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

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.

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

SECTION 1 GENERAL INFORMATION

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1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-87015	R-14763	,

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME		PHONE NO.		ADDITIONAL CONTACT NO.
J. R. Simplot Company		208-780-7359		
ADDRESS				
PO Box 27				
CITY	STATE	ZIP	E-MAIL	
Boise	ID	83707	Vic.conrad@	simplot.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. <u>Each</u> 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		
Same as above		
Address		
CITY	STATE	ZIP

4. Date of Site Inspection:

8/15/2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT	
Rob Cox	8/15/2023	Farm Manager	

6. County

Umatilla

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)):

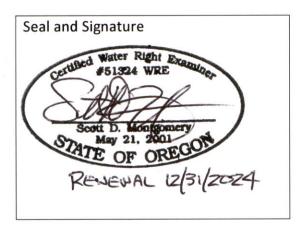
OWNER OF RECORD			
NA			
ADDRESS			
Cimi	CTATE	7.0	
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

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SIGNATURES 0CT 1 9 2023

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		PHONE NO.		ADDITIONAL CONTACT NO.
Scott D Montgomery		541-548-5	833	541-420-0401
ADDRESS				
PO Box 767				2
CITY	STATE	ZIP	E-MAIL	
Terrebonne	OR	97760	scott@ape	ands.com

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
2	James B Alderman	Senior Vice President & Secretary	October 4, 2023

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SECTION 3

CLAIM DESCRIPTION

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

RESERVOIR NAME OR NUMBER	Source	TRIBUTARY	
Butter Creek	Umatilla River	Columbia River	
Sparks	Umatilla River	Columbia River	

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

RESERVOIR USES NAME OR NUMBER		SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)	
Butter Creek	ST	Nov 1 – May 31	535.0	
Sparks	ST	Nov 1 – May 31	353.0	
Total Quantity of Water Stor	888.0			

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:

Water is pumped from the authorized diversion points & conveyed by pipe to Buttercreek Lagoon & Sparks Lagoon.

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.

(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.")

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)	
Butter Creek	535	535	
Sparks	353	353	

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple reservoirs?

YES

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

Butter Creek

A. Reservoir Location

1. Is the reservoir on-channel?

NO

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
4N	28E	WM	27	SE SE			150' N & 4400' E from SW cor, Sec 27
4N	28E	WM	34	NE NW			580' S & 1710' E from NW cor, Sec 34

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

1. Is a pump used?

YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	Type (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	
Paco	306952		Turbine	
Cornell	SH-75-4	81577	Turbine	

3. Theoretical Pump Capacity

Horsepower	OPERATING PSI	*IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
100	30	10'	10'	7.32
100	30	10'	10'	7.32

4. Provide pump calculations:

Q =
$$\frac{7.04 \text{ ft } 4/3/\text{hp}}{1.04 \text{ ft}} = \frac{(7.04)(200)}{1.04 \text{ ft}} = 14.64 \text{ cfs}$$

Total Head, Ft 96.2
Total Head = $76.2' + 10' + 10' = 96.2$

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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:

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?

NO

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?

NO

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES

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:

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
Yes	August 1991	Yes	535

Sparks

A. Reservoir Location

1. Is the reservoir on-channel?

NO

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
4N	28E	WM	27	SE SE			150' N & 4400' E from SW cor, Sec 27
4N	28E	WM	34	NE NW			580' S & 1710' E from NW cor, Sec 34

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

B. Diversion and Delivery System Information

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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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	Type (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
PACO	306952		Turbine
Cornell	SH-75-4	81577	Turbine

3. Theoretical Pump Capacity

		*IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
100	30	10'	10'	7.32
100	30	10'	10'	7.32

4. Provide pump calculations:

```
Q = 7.04 ft 4/3/hp = (7.04)(200) = 14.64 cfs

Total Head, Ft 96.2

Total Head = 76.2' + 10' + 10' = 96.2
```

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	tot	he system:

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?

NO

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

DATE OF MEASUREMENT	WHO MADE THE	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER
	MEASUREMENT		(IN CFS)
Not running		*	

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?

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E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES

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:

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
Yes	1/29/2003	Yes	353

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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** 8/27/2009 BEGIN CONSTRUCTION (A) NA NA NA COMPLETE 8/27/2014 1/29/2003 Pumps & pipes from diversions to CONSTRUCTION (B) Lagoons constructed **COMPLETE APPLICATION** 8/27/2014 12/31/2013 Water from diversions metered & OF WATER (C) reported

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?

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

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL#	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1	McCrometer	97-5683-06	Not running	600.808 AF	1997
POD 2	McCrometer	19-02530- 08	Not running	383.024	1999

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.

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^{*} must be within period between permit or any extension final order issuance and the date to completely apply water

5. Outlet Pipe

a. Is the water user required to install a minimum 8"outlet pipe/conduit?b. Has the outlet pipe been installed?

6. Fish Screening

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

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
April & Sept 2021	Castlerock Farms

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** <u>and</u> 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

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** <u>or</u> 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.

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

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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

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, <u>explain</u> whether or not a by-pass device is necessary.)

DESCRIPTION	IF INSTALLED	IF INSTALLED, BY WHOM
(E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE	(DATE)	
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.		
See attached ODFW letter		

8.	Other conditions re	quired by permit	, permit amendment	final order.	or extension fin	al order
٠.	Other conditions ic	ddii cd by beilliic	, belinit anienament	IIIIai Oluci.	OI EXCEISION III	ai oi aci

a. Was the water user required to restore the riparian area if it was disturbed?b. Was a fishway required?

c. Was submittal of a letter from an engineer required prior to storage of water?

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

e. Other conditions?

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	Pics of Lagoon & metering from PODs	
Aerial imagery	Photos USDA/FSA June 2020	
Stage/storage curves	Rating curves from engineered plans	

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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 diversions and place of use were tied to approximate boundaries using a Topcon FC 6000 Field Controller. Point data was imported to Trimble Pathfinder GIS software & overlaid with FSA aerial imagery to verify accuracy.

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

Map Checklist

(Rem	inder: Incomplete maps and/or claims may be returned.)	
\boxtimes	Map on polyester film.	
\boxtimes	Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original fumap)	ll-size scale of the county assessor
\boxtimes	Township, Range, Section, Donation Land Claims, and Governmen	t Lots
\boxtimes	If irrigation, number of acres irrigated within each projected Dona Quarter-Quarters	ation Land Claims, Government Lots
\boxtimes	Locations of fish screens and/or fish by-pass devices in relationship	p to point of diversion
\boxtimes	Locations of meters and/or measuring devices in relationship to p	oint of diversion
\boxtimes	Conveyance structures illustrated (pumps, reservoirs, pipelines, d	itches, etc.)
\boxtimes	Point(s) of diversion or appropriation (illustrated and coordinates)
\boxtimes	Tax lot boundaries and numbers	
	Source illustrated if surface water	
\boxtimes	Disclaimer ("This map is not intended to provide legal dimensions lines")	or locations of property ownership
\boxtimes	Application and permit number or transfer number	
\boxtimes	North arrow	
\boxtimes	Legend	RECEIVED
\boxtimes	CWRE stamp and signature	OCI 1 9 2023



Department of Fish and Wildlife John Day Fish Screening and Passage 357 Patterson Bridge Rd. P.O. Box 515 John Day, OR 97845 Voice: 541-575-0561 FAX (541) 575-0868 www.dfw.state.or.us/

October 12, 2021

JR Simplot Co. Vic Conrad PO Box 27 Boise, ID 83707

Dear Mr. Conrad,

Your fish screen was inspected on 10/12/2021. In reference to water right transfer file number T-6783 this letter confirms that two National Marine Fisheries Service criteria fish screens as approved by ODFW is located on the property near GPS coordinates: West: 45.790078, -119.304839 and East: 45.792021, -119.293156.

In regards to the inspection of the fish screens located on Umatilla River, the following has been determined:

- The screens located at coordinates West: 45.790078, -119.304839 and East: 45.792021, -119.293156 are water user-built screens using 3/32nd diameter stainless steel perforated plate.
- 2. The west station is two passive screens that are 24" long and 12" diameter manifolded together.
- 3. The west station is approved for water use up to 1,409.54 GPM or 3.14 CFS.
- 4. The east station is two passive screens that are 24" long and 14.5" diameter manifolded together.
- 5. The east station is approved for water use up to 1,775.84 GPM or 3.95 CFS.
- All screen and pump configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.
- 7. These screens are end of pipe screens; therefore, no by-pass is required.

Please contact me if you have any questions regarding this letter.

Sincerely,

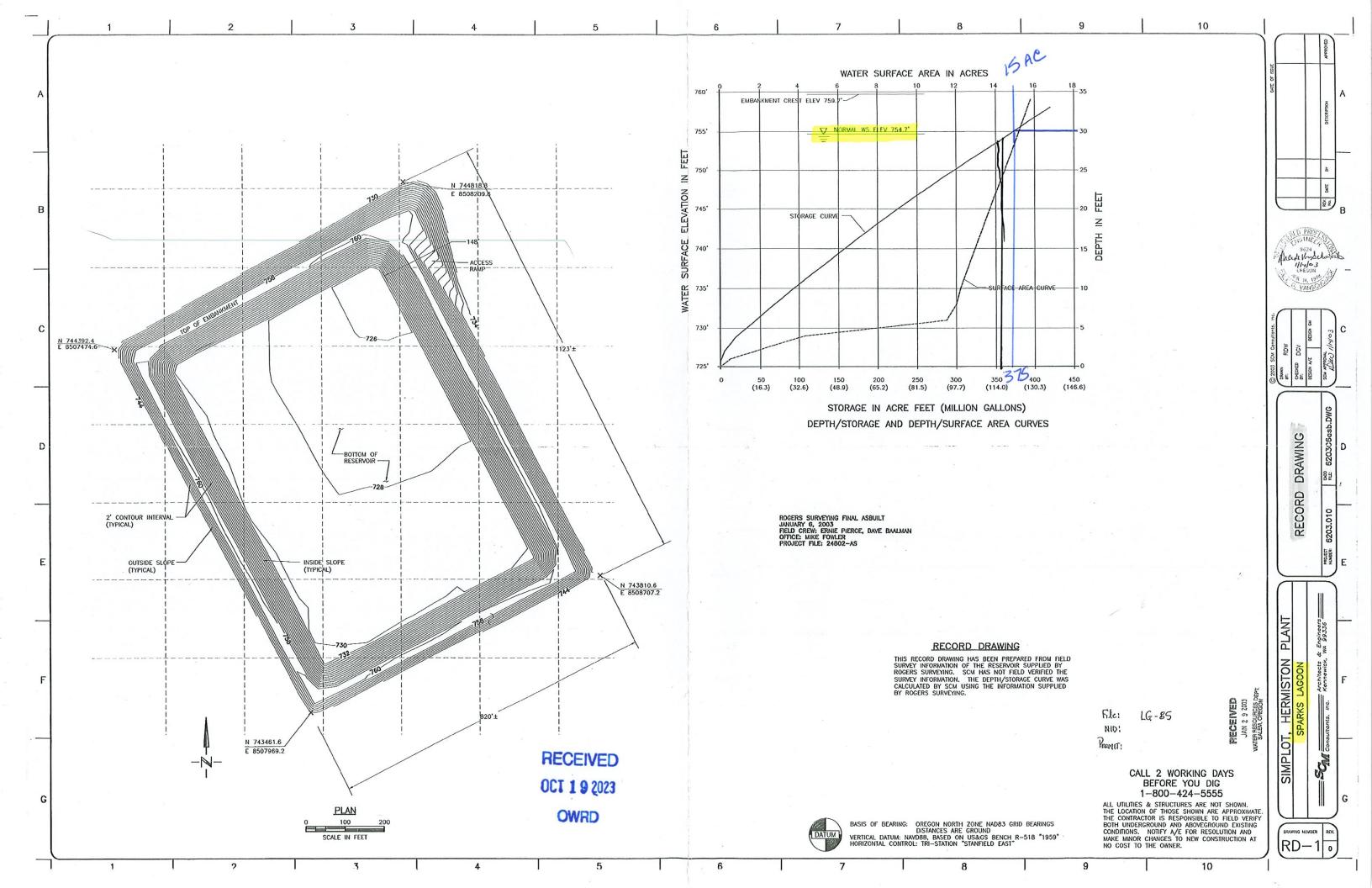
Nathaniel Ashley

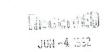
Fish Screening and Passage Coordinator

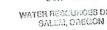
Nathail Ashly

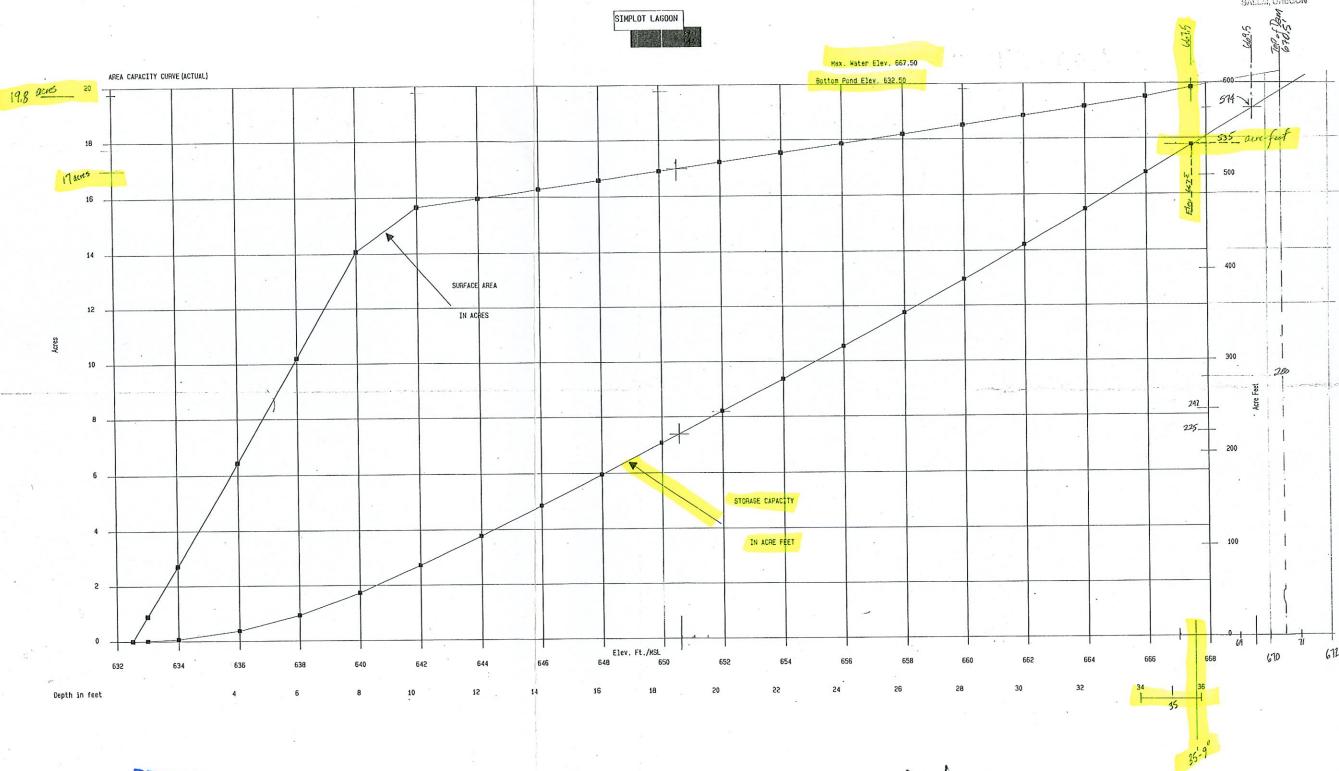
CC: Oregon Water Resources Department

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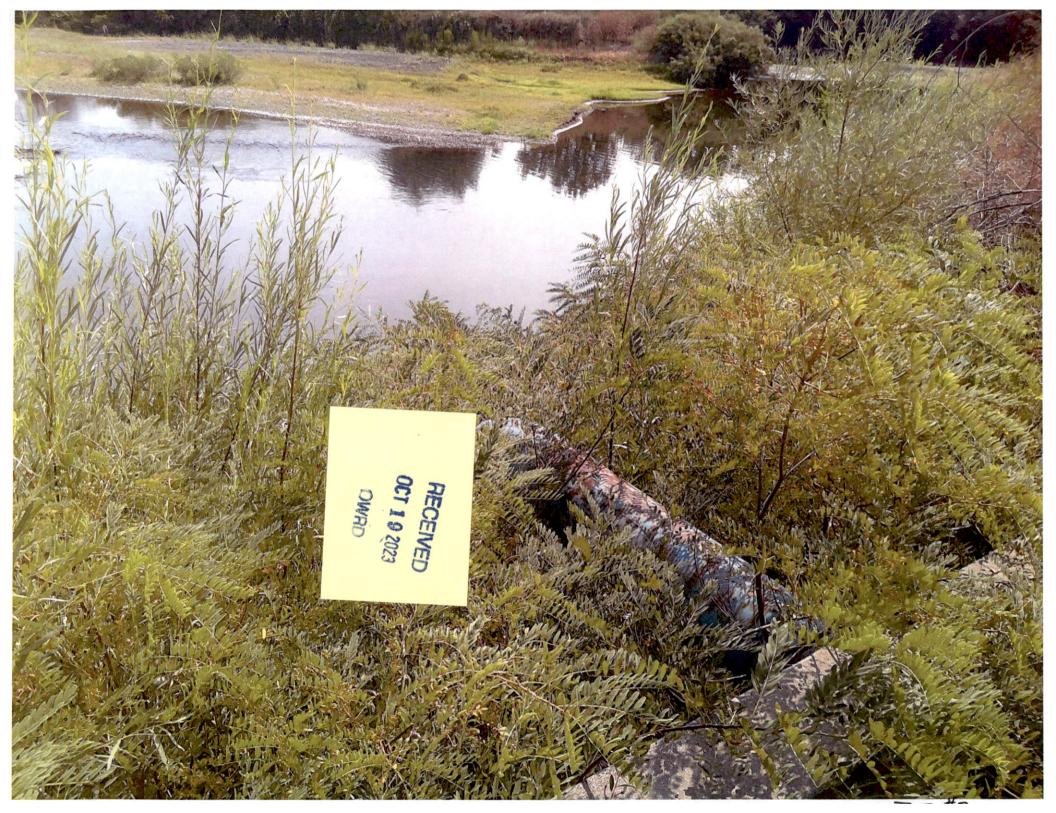
Butto Creat Lagoon



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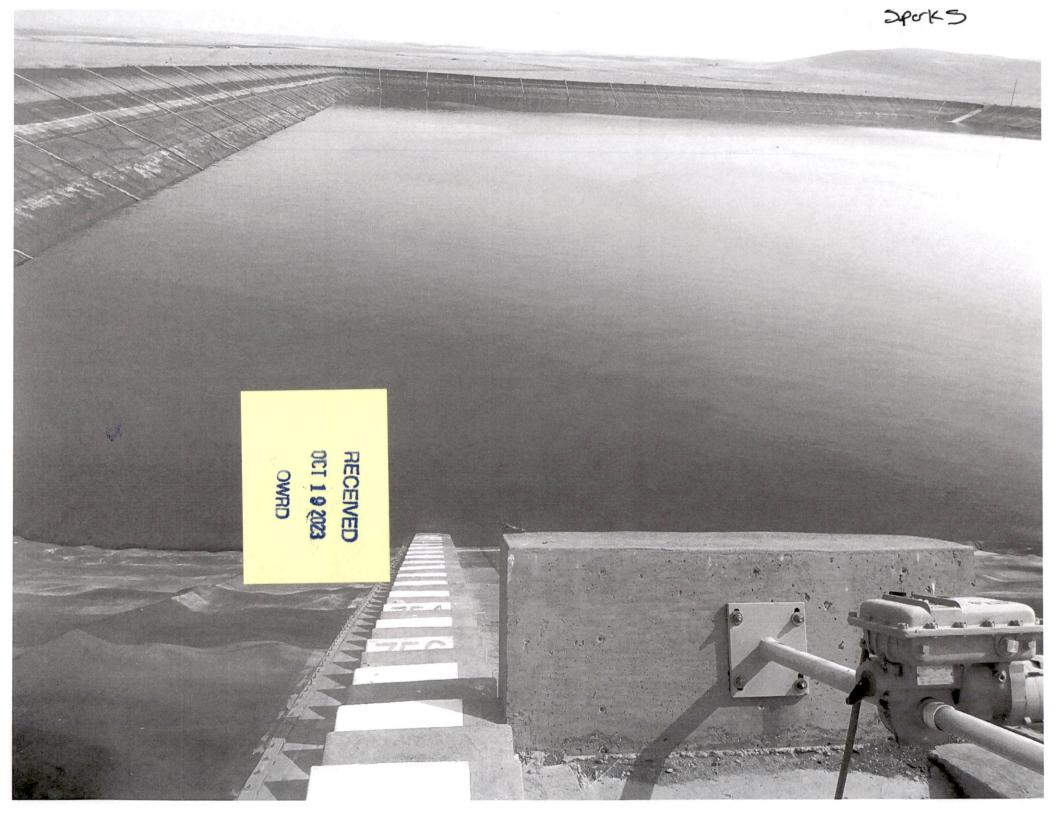


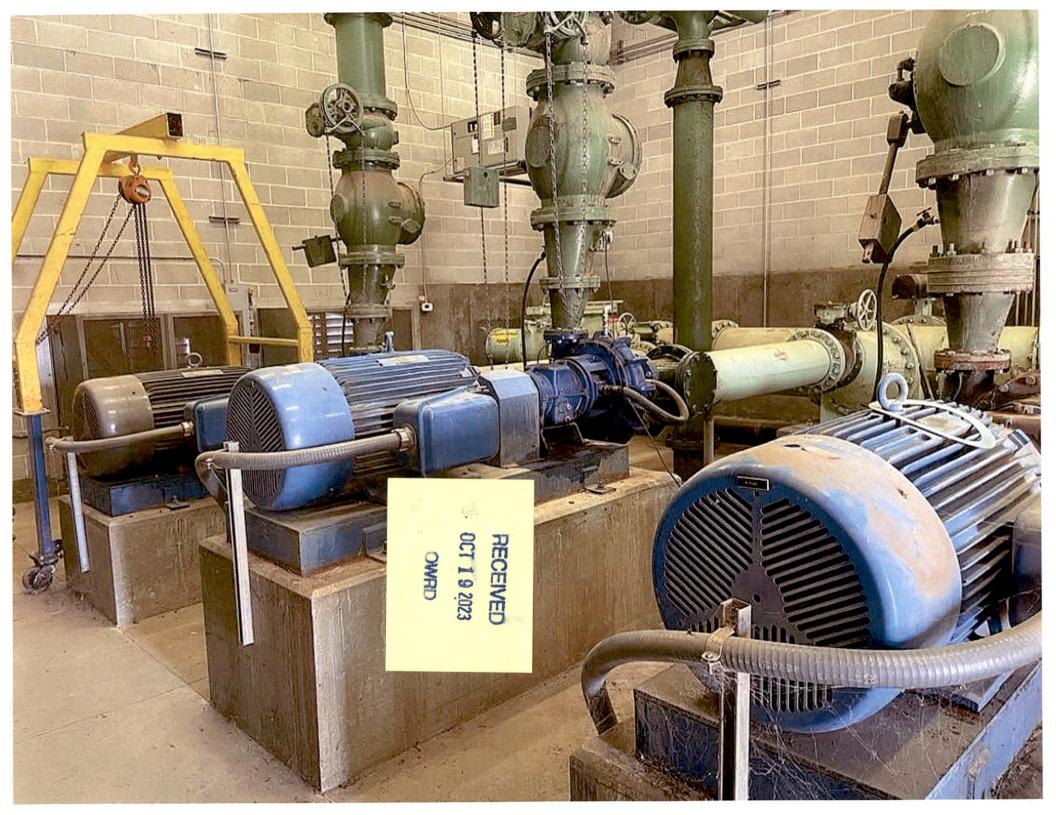


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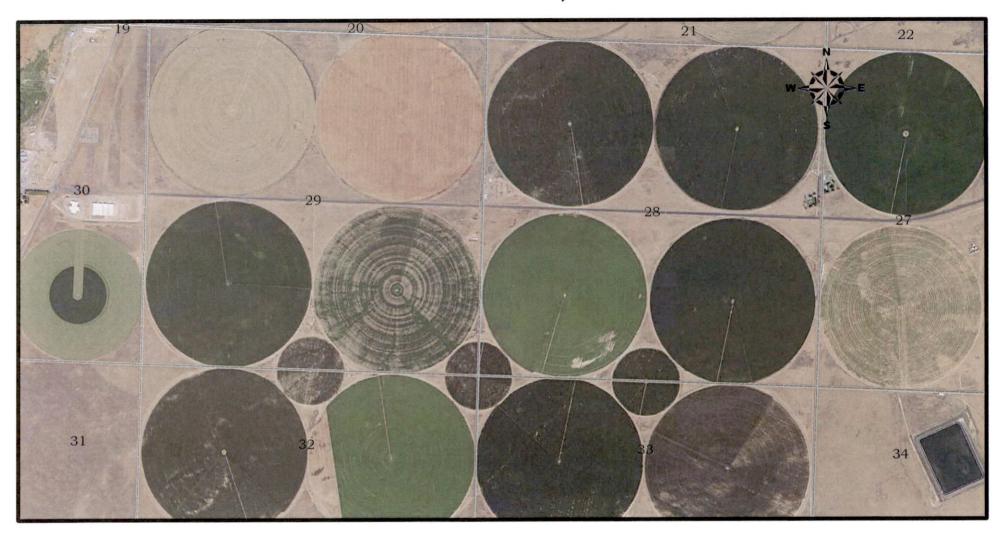


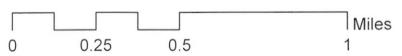






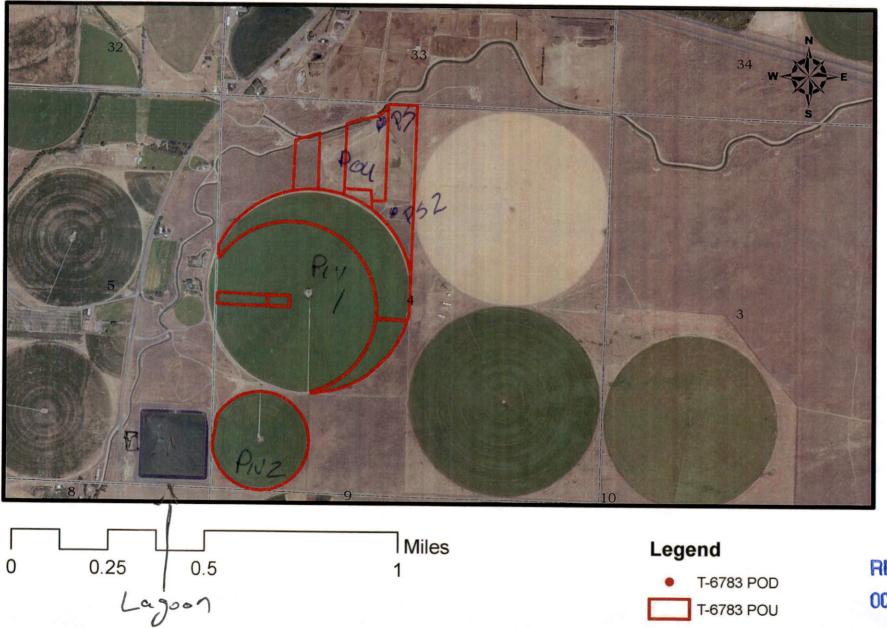
T 3N R 28E, W.M.





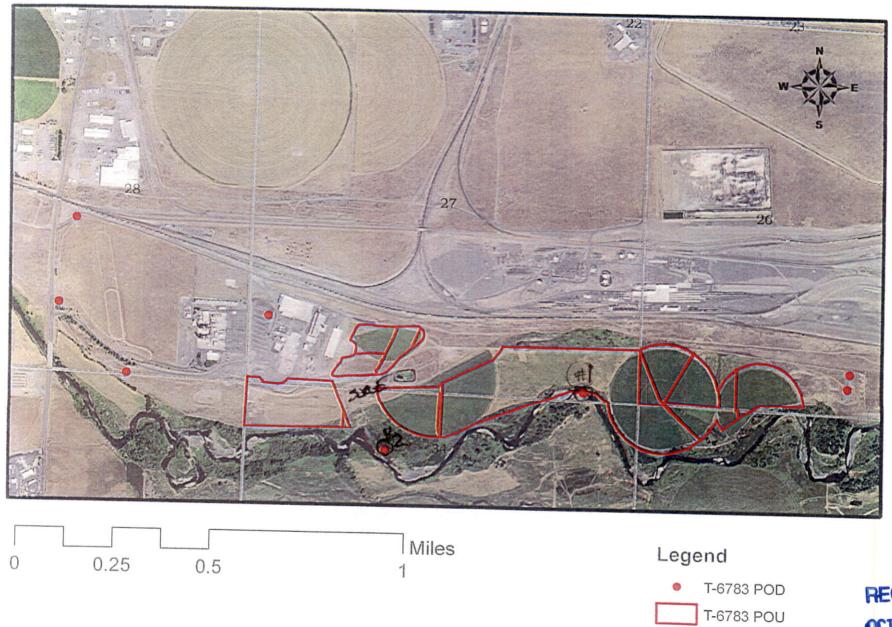
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ALL POINTS

ENGINEERING & SURVEYING, INC.

P.O. Box 767 (CRR) Terrebonne, Oregon 97760

TRANSMITTAL

To: Oregon Water Resources Dept 725 Summer St NE, Suite A Salem, OR 97301-1266

Date:10/12/2023 Attention: Certificates RE: COBU R-14763

[X] Prints [] Plans [] Plat [] Specifications.

Attached is a COBU & Final Proof Map on R-14763 for J.R. Simplot Co

If you have any questions please don't hesitate to call or email me.

Copies	No.	Description
1	1	COBU (17 pages letter bond)
1	2	Final Proof Maps (2 pages mylar))
1	3	Fish screen letter (1 page letter bond)
1	4	Rating Curves (2 pages bond)
1	5	Site Photos (8 pages letter bond)
	6	Check for \$230
1	7	Aerial imagery (3 pages letter bond)
Signed:	N	Elinse Monten

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