

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



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

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

## SECTION 1 GENERAL INFORMATION

**Received**  
**JAN 23 2025**

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### 1. File Information:

APPLICATION # <b>S-88768</b>	PERMIT # <b>S-55272</b>	PERMIT AMENDMENT # <b>T-NA</b>
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### 2a. Property Owner (current owner information): TL 4 2W 30 600 and 1000

APPLICANT/BUSINESS NAME <b>Old Hill LLC</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>19111 River Rd NE</b>			
CITY <b>Saint Paul</b>	STATE <b>OR</b>	ZIP <b>97137</b>	E-MAIL

### 2b. Property Owner (current owner information): TL 4 2W 30 601

APPLICANT/BUSINESS NAME <b>Sewell Smith Living Trust: Anthony and Jamie Trustee</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>19111 River Rd NE</b>			
CITY <b>Saint Paul</b>	STATE <b>OR</b>	ZIP <b>97137</b>	E-MAIL

### 2c. Property Owner (current owner information): TL 4 2W 30 800

APPLICANT/BUSINESS NAME <b>Annette Smith Residuary Trust, Jerome Smith Survivors Trust</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>19111 River Rd NE</b>			
CITY <b>Saint Paul</b>	STATE <b>OR</b>	ZIP <b>97137</b>	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

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

PERMIT HOLDER OF RECORD <b>Old Hill LLC</b>		
ADDRESS <b>19111 River Rd NE</b>		
CITY <b>Saint Paul</b>	STATE <b>OR</b>	ZIP <b>97137</b>

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

**4. Date of Site Inspection:**

**June 11, 2024**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Tony Smith</b>	<b>June 11, 2024</b>	<b>Member/Manager of Old Hill and operator</b>

**6. County**

**Marion 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)):**

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

Add additional tables for owners of record as needed

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## SECTION 2 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



CWRE NAME <b>Doann Hamilton</b>		PHONE NO. <b>(503) 632-5016</b>	ADDITIONAL CONTACT NO. <b>(503) 349-6946</b>
ADDRESS <b>18487 S. Valley Vista Road</b>			
CITY <b>Mulino</b>	STATE <b>OR</b>	ZIP <b>97042</b>	E-MAIL <b>phgdmh@gmail.com</b>

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## SECTION 2 SIGNATURES

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ADDRESS <b>18487 S. Valley Vista Road</b>			
CITY <b>Mulino</b>	STATE <b>OR</b>	ZIP <b>97042</b>	E-MAIL <b>phgdmh@gmail.com</b>

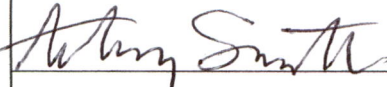
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## Permit Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Anthony Smith	owner	1/7/2024

### SECTION 3 CLAIM DESCRIPTION

**1. Point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Point of re-diversion

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**2. Point of diversion source and tributary:**

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Point of re-diversion	Willamette Basin Project Reservoirs, constructed under Permits R-1628 and R-5363	Willamette River

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

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Point of re-diversion	Irrigation	Hazelnuts and grass seed	March 1 through October 31	1.43 cfs
Total Quantity of Water Used				1.43 cfs

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

Water is pumped from the river using a 75 Hp centrifugal pump from an 8-inch aluminum pipe in the water with two fish screens in a T configuration: a Pump Rite L250 and a Pump Right L500. The water is conveyed through above-ground 8-inch aluminum pipe equipped with a meter before going underground and connecting to an 8-inch PVC pipe. The 8-inch below ground PVC mainline continues East approximately 500 feet to a hydrant. At the hydrant, portable 6-inch mainlines are attached to reach the place of use and extended south approximately 1,200 feet. Three-inch

portable aluminum pipe sections can be attached to hydrants along this 6-inch mainline and run east and west with impact sprinklers to irrigate the hazelnuts or extended further east to attach to a hard hose traveler to irrigate the grass seed.

One hard hose traveler and 42 impact sprinklers can be used at one time. Note this POD also supplies Certificate 97049.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

##### 5. Variations:

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

YES

(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.")

1. After field verifying the location of crops being irrigated, the place of use was reduced from the originally authorized acreage of 56.9 to 55.3 acres. The place of use was revised to include reference to the DLC and/or Government Lot and to show the place of use based on field verification.

##### Original authorized place of use:

4S	2W	30	SW NW	21.1
4S	2W	30	SE NW	2.0
4S	2W	30	NE SW	0.8
4S	2W	30	NW SW	14.0
4S	2W	25	SE NE	12.2
4S	2W	25	NE SE	6.8

Total: 56.9

##### Revised place of use, with addition of DLC information:

4S	2W	30	SW NW	DLC 63	20.3
4S	2W	30	SE NW	DLC 63	2.0
4S	2W	30	NE SW	DLC 63	0.9
4S	2W	30	NW SW	DLC 63	14.0
4S	2W	25	SE NE	DLC 66	11.7
4S	2W	25	NE SE	DLC 66	6.4

Total: 55.3

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## 6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Point of re- diversion	142.25 AF	1.43 cfs	1.62 cfs (725 gpm) (note system also operating on Certificate 97049)	Irrigation	56.9 acres	55.3 acres

## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple PODs?

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):

Point of re-diversion

### A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	2W	WM	30	SW NW	NA	63	Irrigation	20.3	
4S	2W	WM	30	SE NW	NA	63	Irrigation	2.0	
4S	2W	WM	30	NE SW	NA	63	Irrigation	0.9	
4S	2W	WM	30	NW SW	NA	63	Irrigation	14.0	
4S	2W	WM	25	SE NE	NA	66	Irrigation	11.7	
4S	2W	WM	25	NE SE	NA	66	Irrigation	6.4	
Total Acres Irrigated								55.3	

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

### B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

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

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**2. Pump Information:**

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	4YB75-2	22109	Centrifugal	8 inch	8 Inch
Booster pump – Cornell	3 RB-EM16-4	148545	Centrifugal	3 inch	4 inch

**3. Motor Information:**

MANUFACTURER	HORSEPOWER
General Electric	75 Hp
Booster pump – John Deer	75 Hp

**4. Theoretical Pump Capacity:**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
75 Hp	80 psi	15 feet	85 feet	1.63 cfs

**5. Provide pump calculations:**

$$Q \text{ Pump} = \frac{(75 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})}{(100 \text{ ft lift} + 203.2 \text{ ft pressure head})} = 1.63 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
72,508,700 gallons	72,514,500 gallons	8 minutes	1.62 cfs (725 gpm) (note system also operating on Certificate 97049)

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

**7. Is the distribution system piped?**

YES

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

**8. Mainline Information:**

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8 inch	~50 feet	Aluminum	Above ground
8 inch	~5,000 feet	PVC	Buried
6 inch	~4,400 feet	Aluminum	Above ground

**9. Lateral or Handline Information:**

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3 inch	~1,800 feet	Aluminum	Above ground
4 inch – hard hose traveler	1,200 feet	Polyethylene	Above ground

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**10. Sprinkler Information:**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/16 inch	60 psi	7.8 gpm	42	42	0.73 cfs (328 gpm)
1.1 inch	80 psi	315 gpm	1	1	0.70 cfs (315 gpm)

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

**11. Drip Emitter Information:**

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

**12. 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					

**13. Pivot Information:**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

**C. Storage**

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

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

NO

NO

Complete appropriate table(s), unused table 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?

NO

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

**E. Gravity Flow Canal or Ditch**

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

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

NO

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

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

Point of re-diversion also supplies Certificate 97049

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**SECTION 5  
CONDITIONS**

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	May 12, 2020		
BEGIN CONSTRUCTION (A)	May 12, 2025	May 12, 2020	OWRD letter approving fish screen April 15, 2020
COMPLETE CONSTRUCTION (B)	NA	NA	NA
COMPLETE APPLICATION OF WATER (C)	May 12, 2025	Summer 2021	All the permit conditions were met and water was put to full use.

\* 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)?**

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

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

**c. Meter Information**

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Point of re- diversion	McCrometer	20-03199-08	Working	72,514,700 gallons (June 11, 2024)	Spring 2020

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

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

b. Have the reports been submitted?

YES

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

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

c. When was the fish screening installed?

DATE	By WHOM
2014	Ernst Irrigation

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

d. If the diversion **involves a pump and** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

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

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?

YES

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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## 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

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?

NO

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. 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
Per ODFW letter dated April 15, 2020 a by-pass device is not required.		

## 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?

NO

b. Was a fishway required?

NO

c. Was submittal of a water management and conservation plan required?

NO

d. Other conditions?

NO

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

None

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## SECTION 6 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
BLM Cadastral Map	BLM Cadastral Map T. 4S. R. 2W. showing DLC and Government Lot locations
BLM Cadastral Map	BLM Cadastral Map T. 4S. R. 3W. showing DLC and Government Lot locations
Letter from ODFW, April 15, 2020	Letter stating a fish screen meets current fish screening criteria up to 750 gpm and no by-pass device is required at the end of pipe screen.



## 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 COBU map was prepared using tax assessor's maps 04 2W 30 and 04 3W 25, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:  
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>

### Map Checklist

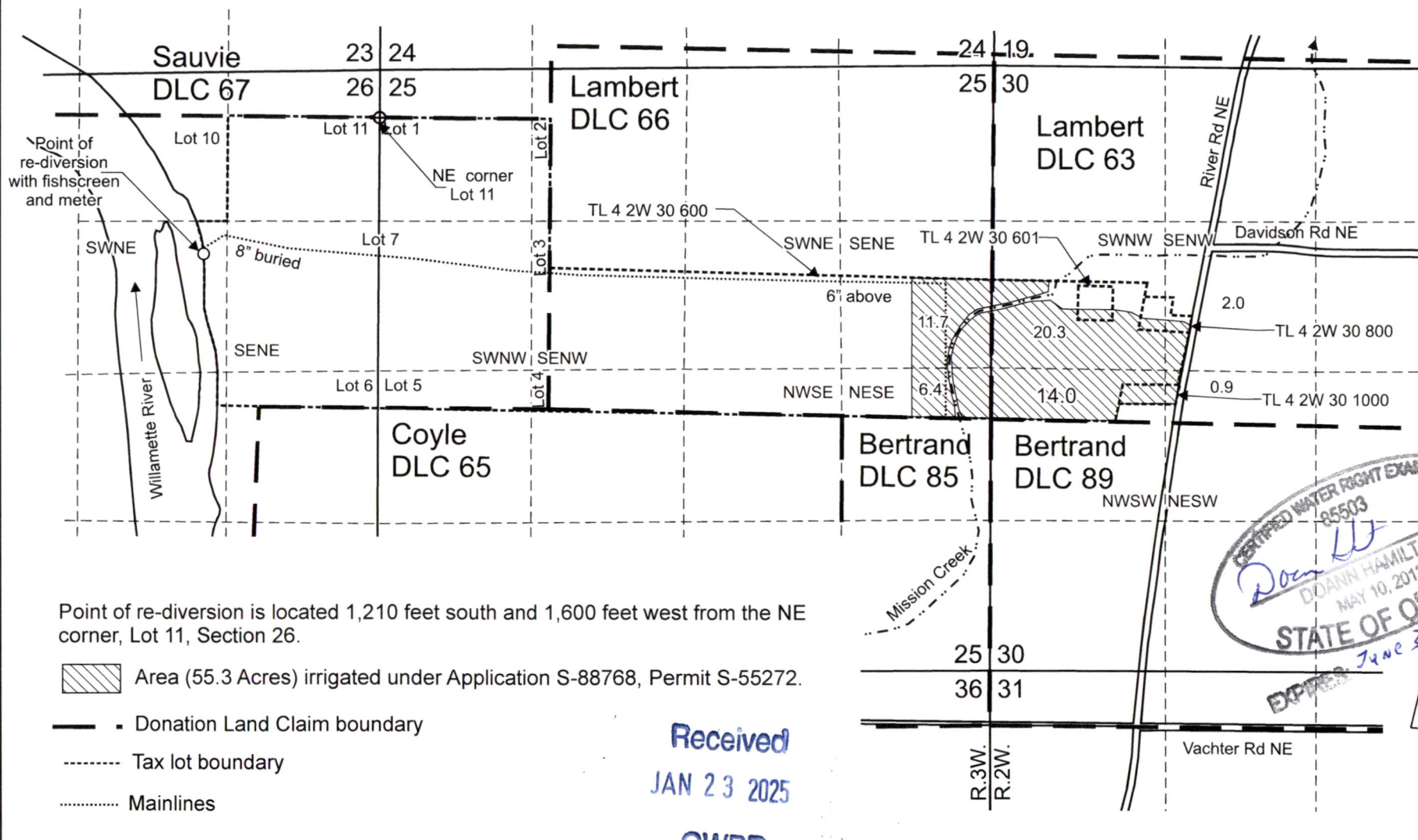
Please be sure that the map you submit includes ALL the items listed below.

(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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# T.4S. R.2W. Section 30, and T.4S. R.3W. Section 25, W.M.



Point of re-diversion is located 1,210 feet south and 1,600 feet west from the NE corner, Lot 11, Section 26.

 Area (55.3 Acres) irrigated under Application S-88768, Permit S-55272.

 Donation Land Claim boundary

 Tax lot boundary

 Mainlines

Scale: 1" = 1,320'



0 1,320  
Feet

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

Pacific Hydro-Geology Inc.

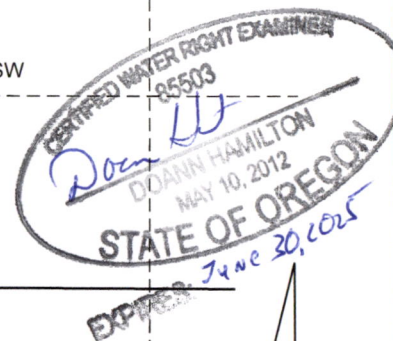
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Claim of Beneficial Use Map  
Application S-88768, Permit S-55272

Old Hill LLC, c/o Tony Smith  
T.4S. R.2W. Section 30 and  
T.4.S R.3W. Section 25, W.M.

01/2025















# Oregon

Kate Brown, Governor

Department of Fish and Wildlife

The Dalles Screen Shop

3561 Klindt Drive

The Dalles, OR 97058

(541) 296-8026

FAX (541) 296-7889

odfw.com

April 15, 2020

Jer-Ann LLC  
C/O Tony Smith  
19101 River Rd NE  
Saint Paul, OR 97137



RE: OWRD Application S-88768

To Whom It May Concern,

This letter is in regards to fish screening and passage requirements set forth in Oregon Water Resources Department Application S-88768, which approves water use from the Willamette Basin Project Reservoirs, tributary to the Willamette River, approximately 2.25 miles southwest of Saint Paul, OR.

On April 14, 2020, Mr. Tony Smith with Jer-Ann LLC provided information and photographs describing the fish screen set-up and diversion details associated with Application S-88768 via email. As described by Mr. Smith, the diversion will be equipped with two fish screens in a T configuration. The fish screens used will be a Pump Rite L250 and a Pump Rite L500. Together, these passive fish screens meet National Marine Fisheries Service criteria up to 750 gpm, which exceeds the maximum amount to be diverted from the POD of concern. Since these are passive screens, they do require regular cleaning to ensure the surfaces are kept clear of debris.

With the proper use, care, and maintenance of these screens, the fish screening requirements for Application S-88768 are satisfied. As these are end-of-pipe screens, no bypass devices are necessary.

If you have any questions in regards to this letter, please contact me at 541-296-8026.

Sincerely,

Hilary A. Doulos  
Fish Screen and Passage Coordinator

CC: Doann Hamilton, Pacific Hydro-Geology, Inc.

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