

**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 \$345 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**Enter the date the priority date of the permit:**

**3/5/1962**

**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 503-986-0900.

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 #<br><b>S-35393</b> | PERMIT # (IF APPLICABLE)<br><b>S-28261</b> | PERMIT AMENDMENT # (IF APPLICABLE) |
|---------------------------------|--------------------------------------------|------------------------------------|

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

|                                                              |                    |                                  |                                                      |
|--------------------------------------------------------------|--------------------|----------------------------------|------------------------------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Oregon Dept of State Lands</b> |                    | PHONE NO.<br><b>541-388-6072</b> | ADDITIONAL CONTACT NO.                               |
| ADDRESS<br><b>725 Summer St NE Ste 100</b>                   |                    |                                  |                                                      |
| CITY<br><b>Salem</b>                                         | STATE<br><b>OR</b> | ZIP<br><b>97301</b>              | E-MAIL<br><b>Sheena.milttenberger@dsl.oregon.gov</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<br><b>Same as above</b> |       |     |
| ADDRESS                                         |       |     |
| CITY                                            | STATE | ZIP |

**4. Date of Site Inspection:****8/7/2025****5. Person(s) interviewed and description of their association with the project:**

| NAME                       | DATE            | ASSOCIATION WITH THE PROJECT |
|----------------------------|-----------------|------------------------------|
| <b>Sheena Miltenberger</b> | <b>8/7/2025</b> | <b>Rangeland Manager</b>     |

**6. County:****Harney****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<br><b>NA</b> |       |     |
| ADDRESS                      |       |     |
| CITY                         | STATE | ZIP |

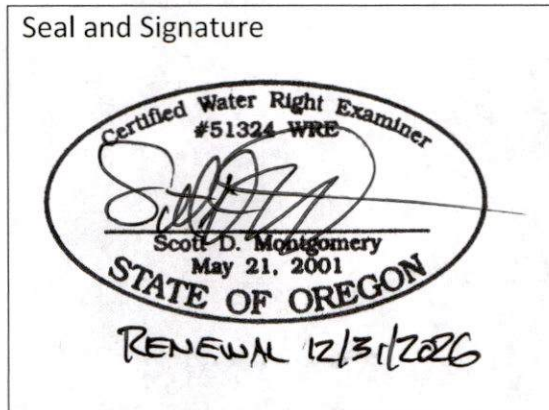
Add additional tables for owners of record as needed

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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.



|                                        |                    |                                  |                                               |
|----------------------------------------|--------------------|----------------------------------|-----------------------------------------------|
| CWRE NAME<br><b>Scott D Montgomery</b> |                    | PHONE NO.<br><b>541-548-5833</b> | ADDITIONAL CONTACT NO.<br><b>541-420-0401</b> |
| ADDRESS<br><b>PO Box 767</b>           |                    |                                  |                                               |
| CITY<br><b>Terrebonne</b>              | STATE<br><b>OR</b> | ZIP<br><b>97760</b>              | E-MAIL<br><b>scott@apeands.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    |
|-----------|--------------------|-------------------------------|---------|
|           | Amber McKernan     | Real Property Program Manager | 10/7/25 |

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### SECTION 3

#### CLAIM DESCRIPTION

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

| POD<br>NAME OR NUMBER | SOURCE              | TRIBUTARY                   |
|-----------------------|---------------------|-----------------------------|
| <b>Dam</b>            | <b>Summit Creek</b> | <b>S Fork Malheur River</b> |

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

| POD<br>NAME OR NUMBER               | USES      | IF IRRIGATION,<br>LIST CROP TYPE | SEASON OR MONTHS<br>WHEN WATER<br>WAS USED | ACTUAL RATE OR<br>VOLUME<br>USED<br>(CFS, GPM, OR AF) |
|-------------------------------------|-----------|----------------------------------|--------------------------------------------|-------------------------------------------------------|
| <b>Dam</b>                          | <b>LV</b> | <b>NA</b>                        | <b>Year around</b>                         | <b>0.01 cfs</b>                                       |
| <b>Total Quantity of Water Used</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:

**Summit Creek is dammed at the POD and diverted into wooden troughs that water livestock.**

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.

**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.")

**5. Claim Summary:**

| POD / POA<br>NAME OR # | MAXIMUM<br>RATE<br>AUTHORIZED | CALCULATED<br>THEORETICAL RATE<br>BASED ON SYSTEM | AMOUNT OF<br>WATER<br>MEASURED | USE       | # OF ACRES<br>ALLOWED | # OF ACRES<br>DEVELOPED |
|------------------------|-------------------------------|---------------------------------------------------|--------------------------------|-----------|-----------------------|-------------------------|
| <b>Dam</b>             | <b>0.01 cfs</b>               | <b>0.02 cfs</b>                                   | <b>Not running</b>             | <b>LV</b> | <b>NA</b>             | <b>NA</b>               |

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**SECTION 4**  
**SYSTEM DESCRIPTION**

Are there multiple PODs?

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NO

**A. Place of Use**

Attach Claim of Beneficial Use map.

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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?

NO

**6. Sprinkler Information:**

| SIZE | OPERATING<br>PSI | SPRINKLER<br>OUTPUT<br>(GPM) | TOTAL NUMBER<br>OF SPRINKLERS | MAXIMUM<br>NUMBER USED | TOTAL SPRINKLER OUTPUT<br>(CFS) |
|------|------------------|------------------------------|-------------------------------|------------------------|---------------------------------|
| NA   |                  |                              |                               |                        |                                 |

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

**7. Drip Emitter Information:**

| SIZE | OPERATING<br>PSI | EMITTER<br>OUTPUT<br>(GPM) | TOTAL NUMBER<br>OF EMITTERS | MAXIMUM<br>NUMBER USED | TOTAL EMITTER OUTPUT<br>(CFS) |
|------|------------------|----------------------------|-----------------------------|------------------------|-------------------------------|
| NA   |                  |                            |                             |                        |                               |

**8. Drip Tape Information:**

| DRIPPER<br>SPACING IN<br>INCHES | GPM PER<br>100 FEET | TOTAL<br>LENGTH OF<br>TAPE | MAXIMUM<br>LENGTH OF TAPE<br>USED | TOTAL TAPE<br>OUTPUT<br>(CFS) | ADDITIONAL INFORMATION |
|---------------------------------|---------------------|----------------------------|-----------------------------------|-------------------------------|------------------------|
| NA                              |                     |                            |                                   |                               |                        |

**C. Storage**

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

YES

If "YES" is it a:                      Storage Tank  
                                                 Bulge in System / Reservoir

NO

YES

**3. Bulge in System / Reservoir:**

| RESERVOIR NAME OR NUMBER<br>(CORRESPOND TO MAP) | APPROXIMATE DAM HEIGHT | APPROXIMATE CAPACITY (IN<br>ACRE FEET) |
|-------------------------------------------------|------------------------|----------------------------------------|
| Pond                                            | 4'                     | 0.1                                    |

## 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

2. Complete the table:

| PIPE SIZE | PIPE TYPE | "C"<br>FACTOR | AMOUNT OF<br>FALL | LENGTH OF PIPE | SLOPE       | COMPUTED RATE OF WATER<br>FLOW (IN CFS) |
|-----------|-----------|---------------|-------------------|----------------|-------------|-----------------------------------------|
| 1.5"      | Cast iron | 74            | 1'                | 40'            | 0.025 ft/ft | 0.02                                    |

3. Provide calculations:

$$V = 1.31 \times C \times R^{0.63} \times S^{0.54} = (1.31)(74)(0.031)^{0.63} (0.025)^{0.54} = 1.50 \text{ fps}$$

$$A = (3.14)(0.125)^2/4 = 0.012 \text{ SF} \quad P = (3.14)(0.125) = 0.39'$$

$$R = A/P = 0.031'$$

$$S = 0.025 \text{ ft/ft}$$

$$Q = A \times V = (0.012 \text{ SF})(1.50 \text{ fps}) = 0.02 \text{ cfs}$$

4. If an actual measurement was taken, provide the following:

| DATE OF MEASUREMENT | WHO MADE THE<br>MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER<br>(IN CFS) |
|---------------------|-----------------------------|--------------------|----------------------------------------|
| Not running         |                             |                    |                                        |

Attach measurement notes.

## E. Gravity Flow Canal or Ditch

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

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

NO

F. Additional notes or comments related to the system:

The dam is breached at the center where Summit Creek flows through what's like a notched weir. Probably half of the backed-up pond fills with the breach. An adequately sized spillway was found along the NW side of the dam. Troughs weren't connected to the diversion at the time of the site visit, but it's visible that the troughs have been used. The dam needs repair, then the troughs can be effectively reconnected to the conveyance pipe at the dam.

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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 extension final order:

|                                      | DATE FROM<br>PERMIT | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY<br>WATER USER TO COMPLY WITH THE TIME<br>LIMITS |
|--------------------------------------|---------------------|--------------------|---------------------------------------------------------------------------------|
| ISSUANCE DATE                        | 11/26/1962          |                    |                                                                                 |
| BEGIN CONSTRUCTION (A)               | 11/26/1963          | 10/31/1940         | Project already started                                                         |
| COMPLETE CONSTRUCTION (B)            | 10/1/1964           | 10/31/1940         | Project constructed                                                             |
| COMPLETE APPLICATION OF<br>WATER (C) | 10/1/1965           | 6/1/1963           | Water used per permit order                                                     |

\* 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

### 3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

NO

### 4. Recording and reporting conditions:

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

YES

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?

NO

### 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?

NO

### 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. 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):

**SECTION 6**  
**ATTACHMENTS**

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

| ATTACHMENT NAME | DESCRIPTION                                                               |
|-----------------|---------------------------------------------------------------------------|
| Site photos     | Time/location stamped pictures of springs, dam, pond, spillway & troughs. |
| Aerial imagery  | USDA/FSA June 2020 imagery                                                |

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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 springs, pond, dam, and place of use were tied to approximate boundaries using a Topcon FC 6000 data collector. Point data was converted into Statewide Lambert Projection and overlaid with aerial imagery to confirm accuracy.**

### 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
- ☐ Quarter-Quarters illustrated and named (NE NE, NW NE, etc.)
- ☒ 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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2025-08-07 13:11:15 Lat: 43°06'11.14500" Lon: -118°15'22.49940"



2025-08-07 13:11:15

Summit Sprs

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Spring

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2025-08-07 13:22:01

Lat: 43°06'12.89122", Lon: -118°15'21.39742"

Somant Sprs  
Inlet



2025-08-07 13:24:48  
Lat: 43°06'14.01705", Lon: -118°15'21.42344"

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Summit Springs

Spillway

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2025-08-07 13:30:34

Lat: 43°06'12.87780", Lon: -118°15'20.93340"

Summit Spgs

Pou dismantled



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OWARD

2025-08-07 13:31:51

Lat: 43°06'12.88991", Lon: -118°15'21.08601"

Summit Sprs

Reserv./Dam (breached in center)

Summit Sprs

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2025-08-07 13:34:40

Lat: 43°06'12.97361" Lon: -118°15'18.83746"

Summit Springs

POU (troughs dismantled)

# Summit Springs

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