

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

**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

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1. File Information:

APPLICATION # S-87017	PERMIT # S-54479	PERMIT AMENDMENT # T-
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2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Daniel E. Davis		PHONE NO. 541-297-3333	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1741			
CITY Bandon	STATE OREGON	ZIP 97411	E-MAIL davisfarms54436@gmail.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 or holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD Daniel E. Davis			
ADDRESS PO Box 1741			
CITY Bandon	STATE OREGON	ZIP 97411	

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

May 18, 2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Daniel Davis	May 18, 2022	Owner

6. County:

Coos

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		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**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.



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CWRE NAME Walter E. White		PHONE No. 541-266-9890	ADDITIONAL CONTACT No.	
ADDRESS 275 Market Avenue				
CITY Coos Bay	STATE OREGON	ZIP 97420	E-MAIL wwhite@shn-engr.com	

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>Daniel E. Davis</i>	Daniel E. Davis	Owner	April 4, 2023

**SECTION 3
CLAIM DESCRIPTION**

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Windhurst Reservoir POD

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Windhurst Reservoir POD	Reservoir	Bill 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)
Windhurst Reservoir	Cranberry Use	Cranberry	Year Round	50 GPM
Total Quantity of Water Used				

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:

Windhursts Reservoir (Permit R-12928) provides water for multiple users. A Gravity system conveys water from the reservoir to Johnson Creek. A 10" PVC pipe leaves the reservoir and conveys water to a pond. A 6" PVC pipe conveys water from the pond to a side channel of Johnson Creek which passes through a meter port(meter not installed at the time of inspection), a 6" hand crank valve, then is reduced to a 4" pipe. When the valve is open, water travels down the side channel to Johnson Creek to POD 5 which is a point of re-diversion (Permit R-14558).

From POD-5 in a side channel of Johnson Creek, a 7.5-HP pump transfers water from Johnson Creek through a 4" PVC pipe to Reservoir 4. from Reservoir 4 through a 2" PVC pipe to Reservoir 1-A, from Reservoir 1-A through a 2" PVC pipe to Reservoir 3. Each reservoir is refilled multiple times during operations and all reservoirs have overflow pipes of varying sizes to allow overflow back to the North Fork of Johnson Creek. As described in COBU R-86767, R-86768, R-86769 and R-86770.

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.

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

YES **NO**

User has developed 28.4 acres of the allowed 32.02 acres.

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
Windhurst Reservoir	35.0 AF	35.0 AF	35.0 AF	Cranberry Irr.	33.02	28.4

***Total developed acres allowed is 33.02, actual developed acres is 28.4. Reservoir 4 has future bogs planned for an additional 4.6 acres.**

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**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs?

YES NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

Windhurst Reservoir

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
29 S	14 W	WM	6	NE NE	1		Supplemental Cranberry	9.40	9.40
29 S	14 W	WM	6	SE NE			Supplemental Cranberry	16.2	16.2
29 S	14 W	WM	6	NE SE			Supplemental Cranberry	2.8	2.8
Total Acres Irrigated								28.4	28.4

*There are two bogs planned for the future totalling 4.6 acres in the NE1/4SE1/4.

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 NO

If "NO" items 2 through item 6 may be deleted.

2. Intentionally Deleted

3. Intentionally Deleted

4. Intentionally Deleted

5. Intentionally Deleted

6. Intentionally Deleted

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

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 13 may be deleted.

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8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
10"	1780	PVC	Buried
6"	640	PVC	Buried

9. Lateral or Handline Information: NA

10. Sprinkler Information: NA

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

11. Drip Emitter Information: NA

12. Drip Tape Information: NA

13. Pivot Information: NA

C. Storage

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

YES NO

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

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

YES NO
YES NO

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank: NA

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Reservoir 1-A	8 Feet	25.6
Reservoir 3	8 Feet	7.4
Reservoir 4	NA	8.6

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

YES NO

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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
10"	PVC	150	35	1,780	2%	4.81
6"	PVC	150	10	640	1.6%	1.11

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3. Provide calculations:

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 10 inches, or 0.8333333 feet
Roughness Coefficient (C) = 150
Fall = 35 feet per 1780 feet of distance
Grade = 0.019662921, or 2.0%

Results calculated

Area of cross-section = 0.545415 square feet
Wetted Perimeter = 2.617994 feet
Hydraulic Radius = 0.208333
Velocity = 8.818498 feet per second

Pipe Capacity = 4.81 cubic feet per second

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 6 inches, or 0.5 feet
Roughness Coefficient (C) = 150
Fall = 10 feet per 640 feet of distance
Grade = 0.015625, or 1.6%

Results calculated

Area of cross-section = 0.19635 square feet
Wetted Perimeter = 1.570796 feet
Hydraulic Radius = 0.125
Velocity = 5.645765 feet per second

Pipe Capacity = 1.11 cubic feet per second

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4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
5-18-22	Daniel Davis	Bucket/watch	0.13

Attach measurement notes.

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?

YES NO

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

2. Complete the table: intentionally deleted

3. Provide calculations: intentionally deleted

4. If an actual measurement was taken, provide the following: intentionally deleted

Attach measurement notes.

F. Additional notes or comments related to the system:

Owner uses water only in periods of low water levels in Johnson Creek to recharge the tributary from Windhurts Reservoir. POD 5 is used as a re-diversion point.

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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	June 30, 2008		
BEGIN CONSTRUCTION (A)	Not Specified		Windhurst Res. Was completed prior to the issuance date. Place of use developed prior to 2006.
COMPLETE CONSTRUCTION (B)	October 1, 2012	Summer 2008	System completed and water applied to Cranberry Bogs.
COMPLETE APPLICATION OF WATER (C)	October 1, 2012	Summer 2008	System completed and water applied to Cranberry Bogs.

* 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 NO

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

3. Measurement Conditions:

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

YES NO

If "NO", items b through f relating to this section may be deleted.

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 NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 5	McCrometer	10-04009	Working	631091100	Summer 2009 and continued to operate since installation.

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions:

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

YES NO

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted?

YES NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **Fish screen may be required**

YES NO

If "NO", items b through e relating to this section may be deleted.

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 NO

c. When was the fish screening installed?

DATE	BY WHOM
Summer 2009	Daniel Davis

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.

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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 YES NO

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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 YES NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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?

YES NO

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

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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?
- b. Was a fishway required?
- c. Was submittal of a water management and conservation plan required?
- d. Other conditions?

<input checked="" type="radio"/> YES	<input type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO

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

No visible disturbance at Windhurts Reversoir or the re-diversion point at the time of inspection.

**SECTION 6
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION

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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.

GPS survey previously by Jordan Engineering.

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

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