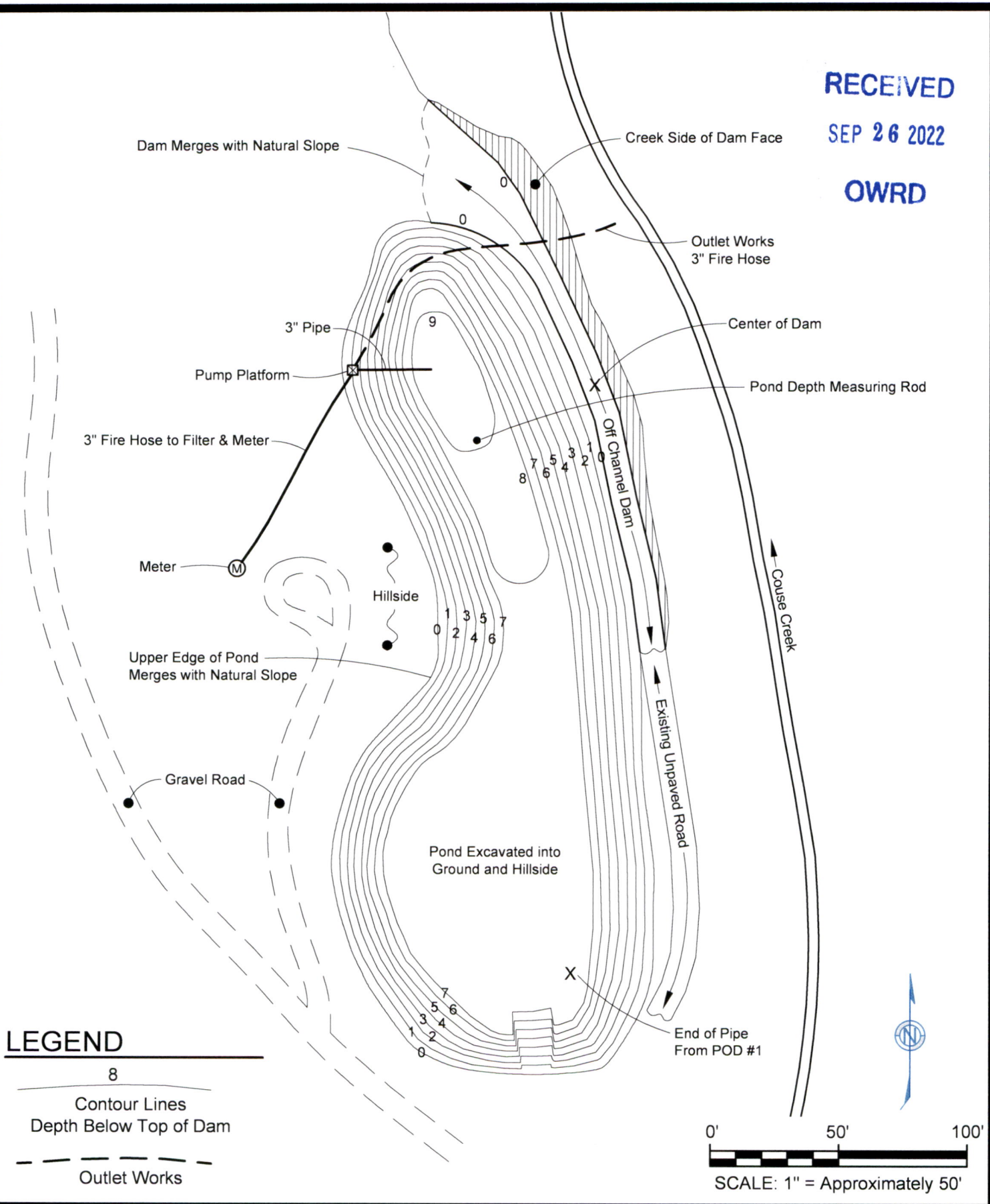
2445 NE Division St., Suite 300
Bend, Oregon 97703

SG PROJECT 4373
JULY 2022

RECEIVED

SEP 26 2022

OWRD



LEGEND

- 8
- Contour Lines
Depth Below Top of Dam
- Outlet Works

FIGURE 2

West Pond Plan View
Application R-85435, Permit R-13591
82168 Couse Creek Rd
Milton-Freewater, OR 97862
 CREATED BY: TAS
 DRAWN BY: SJS

soil
 water
 service

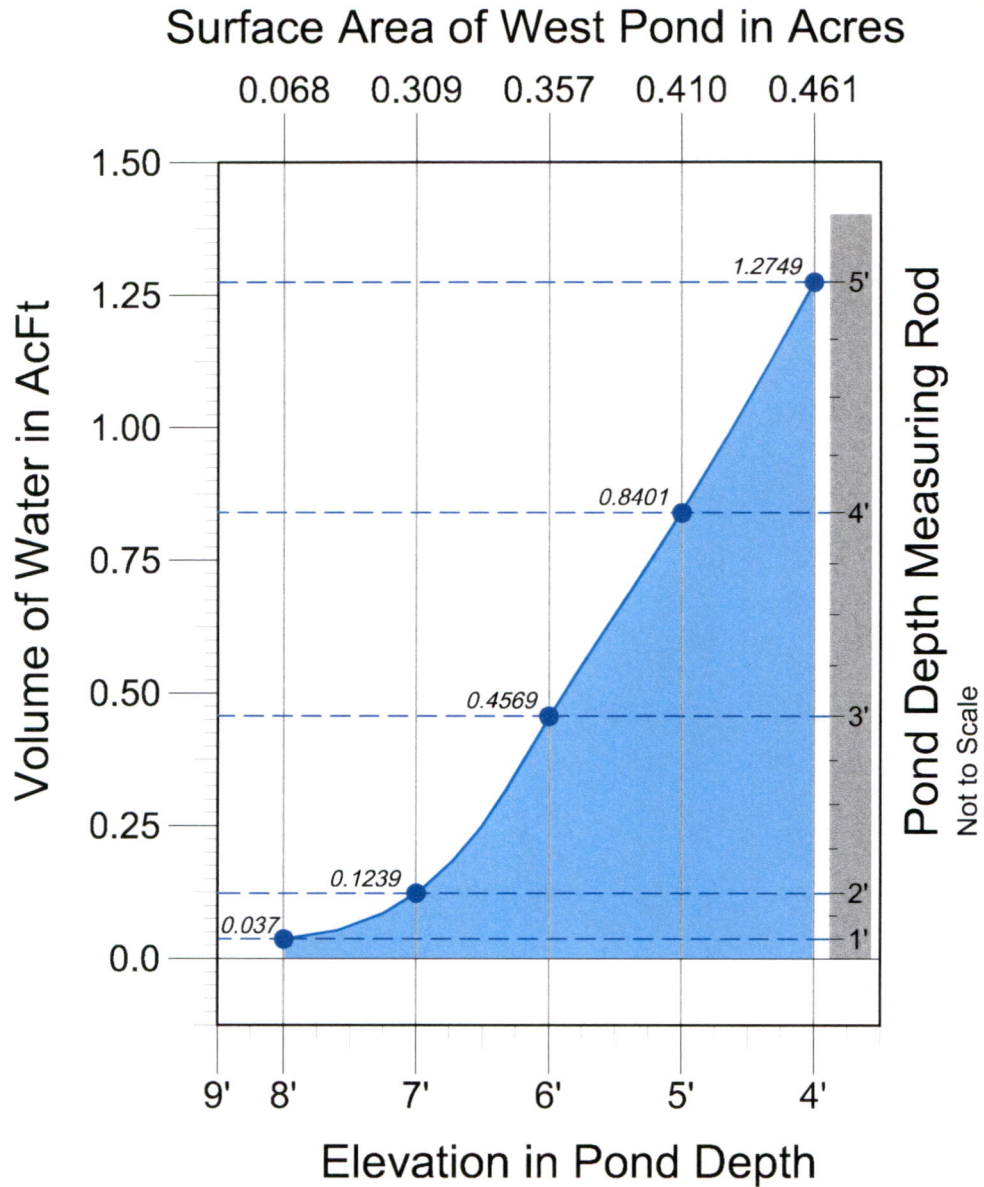
Sprecher group
 2445 NE Division St., Suite 300
 Bend, Oregon 97703

SG PROJECT 4373
 JULY 2022

RECEIVED

SEP 26 2022

OWRD



FIGURE

3

West Pond - Area Capacity Curve
Application R-85435, Permit R-13591
82168 Couse Creek Rd
Milton-Freewater, OR 97862

CREATED BY: TAS
DRAWN BY: SJS



Sprecher
group

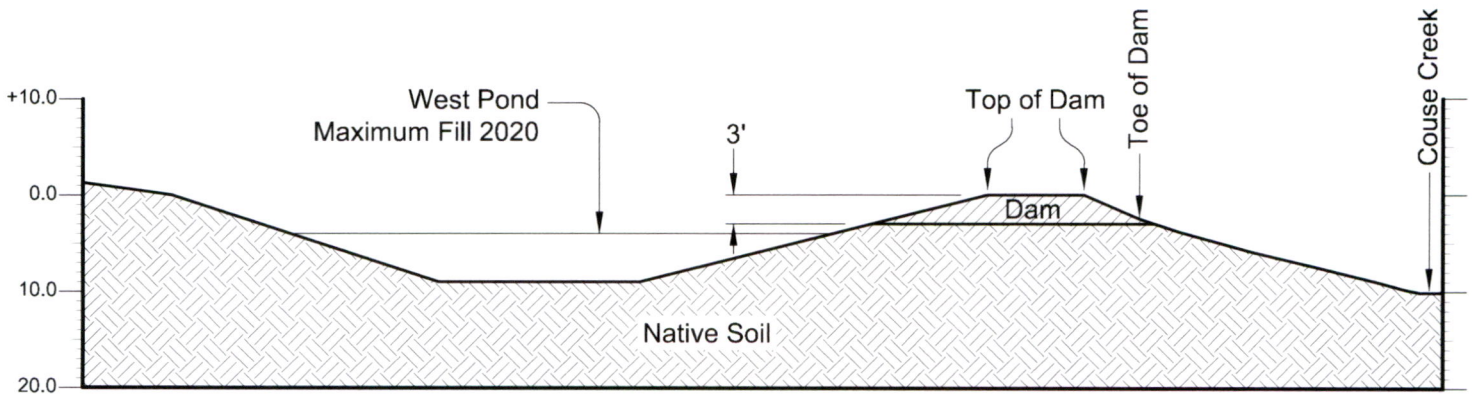
2445 NE Division St., Suite 300
Bend, Oregon 97703

SG PROJECT 4373
JULY 2022

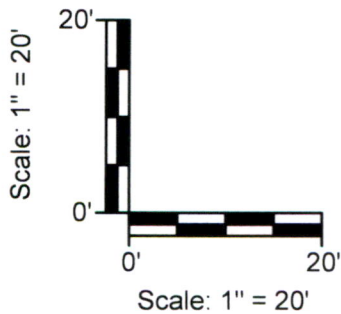
RECEIVED

SEP 26 2022

OWRD



NOTE: This is an Off-Channel Dam.



FIGURE

4

West Pond Cross Section
Application R-85435, Permit R-13591
82168 Couse Creek Rd
Milton-Freewater, OR 97862

CREATED BY: TAS
DRAWN BY: SJS



Sprecher
group

2445 NE Division St., Suite 300
Bend, Oregon 97703

SG PROJECT 4373
JULY 2022

RECEIVED

SEP 26 2022

OWRD



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

Applicant

Name: Mike Banks
Address: 82168 Couse creek road, Milton-Freewater, OR 97862 Phone (541) 938-7321

Application Number: R85434 Water Right Permit Number: R13590,R13591
Water Right Amount (cfs) .26cfs max or 130gpm max

Diversion

Stream: Couse creek Tributary to: Walla Walla river
Address (if different than applicants): _____
Diversion Type(gravity or pump): pump Location: T 5N , R 36E , Sec. 19
GPS Coordinates: N45.89486 / W118.36963 SATS: _____

Pump Information

Brand: Berkly Horsepower: 7 1/2 hp Intake Size: 1 1/2"

Screen Information

Type/Brand: Pump-Rite (type)non self cleaning Installed by: PGG
Date Installed: 03 / 01 / 2002 Date of Inspection: 09 / 17 / 2015
Inspected by: Brian Kilgore Agency: ODFW

Comments: Model #: M-L130 size 4" x 54"

- Screen meets current state criteria for fish protection.
- Screen does not meet current state criteria for fish protection.
- Another screen inspection should be done before water use begins.