

**CLAIM OF  
BENEFICIAL USE  
for Surface Water Permits  
claiming more than 0.1 cfs**



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

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**A fee of \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**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>

Go to "Resources for Water Right Examiners (CWRE)" Page  
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/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 #<br><b>S-85433</b> | PERMIT #<br><b>S-53977</b> | PERMIT AMENDMENT #<br><b>NA</b> |
|---------------------------------|----------------------------|---------------------------------|

**2. Property Owner (current owner information):**

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

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 or holder of record (this may, or may not, be the current property owner):**

|  |       |     |
|--|-------|-----|
| PERMIT HOLDER OF RECORD<br><b>Current Property Owner – see above</b> |       |     |
| ADDRESS  |       |     |
| CITY   | STATE | ZIP |

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

**4. Date of Site Inspection:**

**7/18/2022**

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

| NAME                                   | DATE                 | ASSOCIATION WITH THE PROJECT |
|--|----------------------|------------------------------|
| <b>Michael Banks/Marianne Alderson</b> | <b>July 18, 2022</b> | <b>Owner/applicant</b>       |
| <b>John Fazio, PE</b>                  | <b>July 18, 2022</b> | <b>PE</b>                    |

**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)):**

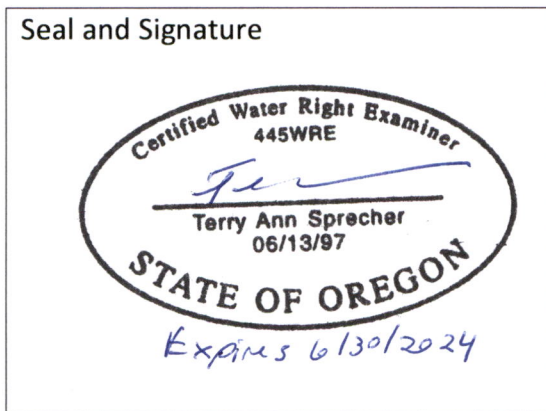
|                              |       |     |
|------------------------------|-------|-----|
| OWNER OF RECORD<br><b>NA</b> |       |     |
| ADDRESS                      |       |     |
| CITY                         | STATE | ZIP |

Add additional tables for owners of record as needed

SECTION 2  
SIGNATURES

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

Permit Holder of Record Signature or Acknowledgement

***Each*** permit 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 Banks</i> | Michael Banks      | Owner/applicant | 16 Sept 2022 |
| <i>M Alderson</i>    | Marianne Alderson  | Owner/applicant | 15 Sept 2022 |
|                      |                    |                 |              |
|                      |                    |                 |              |
|                      |                    |                 |              |

SECTION 3 CLAIM DESCRIPTION

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1. Point of diversion name or number:

|  |
|--|
| POINT OF DIVERSION (POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) |
| West Pond  |

2. Point of diversion source and tributary:

| POD NAME OR NUMBER | SOURCE    | TRIBUTARY   |
|--------------------|-----------|-------------|
| West Pond          | West Pond | Couse Creek |

3. Developed use(s), period of use, and rate for each use:

| POD NAME OR NUMBER           | USES             | IF IRRIGATION, LIST CROP TYPE | SEASON OR MONTHS WHEN WATER WAS USED | ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF) |
|------------------------------|------------------|-------------------------------|--------------------------------------|--|
| West Pond                    | Supplemental Irr | Grapes, Pasture               | March 1 – April 14                   | 0  |
| West Pond                    | Supplemental Irr | Grapes, Pasture               | April 15 – Oct 31                    | 1,270 gallons (2021 season)                  |
| Total Quantity of Water Used |                  |                               |                                      | 1,270 gallons                                |

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

A 3”-diameter pipe connects West Pond to the pump. A 3”-diameter firehose runs uphill from the pump, connects to a filter, then to the meter, then connects with the irrigation system for the primary irrigation right (Certificate 86341), and is distributed.

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).

5. Variations:

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

YES

The permit allowed for two ponds; the water user did not develop East Pond, but did develop West Pond. 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.

The permit allowed 21.9 acres of supplemental irrigation; the water user developed 21.27 acres of supplemental irrigation by connecting to the primary irrigation system in September 2019. However, a flood in the spring of 2020 wiped out the primary irrigation system connecting to the 3.4 acres of pasture land across Couse Creek. The water user is in the process of rebuilding the primary irrigation system across Couse Creek, and currently irrigates those lands with a temporary setup, as needed.

The permit allows supplemental irrigation from West Pond between March 1 and April 14, and between April 15 and October 31 of each year. The water user has not yet used water during March 1 and April 14 for supplemental purposes. However, the water user is ready, willing, and able to use water during this season if the need arises.

6. Claim Summary:

| POD NAME OR # | MAXIMUM RATE AUTHORIZED | CALCULATED THEORETICAL RATE BASED ON SYSTEM | AMOUNT OF WATER MEASURED | USE              | # OF ACRES ALLOWED | # OF ACRES DEVELOPED |
|---------------|-------------------------|---|--------------------------|------------------|--------------------|----------------------|
| West Pond     | Not Specified           | 0.14 cfs                                    | 1,270 gal                | Supplemental Irr | 21.9               | 21.27                |

**SECTION 4  
SYSTEM DESCRIPTION**

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Are there multiple PODs?

NO

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**A. Place of Use**

1. Is the right for municipal use?

NO

| TWP                          | RNG | MER | SEC | QQ    | GLOT  | DLC | USE              | IF IRRIGATION,<br># PRIMARY<br>ACRES | IF IRRIGATION, #<br>SUPPLEMENTAL<br>ACRES |
|------------------------------|-----|-----|-----|-------|-------|-----|------------------|--------------------------------------|---|
| 5N                           | 36E | WM  | 19  | SW NW | Lot 2 |     | Supplemental Irr | ---                                  | 8.57                                      |
| 5N                           | 36E | WM  | 19  | NW SW | Lot 3 |     | Supplemental Irr | ---                                  | 12.7                                      |
| <b>Total Acres Irrigated</b> |     |     |     |       |       |     |                  |                                      | <b>21.27</b>                              |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and 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 and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

2. Pump Information:

| MANUFACTURER | MODEL    | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR<br>SUBMERSIBLE) | INTAKE SIZE | DISCHARGE<br>SIZE |
|--------------|----------|---------------|---|-------------|-------------------|
| Northstar    | M106470H | 08196093      | Centrifugal                                   | 3"          | 3"                |

3. Motor Information:

| MANUFACTURER | HORSEPOWER |
|--------------|------------|
| Gx 270 Honda | 8          |

4. Theoretical Pump Capacity:

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO<br>PLACE OF USE | TOTAL PUMP<br>OUTPUT<br>(IN CFS) |
|------------|---------------|--------------------------|-----------------------------------|----------------------------------|
| 8          | 100           | 8'                       | 112'                              | 0.14                             |

5. Provide pump calculations:

WRD's formula:  $(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$ ; WRD's efficiency factor for a centrifugal pump is 6.61; WRD's chart indicates the psi head for a 100 PSI system 254.  
 $(8)(6.61)/120 + 254 = 0.14 \text{ cfs}$

**6. 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) |
|-----------------------|----------------------|---------------------------|----------------------------|
| 1,749.8 gal           | 1,860.4              | ~ 2 minutes               | 0.12 cfs                   |

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

**Note: This COBU is for a Supplemental Right. The information in # 7 - #11, below, for the primary irrigation right, was provided by the water user and was not field-verified by the CWRE**

7. Is the distribution system piped? YES

**8. Mainline Information:**

| MAINLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|--------|--------------|------------------------|
| 3"            | 580'   | PVC          | Buried                 |

**9. Lateral or Handline Information:**

| LATERAL OR HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|--------|--------------|------------------------|
| 1"/2"                    | 2,250' | PVC          | Buried                 |

**10. Sprinkler Information: NA**

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|------|---------------|------------------------|----------------------------|---------------------|------------------------------|
|      |               |                        |                            |                     |                              |

Reminder: For sprinkler output determination use the reference information at the end of this document.

**11. Drip Emitter Information:**

| SIZE  | OPERATING PSI | EMITTER OUTPUT (GPM) | TOTAL NUMBER OF EMITTERS | MAXIMUM NUMBER USED | TOTAL EMITTER OUTPUT (CFS) |
|-------|---------------|----------------------|--------------------------|---------------------|----------------------------|
| 13 mm | 25 psi        | 0.0167 gpm           | 7,250                    | Not Provided        | 0.27 cfs                   |

**C. Storage**

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

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If "NO", item 2 and 3 relating to this section may be deleted.

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**D. Gravity Flow Pipe**

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

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1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

**E. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

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

**NO**

*If "NO", items 2 through 4 relating to this section may be deleted.*

**F. Additional notes or comments related to the system:**

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## SECTION 5 CONDITIONS

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 use 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 permit extension of time:

|                                   | DATE FROM PERMIT | DATE ACCOMPLISHED*   | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS  |
|-----------------------------------|------------------|--|--|
| ISSUANCE DATE                     | 10/31/2003       |  |  |
| BEGIN CONSTRUCTION (A)            | NA               | NA   |  |
| COMPLETE CONSTRUCTION (B)         | NA               | NA   |  |
| COMPLETE APPLICATION OF WATER (C) | 10/1/2022        | Able to apply water by September 2019; Supplemental irrigation began with 2020 Irrigation Season | Water user constructed and filled West Pond. Water user added a pump and meter (September 2019), constructed piping between West Pond and the irrigation system for primary irrigation (September 2019), and applied water for supplemental irrigation, beginning with the 2020 irrigation season. |

\* 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

a. Did the Extension Final Order require the submittal of Progress Reports?

NO

### 3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.**

b. Has a meter been installed?

YES

c. Meter Information

| POD NAME OR # | MANUFACTURER | SERIAL # | CONDITION (WORKING OR NOT) | CURRENT METER READING | DATE INSTALLED |
|---------------|--------------|----------|----------------------------|-----------------------|----------------|
| West Pond     | Dwyer        | 19 4131  | Working                    | 1,860.4 gal           | September 2019 |

### 4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department?

NO



**5. 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, on POD #1 | Michael Banks. Note: the pump used to fill West Pond is also POD 1 for Certificate 86431. Fish screening was not installed on the pump removing water from West Pond, and is not needed because fish cannot get into West Pond. |

**Reminder: If the permit 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) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA**

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? **YES**

**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.**

**6. 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? **NO**

*If "NO", items b and c relating to this section may be deleted.*

**7. 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? **YES**

b. Was a fishway required? **YES**

c. Was submittal of a water management and conservation plan required? **NO**

d. 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):

**7a. The riparian area near POD 1 was not disturbed during development of West Pond and the Supplemental Irrigation distribution system.**

**7b. The fishway is required to "provide adequate upstream and downstream passage for fish". The diversion at POD #1 is a small pipe that does not obstruct fish passage in the creek, therefore a fishway is not needed and was not constructed. ODFW inspected the pump and fish screen on August 17, 2015, approved the installation, and did not indicate the need for a fishway.**

The January 17, 2020 Final Extension Order included the condition that this shall be the last extension of time granted for Permit S-53977. 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.

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**SECTION 6  
ATTACHMENTS**

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

| ATTACHMENT NAME                     | DESCRIPTION                         |
|-------------------------------------|-------------------------------------|
| Claim of Beneficial Use Map – Fig 1 | COBU Map                            |
| ODFW Fish Screen Inspection Form    | Inspection date: September 17, 2015 |
|                                     |                                     |

## SECTION 7

## CLAIM OF BENEFICIAL USE MAP

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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 West Pond and the meter location; ground truthing was done via GPS and site-specific measurements.**

### Map Checklist

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
- 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
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- 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

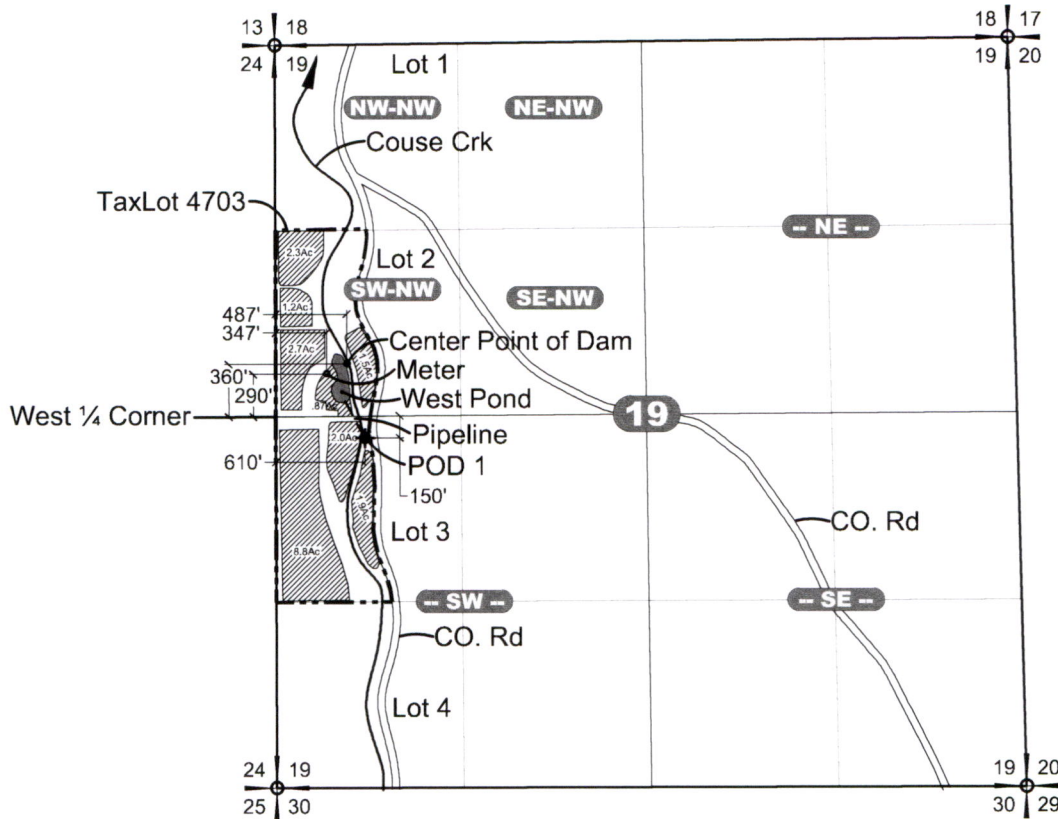
# Claim of Beneficial Use Map

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

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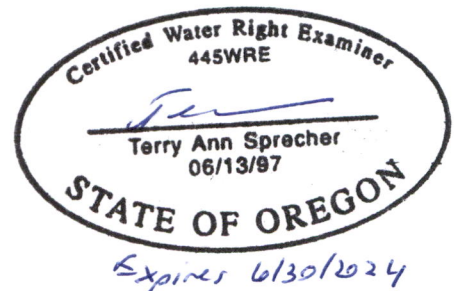
SEP 26 2022

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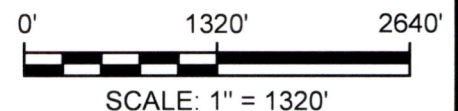
## NOTES

1. Fish Screen is located at POD #1.
2. The connection to the primary irrigation system is located approximately 1.2 Feet from the meter.
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



## LEGEND

- ⊕ Location of Center of Dam.
- ⊙ Location of POD and Fish Screen. For Certificate 86341 & Permit R-13591.
- - - Tax Lot Boundary
- 1.5AC Supplemental Irrigation and Number of Acres



FIGURE

**1**

**Claim of Beneficial Use Map**  
**Application S-85433, Permit S-53977**  
**82168 Couse Creek Rd**  
**Milton-Freewater, OR 97862**

CREATED BY: TAS  
DRAWN BY: SJS

soil  
service water  
**Sprecher group**  
2445 NE Division St., Suite 300  
Bend, Oregon 97703

SG PROJECT 4373  
JULY 2022

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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.