

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming 0.1 cfs or less**



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>

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>

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**SECTION 1
GENERAL INFORMATION**

1. File Information:

APPLICATION # S-87504	PERMIT # (IF APPLICABLE) S-54886	PERMIT AMENDMENT # (IF APPLICABLE)
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2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Daniel J. Hutchison		PHONE NO. 208-830-7429	ADDITIONAL CONTACT NO.
ADDRESS 102 Jantoni Dr.			
CITY Boise	STATE ID	ZIP 83712	E-MAIL Pilothutch1@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 holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD Daniel J. Hutchison		
ADDRESS 102 Jantoni Dr.		
CITY Boise	STATE ID	ZIP 83712

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

June 16, 2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Daniel J. Hutchison	6/16/2023	Property Owner

6. County:

Malheur

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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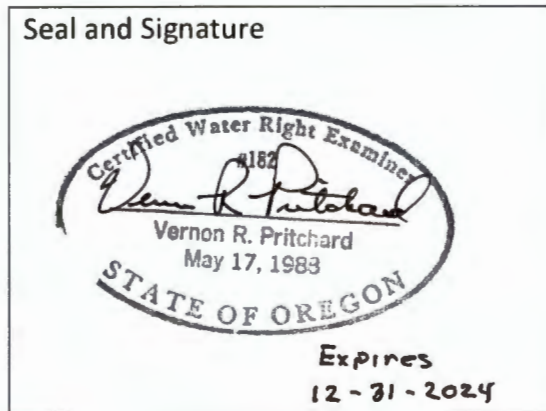
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SECTION 2 SIGNATURES

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 Vernon R Pritchard	PHONE NO. 541-473-3612	ADDITIONAL CONTACT NO. 208-739-1590
ADDRESS PO Box 134		
CITY Vale	STATE OR	ZIP 97918
E-MAIL vpritchard@fmtc.com		

Permit Holder's 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
	Daniel J. Hutchison	Owner	8/1/2024

SECTION 3 CLAIM DESCRIPTION

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

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD 1 Black Bull Spr	Spring Development	Barren Valley
POD 2 Duck Pond Res	Black Bull Spring & drainage	Barren Valley

2. 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)
POD 1 Black bull spring box	Domestic and livestock water		Year around	1 gpm available
	Supplies Duck Pond Pond Maint		Year around	1 gpm observed
POD 2 Duck Pond Res	Irrigation	Grass	Spring and Summer	12.1 gpm observed
Total Quantity of Water Used				

3. 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:

The **source of water** for this project is the **Black Bull Spring**. The spring has been fenced off from livestock and has a variable flow that is estimated to range from 1 to 3 gal./min. The water source was concentrated at the lower end of the spring using standard development techniques of installing a gravel filter and an impermeable membrane across most of the underground natural flow channels. Water is collected in a buried spring box and piped thru the impermeable membrane in a 1 inch PVC pipe. The spring box also has an overflow pipe that passes through the embankment and releases the over flow back into the Springs normal surface channels. Note, about 80% of the springs natural channels were intercepted with this system. The remaining natural channels continue to operate in their normal paths, and flow into the Duck Pond Reservoir about 200 ft downstream.

A few feet below the Spring development is a **Spring Box** with a removeable lid located in the old water channel. This box serves as a valve box to divert water to the house and barn for domestic and livestock use, or to release the water retained back into the natural water channel thru an overflow pipe. A few yards below the valve box, the overflow pipe empties into an open trough for wildlife water. The overflow from this trough continues down the channel. This POD is located on the map and identified as the POD 1, Black Bull Springs Box. At the time of inspection, there was approximately 1 gpm flowing from the spring into this control box

At this point of diversion, all water being generated by the spring, except for the Domestic and livestock water, continues to flow down the spring channel into the Duck Pond Reservoir below.

The **domestic portion** of the system carries water through a PVC pipeline to a 2500 gal buried horizontal storage tank located above the barn. The system includes two frost free hydrants in the barn area for livestock watering. Within the storage tank is an electric powered submersible 1.5 in. pump that lifts water 75 ft. up to the house and is controlled by a pressure tank in the house.

Note: There is a **separate water system** on site that contains a well and pipeline, that can also supply domestic and livestock water through an alternate pvc pipeline system. The two pipeline systems are not interconnected. There is a valved pipe extending from this separate pipeline to the storage tank. Consequently water can be diverted from the well to the storage tank if needed. This system is also shown on the map. The primary purpose of this system is to provide a water source if the spring should go dry during a drought season, and to provide emergency water in the case of wildfire. There are frost free hydrants in place at the well, barn, and the house for this purpose.

Duck Pond Reservoir captures the Black Bull Spring waters and the overland flow from snow and rain on the basin above. The reservoir has a spillway in the South end of the embankment. The crest of the stone spillway was used as the POD for Duck Pond Reservoir. On the day of this inspection, the water level in the Reservoir was 2.46 ft. below the spillway, and the reservoir had approximately 1 ft. of water in the bottom.

The stored water is removed from the reservoir with a portable gasoline powered pump. The pump is stored on top of the dam in a small shelter, and is mounted on the top of the dam with a suction line extending into the water. The pump is a Pacer centrifugal and is powered by a Briggs and Stratton 8.50 motor. Water is fed to the irrigated area through a 1.5 inch lay flat hose from the pump. There were several sections of this hose in place and extended to a BASFCO X-65 wheeled Sprinkler. The water is delivered thru an Aquaburst X-65 sprinkler head with a ¼ inch nozzle. The pump was primed, started, and the system worked very well.

In wet years when the Reservoir fills up, water runs over the spillway and subsides into a very shallow swale. There is no definitive runoff channel. This swale eventually extends to the valley floor and the Barren Valley, Duck Creek Lakebed.

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

NO

(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.")

Note: domestic and livestock water use was not mentioned in the permit.

5. Claim Summary:

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POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD 1 Black Bull Spr.	0.01 cfs		Estimated 1 gpm Past observations 1-3 gpm	Irrigation	2.0 Ac	2.0 Ac
POD 2 Duck Pond Res	2 Ac ft/Ac	151 gpm	12.1 gpm	Irrigation	2.0 Ac	2.0 Ac

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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):

POD 1 Black Bull Spring

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A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, 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 5 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Pacer Pumps Briggs & Stratton 8.50 engine	SEB2UL E51C	155822	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)
5.59	45 pse	5 feet	10 ft. fall	0.338 cfs

4. Provide pump calculations:

$Q = (HP) (eff) / \text{total head}$ centrifugal pump eff = 6.61 ft /sec/Hp Total Head = 5ft+114.3 -10 ft
 $Q = 5.59 \text{ hp} (6.61) / 109.3 \text{ ft}$
 $= 0.338 \text{ cfs}$

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)
NA		10 min	0.027 cfs

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

6. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
¾ in	45 psi	12.1 gpm	1	2	0.027 cfs (1 sprinkler)
	Direct field measurement				

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

7. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

8. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL 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:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Fiberglass	2500 gal	buried

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Duck Pond Reservoir POD 2	5 feet	0.62 Ac ft.

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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)
NA						

3. Provide calculations:

NA

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)
NA			

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:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
NA								

3. Provide calculations:

NA

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)
NA			

Attach measurement notes.

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F. Additional notes or comments related to the system:

Note the spring flow runs down the original channels for approximately 200 ft. until the water flows into Duck Pond Res.

The storage tank in Section C-2 above is part of the domestic and livestock water supply, and not part of the irrigation system. There is a float valve in the storage tank that controls flow into the domestic and livestock portion of the water system.

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):

POD 2 Duck Pond Reservoir

A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, 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 5 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Pacer Pumps Briggs & Stratton 8.50 engine	SEB2UL E51C	155822	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)
5.59	45 psi	5 feet	10 ft. fall	0.338 cfs

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4. Provide pump calculations:

$Q = (HP) (eff) / \text{total head}$ centrifugal pump eff = 6.61 ft /sec/Hp Total Head = 5ft+114.3 -10 ft
 $Q = 5.59 \text{ hp } (6.61) / 109.3 \text{ ft}$
 $= 0.338 \text{ cfs}$

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)
NA		10 min	0.027 cfs

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

6. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
¼ in.	45 pse	12.1 gpm	1	2	0.027 cfs (1 sprinkler)
	Direct field Measurement				

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

7. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

8. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL 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 YES NO NO

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

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2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
NA		

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Duck Pond Reservoir POD 2	5 feet	0.62 Ac ft.

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)
NA						

3. Provide calculations:

NA

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)
NA			

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:**

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
NA								

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3. Provide calculations:

NA

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)
NA			

Attach measurement notes.

F. Additional notes or comments related to the system:

Note the spring flow runs down the original channels for approximately 200 ft until the water flows into Duck Pond Res.

The portable pump in Sec B is mounted on the top of the dam, with the suction line in the reservoir near the spillway. A lay flat hose runs from the pump to the tripod sprinkler providing pressure to the nozzle. The sprinkler is manually moved between settings when the system is in operation.

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 extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	5/1/2014		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	5/1/2019	5/1/2019	COBU preparation. Received a 6 month hold action till 8/11/2023.

* 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.

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

YES

NO

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

b. Were the Progress Reports submitted?

YES

NO

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

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

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
NA					

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

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES

NO

NA

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
NA		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
NA		

4. Recording and reporting conditions:

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

YES

NO

NA

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

b. Have the reports been submitted?

YES

NO

NA

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?

YES

NO

NA

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

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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
NA	

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.

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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):

- 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.

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 devices been installed?

YES NO **NA**

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
NA		

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.)

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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?

YES

☒ NO

b. Other conditions?

☒ YES

NO

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

Submission of a COBU was not completed.

60 Day letter mailed 12/09/2022

6 month Hold Action granted – deadline 8/11/2023

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Email from Gerry Clark	Hold Action notification.

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From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, February 8, 2023 12:45 PM
To: vpritchard@fmtc.com
Cc: MILLER Tonya L * WRD; PIERCEALL Jeffrey D * WRD
Subject: RE: Hold Action, Permit S-54866

Vern,

Based on our discussion as the remote nature of the lands needing inspected for the Claim, the Department can allow for the 6 months that you have requested.

The Department will not take any actions related to this permit until after August 11, 2023.

I have updated WRIS to indicated the hold action until August 11, 2023. Here is a link to the WRIS page so that you can the hold action process step:

[Permit: S 54866 * \(state.or.us\)](#)

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov>
Sent: Tuesday, February 7, 2023 3:54 PM
To: vpritchard@fmtc.com
Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>; MILLER Tonya L * WRD <Tonya.L.MILLER@water.oregon.gov>
Subject: Hold Action, Permit S-54866

Gerry and Tonya,

I received a call from Vern Pritchard called me this afternoon regarding the 60-day completion letter sent to Daniel Hutchison for permit S-54866. He has been retained to complete the CBU, however, due to scheduling as well as the remote location of the place of use (way out past the Steens), he is hoping for a six month hold action on the submittal of the CBU.

Since it is a bit longer than the average hold request, I wanted to have one of you weigh in on if the timeline is ok. Please respond to Vern, he is included in this email string, and let him know if the six month hold is ok.

Thanks.

Jeffrey D. Pierceall
Extension Specialist

Oregon Water Resources Department
503-979-3213
Jeffrey.D.Pierceall@water.oregon.gov



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DEPARTMENT

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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.

The survey method used GPS generated coordinates for the section corners, POD points, and pipeline points, well, irrigated area corners, and reservoir high water line. Satellite photos were used to provide road and building locations.

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.)

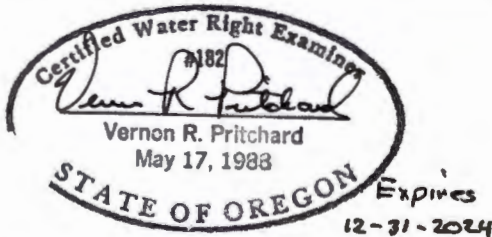
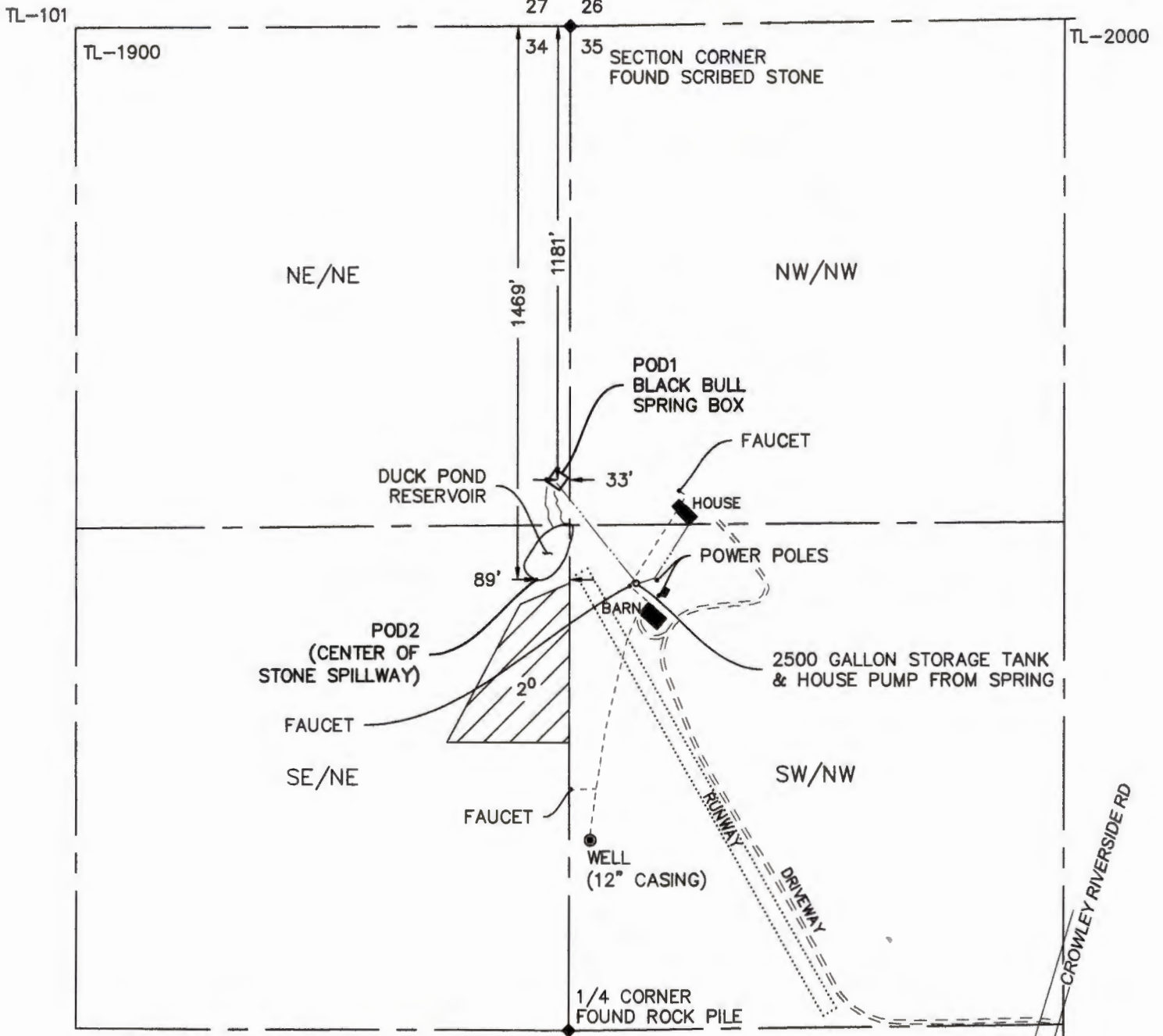
- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion NA
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion NA
- ☒ 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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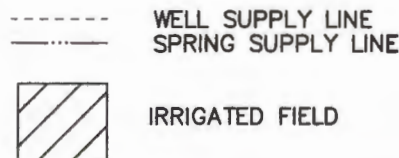
AUG 04 2023

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TOWNSHIP 28 SOUTH, RANGE 37 EAST OF THE WILLAMETTE MERIDIAN
MALHEUR COUNTY, OREGON



LEGEND



NOTES

1. THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS FOR LOCATIONS OF PROPERTY BOUNDARIES.
2. THE DOMESTIC AND LIVESTOCK PIPELINES ORIGINATE AT THE WELL AND THE BLACK BULL SPRING BOX.
3. DISTANCES SHOWN WERE DETERMINED FROM HAND HELD GPS.
4. MAP NUMBER 28S37E:
TAX LOT 101-OREGON DEPARTMENT OF STATE LANDS
TAX LOT 1900-DANIEL J & LINDA J HUTCHISON
TAX LOT 2000-TREE TOP RANCHES LTD PRTRNSP

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VERN PRITCHARD 541-473-3612	
P.O. BOX 134	
VALE, OR 97918	
DANIEL J. HUTCHISON	
CLAIM OF BENEFICIAL USE	
APP. S-87504, PERMIT S-54886	
DRAWN: D. McKROLA	SCALE: 1" = 400'
APPROVED:	DWG NO: 016
DATE: JULY 24, 2023	SHEET 1 OF 1

Daniel J. Hutchison
102 Jantoni Dr.
Boise, ID 83712
Aug 1, 2023

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Dear Sirs:

Attached is a Claim of Beneficial Use for Surface Water Permit, S-54886. The permit involves Black Bull Spring and Duck Pond Reservoir in Malheur County, Tax Lot 1900, in T28S, R37E, Sec 34 NE/NE. SE/NE.

The COBU documents the application of surface water for irrigation of 2 Acres of grass land. Also included is a check for \$230.00. The priority date of the permit is Aug 3, 2009.

Please call me if you have any questions about this document and map (208-830-7429).

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Hutchison", with a long horizontal flourish extending to the right.

Daniel J. Hutchison

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