

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**
Claims received without the correct fee of \$200 will be returned.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

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

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-86310	R-14247	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Daniel B. Loshbaugh		PHONE NO. 541-241-4726	ADDITIONAL CONTACT NO.
ADDRESS PO Box 343			
CITY Sixes	STATE OR	ZIP 97476	E-MAIL loshbogs@msn.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD Same		
ADDRESS		
CITY	STATE	ZIP

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

4. Date of Site Inspection:

6-7-2024

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Daniel B. Loshbaugh	6-7-2024	Owner/Permit Holder of Record

6. County

Curry

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD n/a		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Bryce Michael Withers		PHONE NO. 541-408-1400	ADDITIONAL CONTACT NO. John Short 541-389-2837
ADDRESS PO Box 1830			
CITY BEND	STATE OR	ZIP 97709	E-MAIL brycewrs@gmail.com

Permit Holder of Record Signature or Acknowledgement

***Each** permit holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Daniel B. Loshbaugh	Owner/Permit Holder	10/20/24

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SECTION 3
CLAIM DESCRIPTION

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

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir	Runoff	Price Creek

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

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir	Storage for Cranberry Use	Nov 1 – April 30	8 AF
Total Quantity of Water Stored			8 AF

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Reservoir collects runoff. The Reservoir was originally constructed as Reservoir #5 under Permit R-11511, now C-90213, allowing the appropriation of 7.7 AF of water from an un-named stream adjacent to the excavated Reservoir between January 1 – December 31 of each year. The OWRD notes regarding the Reservoir Capacity and the Claim of Beneficial Use for Permit R-11511 show a Reservoir capacity of 0.8 AC x 14' = 11.2 AF. The purpose of this Claim of Beneficial Use is to claim the 8 AF of runoff that collects in the Reservoir from between Nov – April 30th each year and is used beneficially. Not only is the reservoir capable of holding an additional 3.5 AF beyond the permitted 7.7 AF under C-90213, for a total of 11.2 AF, once the 8 AF of runoff is used beneficially, the Reservoir can refill after April 30th with the 7.7 AF of the un-named stream water to be used beneficially. The as-built Reservoir is capable of fulfilling both water rights with different sources beneficially.

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

4. Variations:

Was the use developed differently from what was authorized by the permit, YES NO
permit amendment final order, or extension final order? If yes, describe below.

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir	8 AF	8 AF

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SECTION 4
SYSTEM DESCRIPTION

Are there multiple reservoirs? YES NO

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

Reservoir

A. Reservoir Location

1. Is the reservoir on-channel? YES NO

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
31S	15W	WM	33	SWSE			180' N, 1000' E OF S ¼ COR SEC 33

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

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used? YES NO

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

C. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

D. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications? YES NO

If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

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2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
n/a	n/a	n/a	n/a

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
14'	Approx. 11'	0.8 AC	11.2 AF

4. Provide reservoir volume calculations:

0.8 AC. X 14' = 11.2 AF

5. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
N/A EXCAVATED						

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

N/A EXCAVATED

7. Describe the outlet works (size and type of the outlet conduit and location):

THE PUMPING SYSTEM FOR CRANBERRY USE CAN BE USED TO DRAIN THE RESERVOIR IF REQUIRED.

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
AN 18" CULVERT ALLOWS WATER TO OVERFLOW AT THE THE EAST SIDE.		

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	12-1-2005		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	10-1-2015	April 30, 2005	Complete application of water to beneficial use, reservoir filled with runoff.

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

2. Is there an extension final order(s)? YES NO

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Reservoir	McCrometer	96-7598-6	Working	605486	Prior to permit issuance

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

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? YES NO

If "NO", item b relating to this section may be deleted.

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit? YES NO

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

b. Has the outlet pipe been installed? YES NO

If "YES", items c relating to this section may be deleted.

c. Does the water user have other means to evacuate the reservoir? YES NO

DESCRIBE HOW THE WATER USER PLANS TO EVACUATE THE RESERVOIR	HAS THIS PLAN BEEN APPROVED BY THE DEPARTMENT?	BY WHOM?
A pumping system is in place capable of evacuating the reservoir	YES <u>NO</u>	n/a

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

If "NO", items b through e relating to this section may be deleted.

7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

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

8. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed? YES NO

b. Was a fishway required? YES NO

c. Was submittal of a letter from an engineer required prior to storage of water? YES NO

d. Was submittal of a water management and conservation plan required? YES NO

e. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

The riparian area was not disturbed – reservoir construction was completed prior to permit issuance.

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
<u>CBU Map</u>	<u>Claim of Beneficial Use Map</u>
<u>ODFW Letter</u>	<u>ODFW Fish Screen & Passage Letter</u>

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

ON-SITE DIRECT MEASUREMENT, NAIP IMAGERY, DOGAMI LIDAR DATA.

Map Checklist

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

(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- n/a If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- n/a Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Gold Beach District Office

29907 Airport Way

PO Box 642

Gold Beach, OR 97444

(541) 247-7605

FAX (541) 247-2321



May 4, 2006

Jeana Eastman
Water Right Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Applications # R-86310, S-86311
Daniel Loshbaugh
P.O. Box 343
Sixes, OR 97476

The Oregon Department of Fish and Wildlife (ODFW) recently inspected the reservoir site of the above referenced applications. Cutthroat trout are present in Price Creek in the area adjacent to the reservoir site. Steelhead and coho are present in Price Creek downstream of the reservoir site below a natural barrier. The reservoir location is off-channel, adjacent to Price Creek. The reservoir site is not accessible to fish that may be present in Price Creek and no native fish species are present in the reservoir.

Because no native fish species are present in the reservoir the POD listed under S-86311 does not require fish screening. Because no introduced fish species are currently present in the reservoir identified under R-86310, screening of the reservoir outlet is not required. Screening of the outlet may be required as a condition of an ODFW Fish Transport Permit if the applicant proposes to stock fish in the future.

Please call if you have any questions.

Sincerely,

Todd Confer
District Biologist

c: Mitch Lewis, OWRD
Daniel Loshbaugh

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