

**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](http://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 # <b>S-88488</b>	PERMIT # (IF APPLICABLE) <b>S-55147</b>	PERMIT AMENDMENT # (IF APPLICABLE)
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**2. Property Owner (current owner information):**

APPLICANT/BUSINESS NAME <b>Paul H. Hutter or Brenda Y. Lamb</b>		PHONE NO. <b>503.400.0450</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>4215 Shoreline Drive N</b>			
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97303</b>	E-MAIL <b>hazard.paul.1019@gmail.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 holder of record (this may, or may not, be the current property owner):**

PERMIT HOLDER OF RECORD <b>Paul H. Hutter or Brenda Y. Lamb</b>		
ADDRESS <b>4215 Shoreline Drive N</b>		
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97303</b>

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

**4. Date of Site Inspection:**

**September 9, 2022 and July 3, 2023**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Paul Hutter</b>	<b>Sept. 9, 2022 and July 3, 2023</b>	<b>Permit Holder/ landowner</b>

**6. County:**

**Marion**

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**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)): **N/A****

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

# Superseded

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

APPLICANT/BUSINESS NAME <b>Paul H. Hutter or Brenda Y. Lamb</b>		PHONE NO. <b>503.400.0450</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>4215 Shoreline Drive N</b>			
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97303</b>	E-MAIL <b>hazard.paul.1019@gmail.com</b>

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ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

## 4. Date of Site Inspection:

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Paul Hutter</b>	<b>Sept. 9, 2022 and July 3, 2023</b>	<b>Permit Holder/owner</b>

## 6. County:

## 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)): **N/A**

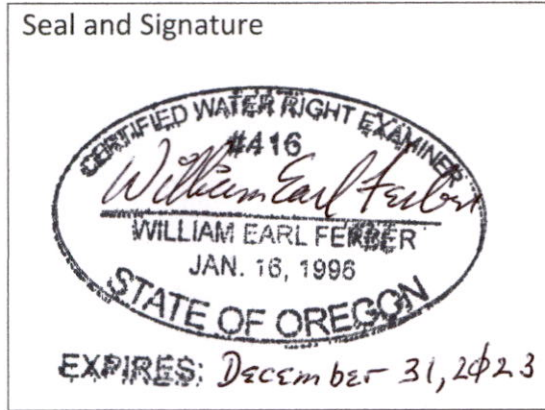
OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

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 <b>William Ferber</b>		PHONE NO. <b>503.910.9212</b>	ADDITIONAL CONTACT NO.	
ADDRESS <b>PO Box 13</b>				
CITY <b>Brush Prairie</b>	STATE <b>WA</b>	ZIP <b>98606</b>	E-MAIL <b>bill@bkwrc.com</b>	

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
	PAUL H. HUTZEL	OWNER	8/15/23

**SECTION 3**  
**CLAIM DESCRIPTION**

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

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Hutter POD	Willamette Basin Project Reservoir	Willamette River

**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)
Hutter POD	Irrigation	Lawn and garden	March to October	1.25 AF
<b>Total Quantity of Water Used</b>				<b>1.25 Af</b>

**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:

Water is pumped from the Willamette River using 1 ½" PVC pipe, with approved ODFW fish screen, by a 1 ½ Hp Flotec electric centrifugal pump. From the pump 2" PVC pipe carries irrigation water above ground to 2 - 1 ½" buried main lines. Irrigation water is applied to the ground via RainBird Maxi-Paw sprinklers, Orbit Pulse sprinklers using #8 (9/64") nozzles attached to the main lines and drip emitters installed in ½" Poly Line pipe. Poly Line is laid on the ground within the garden area and connected to one of the main lines.

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.")

Permit allowed development of 0.5 acres of irrigation. Only 0.26 acres on tax lot 07 S, 03 W, 03DC 2700 were developed.

**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
Hutter POD	1.25 AF				0.5	0.26

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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):

**Hutter POD**

**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)
<b>Flotec</b>	<b>FP5172-08</b>	<b>8702002</b>	<b>Centrifugal</b>

**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)
<b>1 ½</b>	<b>40</b>	<b>5'</b>	<b>2'</b>	<b>0.09</b>

**4. Provide pump calculations:**

**Pump Capacity Calculation Sheet**  
using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61  
Turbine = 7.04

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$$\begin{aligned} \text{HP} &= \frac{1.5}{\text{Efficiency}} \\ \text{Efficiency} &= \frac{6.61}{\text{Lift}} \\ \text{Lift} &= \frac{10}{\text{PSI}} \\ \text{PSI} &= \frac{40}{\text{}} \end{aligned}$$

**Results  
Calculated**

$$\begin{aligned} (\text{hp})(\text{efficiency}) &= 9.915 \\ \text{Head based on psi} &= 101.6 \\ \text{Total dynamic head} &= 111.6 \\ &(\text{head} + \text{lift}) \end{aligned}$$

**Pump Capacity = 0.09 cubic feet per second**

**5. Measured Pump Capacity (using meter if meter was present and system was operating): N/A**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN 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)
9/64"	40	3.4	10	10	0.08

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)
Variable	40	0 to 0.23	70	70	Up to 0.04

**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



### 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.

### 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.

### 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.

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

Water source is BOR Reservoirs within the Willamette Basin under BOR Water Service contract NO. 189E101964. Depending upon water needs the garden and lawn may be watered at the same time.

## 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:

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	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	7/5/2018		
BEGIN CONSTRUCTION (A)	7/5/2023	6/1/2020	Irrigation system installed.
COMPLETE CONSTRUCTION (B)	N/A		
COMPLETE APPLICATION OF WATER (C)	7/5/2023	6/15/2023	Irrigated total area developed.

\* 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?

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
Hutter POD	Netafim	18-4002240 2	Working	386,922.84 gallons	6/1/2018

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.

5. Fish Screening:

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

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.

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	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	7/5/2018		
BEGIN CONSTRUCTION (A)	7/5/2023	6/1/2020	Irrigation system installed.
COMPLETE CONSTRUCTION (B)	N/A		
COMPLETE APPLICATION OF WATER (C)	7/5/2023	6/15/2023	Irrigated total area developed.

\* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

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YES  NO

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

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?  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
Hutter POD	Netafim	18-40022402	Working		6/1/2018

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.

**5. Fish Screening:**

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?  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
6/1/2018	Installed by owner.

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.**

## 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):

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**SECTION 6**  
**ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
<b>ODFW Fish Screen Approval letter</b>	<b>Letter from ODFW approving the type of fish screen the permit holder wished to install</b>

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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.

**County Assessor's map, Google Earth Photo dated May 2023, application map for Permit S 55147. POD/Fish Screen and pump GPS location: Delorme Earthmate PN-40.**

### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

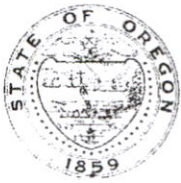
**(Reminder: Incomplete maps and/or claims may be returned.)**

- 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
- 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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# Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Dr SE

Salem, OR 97302

503-947-6200

Fax: 503-947-6202

[www.dfw.state.or.us](http://www.dfw.state.or.us)

May 24, 2018

Paul Hutter  
4215 Shoreline Drive N.  
Keizer, OR 97303



**RE: Fish Screen Approval for Water Right Permit # S-55147**

Mr. Hutter,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed your fish screen associated with your point of diversion (POD) on the Willamette River. This POD and fish screen is for water right permit # S-55147, and is located in Marion County. After review of the fish screen, permits, and diversion site, ODFW finds that the screen meets all applicable fish screening criteria. ODFW has reviewed the proposed cylinder screen, and has determined that the screen will meet or exceed fish screening criteria for .15cfs (67 GPM), which is the maximum diversion rate based on the rating of the 1.5 horsepower pump being utilized for diversion. The use and continued use of this fish screen when diversion is occurring, satisfies the fish screening provision in water right permit # S-55147.

This approval is contingent on the following: the screen is installed prior to any diversion of water, the screen is installed so that the entire effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, the screen is annually inspected when it is not in use.

Thank you for your time and effort on this project. If you have any questions, please contact me at 503-947-6256.

Sincerely,

Ken Loffink  
Statewide Fish Screening Coordinator

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Date Received (Date Stamp Here)

### OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Paul Hutter or Brenda Lamb  
4215 Shoreline Dr. N. Salem OR 97303

Transaction Type: Claim

Fees Received: \$ 230.00

Cash     Check;    Check No. 3064  
Name(s) on Check: Paul Hutter

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Corie Lornien  
(Name of OWRD staff)

#### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.