

Name G.I Ranch Corp.  
 By 15 SW Colorado  
 Address Bend, OR 97702

Application No. R-71909

Permit No. R-12217

Certificate No. \_\_\_\_\_

hook  
 Stream Index, Page No. 5

05-1980-1170-0780-090-120

112A Twelve Mile Cr. project -  
See Dam Safety Conditions

*Superseded by R-13158*  
*Cancelled*  
*Reinstated*

FEES PAID		
Date	Amount	Receipt No.
10-7-91	427.50	79564
12/2/15	450. <sup>00</sup>	118170
12-11-17	670. <sup>00</sup>	125418

FEES REFUNDED		
Date	Amount	Check No.

Date filed \_\_\_\_\_  
 Priority \_\_\_\_\_  
 Action suspended until C-22

Return to applicant \_\_\_\_\_  
 Date of approval 9/5/97

**CONSTRUCTION**

Date for beginning 10/23/92 9/5/98  
 Date for completion 10/1/93  
 Extended to 10-1-2022

Date for application of water 10/1/94 10/1/01  
 Extended to 10-1-2022

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_  
 Form "B" filed \_\_\_\_\_  
 Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Date Certificate issued \_\_\_\_\_

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

**REMARKS**  
D-15-9 - Map Files (Quads called and in box by  
map cabinets)  
See also 72304 & T-7158

*Cancelled 11/19/15 v.98 p.229*  
*Reinstated 12/7/15 v.98 p.428*

Called Bassard - he is away - Bruce Estes called, He is representing Smith properties. - will check on plans 9/22/92 JH

Plans & Specifications Approved - See letter dated 8/26/97  
Note: Application Storage Does NOT match Drawing t/c Storage curve JH

**Cancellation Review**

Date 6 / 15 / 2015 File# R - 81909

1. C Date 10 / 1 / 2001
2. Certified Letter Date 3 / 23 / 2015
3. Return Receipt Rcvd. 4 / 1 / 2015
4. Return Receipt Signed By agent
5. Other Communication: none

Recommend Cancellation  or  
Hold Action until \_\_\_/\_\_\_/\_\_\_

CANCEL FILED  
JH 8/12/2015

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

cancel

GI Ranch Corporation R-71909  
 15 SW Colorado Avenue  
 Bend, OR 97702



9590 9403 0912 5223 2129 43

Article Number (Transfer from service label)

015. 1730 0001 00917606

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Julia Eidukis* Agent Addressee

B. Received by (Printed Name)

*JULIA EIDUKIS*

C. Date of Delivery

*11/23/15*D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:

 No**RECEIVED****NOV 30 2015**3. Service Type **OWRD** Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery Insured Mail Insured Mail Restricted Delivery (over \$500) Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation™ Signature Confirmation Restricted Delivery

USPS TRACKING®



9590 9403 0912 5223 2129 43



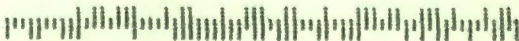
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

126673





# 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/](http://www.dfw.state.or.us/)

April 18, 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-12247 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-12247) in the name GI Ranch Corporation. 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 determined that the reservoir is located within historic fish distribution, though habitat degradation in the watershed precludes current native migratory fish use. In addition, the reservoir is artificially stocked with non-native fish.

ODFW has reviewed 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. However, as the water right contains the requirement for the outlet gate to be cycled once a year and fully operational at all times, the outlet must also be screened when in use. The outlet gate is not currently equipped with a fish screen.

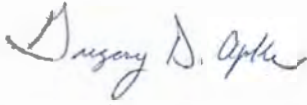
### Fish Passage

The dam on Black Snag Creek does not meet ODFW fish passage criteria and ODFW does not have any documentation of any fish passage agreements at this site. The site is located within historic fish distribution and the state’s fish passage laws apply at this location. Options to address fish passage includes providing a fish passage structure that meets ODFW criteria or obtain a fish passage waiver or a fish passage exemption (OAR Chapter 635 Division 412).

Based on this information, please submit a plan for ODFW review that identifies how and when you will screen the outlet gate and how and when you will address fish passage at the dam on Black Snag Creek. Please contact me if you have any questions or would like to discuss the content of this letter, the state’s screening and passage

requirements and any corresponding design criteria. Until these issues are resolved ODFW is unable to sign off on the screening and passage requirements of your water right. We look forward to future discussions with you or your designee. We are happy to arrange a time to meet with you and advise you and your consulting team on viable screening and passage solutions moving forward.

Sincerely,



Greg Apke, ODFW Fish Screen and Passage Program Manager

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

**PHILLIPS Stacy H \* WRD**

R-71909

**From:** SAUTER Jerry K \* WRD  
**Sent:** Wednesday, January 04, 2017 11:01 AM  
**To:** johnshort@usa.com  
**Cc:** PHILLIPS Stacy H \* WRD  
**Subject:** RE: Black Snag Reservoir on GI Ranch Permits R-13158 & S-53773

Hi John,  
I would probably parachute in, but that's just me. Your request is definitely reasonable.  
JK

**J.K. (Jerry) Sauter** | Water Rights Program Analyst  
**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph. 503.986.0817 | Fax 503.986.0901  
Information Requests may be made to : customerservice@ wrd.state.or.us

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**From:** johnshort@usa.com [mailto:johnshort@usa.com]  
**Sent:** Wednesday, January 04, 2017 10:51 AM  
**To:** Jerry K Sauter  
**Subject:** Fwd: Black Snag Reservoir on GI Ranch Permits R-13158 & S-53773

Hey Jerry,

As you can see from the email string below, ODFW and I are doing our best to get these figured out. Now snow probably keeps us from getting within 20 miles of the reservoir to inspect. Can these be put on Administrative Hold for six months while we get fish screen verified and either CBUs or extensions submitted?

Thanks so much,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

Begin forwarded message:

**From:** "johnshort@usa.com" <johnshort@usa.com>  
**Subject:** Re: Black Snag Reservoir on GI Ranch  
**Date:** January 4, 2017 at 10:43:27 AM PST  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>

Hi Marty and Happy New Year,

No, I don't have any pictures and this white stuff has put off a site visit for a while. Would screening the overflow accomplish it?

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 20, 2016, at 2:06 PM, Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

John,

I just talked with Tim Porter and Brett Hodgson and the outlet of the lake will need to be screened if hatchery fish are to be planted in the reservoir. I have never seen the reservoir, other than in a Google Earth view, but it looks like the outlet of the lake comes from the bottom of the lake. This will make this a challenging situation to screen properly. Do you have any pictures that you can share?

Thanks John,  
Marty.

Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

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**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [mailto:[johnshort@usa.com](mailto:johnshort@usa.com)]  
**Sent:** Monday, December 19, 2016 1:39 PM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Re: Black Snag Reservoir on GI Ranch

So if no "out of reservoir" use exists, no screens?

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 19, 2016, at 1:34 PM, Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

There are no "Dumb" questions. John, LOL, except for the ones I come up with!!



I will answer with some reservation as I am not totally sure of their situation but typically the screens would be required at their point of diversion, not at the entrance or the exit of the intermittent stream as it flows through the reservoir. The screen, or screens, will be required wherever the water is pulled out for irrigation, if it is pumped out of the reservoir then the pump intake will need to be screened, if it is a gravity or ditch type of irrigation system then the canal will need to be screened as it exits the reservoir.

I just had a response from our ODFW district office and it sounds like the tax credit would not be supported at this location.

Please don't ever hesitate to ask me any questions John, I will never think they are bad questions.  
Marty.

Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

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**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [mailto:[johnshort@usa.com](mailto:johnshort@usa.com)]  
**Sent:** Monday, December 19, 2016 1:07 PM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Re: Black Snag Reservoir on GI Ranch

Thanks Marty.

Dumb questions #1. Since this is a dam within the intermittent creek, are you looking for fish screens at inlet and outlet? #2 And would those screens be to keep native fish from getting in to the reservoir or planted sterile fish from escaping from the reservoir?

Best,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 19, 2016, at 1:00 PM, Martin Olson  
<[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

Hi John,

I just had a quick e-mail exchange with Tim Porter out of the Prineville office and he said that ODFW would be willing to waive the requirements for fish passage at the site, but fish screening would still

be required. I will be happy to work with you and your clients to get the proper screens in place. If they already have screens in place I would be happy to do an inspection for them and get a letter written.

I don't think your clients would be approved for cost share assistance because there are no Salmon or Steelhead present at that location, but ODFW does have a Tax Credit program for the installation of new fish screens, and your clients would certainly be eligible to apply. The tax credit is for up to half of what is spent on the fish screen, up to a maximum credit of \$5000.00 per project. If this is something that they are interested in I can forward you the tax credit application, it is super simple.

Thanks again for all of your help John, I will talk with you soon.  
Marty.

Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

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**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [mailto:[johnshort@usa.com](mailto:johnshort@usa.com)]  
**Sent:** Monday, December 19, 2016 8:44 AM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Black Snag Reservoir on GI Ranch

Hey Marty,

Just checking in to see if you heard anything back on this?

Thanks,  
John

John A. Short CCB# 197121  
541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

GI RANCH CORP R-71909  
 15 SW COLORADO AVENUE SUITE 1  
 BEND, OR 97702



9590 9402 2628 6336 8320 34

2. Article Number (Transfer from service label)

1016 0340 0000 0163 8412

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*DeAnna Albin*

Agent

Addressee

B. Received by (Printed Name)

*DeAnna Albin*

C. Date of Delivery

*9/21/17*

Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**RECEIVED**

**SEP 25 2017**

**OWRD**

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 2628 6336 8320 34

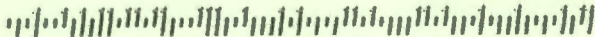


First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

**United States  
Postal Service**

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Oregon Water Resources Department  
725 Summer St NE, STE A  
Salem, OR 97301



Mailing List for Extension FO Copies

FO Date: April 13, 2018

Copies Mailed

Application: R-71909

Permit: R-13158

By: SP  
On: 4-13-18

Original mailed to permit holder

GI Ranch Corporation

15 SW Colorado

Bend, OR 97702

Copies sent to:

1. WRD - App. File R-71909/ Permit R-13158
2. Other permit holders of record besides applicant
3. WRD – Keith Mills, Dam Safety
4. Water Right Solutions  
John Short  
PO Box 1830  
Bend, OR 97709

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving notification via e-mail FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

6. WRD - Watermaster District 11, Jeremy Giffin

CASEWORKER: JDP

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit R-13158, Water Right Application R-71909 ) FINAL ORDER  
in the name of GI Ranch Corporation )

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**Permit Information**

Application: R-71909  
Permit: R-13158  
Basin: Deschutes / Watermaster District 11  
Date of Priority: October 7, 1991  
Source of Water: Black Snag Creek, tributary of Twelvemile Creek  
within the Deschutes Basin  
Storage Facility: Black Snag Reservoir  
Purpose or Use of  
the Stored Water: Fish, Recreation, and Livestock  
Maximum Volume: 273.0 Acre-Feet (AF)

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.**

**Appeal Rights**

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

Permit R-12247 was issued by the Department on September 5, 1997. On March 14, 2002, Superseding Permit R-13158 was issued to correctly identify the coordinates of the dam on Black Snag Creek. The permit specified the reservoir was to be filled and complete application of water shall be made on or before October 1, 2001. On December 11, 2017, GI Ranch Corporation submitted an Application for Extension of Time for Permit R-13158. In accordance with OAR 690-315-0050(2), on February 13, 2018, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from October 1, 2001, to October 1, 2022. The protest period closed March 30, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated February 13, 2018

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following condition:

## LIMITATIONS AND CONDITIONS

### 1. Last Extension Condition

This may be the last extension of time granted for Permit R-13158. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence, in writing, from ODFW that the condition "Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications" has been satisfied. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

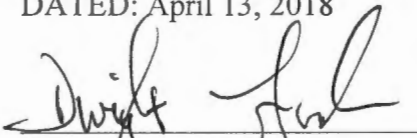
## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application R-71909, Permit R-13158, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2001, to October 1, 2022.

DATED: April 13, 2018



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-986-0802.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

## CLARK Gerald E \* WRD

---

**From:** CLARK Gerald E \* WRD  
**Sent:** Monday, January 07, 2019 3:39 PM  
**To:** 'johnshort@usa.com'  
**Subject:** RE: Ap R-71909 / Permit R-13158 GI Ranch Cert?

John,

I pulled the file and do not find that a Claim has been submitted for this permit.

Happy new year to you as well!

Gerry

*Gerry Clark*

Program Analyst, Certificate Section  
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

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**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [<mailto:johnshort@usa.com>]  
**Sent:** Friday, January 04, 2019 8:46 AM  
**To:** Gerry E Clark  
**Subject:** Ap R-71909 / Permit R-13158 GI Ranch Cert?

Hey Gerry,

Awesome new year to you!!!

Just curious if anything else needs to be done on this one to get a certificate?

Thanks,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)



Mailing List for Extension PFO Copies

PFO Date: February 13, 2018

Copies Mailed

Application: R-71909  
Permit: R-13158

By: JP  
On: 13 Feb-18

Original mailed to Applicant:

GI Ranch Corporation ✓  
15 SW Colorado  
Bend, OR 97702

Copies sent to:

1. WRD - App. File R-71909/ Permit R-13158
2. Water Right Solutions ✓  
John Short  
PO Box 1830  
Bend, OR 97709

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 11, Jeremy Giffin
5. WRD - Dam Safety

CASEWORKER: JDP

**Oregon Water Resources Department**  
**Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time ) PROPOSED  
for Permit R-13158, Water Right Application R-71909 ) FINAL  
in the name of GI Ranch Corporation ) ORDER

---

**Permit Information**

Application: R-71909  
Permit: R-13158  
Basin: Deschutes / Watermaster District 11  
Date of Priority: October 7, 1991  
Source of Water: Black Snag Creek, tributary of Twelvemile Creek  
within the Deschutes Basin  
Storage Facility: Black Snag Reservoir  
Purpose or Use of  
the Stored Water: Fish, Recreation, and Livestock  
Maximum Volume: 273.0 Acre-Feet (AF) each year

---

***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

*In summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2001, to October 1, 2022.<sup>1</sup>
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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<sup>1</sup> Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

## **ACRONYM QUICK REFERENCE**

Application – Application for Extension of Time  
Department – Oregon Water Resources Department  
ODFW – Oregon Department of Fish and Wildlife  
PFO – Proposed Final Order  
AF – acre-feet  
FOF – Finding of Fact  
Reservoir – Black Snag Reservoir  
Agent - John Short of Water Rights Solutions

## **AUTHORITY**

**Generally, see ORS 537.230 and OAR Chapter 690 Division 315.**

**ORS 537.230(2)** provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

**OAR 690-315-0050(5)** states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

## **FINDINGS OF FACT**

1. On September 5, 1997 Permit R-12247 was issued by the Department. The permit authorizes the storage of up to 273.0 AF of water in Black Snag Reservoir from Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin. The permit specified actual construction was to begin within one year from permit issuance, being September 5, 1998, and the reservoir was to be filled and complete application of water shall be made on or before October 1, 2001.

2. On March 14, 2002, Superseding Permit R-13158 was issued to correctly identify the coordinates of the dam on Black Snag Creek.
3. On December 11, 2017, the permit holder, GI Ranch Corporation, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit R-13158 be extended from October 1, 2001, to October 1, 2027. This is the first permit extension requested for Permit R-13158.
4. On December 19, 2017, notification of the Application for Permit R-13158 was published in the Department’s Public Notice.
5. On January 12, 2018, the permit holder submitted authorization to allow John Short of Water Rights Solutions (Agent) to act as an agent for the permit holder. The Agent also submitted additional information to supplement the Application.
6. On February 7, 2018, the permit holder’s Agent submitted an amendment to the Application. The amendment requested the extended time to apply water to full beneficial use of the water system be changed from October 1, 2027, to October 1, 2022.

**Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

**Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

7. On December 11, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

8. Actual construction of Black Snag Reservoir (Reservoir) began prior to the September 5, 1998, deadline specified in the permit.
9. According to the Summary of Observations and Testing Services, Black Snag Dam submitted August 16, 1999, construction observation and testing was performed by the engineers of record from July 1998 to July 1999.

Based on Finding of Fact (FOF) 8 and 9, the Department has determined the permit holder has satisfied the condition requiring beginning of construction of the water works.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

*The amount of construction completed within the time allowed in the permit.<sup>2</sup>*

10. Construction of the water system or reservoir began prior to the September 5, 1998 deadline specified in the permit.
11. Work was accomplished during the original development time frame under Permit R-13158 is as follows:
  - construction of the embankment and dam; and
  - installation of outlet works and spillway

Based on FOF 10 and 11, the Department has determined that work has been accomplished within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Compliance with Conditions [OAR 690-315-0040(3)(c)]**

*The water right permit holder’s conformance with the permit conditions.*

12. The Department has considered the permit holder’s compliance with conditions, and has identified the following concern, Oregon Department of Fish Wildlife (ODFW) approval of fish screen or by-pass device have not been received by the Department.

Based on FOF 12, the Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit R-13158:

- “Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications.”

**Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.**

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<sup>2</sup> “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

*The amount of beneficial use made of the water during the permit time limits.*

13. A maximum volume of 273.0 AF of water has been stored from Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin in the Reservoir.

Based on FOF 12, the Department has determined that beneficial use of water has not yet been demonstrated under Permit R-13158 because not all permit conditions have been satisfied by October 1, 2001.

**Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]**

14. The permit holder has invested approximately \$810,000, which is about 89 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

Based on FOF 22, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

**OAR 690-315-0040(4)(a)**

The amount of water available to satisfy other affected water rights and scenic waterway flows.

15. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-13158; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
16. Current Water Availability Analysis for the South Fork Crooked River, (Tributary of Crooked River) at the mouth (watershed ID 70358) show that water is available for storage during the months of March and April at the 50% exceedance level.

**OAR 690-315-0040(4)(b)**

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

17. The dam is located on Black Snag Creek, tributary of Twelvemile Creek, and is not located within a Withdrawn Area.
18. Black Snag Creek, tributary of Twelvemile Creek is located within or above The Deschutes Scenic Waterway.
19. The dam is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

20. Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin is located within an area ranked “high” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

**OAR 690-315-0040(4)(d)**

Economic interests dependent on completion of the project.

21. An approximate total of \$810,000 has been invested in the project.

**OAR 690-315-0040(4)(e)**

Other economic interests dependent on completion of the project.

22. No other economic interests dependent on completion of the project have been identified.

**OAR 690-315-0040(4)(f)**

Other factors relevant to the determination of the market and present demand for water and power.

23. No other factors relevant to the determination of the market and present demand for water and power have been identified.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

24. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0042(2)(g)]**

25. Delay in the development of this project that was not caused by other governmental requirements.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

26. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-13158, in that the original head-gate failed in 2000 during annual cycling.

**Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]**

27. A denial of the extension would not result in undue hardship.

**Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]**

28. The Application provides evidence of good faith of the appropriator under Permit R-13158.

Based on FOF 8 through 11, 13, 14, and 21 the Department has determined that the applicant has shown good faith and reasonable diligence.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

29. As of December 11, 2017, the permit holder states the remaining work to be completed consists of designing and installing fish screening, gaining ODFW approval, and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2022, to accomplish the application of water to beneficial use under the terms and conditions of Permit R-13158 is both reasonable and necessary.



**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

**LIMITATIONS AND CONDITIONS**

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. Based on FOF 12, the Department determined the need to place a “Last Extension Condition” on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the “Conditions” section of this PFO, was determined to be necessary failure to comply with the condition “Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications.”

**CONCLUSIONS OF LAW**

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin actual construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 8 through 28, full application of water to beneficial use can be accomplished by October 1, 2022<sup>3</sup>, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to ensure future diligence and is granted

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<sup>3</sup>Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).

5. The Applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

## PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit R-13158 from October 1, 2001, to October 1, 2022.

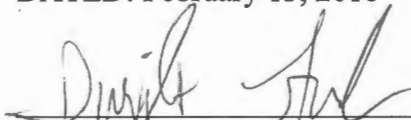
Subject to the following conditions:

## LIMITATIONS AND CONDITIONS

### 1. Last Extension Condition

This may be the last extension of time granted for Permit R-13158. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence, in writing, from ODFW that the condition "Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications" has been satisfied. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

DATED: February 13, 2018

  
Dwight French, Administrator  
Water Right Services Division

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 30, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierce at (503) 986-0802.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - Address any correspondence to :      Water Right Services Division  
725 Summer St NE, Suite A  
Fax: 503-986-0901                              Salem, OR 97301-1266
-

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time ) PROPOSED  
for Permit R-13158, Water Right Application R-71909 ) FINAL  
in the name of GI Ranch Corporation ) ORDER

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**Permit Information**

Application: R-71909  
Permit: R-13158  
Basin: Deschutes / Watermaster District 11  
Date of Priority: October 7, 1991  
Source of Water: Black Snag Creek, tributary of Twelvemile Creek  
within the Deschutes Basin  
Storage Facility: Black Snag Reservoir  
Purpose or Use of  
the Stored Water: Fish, Recreation, and Livestock  
Maximum Volume: 273.0 Acre-Feet (AF) each year

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***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

*In summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2001, to October 1, 2022.<sup>1</sup>
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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<sup>1</sup> Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

## **ACRONYM QUICK REFERENCE**

Application – Application for Extension of Time  
Department – Oregon Water Resources Department  
ODFW – Oregon Department of Fish and Wildlife  
PFO – Proposed Final Order  
AF – acre-feet  
FOF – Finding of Fact  
Reservoir – Black Snag Reservoir  
Agent - John Short of Water Rights Solutions

## **AUTHORITY**

**Generally, see ORS 537.230 and OAR Chapter 690 Division 315.**

**ORS 537.230(2)** provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

**OAR 690-315-0050(5)** states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

## **FINDINGS OF FACT**

1. On September 5, 1997 Permit R-12247 was issued by the Department. The permit authorizes the storage of up to 273.0 AF of water in Black Snag Reservoir from Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin. The permit specified actual construction was to begin within one year from permit issuance, being September 5, 1998, and the reservoir was to be filled and complete application of water shall be made on or before October 1, 2001.

2. On March 14, 2002, Superseding Permit R-13158 was issued to correctly identify the coordinates of the dam on Black Snag Creek.
3. On December 11, 2017, the permit holder, GI Ranch Corporation, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit R-13158 be extended from October 1, 2001, to October 1, 2027. This is the first permit extension requested for Permit R-13158.
4. On December 19, 2017, notification of the Application for Permit R-13158 was published in the Department's Public Notice.
5. On January 12, 2018, the permit holder submitted authorization to allow John Short of Water Rights Solutions (Agent) to act as an agent for the permit holder. The Agent also submitted additional information to supplement the Application.
6. On February 7, 2018, the permit holder's Agent submitted an amendment to the Application. The amendment requested the extended time to apply water to full beneficial use of the water system be changed from October 1, 2027, to October 1, 2022.

**Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

**Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

7. On December 11, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

8. Actual construction of Black Snag Reservoir (Reservoir) began prior to the September 5, 1998, deadline specified in the permit.
9. According to the Summary of Observations and Testing Services, Black Snag Dam submitted August 16, 1999, construction observation and testing was performed by the engineers of record from July 1998 to July 1999.

Based on Finding of Fact (FOF) 8 and 9, the Department has determined the permit holder has satisfied the condition requiring beginning of construction of the water works.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

*The amount of construction completed within the time allowed in the permit.<sup>2</sup>*

10. Construction of the water system or reservoir began prior to the September 5, 1998 deadline specified in the permit.
11. Work was accomplished during the original development time frame under Permit R-13158 is as follows:
  - construction of the embankment and dam; and
  - installation of outlet works and spillway

Based on FOF 10 and 11, the Department has determined that work has been accomplished within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Compliance with Conditions [OAR 690-315-0040(3)(c)]**

*The water right permit holder’s conformance with the permit conditions.*

12. The Department has considered the permit holder’s compliance with conditions, and has identified the following concern, Oregon Department of Fish Wildlife (ODFW) approval of fish screen or by-pass device have not been received by the Department.

Based on FOF 12, the Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit R-13158:

- “Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications.”

**Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.**

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<sup>2</sup> “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

*The amount of beneficial use made of the water during the permit time limits.*

13. A maximum volume of 273.0 AF of water has been stored from Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin in the Reservoir.

Based on FOF 12, the Department has determined that beneficial use of water has not yet been demonstrated under Permit R-13158 because not all permit conditions have been satisfied by October 1, 2001.

**Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]**

14. The permit holder has invested approximately \$810,000, which is about 89 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

Based on FOF 22, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*



**OAR 690-315-0040(4)(a)**

The amount of water available to satisfy other affected water rights and scenic waterway flows.

15. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-13158; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
16. Current Water Availability Analysis for the South Fork Crooked River, (Tributary of Crooked River) at the mouth (watershed ID 70358) show that water is available for storage during the months of March and April at the 50% exceedance level.

**OAR 690-315-0040(4)(b)**

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

17. The dam is located on Black Snag Creek, tributary of Twelvemile Creek, and is not located within a Withdrawn Area.
18. Black Snag Creek, tributary of Twelvemile Creek is located within or above The Deschutes Scenic Waterway.
19. The dam is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

20. Black Snag Creek, tributary of Twelvemile Creek within the Deschutes Basin is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

**OAR 690-315-0040(4)(d)**

Economic interests dependent on completion of the project.

21. An approximate total of \$810,000 has been invested in the project.

**OAR 690-315-0040(4)(e)**

Other economic interests dependent on completion of the project.

22. No other economic interests dependent on completion of the project have been identified.

**OAR 690-315-0040(4)(f)**

Other factors relevant to the determination of the market and present demand for water and power.

23. No other factors relevant to the determination of the market and present demand for water and power have been identified.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

24. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0042(2)(g)]**

25. Delay in the development of this project that was not caused by other governmental requirements.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

26. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-13158, in that the original head-gate failed in 2000 during annual cycling.

**Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]**

27. A denial of the extension would not result in undue hardship.

**Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]**

28. The Application provides evidence of good faith of the appropriator under Permit R-13158.

Based on FOF 8 through 11, 13, 14, and 21 the Department has determined that the applicant has shown good faith and reasonable diligence.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

29. As of December 11, 2017, the permit holder states the remaining work to be completed consists of designing and installing fish screening, gaining ODFW approval, and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2022, to accomplish the application of water to beneficial use under the terms and conditions of Permit R-13158 is both reasonable and necessary.

### **Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

### **LIMITATIONS AND CONDITIONS**

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. Based on FOF 12, the Department determined the need to place a “Last Extension Condition” on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the “Conditions” section of this PFO, was determined to be necessary failure to comply with the condition “Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications.”

### **CONCLUSIONS OF LAW**

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin actual construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 8 through 28, full application of water to beneficial use can be accomplished by October 1, 2022<sup>3</sup>, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to ensure future diligence and is granted

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<sup>3</sup>Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).

5. The Applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

## PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit R-13158 from October 1, 2001, to October 1, 2022.

Subject to the following conditions:

## LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**  
This may be the last extension of time granted for Permit R-13158. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence, in writing, from ODFW that the condition "Diversion screening or fish passage facilities shall be designed, installed, and operated to ODFW specifications" has been satisfied. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

DATED: February 13, 2018

  
Dwight French, Administrator  
Water Right Services Division

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 30, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.





# Oregon

John A. Kitzhaber, M.D., Governor

August 16, 1999

## Water Resources Department

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

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

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

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

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

## Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: P-71909 Permit: 13158 Permit Amendment? No  Yes  T-  pending  approved  
 Permit Holder's Name: GI Ranch Corp  
 Permit Holder's Mailing Address: 15 SW Colorado Ave Ste #1 Bond, OR 97702  
 email not provided  
 Phone Number: not provided  
 Agent/~~CWRE~~ John Short  
 Drainage Basin: 5 County: Crook Watermaster District: 11 Watermaster: \_\_\_\_\_  
Deschutes

Date Permit was issued: Sept 5, 1997 Priority Date: Oct 7, 1991 Date of PN: Dec 19, 2017  
 Source: Black Swan Creek, tributary of Twelvemile Creek within the  
 Use: Fish, Recreation and Livestock Deschutes basin  
 "Q": 273.0 AF  
 Orig "A" Date: Sept 5, 1998 Orig "B" Date: \_\_\_\_\_ Orig "C" Date: 2001

Extension request received: 12-11-17 Last Authorized Date: \_\_\_\_\_ "C" Date: 2001  
 Request Number (1, 2, 3...): 1 Proposed "B" Date: 2027 Proposed C Date: 2027  
2022 - email from 2-7-18

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction:
✓		meter
	✓	fish screen
	✓	fish passage
✓		outlet pipe

**Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:**

- Yes  No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 273.0 cfs/gpm/af of the total permitted quantity of water on \_\_\_\_\_ acres
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$ 810,000 Estimated Remaining Cost: \$ 100,000

GW REVIEW: Y N  
 MITIGATION REVIEW: Y N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water basin. \_\_\_\_\_

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Deschutes Source: OWRD "Areas Above State Scenic Waterways" Map
  - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
  - within a critical or limited Ground Water Area? Name of area Desch Zone of impact - Crooked River
  - within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
  - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
  - within an area ranking low / moderate (high/Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region)

**Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?**

Yes... "Good Cause" can be found.  Approval of Extension Request

No ... "Good Cause" cannot be found.  Denial of Extension Request

**Conditions to be included in Extension PFO (if applicable)? Yes  No**

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: \_\_\_\_\_)

Other: last ext. unless Evidence, in writing from ODAW

**Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:**

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**  
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**  
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**  
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

**Extension "PFO" Dates**  
Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_ FO Issuance Date: \_\_\_\_\_  
Reviewer's Name: \_\_\_\_\_ Date: Feb 7, 2018





**Oregon Water Resources Department  
Attribute Report**

Report Date: Dec 13, 2017

**General:**

TRSQQ:	WM19.00S24.00E25SWNE WM19.00S24.00E25NWNE WM19.00S24.00E24SESW WM19.00S24.00E24SESE WM19.00S24.00E25NENW WM19.00S24.00E25NENE WM19.00S24.00E24SWSE
DLC:	-
Latitude:	43.9002812266
Longitude:	-119.7830418147
Buffer (ft):	1000
Elevation (ft):	4838
Basin Name:	Deschutes
Basin Plan:	4-Upper Crooked
County:	Crook
WM District:	11
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Deschutes District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	Black Snag Reservoir <a href="#">R-12247</a>
Water Rights:	<a href="#">Platcard for WM19.00S24.00E25</a> <a href="#">Platcard for WM19.00S24.00E25</a> <a href="#">Platcard for WM19.00S24.00E24</a> <a href="#">Platcard for WM19.00S24.00E24</a> <a href="#">Platcard for WM19.00S24.00E25</a> <a href="#">Platcard for WM19.00S24.00E25</a> <a href="#">Platcard for WM19.00S24.00E24</a>
Well Logs:	<a href="#">Logs for WM19.00S24.00E25</a> <a href="#">Logs for WM19.00S24.00E25</a> <a href="#">Logs for WM19.00S24.00E24</a> <a href="#">Logs for WM19.00S24.00E24</a> <a href="#">Logs for WM19.00S24.00E25</a> <a href="#">Logs for WM19.00S24.00E25</a> <a href="#">Logs for WM19.00S24.00E24</a>

**Rules:**

Withdrawn Authority:	-
Groundwater Restricted:	-
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	-

Irrigation Season of Use:	<b>Crooked River</b> Adj. Status: Adjudicated Subarea: undefined Irr. Season: Feb 1 to Dec 1 Duty: NaN Rate: 1/80
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2014:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-Crooked River
Deschutes Zone Overlay:	-
Scenic Water Way:	<b>The Deschutes Scenic Waterway 390.826 (5)</b> Deschutes River from Little Lava Lake downstream to Crane Prairie Reservoir, from the gaging station immediately below Wickiup Dam downstream to General Patch Bridge, from Harper Bridge downstream to the Central Oregon Irrigation District's diversion str Status: ABOVE

#### Hydrography:

OWRD Streamcode:	05198011700780090120 - Black Snag Cr
Waterbody Name:	-
HUC 10:	1707030304
HUC Watershed:	Twelvemile Creek
WAB Wshed Order:	21
WAB Analysis:	<a href="#">S FK CROOKED R &gt; CROOKED R - AT MOUTH</a>
Streamflow:	OWRD Opportunities: Fair ODFW Needs: High Combined Priority: Not a priority
Gaging Station Data:	-

#### Sources:

##### General

*Oregon Public Land Survey Quarter-quarters.* Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

*Donated Land Claims.* Oregon Water Resources Department. January 1, 1995. 1:100,000.

*Elevation.* ESRI World Elevation. February 2000. 1:121,000.

*OWRD Administrative Basins.* Oregon Water Resources Department. January 1, 1995.

*Oregon Counties.* Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

*OWRD Watermaster Districts.* Oregon Water Resources Department. March 31, 2014.

*OWRD Regions.* Oregon Water Resources Department. January 1, 1995.

*ODFW Districts and Regions.* Oregon Department of Fish and Wildlife. August 28, 2012.

*Water Organizations* Oregon Water Resources Department. April 1, 2013. 1:24,000.

*Large Dams Inventory.* Oregon Water Resources Department. August 12, 2014. 1:24,000.

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## Rules

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*Withdrawn Authority Areas.* Oregon Water Resources Commission. January 1, 2007.

---

*OWRD Groundwater Restricted Areas.* Oregon Water Resources Department. October 5, 2016.

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*OWRD Groundwater Restricted Areas - Subunits.* Oregon Water Resources Department. April 1, 2009.

---

*ODEQ Groundwater Management Areas (GWMAs).* Oregon Department of Environmental Quality. April 21, 2008.

---

*Groundwater Umatilla Municipal Wells 5-mile buffer.* Oregon Water Resources Department. June 28, 2012.

---

*National Marine Fisheries Service (NMFS) 4(d) Rule.* National Marine Fisheries Service. January 1, 2007.

---

*OAR Chapter 690, Division 33 - HUC 10 .* Oregon Department of Fish & Wildlife. January 1, 2003.

---

*Irrigation Season of Use.* Oregon Water Resources Department, 2017.. March 24, 2017.

---

*Oregon Water Quality Assessment 2012.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

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*Oregon Fish Habitat 2014.* Oregon Department of Fish and Wildlife. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. n.d. 1:24,000.

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*Deschutes USGS Groundwater Study Area.* Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

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*Deschutes Zones of Impact.* Oregon Water Resources Department.. October 25, 2007.

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*Deschutes Zones Overlay.* Oregon Water Resources Department. October 25, 2007.

---

*Oregon State Scenic Waterway areas.* Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

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## Hydrography

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*Routed OWRD Streamcodes (conflated to the NHD).* Oregon Water Resources Dept.. August 11, 2014.

---

*OWRD Lake Streamcodes (conflated to the NHD).* Oregon Water Resources Dept.. August 7, 2015.

---

*Watershed Boundary Dataset (WBD), 10-digit (watershed).* Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

---

*Water Availability Basins.* Oregon Water Resources Department.. n.d. 1:100,000.

---

*Priority Watersheds for Streamflow Restoration.* Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

---

*Stream Gage Stations.* Oregon Water Resources Department and US Geological Survey. n.d.

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[close](#)

[Print Report](#)

# Water Use Report Based on Water Right



Permit: S 53773 \*  
 SMITH V.P., MATT GI RANCH CORPORATION 15 SW COLORADO AVENUE SUITE 1  
 BEND, OR 97702

Records per page: 10

## Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2013	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	6.00	8.00	13.00	2.00	0.00	0.00	0.00	0.00	0.00	29.00	
2012	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	5.00	25.00	45.00	16.00	10.00	4.00	0.00	0.00	0.00	105.00	
2011	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	3.00	8.00	21.00	164.00	180.00	35.00	18.00	14.00	11.00	8.00	462.00	
2010	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	1.00	14.00	23.00	51.00	27.00	3.00	0.00	0.00	0.00	119.00	
2009	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	2.00	8.00	63.00	57.00	31.00	2.00	0.00	0.00	0.00	163.00	
2008	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	7.00	138.00	177.00	93.00	14.00	0.00	0.00	0.00	0.00	429.00	
2007	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	0.00	10.00	25.00	187.00	78.00	12.00	0.00	0.00	0.00	312.00	
2006	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	4.00	15.00	128.00	179.00	27.00	0.00	0.00	0.00	0.00	353.00	
2005	<a href="#">63714</a>	BLACK SNAG CREEK	0.00	0.00	0.00	15.00	22.00	110.00	215.00	60.00	35.00	22.00	14.00	11.00	504.00	

\*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
  - For diverted rights, the total amount diverted during the month;
  - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to “acre-feet” (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

**Application for Extension of Time for a Water Right Permit  
(NON-Municipal/NON Quasi-Municipal water Use)**



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem Oregon 97301  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

**Criteria for a Permit Extension of Time**

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water** to beneficial use.

In order to approve a permit extension request the Department must be able to find:

**1) Construction has begun:**

**A. For Groundwater Permits**

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**B. For Surface Water or Reservoir Permits**

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

**If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.**

**Instructions are in Attachment A.**

RECEIVED BY OWRD

DEC 11 2017

SALEM, OR

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT  
A separate extension application must be submitted for each permit as per  
OAR 690-315-0020(2).

I, GI RANCH CORPORATION

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

15 SW COLORADO AVENUE STE.#1 BEND OR 97702  
ADDRESS CITY STATE ZIP

PHONE E-MAIL ADDRESS

the permit holder of: Application Number R-71909  
Permit Number R-13158  
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: 10 Day: 01 Year: 2001**, be extended to October 1, **2027**, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: 10 Day: 01 Year: 2001**, be extended to October 1, **2027**. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature [Handwritten Signature] Date 12/5/17  
Printed Name W.P., GI RANCH CORP Title VICE PRESIDENT

Before submitting your Application for Extension of Time, make sure the following items are included:

RECEIVED BY OWRD

- This completed Application for Extension of Time.
- Statutory fee of \$575. On July 1, 2017 the fee will increase to \$670. Application received after 5:00 p.m. FRIDAY JUNE 30, 2017, without the correct fee of \$670.00 will be returned.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**  
**along with the Supporting documents and/ or evidence and correct fee to:**

**Water Resources Department**  
**Attn: Water Right Permit Extensions**  
**725 Summer Street NE, Suite A**  
**Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

RECEIVED BY OWRD

DEC 11 2017

SALEM, OR

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Questions to complete this application for an Extension of Time**

Please see the instruction sheet to help you answer these items.

**1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)**

For Groundwater Permits

**Has construction of the point of appropriation (well) authorized under this permit begun?**

Yes  No

**Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_**

**Details of construction and attach documentation: \_\_\_\_\_**

For Surface/Reservoir Permit

**Has construction of the water system begun?  Yes  No**

**Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: 1997**

**Details of construction and attach documentation: Dam was completed in 1998**

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2<sup>nd</sup> column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1<sup>st</sup> column check the box for each condition (row) identified as relevant. In the 3<sup>rd</sup> column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4<sup>th</sup> column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1998
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2027
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2027
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1998, 2000, 2013
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Due to significant time, effort and expense making head gate repairs, all work has been done except the fish screen and by-pass device. Discussions are ongoing with ODFW for a feasible design of this final part of the project which will cost from \$ 100 K to \$ 200 K. Engineering and construction may take until 2027 for completion and ODF&W approval. Contemporary ODF&W in-channel fish screen requirements conflict with permit by-pass condition.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

OR DEV TIME

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1997-1998	Dam Built, including head gate	\$ 500 K
8-13-1999	Letter stating the as-built dam & reservoir is consistent with the diagrams & specifications, signed by David Newton PE, David Newton & Associates,, Portland, OR. (in the files of State of Oregon, Dam Safety per Keith Mills)	
2000	Replaced head gate	\$ 250 K
2001	Water Use, report ID 51077	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
3-14-2002	Date the permit was signed - find date above signature on last page of permit.	
2002	Water Use, report ID 51077	
10-1-2002	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
2003 - 2013	Water Use, Report ID 13158 R-13158	
2013	New head gate	\$ 60 K
12-7-2015	Special Order Vol. 98 at Page 428 Reinstatement	
<b>Total Cost for Chart-B</b>		<b>\$ 810 K</b>

\* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

**CHART-C**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
	N/A	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	N/A	
<b>Total Cost of Chart-C</b>		

\* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. **Cost of project to date: \$ 810 K**  
*(The total combined cost from CHART-B and CHART-C)* [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

**Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.**

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**TIP:** Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

**6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

**TIP:** Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute) or,

Acre-feet stored to date = 273.0 AF

**7. For Ground Water Permit Extensions (e.g. G-XXXX):**

**TIP:** Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well - - under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes  No   
If yes, identify Transfer No. T- \_\_\_\_\_

Has the Permit Amendment been approved? Yes  No   
If yes, on what date was the Permit Amendment approved? \_\_\_\_\_

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[OAR 690-315-0020(3)(e)(C)]

**9. For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

- a) Total acres irrigated to date: N/A
- b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

- c) Provide a copy of the application map identifying the acres irrigated.
- d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# \_\_\_\_\_ Acres \_\_\_\_\_      (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_  
 (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_      (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

[OAR 690-315-0020(3)(i)(j)]

**10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.**

**CHART-E**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2027	To store water, all the work listed has been completed.	
2027	To design and install a fish screen	\$ 100 K
Year: 2027	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>\$ 100 k</b>

[OAR 690-315-0020(3)(g)]

**11. Estimated remaining cost to complete the project: \$ 100 K**

*(The total cost from CHART-E)*

[OAR 690-315-0020(3)(j)]

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**12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use:** *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

**The fish screen project is currently being designed with help from an ODFW engineer and staff.**

[OAR 690-315-0020(3)(k)]

**13. Justify the time requested to complete the project and/or apply the water to full beneficial use.** *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

**Need an extension to complete the project because the design of the fish screen is difficult and the site cannot be accessed during the winter**

[OAR 690-315-0020(3)(l)]

**14a. Will a denial of the extension result in undue hardship?** *(Describe the hardship and the effects.)*

**Yes, fish and wildlife habitat would not be developed.**

**14b. Are there any other reasonable alternatives that exist for meeting your water use needs?** *(Explain in detail)*

**No, stream is otherwise intermittent.**

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[OAR 690-315-0020(3)(h)]

**15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)**

**No**

[OAR 690-315-0020(3)(h)]

**16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)**

**The first head gate (outlet gate) was destroyed during the cycling procedure, being an effort to come into compliance with the terms and conditions of the permit**  
**and**  
**Rust of the second head gate (outlet gate) required emptying the reservoir for repairs, then refilling it took up to 3 years.**

[OAR 690-315-0020(3)(h)]

**17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)**

**Difficult fish screen design and no winter access to the site**

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[OAR 690-315-0020(3)(m)(n)]

**18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.**

Difficult fish screen design and no winter access to the site

[OAR 690-315-0040(2)(f)]

**19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)**

N/A

[OAR 690-315-0040(4)(d)]

**20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)**

N/A

**Attach permit, and documentation to the application**

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STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541) 382-6691

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

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN  
THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1  
THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and  
the maximum depth of water will be 30.0 feet. The maximum height of the  
dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NE 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24  
EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF  
SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SE 1/4 NW 1/4  
SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

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Application R-71909 Water Resources Department

PERMIT R-13158

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

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SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

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Measurement, recording and reporting conditions:

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- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has

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PAGE 3

been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

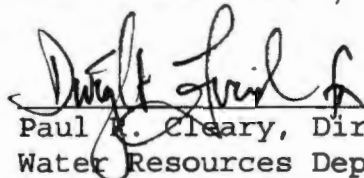
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

**This permit is issued to correctly identify the coordinates of the dam**

on Black Snag Creek. Permit R-12247, issued September 5, 1997 is superceded by this instrument and is of no further force or effect.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued March 14, 2002

  
Paul R. Cleary, Director  
Water Resources Department

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Application R-71909 Water Resources Department  
Basin 5 Volume 2A Twelvemile Creek & Misc.  
AMH

PERMIT R-13158  
District 11

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

G.I. RANCH CORPORATION  
15 SW COLORADO AVE.  
BEND, OREGON 97702

PHONE: (541) 382-6691

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72304

SOURCE OF WATER: BLACK SNAG CREEK, A TRIBUTARY OF TWELVEMILE CREEK

PURPOSE OR USE: MAINTENANCE OF A RESERVOIR, CONSTRUCTED UNDER PERMIT R-12247, FOR FISH PROPAGATION AND WILDLIFE

MAXIMUM RATE/VOLUME ALLOWED: 5.6 CUBIC FEET PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: APRIL 3, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 25, T19S, R24E, NW 1/4 NW 1/4, SECTION 29, T19S, R25E, W.M.; BLACK SNAG CREEK - 870 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 29; RESERVOIR - 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4

NW 1/4 NE 1/4

SW 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

NW 1/4 NW 1/4

SW 1/4 NW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

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**Measurement, recording and reporting conditions:**

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

**STANDARD CONDITIONS**

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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.

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.

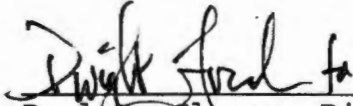
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

This permit is issued to correctly identify the coordinates to the Point of Diversion on Black Snag Creek. Permit 53437 issued August 12, 1998 is superceded by this instrument and is of no further force or effect.

Actual construction work shall begin within one year for permit issuance. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

March 14, 2002

  
\_\_\_\_\_  
Paul R. Cleary, Director  
Water Resources Department

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Application S-72304 Water Resources Department  
Basin 5  
AMH

PERMIT 53773  
District 11

# Black Snag Reservoir

7-2-2017

Legend

24

19

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Old Berger Rd

Berger Feely Rd

T19S R25E

25

30

Google Earth

36

31

4000 ft





STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541) 382-6691

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

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NW 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued September 5 , 1997



Martha O. Pagel, Director  
Water Resources Department

**PIERCEALL Jeffrey D \* WRD**

---

**From:** johnshort@usa.com  
**Sent:** Wednesday, February 07, 2018 12:04 PM  
**To:** PIERCEALL Jeffrey D \* WRD  
**Subject:** Re: Black Snag reservoir

Hello Jeffrey,

I just finished discussing the latest proposed design with Marty Olsen (ODFW) and we are good with a proposed Completion Date of October 1, 2022.

Thanks,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Feb 6, 2018, at 11:43 AM, PIERCEALL Jeffrey D \* WRD <[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)> wrote:

John,

I have been in contact with Marty Olson and Tim Porter from ODFW about the fish screen requirement for Black Snag Reservoir. Based on ODFW concerns that a fish screen has not yet been installed, the stocking history of the lake and their estimate on time it should take for installation of the fish screen, a request until 2028 to complete the project is excessive. The Department agrees and feels it is necessary for the permit holder to adjust the requested extension time period from 2028 to 2022. This should accommodate the amount of time to design and install the fish screen and put the water to beneficial use. According to Marty, "From a construction standpoint I would say that two years should be ample time to get a screen installed. This gives the applicant a full summer of low water to engineer a screen system, and then it gives them another full summer to construct and implement." Knowing that there may be some setbacks that could delay the installation, the additional two years beyond Marty's estimate should be more than adequate. Please submit an amendment to the Application to request until October 1, 2022.

Please submit an amended request by February 16, 2018, or the Department will issue a proposed order to deny the request until 2028.

[Jeffrey D. Pierceall](mailto:Jeffrey.D.Pierceall)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

## PIERCEALL Jeffrey D \* WRD

---

**From:** Martin Olson <Martin.P.Olson@state.or.us>  
**Sent:** Thursday, February 01, 2018 11:57 AM  
**To:** PIERCEALL Jeffrey D \* WRD; PORTER Timothy K  
**Subject:** RE: Black Snag Reservoir

Jeffrey,

From a construction standpoint I would say that two years should be ample time to get a screen installed. This gives the applicant a full summer of low water to engineer a screen system, and then it gives them another full summer to construct and implement.

Marty.

Marty Olson  
Screen Shop Manager  
Or. Dept. of Fish and Wildlife  
3561 Klindt Dr.  
The Dalles, OR. 97058  
(541) 296-8026 Office  
(541) 705-5022 Cell  
(541) 296-7889 Fax  
Martin.P.Olson@State.Or.Us

---

**From:** PIERCEALL Jeffrey D \* WRD [mailto:Jeffrey.D.Pierceall@oregon.gov]  
**Sent:** Thursday, February 01, 2018 10:43 AM  
**To:** PORTER Timothy K <Timothy.K.Porter@state.or.us>; OLSON Martin P <Martin.P.Olson@state.or.us>  
**Subject:** RE: Black Snag Reservoir

Thank you for the input. Does ODFW have an idea of the amount of time it should take for installation of the screen? Before I go back to the agent and request better justification for the time they are proposing, I would like to have an idea of where you guys stand on it.

[Jeffrey D. Pierceall](#)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

---

**From:** Timothy K Porter [mailto:Timothy.K.Porter@state.or.us]  
**Sent:** Wednesday, January 24, 2018 4:16 PM  
**To:** PIERCEALL Jeffrey D \* WRD; OLSON Martin P  
**Subject:** RE: Black Snag Reservoir

Jeffrey,

As I understand the situation, the screening requirement has been in place since the first permit was issued in 1997 and was supposed to be fulfilled by the October 1, 2001 deadline of when the reservoir was to be filled and complete application of water. In addition, we have record of the applicant stocking hatchery fish in the reservoir as far back as

2007. There has been sufficient time to fulfill the screening requirement. Based on the lengthy history of the project and the presence of hatchery fish, our district feels it is in our and the applicant's best interest to install proper screening as soon as possible to prevent fish from exiting the reservoir. Marty would have a much better idea on how long it will actually take to get screening installed, but a ten year extension would be excessive. Please let me know if you have any other questions.

Thanks,

Tim Porter  
Assistant District Fish Biologist  
Prineville Field Office  
Deschutes Watershed District  
Oregon Department of Fish & Wildlife  
(541) 447-5111 ext. 24

---

**From:** PIERCEALL Jeffrey D \* WRD [<mailto:Jeffrey.D.Pierceall@oregon.gov>]  
**Sent:** Wednesday, January 24, 2018 11:30 AM  
**To:** OLSON Martin P <[Martin.P.Olson@state.or.us](mailto:Martin.P.Olson@state.or.us)>  
**Cc:** PORTER Timothy K <[Timothy.K.Porter@state.or.us](mailto:Timothy.K.Porter@state.or.us)>  
**Subject:** RE: Black Snag Reservoir

Thank you for the response. Once Tim has had a chance to weigh in, would you be able to provide me with an estimate of what ODFW would anticipate for installation.  
Thank you

[Jeffrey D. Pierceall](mailto:Jeffrey.D.Pierceall@oregon.gov)  
Extension and Adjudication Specialist  
Oregon Water Resources Department  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

---

**From:** Martin Olson [<mailto:Martin.P.Olson@state.or.us>]  
**Sent:** Wednesday, January 24, 2018 11:24 AM  
**To:** PIERCEALL Jeffrey D \* WRD  
**Cc:** PORTER Timothy K  
**Subject:** RE: Black Snag Reservoir

Jeffrey,  
I will let Tim Porter out of our Prineville office weigh in on this too, but typically it does not take 10 years to get a fish screen installed.

We did have some back and forth discussions regarding fish screens at this site, and ODFW's final decision that was relayed to John Short was that the reservoir must be screened to keep non-native stocked species from leaving the impoundment and entering the system downstream of the reservoir.

I would be happy to provide additional information if you need further assistance, call or e-mail anytime,  
Thank you Jeffrey,  
Marty.

Marty Olson  
Screen Shop Manager

Or. Dept. of Fish and Wildlife  
3561 Klindt Dr.  
The Dalles, OR. 97058  
(541) 296-8026 Office  
(541) 705-5022 Cell  
(541) 296-7889 Fax  
[Martin.P.Olson@State.Or.Us](mailto:Martin.P.Olson@State.Or.Us)

---

**From:** PIERCEALL Jeffrey D \* WRD [<mailto:Jeffrey.D.Pierceall@oregon.gov>]  
**Sent:** Wednesday, January 24, 2018 8:59 AM  
**To:** OLSON Martin P <[Martin.P.Olson@state.or.us](mailto:Martin.P.Olson@state.or.us)>  
**Subject:** Black Snag Reservoir

Marty,

I am currently reviewing an Extension of Time Application for Permit R-13158 (Application R-71909), for the storage of water in Black Snag reservoir. The application is requesting until 2027 to complete the construction and installation of the fish screen, and the beginning of installation not occurring until 2025. The schedule that was provided to me is as follows:

Agreed upon conceptual design - 2018  
Agreed upon engineering design - 2020  
Fish screen fabrication complete - 2022  
Initial installation complete - 2025  
Full functionality & apply water to Beneficial Use – 2028

My question to you is if this schedule accurately represents a realistic time line for this project?

Also, I was forwarded an email stream which seems to indicate that ODFW may choose to waive the fish screen requirements, but later indicates that the fish screen is necessary to keep stocked fish in the reservoir. I was wondering if there have been any further discussions around this? The last email I have was sent from you to John Short on December 20, 2016 with a response from him on January 4, 2017. Attached is the email stream I was forwarded.

Any input you have is welcome and appreciated.

Thank you,

[Jeffrey D. Pierceall](#)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

**PIERCEALL Jeffrey D \* WRD**

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**Sent:** Wednesday, January 24, 2018 4:16 PM  
**To:** PIERCEALL Jeffrey D \* WRD; OLSON Martin P  
**Subject:** RE: Black Snag Reservoir

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Tim Porter  
Assistant District Fish Biologist  
Prineville Field Office  
Deschutes Watershed District  
Oregon Department of Fish & Wildlife  
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Thank you

[Jeffrey D. Pierceall](#)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

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Marty.

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(541) 296-8026 Office  
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**Sent:** Wednesday, January 24, 2018 8:59 AM  
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**Subject:** Black Snag Reservoir

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Any input you have is welcome and appreciated.

Thank you,

[Jeffrey D. Pierceall](mailto:Jeffrey.D.Pierceall)

Extension and Adjudication Specialist  
Oregon Water Resources Department  
503-986-0802  
Jeffrey.D.Pierceall@oregon.gov

**PIERCEALL Jeffrey D \* WRD**

---

**From:** johnshort@usa.com  
**Sent:** Friday, January 12, 2018 12:53 PM  
**To:** PIERCEALL Jeffrey D \* WRD  
**Subject:** Re: GI Ranch Permit R-13158  
**Attachments:** Scan 10.pdf

Hello Jeffrey,

Per your letter dated 12/21/2017, please accept the following clarifications.

**Item 12:** Current opinion at ODF&W is narrowing to a cylindrical, in-channel fish screen.

I expect:

- Agreed upon conceptual design - 2018
- Agreed upon engineering design - 2020
- Fish screen fabrication complete - 2022
- Initial installation complete - 2025
- Full functionality & apply water to Beneficial Use - 2028

ODFW believes 2 yrs  
enough 4 yrs OK for  
unforeseen circ. *ef*

Once I completed evaluating GI Ranch's dozens of water rights, I reached out to ODF&W for guidance on Black Snag Reservoir. Please see attached email string beginning 12/6/2016. Initially, I worked with Marty Olson who consulted Tim Porter & Brett Hodgson. While waiting for snowmageddon to pass allowing access, Bob Edwards rotated in as Screen Coordinator to help while continuing his normal shop position upon Marty's promotion in June 2017.

**Item 16:** Unforeseen events included:

1. 2000 - Headgate replacement due to failure during permit condition annual cycling (\$250K).
2. Diminishing availability of retiring CWRE Bruce Estes. *?? - Not Applicable*
- ~~3. 2013 - Headgate replacement due to rust damage (\$60K). Refilling took 3 years.~~
- ~~4. 2016/17 - Snowmageddon eliminated fall / winter access due to snow and spring / summer due to mud.~~
- ~~5. June 2017 promotion of ODF&W Screens Coordinator Marty Olson with position still presently open and partially covered by rotating shop staff, Bob Edwards.~~

*all 10+ years after  
C-date*

**Item 17:** This type screen takes significant engineering design in order to fit the stream channel and handle flood events . We expect several iterations. We then must fabricate and build this fish screen as 'off the shelf' units don't exist. Additionally, large construction equipment access to this remote site can only be scheduled when snow and mud are not issues. Throw in needing acceptable temperatures for concrete and the window for construction each year becomes quite small. Even getting engineers to the remote site for slope and soil analysis takes significant time. Required approvals by multiple people with their own schedules quickly takes this to a 5-10 year project.

Agent authorization out for signature. Will follow ASAP.

Best,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Jan 12, 2018, at 10:32 AM, PIERCEALL Jeffrey D \* WRD <[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)> wrote:

John,

Attached is the letter the was sent to GI Ranch on December 21, 2017, requesting additional information needed for processing the Extension of Time Application.

Also, there is no agent authorization located in this file. If you will be working as the agent for the permit holder, authorization will need to be submitted.

Thank you,

[Jeffrey D. Pierceall](mailto:Jeffrey.D.Pierceall@oregon.gov)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

<GIRanchLetter.pdf>

### Oregon Water Right Agent Authorization

To Oregon Water Resources Department:

I/We, the undersigned, as owner(s) of those Oregon water rights referenced below, do hereby authorize John A. Short of Water Right Services, LLC as our agent to represent me/us in all matters relating to these water rights, transfers, and/or extensions thereof. **Please copy Agent on ALL correspondence relating to these water rights, transfers, and extensions.**

Applications:

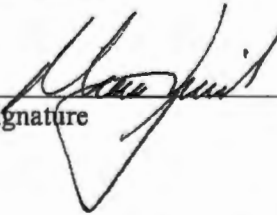
Permits: R-13158 & S-53773 Black Snag Reservoir

Transfers:

Certificate:

GI RANCH CORP.  
Company Name

VICE PRESIDENT  
Title

  
Signature

MATTHEW SMITH  
Printed Name

1/12/18  
Date

NOTE: Return to Water Right Services, LLC at address below when completed.

RECEIVED  
JAN 12 2018  
OWRD

**Water Right Services, LLC**  
John A. Short CCB 197121  
541-389-2837

P.O. Box 1830  
Bend, OR 97709

[johnshort@usa.com](mailto:johnshort@usa.com)  
[www.oregonwater.us](http://www.oregonwater.us)



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

December 21, 2017

GI Ranch Corporation

Matt Smith

15 SW Colorado Ave. Suite #1

Bend, OR 97702

Reference: Application for Extension of Time for Permit R-13158

Dear Mr. Smith:

On December 11, 2017, the Oregon Water Resources Department (Department) received an Application for Extension of Time for Permit R-13158 (Application). After reviewing the Application, it has been determined that additional information is necessary. Please provide the following information by Friday January 12, 2018, so the Department may consider it in making a determination on your Application.

1. Item 12 of the Application requests a summary of the plan to complete construction of the project. The summary should include what actions will be taken to complete construction, dates when actions will be taken, and time-lines for completion of the actions. Please provide a Summary of your plan to complete construction, meet all permit conditions, and apply water to its beneficial use. Additionally, please provide information about the ODFW staff assisting in the fish screen project and when they began, or plan to begin work on the project.
2. Item 16 of the Application requests description of unforeseen events which contributed to the delay of completion of this project, including the time spent addressing the issue. Please provide specific events that resulted in delays, when they occurred, and how long they took to resolve.
3. Item 17 of the Application requests a description of additional reasons why construction was not complete and to provide supporting information. Please provide information detailing the difficulties in designing and installing the fish screen.

If you have any questions or concerns regarding this matter, please feel free to contact me by telephone at 503 986-0802.

Sincerely,



Jeffrey D. Pierceall

Extensions and Adjudication Specialist



Application: R-71909

Permit: R-13158

Public Notice Route Slip ... New Application Extension of Time  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit  
Holder(s)

G-I Ranch Corp ✓

15 SW Colorado Ave Ste #1  
Bend OR 97702

WRIG...Money Received on: 12-11-17

Extension Specialist ...

Added to tracking spreadsheet

After fee is received and app is added to spreadsheet, route to...

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of  
notice 12-19-17

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application  
was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was  
received.

Yes or  No: Return file to Extension Specialist after PN Jeffrey

NOTES:

STATE OF OREGON

WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 125418

INVOICE # \_\_\_\_\_

RECEIVED FROM: GI Ranch Corporation.

APPLICATION R-71909

BY: \_\_\_\_\_

PERMIT \_\_\_\_\_

CASH: CHECK: # (025833) OTHER: (IDENTIFY) \_\_\_\_\_

TRANSFER \_\_\_\_\_

CASH  CHECK: # 025833  OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 670.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

46111

0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$ 670.00

WATER RIGHTS:

EXAM FEE
\$
\$
\$

0201 SURFACE WATER 0202 \$  
0203 GROUND WATER 0204 \$  
0205 TRANSFER \$

WELL CONSTRUCTION

EXAM FEE
\$

0218 WELL DRILL CONSTRUCTOR 0219 \$  
LANDOWNER'S PERMIT 0220 \$  
OTHER (IDENTIFY) \_\_\_\_\_

RECORD FEE
\$
\$
LICENSE FEE
\$
\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$

RECEIPT: 125418

DATED: 12-11-17 BY: [Signature]



(5200)

CHECK DATE: 12/08/17

CHECK NO.: 025833

ORWAD

Invoice No.	Inv. Date	Amount	Discount	Description	Vchr	Net Amount
121017-OWRD	12/10/17	670.00	0.00	APP#\$R-71909 PERMIT#R-13158	22205	670.00

RECEIVED BY OWRD

DEC 11 2017

SALEM, OR

TOTAL

670.00

0.00

670.00

THIS IS NOT A CHECK - DO NOT NEGOTIATE

THIS IS NOT A CHECK - DO NOT NEGOTIATE

THIS IS NOT A CHECK - DO NOT NEGOTIATE



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

December 18, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-71909 (Permit R-13158)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).



# DAVID J. NEWTON ASSOCIATES

INCORPORATED

Civil and Geological Engineering Services

August 13, 1999  
Project No. 418-105

G.I. Ranch Corporation  
c/o Mr. James Bussard, P.E.  
Bussard Engineering  
15 S.W. Colorado, P.O. Box 268  
Bend, Oregon 97709

**RECEIVED**

AUG 16 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

**RECEIVED**

AUG 16 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

## **SUMMARY OF OBSERVATION AND TESTING SERVICES BLACK SNAG DAM, OWRDDS PERMIT NO. R-71909 GRINDSTONE RANCH CROOK COUNTY, OREGON**

Dear Jim:

In accordance with our agreement dated September 14, 1998, David J. Newton Associates, Inc. (DNA) is pleased to provide you with this letter presenting a summary of our observations and testing during construction of Black Snag Dam on the G.I. Ranch, Crook County, Oregon. This letter provides a brief discussion of the construction of the dam and design modifications. We have attached a set of record drawings illustrating design modifications made during construction based on our observations and the field conditions encountered.

### **GENERAL**

As you know DNA provided construction observation, testing, and consultation services, in addition to our previously provided design services, for construction activities associated with the embankment dam and appurtenant structures (e.g. outlet works, spillway) at Black Snag Dam. We provided periodic construction observation and testing services from July, 1998 to July, 1999. Copies of our Daily Field Reports, summarizing our site observations during construction, are provided as Appendix A to this letter.

Construction activities and outlet works repairs were recently completed by Woodward Companies. A site visit was attended by DNA, Mr. Craig Woodward of Woodward Companies (WC), Mr. John Falk of the Oregon Water Resources Department, Dam Safety (OWRDDS), and Mr. Bob Williams of the G.I. Ranch, on July 9, 1999 to observe the completed dam.

### **SUMMARY OF DESIGN MODIFICATIONS**

Modifications to the original design of the dam, dated August 1997, were made based on conditions encountered in the field. Revisions, dated August, 1998, to the design drawings included replacement of the zoned rockfill embankment section with a homogenous earthfill dam

**PIERCEALL Jeffrey D \* WRD**

---

**From:** johnshort@usa.com  
**Sent:** Friday, January 12, 2018 12:53 PM  
**To:** PIERCEALL Jeffrey D \* WRD  
**Subject:** Re: GI Ranch Permit R-13158  
**Attachments:** Scan 10.pdf

Hello Jeffrey,

Per your letter dated 12/21/2017, please accept the following clarifications.

**Item 12:** Current opinion at ODF&W is narrowing to a cylindrical, in-channel fish screen.

I expect:

- Agreed upon conceptual design - 2018
- Agreed upon engineering design - 2020
- Fish screen fabrication complete - 2022
- Initial installation complete - 2025
- Full functionality & apply water to Beneficial Use - 2028

Once I completed evaluating GI Ranch's dozens of water rights, I reached out to ODF&W for guidance on Black Snag Reservoir. Please see attached email string beginning 12/6/2016. Initially, I worked with Marty Olson who consulted Tim Porter & Brett Hodgson. While waiting for snowmageddon to pass allowing access, Bob Edwards rotated in as Screen Coordinator to help while continuing his normal shop position upon Marty's promotion in June 2017.

**Item 16:** Unforeseen events included:

1. 2000 - Headgate replacement due to failure during permit condition annual cycling (\$250K).
2. Diminishing availability of retiring CWRE Bruce Estes.
3. 2013 - Headgate replacement due to rust damage (\$60K). Refilling took 3 years.
4. 2016/17 - Snowmageddon eliminated fall / winter access due to snow and spring / summer due to mud.
5. June 2017 promotion of ODF&W Screens Coordinator Marty Olson with position still presently open and partially covered by rotating shop staff, Bob Edwards.

**Item 17:** This type screen takes significant engineering design in order to fit the stream channel and handle flood events . We expect several iterations. We then must fabricate and build this fish screen as 'off the shelf' units don't exist. Additionally, large construction equipment access to this remote site can only be scheduled when snow and mud are not issues. Throw in needing acceptable temperatures for concrete and the window for construction each year becomes quite small. Even getting engineers to the remote site for slope and soil analysis takes significant time. Required approvals by multiple people with their own schedules quickly takes this to a 5-10 year project.

Agent authorization out for signature. Will follow ASAP.

Best,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Jan 12, 2018, at 10:32 AM, PIERCEALL Jeffrey D \* WRD <[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)> wrote:

John,  
Attached is the letter the was sent to GI Ranch on December 21, 2017, requesting additional information needed for processing the Extension of Time Application.  
Also, there is no agent authorization located in this file. If you will be working as the agent for the permit holder, authorization will need to be submitted.  
Thank you,

[Jeffrey D. Pierceall](#)  
[Extension and Adjudication Specialist](#)  
[Oregon Water Resources Department](#)  
503-986-0802  
[Jeffrey.D.Pierceall@oregon.gov](mailto:Jeffrey.D.Pierceall@oregon.gov)

<GIRanchLetter.pdf>

From: johnshort@usa.com  
Subject: Fwd: Black Snag Reservoir on GI Ranch Permits R-13158 & S-53773  
Date: January 4, 2017 at 10:50 AM  
To: Jerry K Sauter jerry.k.sauter@state.or.us



Hey Jerry,

As you can see from the email string below, ODFW and I are doing our best to get these figured out. Now snow probably keeps us from getting within 20 miles of the reservoir to inspect. Can these be put on Administrative Hold for six months while we get fish screen verified and either CBUs or extensions submitted?

Thanks so much,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

Begin forwarded message:

**From:** "johnshort@usa.com" <[johnshort@usa.com](mailto:johnshort@usa.com)>  
**Subject:** Re: Black Snag Reservoir on GI Ranch  
**Date:** January 4, 2017 at 10:43:27 AM PST  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>

Hi Marty and Happy New Year,

No, I don't have any pictures and this white stuff has put off a site visit for a while. Would screening the overflow accomplish it?

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 20, 2016, at 2:06 PM, Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

John,

I just talked with Tim Porter and Brett Hodgson and the outlet of the lake will need to be screened if hatchery fish are to be planted in the reservoir. I have never seen the reservoir, other than in a Google Earth view, but it looks like the outlet of the lake comes from the bottom of the lake. This will make this a challenging situation to screen properly. Do you have any pictures that you can share?

Thanks John,  
Marty.

Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [<mailto:johnshort@usa.com>]  
**Sent:** Monday, December 19, 2016 1:39 PM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Re: Black Snag Reservoir on GI Ranch

So if no "out of reservoir" use exists, no screens?

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 19, 2016, at 1:34 PM, Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

There are no "Dumb" questions John, LOL, except for the ones I come up with!!

I will answer with some reservation as I am not totally sure of their situation but typically the screens would be required at their point of diversion, not at the entrance or the exit of the intermittent stream as it flows through the reservoir. The screen, or screens, will be required wherever the water is pulled out for irrigation, if it is pumped out of the reservoir then the pump intake will need to be screened, if it is a gravity or ditch type of irrigation system then the canal will need to be screened as it exits the reservoir.

I just had a response from our ODFW district office and it sounds like the tax credit would not be supported at this location.

Please don't ever hesitate to ask me any questions John, I will never think they are bad questions.  
Marty.



Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [<mailto:johnshort@usa.com>]  
**Sent:** Monday, December 19, 2016 1:07 PM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Re: Black Snag Reservoir on GI Ranch

Thanks Marty.

Dumb questions #1. Since this is a dam within the intermittent creek, are you looking for fish screens at inlet and outlet? #2 And would those screens be to keep native fish from getting in to the reservoir or planted sterile fish from escaping from the reservoir?

Best,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

On Dec 19, 2016, at 1:00 PM, Martin Olson  
<[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)> wrote:

Hi John,  
I just had a quick e-mail exchange with Tim Porter out of the Prineville office and he said that ODFW would be willing to waive the requirements for fish passage at the site, but fish screening would still be required. I will be happy to work with you and your clients to get the proper screens in place. If they already have screens in place I would be happy to do an inspection for them and get a letter written.

I don't think your clients would be approved for cost share assistance because there are no Salmon or Steelhead present at that location, but ODFW does have a Tax Credit program for the installation of new fish screens, and your clients would certainly be eligible to apply. The tax credit is for up to half of what is spent on the fish screen, up to a

maximum credit of \$5000.00 per project. If this is something that they are interested in I can forward you the tax credit application, it is super simple.

Thanks again for all of your help John, I will talk with you soon.

Marty.

Marty Olson  
Fish Screens Coordinator  
Or. Dept. of Fish and Wildlife  
The Dalles, Or.  
(541) 296-8026

**From:** [johnshort@usa.com](mailto:johnshort@usa.com) [<mailto:johnshort@usa.com>]  
**Sent:** Monday, December 19, 2016 8:44 AM  
**To:** Martin Olson <[martin.p.olson@state.or.us](mailto:martin.p.olson@state.or.us)>  
**Subject:** Black Snag Reservoir on GI Ranch

Hey Marty,

Just checking in to see if you heard anything back on this?

Thanks,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

From: johnshort@usa.com   
Subject: GI Ranch - Black Snag Reservoir  
Date: December 6, 2016 at 11:48 AM  
To: Martin Olson martin.p.olson@state.or.us



Hello Marty,

Thanks for your review and recommendation on these two permits.

Sincerely,  
John



R\_13158.pdf



S\_53773.pdf

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

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

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN  
THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1  
THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and  
the maximum depth of water will be 30.0 feet. The maximum height of the  
dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NE 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24  
EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF  
SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

Application R-71909 Water Resources Department

PERMIT R-13158

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has

been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

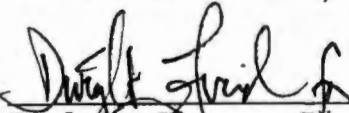
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

**This permit is issued to correctly identify the coordinates of the dam**

on Black Snag Creek. Permit R-12247, issued September 5, 1997 is superceded by this instrument and is of no further force or effect.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued March 14 , 2002



---

Paul R. Cleary, Director  
Water Resources Department

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Reservoir Application	)	FINAL
R-71909 submitted by	)	ORDER
GI RANCH CORPORATION		

**FINDINGS OF FACT**

*Water Use Request*

1. GI Ranch Corporation requested to construct Black Snag Reservoir and to store the waters of Black Snag Creek for Fish, Recreation and Livestock water within the Deschutes Basin.
2. The amount of water requested for storage each year is 560.0 acre-feet.
3. The area to be submerged by the reservoir is located in Crook County within Section 25, Township 19 South, Range 24 East W.M., and Section 30, Township 19 South, Range 25 East W.M.
4. The total area proposed to be submerged by the reservoir, when full, is 36.0 acres; the proposed maximum depth of water is 30.0 feet. The maximum height of the dam will not exceed 38.0 feet.
5. The request was made in Application R-71909 which was received by the Water Resources Department on October 7, 1991.

*Affected Waters*

1. Black Snag Creek, tributary to Twelvemile Creek, is above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present downstream, but not at the described dam location and/or point of diversion and requires applicant to provide fish screening pursuant to ORS 498.248.
3. There are no senior water rights on Black Snag Creek but there are on downstream waters.

*Department Actions*

1. The application was determined to be complete and not defective.
2. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on December 29, 1995.
3. The Initial Review determined:
  - a. Storage is allowed under the Deschutes Basin Program.



- b. The use is not prohibited by Statute.
  - c. Water is available for storage and further appropriation (at a 50 percent exceedance probability) for the period January 1 through April 30 (storage season).
  - d. The use would not injure existing water rights.
4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
  5. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
  6. The Department proceeded with processing the application and on January 16, 1995 published notice of the application in its weekly Public Notice of Water Rights.
  7. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

#### *Assessment*

1. In proceeding with evaluation of Application R-71909, the following criteria were found to be relevant by the Department.
  - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
  - b. The Crook County Comprehensive Plan and Zoning Ordinance
  - c. Dam Construction Standards (OAR Chapter 690, Division 20)
  - d. The amount of water available in Black Snag Creek, tributary of Twelvemile Creek
  - e. The Scenic Waterway Act (ORS 390.835)
  - f. Pending, senior applications and existing water rights of record
  - g. Comments received

#### **CONCLUSIONS OF LAW**

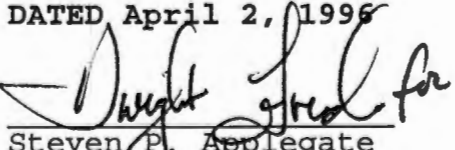
1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.
2. Based on comments and data received, the Department has determined that the proposed uses can be allowed as conditioned. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require reservoir outflow to equal reservoir inflow during the period that storage is not allowed.
3. The period of allowed use is January 1 through April 30.

4. Plans and specifications for dam construction and operation must be submitted and approved by the Department by August 31, 1996 or the application may be rejected. Additional Permit conditions may be necessary after the requested plans and specifications are reviewed, (ORS 537-400 (4)).
5. The Department finds that no more than 560.0 acre-feet would be necessary for Storage. The amount of water requested, 560.0 acre-feet is allowable for the proposed use.
6. Crook County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Crook County Comprehensive Land Use Plan.
7. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the Deschutes River Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.
8. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.
9. The proposed use complies with all other rules of the Commission.
10. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assémbly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
11. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

#### PROPOSED ORDER

IT IS PROPOSED that Application R-71909 in the name of GI Ranch Corporation be approved for storage for Fish, Recreation and Livestock watering as provided in the attached draft permit.

DATED April 2, 1996

  
Steven P. Applegate  
Administrator

Water Rights and Adjudications Division

#### NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

**Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 17, 1996.**

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT  
STATE OF OREGON  
COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 560.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE, WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NW 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

- NE 1/4 NE 1/4
- NW 1/4 NE 1/4
- SE 1/4 NE 1/4
- NE 1/4 NW 1/4
- NW 1/4 NW 1/4
- SE 1/4 NW 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4  
SECTION 30  
TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_

DRAFT

---

Water Resources Department  
Director

Application R-71909 Water Resources Department  
Basin Deschutes Volume 2A Twelvemile Creek & Misc.  
JKS MGMT.CODE

PERMIT DRAFT  
District 11

9

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-71909

WATERMASTER # 11

REGIONAL MANAGER: SOUTH CENTRAL

ODF&W - Crook County:

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: \_\_\_\_\_ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER : JKS

## SAUTER Jerry K \* WRD

---

**To:** johnshort@usa.com  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** RE: GI Ranch Permits S-53773 & R-13158

John,  
This seems a bit complicated and your request is very reasonable to effect a solution. Please keep me posted as to your progress.  
Regards,  
JK

*How Action  
11/16/2017*

**JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST**  
WATER RESOURCES DEPARTMENT – 725 SUMMER STREET NE, SUITE A – SALEM OREGON 97301  
PH. 503-986-0817 FAX 503-986-0901  
EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: HTTP://WWW.OREGON.GOV

---

**From:** johnshort@usa.com [mailto:johnshort@usa.com]  
**Sent:** Thursday, November 16, 2017 2:55 PM  
**To:** SAUTER Jerry K \* WRD  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** GI Ranch Permits S-53773 & R-13158

Hello Jerry,

Your co-hort Gerry suggested I bring you up to speed on these. You sent 60 day cure or cancel letters on these received 9/21/2017 by the permit holder. We had already prepared the extension application for the reservoir right when I called Gerry to see if the right to use the stored water also needed an extension. He stated that it did not if the reservoir right was being extended. We prepared the extension since the fish screen is not complete. However, in working with ODF&W's new field person (Bob Edwards, currently elk hunting) it became clear that OWRD's Permits seek bypass and diversion screening while ODF&W 25 years later has switched to wanting screening meant to keep planted fish from escaping to native fish bearing waters downstream.

Gerry suggested a resolution to this dilemma of moving the fish screen requirement to GI Ranch's fish stocking permit and have OWF&W exempt the reservoir and secondary stored water permits from their existing fish screen conditions.

As I do not yet have agreement from all parties, please allow additional time to resolve this dilemma.

Thank you.

Sincerely,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

*NOTE: For water rights information and useful forms, please see our web site at*

[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

September 19, 2017

Certified mail number 7016 0340 0000 0163 8412

Return receipt requested

GI RANCH CORP  
15 SW COLORADO AVENUE SUITE 1  
BEND, OR 97702

Reference: Application R-71909, Permit R-13158

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (November 18, 2017) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (1)

cc: File R-71909

OWRD Watermaster District 11



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

IN THE MATTER OF THE )  
REINSTATEMENT OF PERMIT R-13158 ) ORDER

**Findings of Fact**

1. On November 19, 2015 the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the November 19, 2015 order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMITS TO CONSTRUCT RESERVOIRS AND STORE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
GI RANCH CORPORATION	5	11	R-71909	R-13158

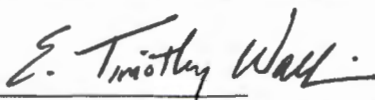
**Conclusions of Law**

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

**Order**

1. NOW, THEREFORE, it is hereby ORDERED that the permits listed above are reinstated.
2. The Department will take no action to cancel this permit until April 15, 2015 to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on December 7, 2015.



E. Timothy Wallin, Water Rights Program Manager  
for Thomas Byler, Director

PLACED IN U.S. MAIL DEC 08 2015  
BY OREGON WATER RESOURCES DEPARTMENT

**This is a final order in other than contested case.** This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date, the petition was filed, the petition shall be deemed denied.

G-14791 - TALK WITH IVY TO SEE IF  
THERE IS ANY CHANCE FOR A NEW PETROLEUM  
CONTRACTING NEW OWNER.

G.I. Ranch R-71909 } CERT. SENT  
S-72304 } SIGNED FOR BY  
LAGUNA.

CANCELLED 11/19/2015

NEED \$45000 EACH FILE BY ~~12/10/2015~~  
~~1/10/2016~~  
1/17/2016

Banco ORTEL  
MEMBERS  
11/24/2015

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **118170**

INVOICE # \_\_\_\_\_  
**R-719093**

RECEIVED FROM: **GI Ranch Corporation**  
BY: \_\_\_\_\_

APPLICATION	<b>S-72304</b>
PERMIT	
TRANSFER	

CASH:  CHECK:# **24058**  OTHER: (IDENTIFY) \_\_\_\_\_

**TOTAL REC'D \$ 900.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$
0243	I/S Lease	_____
0244	Muni Water Mgmt. Plan	_____
0245	Cons. Water	_____

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES	<b>4611 2 @ 450.00</b>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<b>Reinstate a permit</b>	\$ <b>900.00</b>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219
	LANDOWNER'S PERMIT	\$	0220
_____	OTHER (IDENTIFY)		

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #	_____
0210	MONITORING WELLS	\$	CARD #	_____
_____	OTHER (IDENTIFY)			

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **118170**

DATED: **12/2/15** BY: **Maria [Signature]**

**ESTES  
SURVEYS<sub>LLC</sub>**

**SURVEYS  
CONSULTING**

**LAND & WATER RIGHTS  
Bruce A. Estes, PLS, CWRE**

November 27, 2015

60382 Arnold Mkt. Rd.  
Bend, OR 97702  
(541) 382-7391  
FAX 382-7391

Jerry Sauter, Senior Water Right Examiner  
Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Dear Jerry:

Re: R-71909 & S-72304

As I told you on the phone a few days ago I just found out about the cancellation orders for G I Ranch permits R-13158 and S-53773. Those are both for Black Snag Reservoir which was built shortly after the permit was issued. We have been reporting the water use on this reservoir along with a number of other water rights for the ranch. I noticed, however, that last year was not reported. That will be taken care of as soon as the ranch manager and I can complete the information from our readings. I don't know how the claims were overlooked for these two permits. The claim for T-7158 which converted water use to Black Snag Reservoir was submitted in 2000.

I am listed as an agent for the ranch for water right issues and did not receive a copy of the certified letter for these two permits. If I had we would have responded within the time frame. You said that we now need to petition to have these two permits reinstated. There is a \$450.00 fee for each permit for reinstatement. Enclosed is a check for \$900.00 for them.

Thank you for your time. If you have any questions, just call.

Sincerely,



Bruce A. Estes, PLS, CWRE

Cc Matt Smith

O.K.  
Done - 1/16/2016  
12/2/2015

(5200)

CHECK DATE: 11/30/15

CHECK NO.: 024058

ORWAD

Invoice No.	Inv. Date	Amount	Discount	Description	Vchr	Net Amount
113015-OWRD	11/30/15	900.00	0.00	BLACK SNAG WATER RIGHTS	19668	900.00

**TOTAL**

900.00

0.00

900.00

THIS IS NOT A CHECK - DO NOT NEGOTIATE

THIS IS NOT A CHECK - DO NOT NEGOTIATE

THIS IS NOT A CHECK - DO NOT NEGOTIATE

**ESTES  
SURVEYS,**

LAND SURVEYS  
CONSULTING

WATER RIGHT SURVEYS

*60382 Arnold Mkt. Rd.*

~~6293 Sunnyview Rd. NE~~

~~Salem, OR 97305~~

*Bend, OR 97702*





BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF )  
CERTAIN PERMIT(S) TO APPROPRIATE WATER ) ORDER  
UNDER THE PROVISIONS OF ORS 537.260 )

**Findings of Fact**

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
GI RANCH CORPORATION	5	11	R-71909	R-13158

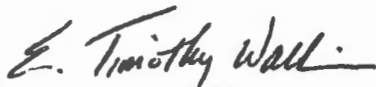
**Conclusions of Law**

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

**Order**

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on NOVEMBER 19, 2015.



E. Timothy Wallin, Water Rights Program Manager  
for Thomas Byler, Director

NOV 19 2015

PLACED IN U.S. MAIL  
BY OREGON WATER RESOURCES DEPARTMENT

**This is a final order in other than contested case.** This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R-71909

GI Ranch Corporation  
15 SW Colorado  
Bend, OR 97702

2. Article Number  
(Transfer from service label)

7014 1200 0000 8250 9818

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

DeAnna Albin

 Agent Addressee

B. Received by (Printed Name)

DeAnna Albin

C. Date of Delivery

3/25/15

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:

 Yes No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE

PORTLAND  
OR 970

26 MAR '15

PM 4-1



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

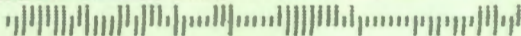
Oregon Water Resources Department  
Attention: Kate Fitzgerald  
725 Summer St. NE, Suite A  
Salem, OR 97301

RECEIVED

APR 01 2015

OWRD

1126673





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

**NOTE: For water rights information and useful forms, please see our web site at [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)**

March 23, 2015

Certified mail number 7014 1200 0000 8250 9818  
Return receipt requested

GI Ranch Corporation  
15 SW Colorado  
Bend, OR 97702

Reference: Application R-71909, Permit R-13158

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (May 22, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

Should you have any questions, please contact Mabelle Bamberger by telephone at 503-986-0802, Corey Courchane by telephone at 503-986-0825, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (1)

cc: File R-71909  
OWRD Watermaster District 11



PERMIT STATUS REVIEW BY Machelle Bamberg DATE 3-12-15 FILE # R-71909

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

NO Extension pending \_\_\_\_\_

NO Assignment is pending \_\_\_\_\_

NO Cancellation has been requested \_\_\_\_\_

NO Dept. has **already sent a certified** 60-Day Compliance letter (date \_\_\_\_\_, # \_\_\_\_\_)

Was **60 days notice** allowed? Y N If No, How Much Time ? \_\_\_\_\_

Was mail deliverable as addressed? Y N date \_\_\_\_\_

If mail returned, online/www check ? Y N date \_\_\_\_\_ successful ? Y N

Re-send Cert. Letter ? Y N date \_\_\_\_\_

Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received \_\_\_\_\_

Send letter  
MAB  
3-12-15

2. IF NONE OF THE ABOVE APPLY

\_\_\_\_\_ Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2001 BASIN NUMBER 5 WM # 11

CWRE or AGENT James E Bussard / Bruce Estes

RECEIVED

JAN 21 2014

OWRD

2012

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID ~~50032~~ 9250

2013



Facility POD-ID	Black Snag Res. ✓ 51077	Black Snag Co. ✓ 63714 <del>51078</del>	Fife Well ✓ 60888	F-2 ✓ 60887	F-3 ✓ 61021	F-4 ✓ 61235
October - 2012	0	0	22	23	19	16
November - 2012	0	0	0	0	0	0
December - 2012	0	0	0	0	0	0
January - 2013	6	6	0	0	0	0
February - 2013	8	8	0	0	0	0
March - 2013	13	13	0	0	0	0
April - 2013	2	2	41	46	39	27
May - 2013	0	0	111	121	99	71
June - 2013	0	0	151	164	136	97
July - 2013	0	0	187	202	169	120
August - 2013	0	0	152	166	137	97
September - 2013	0	0	91	101	84	60
TOTAL *	29 AF	29 AF	755 AF	823 AF	683 AF	488 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: flow meter If use is irrigation, total number acres irrigated \_\_\_\_\_

60888 - 259  
 60887 - 280  
 61021 - 230  
 61235 - 162

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Ester  
 Signature

Agent  
 Title

GI Ranch Corp  
 Reporting Entity

20 Jan 14  
 Date

Bruce A. Ester  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

RECEIVED

JAN 21 2014

OWRD

2011

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID <sup>9250</sup> 50032

2012



Facility POD-ID	Black Swan Res	Black Swan Co.	Fife Well	F-2	F-3	F-4
	51077	<del>51078</del> 63714	60888	60887	61021	61235
October - 20	0	0	23	21	19	14
November - 20	0	0	0	0	0	0
December - 20	0	0	0	0	0	0
January - 20	5	5	0	0	0	0
February - 20	25	25	0	0	0	0
March - 20	17	45	0	0	0	0
April - 20	0	16	35	33	30	22
May - 20	0	10	94	93	83	60
June - 20	0	4	128	135	115	90
July - 20	0	0	166	182	149	111
August - 20	0	0	153	162	136	92
September - 20	0	0	85	92	76	51
TOTAL *	47 AF	105 AF	684 AF	718 AF	608 AF	440 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: 51077 TBM 60888, 60887, 61021 & 61235 - flow meters 51078 2 weirs. If use is irrigation, total number acres irrigated 60888 - 299  
60887 - 280  
61021 - 230  
61235 - 162

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G I Ranch Corp  
Reporting Entity

20 Jan 14  
Date

Bruce A. Estes  
Name - Please Print

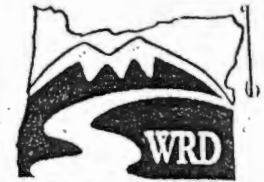
Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

2008

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

USER-ID 9250

2009



ecg

Facility POD-ID	Black Snag Res. 51077	Black Snag Cr. 63714 51078	Fife Well 60888	F-2 60887	F-3 61021	F-4 61235
October - 2008	0	0	27	25	29	15
November - 2008	0	0	0	0	0	0
December - 2008	0	0	0	0	0	0
January - 2009	0	2	0	0	0	0
February - 2009	8	8	0	0	0	0
March - 2009	40	63	0	0	0	0
April - 2009	0	57	30	38	40	19
May - 2009	0	31	78	102	95	50
June - 2009	0	2	104	138	131	71
July - 2009	0	0	138	180	168	93
August - 2009	0	0	131	165	142	83
September - 2009	0	0	75	92	93	48
TOTAL *	48 AF	163 AF	583 AF	740 AF	698 AF	379 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
 Describe method of measuring the water used: 51077 TBM 51078 2 weirs. If use is irrigation, total number acres irrigated 60888-259 60887-280 61021-280 61235-150

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch, Inc  
Reporting Entity

Jan 5, 2012  
Date

Bruce A. Estes  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1271

RECEIVED

MAR 13 2012

WATER RESOURCES DEPT  
SALEM OREGON



# 2009

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 9250

# 2010



Facility POD-ID	Black Snag Res 51077	Black Snag Cr 43714 51078	Fife Well 60888	F-2 60887	F-3 61021	F-4 61235
October - 2009	0	0	41	35	34	22
November - 2009	0	0	0	0	0	0
December - 2009	0	0	0	0	0	0
January - 2010	1	1	0	0	0	0
February - 2010	14	14	0	0	0	0
March - 2010	19	23	0	0	0	0
April - 2010	0	51	51	50	52	25
May - 2010	0	27	82	99	102	55
June - 2010	0	3	108	131	129	73
July - 2010	0	0	143	176	175	94
August - 2010	0	0	125	145	146	81
September - 2010	0	0	76	89	90	50
TOTAL *	34 AF	119 AF	626 AF	725 AF	728 AF	400 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: 51077 TBM 51078 2 weirs 60888, 60887, 61021 & 61235 - flow meters If use is irrigation, total number acres irrigated 60888 - 259  
60887 - 280  
61021 - 280  
61235 - 150

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch, Inc.  
Reporting Entity

Jan 5, 2012  
Date

Bruce A. Estes  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

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WATER RESOURCES DEPT  
SALEM, OREGON

# 2010

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 9250

# 2011



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Black Snag Reg. <input checked="" type="checkbox"/>	Black Snag Cr. <input checked="" type="checkbox"/>	Fife Well <input checked="" type="checkbox"/>	F-2 <input checked="" type="checkbox"/>	F-3 <input checked="" type="checkbox"/>	F-4 <input checked="" type="checkbox"/>
	51077	63714 51078	60888	60887	61021	61235
October - 2010	0	0	42	37	38	22
November - 2010	0	0	0	0	0	0
December - 2010	0	3	0	0	0	0
January - 2011	8	8	0	0	0	0
February - 2011	21	21	0	0	0	0
March - 2011	9	164	0	0	0	0
April - 2011	0	180	56	53	55	30
May - 2011	0	35	92	112	114	61
June - 2011	0	18	123	150	157	75
July - 2011	0	14	155	185	184	100
August - 2011	0	11	130	153	154	83
September - 2011	0	8	80	93	94	49
TOTAL *	38 AF	462 AF	678 AF	783 AF	790 AF	420 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
 Describe method of measuring the water used: 51077 TBM 60888, 60887, 61021 & 61235 - flow meters 51078 2 weirs. If use is irrigation, total number acres irrigated 60888 - 259  
60887 - 280  
61021 - 280  
61235 - 150

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes Signature      Agent Title      G.I. Ranch, LLC Reporting Entity      Jan 5, 2012 Date  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

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 SALEM, OREGON

**ESTES  
SURVEYS<sub>LLC</sub>**

**SURVEYS  
CONSULTING**

**LAND & WATER RIGHTS  
Bruce A. Estes, PLS, CWRE**

60382 Arnold Mkt. Rd.  
Bend, OR 97702  
(541) 382-7391  
FAX 382-7391

March 7, 2012

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MAR 13 2012

**WATER RESOURCES DEPT  
SALEM, OREGON**

Water Resources Department  
Water Use Reporting Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Re: G I Ranch, Inc.

Enclosed are the reports for the G I Ranch for 2009 through 2011. If you have any questions just call

Sincerely,



Bruce A. Estes, PLS, CWRE

Cc Bill Smith, Owner  
Casey Thomas, Manager



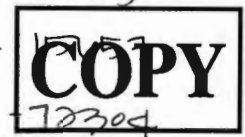
SURVEYS  
CONSULTING

LAND & WATER RIGHTS  
Bruce A. Estes, PLS, CWRE

60382 Arnold Mkt. Rd.  
Bend, OR 97702  
(541) 382-7391  
FAX 382-7391

April 22, 2009

app R - 71909  
app A - 15171 ✓  
app G - 15223  
app G - 15253  
app S - 72304



Water Resources Department  
Water Use Reporting Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Re: G I Ranch, Inc.

Enclosed are the reports for 2005 through 2008 for the G I Ranch, Inc. I apologize for being so late submitting the 2005 - 2007 reports. The ranch manager changed during that time and I overlooked them. The new manager and I both have a tickler file on it now. It was my fault they were not completed and submitted. I had most of the information in my files.

If you have any questions just call. I will be at (785) 686-4004 until the middle of June.

Sincerely,

Bruce A. Estes, PLS, CWRE

Cc with enclosures

Bill Smith, Owner

Casey Thomas, Manager

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SALEM, OREGON



2004

Oregon Water Resources Department  
 October 2004 through September 2005  
 Annual Water Use - Monthly Quantities Form

2005

Facility POD ID	Black Snag Res 51077	Black Snag Cr. 51078	Fife Well 60888	F-2 60887	F-3 61021	F-4 61235
October - 2004	0	0	42	0	0	0
November - 2004	0	0	0			
December - 2004	0	0				
January - 2005	0	15				
February - 2005	0	22				
March - 2005	3	110	0		0	
April - 2005	0	215	39		38	
May - 2005	0	60	83		98	
June - 2005	0	35	102		126	
July - 2005	0	22	143		159	
August - 2005	0	14	114		28	
September - 2005	0	11	77		0	
TOTAL *	3 AF	504 AF	600 AF	0	449 AF	0

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: 51077 - TBM, 60888, 61021 - flow meters, 60888 - 259. If use is irrigation, total number acres irrigated 61021 - 280

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
 Signature

Agent  
 Title

G.I. Ranch, Inc  
 Reporting Entity

22 Apr 09  
 Date

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 WATER RESOURCES DEP  
 SALEM, OREGON

Bruce A. Estes  
 Name - Please Print

G.I. Ranch, Inc

USER-ID 50032 0250

**COPY** 2007

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

2008



Facility NOD-ID	Black Snag Res 51077 ✓	Black Snag Cn. 51078 ✓	Fife well 60888 ✓	F-2 60887 ✓	F-3 61021 ✓	F-4 61235 ✓
October - 2007	0	0	47	0	63	29
November - 2007	0	0	0		0	0
December - 2007	0	0	0			
January - 2008	7	7	0			
February - 2008	96	138	0	0		
March - 2008	0	177	0	47	0	0
April - 2008	0	93	73	95	82	46
May - 2008	0	14	107	147	112	68
June - 2008	0	0	135	200	141	82
July - 2008	0	0	173	166	192	100
August - 2008	0	0	136	23	150	78
September - 2008	0	0	97	0	104	57
TOTAL *	103 AF	429 AF	768 AF	678 AF	844 AF	460 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
 Describe method of measuring the water used: 51077 - TBM 51078 - portable weir 60888, 60887, 61021 & 61235 - flow meters. If use is irrigation, total number acres irrigated

60888 - 259  
 60887 - 280  
 61021 - 280  
 61235 - 150

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
 Signature

Agent  
 Title

G.I. Ranch, Inc.  
 Reporting Entity

22 Apr 09  
 Date

Bruce A. Estes  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

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 SALEM, OREGON

GI Ranch, Inc.

USER-ID 50032 0210

**COPY 2006**

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

**2007** 

Facility POD-ID	Black Snag Res 51077 ✓	Black Snag Cr. 51078 ✓	Fife yell 60888	F-2 60887	F-3 61021	F-4 61235
October - 2006	0	0	52	0	0	0
November - 2006	0	0	0			
December - 2006	0	0				
January - 2007	0	0				
February - 2007	10	10		0	0	0
March - 2007	25	25	0	39	40	20
April - 2007	31	187	59	93	93	50
May - 2007	0	78	116	146	148	78
June - 2007		12	150	197	196	106
July - 2007		0	183	161	160	86
August - 2007		0	151	17	17	9
September - 2007	0	0	109	0	0	0
TOTAL *	66 AF	312 AF	820 AF	653 AF	654 AF	349 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
 Describe method of measuring the water used: 51077 - TBM 51078 - portable weir. If use is irrigation, total number acres irrigated \_\_\_\_\_  
 60888, 60887, 61021 & 61235 - flow meters  
 60888 - 259  
 60887 - 280  
 61021 - 280  
 61235 - 150

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch, Inc.  
Reporting Entity

22 Apr 09  
Date


Bruce A. Estes  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program,  
725 Summer Street NE, Suite A; Salem, OR 97301-1271

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 October 2005 through September 2006  
 Annual Water Use - Monthly Quantities Form

**2006** 

	Black Snag Res 51077	Black Snag Cr. 51078 <sup>UB71A</sup>	Fife well 60888	F-2 60887	F-3 61021	F-4 61235
October - 2005	0	0	48	0	0	0
November - 2005	0	0	0			
December - 2005	0	0				
January - 2006	4	4				
February - 2006	2	15			0	
March - 2006	0	128	0	0	3	
April - 2006	0	179	54	56	56	
May - 2006	0	27	106	112	96	
June - 2006	0	0	131	140	183	
July - 2006	0	0	160	172	219	
August - 2006	0	0	134	145	17	
September - 2006	0	0	95	103	0	
TOTAL	6 AF	353 AF	728 AF	728 AF	574 AF	0

\* Describe the unit of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet).  
 Describe method of measuring the water used: 51077 - TBM 60888, 60887 & 61021 - flow meters 60888 - 259  
 51078 - portable weir If use is irrigation, total number acres irrigated 60887 - 280  
 I certify this information is true and accurate to the best of my knowledge. 61021 - 280

Bruce A. Estes Agent G.I. Ranch, Inc. 22 Apr 09  
 Signature Title Reporting Entity Day

Bruce A. Estes  
 Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program  
 725 Summer Street NE, Suite A, Salem, OR 97301-1266

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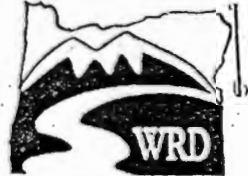
WATER RESOURCES DEPT  
SALEM, OREGON

2003

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

USER-ID 50032

2004



Facility POD-ID	Black Sugar Res (AR-71909) 51077	Black Sugar Cr (AS- <del>53772304</del> ) 51078	Fife well (AG-15171) 60888	F-2 (AG-15171) 60887	F-3 (G-15223) 61021	F-4 (G-1565) 61235
October - 2003	0	0	46	0	0	0
November - 2003	0	0	0			
December - 2003	0	0	0			
January - 2004	20	76	0			
February - 2004	12	180	0			
March - 2004	0	150	0		0	
April - 2004	0	240	17		6	
May - 2004	0	0	103		87	
June - 2004	0	0	116		134	
July - 2004	0	0	202		177	
August - 2004	0	0	198		207	
September - 2004	0	0	90	0	145	0
TOTAL *	32 AF	646 AF	772 AF	0	756 AF	0

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe method of measuring the water used: 51077 - TBM 60888, 61021 - flow meters. If use is irrigation, total number acres irrigated 61021 280 acres

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estez  
Signature

Agent  
Title

G.I. Ranch  
Reporting Entity

22 Dec 04  
Date

Bruce A. Estez  
Name - Please Print

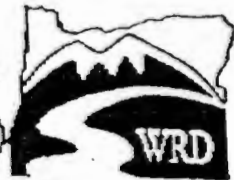
Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1271

# 2002

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 50032

# 2003



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Black Snag Kes	Black Snag Cr.	Fife well	F-2	F-3
	51077	51078	60888	60887	61021
October - 2002	0	0	32	0	0
November - 2002	0	0	0		0
December - 2002	0	0	0		0
January - 2003	0	4	0		0
February - 2003	13	17	0		0
March - 2003	13	36	0		0
April - 2003	0	70	67		66
May - 2003	0	0	109		147
June - 2003	0	0	103		133
July - 2003	0	0	168		0
August - 2003	0	0	184		0
September - 2003	0	0	90	0	0
<b>TOTAL *</b>	<b>26 AF</b>	<b>127 AF</b>	<b>753 AF</b>	<b>0</b>	<b>346 AF</b>

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 SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot) <sup>840</sup>  
 Describe method of measuring the water used: 51077 - TBM 60888 259 acres  
51078 - portable weir If use is irrigation, total number acres irrigated 61021 280 acres  
60888, 61021 - flow meters

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
 Signature

Agent  
 Title

G. I. Ranch  
 Reporting Entity

22 Dec 04  
 Date

Bruce A. Estes  
 Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,  
 725 Summer Street NE, Suite A, Salem, OR 97301-1271

3.23 = 13

USER-ID 50032

# 2001

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

# 2002



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Black Snag Res	Black Snag Cr.	Fife well	F-2	F-3
	51077	51078	60888	60887	61021
October - 2001	0	0	0	0	0
November - 2001	0	0	0	0	0
December - 2001	0	0	0	0	0
January - 2002	0	13	0	0	0
February - 2002	2	16	0	0	0
March - 2002	18	25	0	0	0
April - 2002	10	86	58	0	76
May - 2002	0	0	96	0	134
June - 2002	0	0	115	0	156
July - 2002	0	0	187	0	0
August - 2002	0	0	201	0	0
September - 2002	0	0	88	0	0
TOTAL *	30AF	140AF	745AF	0	366 AF

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JAN 13 2005  
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SALEM, OREGON

1/4  
1/2  
1/2

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe method of measuring the water used: 51077 - TBM 51078 - portable weir 60888, 60887 & 61021 - flow meters If use is irrigation, total number acres irrigated 60888 259 acrs 61021 280 acrs

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch  
Reporting Entity

22 Dec 04  
Date

Bruce A. Estes  
Name - Please Print

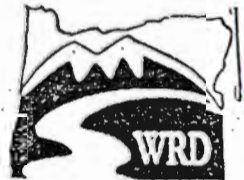
Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1271

# 2003

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 59032 <sup>0250</sup>

# 2004



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WATER RESOURCES DEPT  
SALEM, OREGON

Facility POD-ID	Black Swan Res (AR-71909) 51077	Black Swan C (AS-5377230) 51078	Fife well (AG-15171) 60888	F-2 (AG-15171) 60887	F-3 (G-15223) 61021	F-4 (G-156 61235
October - 2003	0	0	46	0	0	0
November - 2003	0	0	0			
December - 2003	0	0	0			
January - 2004	20	76	0			
February - 2004	12	180	0			
March - 2004	0	150	0		0	
April - 2004	0	240	17		6	
May - 2004	0	0	103		87	
June - 2004	0	0	116		134	
July - 2004	0	0	202		177	
August - 2004	0	0	198		207	
September - 2004	0	0	90	0	145	0
TOTAL *	32 AF	646 AF	772 AF	0	756 AF	0

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)  
 Describe method of measuring the water used: 51077 - TBM 60888 259 acres  
51078 - portable weir 61021 280 acres  
60888, 61021 - flow meters

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch  
Reporting Entity

22 Dec 04  
Date

Bruce A. Estes  
Name - Please Print

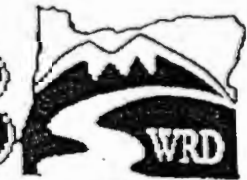
Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

# 2002

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 50032

# 2003



Facility # POD-ID #	Black Snag Kes 51077	Black Snag Cr. 51078	Fife well 60888	F-2 60887	F-3 61021
October - 2002	0	0	32	0	0
November - 2002	0	0	0		0
December - 2002	0	0	0		0
January - 2003	0	4	0		0
February - 2003	13	17	0		0
March - 2003	13	36	0		0
April - 2003	0	70	67		66
May - 2003	0	0	109		147
June - 2003	0	0	103		133
July - 2003	0	0	168		0
August - 2003	0	0	184		0
September - 2003	0	0	90	0	0
<b>TOTAL *</b>	<b>26 AF</b>	<b>127 AF</b>	<b>753 AF</b>	<b>0</b>	<b>346 AF</b>

**RECEIVED**

JAN 13 2005  
 WATER RESOURCES DEPT  
 SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot) <sup>240</sup>  
 Describe method of measuring the water used: 51077 - TBM 60888 259 acres  
51078 - portable weir 61021 280 acres  
60888, 61021 - flow meters

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
 Signature

Agent  
 Title

G. I. Ranch  
 Reporting Entity

22 Dec 04  
 Date

Bruce A. Estes  
 Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,  
 725 Summer Street NE, Suite A, Salem, OR 97301-1271

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USER-ID 50032

# 2001

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

# 2002



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JAN 13 2005  
WATER RESOURCES DEPT.  
SALEM, OREGON

Facility POD-ID	Black Sng Res 51077	Black Sng Co. 51078	Fife well 60888	F-2 60887	F-3 61021
October - 2001	0	0	0	0	0
November - 2001	0	0	0	0	0
December - 2001	0	0	0	0	0
January - 2002	0	13	0	0	0
February - 2002	2	16	0	0	0
March - 2002	18	25	0	0	0
April - 2002	10	86	58	0	76
May - 2002	0	0	96	0	134
June - 2002	0	0	115	0	156
July - 2002	0	0	187	0	0
August - 2002	0	0	201	0	0
September - 2002	0	0	88	0	0
TOTAL *	30AF	140AF	745AF	0	366 AF

1/4  
1/2  
1/2

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe method of measuring the water used: 51077 - TBM  
51078 - portable weir If use is irrigation, total number acres irrigated 61021  
60888, 60887 & 61021 - flow meters 60888 259 acres  
61021 280 acres

I certify this information is true and accurate to the best of my knowledge.

Bruce A. Estes  
Signature

Agent  
Title

G.I. Ranch  
Reporting Entity

22 Dec 04  
Date

Bruce A. Estes  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1271



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

March 14, 2002

GI RANCH CORPORATION  
15 SW COLORADO AVE.  
BEND, OR 97702

REFERENCE FILES: R-71909 and S-72304

Dear Permittee:

On September 5, 1997 the Department issued Permit R-12247 for application R-71909 and on August 12, 1998 issued Permit 53437 for S-72304, both referenced above. However, the Department recently discovered a scrivners error on the permits.

The Department has issued the enclosed superceding Permits R-13158 and S-53773 to correct the errors on the respective permits. Permits R-12247 and S-53773 are of no further force or effect. The issuance of superceding Permits R-13158 and S-53773 does not change any conditions or the date for complete application of water to the beneficial use stated on permits R-12247 and S-53437.

If you have any questions, please contact the Water Rights Information Group at (503)378-8455 extension 201.

Sincerely,

Anita M. Huffman  
Senior Water Rights Technician

cc: Watermaster District 11  
Bruce Estes, CWRE

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

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

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NE 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.



SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has

been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

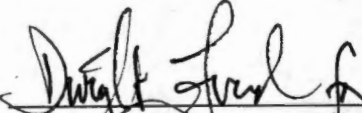
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

**This permit is issued to correctly identify the coordinates of the dam**

on Black Snag Creek. Permit R-12247, issued September 5, 1997 is superceded by this instrument and is of no further force or effect.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued March 14, 2002

  
\_\_\_\_\_  
Paul R. Cleary, Director  
Water Resources Department



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

March 12, 2002

Bruce Estes  
Estes Surveys  
60382 Arnold Road  
Bend, OR 97702

Re: GI Ranch - Permits R-12247 and S-53437

Dear Bruce:

Thank you for your recent reports on water use for the above permits. I agree that the permits are in error in describing the allowed points of diversion. According to the application map the dam location is in the NWNE of Section 25, Township 19 South, Range 24 East, W.M., and the diversion point upstream on Black Snag Creek is in the NWNW Section 29, Township 19 South, Range 25 East, W.M. These are the only points that are required to be measured and reported on.

There should be a measurement taken each month, on about the same day of the month, to report the total quantity stored in the reservoir. There should be a measurement of the water diverted from Black Snag Creek for reservoir maintenance. That would be reported as the total amount diverted on a monthly basis.

I have corrected the location data in the reporting data base. The water rights staff will issue a corrected permit in the near future. Thank you for bringing this to our attention.

We appreciate your efforts to complete the measuring and reporting requirements on these permits. If I can be of further assistance, please call me at 503-378-8455 ext. 333.

Sincerely,

Mary S. Grainey, PE, WRE  
Water Use Reports

cc: File 71909

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-71909

**Superseding Final Order**

*Application History*

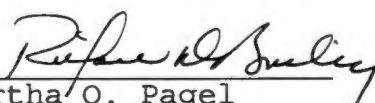
On October 7, 1991, GI RANCH CORPORATION submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 2, 1996. The protest period closed May 17, 1996, and no protest was filed. On July 17, 1996, a Final Order was issued which stated that upon approval of dam plans, Application R-71909 would be approved. The required plans were approved August 26, 1997.

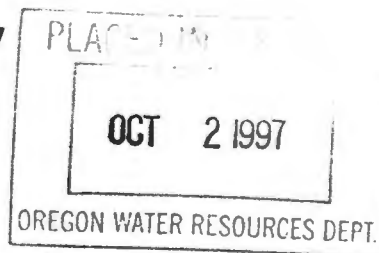
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the July 17, 1996 Final Order requires modification to correctly describe the reservoir capacity as stated in the approved plans.

**Order**

Application R-71909 is approved as modified above and as provided in Permit R-12247.

DATED September 5, 1997

  
Martha O. Pagel  
Director



*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

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

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 <sup>NK</sup> NW 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

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SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

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No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

#### STANDARD CONDITIONS

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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.

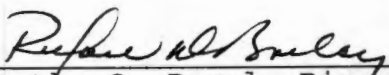
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued September 5 , 1997

  
\_\_\_\_\_  
Martha O. Pagel, Director  
Water Resources Department



*file*

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-71909

**Superseding Final Order**

*Application History*

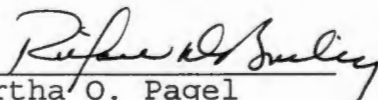
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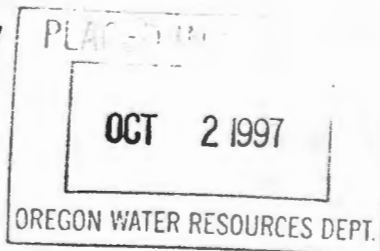
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the July 17, 1996 Final Order requires modification to correctly describe the reservoir capacity as stated in the approved plans.

**Order**

Application R-71909 is approved as modified above and as provided in Permit R-12247.

DATED September 5, 1997

  
Martha O. Pagel  
Director



*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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COUNTY OF CROOK

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15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

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

APPLICATION FILE NUMBER: R-71909

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STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 273.0 ACRE-FEET EACH YEAR

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DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 <sup>NE</sup> NW 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

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SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

Measurement, recording and reporting conditions:

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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.


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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued September 5, 1997



Martha O. Pagel, Director  
Water Resources Department

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-71909

**Superseding Final Order**

*Application History*


On October 7, 1991, GI RANCH CORPORATION submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 2, 1996. The protest period closed May 17, 1996, and no protest was filed. On July 17, 1996, a Final Order was issued which stated that upon approval of dam plans, Application R-71909 would be approved. The required plans were approved August 26, 1997.

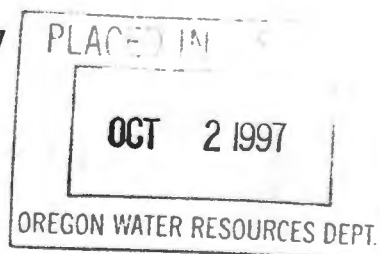
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the July 17, 1996 Final Order requires modification to correctly describe the reservoir capacity as stated in the approved plans.

**Order**

Application R-71909 is approved as modified above and as provided in Permit R-12247.

DATED September 5, 1997

  
Martha O. Pagel  
Director



*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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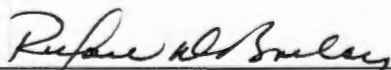
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The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued September 5, 1997



Martha O. Pagel, Director  
Water Resources Department



August 26, 1997

Tom Kuper, PE  
David J. Newton Associates, Inc.  
1201 SW 12th Avenue, Suite 400  
Portland, OR 97205

WATER  
RESOURCES  
DEPARTMENT

Re: Proposed Black Snag Dam  
Permit Application R-71909

Dear Mr. Kuper,

The plans and specifications for the proposed referenced project located in **Section 25, T19S, R24E, Crook County** have been reviewed and approved. Upon completion of the water right permitting process, the applicant will be notified by letter when the permit is issued. At that time, one copy of the approved drawings and specifications also will be returned to the applicant. Please note that the area/capacity curve on the drawings indicates a reservoir storage capacity of 273 acre-feet; however, the permit application requests 560 acre-feet storage. You may wish to amend the application to correct this apparent discrepancy or submit a letter with explanation prior to issuance of the permit.

Enclosed is a copy of a list of provisions that have been included conditional to the permit application. If and when a water right is issued for this particular project, the items on this list are requirements that must be fulfilled during construction or prior to storage of water, and throughout the life of the structure.

This project exceeds the statutory size limits for exempt dams or reservoirs; therefore, construction must be supervised by a licensed engineer. Because you are the engineer of record, it is assumed that you will provide the necessary supervision and inspection during construction. If this assumption is incorrect, please advise me in writing as soon as possible.

As a reminder, any deviations from the approved design must be reviewed and approved by OWRD Safety of Dams. If changes become necessary during construction, engineers from this office are available for consultation. This office is authorized to grant field approval provided the changes do not violate the terms and conditions of the permit, and are consistent with existing engineering and construction practices and standards.

Upon completion of construction, please submit to us a Letter of Completion certifying that all work was performed in accordance with the approved plans and specifications. Any changes in the approved design that occurred during construction should be documented by a licensed engineer on a set of quality reproducible asbuilt drawings. The engineer can make changes directly on the approved original set of drawings in this office, or submit them on a separate final set.



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

We must receive both the letter of certification and, if applicable, a final set of asbuilt drawings before the applicant can store water legally. If no changes in the approved design were necessary during construction, please note as such in your letter of certification. It is important that the engineer certify the finished product. Without proper documentation, the project cannot receive a Certificate of Water Right.

Lastly, please advise this office when construction begins so that we may schedule periodic field inspections as needed. We are especially interested in observing the dam foundation after the site has been stripped and the excavation for the cutoff trench completed, prior to placement of any structural fill.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Falk". The signature is written in a cursive, somewhat stylized font.

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

cc: G.I. Ranch Corporation - Applicant  
Kyle Gorman - Watermaster Dist. #11  
OWRD Water Rights Section

enclosure

MEMORANDUM

DATE: August 26, 1997  
TO: Water Rights Section  
FROM: John A. Falk *John A. Falk*  
Dam Safety, x222  
SUBJECT: Conditions of Permit for an Earthen Dam  
Proposed Black Snag Dam & Reservoir

For Electronic Transfer  
See:

Groups/TS/Dams

R-71909. rul

**Please include the following items as conditions of the  
APPLICATION R-71909:**

- The outlet gate shall be cycled at least once each year times.
- Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.
- The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.
- All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.
- No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.
- The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

MEMORANDUM

DATE: August 26, 1997

TO: Water Rights Section

FROM: John A. Falk *JAF*  
Dam Safety, x222

SUBJECT: Conditions of Permit for an Earthen Dam  
Proposed Black Snag Dam & Reservoir

---

**Please include the following items as conditions of the permit for RESERVOIR PERMIT APPLICATION R-71909:**

- The outlet gate shall be cycled at least once each year and shall be fully operational at all times.
- Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.
- The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.
- All construction shall be performed under the supervision of a professional engineer licensed in Oregon. No fill shall be placed until excavation of the foundation has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.
- No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set asbuilt drawings must accompany the engineer's written certification of completion.
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March 28, 1997

H. Tom Kuper  
1201 SW 12th Ave, Suite 400  
Portland OR 97205

RE: Application R71909, Black Snag Reservoir  
Your project No. 418.102

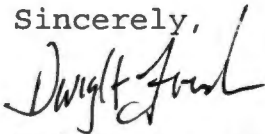
Dear Mr. Kuper,

This letter is in response to your letter of February 26, 1997 in which you requested an extension or "time-out" for the file listed above. I apologize for the delay in responding.

The Department will not take any action on these files until after August 28, 1997, unless you are ready to proceed earlier.

If you have any questions, please feel free to give me a call. I can be reached toll free from within Oregon at 1 (800) 624-3199 extension 268.

Sincerely,



Dwight French  
Water Rights Section Manager

cc: file  
Kyle Gorman, Watermaster





**DAVID J. NEWTON ASSOCIATES, INC.**

1201 S.W. 12<sup>th</sup> Avenue, Suite 400

Portland, Oregon 97205

Phone: (503) 228-7718 FAX: (503)228-7781

*file*  
*R-71909 #113*  
*3/6/97*  
*3/20/97*  
*Dwight*

# Fax Transmission

Date: 2/26/97	Project: 418-102	Number of pages: 2
---------------	------------------	--------------------

From: Tom Kuper

To: Darlene Castle  
Oregon Water Resources Department

Fax Number: 503-378-6203 Phone Number: \_\_\_\_\_

cc: John Falk: 503-378-8130, Bussard Engineering: 541-388-5414  
G.I. Ranch

Remarks:  
Please forward a copy to Bill Smith of G. I. Ranch.

Thanks

**DAVID J. NEWTON ASSOCIATES**

INCORPORATED

Civil and Geological Engineering Services

#113

**February 26, 1997****Project No. 418.102**

**Mr. Dwight French, Administrator  
Water Rights and Adjudications Division  
Oregon Department of Water Resources  
158 12<sup>th</sup> Street, NE  
Salem, Oregon 97310**

**Re: Reservoir Permit Application R-71909, Black Snag Reservoir****Dear Mr. French:**

The current deadline for approval of plans and specifications for construction and operation of the above referenced reservoir application is February 28, 1997. We are requesting an extension to August 28, 1997. The 180-day extension is requested to allow enough time for completion of the design and review process.

We would appreciate your approval of the extension.

Sincerely,

**DAVID J. NEWTON ASSOCIATES, INC.**

**H. Tom Kuper  
Vice President**

**cc. G.I. Ranch Corporation  
John Falk, OWRD Dam Safety Coordinator  
James, Bussard, Bussard Engineering**

March 28, 1997

H. Tom Kuper  
1201 SW 12th Ave, Suite 400  
Portland OR 97205

RE: Application R71909, Black Snag Reservoir  
Your project No. 418.102

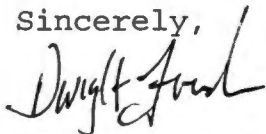
Dear Mr. Kuper,

This letter is in response to your letter of February 26, 1997 in which you requested an extension or "time-out" for the file listed above. I apologize for the delay in responding.

The Department will not take any action on these files until after August 28, 1997, unless you are ready to proceed earlier.

If you have any questions, please feel free to give me a call. I can be reached toll free from within Oregon at 1 (800) 624-3199 extension 268.

Sincerely,



Dwight French  
Water Rights Section Manager

cc: file  
Kyle Gorman, Watermaster







**DAVID J. NEWTON ASSOCIATES, INC.**

1201 S.W. 12<sup>th</sup> Avenue, Suite 400

Portland, Oregon 97205

Phone: (503) 228-7718 FAX: (503)228-7781

*file*

*R-71909*

*# 113*

*3/8/97*

*3/20/97*

*DWight*

# Fax Transmission

Date: 2/26/97	Project: 418-102	Number of pages: 2
---------------	------------------	--------------------

From: Tom Kuper

To: Darlene Castle  
Oregon Water Resources Department

Fax Number: 503-378-6203 Phone Number: \_\_\_\_\_

cc: John Falk: 503-378-8130, Bussard Engineering: 541-388-5414  
G.I. Ranch

Remarks:

**DAVID J. NEWTON ASSOCIATES**

INCORPORATED

Civil and Geological Engineering Services

February 26, 1997

Project No. 418.102

Mr. Dwight French, Administrator  
Water Rights and Adjudications Division  
Oregon Department of Water Resources  
158 12<sup>th</sup> Street, NE  
Salem, Oregon 97310

Re: Reservoir Permit Application R-71909, Black Snag Reservoir

Dear Mr. French:

The current deadline for approval of plans and specifications for construction and operation of the above referenced reservoir application is February 28, 1997. We are requesting an extension to August 28, 1997. The 180-day extension is requested to allow enough time for completion of the design and review process.

We would appreciate your approval of the extension.

Sincerely,

DAVID J. NEWTON ASSOCIATES, INC.

H. Tom Kuper  
Vice President

cc. G.I. Ranch Corporation  
John Falk, OWRD Dam Safety Coordinator  
James, Bussard, Bussard Engineering

July 23, 1996

James E. Bussard, P.E.  
15 SW Colorado, Suite C  
PO Box 268  
Bend OR 97709

Reference File Number: R-71909

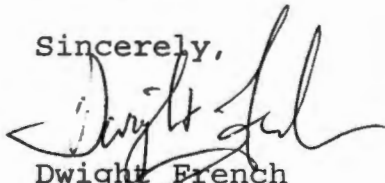
Dear Mr. Bussard,

I am in receipt of your request asking the Department to allow you until February 28, 1997, submit plans and specifications for dam construction and operation.

A final order was recently issued. We will not do anything else with this file until after February 28, 1997.

If you have any questions, please do not hesitate to give me a call.

Sincerely,



Dwight French  
Water Right Section Manager

cc: file



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-71909

**Final Order**

*Application History*

On October 7, 1991, GI RANCH CORPORATION submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 2, 1996. The protest period closed May 17, 1996, and no protest was filed.

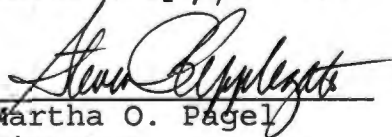
The proposed use would not impair or be detrimental to the public interest.

**Order**

Upon approval of plans and specifications for dam construction, Application R-71909 shall be approved as proposed in the Proposed Final Order and as provided in the attached draft permit.

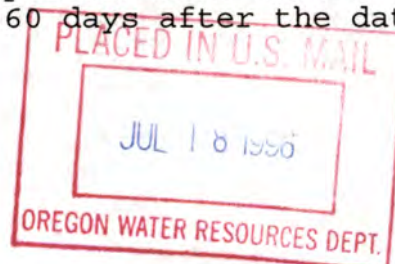
Dam construction plans and specifications shall be submitted no later than 180 days from the date of this Final Order. Failure to provide the required information within 180 days from the date of this Final Order will result in the proposed rejection of Application R-71909.

DATED July 17, 1996

*for*   
Martha O. Pagel  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.



STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

(541)382-6691

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-71909

SOURCE OF WATER: BLACK SNAG CREEK, TRIBUTARY OF TWELVEMILE CREEK WITHIN THE DESCHUTES BASIN

STORAGE FACILITY: BLACK SNAG RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH, RECREATION, AND LIVESTOCK

AMOUNT ALLOWED: 560.0 ACRE-FEET EACH YEAR

THE PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM JANUARY 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 7, 1991

The area submerged by the reservoir, when full, will be 36.0 acres and the maximum depth of water will be 30.0 feet. The maximum height of the dam shall not exceed 38.0 feet.

DAM LOCATION: NW 1/4 NW 1/4, SECTION 25, TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.; 500 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 25

TOWNSHIP 19 SOUTH, RANGE 24 EAST, W.M.

SW 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 30

TOWNSHIP 19 SOUTH, RANGE 25 EAST, W.M.

**Measurement, recording and reporting conditions:**

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

From May 1 to December 31 of each year, reservoir inflow shall equal reservoir outflow.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

---

Martha O. Pagel, Director  
Water Resources Department



**RECEIVED**  
JUL 19 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

July 16, 1996

Mr. Steven Applegate, Administrator  
Water Rights and Adjudications Division  
Oregon Department of Water Resources  
158 12th Street, NE  
Salem, Oregon 97310-0210

Re: Reservoir Permit Application R-71909 - Black Snag Reservoir

Dear Mr. Applegate:

We are in receipt of the Proposed Final Order for the above referenced reservoir application. Conclusion item number 4 of the application findings requires that plans and specifications for dam construction and operation must be submitted and approved by the department by August 31, 1996. We are requesting an extension to February 28, 1997.

We have recently acquired the soil samples and have begun laboratory analysis. Our plan is to have the final engineering plans prepared early this fall for submittal to John Falk. In my discussions with John, we want to allow as much time as necessary in order for the design review process and approval to be completed.

We would appreciate your approval of this extension.

Thanks.

Best Regards,

James E. Bussard, P.E.  
Engineering Consultant

cc: G.I Corporation  
John Falk, ODWR Dam Safety Coord.  
David J. Newton Associates, Inc.



# FO CHECKLIST

## PFO TO FO CONVERSION

FILE # R-71909

WEEK # 36

REVIEW DATE: 6/14/96

INITIALS: guy

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. ✓ List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. ✓ Verify payment of recording fees (circle the appropriate option)  
(1) 1 Issue FO w/permit if fees are paid -- Prepare refund request for excess fees  
(2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8.     Assign permit numbers to files with oath, fees, and no protests or other issues

200  
SOAF = 100  
SIOAFX.25 = 127.50  
427.50

		Route to: (circle one)		
DENIAL	FO w/o PERMIT	<u>FO &amp; PERMIT</u>	COMMENTS	
LARRY	CORY	JERRY	DOUG	

9. Y / N Is further processing possible? If not state reason: need map

10. ✓ Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. ✓ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. ✓ Include or exclude permit conditions and management codes
13. ✓ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. ✓ Save WordPerfect document in M:\T\FO\WEEK41 & delete duplicates
15. ✓ Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

~~FO~~



Bussard Engineering  
Engineering Consultants

RECEIVED

JUN 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

June 20, 1996

Mr. Jeremy Giffin, Water Rights Final Order Team  
Oregon Department of Water Resources  
158 12th Street, NE  
Salem, Oregon 97310-0210

Re: Application File N<sup>o</sup> R-71909

Dear Mr. Giffin:

In response to your letter of June 14, 1996, we have enclosed at your request two maps showing the location of the dam referenced to a public land survey corner.

The section corner tie was made by our water rights examiner, Mr. Bruce Estes, when we filed the water transfer. That map is enclosed for your use. We also added that information to the topography map of the reservoir, submitted with the above referenced application.

If you need additional information, please advise.

Best Regards,

James E. Bussard, P.E.  
Engineering Consultant

cc: G.I. Ranch Corporation  
Bruce Estes, PLS, CWRE

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

GI Ranch Corporation  
15 SW Colorado  
Bend, Oregon 97702

**4a. Article Number**

PS037C

**4b. Service Type**

- |   |   |
|---|---|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

**7. Date of Delivery**

6/19/96

R-71909

**5. Signature (Addressee)****6. Signature (Agent)****8. Addressee's Address (Only if requested and fee is paid)**

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

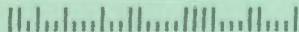


**Official Business**

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM OR 97310



RECEIVED  
JUN 19 1996

Oregon

CERTIFIED MAIL  
Return Receipt Requested

WATER  
RESOURCES  
DEPARTMENT

June 14, 1996

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

RECEIVED

JUN 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

RE: Application File # R-71909

Dear Applicant,

The Water Resources Department is in the process of issuing a permit for water use. However, the application map does not meet the standards of OAR 690-310-050.

- ▶ The map must show the location of the dam referenced to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

In order to expedite the processing of your application, we request that you submit these items by **July 1, 1996**.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 327.

Sincerely,



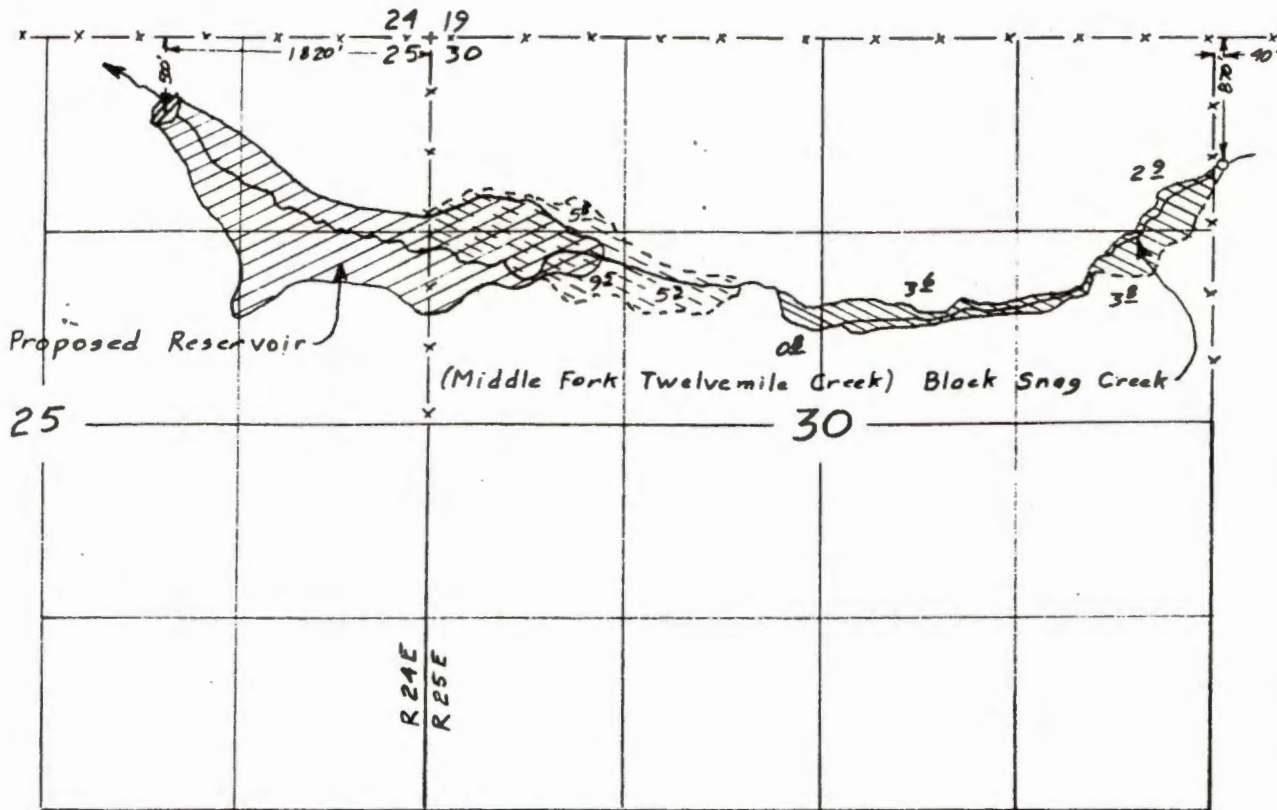
Jeremy Giffin  
Final Order Team  
Water Rights



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

T-7158

# TOWNSHIP 19 SOUTH, RANGES 24 & 25 EAST, W.M.



- ⊗ FROM
- ⊘ TO
- ⊙ UNCHANGED

Scale 1" = 1320'

## RECEIVED

JUN 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Transfer Application Map  
for  
**GI RANCH CORPORATION**



This map is for the purpose of locating a water right only and has no intent to provide the location of property lines or legal dimensions.

CERTIFIED MAIL  
Return Receipt Requested

June 14, 1996

WATER  
RESOURCES  
DEPARTMENT

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

RE: Application File # R-71909

Dear Applicant,


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Sincerely,



Jeremy Giffin  
Final Order Team  
Water Rights



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

BEND, OR  
JUN 20  
PM

BEND, OR 971  
JUN 20

BEND JUN 20 06  
OR  
BEND JUN 20  
R S



Bussard Engineering  
Engineering Consultants

15 S.W. Colorado, Suite C  
P.O. Box 268  
Bend, Oregon 97709  
(541) 389-4656  
Fax (541) 388-5414

Mr. Jeremy Griffin, WR Final Order Team  
Oregon Dept. of Water Resources  
158 12th Street, NE  
Salem, Oregon 97310-0210



December 29, 1995

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OREGON 97702

Reference: File R-71909

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for storage is allowed under OAR 505, the Deschutes Basin Program.
4. The use of water for storage of 560.0 acre-feet from Black Snag Creek for Recreation is not available May 1 through December 31.

Summary of Initial Determinations

The use of water for storage of 560.0 acre-feet from Black Snag Creek for Recreation from January 1 through April 30 of each year may be allowed.



R-71909  
December 29, 1995  
Page 2

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **January 12, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

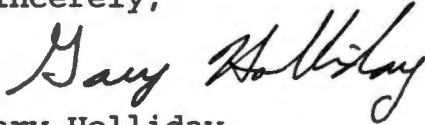
1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is October 7, 1991.

R-71909  
December 29, 1995  
Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday  
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

# INITIAL REVIEW CHECKLIST

APPLICATION # A 71909  
BASIN 5  
WAB # 010 344 244 00  
POU-WAB 010 344 244 00

1.  ITEMS NOTED AS MISSING BY COMPLETENESS TEAM ARE NOW IN FILE
  2.  N/A GW - A, B, OR C (IF B OR C THEN 3b,d;4;5;6;8 DO NOT APPLY)
  3. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
    - a.  BASIN PLAN
    - b.  LEGISLATIVE WITHDRAWAL (ORS 538)
    - c.  RULES
    - d.  SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
    - e.  OTHER \_\_\_\_\_
  4.  WATER AVAILABILITY (WA) CFS AF 560 MONTHS Jan-April  
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE AFTER JULY 17, 1992
  5.  INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER AVAILABILITY SHEETS
  6.  NO USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN THE FILE
  7.  N/A GROUND WATER REVIEW HAS BEEN EVALUATED (USE WA DATABASE IF GW A) REQUIRED CONDITIONS (GENERIC 7B) \_\_\_\_\_
  8. DIVISION 33 HAS BEEN ADDRESSED...
    - a.  SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) \_\_\_\_\_
    - b.  WATER QUALITY PARAGRAPH \_\_\_\_\_
    - c.  EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS) \_\_\_\_\_
  9.  PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS ATTACHED SHOWING THE CONFLICT WITH \_\_\_\_\_ STORAGE
  10.  N/A IRRIGATION SEASON \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT, GENERIC)
  11.  N/A RATE & DUTY \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT, GENERIC)  
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY  
# OF ACRES PRI \_\_\_\_\_ SUPP \_\_\_\_\_ NOT SURE \_\_\_\_\_
  12.  ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND HIGHLIGHTED AND PACKET IS STAPLED TOGETHER
  13.  ISSUES HINDERING PROCESS \_\_\_\_\_
  14.  WATERMASTER # 11
  15.  REGNL MANGER - SEND COPY (SW, SC E) DO NOT SEND COPY TO (NW, NC)
  16.  BASIN # AND WAB # ARE ADDED & SPELL ✓ HAS BEEN COMPLETED
  17.  LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT
- NAME J. A. DATE 12-28-95

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The waters of Boulder Lake in Hood River and Wasco Counties are classified only for domestic and livestock uses; power development not to exceed 7-1/2 theoretical horsepower; recreation, wildlife and fish life uses; and irrigation not to exceed 100 acre-feet annually from water stored in the lake.

(C) The maximum economic development of this state, the attainment of the highest and best use of the waters of the other natural lakes of the Lower Deschutes River Basin, and the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes of the Lower Deschutes River Basin are hereby so classified.

(b) Applications for the use of the waters of the Lower Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

## (2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of the White River or its tributaries above the confluence of White River with the Deschutes River for flows of the White River below the specified flows in Table 2, except that this limitation shall not apply to waters legally stored or legally released from storage.

## (3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

## Upper Crooked River Basin

690-505-004

### (1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Upper Crooked River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Deschutes - Upper Crooked River Basin are hereby so classified.

(b) Applications for the use of the waters of the Deschutes - Upper Crooked River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

## (2) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

## Lower Crooked River Basin

690-505-005

### (1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Lower Crooked River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Deschutes - Lower Crooked River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) No further appropriations of water except for domestic or livestock uses shall be made or granted by any state agency for the waters of Ochoco Creek and its tributaries.

WATER AVAILABILITY TABLE

Basin: DESCHUTES Exceedance Level: 50  
 Water Availability Subbasin: 0103442440000000 (and Nested Subbasins)  
 Time: 14:07 Date: 12/27/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0103000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES
3	0103400000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES
4	0103440000000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	0103442000000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
6	0103442400000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
7	0103442440000000	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Basin: DESCHUTES  
 Water Availability Subbasin: 0103442440000000 (and Nested Subbasins)  
 Time: 14:07 Date: 12/27/1995

WAB #	Stream Name	Tributary to
0100000000000000	DESCHUTES R	COLUMBIA R
0103000000000000	DESCHUTES R	COLUMBIA R
0103400000000000	DESCHUTES R	COLUMBIA R
0103440000000000	CROOKED R	DESCHUTES R
0103442000000000	CROOKED R	DESCHUTES R
0103442400000000	CROOKED R	DESCHUTES R
0103442440000000	S FK CROOKED R	CROOKED R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0103442440000000  
 Basin: DESCHUTES  
 Exceedance Level: 50  
 Time: 14:07 Date: 12/27/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0103442440000000	S FK CROOKED R	YES	43.5
2	0103442440000000	S FK CROOKED R	YES	83.9
3	0103442440000000	S FK CROOKED R	YES	111.0
4	0103442440000000	S FK CROOKED R	YES	69.7
5	0103442440000000	S FK CROOKED R	NO	-20.2
6	0103440000000000	CROOKED R	NO	-203.0
7	0103440000000000	CROOKED R	NO	-407.0
8	0103440000000000	CROOKED R	NO	-445.0
9	0103440000000000	CROOKED R	NO	-391.0
10	0103440000000000	CROOKED R	NO	-157.0
11	0103440000000000	CROOKED R	NO	-37.9
12	0103000000000000	DESCHUTES R	NO	-120.0
Stor	0103442440000000	S FK CROOKED R	YES	18500.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 50

Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	5830.00	630.00	5200.00	0.00	5200.00	4500.00	700.00
2	6980.00	700.00	6280.00	0.00	6280.00	4500.00	1780.00
3	7440.00	940.00	6500.00	0.00	6500.00	4500.00	2000.00
4	8180.00	920.00	7260.00	0.00	7260.00	4000.00	3260.00
5	7460.00	1110.00	6350.00	0.00	6350.00	4000.00	2350.00
6	6600.00	1150.00	5450.00	0.00	5450.00	4000.00	1450.00
7	5190.00	890.00	4300.00	0.00	4300.00	4000.00	300.00
8	4780.00	790.00	3990.00	0.00	3990.00	3500.00	490.00
9	4800.00	670.00	4130.00	0.00	4130.00	3800.00	330.00
10	4940.00	750.00	4190.00	0.00	4190.00	3800.00	390.00
11	5050.00	810.00	4240.00	0.00	4240.00	3800.00	440.00
12	5480.00	740.00	4740.00	0.00	4740.00	4500.00	240.00
Stor	4360000	605000	3750000	0	3750000	2930000	822000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 14:07

Date: 12/27/1995

-----ISWRs-----							RESULTANT
APP # :	-90506A	70087A	0	0	0		
STATUS:	Scenic WW	App.					
1	4500.0	3000.0	0.0	0.0	0.0	4500.0	X
2	4500.0	3000.0	0.0	0.0	0.0	4500.0	X
3	4500.0	3500.0	0.0	0.0	0.0	4500.0	X
4	4000.0	3500.0	0.0	0.0	0.0	4000.0	X
5	4000.0	3500.0	0.0	0.0	0.0	4000.0	X
6	4000.0	3500.0	0.0	0.0	0.0	4000.0	X
7	4000.0	3500.0	0.0	0.0	0.0	4000.0	X
8	3500.0	3500.0	0.0	0.0	0.0	3500.0	X
9	3800.0	3500.0	0.0	0.0	0.0	3800.0	X
10	3800.0	3000.0	0.0	0.0	0.0	3800.0	X
11	3800.0	3000.0	0.0	0.0	0.0	3800.0	X
12	4500.0	3000.0	0.0	0.0	0.0	4500.0	X



DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: DESCHUTES R > COLUMBIA R  
 Water Availability Subbasin: 0103000000000000  
 Exceedance Level: 50  
 Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	5280.00	620.00	4660.00	0.00	4660.00	4500.00	160.00
2	6160.00	680.00	5480.00	0.00	5480.00	4500.00	980.00
3	6650.00	920.00	5730.00	0.00	5730.00	4500.00	1230.00
4	7350.00	880.00	6470.00	0.00	6470.00	4000.00	2470.00
5	6720.00	1000.00	5720.00	0.00	5720.00	4000.00	1720.00
6	6160.00	1030.00	5130.00	0.00	5130.00	4000.00	1130.00
7	4960.00	800.00	4160.00	0.00	4160.00	4000.00	160.00
8	4600.00	720.00	3880.00	0.00	3880.00	3500.00	380.00
9	4630.00	610.00	4020.00	0.00	4020.00	3800.00	220.00
10	4770.00	700.00	4070.00	0.00	4070.00	3800.00	270.00
11	4840.00	810.00	4030.00	0.00	4030.00	3800.00	230.00
12	5110.00	730.00	4380.00	0.00	4380.00	4500.00	-120.00
Stor	4030000	569000	3460000	0	3460000	2930000	536000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: DESCHUTES R > COLUMBIA R  
 Water Availability Subbasin: 0103000000000000  
 Time: 14:07

Date: 12/27/1995

APP #	ISWRs					RESULTANT
-90506B	0	0	0	0	0	
STATUS: Scenic WW						
1	4500.0	0.0	0.0	0.0	0.0	4500.0 X
2	4500.0	0.0	0.0	0.0	0.0	4500.0 X
3	4500.0	0.0	0.0	0.0	0.0	4500.0 X
4	4000.0	0.0	0.0	0.0	0.0	4000.0 X
5	4000.0	0.0	0.0	0.0	0.0	4000.0 X
6	4000.0	0.0	0.0	0.0	0.0	4000.0 X
7	4000.0	0.0	0.0	0.0	0.0	4000.0 X
8	3500.0	0.0	0.0	0.0	0.0	3500.0 X
9	3800.0	0.0	0.0	0.0	0.0	3800.0 X
10	3800.0	0.0	0.0	0.0	0.0	3800.0 X
11	3800.0	0.0	0.0	0.0	0.0	3800.0 X
12	4500.0	0.0	0.0	0.0	0.0	4500.0 X

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: DESCHUTES R > COLUMBIA R  
 Water Availability Subbasin: 0103400000000000  
 Exceedance Level: 50  
 Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	4660.00	590.00	4070.00	0.00	4070.00	0.00	4070.00
2	5190.00	650.00	4540.00	0.00	4540.00	0.00	4540.00
3	5710.00	850.00	4860.00	0.00	4860.00	0.00	4860.00
4	6390.00	620.00	5770.00	0.00	5770.00	0.00	5770.00
5	5870.00	440.00	5430.00	0.00	5430.00	0.00	5430.00
6	5600.00	470.00	5130.00	0.00	5130.00	0.00	5130.00
7	4570.00	480.00	4090.00	0.00	4090.00	0.00	4090.00
8	4260.00	420.00	3840.00	0.00	3840.00	0.00	3840.00
9	4310.00	350.00	3960.00	0.00	3960.00	0.00	3960.00
10	4430.00	590.00	3840.00	0.00	3840.00	0.00	3840.00
11	4440.00	790.00	3650.00	0.00	3650.00	0.00	3650.00
12	4590.00	710.00	3880.00	0.00	3880.00	0.00	3880.00
Stor	3590000	417000	3180000	0	3180000	0	3180000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: DESCHUTES R > COLUMBIA R  
 Water Availability Subbasin: 0103400000000000  
 Time: 14:07

Date: 12/27/1995

APP # :	0	0	0	0	0	0	RESULTANT
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0 X

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103440000000000  
 Exceedance Level: 50  
 Time: 14:07 Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	303.00	146.00	157.00	0.00	157.00	75.00	82.00
2	641.00	320.00	321.00	0.00	321.00	150.00	171.00
3	1100.00	579.00	521.00	0.00	521.00	255.00	266.00
4	1320.00	615.00	705.00	0.00	705.00	255.00	450.00
5	805.00	374.00	431.00	0.00	431.00	255.00	176.00
6	391.00	444.00	-53.20	0.00	-53.00	150.00	-203.00
7	112.00	444.00	-332.00	0.00	-332.00	75.00	-407.00
8	55.80	445.00	-389.00	0.00	-389.20	55.80	-445.00
9	64.00	391.00	-327.00	0.00	-327.00	64.00	-391.00
10	75.60	157.00	-81.60	0.00	-82.00	75.00	-157.00
11	97.20	60.10	37.10	0.00	37.10	75.00	-37.90
12	192.00	105.00	87.50	0.00	87.50	75.00	12.50
Stor	309000	244000	135000	0	135000	93400	69300

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103440000000000  
 Time: 14:07 Date: 12/27/1995

APP # : 70354A *MAY 15 1990* STATUS: App.

ISWRs	RESULTANT
1	75.0 A
2	150.0 A
3	255.0 A
4	255.0 A
5	255.0 A
6	150.0 A
7	75.0 A
8	55.8 A
9	64.0 A
10	75.0 A
11	75.0 A
12	75.0 A

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103442000000000  
 Exceedance Level: 50  
 Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	287.00	120.00	167.00	0.00	167.00	0.00	167.00
2	607.00	293.00	314.00	0.00	314.00	0.00	314.00
3	1060.00	551.00	509.00	0.00	509.00	0.00	509.00
4	1280.00	550.00	730.00	0.00	730.00	0.00	730.00
5	792.00	282.00	510.00	0.00	510.00	0.00	510.00
6	389.00	328.00	60.90	0.00	60.90	0.00	60.90
7	112.00	324.00	-212.00	0.00	-212.00	0.00	-212.00
8	55.60	322.00	-266.00	0.00	-266.00	0.00	-266.00
9	63.80	281.00	-217.00	0.00	-217.00	0.00	-217.00
10	75.30	118.00	-42.30	0.00	-42.30	0.00	-42.30
11	95.50	34.60	60.90	0.00	60.90	0.00	60.90
12	185.00	79.00	106.00	0.00	106.00	0.00	106.00
Stor	300000	197000	147000	0	147000	0	147000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103442000000000  
 Time: 14:07

Date: 12/27/1995

APP # :	0	0	0	0	0	0	RESULTANT
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0 A

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103442400000000  
 Exceedance Level: 50  
 Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	192.00	8.00	184.00	0.00	184.00	50.00	134.00
2	392.00	17.00	375.00	0.00	375.00	75.00	300.00
3	741.00	57.00	684.00	0.00	684.00	113.00	571.00
4	960.00	166.00	794.00	0.00	794.00	113.00	681.00
5	622.00	367.00	255.00	0.00	255.00	113.00	142.00
6	321.00	299.00	22.10	0.00	22.10	75.00	-52.90
7	93.20	89.70	3.46	0.00	3.50	50.00	-46.50
8	47.80	40.30	7.49	0.00	7.50	47.80	-40.30
9	55.70	42.00	13.70	0.00	13.70	50.00	-36.30
10	66.30	21.90	44.40	0.00	44.40	50.00	-5.60
11	80.60	3.50	77.10	0.00	77.10	50.00	27.10
12	134.00	5.00	129.00	0.00	129.00	50.00	79.00
Stor	222000	66900	155000	0	155000	50100	116000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: CROOKED R > DESCHUTES R  
 Water Availability Subbasin: 0103442400000000  
 Time: 14:07

Date: 12/27/1995

APP # :	70353A	0	0	0	0	RESULTANT
STATUS:	App.					
1	50.0	0.0	0.0	0.0	0.0	50.0 A
2	75.0	0.0	0.0	0.0	0.0	75.0 A
3	113.0	0.0	0.0	0.0	0.0	113.0 A
4	113.0	0.0	0.0	0.0	0.0	113.0 A
5	113.0	0.0	0.0	0.0	0.0	113.0 A
6	75.0	0.0	0.0	0.0	0.0	75.0 A
7	50.0	0.0	0.0	0.0	0.0	50.0 A
8	47.8	0.0	0.0	0.0	0.0	47.8 A
9	50.0	0.0	0.0	0.0	0.0	50.0 A
10	50.0	0.0	0.0	0.0	0.0	50.0 A
11	50.0	0.0	0.0	0.0	0.0	50.0 A
12	50.0	0.0	0.0	0.0	0.0	50.0 A

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES  
 Stream: S FK CROOKED R > CROOKED R  
 Water Availability Subbasin: 0103442440000000  
 Exceedance Level: 50

Time: 14:07

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	48.80	1.30	47.50	0.00	47.50	4.00	43.50
2	102.00	3.10	98.90	0.00	98.90	15.00	83.90
3	139.00	7.00	132.00	0.00	132.00	21.00	111.00
4	110.00	19.30	90.70	0.00	90.70	21.00	69.70
5	45.40	44.60	0.81	0.00	0.80	21.00	-20.20
6	23.90	36.80	-12.90	0.00	-12.90	15.00	-27.90
7	12.60	11.20	1.41	0.00	1.41	4.00	-2.59
8	8.70	5.06	3.64	0.00	3.64	4.00	-0.36
9	13.10	5.36	7.74	0.00	7.74	4.00	3.74
10	23.60	3.10	20.50	0.00	20.50	4.00	16.50
11	33.50	1.00	32.50	0.00	32.50	4.00	28.50
12	44.10	1.20	42.90	0.00	42.90	4.00	38.90
Stor	36200	8320	28700	0	28700	7250	23700

DETAILED REPORT OF ISWRs

Basin: DESCHUTES  
 Stream: S FK CROOKED R > CROOKED R  
 Water Availability Subbasin: 0103442440000000  
 Time: 14:07

Date: 12/27/1995

APP # :	70358A	0	0	0	0	RESULTANT
STATUS:	App.					
1	4.0	0.0	0.0	0.0	0.0	4.0 A
2	15.0	0.0	0.0	0.0	0.0	15.0 A
3	21.0	0.0	0.0	0.0	0.0	21.0 A
4	21.0	0.0	0.0	0.0	0.0	21.0 A
5	21.0	0.0	0.0	0.0	0.0	21.0 A
6	15.0	0.0	0.0	0.0	0.0	15.0 A
7	4.0	0.0	0.0	0.0	0.0	4.0 A
8	4.0	0.0	0.0	0.0	0.0	4.0 A
9	4.0	0.0	0.0	0.0	0.0	4.0 A
10	4.0	0.0	0.0	0.0	0.0	4.0 A
11	4.0	0.0	0.0	0.0	0.0	4.0 A
12	4.0	0.0	0.0	0.0	0.0	4.0 A



## COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R - 71909	8/4/95	CORY

A checkmark (✓) indicates that the item is incomplete or defective.

- 1. Examination fees. + REL FEES O.K.
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Location & description of delivery system.
- 7. A statement that the applicant either owns all lands or has written authorization or easements permitting access to lands owned by others. **(after 8/8/90)**
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant. **(after 8/8/90)**
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
  - a. The height of the dam.
  - b. The storage capacity.
  - c. The area submerged.
  - d. The maximum depth.
  - e. The construction method (earthfill, concrete, flashboard, etc.).
  - f. A description of the outlet conduit.
  - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
  - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt. **(after 8/8/90)**







James E. Bussard  
Consulting Engineer

**RECEIVED**

**JUL 11 1994**

WATER RESOURCES DEPT.  
SALEM, OREGON

July 6, 1994

Steve Brown  
Senior Water Rights Specialist  
Oregon Department of Water Resources  
3850 Portland Road, NE  
Salem, Oregon 97310

Re: Oregon Department of Water Resources/Black Snag Reservoir Application  
File N<sup>o</sup> R71909

Dear Steve:

Enclosed are photographs taken by Bruce Estes, who has filed the water rights transfer for the Black Snag Reservoir for the above referenced project. Bruce said he would call you to describe the intent of what he was showing in the photographs. The photos are numbered with a description on the back. The purpose of the photographs is to show that the upper reaches of the Black Snag drainage has adequate water which is presently utilized for irrigation, but that it goes underground just below the proposed dam site. The dam will increase the groundwater recharge through the increased static head. It is my belief, supported by Bruce Estes and our hydrologist, Dave Newton, that this dam will not alter the downstream water channel which is dry except for flood runoff. The underground recharge will benefit the entire system.

Please give me or Bruce Estes a call when you receive the photographs if you would like further discussion for the technical review.

Best Regards,

James E. Bussard, P.E.  
Engineering Consultant

cc: Bruce Estes  
G.I. Ranch Corporation  
Dave Newton

Ed-

5/3/94

Bruce Estes (585-7593)  
Would like to know when  
this will/could/can go  
to the Commission. They are  
holding on to 40,000 of Plans  
... ~~more~~ ~~with~~ ~~the~~ ~~Commission~~ ~~and~~ ~~not~~

PS.

Need said for you to  
call

TX



James E. Bussard  
Consulting Engineer

RECEIVED

MAR 18 1994

WATER RESOURCES DEPT  
SALEM, OREGON

March 14, 1994

Barry Norris  
Manager of Technical Services  
Oregon Department of Water Resources  
3850 Portland Road, N.E.  
Salem, Oregon 97310

Re: File R-71909 - Black Snag Reservoir

Dear Barry:

On October 22, 1992, I sent the enclosed preliminary data to Howard Daggett for the Black Snag Reservoir. Howard sent a memo on March 6, 1992, requesting five items of information in order to take the application to the Water Resources Commission for approval, subject to a condition that construction may not begin until final plans have been improved by the Dam Safety section. When the October 22, 1992, submittal was sent to Howard, we did not have adequate survey data to establish a reasonably accurate area capacity curve. That information was obtained and completed by April 14, 1993.

Enclosed for your review are copies of the dam site topographic study, area capacity curve, cross section at centerline of the dam, and preliminary dam design. I have also enclosed a copy of the computer run of the reservoir volumes. My preliminary calculated reservoir volume is as follows:

Preliminary Calculated Reservoir Volume	312 Acre Feet
10% Allowance for Final Design	31
Allowance for Excavation of Embankment Materials	<u>7</u>
Total Preliminary Estimated Volume	<u>350</u> Acre Feet

We have completed a more indepth analysis of the evaporation and bottom losses and have asked Bruce Estes to file a water rights transfer of 20.6 acres to cover these oper-

Barry Norris  
March 15, 1994  
Page Two

ational losses. I would appreciate your taking this to the Commission for preliminary approval subject to final engineering plans. If you need additional information, please advise.

Best Regards,



James E. Bussard, P.E.  
Engineering Consultant

cc: Stephen C. Brown  
G.I. Ranch Corporation  
Bruce A. Estes



James E. Bussard  
Consulting Engineer

RECEIVED

OCT 22 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

October 22, 1992

Mr. Howard Daggett  
Dam Safety Coordinator  
Oregon Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310

RE: File R-71909 - Black Snag Reservoir

Dear Howard:

I am responding to the information you requested in your memorandum of March 6, 1992 for the Black Snag Reservoir (R-71909 - GI Ranch, Crook County). You requested five items of which four are enclosed. We are planning to acquire additional field survey data on November 10, 1992, to make a closer approximation for the area capacity curve. We will have that information to you shortly after the survey work is completed, along with the certified water right survey.

Enclosed are the following items:

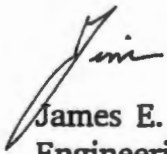
- 1) Preliminary Topographical Map. We plan to update this preliminary map with our field information to be obtained in November.
- 2) The drainage area and hydrographic data is provided in the geotechnical report prepared by David J. Newton Associates, dated April 20, 1992.
- 3) Cross-section through the maximum section of the dam showing the pipe outlet and the cross-section at the centerline of the dam.
- 4) Logs and location of test holes excavated February 26, 1992 are enclosed in the geotechnical by David J. Newton Associates, dated April 20, 1992.

Mr. Howard Daggett  
October 22, 1992  
Page Two

The foregoing information is supplemental to the application for permit to construct a reservoir filed September 12, 1991. The original application was accompanied by my preliminary design data submitted in a report dated September 11, 1991.

Page six of the enclosed Newton report outlines the criteria for developing the creek hydrology and hydraulics. It is my understanding that your Department is now evaluating spillway design on probable maximum storm (PMS). I would appreciate any information that you would have concerning this item for the Black Snag area. I will forward the above information (area capacity curves) in late November.

Best Regards,



James E. Bussard, P.E.  
Engineering Consultant

cc: Mr. Steve Brown  
Gi Ranch Corporation  
Mr. Bruce Estes  
Mr. David Newton

RECEIVED  
AUG 24 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant GI Ranch Corp. Application Number R-71909

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes \_\_\_\_\_ No X

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes \_\_\_\_\_ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No \_\_\_\_\_

If yes, what are your observations for the stream.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature Quinn Clark WM District # 11 Date 18 Aug 92



# WaterWatch

O F O R E G O N

RECEIVED

APR 13 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

April 9, 1992

Steve Brown  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Re: File R71909, Black Snag Reservoir

Dear Steve,

Thank you for the copy of the March 26 letter you sent to Bill Gauvin. We are curious as to why you did not require a time deadline for filing of the information you requested in this letter. It appears that if the Department determines an application is defective, it must return the application, give the reasons for return and give the applicant a specified amount of time to cure any defects. See ORS 537.150 and OAR 690-11-040(2).

Thanks ahead of time your consideration of this letter.

Sincerely,



Karen Russell  
Legal Affairs Coordinator

c. Myron

March 26, 1992

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

Reference: File R-71909 - Black Snag Reservoir

Dear Mr. Gauvin:

As of this date we have not received the preliminary plans as requested by our dam safety section. The plans were to include:

- 1) a preliminary topographical map;
- 2) an area-capacity curve;
- 3) drainage area, hydrographic data for spillway sizing, preliminary sizing of the spillway;
- 4) cross section through the maximum section of the dam showing outlet pipe, proposed drainage system; and
- 5) logs and location of test holes dug, February 26th and 27th, 1992.

Other issues that will need to be addressed are comments we have received from Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, WaterWatch of Oregon and Rest the West. As stated in my letter of November 14, 1991, staff may assist you in resolving any concerns that have been submitted. We may not be able to make a recommendation to the Commission without addressing the concerns. I am enclosing copies of the letters submitted commenting on the proposed use of water.

State law requires applications for permit for storage of water to be accompanied by a secondary (surface water application). The secondary permit would allow for the appropriation of water during times when water is available to maintain the reservoir.

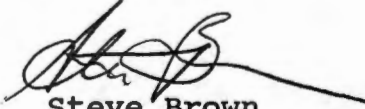
A map prepared by a certified water right examiner will need to be submitted to support the applications.



File R-71909 - Black Snag Reservoir  
March 26, 1992  
Page 2

Upon receipt of the requested additional information regarding the construction of the dam, secondary application for permit, and response to the comments received, the application for permit will be further reviewed.

Sincerely,



Steve Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Bob Main, Region Manager  
James E. Bussard, PE  
Howard Daggett, Dam Safety  
Greg Robart, ODFW  
Neil Mullane, DEQ  
Kathleen Myron, Rest The West  
Jim Myron, WaterWatch of Oregon

0707

MEMO

TO; FILE R-71909

MARCH 6, 1992

FROM: HOWARD DAGGETT, DAM SAFETY COORDINATOR

SUBJECT: R-71909 BLACK SNAG RESERVOIR (GI RANCH) CROOK COUNTY

I HAVE TALKED TO TOM KUPER OF DAVID NEWTON AND ASSOCIATES, BILL GAUVIN OF GI RANCH CORPORATION AND JOHN BORDEN DEPUTY DIRECTOR. JOHN BORDEN AND I HAVE AGREED THAT IF DETAILED PRELIMINARY PLANS, SATISFACTORY TO THE DAM SAFETY SECTION, ARE RECEIVED FOR THE SUBJECT PROJECT THAT WE CAN TAKE THE APPLICATION TO THE WATER RESOURCES COMMISSION FOR APPROVAL. HOWEVER THE PERMIT WILL CONTAIN A CONDITION THAT CONSTRUCTION MAY NOT BEGIN UNTIL THE FINAL PLANS HAVE BEEN APPROVED BY THE DAM SAFETY SECTION. THE PRELIMINARY PLANS SHALL INCLUDE THE FOLLOWING AS A MINIMUM:

1. A PRELIMINARY TOPOGRAPHICAL MAP PREPARED FROM A QUAD SHEET
2. AN AREA-CAPACITY CURVE PREPARED FROM ABOVE INFO.
3. DRAINAGE AREA AND HYDROGRAPHIC DATA FOR SPILLWAY SIZING. PRELIMINARY SIZING OF THE SPILLWAY.
4. CROSS SECTION THROUGH THE MAXIMUM SECTION OF THE DAM SHOWING OUTLET PIPE, PROPOSED DRAINAGE SYSTEM ETC..
5. LOGS AND LOCATION OF TEST HOLES DUG FEBRUARY 26TH AND 27TH 1992.

CC: BILL GAUVIN  
TOM KUPER  
JAMES BUSSARD  
FILE R-71909

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

JAN 14 1992

Name of Applicant GI Ranch Corporation Application Number R-71909 DES DE

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes \_\_\_\_\_ No X

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes \_\_\_\_\_ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No \_\_\_\_\_

If yes, what are your observations for the stream.

*Drive By while in area and during Res Inspections. havent seen water @ county Rd. in Twelve mile Cr. (4-5 miles d.S.*

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature *Bob Mann* WM District # 11 Date 1-13-92

RECEIVED

DEC 17 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

December 3, 1991

Steve Applegate  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Re: Water Right Application  
#71909

Dear Mr. Applegate:

The Department of Environmental Quality recommends that the following condition be placed on the proposed water right application by the GI Ranch Corporation to store 560 acre-feet for fish rearing, recreation and stock water.

The permittee shall store waters of Black Snag Creek from November 1, to April 30 only. From May 1, to October 31 of each year, reservoir inflow shall equal reservoir outflow.

The Department also recommends that the proposed water right be conditioned to require that the reservoir and its shoreline be managed according to best management practices approved by the U.S. Soil Conservation Service to minimize the potential impacts on downstream water quality.

Black Snag Creek is a tributary of Twelvemile Creek, a tributary of the South Fork of the Crooked River. The water quality of the upper Crooked River (river miles 70-117) does not support beneficial uses. The parameters of concern are pH, fecal bacteria and nutrients.

If the applicant cannot agree to these conditions, DEQ recommends referral of this application to the Water Resources Commission for a determination of the public interest.

Thank you for your consideration of these comments.

Sincerely,

*Neil Mullane*

Neil Mullane, Manager  
Water Quality Standards  
and Assessments



811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696

(DJS:djs)  
cc: Gregory Robart, ODFW



# Rest the West

RECEIVED

NOV 20 1991

P.O. Box ~~68345~~ 10065  
Portland, OR ~~97268~~ 97210

(503) 645-6293 / Bruce Apple  
(503) 653-9781 / Steve Alf

WATER RESOURCES DEPT  
SALEM, OREGON

November 18, 1991

K. S. Myron  
158 S.W. 11th Avenue  
Canby, OR 97013  
Ph: 503 266-1263

Stephen Brown  
Water Rights Specialist  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

Water Right Application No. R 71909  
Black Snag Reservoir, Waters of Black Snag Creek a Tributary of  
Twelvemile Creek, Tributary to the Crooked River

Dear Mr. Brown:

I am writing on behalf of Rest the West, an environmental organization concerned with the health of western ecosystems, including Oregon's river basins. We believe that it is not in the public interest to grant this water use in the Crooked River Basin. Our concerns include the following:

1. Allowing this proposed water use would adversely affect downstream flows in the South Fork Crooked River which flows through public lands in the wilderness study area managed by the Bureau of Land Management. Values which would be negatively affected include wilderness, watershed, scenic, recreation, fish and wildlife.
2. Insufficient flows currently exist in the Crooked River Basin to satisfy existing senior water rights and to meet instream flow needs. The Water Resources Department has not yet issued instream water rights for applications #70353, 70354, 70358, and 70588. Oregon's wildlife laws clearly mandate managing the state's waters such that indigenous species are not negatively affected, but are maintained at optimum levels not only for current, but for future generations. Before any more water rights are issued in this basin, instream water rights should be permitted as requested by the Oregon Department of Fish and Wildlife.
3. Twelvemile Creek and the South Fork Crooked River system contain populations of the indigenous redband trout, *Oncorhynchus mykiss* ssp. ODFW listed these fish as "Vulnerable" on their List of Sensitive Species dated August 16, 1991. Tributaries such as Black Snag Creek provide

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NOV 20 1991

Page 2  
REST THE WEST COMMENTS, BLACK SNAG CREEK WATER RESOURCES DEPT  
WATER RIGHT APPLICATION 71909, 560 ACRE-FEET SALEM, OREGON

necessary water to Twelvemile Creek. Protecting adequate water flows for instream values and uses in the less-than-optimum condition South Fork Crooked River is one action the State of Oregon can take to help ensure the survival of Oregon's native fish species, as mandated by Oregon law.

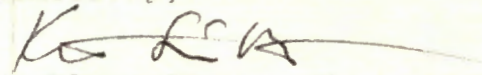
4. Water quality conditions are intimately related with water quantities available in the South Fork Crooked River system. Stream temperatures are a factor in trout survival. The cumulative effects of this proposed water use appropriation and those of all other existing water rights and applications need to be determined before additional permits are issued. Water availability needs to be determined, preferably through a hydrologic study of the basin. Such a study must not only address averaged (mean) precipitation years or "wet" years, but also must specifically address fish, wildlife, and aquatic system needs during dry years, such as this basin has endured now since 1985. Management of water in this basin must be in accordance with state wildlife laws for optimum conditions; conditions which will ensure native species' survival even during drought years, because drought cycles are a regular occurrence in this basin.

5. Also before any more water rights applications are granted, the administration and regulation (enforcement) of existing water diversions should be addressed. Currently, water use in the Crooked River Basin is inconsistently administered and regulated, to the detriment of the health of the basin's ecosystems. Before any new water rights are issued, these administrative issues need to be resolved.

While this list is not exhaustive, several of the major aspects of the serious public interest issue are cited. Rest the West asks that this application be referred to the Water Resources Commission for determination of the public interest in accordance with OAR 690-11-080. In the ensuing period, we ask that no permit be issued.

Thank you.

Sincerely,

  
Kathleen Simpson Myron  
Oregon Ecosystems Coordinator

file

bc:



**GI RANCH CORPORATION**

15 S.W. Colorado Avenue  
Bend, Oregon 97702  
Phone: (503) 382-6691  
Fax: (503) 388-5414

cc: Steve BROWN

R-71909

November 15, 1991

William H. Young  
Director  
Water Resources Department  
(Hand Delivered)

Dear Mr. Young:

We currently have an application before your Department for a storage project which entails a 38 foot dam, storing 560 acre feet of water. Our intention is to create another world class trout lake like our Grindstone Lakes which are adjacent to the proposed project. The lakes are located in eastern Crook County near Twelve Mile Creek.

Both the Diack situation and the muddled situation caused by the instream water rights dispute makes it very difficult to predict the outcome before the Commission for such a project. Given that it is our understanding that ODF&W has a policy of opposing any use out of stream in most areas of the state and our perception that the philosophical tendency of the Commission is to likewise oppose all new out of stream uses, we believe it is justified to make an adjustment to the usual application process.

We request we be allowed to go before the commission for a use/water availability approval and once that is successfully obtained will spend the money necessary for a full engineering of the dam. We would expect to go back before the Commission once the dam is engineered to get a dam safety approval.

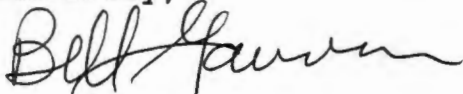
Right now the process is highly prejudicial to applicants in our situation. We will have to spend over an estimated \$40,000 to do the full engineering and soil tests required. The Department expects us to do this before we have a clue whether the project itself is one the Commission would favor.

Steve Brown of your staff has patiently explained that it is not the Department's policy, at the specific direction of the Commission, to bifurcate the application process. However, this seems to be a situation where such a bifurcation is reasonable and efficient.

I would be willing to appear before the Commission to argue the wisdom of such an approach. It would not only save us a good deal of money if we are far off base in our concept but would save your Department a lot of wasted time reviewing a project that has no chance of approval.

Please advise.

Sincerely,

A handwritten signature in cursive script that reads "Bill Gauvin". The signature is written in black ink and is positioned above the typed name.

Bill Gauvin

# WaterWatch

O F O R E G O N

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NOV 14 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

November 12, 1991

Stephen C. Brown  
Senior Water Rights Specialist  
Applications and Permits Section  
Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

Re: Application for Permit #R71909  
G. I. Ranch Corporation, South Fork Crooked River Basin  
Crook Co., 560.0 ac ft, Fish Rearing, Recreation, Stock

WaterWatch has reviewed the comments submitted by the Oregon Department of Fish and Wildlife on this application. We support ODFW's request to deny this application for all of the reasons that they list in their comment letter. In addition, we would like to raise the issue of water quality.

The Oregon Department of Environmental Quality has rated the South Fork of the Crooked River as having severe water quality problems due to existing water withdrawals and livestock use. To issue any additional water rights for consumptive use in this basin will only exacerbate an already critical problem.

WaterWatch understands that G I Ranch would like to develop another fee angling opportunity at Black Snag Reservoir similar to their existing facility at Grindstone Lakes. We support the ranch's efforts to expand their economic opportunities in this manner. If the ranch would be willing to reduce the effects of livestock grazing in certain areas, along with gifting, selling, or leasing some of their existing water rights on the South Fork of the Crooked River to the state to provide certain instream flows, maybe a compromise could be reached on this application.

In the absence of any such innovative approach to a compromise, WaterWatch support's ODFW's recommendation to refer this application to the Water Resources Commission for a determination of the public interest.

Sincerely,

  
Jim Myron

November 14, 1991

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

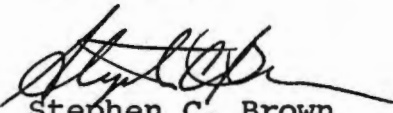
Reference: File R-71909 - Black Snag Reservoir

Dear Mr. Gauvin:

We have received comments from the Oregon Department of Fish and Wildlife regarding the issuance of a permit in approval of the application. I am enclosing a copy of their November 4, 1991, letter.

Staff may assist you in resolving any concerns that have been submitted.

Sincerely,



Stephen C. Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Mr. Greg Robart, ODFW  
Mr. Main, Region Manager  
Mr. Bussard, PE  
Mr. Daggett, Dam Safety

0580



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NOV - 8 1991

WATER RESOURCES DEPT.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

November 4, 1991

Steve Applegate  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Water Right Application 71909, Black Snag Reservoir,  
and Store the Waters of Black Snag Creek, a Tributary of  
Twelvemile Creek, 560 Acre-ft.

Dear Steve:

The Oregon Department of Fish and Wildlife has completed its review of this proposed water right and recommends Water Resources Department (WRD) not issue this permit for the following reasons:

1. Instream Water Right (IWR) applications (70353, 70354, 70358, and 70588) have been submitted to WRD to protect Crooked River drainage flows. To date, these IWRs have not been issued by WRD. Issuing additional out-of-stream water rights should not be allowed because there is insufficient instream flow to satisfy instream flow needs and existing senior water rights. Before any additional water rights are issued, as proposed, WRD should permit the IWRs requested. Without this instream flow protection in place, implementation of application 71909 would further impact instream flows necessary to support fish and other valuable aquatic resources.
2. The South Fork Crooked River Wilderness Study Area (WSA) has been proposed for inclusion into the federal Wilderness System and may also be considered in the future Wild and Scenic designation. It is managed at the present time on BLM lands as a wilderness area. Fish, recreation, scenic, and wilderness values are substantially improved if instream flow needs are met. Implementation of this proposed water right would adversely impact downstream flows in the South Fork Crooked River WSA.



WRD - 71909  
November 4, 1991  
Page 2

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NOV 9 1991

WATER RESOURCES DEPT  
SALEM, OREGON

3. The cumulative impacts of this proposed appropriation and all other Crooked River basin water right applications on file at WRD needs to be assessed with a hydrology study of the basin to determine water availability for both average and dry water years. The Eastern and Central Oregon area has been in an extreme drought situation since 1985. Prineville Reservoir is under consideration for a mixture of irrigation, recreation, fish and wildlife, and pollution abatement values, which depend on adequate Crooked River flows. These flows have not been satisfied during these recent drought years. Before this appropriation is permitted a hydrology study should address water availability in the Crooked River basin, existing water rights, IWR requests, water quality concerns, and the level of appropriation in the basin.

4. The South Fork Crooked River (SFCR) supports populations of stocked and wild rainbow, and smallmouth bass which are popular fisheries in a unique desert stream setting. Indigenous populations of the state sensitive redband trout of Eastern Oregon occur in the Twelvemile and SFCR systems. Two ranches on the SFCR are considering riparian protection practices and developing their streamside areas for fee fishing opportunities. The SFCR has received considerable effort from the Bureau of Land Management, ODFW, Oregon Trout and Trout Unlimited to try to restore the riparian area from past livestock grazing abuses. In addition, a Governor's Watershed Enhancement Board proposal is under development to restore riparian conditions through livestock fencing and management changes in upland practices.

Fish populations have not been surveyed in Black Snag Creek and are unknown. Many streams in that area are ephemeral or intermittent and dry up during the summer and may not support fish life. However, their importance for adding water to downstream areas in terms of water quality and quantity should not be overlooked. Further appropriations, as proposed, would impact fish in Twelvemile Creek and SFCR.

5. Crooked River water diversions are inadequately administered and enforcement problems are common. Many subbasins such as the Ochocco Creek drainage are a complex mixture of water rights from the 1860's which are poorly documented. Inconsistencies such as water rotation guidelines, fish passage, statutory supremacy, metering and enforcement have not been worked out between

WRD - 71909  
Page 3  
November 4, 1991

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NOV - 8 1991

WATER RESOURCES DEPT  
SALEM, OREGON

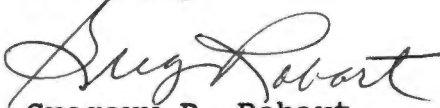
WRD and ODFW. In addition, violations such as irrigators taking more than their share of water and constructing diversions that completely block the channel are numerous. These water issues should be resolved before any new water rights are issued.

6. This water right request appears to be another example of an in-channel reservoir. Although Black Snag Creek may have intermittent flow, many riparian dependent species such as willows and sedges are dependent on seasonal flows. WRD has spent considerable effort developing policies on riparian management. An in-channel reservoir, as proposed, would draw livestock into the riparian area. This is in conflict with current riparian management philosophy which emphasizes moving livestock use away from riparian zones to reduce associated impacts of grazing, trampling and degradation of riparian vegetation and stream banks.

The requested water right needs further evaluation by WRD in light of the conflicts mentioned in this letter. This proposed appropriation raises a substantial public interest issue. Accordingly, ODFW recommends not issuing this permit and referral of this application to the Water Resources Commission for determination of the public interest in accordance with OAR 690-11-080.

Thank you for the opportunity to comment.

Sincerely,



Gregory P. Robart  
Staff Biologist  
Aquatic Habitats Program  
Habitat Conservation Division

c Water Watch (Public Information Request)  
BLM - Prineville  
DEQ - Water Quality Division - Sturdevant/Wood

November 4, 1991

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

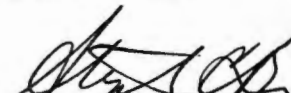
Reference: File R-71909 - Black Snag Reservoir

Dear Mr. Gauvin:

A removal fill permit may be required by the Division of State Lands (DSL).

If a permit is required by DSL, we will need to know that their requirements are being satisfactorily pursued prior to any action to approve the application by this Department.

Sincerely,



Stephen C. Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Mr. William Parks, DSL  
Mr. Main, Region Manager  
Mr. Bussard, PE  
Mr. Daggett, Dam Safety

0567





**GI RANCH CORPORATION**

15 S.W. Colorado Avenue  
Bend, Oregon 97702  
Phone: (503) 382-6691  
Fax: (503) 388-5414

R-71909 ;  
RECEIVED  
OCT 30 1991  
WATER RESOURCES DEPT.  
SALEM, OREGON

October 29, 1991

William L. Parks  
Division of State Lands  
775 Summer Street NE  
Salem, OR 97310-1337

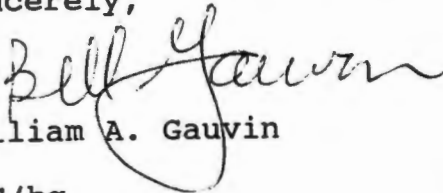
Re: Black Snag Reservoir

Dear Mr. Parks:

We received your letter of Oct. 25, 1991 indicating that we might have to obtain a permit from your Department for our proposed dam and reservoir. It is our intention to file for a permit under the applicable statutes administered by the Water Resources Department. This, I believe, makes it unnecessary to obtain a permit from your Department.

I have a call into you. If I am incorrect please contact me.

Sincerely,



William A. Gauvin

WAG/bg

cc: Water Resources Department

October 24, 1991

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

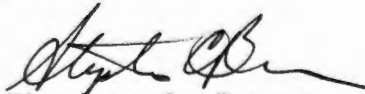
Reference: File R-71909

Dear Mr. Gauvin:

I have reviewed your request to provide the final engineering and a CWRE map after you have tentative approval from the Commission.

The Department will require the application, supporting data including approved plans and specifications for the construction of the dam and a CWRE map completed prior to any recommendation to the Commission.

Sincerely,



Stephen C. Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Mr. Main, Region Manager  
Mr. Bussard, PE  
Mr. Daggett, Dam Safety

0554



MEMO

TO: WATER RIGHTS

10/22/91

FROM: HOWARD DAGGETT

SUBJECT: R-71909 GI RANCH APPLICATION

HEREWITH A COPY OF LETTER TO GI RANCH PUTTING THEM ON NOTICE THAT WE NEED FINAL PLANS AND SPECIFICATIONS SUBMITTED BY THEIR ENGINEER. DO YOU WANT TO INFORM THEM THAT APPROVED PLANS ARE REQUIRED BEFORE THE APPLICATION WILL BE REFERRED TO THE COMMISSION?

*yes*  
*low*  
*AD*  
*10/23/91*  
*0552*

October 23, 1991

William L. Smith, President  
GI RANCH CORPORATION  
15 SW Colorado  
Bend, OR 97702

Dear Mr. Smith:

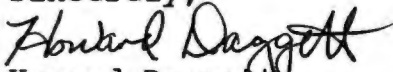
Reference: R-71909 (BLACK SNAG DAM AND RESERVOIR)

I contacted your Engineer yesterday and discussed your project. He is to contact us when he plans to do the foundation investigation on the project and we plan to participate.

I am sure you are aware construction can not begin until your engineered design has been approved by this agency.

If I can be of assistance please give me a call.

Sincerely,



Howard Daggett  
Dam Safety Coordinator

Copy: Watermaster Dist. 11  
James E. Bussard, P.E.



**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: GI RANCH CORPORATION  
 Address: 15 SW COLORADO AVENUE  
 City: BEND State: OR Zip: 97702 Day Phone: 382-6691

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
NE 1/4 SEC 25 T19S, R24E TAX LOT 100	EFU			X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CROOK

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

**For Local Government Use Only**

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.010. 1(A) ORD. #18. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
NONE				

(over)

**Receipt for Request for Land Use Information**

WRD Applicant Name: GI RANCH CORPORATION

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: CROOK

Staff Contact: WILLIAM ZELENKA Phone: 447-3211

Signature: Will P. Zelenka Date of Information Request: 9/18/91

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: WILLIAM ZELENKA  
Title: PLANNING DIRECTOR/CROOK COUNTY

Date: 10/2/91  
Phone: 447-3211

Signature: *William P. Zelenka*

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments.

# Description of Water Use

Official Initials: WPK

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: GI RANCH CORPORATION  
 Address: 15 SW COLORADO AVENUE  
BEND, OR 97702  
 Phone: 382-6691

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- Livestock (type of livestock, feedlot, slaughterhouse): STOCK WATER
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.) \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.) RECREATION
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>BLACK SNAG CREEK</u> _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>560</u> Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

<u>DATE</u>	<u>INITIALS</u>	<u>MINIMUM REQUIREMENTS TO FILE</u>
_____	_____	Name and mailing address
_____	_____	Source of water
_____	_____	Quantity of water
_____	_____	Location of project
_____	_____	Use of water
_____	_____	Name and address of all owners
_____	_____	Signature of applicant
_____	_____	Allowable use by policy
_____	_____	State Engineer withdrawal
_____	_____	Legislative withdrawal
_____	_____	Examination fee
_____	_____	Land use approved _____ pending _____
_____	_____	Application date stamped, receipted date and time

FIELD OPERATIONS

_____	_____	Stream code _____
_____	_____	Scenic Waterway _____
_____	_____	Findings made
_____	_____	Prepare six copies of Draft Permit
_____	_____	NOTE: If Diack findings are complete write "SCENIC-REG ACK LETTER" or if Diack findings are not yet made write "SCENIC-ACK LETTER" on appropriate drafts in upper right corner
_____	_____	Send one copy to Data Center
_____	_____	Entered in Paradox
_____	_____	Plat Carded
_____	_____	Stream Indexed <u>YES</u> <u>NO</u>
_____	_____	Conflicts _____
_____	_____	Prior ISWR _____

SUPPORT SERVICES

<u>10/15</u>	<u>Cm</u>	Stamp contents with application number
_____	_____	Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER
_____	_____	Mail acknowledgement letter (provided by Data Center) with receipt to applicant, cc to CWRE
_____	_____	Place label on file and card
_____	_____	If reservoir with dam is over 10 feet or storage over 9.2 AC-FT, route file to Dam Safety Section.

FIELD OPERATIONS

_____	_____	Within Irrigation District _____ (name)
_____	_____	Notified <u>YES</u> <u>NO</u>
_____	_____	District excerpt received _____
_____	_____	Other landowners notified _____
_____	_____	Need Commission review _____
_____	_____	Requests greater than 5.0 cfs _____
_____	_____	Dam height greater than 20 feet _____
_____	_____	Storage greater than 100 acre-feet _____
_____	_____	Out of Basin diversion _____
_____	_____	Groundwater recharge project _____
_____	_____	Other substantial public interest _____
_____	_____	ODFW comments received _____
_____	_____	DEQ comments received _____
_____	_____	Water availability received _____
_____	_____	Objections received _____
_____	_____	Objections resolved _____
_____	_____	Protested - Resolved _____
_____	_____	Permit Recording fees _____

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



October 11, 1991

GI RANCH CORPORATION  
15 SW COLORADO  
BEND, OR 97702

REFERENCE: File(s) R-71909

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



Application No. <sup>R</sup>-71909  
Permit No.

RECEIVED  
OCT - 7 1991  
WATER RESOURCES  
SALAM, OREGON

Oregon

WATER  
RESOURCES  
DEPARTMENT

September 24, 1991

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

We have reviewed an application to use water. We need additional information so we can accept, review and decide if a permit can be issued.

Please provide the following:

\_\_\_\_\_ A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.

ENCLOSED  
~~X~~

\_\_\_\_\_ Land use information signed by the County. (required before we can accept the application, a form is enclosed).

\_\_\_\_\_ A copy of written authorization or easement permitting access to land not owned by the applicant.

\_\_\_\_\_ Fees in the amount of .

ENCLOSED  
X

\_\_\_\_\_ Other: The application, supporting data and check no. 0838 in the amount of \$427.50 is being returned.

We will complete our analysis when the application and information noted above is received.

Contact the Application/Permits Section at 378-3739 if you have any questions.

cc: CWRE

form2



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

*general*

Oregon

Application No. *R-71909*  
Permit No.

WATER  
RESOURCES  
DEPARTMENT

September 24, 1991

Bill Gauvin  
GI Ranch Corporation  
15 SW Colorado Avenue  
Bend, OR 97702

We have reviewed an application to use water. We need additional information so we can accept, review and decide if a permit can be issued.

Please provide the following:

- A legal description of the property where you plan to use water. You can copy this from your deed, title insurance policy or sales contract.
- Land use information signed by the County. (required before we can accept the application, a form is enclosed).
- A copy of written authorization or easement permitting access to land not owned by the applicant.
- Fees in the amount of .
- Other: The application, supporting data and check no. 0838 in the amount of \$427.50 is being returned.

We will complete our analysis when the application and information noted above is received.

Contact the Application/Permits Section at 378-3739 if you have any

0838

**GI MANAGEMENT COMPANY**  
15 SW COLORADO AVE. 382-6691  
BEND, OREGON 97702

24-22/1230  
BRANCH 042

SEPTEMBER 12 19 91

PAY TO THE ORDER OF OREGON WATER RESOURCES DEPARTMENT \$ 427.50

FOUR HUNDRED TWENTY-SEVEN AND 50/100-----DOLLAR

**U.S. BANK**  
BEND BRANCH  
P.O. BOX 911 BEND, OR 97709  
UNITED STATES NATIONAL BANK OF OREGON

FOR Filing Fee-Black Snag Reservoir

*Wilbur*  
*Giudita A. Baldwin*

© HARLAND 1989



James E. Bussard  
Consulting Engineer

September 11, 1991

**Application No.** 2-71909  
**Permit No.**

RECEIVED  
OCT - 7 1991  
SEP 13 1991  
WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. William A. Gauvin  
William Smith Properties, Inc.  
15 S.W. Colorado Ave.  
Bend, OR 97702

RE: Preliminary Design - Black Snag Reservoir

Dear Mr. Gauvin:

I have completed field investigations\surveys and have prepared preliminary design information for the Black Snag Reservoir as proposed to be developed in the NE  $\frac{1}{4}$ , Section 25, T19 S, R24 E, W.M., Crook County, Oregon. I have enclosed vicinity maps and preliminary concept drawings which develop the criteria for the construction of the dam and reservoir.

Preliminary field control was established on May 30, 1991 at which time I estimated the flow in Black Snag Creek to be approximately 2.5 to 3.5 cfs.

On July 30, 1991 I made further surveys to define the limits of a proposed reservoir. The creek appeared to be flowing about 2 cfs at that date.

#### **Geology\Drainage Basin**

The proposed reservoir site is situated in a transition zone between Snow Mountain to the east and the high desert to the west. This transition zone is approximately 8-10 miles in width and is characterized by grass/sage covered rolling hills with numerous westerly flowing springs along the easterly portion of this zone. The waters from these streams are rich in nutrients and invertebrates. The run off from this zone appears to be more gentle and does not erode the creek bottoms which is more typical of lands approximately 3-5 miles to the west.

Three major reservoirs lying approximately 3-5 miles north of the proposed site, Twelve Mile Reservoir, Williams Reservoir and Grindstone Reservoir all have survived numerous water spouts and rapid snow melt with little resulting effects or erosion.

Mr. William A. Gauvin  
September 11, 1991  
Page 2

WATER RESOURCES DEPT.  
OCT 1991  
**RECEIVED**  
SEP 13 1991  
WATER RESOURCES DEPT.  
SALEM, OREGON

The spillway areas of these three existing reservoirs appear to be minimum in design which is further evidence of the less extreme run off conditions characteristic of this drainage. Soils at the proposed dam site as well as the other existing reservoirs appear to be reasonably impervious. This also is supported by the historical durability shown in nearby dams.

### **Dam Safety**

Typically the worse case flow situation occurs in the winter months between December and February when the open range lands are covered with snow and a warming trend creates run off on frozen grounds. However, occasionally water spouts occur during the summer months creating large amounts of run off over periods of short duration. There are no primary residential houses located down stream to the west for more than 20 miles. Approximately eight miles west is the only public improvement which is an unimproved 14 foot wide dirt Crook County road. The proposed site is in a very remote area.

### **Preliminary Design Data**

The following is preliminary data for the proposed reservoir as shown on the attached drawings and maps:

- 1) Height of dam - 38 feet with a maximum water level of 30 feet at the dam.
- 2) Total estimate of cubic yards for dam construction - 35,000 C.Y.'s.
- 3) Estimated total surface area - 36 acres.
- 4) Estimated reservoir capacity - 560 acre feet.
- 5) Spillway to be located on the south slope of the drainage with a bottom width of 15 feet and side slopes at 3/4:1.
- 6) The outlet pipe shall be an 18 inch diameter CMP (coated) with 4' X 4' cut off plates installed every 20 feet. There will be a valve on the upstream inlet with the shaft totally incased in concrete to the crest of the dam.

RECEIVED

SEP 13 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

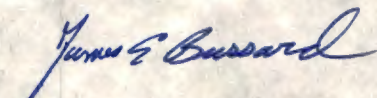
Mr. William A. Gauvin  
September 11, 1991  
Page 3

### Final Engineering Requirements

It will be important to prepare detailed topographical maps of the site so that accurate area/capacity graphs can be computed. Once subsurface exploration work has been completed along with the required soils testing for embankment materials, final design of the key-way and the dam core can be finalized. Detailed engineering plans would be a part of the final design phase.

I believe that this Preliminary Site Investigation and Analysis will provide you with the basic information along with a water rights survey to prepare your application to the Oregon Department of Water Resources. If you need additional information please advise.

Cordially,



James E. Bussard, P.E.

Consulting Engineer

JEB:dlz



James E. Bussard  
Consulting Engineer

SUBJECT:

FILE NO.

BY

DATE

SHEET NO.

OF

OCT 7 1991  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**

SEP 13 1991

WATER RESOURCES DEPT  
SALEM, OREGON

**Preliminary Design**

**Proposed  
Black Snag Reservoir**

NE $\frac{1}{4}$ , Sec. 25, T19 S, R24 E, W.M.,  
Crook County, Oregon

September 11, 1991

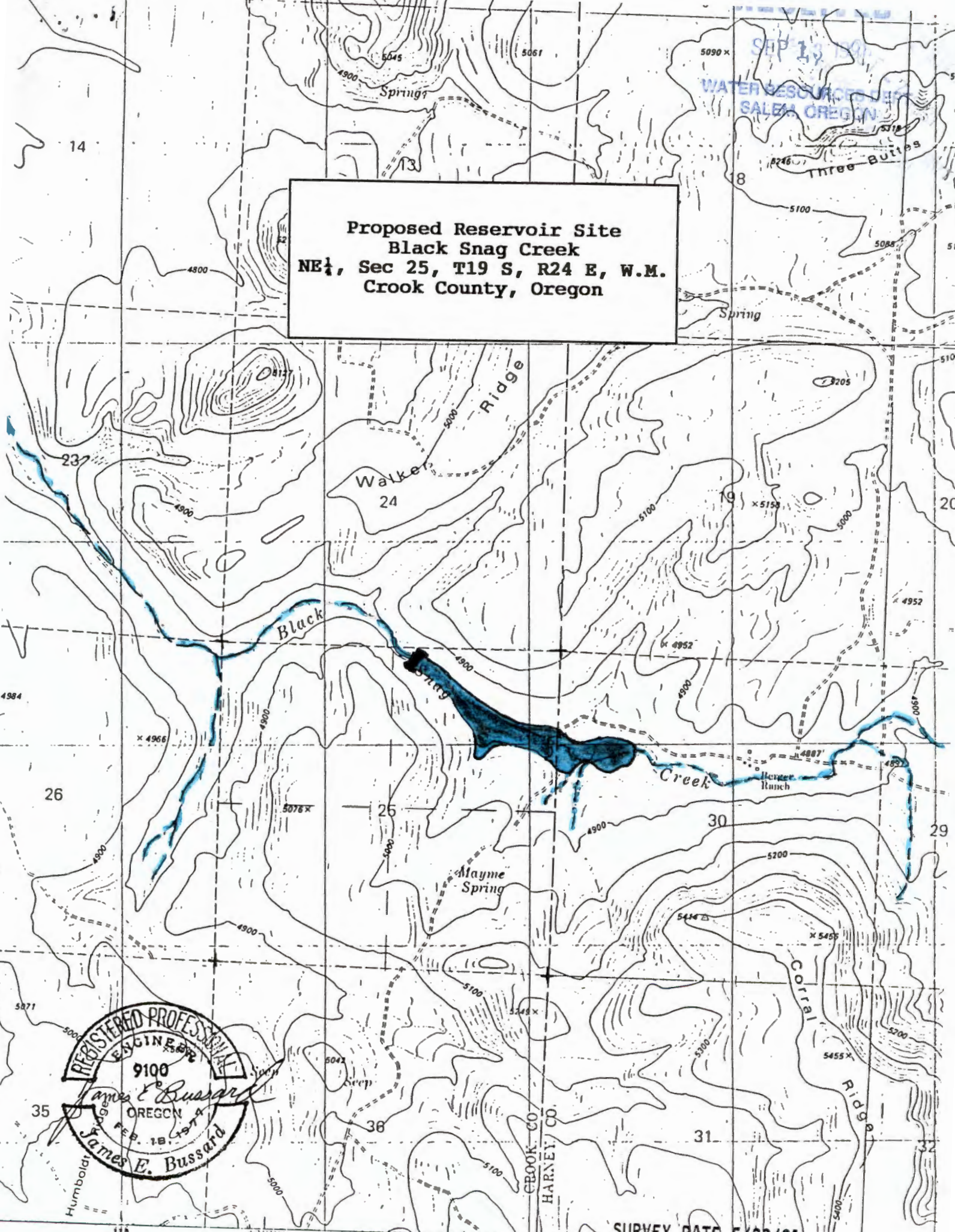


**Prepared By:**

James E. Bussard  
Consulting Engineer  
15 S.W. Colorado  
Bend, OR 97702

SEP 13 1991  
WATER RESOURCES DISTRICT  
SALEM, OREGON

**Proposed Reservoir Site**  
**Black Snag Creek**  
**NE 1/4, Sec 25, T19 S, R24 E, W.M.**  
**Crook County, Oregon**



REGISTERED PROFESSIONAL  
ENGINEER  
9100  
*James E. Bussard*  
OREGON  
FEB. 18, 1977  
James E. Bussard

SURVEY DATE 5/30/91





James E. Bussard  
Consulting Engineer

SUBJECT: Preliminary Design  
Black Snag Reservoir  
Sec. 25, T19S, R24E,  
Crook County, OR

FILE NO.

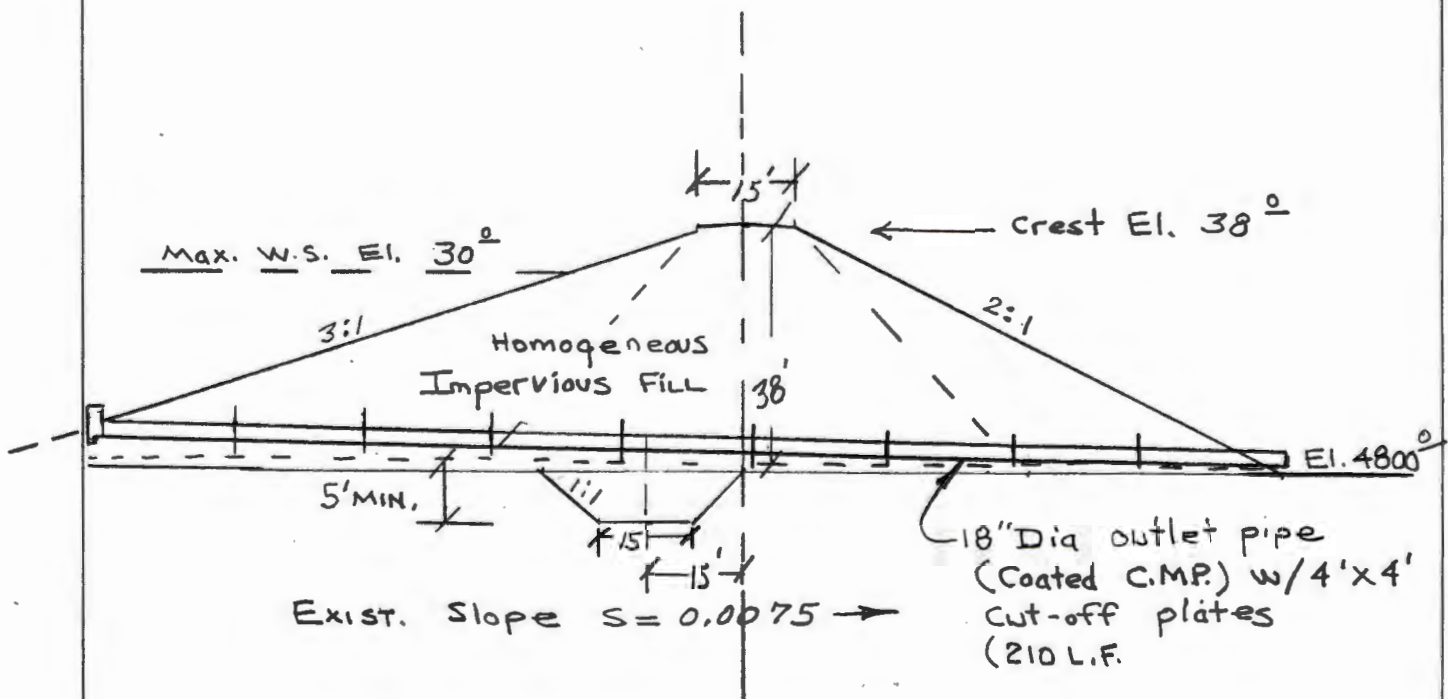
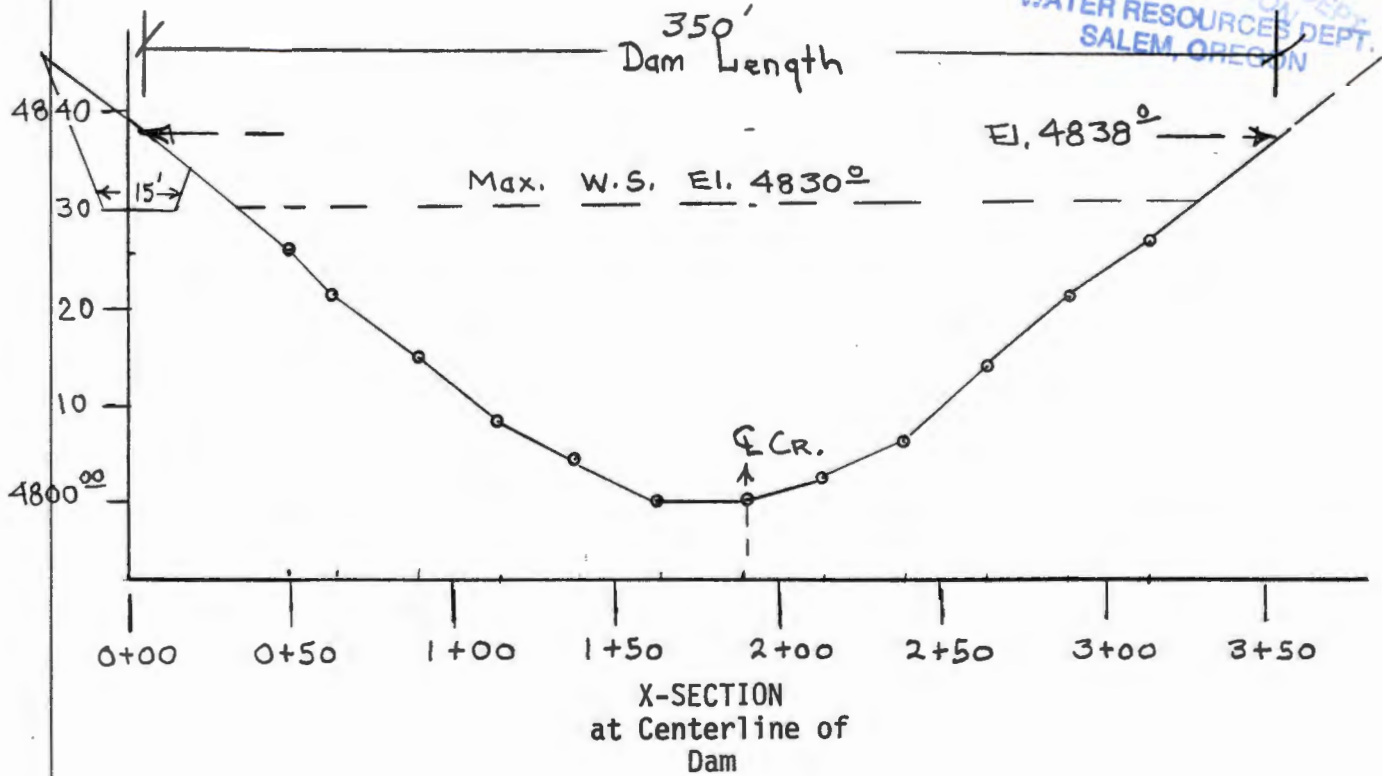
BY *JEB*  
SHEET NO.

DATE 9/10/91

RECEIVED

SEP 13 1991

WATER RESOURCES DEPT.  
SALEM, OREGON



PRELIMINARY  
DAM DESIGN

Application No. K-11409  
Permit No.

**GI RANCH CORPORATION**

15 S.W. Colorado Avenue  
Bend, Oregon 97702  
Phone: (503) 382-6691  
Fax: (503) 388-5414

RECEIVED

SEP 13 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

September 12, 1991

William H. Young  
Director  
Water Resources Department  
3850 Portland Rd NE  
Salem, OR 97310

Dear Mr. Young:

Enclosed is an application for a reservoir permit to construct a fishing lake in a very remote part of our Eastern Oregon ranch. We propose to use a stream which typically does not flow far on our ranch before being absorbed by vegetation. In effect, we propose to trade cattle forage for the lake.

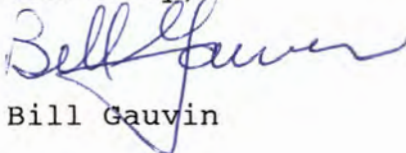
The proposed location is in an area which has a unique combination of temperature, fish feed, and water chemistry to grow big trout. This lake is an attempt to create another world class trout fishing lake like the Grindstone Lakes which already exist on our ranch. Grindstone is truly world renowned and attracts fly fisherman from all over the world.

We propose to make our application in a two step process. First, we are applying using preliminary engineering and without a CWRE map. Once, the Department and the Commission have indicated their tentative approval, we will spend the money to provide final engineering and a CWRE map.

Please route to your appropriate applications officer and have him/her call me concerning our approach and any other information that may be necessary.

Thank You.

Sincerely,



Bill Gauvin

Application No. R-71909

OCT - 7 1991  
RECEIVED  
SEP 13 1991  
WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

# Application for a Permit to Construct a Reservoir

Applicant(s) GI Ranch Corporation  
(Please print or type - use dark ink)

Mailing Address: 15 SW Colorado  
Bend OR 97702 382-6691  
City State Zip Daytime Phone No.

I (We) make application for a permit to construct Black Snag reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Black Snag Creek,  
a tributary of Twelvemile Creek.  
If not in channel of a stream, state how it is to be filled: \_\_\_\_\_

2. THE DAM: The maximum height of the structure will be 38 feet above stream bed or ground surface at the centerline.  
The dam will be (check one)  earthfill, \_\_\_\_\_ concrete, \_\_\_\_\_ flashboard, \_\_\_\_\_ other.  
If "other" give description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: 18" diameter CMP coated with 4' X 4' cut off plates every 20 feet. SEE ATTACHED ENGINEERING LETTER.  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: for the raising of fish and recreational fishing. Also to be used for stock watering.  
\_\_\_\_\_  
\_\_\_\_\_



8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

*NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

GI Ranch Corporation

by William L. Smith  
Signature of Applicant  
William L. Smith  
President

9/12/91  
Date

\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 7<sup>th</sup> day of October, 1991, at 8 o'clock, a M.

APPLICATION NO: R-71909

001

Application No.

71909

Permit No.

R-12247

GI RANCH CORPORATION

15 SW COLORADO

Name

BEND, OR

97702

Address

Assigned

Address

Beginning construction

07/23/92

9/5/98

Completion of construction

10/1/93

Extended to

Complete application of water

10/1/91

10/1/01

Extended to





Twelve Mile Dam in background  
Taken from NE $\frac{1}{4}$  sec 18, T19S, R24E  
Looking over dry Twelve Mile Creek & Nordin Cr.

From NE $\frac{1}{4}$  sec 18, T19S, R24E

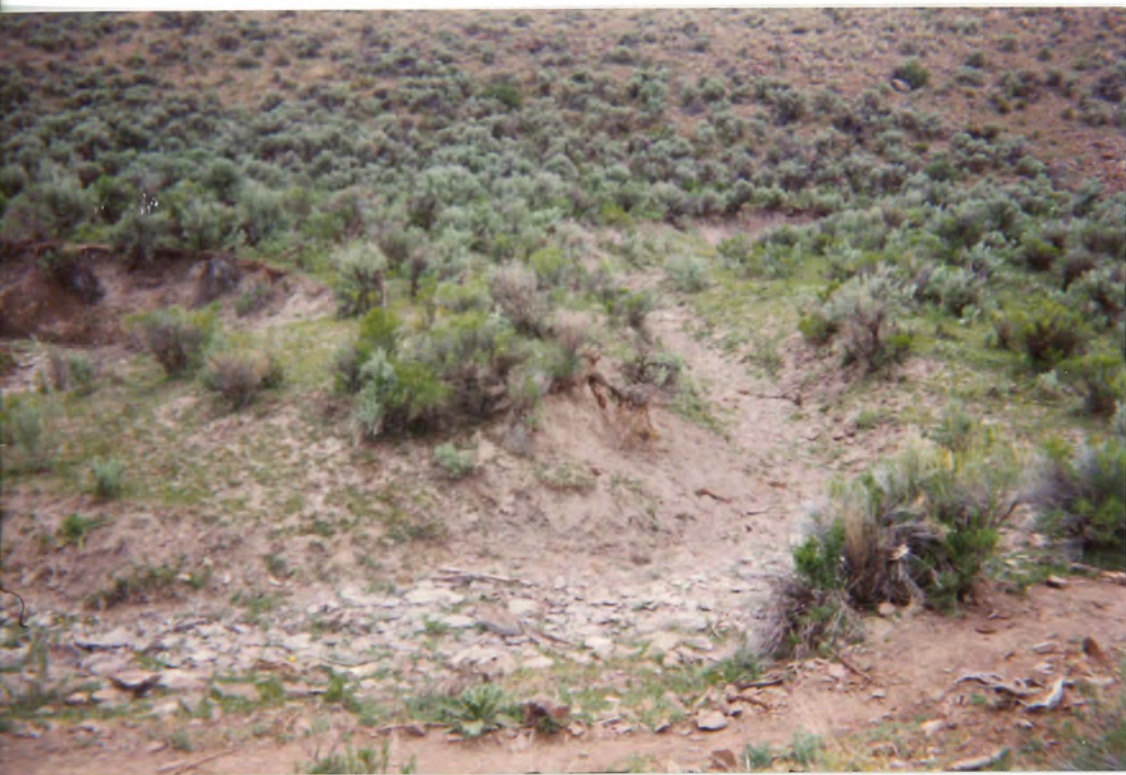
Twelve Mile Dam looking over Twelve Mile Creek  
& Nordin Creek - both dry.

Approx 1 $\frac{1}{4}$  mile below mouth of Black Spry Cr.

From road crossing <sup>June 11, 1994</sup> near mouth of Black Spry Cr looking  
upstream (SE)

SE $\frac{1}{4}$  Sec 8, T19S, R24E

<sup>June 11, 1994</sup>  
From road crossing near mouth of Black Spry Cr  
looking downstream - NW.



June 11, 1994

⑤

Twelve mile Cr below Black Snag Creek

SE 1/4 Sec 8, T19S, R24E

June 11, 1994

⑥

SE 1/4 Sec 8, T19S, R24E

Looking east

Puddles from rain on June 7-8.

Mouth of Black Snag Creek.



June 11, 1994

⑦

Twelve mile Creek about 1 mile above mouth  
of Black Snag Creek. (Both streams dry)

June 11, 1994

⑧

Black Snag Creek just below dam site.

6" Cipolletti weir 0.20 cfs



June 11, 1994

Looking upstream from <sup>just below</sup> dam site - SE  
NE 1/4 Sec 25, T 19S, R 24E

(5)

(2)

Looking upstream at dam site

June 11, 1994

(10)

June 11, 1994

Looking east from dam site

(11)

June 11, 1994

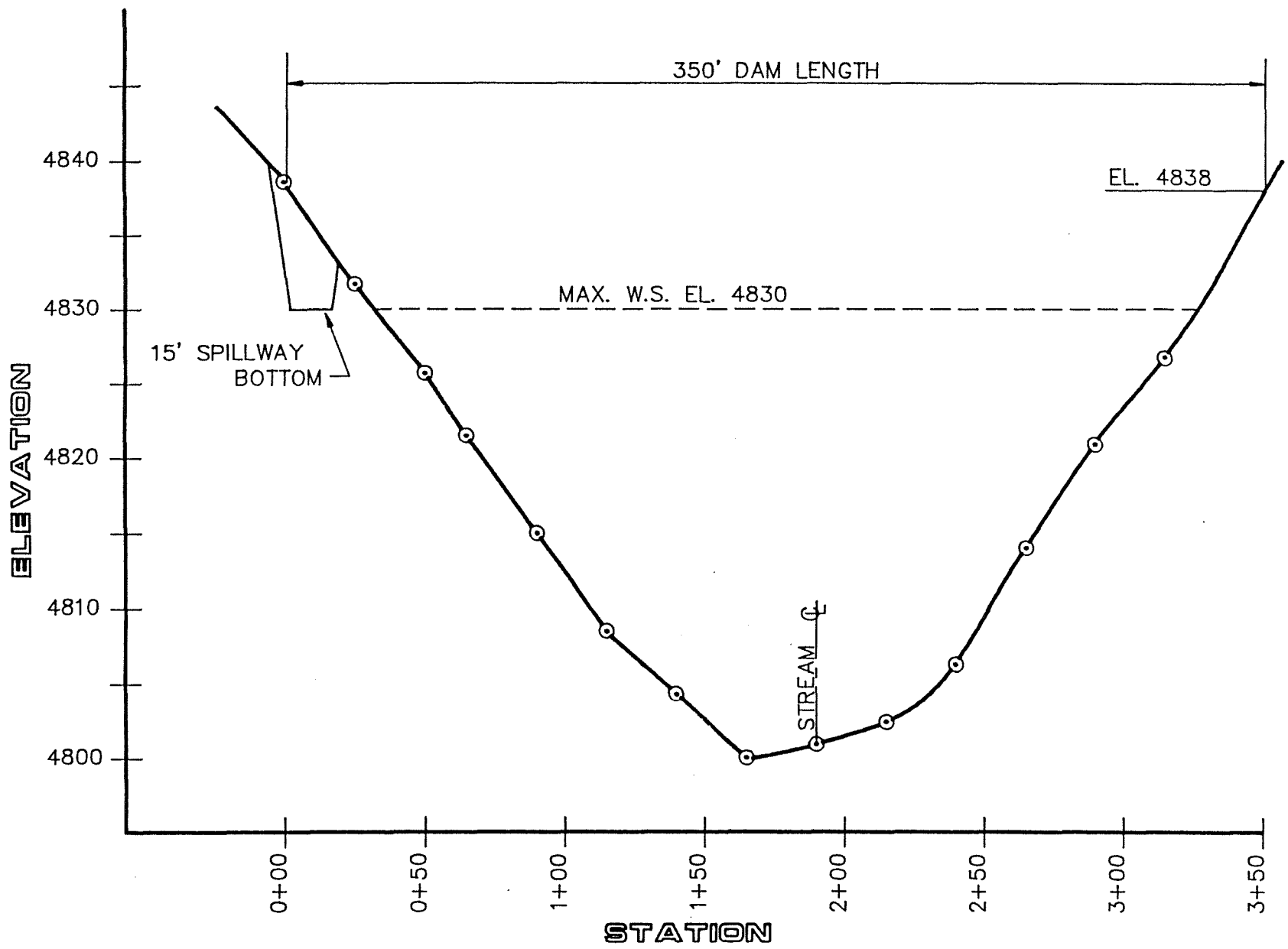
looking upstream from dam site - SE

(12)

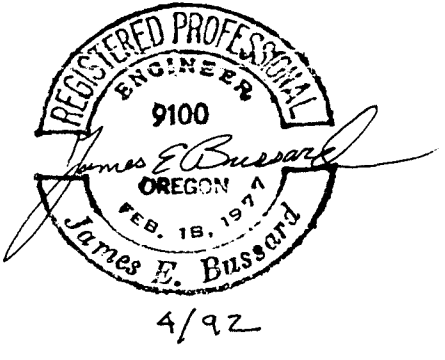
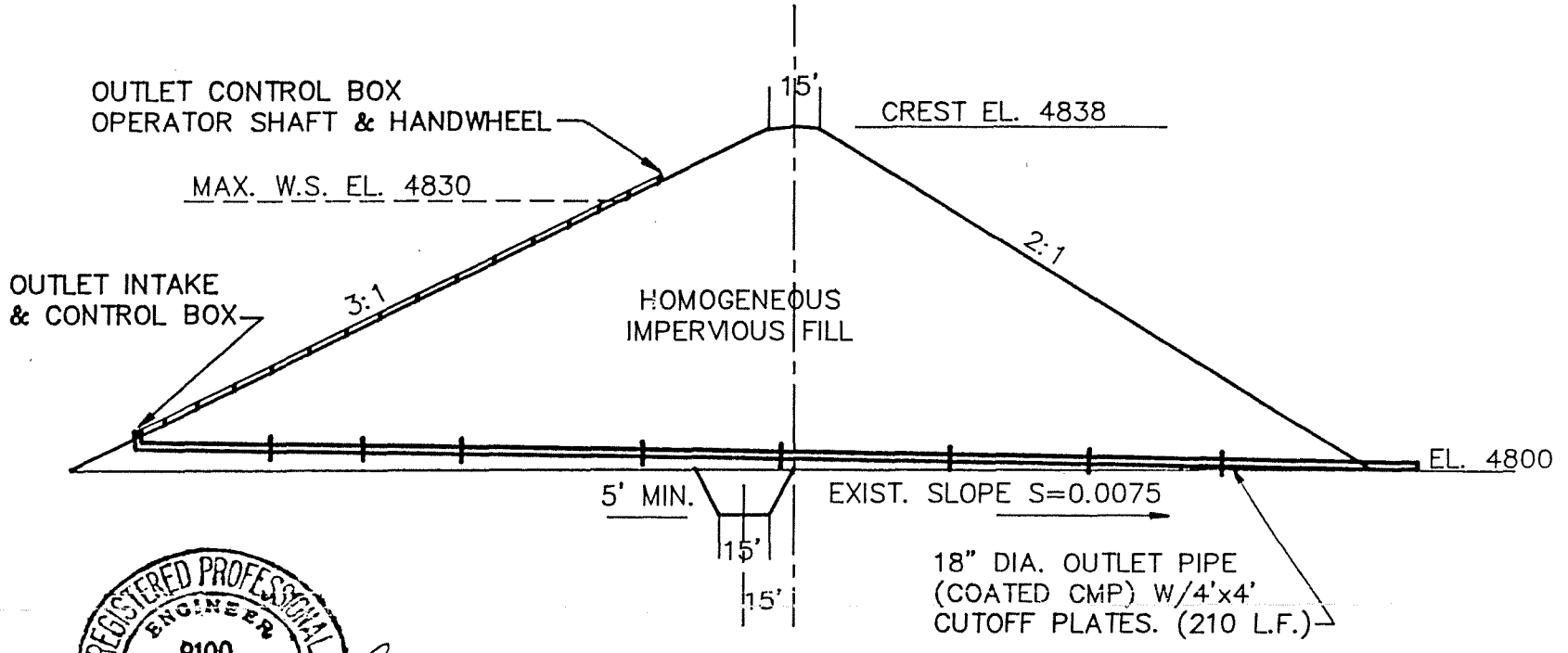
(13)

June 11, 1994

Looking downstream from dam site (NW).  
Black Snag creek meanders through small valley.



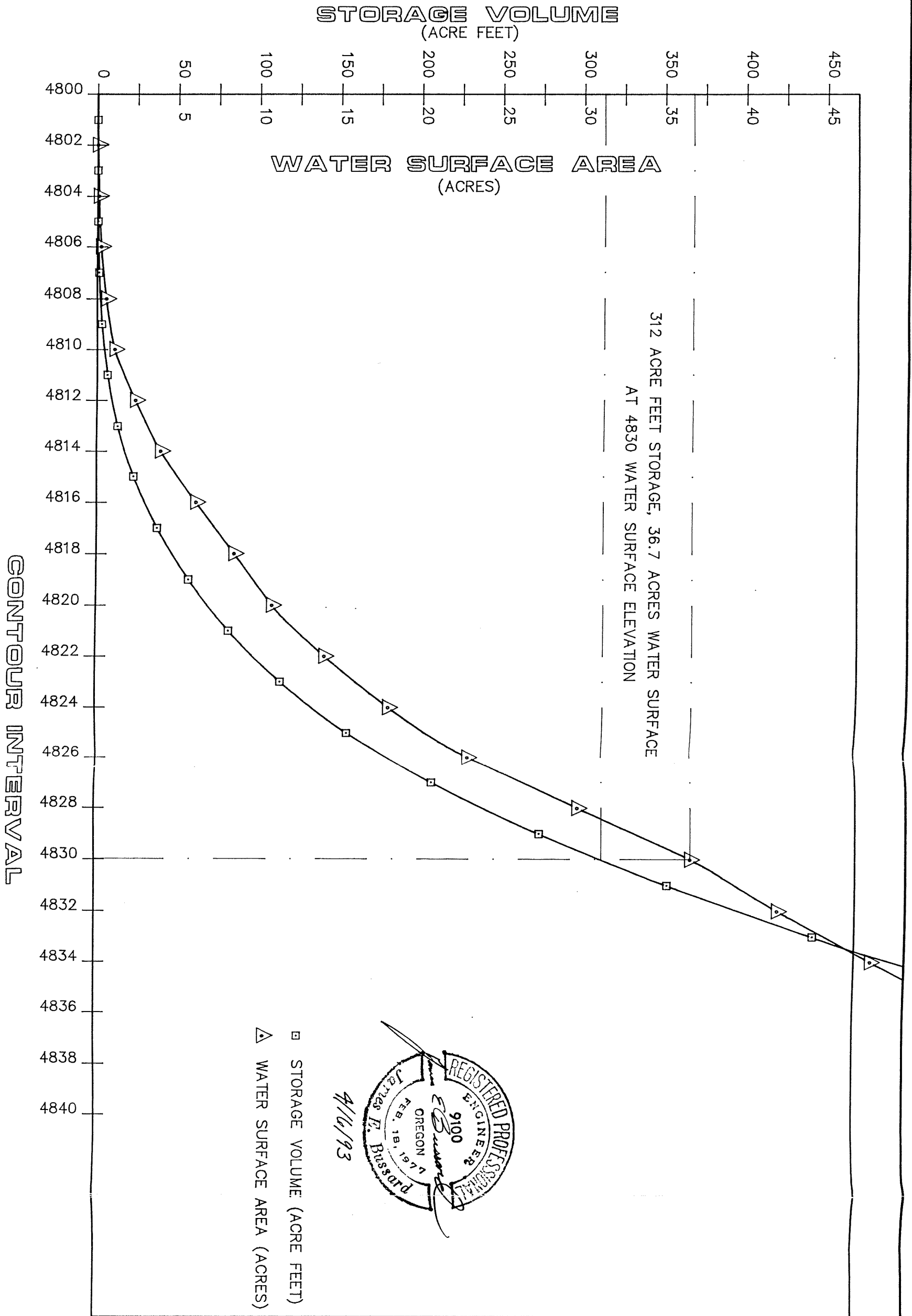
CROSS SECTION AT CENTERLINE OF DAM



PRELIMINARY DAM DESIGN

<b>BLACK SNAG RESERVOIR PRELIMINARY DESIGN</b>		
DESIGNED BY: JEB	CHECKED BY:	DATE: 15 APR., 1992
DRAWN BY: FRB	DRAWING NO. SNAG/VOLUME	SCALE: NONE

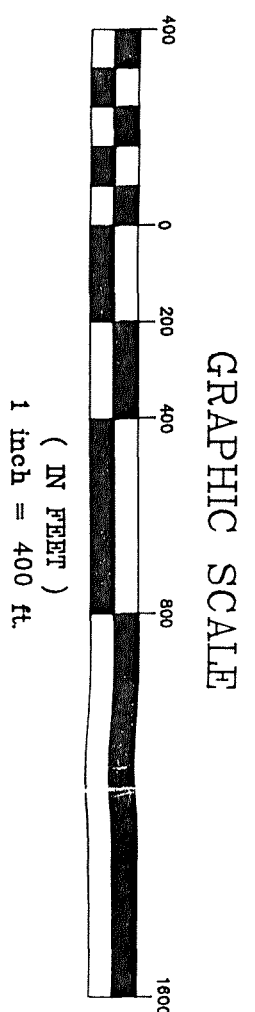
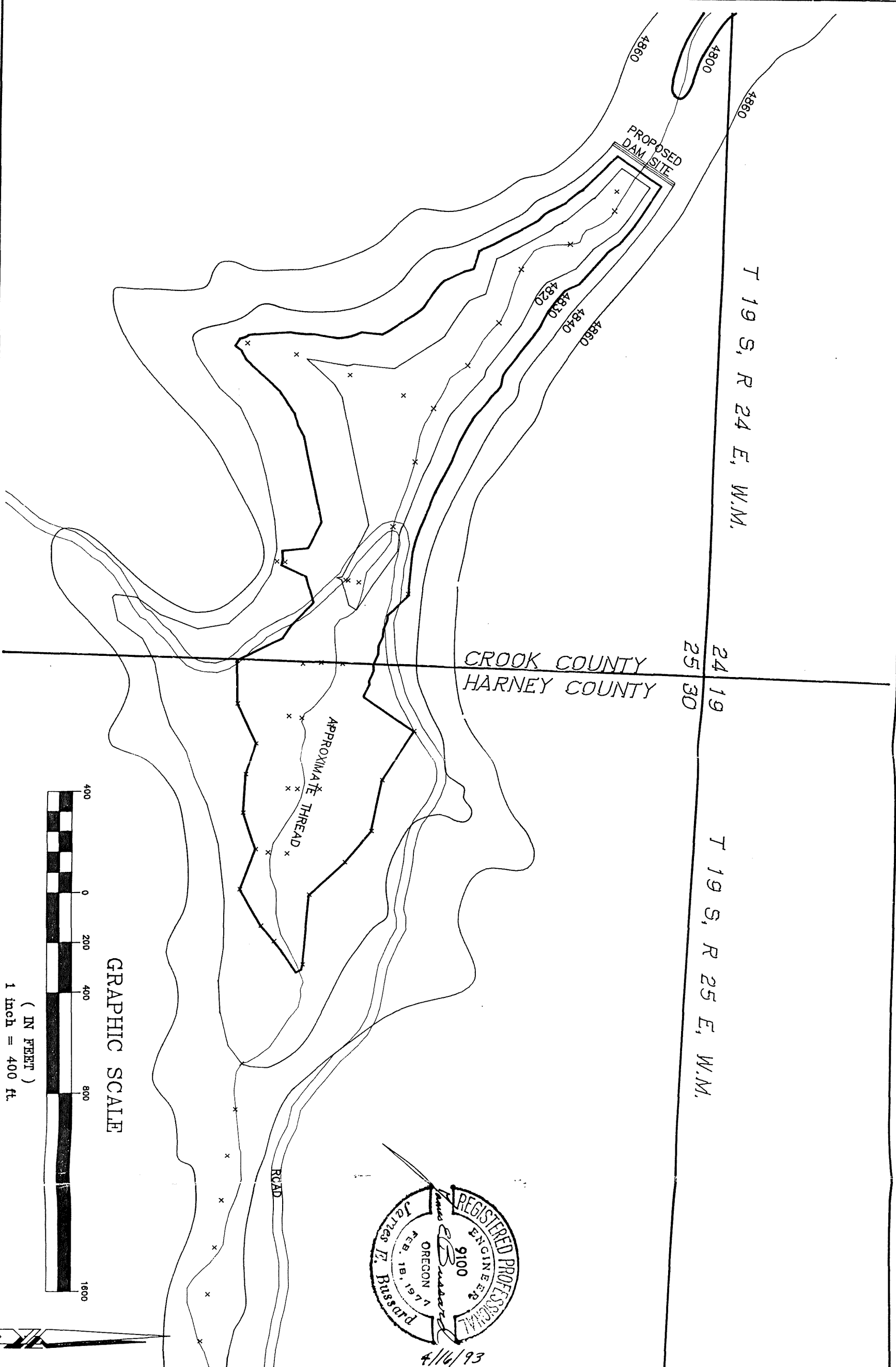
James E Bussard P.E.  
Consulting Engineer  
15 S.W. Colorado  
P.O. Box 288  
Bend, Oregon 97709  
(503) 389-4856  
Fax (503) 388-5414



4/16/93


<b>BLACK SNAG RESERVOIR</b>		
<b>AREA - CAPACITY RELATIONSHIP</b>		
DESIGNED BY: JEB	CHECKED BY:	DATE: 14 APRIL, 1993
DRAWN BY: PRB	DRAWING NO. 920412\AREACAP	SCALE: NONE

**James E Bussard P.E.**  
 Consulting Engineer  
 16 S.W. Colorado  
 P.O. Box 268  
 Bend, Oregon 97709  
 (503) 388-4658  
 Fax (503) 388-6414



REGISTERED PROFESSIONAL ENGINEER  
 9100  
 JAMES E. BUSSARD  
 FEB. 18, 1951  
 OREGON  
 James E. Bussard  
 4/16/93

<b>BLACK SNAG RESERVOIR DAM SITE TOPOGRAPHIC STUDY</b>		
DESIGNED BY: JEB	CHECKED BY: <sup>x</sup>	DATE: 14 APRIL, 1993
DRAWN BY: PRB	DRAWING NO. 920412\SNAG1117	SCALE: 1"=400'

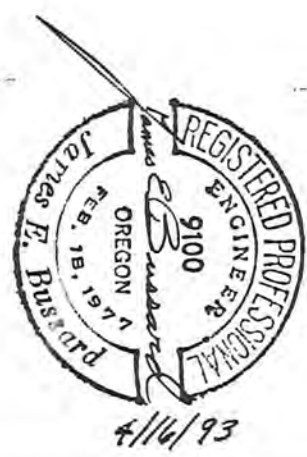
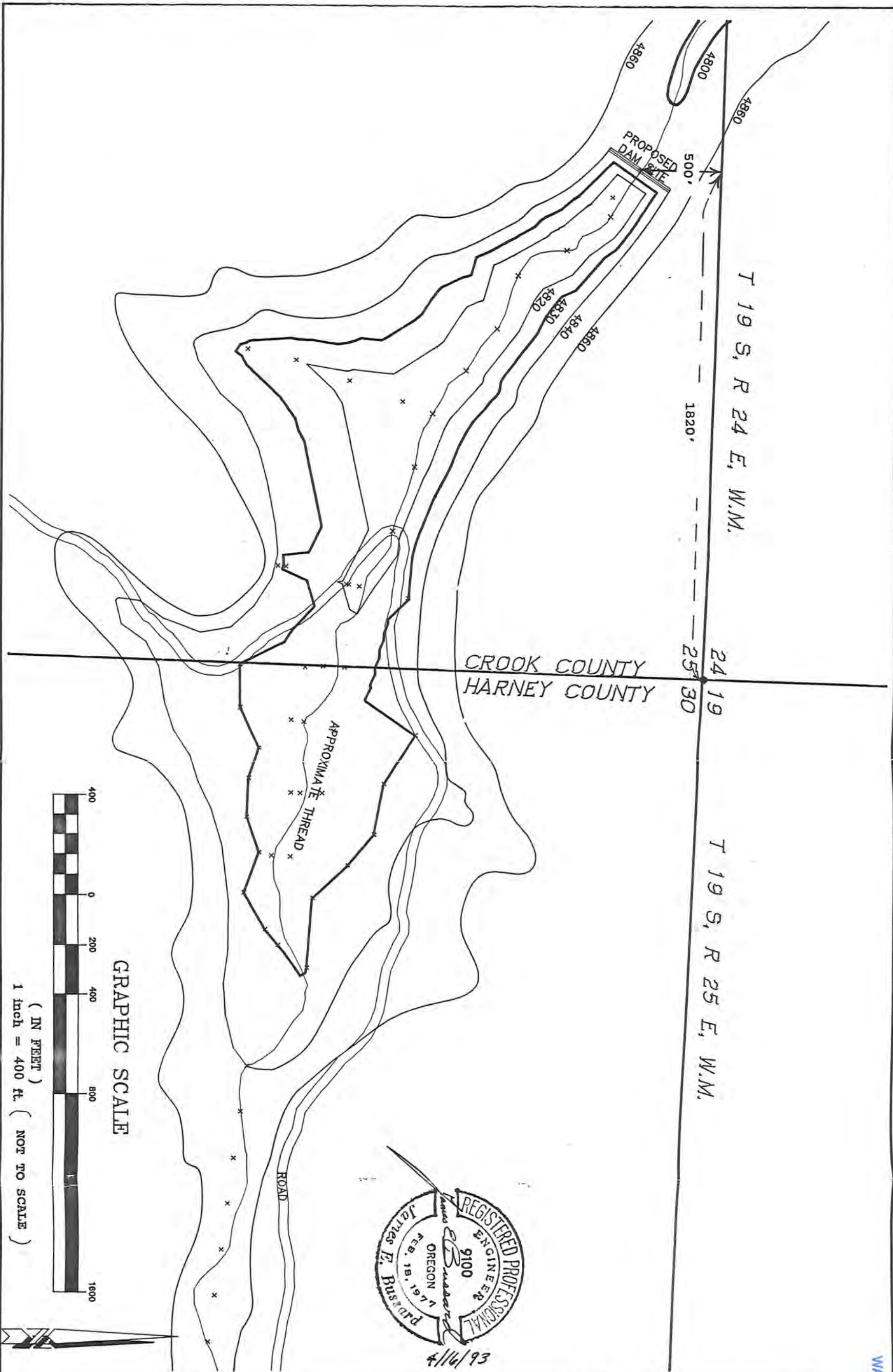

**James E Bussard P.E.**  
 Consulting Engineer  
 15 S.W. Colorado  
 P.O. Box 288  
 Bend, Oregon 97709  
 (503) 389-4856  
 Fax (503) 388-5414



RECEIVED

JUN 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



**BLACK SNAG RESERVOIR  
DAM SITE TOPOGRAPHIC STUDY**

DESIGNED BY: JEB	CHECKED BY: *	DATE: 14 APRIL, 1993
DRAWN BY: PRB	DRAWING NO. 920412\SNAG1117	SCALE: 1"=400'

**James E Bussard P.E.**  
**Consulting Engineer**  
 15 S.W. Colorado  
 P.O. Box 288  
 Bend, Oregon 97709  
 (503) 389-4858  
 Fax (503) 388-5414

