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

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

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

Enter the date the priority date of the permit:

1/27/1964

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900.

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

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SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-39435	R-4407	

2. Property Owner (current owner information)

Applicant/Business Name	Phone No.	Additional Contact No.
Oregon Department of State Lands	**541-388-6072**	

Address			
775 Summer St NE Ste 100			
City	State	Zip	E-Mail
Salem	**OR**	**97301**	**Sheena.MILTENBERGER@dsl.oregon.gov**

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 as above		
Address		
City	State	Zip

4. Date of Site Inspection:

8/6/2025

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

Name	Date	Association with the Project
Sheena Miltenberger	**8/6/2025**	**Rangeland Manager**

6. County

Malheur

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

Owner of Record		
NA		
Address		
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.

Seal and Signature

CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Scott D Montgomery		**541-548-5833**	**541-420-0401**
ADDRESS **PO Box 767**			
CITY **Terrebonne**	STATE **OR**	ZIP **97760**	E-MAIL **scott@apeands.com**

Permit Holder(s) of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
Amber McKernan	**Amber McKernan**	**Real Property Program Manager**	9/22/25

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SECTION 3

CLAIM DESCRIPTION

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

Reservoir Name or Number	Source	Tributary
Ross #1	**Unnamed stream**	**Owyhee River**

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)
Ross #1	**Stock Water**	**All Year**	**2.53**
Total Quantity of Water Stored			**2.53**

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:**

Seasonal runoff is damned and stored for stock water. A spillway is located at the north end of the dam.

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

4. **Variations:**

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(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."*)

The reservoir is located all within the SW 1/4 NE 1/4 instead of the SE 1/4 NW 1/4.

5. **Claim Summary:**

Reservoir Name or #	Maximum Storage Authorized by Permit (AF)	Maximum Storage Developed (AF)
Ross #1	**2.53**	**2.53**

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Reservoir Name or Number	Uses	Season or Months When Water was Appropriated for Storage	Volume Stored (AF)
Ross #1	**Stock Water**	**All Year**	**2.53**
Total Quantity of Water Stored			**2.53**

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:**

Seasonal runoff is dammed from an unnamed stream and stored for stock water. A spillway is located at the north end of the dam to allow stored water to pass downstream.

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

4. **Variations:**

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(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."*)

The reservoir is located all within the SW 1/4 NE 1/4 instead of the SE 1/4 NW 1/4.

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Ross #1	**2.53**	**2.53**

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple reservoirs? **NO**

A. Reservoir Location

1. **Is the reservoir on-channel?** **YES**

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
36S	48E	W.M.	23	SW NE			1730' S & 180' E from ¼ cor to Secs 14 & 23

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?** **NO**

6. **Additional notes or comments related to the system:**

Reservoir dams runoff from an unnamed stream. Stored water can be evacuated out of the spillway.

C. Gravity Flow Pipe

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

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

D. Gravity Flow Canal or Ditch

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

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

E. Reservoir

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

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)
4'	1.33'	1.9	2.53

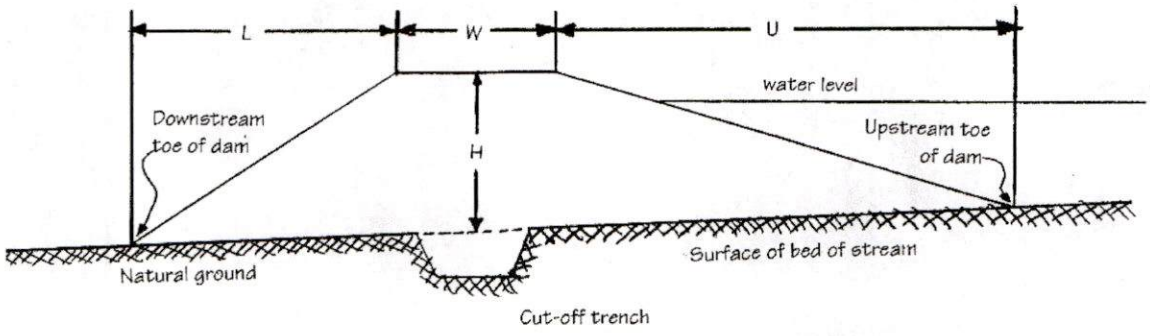
4. **Provide reservoir volume calculations:**

SA = irregular shape digitized = 1.9 acres
$V = D_{avg} \times SA = (1.33)(1.9) = 2.53$ AF

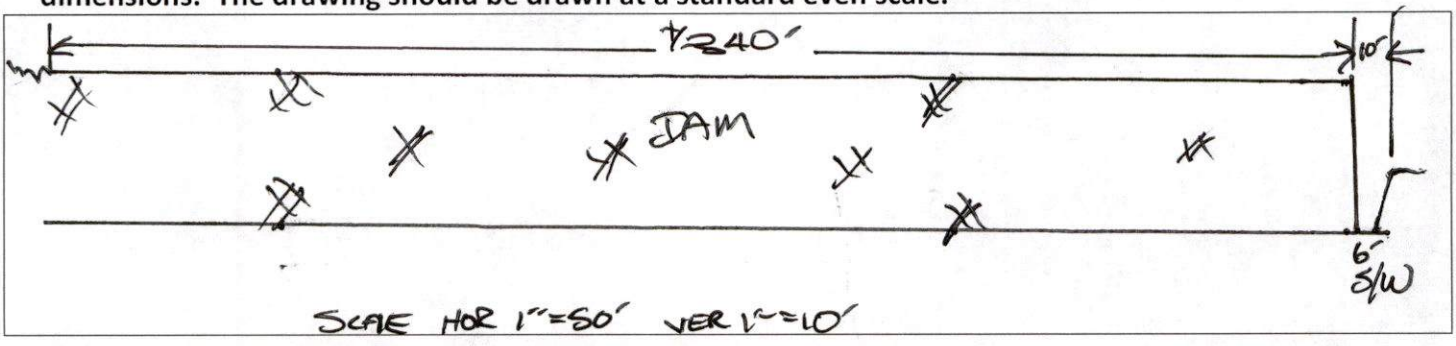
5. Provide the following information concerning the physical characteristics of the dam:

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
10'	8'	25'	25'	2'	3.1:1	3.1:1

Example Dam Profile *This box may be deleted from the form*



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.

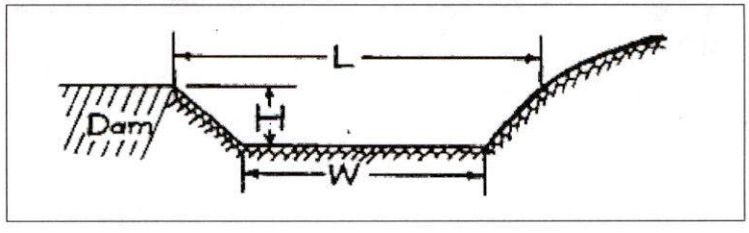


7. Describe the outlet works (size and type of the outlet conduit and location):

Dirt/Rock lined spillway is the only outlet at the north end of the dam.

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

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
6'	10'	3'



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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	**12/21/1964**		
Begin construction (A)	**12/21/1965**	**12/21/1965**	**Reservoir began construction**
Complete construction (B)	**10/1/1966**	**10/1/1966**	**Construction completed**
Complete application of water (C)	**10/1/1966**	**10/1/1966**	**Reservoir provided livestock watering during the 1965-6 period**

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

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

3. Measurement Conditions:

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

4. Recording and reporting conditions

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

b. Have the reports been submitted? **YES**

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5. Outlet Pipe

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

6. Fish Screening

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

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? **NO**

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? **NO**

b. Was a fishway required? **NO**

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

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

e. Other conditions? **YES**

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

Subject to the installation/maintenance of an outlet pipe or to provide other means to evacuate stored water from the reservoir. The reservoir has a spillway to evacuate stored water from the reservoir.

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Site Photos	**Time/location stamped pictures of POD and POU**
Aerial imagery	**June 2020 USDA/FSA image of site**

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

The diversion and place of use were tied to approximate boundaries using a Topcon FC 6000 data collector. Point data was converted from geodetic coordinates into Statewide Lambert Projection. Point data was compared with aerial imagery and GIS data from BLM for accuracy.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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

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2025-08-06 11:02:09
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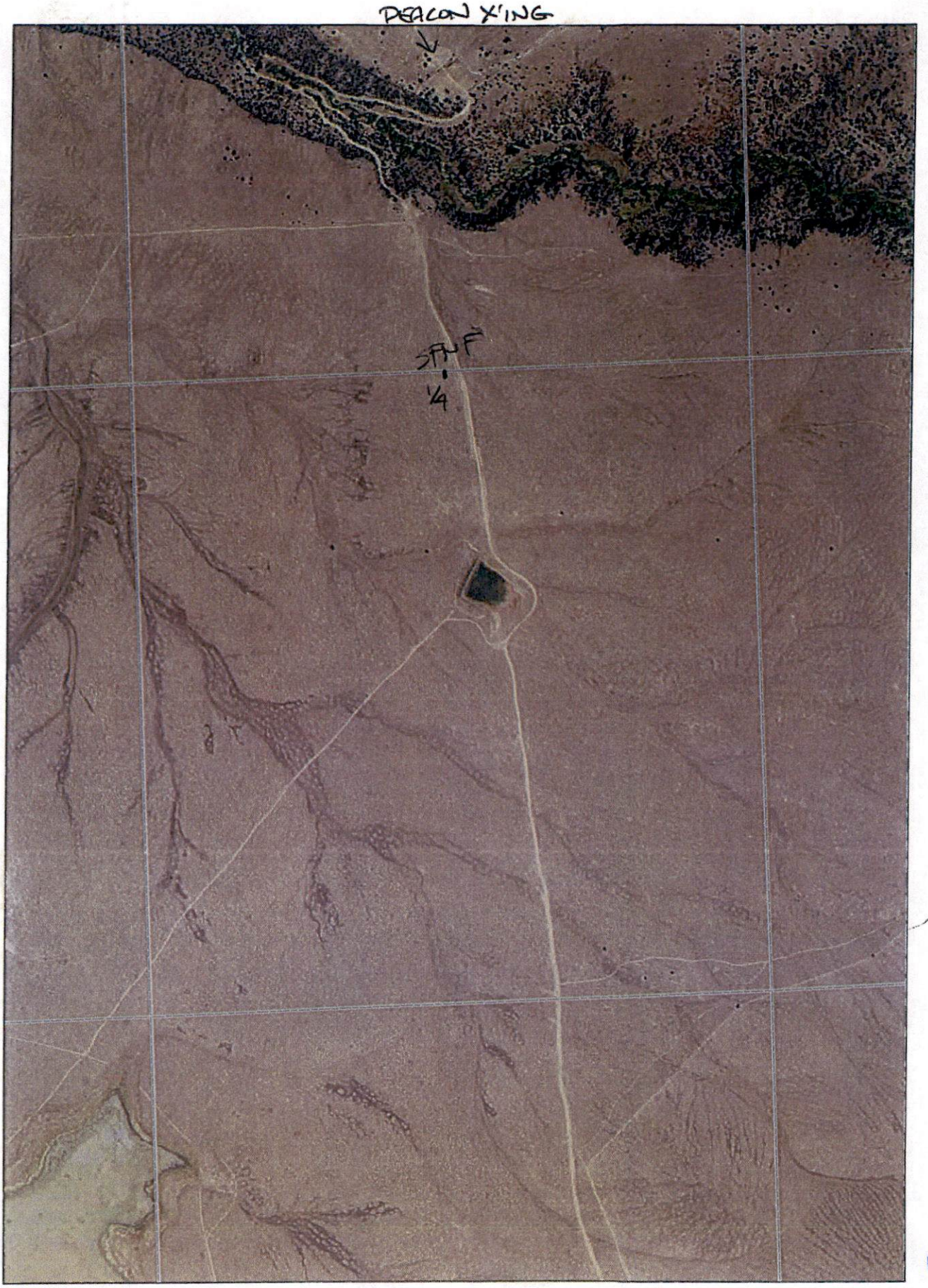
Ross #1



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