

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

**OREGON** 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.**

**Claims received without the correct fee of \$200 will be returned.**

*The permit has a priority date of December 9, 2016; the \$230 fee applies and is enclosed.*

**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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**GENERAL INFORMATION**

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**1. File Information**

APPLICATION # <b>R-88340</b>	PERMIT # (IF APPLICABLE) <b>R-15211</b>	PERMIT AMENDMENT # (IF APPLICABLE) -
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**2. Property Owner (current owner information)**

APPLICANT/BUSINESS NAME <b>Hamilton Farms, LLC</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>14190 Airlie Road</b>			
CITY <b>Monmouth</b>	STATE <b>OREGON</b>	ZIP <b>97361</b>	E-MAIL <b>deltau257@hotmail.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>Hamilton Farms, LLC</b>			
ADDRESS <b>14190 Airlie Road</b>			
CITY <b>Monmouth</b>	STATE <b>OR</b>	ZIP <b>97361</b>	

ADDITIONAL PERMIT HOLDER OF RECORD <b>N/A</b>		
ADDRESS		
CITY	STATE	ZIP

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**4. Date of Site Inspection:**

**September 8, 2022**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Matt Hamilton</b>	<b>9/8/2022</b>	<b>Owner</b>

**6. County**

**Polk**

**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)):**

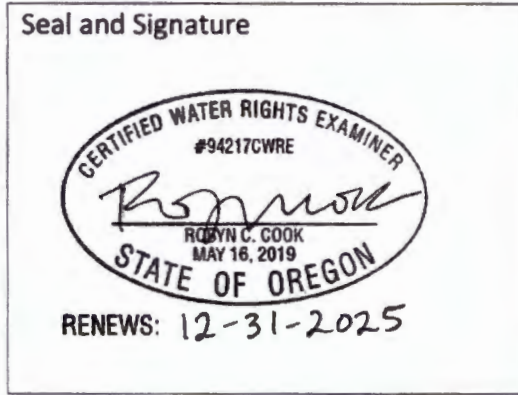
OWNER OF RECORD <b>Not applicable</b>		
ADDRESS		
CITY	STATE	ZIP

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 <b>Robyn Cook, GSI Water Solutions, Inc.</b>		PHONE NO. <b>971-200-8505</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>650 NE Holliday Street, Suite 900</b>			
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97232</b>	E-MAIL <b>rcook@gsiws.com</b>

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>Matt Hamilton</b>	Member/Manager	4-29-24

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**SECTION 3  
CLAIM DESCRIPTION**

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

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir 8	Runoff and Peterson Creek	Peterson Creek; Berry Creek

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

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir 8	Multipurpose	November 1 through May 31	90
<b>Total Quantity of Water Stored</b>			<b>90</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 reservoir:**

Reservoir 8 is an off-channel reservoir filled by two PODs (POD 1 is a drainage ditch and POD 2 is on Peterson Creek). Water flows from the drainage ditch off Sauerkraut Road (POD 1) and/or is pumped from Peterson Creek (POD 2) into the reservoir where the water is stored behind a dam (DAM) for multipurpose use by the permit holder.

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

The permit contains a scrivener's error and switched the measured distances for POD 1 and POD 2. The measured distances on the permit do not match the listed quarter-quarters. The PODs in this COBU reflect the locations on the permit application map, and they are consistent with the rest of the location descriptions (sections and quarter quarters) listed on the permit.

**5. Claim Summary:**

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir 8	90.0	90.0

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**SECTION 4  
SYSTEM DESCRIPTION**

Are there multiple reservoirs? YES NO

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

**Reservoir 8**

**A. Reservoir Location**

1. Is the reservoir on-channel? YES NO

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

NAME	TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
Dam	9S	5W	WM	33	NW NW	-	67	445 Feet south and 835 feet east from northerly corner, DLC 66
POD 1*	9S	5W	WM	33	NW NW	-	67	375 Feet north and 500 feet east from northerly corner, DLC 66
POD 2*	9S	5W	WM	32	NE NE	-	66	375 Feet south and 240 feet west from northerly corner, DLC 66

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ). \*The permit contains a scrivener's error and switched the measured distances for POD 1 and POD 2. The measured distances on the permit do not match the listed quarter-quarters. The PODs in this COBU reflect the locations on the permit application map, and they are consistent with the rest of the location descriptions (sections and quarter quarters) listed on the permit.

**B. Diversion and Delivery System Information**

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

1. Is a pump used? YES\* NO

If "NO" items 2 through item 5 may be deleted. \*Only POD 2 has a pump.

2. Pump Information

POD	MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
POD 2	Goulds	11CLC	MG2852	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)
10	15	5 ft	5 ft	1.53

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**4. Provide pump calculations:**

See Attachment B.

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not Running			

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

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

The pump on POD 2 is only used to supplement water supply from POD 1.

**C. 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. \*Only POD 1 has a gravity flow pipe.

**2. Complete the table:**

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
15-inch	PVC	150	2.6 ft	261 ft	0.01	9.678

**3. Provide calculations:**

See Attachment C.

**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)
Not taken			

Attach measurement notes.

**D. 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. Items 2 through 4 were deleted.

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**E. Reservoir**

1. Does the reservoir require the submittal of as-built plans and specifications? YES NO

If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.

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

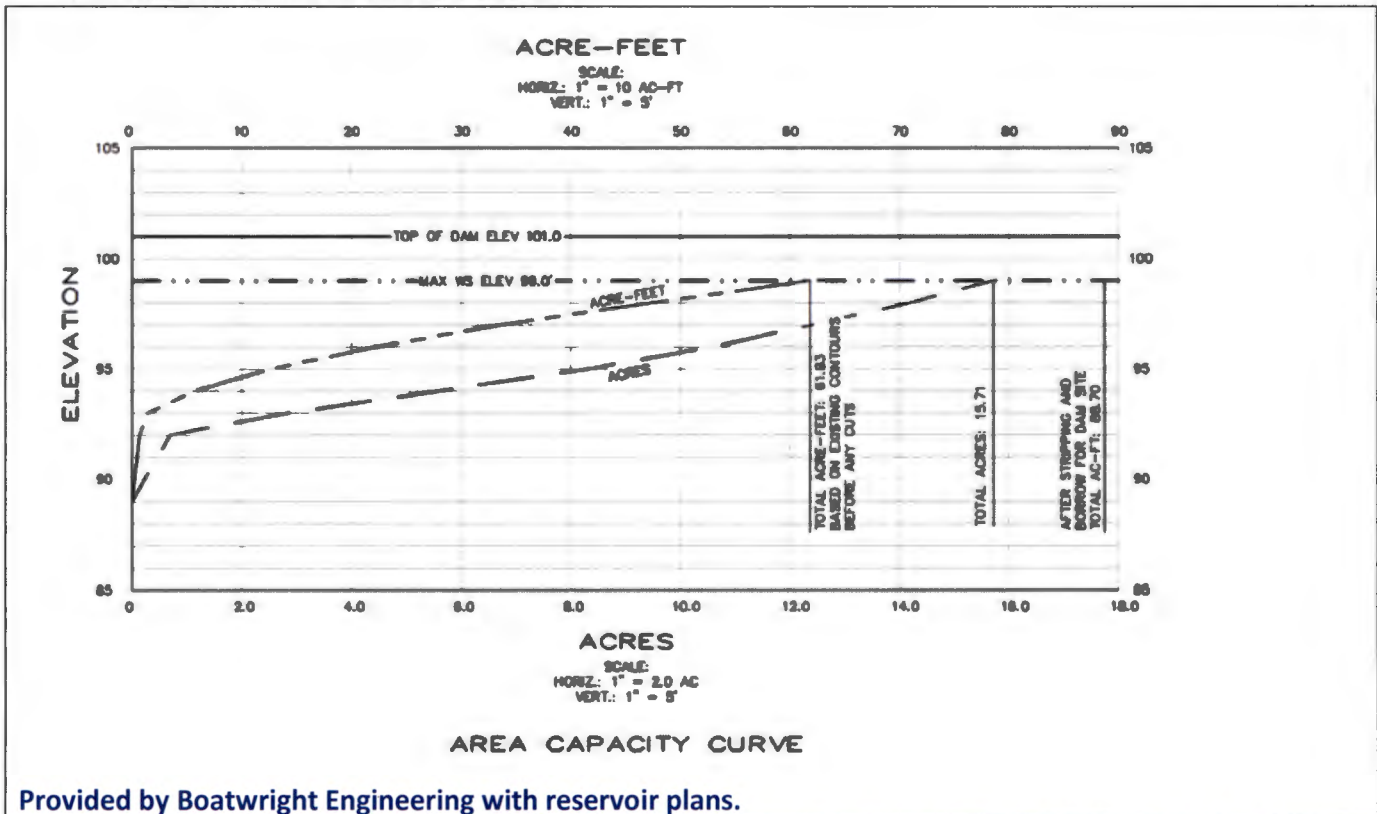
2. Complete the table: (Not applicable)

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED

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

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
7 ft	5.6 ft	15.7	90.0*

4. Provide reservoir volume calculations:



Provided by Boatwright Engineering with reservoir plans.

\*The area capacity curve shown above was developed prior to construction of the reservoir. After the reservoir was constructed, Boatwright Engineering determined that at full stage the constructed reservoir stores 90.0 acre-feet.

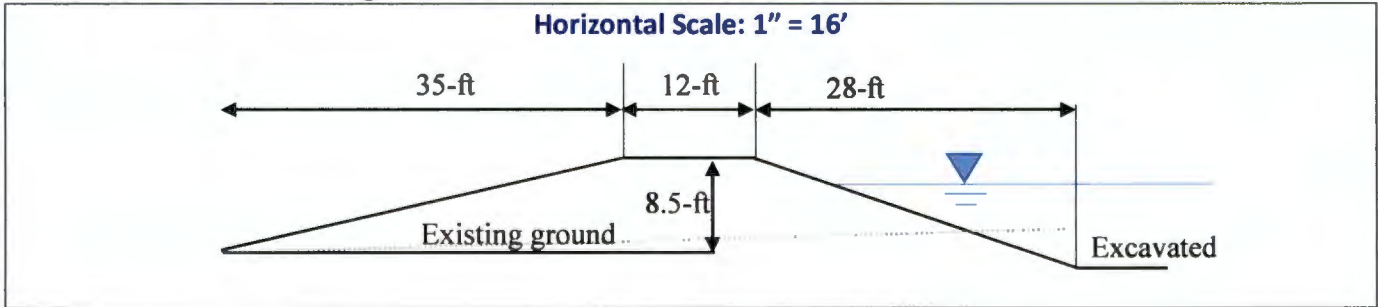
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5. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
12 ft	8.5 ft	35 ft	25 ft	7.6 ft	4:1	3:1

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



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

An 8-inch PVC outlet pipe surrounded by rip-rap is located on the south-southwest side of the reservoir (daylighting on the downstream toe).

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

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
12 FT	16 FT	0.5 FT

The emergency spillway is located on the northeast corner of the reservoir.

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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 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	4/6/2017		
BEGIN CONSTRUCTION (A)	4/6/2022	10/20/2018	Began construction of reservoir authorized under permit.
COMPLETE CONSTRUCTION (B)	N/A	-	-
COMPLETE APPLICATION OF WATER (C)	4/6/2022*	Summer 2023	Reservoir filled and all permit conditions met.

\* must be within period between permit or any extension final order issuance and the date to completely apply water \*The "C" date was extended to October 1, 2023. See extension final order in Attachment A.

2. Is there an extension final order(s)? YES 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\* NO

*If "NO", items b through f relating to this section may be deleted. \*The reservoir and POD 2 require measurement devices.*

**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 or appropriation.**

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURE R	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Reservoir 8	(Staff Gauge)			5.2	Prior to 4/6/2022
POD 2	Micrometer	21-03308-06	Working	0*	1/1/2023

\*During the summer of 2023, the reservoir filled by gravity flow (POD 1), so POD 2 was not used.

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

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**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. Item b was deleted.*

**5. Outlet Pipe**

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

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

b. Has the outlet pipe been installed? **YES** NO

*If "YES", items c relating to this section may be deleted. Item c was deleted.*

**6. 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
January 2019	Ernst Irrigation

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

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

Has the self-certification form previously been submitted to the Department? **NA** YES **NO**

- If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> (search for ODFW Small Pump Screen Self Certification), complete and attach a copy of the 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? **ODFW approval of the required fish screen is included in Attachment D.**
- 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.**

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**7. By-pass Devices**

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES 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 device been installed? YES NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary: **See letter from ODFW (Attachment D) stating that by-pass is not necessary.**

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

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
N/A		

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

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

**8a. In compliance; the riparian area was not disturbed.**  
**8b. In compliance; the dam does not obstruct fish passage in the stream channel.**  
**8e. The permittee shall pass all live flow outside the storage season. In compliance.**  
**8e. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriate to maintain either the water level or a suitable freshwater condition, an additional water right is required. In compliance; the permit holder has a secondary water right for out-of-reservoir uses.**

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**SECTION 6**  
**ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
Attachment A	Permit R-15211 and Extension Final Order
Attachment B	Pump Calculations
Attachment C	Pipe Calculations
Attachment D	ODFW Fish Screen Approval
Attachment E	COBU Map

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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 reservoir and points of diversion included in this claim were visited during the site inspection. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), Environmental Systems Research Institute (ESRI), Oregon Water Resource Department (OWRD), and United States Geological Survey (USGS). Additional data and information specific to the use of water under the water right described in this Claim of Beneficial Use report were obtained from the water right holder.

### 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
- N/A** If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- 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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# Attachment A

Permit R-15211 and Extension Final Order

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Claim of Beneficial Use Report  
Hamilton Farms, LLC

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STATE OF OREGON

COUNTY OF POLK

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

HAMILTON FARMS, LLC  
 14190 AIRLIE RD  
 MONMOUTH OR 97361

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88340

SOURCE OF WATER: RUNOFF, TRIBUTARY TO PETERSON CREEK AND PETERSON CREEK,  
 TRIBUTARY TO BERRY CREEK

STORAGE FACILITY: RESERVOIR 8

MAXIMUM VOLUME: 90.0 ACRE-FEET

DATE OF PRIORITY: DECEMBER 9, 2016

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

**Dam Location/Authorized Points of Diversion:**

	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Dam	9 S	5 W	WM	33	NW-NW	445 FEET SOUTH AND 835 FEET EAST FROM NORTHERLY CORNER, ISSAC STAATS DLC 66
POD 1	9 S	5 W	WM	33	NW-NW	375 FEET SOUTH AND 240 FEET WEST FROM NORTHERLY CORNER, ISSAC STAATS DLC 66
POD 2	9 S	5 W	WM	32	NE-NE	375 FEET NORTH AND 500 FEET EAST FROM NORTHERLY CORNER, ISSAC STAATS DLC 66

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
9 S	5 W	WM	32	NE NE
9 S	5 W	WM	33	NW NW

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Measurement devices, and recording/reporting of annual water storage conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at POD 2 and a staff plate that measures the entire range and stage between full reservoir level and dead-pool storage in the reservoir. If no dead-pool, the plate must measure the full depth of the reservoir. The permittee shall maintain the devices in good working order.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The required screen for POD 2 shall have openings no larger than 3/32 inch mesh to correspond with National Marine Fisheries Service (NMFS) criteria.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

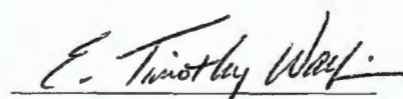
#### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

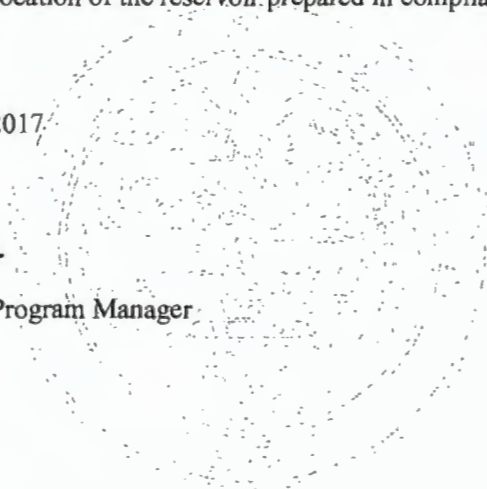


5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued APRIL 6 2017



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director



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**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit R-15211, Water Right Application R-88340 ) FINAL ORDER  
in the name of Hamilton Farms )

---

**Permit Information**

Application:	R-88340
Permit:	R-15211
Basin:	Middle Willamette / Watermaster District 22
Date of Priority:	December 9, 2016
Source of Water:	runoff, tributary to Peterson Creek, and Peterson Creek, tributary to Berry Creek
Storage Facility:	Reservoir 8
Purpose or Use:	multiple purpose
Maximum Rate/Volume:	90.0 acre-feet (AF)

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.**

**Appeal Rights**

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

Permit R-15211 was issued by the Department on April 6, 2017. The permit specified complete application of water to beneficial use by, April 6, 2022. On June 26, 2023, Hamilton Farms submitted an Application for Extension of Time for Permit R-15211. In accordance with OAR 690-315-0050(2), on October 17, 2023, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from April 6, 2022, to October 1, 2023. The protest period closed December 1, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

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## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated October 17, 2023.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application R-88340, Permit R-15211, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 6, 2022, to October 1, 2023.

DATED: December 22, 2023



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
- 

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## **Attachment B**

### Pump Calculations

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Claim of Beneficial Use Report  
Hamilton Farms, LLC

**Pump Capacity Calculation Sheet**  
**Application R-88340, Permit R-15211 - POD 2**  
using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

**Data Entry (fill in underlined blanks)**

---

HP = 10  
Efficiency = 6.61  
Lift = 5  
PSI = 15

**Results Calculated**

---

(hp)(efficiency) = 66.1  
Head based on psi = 38.1  
Total dynamic head = 43.1  
(head + lift)

**Pump Capacity = 1.53 feet per second**

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## **Attachment C**

Pipe Calculations

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Claim of Beneficial Use Report  
Hamilton Farms, LLC

**Pipe Capacity Calculator**  
**Application R-88340, Permit R-15211 - POD 1**  
for pipes flowing full, using the Hazen-Williams Formula

---

**Data Entry (fill in underlined blanks)**

---

Interior Diameter = 15 inches, or 1.25 feet  
Roughness Coefficient (C) = 150  
Fall = 2.6 feet per 261 feet of distance  
Grade = 0.00996169 , or 1.0%

**Results calculated**

---

Area of cross-section = 1.227185 square feet  
Wetted Perimeter = 3.926991 feet  
Hydraulic Radius = 0.3125  
Velocity = 7.886093 feet per second

**Pipe Capacity = 9.678 cubic feet per second**

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## **Attachment D**

ODFW Fish Screen Approval

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Claim of Beneficial Use Report

Hamilton Farms, LLC





# Oregon

Tina Kotek, Governor

## Department of Fish and Wildlife

The Dalles Screen Shop

3561 Klindt

The Dalles, OR 97058

(541) 296-8026

odfw.com

May 10, 2023

Matt Hamilton  
Hamilton Farms  
14190 Airlie Rd  
Monmouth, OR 97361

RE: Permit R-15211

To whom it may concern,

This is a clarification letter referencing Ken Loffink's previous letter from January 23, 2019. Oregon Department of Fish and Wildlife has reviewed the previous approval letter for permit R-15211 and found that the POD's were associated with the wrong permit (S-55129) and should be referencing R-15211. There are two points of diversion associated with the water right, which ODFW inspected on a site visit on August 28, 2018. POD 1 and POD 2 were switch referencing the wrong screening requirement. Pod 1 is in a drainage ditch alongside Sauerkraut Rd, due to lack of fish presence ODFW has determined that fish screening and by-pass devices are not required. POD 2 is on Petersen Creek, and it was concluded that screening was required. The Fish screening plan for POD 2 was reviewed and ODFW found that the Fish screen, a Pump Rite 750 end of pipe screen meets fish screening criteria for the diversion rate up to 750 gallons per minute (gpm) and does not require a by-pass device. The maximum pumping rate at this diversion is 650 gpm, therefor fish screen will meet criteria, and provision for fish screening in permit R-15211 is met.

ODFW's approval of fish screening at POD 2 is contingent of the following:

1. The fish screen shall be installed and working properly prior to any diversion of water on Petersen Creek. The Screen shall be installed so that it is fully submerged during operation to maximize the effective screen area.
2. The Fish Screen shall be inspected regularly and maintained to ensure it remains in working order, and to the extent possible, kept free of debris to eliminate hot spot formation on the screen surface face. A more thorough annual inspection of the screen should occur at least annually to ensure proper long-term function of the screen.

Thank you for your time and effort to provide fish screening. If you have any questions, please contact me at 541-967-2162

Sincerely  
Toby Schuyler

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# Attachment E

COBU Map

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Claim of Beneficial Use Report  
Hamilton Farms, LLC



May 7, 2024

Gerry Clark  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

RE: Claim of Beneficial Use for Permit R-15211, Hamilton Farms, LLC

Gerry:

On behalf of Hamilton Farms, LLC, please find enclosed a Claim of Beneficial Use report for Permit R-15211.

Please do not hesitate to contact us with questions about the enclosed COBU.

Sincerely,

A handwritten signature in blue ink that reads "Zach Pike-Urlacher".

Zach Pike-Urlacher  
Water Resources Consultant

A handwritten signature in blue ink that reads "Robyn Cook".

Robyn Cook, RG, PG, CWRE  
Supervising Hydrologist

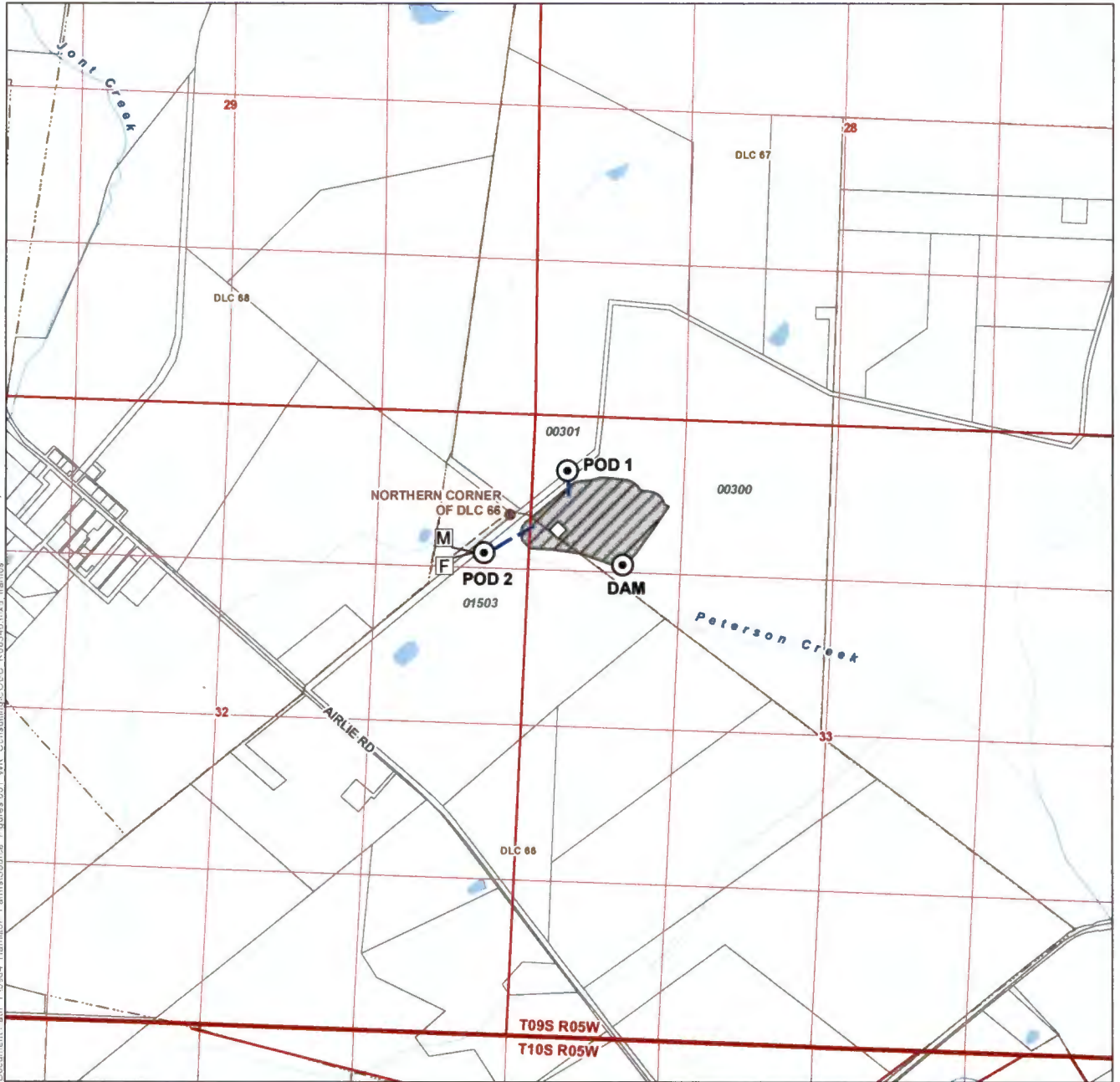
Enclosures: Claim of Beneficial Use Report, Permit R-15211  
Check in the amount of \$230

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13 2024)

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MAY 13 2024

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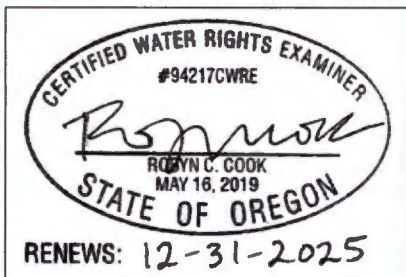
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**LEGEND**

- Point of Diversion (POD)
- Tax Lot
- Meter
- Fish Screen
- Staff Gauge
- Conveyance Line
- Place of Use (POU)
- Donation Land Claim (DLC)
- Major Road
- Watercourse
- Waterbody

**CERTIFIED WATER RIGHTS EXAMINER STAMP**



**LOCATION DESCRIPTION**

**DAM**  
Located 445 feet South and 835 feet East from the Northern corner of DLC 66, Township 9 South, Range 5 West (W.M.)

**POD 1**  
Located 375 feet North and 500 feet East from the Northern corner of DLC 66, Township 9 South, Range 5 West (W.M.)

**POD 2**  
Located 375 feet South and 240 feet West from the Northern corner of DLC 66, Township 9 South, Range 5 West (W.M.)

**Claim of Beneficial Use  
in the Name of Hamilton Farms, LLC**

**Application R-88340, Permit R-15211**

Polk County  
Township 9 South, Range 5 West (W.M.)

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**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: April 24, 2024  
Data Sources: BLM, ESRI, OWRD, USGS

