

**CLAIM OF
BENEFICIAL USE
for Reservoirs storing less than
9.2 acre-feet permitted under
ORS 537.409**



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.
The Claim will be returned if the fee is not included.**

This COBU is for a permit with a priority date of July 24, 2024; the \$230 fee is included.

This form may be completed by the permit holder of record if:

- 1) The permit was issued under the authority of ORS 537.409; and**
- 2) No secondary permit exists for the use of water stored in the reservoir; and**
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and**
- 4) The water was stored by the date required in the permit; and**

A separate form shall be completed for each permit.

This form must be submitted to the Water Resources Department within one year of storage of water in the reservoir.

Please type or print in dark ink. If the data provided is found to contain errors or omissions, it may be returned. The Department may require the submittal of additional information.

If you have questions regarding the completion of this form, please call 503-979-9103.

**SECTION 1
GENERAL INFORMATION**

File Information:

APPLICATION # R-89662	PERMIT # R-15561
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Applicant Information:

APPLICANT NAME Nicolas-Jay Estate, Attn: Jay Boberg		PHONE NO. 310-403-0075	ADDITIONAL CONTACT NO.
ADDRESS 11905 NE Dudley Road			
CITY Newberg	STATE OR	ZIP 97132	E-MAIL jay@nicolas-jay.com

SECTION 2
RESERVOIR INFORMATION

Reservoir Dimensions and Capacity:

AVERAGE LENGTH	AVERAGE WIDTH	AVERAGE DEPTH	MAXIMUM CAPACITY IN ACRE-FEET
Surface area = 0.28 acres*		3.6'	1.0

*Surface area measured based on aerial imagery of reservoir (Google Earth, 04/26/2023).

To determine capacity in acre-feet use for the above table, use the following calculation:

$$\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$$

SECTION 3
MAP

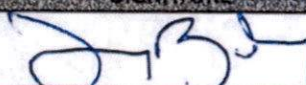
Attach a map identifying the reservoir location. If the water right application map accurately reflects the location of the reservoir, you may attach a copy of it. Otherwise, you must submit a map meeting the standards of OAR 690-310-0050, which are attached.

Preparation of the map by a Certified Water Rights Examiner is **not** required for this type of permit, but may be submitted.

SECTION 4
SIGNATURE

This Claim of Beneficial Use must be signed by each permit holder of record.

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Jay Boberg	Managing Partner Nicolas-Jay Estate	6/19/25

Attachments

- 1 Claim of Beneficial Use Map
- 2 Water Right Information

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Attachment 1
Claim of Beneficial Use Map

Attachment 2

Water Right Information

Claim of Beneficial Use for Permit R-15661

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Nicolas-Jay Estate

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NICOLAS-JAY ESTATE
11905 NE DUDLEY RD
NEWBERG OR 97132

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

APPLICATION FILE NUMBER: R-89662

SOURCE OF WATER: RUNOFF, TRIBUTARY TO BRONSON CREEK

STORAGE FACILITY: RESERVOIR 1

MAXIMUM DAM HEIGHT: THE RESERVOIR IS ENTIRELY BELOW GROUND SURFACE; THERE IS NO DAM

MAXIMUM VOLUME: 1.0 ACRE-FOOT

PURPOSE OR USE OF THE STORED WATER: MULTIPURPOSE USE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: JULY 24, 2024

POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	3 W	WM	21	NW NE	670 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 21

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
3 S	3 W	WM	21	NW NE

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PERMIT SPECIFIC 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. **Water Use Measurement, Recording, and Reporting:**
 - A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The watermaster may determine an alternate measuring device is suitable. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.
 - B. 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.
 - C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. **Agricultural Water Quality Management Area Rules:**

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

4. **Fish Stocking:**

Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.

5. **Off-Channel Stored Water Releases:**

The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

7. Riparian Area Restoration:

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 635-415, shall be followed.

8. Water Quality:

All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards. Permittee is responsible for obtaining any necessary state and federal permits.

9. 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.
10. The permittee shall pass all live flow outside the storage season described above.
11. 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.
12. The permittee may be required in the future to install, maintain, and operate fish screening and bypass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
13. 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. 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.

2. 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.
3. 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.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. 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.
2. 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.
3. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
4. 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.
5. 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 Resources Department standards.

ISSUED January 24, 2025



Katherine Ratcliffe
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

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June 25, 2025

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

Subject: Claim of Beneficial Use for Permit R-15661

Mr. Clark:

On behalf of the permittee, please find enclosed Claim of Beneficial Use (COBU) report for Permit R-15661 (Application R-89662) accompanied by a check in the amount of \$230 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-701-4535 with questions about the enclosed COBU.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Enclosures:

Claim of Beneficial Use for Permit R-15661
Check #84193 in the amount of \$230

Cc: Jay Boberg – Nicolas-Jay Estate

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