

**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>

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**SECTION 1
GENERAL INFORMATION**

1. File Information

| | | |
|---------------------------------|--|------------------------------------|
| APPLICATION # R-71909 | PERMIT # (IF APPLICABLE) R-13158 | PERMIT AMENDMENT # (IF APPLICABLE) |
|---------------------------------|--|------------------------------------|

2. Property Owner (current owner information)

| | | | |
|--|--------------------|----------------------------------|--------------------------------|
| APPLICANT/BUSINESS NAME GI RANCH CORPORATION | | PHONE NO. 541-410-8470 | ADDITIONAL CONTACT NO. |
| ADDRESS 15 SW COLORADO AVE. STE. 1 | | | |
| CITY BEND | STATE OR | ZIP 97702 | E-MAIL matt@wspi.net |

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 Same | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

| | | |
|--|-------|-----|
| ADDITIONAL PERMIT HOLDER OF RECORD n/a | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

4. Date of Site Inspection:

| |
|------------------|
| 9-20-2017 |
|------------------|

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

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| NAME | DATE | ASSOCIATION WITH THE PROJECT |
|-------------------|------------------|--------------------------------------|
| Matt Smith | 9/20/2017 | Owner/Permit Holder of Record |
| | | |

6. County

| |
|---------------------------|
| Crook & 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 n/a | | |
| ADDRESS | | |
| CITY | STATE | ZIP |

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

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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 GARY L. DEJARNATT | | PHONE NO. | ADDITIONAL CONTACT NO. John Short 541-389-2837 | |
| PROJECT # 24025 | | | | |
| ADDRESS 2391 NW REDWOOD AVE | | | | |
| CITY REDMOND | STATE OR | ZIP 97756 | E-MAIL johnshort@usa.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 |
|-----------|----------------------|-----------------------|----------------|
| | MATTHEW SMITH | VICE PRESIDENT | 8/14/24 |
| | | | |
| | | | |
| | | | |
| | | | |

**SECTION 3
CLAIM DESCRIPTION**

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

| RESERVOIR NAME OR NUMBER | SOURCE | TRIBUTARY |
|-----------------------------|------------------|---|
| Black Snag Reservoir | Black Snag Creek | Twelvemile Creek within the Deschutes Basin |
| | | |
| | | |

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) |
|---------------------------------------|-------------------------------|---|-----------------------|
| Black Snag Reservoir | Fish, Recreation, & Livestock | Jan 1 – Apr 30 | 273 AF |
| | | | |
| | | | |
| Total Quantity of Water Stored | | | 273 AF |

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:

Black Snag Reservoir is filled from Black Snag Creek, which flows into the easterly end of the reservoir.

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, YES NO
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) |
|----------------------|--|-----------------------------------|
| Black Snag Reservoir | 273 AF | 273 AF |
| | | |

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SECTION 4
SYSTEM DESCRIPTION

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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):

Black Snag Reservoir

A. Reservoir Location

1. Is the reservoir on-channel? YES NO

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

| TWP | RNG | MER | SEC | QQ | GLOT | DLC | MEASURED DISTANCES |
|-----|-----|-----|-----|------|------|-----|----------------------------------|
| 19S | 24E | WM | 25 | NWNE | | | 420' S, 1860' W of NE Cor Sec 25 |
| | | | | | | | |

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 NO

If "NO" items 2 through item 5 may be deleted.

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.

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.

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:

| 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 | 8/13/1999 | Yes | 273 |

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SECTION 5
CONDITIONS

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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 | 3-14-2002 | | |
| BEGIN CONSTRUCTION (A) | 3-14-2003 | 3-14-2002 | Dam construction started prior to permit issuance. |
| COMPLETE CONSTRUCTION (B) | n/a | n/a | Permit does not specify deadline for completion of construction. |
| COMPLETE APPLICATION OF WATER (C) | 10-1-2022 | 10-1-2022 | Complete application of water to beneficial use, reservoir filled with fish screen installed. |

* 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)? 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.

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 # | MANUFACTURER | SERIAL # | CONDITION (WORKING OR NOT) | CURRENT METER READING | DATE INSTALLED |
|-------------------|--------------|----------|----------------------------|-----------------------|----------------|
| | | | | | |
| | | | | | |

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

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the

measuring device, and the approximate date of the approval: **See attached 8/16/1999 Dam Safety Letter. Measuring device approved as part of dam safety review; permit does not require written approval.**

| NAME | TITLE | APPROXIMATE DATE |
|------|-------|------------------|
| | | |

f. Measurement Device Description

| DEVICE DESCRIPTION | CONDITION (WORKING OR NOT) | DATE INSTALLED |
|---|----------------------------|----------------|
| Benchmark & Reservoir Stage-Storage Diagram/Curve, marked rocks on dam used to measure water level | Working | 1998 |

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.

b. Have the reports been submitted? **YES** NO
If the reports have not been submitted, attach a copy of the reports if available.

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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.

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 |
|-----------------------|--------------|
| September 2022 | Owner |

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? NA YES NO
- 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 NO

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

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):

Dam/Reservoir construction was completed under a PE and has been approved and inspected by OWRD, PE letter on file with OWRD along with as-built plan set. Fish screening was completed in partnership with ODFW.

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SECTION 6

ATTACHMENTS

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

| ATTACHMENT NAME | DESCRIPTION |
|--------------------|--|
| CBU Map | Claim of Beneficial Use Map |
| ODFW Letter | ODFW Fish Screen & Passage Letter |
| OWRD Letter | OWRD Dam Safety Letter Confirming Receipt of Engineer of Record Certification and As-built Plans. |

SECTION 7

CLAIM OF BENEFICIAL USE MAP

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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.

ON-SITE DIRECT MEASUREMENT AND NAIP IMAGERY.

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



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

May 30, 2024

GI Ranch Corporation
Matt Smith V.P.
15 SW Colorado Avenue Suite 1
Bend, OR 97702



RE: Status of Fish Screens and Passage for R-13158 on Black Snag Reservoir

To whom it may concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter regarding the fish screening and passage condition in your water right (R-13158). The findings in this letter supersede the findings sent in a letter on April 18, 2024. Please note that this letter applies to permit R-13158 rather than R-12247 as referenced in the previous letter.

This permit condition states that “diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications” for the reservoir storing 273 acre-feet of water on Black Snag Creek, a tributary of Twelvemile Creek within the Deschutes Basin.

ODFW has reviewed the additional documents provided by the applicant’s consultant and determined the following:

Fish Screening

The fish screen on the outfall of the reservoir located at (43.900000, -119.783533) meets our fish screening guidelines to keep non-native fish from exiting the reservoir. The water right contains the requirement for the outlet gate to be cycled once a year and fully operational at all times. This outlet must also be screened when in use. The outlet is currently screened with ½ inch heavy duty screen. This meets ODFW’s requirement for ponds stocked with fish over 6 inches. These screens satisfy the screening requirements for this permit.

Fish Passage

The applicant provided documentation of a previous ODFW fish passage determination at this site. In December 2016 ODFW determined that fish passage was not required at the dam on Black Snag Creek. Based on this information, ODFW concludes that the passage requirements for this permit are satisfied.

Sincerely,

Received

AUG 19 2024

OWRD

Gregory D. Apke

Greg Apke, ODFW Fish Screen and Passage Program Manager

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AUG 19 2024

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Cc John Short, Water Right Services, LLC,
Jeffrey Pierceall, OWRD Adjudication & Extensions Specialist
Jerry George, ODFW District Fish Biologist
Tim Porter, ODFW Assistant District Fish Biologist
Danette Faucera, ODFW Water Quality and Quantity Program
Katherine Nordholm, ODFW Fish Screening Program Coordinator
Mac Barr, ODFW Fish Passage Program Coordinator
Sara Gregory, ODFW High Desert Watershed Manager



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

August 16, 1999

David J. Newton, P.E.
David J. Newton Associates, Inc.
1201 SW 12th Ave. Suite 400
Portland, OR 97205

Received
AUG 19 2024

Re: Black Snag Dam, File B-7
Application R-71909, Permit R-12247

OWRD

Dear Mr. Newton:

Thank you for submitting your letter of completion for the referenced project dated 8/13/99, together with the asbuilt drawings and the attached summary of observations and testing. We understand that repairs to the outlet control works have already been accomplished, and that construction of monitoring weirs will be built per the asbuilt drawings. As discussed with Tom Kuper of your office and the contractor, Mr. Craig Woodward, during our site inspection on July 9, 1999, we advise that the slopes be seeded to reduce the potential for erosion.

We understand that the area-capacity curve submitted with the asbuilt drawings is accurate, and acknowledge that the height of the dam measured from the original ground surface to the top of embankment is approximately 37.5 feet, with reservoir storage not more than 273 acre-feet as referenced to the crest of emergency spillway, elevation 4830'. Receipt of the asbuilt drawings and the Letter of Completion satisfies the Water Resources Dam Safety requirements for this project. It is expected that the owner will maintain and operate the dam in a safe and responsible manner according to the *Conditions of Permit* established for storage of water behind the dam.

Because the project exceeds the statutory size limits (10' height and 9.2 ac-ft storage), it has been assigned an inventory number and will be inspected by a representative of the Water Resources Department at taxpayer expense on a routine basis for benefit of public safety. The next inspection is tentatively scheduled for Spring, 2000, with additional inspections every 4-to-5 years thereafter depending on how well the embankment is maintained, or whether there are any significant changes in the perceived low hazard that the existing structure now poses to downstream life and property.

Your patience and cooperation has been greatly appreciated. Please extend my regards to all parties involved for a job well done. If you have any questions, please do not hesitate to let me know.

Sincerely,
John Falk, P.E.
Safety of Dams

c: OWRD Water Rights Section
Kyle Gorman - Watermaster Dist. #11
G.I. Ranch Corporation, c/o Mr. James Bussard