

Application No. R 71296

Name: GI RANCH CORPORATION
 Address: 15 SW COLORADO AVE
 BEND, OR 97702

Permit No. _____
Certificate No. _____

Stream Index, Page No.

FEES PAID

Date	Amount	Receipt No.
2/27/91	320.00	71917

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed _____

Priority _____

Action suspended until 2581 Rene

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

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

[illegible]

R-71295

R-71296

MAY 29, 1996

JERRY,

BRUCE ESTES & BILL SMITH WERE RE-SENDING
A LETTER DROPPING MANY OF THESE SMALL RES.
AND FILE UNDER BOWEN BILL FOR THEM.
THERE ARE 3 OR SO THAT ARE LARGE
AND WILL CONTINUE UNDER THESE TWO
APPS.

LET UP FOR 45 DAYS, IF NOTHING
FROM BRUCE OR BILL BY THEN, CALL BRUCE,
AND THEY WILL SEND LETTER WAIVING
674 TIME LINES.

JERRY !

BRUCE ESTES - 585-7593 SALEM

(541) 382-7391 BEND

Bio: Bend

Steve Marks

ODFW Bio.

(541) 388-6365
x227

Left msg. 31.101

Fax (541) 388-6281
Will call week of 3/5/01

Application No.

State of Oregon

WATER RESOURCES DEPARTMENT

Applicant(s)

GI RANCH CORPORATION

(Please print or type - use dark ink)

Mailing Address:

15 SW COLORADO AVENUE

BEND,

OREGON

97702

(503) 382-6691

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to ~~XXXXXX~~

reservoir^(s) and store

the following described waters of the State of Oregon:

- 1. SOURCE OF WATER** for the proposed use:

area

in general drainage

X

XXXXXXXXXX of

TWELVE MILE CREEK

If not in channel of a stream, state how it is to be filled.

winter runoff

2. **THE DAM:** The maximum height of the structure will be 3' to 19'

feet above stream bed

or ground surface at the centerline.

All dams are

~~The xxxxxxxx~~

(check one)

X

earthfill.

concrete,

flashboard.

other.

If "other" give description:

Give the location, description, and dimensions of the outlet conduit: All conduits are 8"

larger.

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:

stock watering

The area submerged by the reservoir^(s), when filled, will be 1 to 40 acres,
and the maximum depth of water will be 2 to 18 feet.

[illegible]

Proposed date construction work will begin _____
 Proposed date construction work will be completed _____
 Proposed date water use will be completed _____

X	Applicant	CWRE	Other (Identify in REMARKS section)
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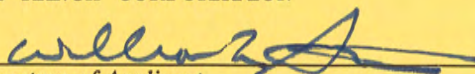
X	Applicant	CWRE	Other (Identify in REMARKS section)
---	-----------	------	-------------------------------------

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. 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: See attached; some reservoirs are on either BLM or State land, leased
by applicant for grazing.

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



Signature of Applicant
William L. Smith, President

2/25/91

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: R-71296

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

GI RANCH CORPORATION
15 SW COLORADO AVENUE
BEND, OREGON 97702

503-382-6691

to construct FIFTEEN RESERVOIRS and to store the waters of 15
INTERMITTENT STREAMS, tributaries of TWELVE MILE CREEK, for STOCK WATER.

This permit is issued approving Reservoir Application R-71296. The date
of priority is FEBRUARY 27, 1991. The amount of water entitled to be
stored each year is not more than 130.0 ACRE-FEET.

The dams will be located as follows:

GI 192327 - SW 1/4 SE 1/4, SECTION 27, NW 1/4 NE 1/4, SECTION 34, T 19
S, R 23 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI192336 - SW 1/4 SE 1/4, SECTION 36, T 19 S, R 23 E. W.M. 05-1980-1170-0780-090-080

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet. 040

GI 202301 - SW 1/4 NW 1/4, SECTION 1, T 20 S, R23 E, W.M. 05-1980-1170-0780-090-040

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202302 - SE 1/4 NE 1/4, SECTION 2, T 20 S, R 23 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202313 - NE 1/4 NE 1/4, SECTION 13, T 20 S, R 23 E, W.M. 05-1980-1170-0780-090-170

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202405 - NW 1/4 SW 1/4, NE 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4,
SECTION 5, T 20 S, R 24 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 60.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202414 - NE 1/4 SE 1/4, SECTION 14, T 20 S, R 24 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202415 - SE 1/4 NW 1/4, SECTION 15, T 20 S, R 24 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202416 - SW 1/4 NE 1/4, SECTION 16, T 20 S, R 24 E, W.M. 05-1980-1170-0780-090-030

The amount of water entiled to be stored each year is not more than 5.0
ACRE-FEET. The area submerged by the reservoir, when full, will be
acre and the maximum depth of water will be feet.

GI 202416A - NW 1/4 NW 1/4 SECTION 16, T 20 S, R 24 E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

GI 202434 - SE 1/4 SW 1/4, SECTION 34, T 20 S, R 24, E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

GI 20243A - NW 1/4 SW 1/4, SW 1/4 SW 1/4, SECTION 34, T 20 S, R 24 E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

GI 202434/35 - NE 1/4 NE 1/4, SECTION 34, NW 1/4 NW 1/4, SECTION 35, T 20 S, R 24 E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

GI 202436 - SW 1/4 NE 1/4, SECTION 36, T 20 S, R 24 E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

GI 212403 - SE 1/4 SW 1/4, SECTION 3, T 21 S, R 24 E, W.M.
 The amount of water entiled to be stored each year is not more than 5.0 ACRE-FEET. The area submerged by the reservoir, when full, will be acre and the maximum depth of water will be feet.

The area to be submerged by the reservoirs is located within:

SW 1/4 SE 1/4
 SECTION 27
 NW 1/4 NE 1/4
 SECTION 34
 SW 1/4 SE 1/4
 SECTION 36
 TOWNSHIP 19 SOUTH, RANGE 23 EAST, W.M.

SW 1/4 NW 1/4
 SECTION 1
 SE 1/4 NE 1/4
 SECTION 2
 NE 1/4 NE 1/4
 SECTION 13
 TOWNSHIP 20 SOUTH, RANGE 23 EAST, W.M.

NE 1/4 SW 1/4
 NW 1/4 SW 1/4
 SW 1/4 SW 1/4
 SE 1/4 SW 1/4
 SECTION 5
 NE 1/4 SE 1/4
 SECTION 14
 SE 1/4 NW 1/4
 SECTION 15
 SW 1/4 NE 1/4
 NW 1/4 NW 1/4
 SECTION 16

SE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 NE 1/4
SECTION 34
NW 1/4 NW 1/4
SECTION 35
SW 1/4 NE 1/4
SECTION 36

TOWNSHIP 20 SOUTH, RANGE 24 EAST, W.M.

SE 1/4 SW 1/4
SECTION 3

TOWNSHIP 21 SOUTH, RANGE 24 EAST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provisions of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1994.

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.

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

Issued this date,.

Water Resources Department
William H. Young
Director

Mailing List for FO Copies

Application R-71296

Original mailed via REGULAR MAIL to applicant:

GI RANCH CORP.
15 SW COLORADO AVE SUITE A
BEND OR 97702

Copies Mailed

By: TM
(SUPPORT STAFF)

on: 9/12/18
(DATE)

SENT VIA AUTO EMAIL:

1. WRD - Jeremy Giffin - # 11
2. Agent - John Short - johnshort@usa.com

Copies sent to:

2. WRD - Hydrographics
3. WRD - Keith Mills

PFO and Map sheet Copies to:

4. WRD - File # R-71296

SPECIALIST: Kim French

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

Water Right Application R-71296 in the	)	FINAL ORDER INCORPORATING
name of GI RANCH CORP.	)	SETTLEMENT AGREEMENT
	)	

Summary: Order approving Application R-71296 and issuing a draft permit.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and Deschutes Basin Program OAR 690-505. These statutes and rules can be viewed on the Oregon Water Resources website: <http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>.

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

The findings of fact in the Proposed Final Order issued April 27, 1999 are incorporated herein with the following additions:

1. The Department issued a Proposed Final Order on April 27, 1999, recommending the application be approved.
2. On May 3, 1999, a timely protest was filed by the applicant.
3. On September 6, 2001, a Settlement Agreement was signed by all parties. The terms of the Settlement Agreement, including the draft permit, have been incorporated into this Final Order and a copy of the Settlement Agreement is included.
4. The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order issued April 27, 1999 are incorporated herein.

Hearing and Appeal Rights

The applicant, by the terms of the Settlement Agreement, waives the right to reconsideration and appeal of this final order and the settlement agreement.

ORS 536.075 allows any party affected by a final order in other than contested case to appeal the order in the circuit court of the county in which all or part of the property affected by the order is situated. This is a final order in other than contested case and 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 Oregon Administrative Rule (OAR) 137-004-0080 you may also 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.

NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project. The draft permit is conditioned accordingly.

ORDER

Application R-71296 is therefore approved with modifications. A permit consistent with the attached draft permit shall be issued upon approval of dam engineering plans and specifications.

The required dam engineering plans and specifications (as-builts) are due no later than 1 year from the date of this Final Order. Failure to submit the dam engineering plans and specification within 1 year from the date of this Final Order may result in the proposed rejection of Application R-71296.

If you need to request additional time to submit the required documentation, the written request should be received in the Salem Office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED September 12th, 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 Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - 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.
-

STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORP.
15 SW COLORADO AVE SUITE A
BEND OR 97702

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

APPLICATION FILE NUMBER: R-71296

SOURCE OF WATER: LONG HOLLOW CREEK, TRIBUTARY TO TWELVE MILE CREEK

STORAGE FACILITY: FREEZEOUT RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK USE

MAXIMUM VOLUME: 80.0 ACRE-FEET EACH YEAR

PERMIT OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD FEBRUARY 1 THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: FEBRUARY 27, 1991

The area submerged by the reservoir, when full, will be 18.0 acres and the maximum depth of water will be 23.0 feet. The maximum height of the dam shall not exceed 23.75 feet.

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	24 E	WM	5	NE SW	740 FEET SOUTH AND 1540 FEET EAST FROM W ¼ CORNER, SECTION 5

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

Twp	Rng	Mer	Sec	Q-Q
20 S	24 E	WM	5	NE SW
20 S	24 E	WM	5	NW SW
20 S	24 E	WM	5	SW SW
20 S	24 E	WM	5	SE SW

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.

- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If fish are present in the reservoir, the permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

Water shall be bypassed through the reservoir year-round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved *****, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 conditions, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from issuance of the final order approving use. The reservoir shall be filled and complete application of the stored water to the use shall be made five years from the date of permit issuance. 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).

Issued

DRAFT – THIS IS NOT A PERMIT

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

VIA MAIL

September 7, 2001

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

RE: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

Enclosed is a copy of the settlement agreement and draft permit for the above-captioned application.

Please don't hesitate to call me if you have any questions: (503) 378-8455 ext. 239.

Sincerely,

Renee Moulun
Protest Program Coordinator

Enclosures

Cc: G.I. Ranch Corporation
Steve Marx, ODFW

STACY,
PLEASE MAKE
SURE TO INCLUDE
A COPY OF THE
SETTLEMENT AGREEMENT
THKS!

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296)
In the Name of G.I. Ranch Corporation) SETTLEMENT AGREEMENT
Applicant and Protestant)

The Oregon Water Resources Department, and the G.I. Ranch Corporation do hereby stipulate and agree as follows;

Stipulated Facts

1. On February 27, 1991, G.I. Ranch Corporation ("Applicant") submitted an application to the Oregon Water Resources Department ("Department") for 130 acre feet (AF) of water for storage of water for livestock use from the waters of fifteen intermittent streams, tributaries of Twelve Mile Creek in Crook County.
2. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife ("ODFW"), pursuant to OAR Chapter 690, Division 33. ODFW submitted comments recommending approval of the application with several conditions to protect fisheries in the area.
3. Pursuant to ODFW's comments, the Department issued a Proposed Final Order recommending approval of Application R 71296 with conditions. The Proposed Final Order provided opportunity for protest until June 11, 1999.
4. On May 3, 1999, Applicant timely filed a protest to Application R 71296.
5. On May 23, 2001, the Department, the Applicant and ODFW met to discuss Applicant's protest and ODFW's fisheries concerns. The following Agreement will resolve the issues raised by Applicants and the concerns ODFW raised regarding fisheries resources at Freezeout Reservoir.

Agreement

1. The parties of the Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, Applicant withdraws its protest against R 71296.
3. Water may be appropriated for storage during February 1 through April 30 of each year.

4. The reservoir will not be fenced to keep livestock from the reservoir.
5. Fish passage is not required at the reservoir.
6. If the reservoir is stocked with fish, the Applicant shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion or from entering the tributaries of Twelve Mile Creek from the reservoir. These screens shall be in place, functional and approved by ODFW before diversion of any water.
7. Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 (cubic feet per second) cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.
8. The issues raised in Applicants' protest have been resolved and the attached draft permit meets to the satisfaction of all parties and hereby is incorporated into this Agreement by reference.

Bruce A. Egan, agent
On Behalf of Applicants for G.J. Ranch

6 Sep 01
Date

Dwight Fred
On Behalf of the Oregon Water
Resources Department

9/6/01
Date

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION
15 SW COLORADO AVE.
BEND, OREGON 97702

PHONE: (503) 382-6691

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

APPLICATION FILE NUMBER: R-71296

SOURCE OF WATER: LONG HOLLOW CREEK, TRIBUTARY TO TWELVE MILE CREEK

STORAGE FACILITY: FREEZEOUT RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK USE

MAXIMUM VOLUME: 80.0 AF PER YEAR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE
PERIOD FEBRUARY 1 THROUGH APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 27, 1991

The area submerged by the reservoir, when full, will be 18.0 acres and
the maximum depth of water will be 23.0 feet. The maximum height of the
dam shall not exceed 23.75 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 5 T20S, R24E, W.M.; 740 FEET SOUTH
AND 1540 FEET EAST FROM W 1/4 CORNER, SECTION 5

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

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 5

TOWNSHIP 20 SOUTH, RANGE 24 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If fish are present in the reservoir, the permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved *****, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or

before October 1, 2003. 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).

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Martha O. Pagel, 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

VIA HAND DELIVERY

August 13, 2001

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

RE: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

We're going to try this again.

Enclosed are the draft Settlement Agreement, draft permit and draft Final Order Incorporating Settlement Agreement for Freezeout Reservoir.

Please review and comment as soon as possible, or if the Agreement is fine as is, please have the appropriate party sign the Agreement and return to me.

Please note that the dam has yet to be approved by John Falk, Dam Safety. The Department cannot issue a permit until such approval is obtained.

Feel free to call me if you have any questions: (503) 378-8455 ext. 239. I appreciate the work you have put into finding a solution to the concerns raised by the Oregon Department of Fish and Wildlife.

Sincerely,

Renee Moulun
Protest Program Coordinator

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296)
In the Name of G.I. Ranch Corporation) SETTLEMENT AGREEMENT
Applicant and Protestant)

The Oregon Water Resources Department, and the G.I. Ranch Corporation do hereby stipulate and agree as follows;

Stipulated Facts

1. On February 27, 1991, G.I. Ranch Corporation (“Applicant”) submitted an application to the Oregon Water Resources Department (“Department”) for 130 acre feet (AF) of water for storage of water for livestock use from the waters of fifteen intermittent streams, tributaries of Twelve Mile Creek in Crook County.
2. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife (“ODFW”), pursuant to OAR Chapter 690, Division 33. ODFW submitted comments recommending approval of the application with several conditions to protect fisheries in the area.
3. Pursuant to ODFW’s comments, the Department issued a Proposed Final Order recommending approval of Application R 71296 with conditions. The Proposed Final Order provided opportunity for protest until June 11, 1999.
4. On May 3, 1999, Applicant timely filed a protest to Application R 71296.
5. On May 23, 2001, the Department, the Applicant and ODFW met to discuss Applicant’s protest and ODFW’s fisheries concerns. The following Agreement will resolve the issues raised by Applicants and the concerns ODFW raised regarding fisheries resources at Freezeout Reservoir.

Agreement

1. The parties of the Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, Applicant withdraws its protest against R 71296.
3. Water may be appropriated for storage during February 1 through April 30 of each year.

4. The reservoir will not be fenced to keep livestock from the reservoir.
5. Fish passage is not required at the reservoir.
6. If the reservoir is stocked with fish, the Applicant shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion or from entering the tributaries of Twelve Mile Creek from the reservoir. These screens shall be in place, functional and approved by ODFW before diversion of any water.
7. Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 (cubic feet per second) cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.
8. The issues raised in Applicants' protest have been resolved and the attached draft permit meets to the satisfaction of all parties and hereby is incorporated into this Agreement by reference.

On Behalf of Applicants

Date

On Behalf of the Oregon Water
Resources Department

Date

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION
15 SW COLORADO AVE.
BEND, OREGON 97702

PHONE: (503) 382-6691

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

APPLICATION FILE NUMBER: R-71296

SOURCE OF WATER: LONG HOLLOW CREEK, TRIBUTARY TO TWELVE MILE CREEK

STORAGE FACILITY: FREEZEOUT RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK USE

MAXIMUM VOLUME: 80.0 AF PER YEAR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE
PERIOD FEBRUARY 1 THROUGH APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 27, 1991

The area submerged by the reservoir, when full, will be 18.0 acres and
the maximum depth of water will be 23.0 feet. The maximum height of the
dam shall not exceed 23.75 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 5 T20S, R24E, W.M.; 740 FEET SOUTH
AND 1540 FEET EAST FROM W 1/4 CORNER, SECTION 5

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

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 5

TOWNSHIP 20 SOUTH, RANGE 24 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If fish are present in the reservoir, the permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved *****, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or

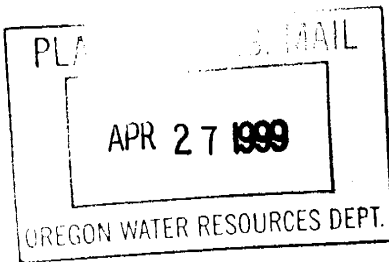
before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number R-71296

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Information Required: Before a permit may be issued under this application, new dam plans and specifications must be submitted for review and be approved by the Department. Review of dam plans and specifications by the Department's Dam Safety Section may result in additional permit conditions.

Application History

On February 27, 1991, GI RANCH CORPORATION submitted an application to the Department for the following water use permit:

- Amount of Water: 130.0 ACRE-FEET (AF)
- Use of Water: STORAGE OF WATER FOR LIVESTOCK USE
- Source of Water: THE WATERS OF FIFTEEN INTERMITTENT STREAMS, TRIBUTARIES OF TWELVE MILE CREEK
- Area of Proposed Use: CROOK County within, SECTION 27, SECTION 34, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 23 EAST, W.M., SECTION 1, SECTION 2, SECTION 13, TOWNSHIP 20 SOUTH, RANGE 23 EAST, W.M., SECTION 5, SECTION 14, SECTION 15, SECTION 16, SECTION 34, SECTION 35, SECTION 36, TOWNSHIP 20 SOUTH, RANGE 24 EAST, W.M., AND SECTION 3, TOWNSHIP 21 SOUTH, RANGE 24 EAST, W.M.
- Water Delivery System:

Written comments were received from Oregon Trout on June 4, 1991, WaterWatch on June 27, 1991, Rest the West on August 19, 1991, and the Oregon Department of Fish and Wildlife on August 27, 1991.

On 2/28/96, the Department mailed the applicant notice of its Initial Review, determining that "the diversion of 130.0 acre-feet from surface runoff, tributary to Twelve Mile Creek, for Livestock may be allowed from February 1 through April 30 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 3/19/96, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

On January 11, 1999, the application was amended to store 80.0 AF of water from Long Hollow Draw, tributary to Twelve Mile Creek, in Freezeout Reservoir only.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Deschutes Basin Program allows the following uses: STORAGE OF WATER FOR LIVESTOCK USE.

Senior water rights exist on LONG HOLLOW DRAW, TRIBUTARY TO TWELVE MILE CREEK, or on downstream waters.

LONG HOLLOW DRAW, TRIBUTARY TO TWELVE MILE CREEK, is above the Deschutes River State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at a 50 percent exceedance probability) for the period FEBRUARY 1 THROUGH APRIL 30.

The Department finds that the amount of water requested, 80.0 AF, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

Comments have been submitted to the Department from the Oregon Department of Fish and Wildlife, Oregon Trout, WaterWatch and Rest the West. These comments raised several public interest concerns. These comments raised concerns about the availability of water, water quality in the Crooked River Basin, and the impact that the proposed withdraw would have upon instream water rights and downstream fish populations. The Oregon Department of Fish and Wildlife expressed concerns about livestock having access to the reservoirs and the impact that this would have upon the riparian area and water quality.

All of the Instream Water Rights in the Crooked River Basin are senior to the proposed use. The period when water may be appropriated for storage is limited to February 1 through April 30, identified as the period when water is available for the proposed use. Further, every permit issued by the Department is conditioned with the following:

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.

Under Oregon law, ORS 537.400, no secondary permit is needed to appropriate water from a reservoir for livestock use nor are there any restrictions on livestock being able to drink water directly from a reservoir which stores water for that purpose. However, the following conditions have been included in the attached draft permit to address the public interest concerns raised in public comments on the proposed use:

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The riparian area shall be fenced to prevent livestock from having access to the reservoir.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Deschutes Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use will not result

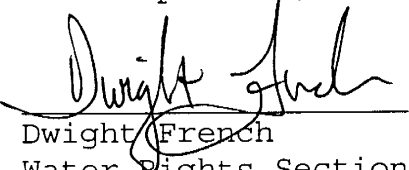
in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED April 27, 1999

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


Dwight French
Water Rights Section Manager

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **June 11, 1999**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION
15 SW COLORADO AVE.
BEND, OREGON 97702

PHONE: (503) 382-6691

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

APPLICATION FILE NUMBER: R-71296

SOURCE OF WATER: LONG HOLLOW CREEK, TRIBUTARY TO TWELVE MILE CREEK

STORAGE FACILITY: FREEZEOUT RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK USE

MAXIMUM VOLUME: 80.0 AF PER YEAR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD FEBRUARY 1 THROUGH APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 27, 1991

The area submerged by the reservoir, when full, will be 18.0 acres and the maximum depth of water will be 23.0 feet. The maximum height of the dam shall not exceed 23.75 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 5 T20S, R24E, W.M.; 740 FEET SOUTH AND 1540 FEET EAST FROM W 1/4 CORNER, SECTION 5

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

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

SECTION 5

TOWNSHIP 20 SOUTH, RANGE 24 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The riparian area shall be fenced to prevent livestock from having access to the reservoir.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved *****, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2003. 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).

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application R-71296 Water Resources Department
Basin 05 Volume 2A TWELVEMILE CR & MISC
LKS- WEEK 196 MGMT.CODE 2BD 2BW

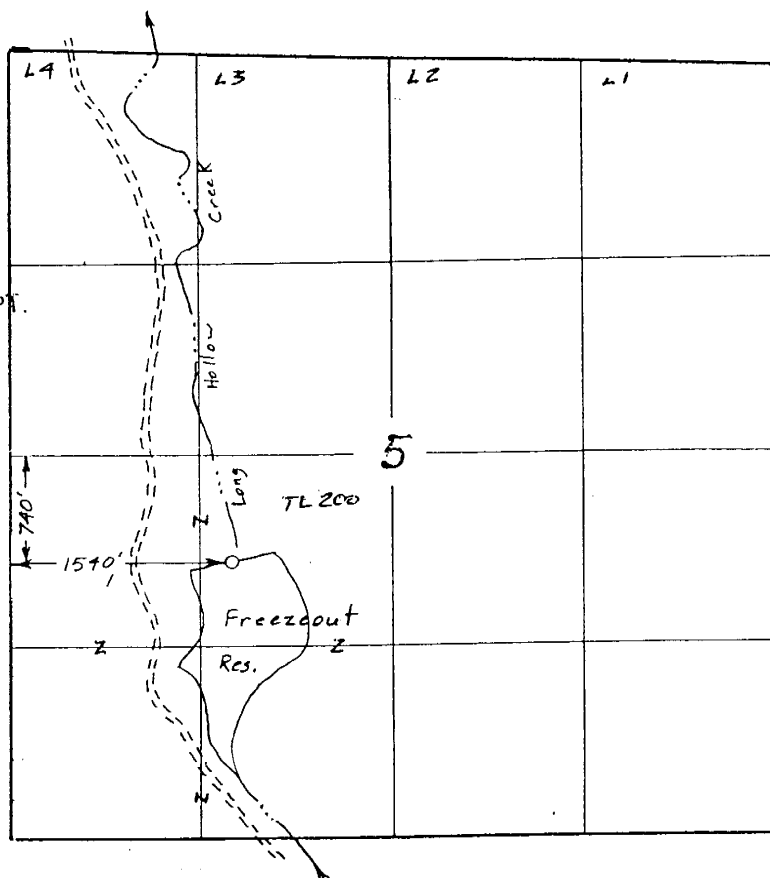
PERMIT DRAFT
District 11

TOWNSHIP 20 SOUTH, RANGE 24 EAST, W.M.

RECEIVED

MAR 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

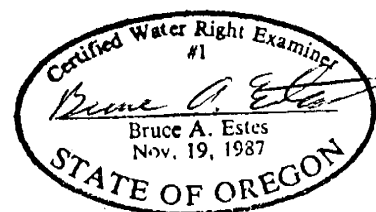


Scale 1" = 1320'

Application Map
for
G.I RANCH CORP.

App. R-71296

Per. R-



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391

Mailing List for PFO Copies

Application #R-71296

PFO Date: April 27, 1999

Original mailed to:

Applicant: GI RANCH CORPORATION, 15 SW COLORADO AVE, BEND, OREGON 97702

Copies sent to:

1. WRD - File # R-71296
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 11
4. ODFW District Biologist: Ochoco District
5. DEQ Headquarters - Tom Rosetta
6. Dept of Agriculture - Steve Applegate
7. Columbia River Intertribal Fish Commission
8. NMFS
9. US Fish & Wildlife Service
10. NW Power Planning Council
11. State Parks

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

12. Bruce Estes, CWRE

13. _____

14. _____

15. _____

16. _____

17. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. Rest the West, PO Box 68345, Portland, Oregon 97268

2. _____

3. _____

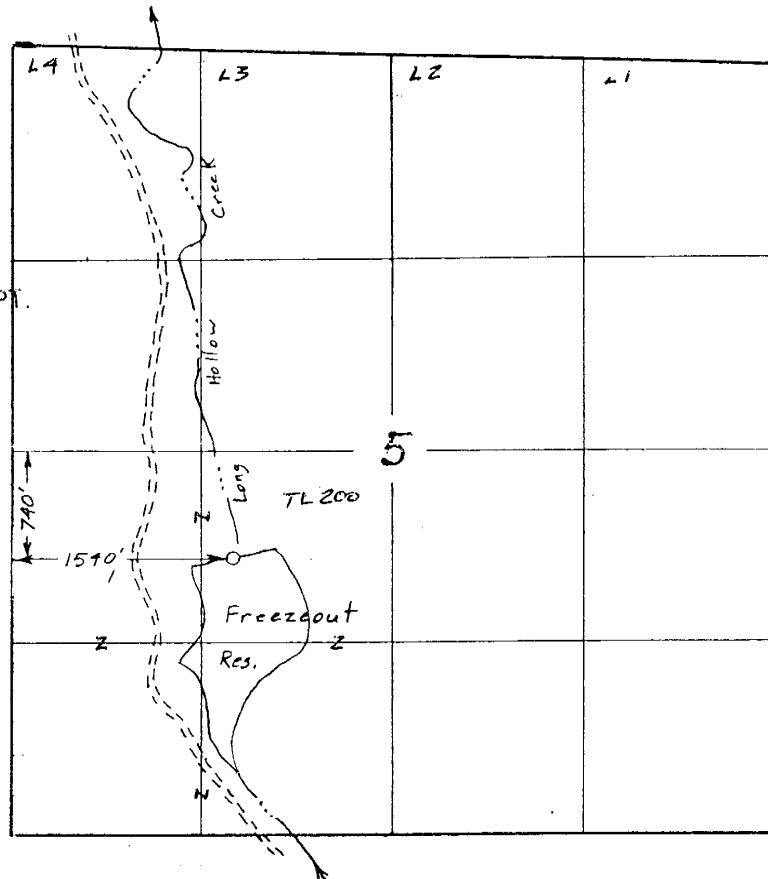
Copies Mailed
By: <u>WW</u>
(SUPPORT STAFF)
on: <u>4/27/99</u>
(DATE)

TOWNSHIP 20 SOUTH, RANGE 24 EAST, W.M.

RECEIVED

MAR 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

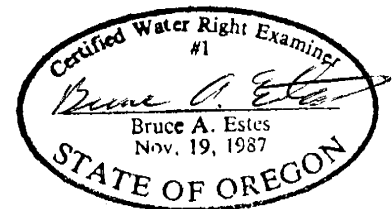


Application Map
for

G I RANCH CORP.

App. R-71296

Per. R-



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391

Final Order Checklist for Standard Applications

Reminder: use a different colored pen for changes and Date and Initial changes.

Application #: R-71296 Applicant: GI RANCH CORP.

Basin # 5

Name and/or address changed or assignment received? ☒ No ☐ Yes

PFO Date 4/27/99 Protest Period Ended 6/11/99

PFO conclusions require modification due to typos, errors or omission of conditions: ☒ No ☐ Yes

If so: SETTLEMENT AGREEMENT

If PFO requires modification; include FO MOD hearing rights ☐ NA ☒ Yes

Copy to: ☐ NCR ☒ WM11

☒ Agent JOHN SHORT

☐ CWRE

☐ A.L.O.

☐ Commenter(s)

☒ Hydrographics (If SW, GW w/PSI, or SWW)

☐ WMCP Yes cc: Kerri Cope and Chris Kowitz

Was a standing paid for? ☒ No ☐ Yes (if yes and no protest, refund standing fee)

Fees

Exam Fee Required

Recording Fee Required

Exam Fee Paid -

Recording Fee Paid -

Still Owed =

Still Owed =

FO w/Draft permit: still need

w/ Permit # 5

FO to deny

Recording Fees

Refund \$

Easement

Storage Water Contract

Approved Dam Plans & Specs → GIVE 1 yr PER DWIGHT

Land Use Approval

Well Construction Approval

Name: Kim F For Elisabeth A. Graham Date Completed: 6/18/18 Peer Reviewer Lisa G. Date: 6-19-18

The purpose of this checklist is to be used as a working document by the Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to

Alyssa 4/29
Alyssa 4/16

FRENCH Kim R * WRD

From: GRAHAM Elisabeth A * WRD
Sent: Monday, June 18, 2018 1:53 PM
To: FRENCH Kim R * WRD
Subject: FW: Ap R-71296 GI Ranch

Fyi

From: FRENCH Dwight W * WRD
Sent: Thursday, October 12, 2017 8:19 AM
To: johnshort@usa.com
Cc: GRAHAM Elisabeth A * WRD
Subject: RE: Ap R-71296 GI Ranch

John,
Good news. Lisa Grahm has the file. She is going to work on getting a FO and permit ready for signature, consistent with the settlement that was reached in 2001.
Dwight

Dwight French
Water Right Services Division Administrator
Oregon Water Resources Department
dwight.w.french@oregon.gov
503-986-0819

From: johnshort@usa.com [<mailto:johnshort@usa.com>]
Sent: Wednesday, October 11, 2017 6:28 PM
To: FRENCH Dwight W * WRD
Subject: Re: Ap R-71296 GI Ranch

Hello Dwight,

Just checking back.

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

On Sep 28, 2017, at 11:20 AM, FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov> wrote:

John,
Let me get my hands on the file and we'll see if we can't get it issued.

If you haven't heard back from me or OWRD on this by 10/10 please send me another email.

Thanks,
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
dwight.w.french@oregon.gov
503-986-0819

From: johnshort@usa.com [mailto:johnshort@usa.com]
Sent: Thursday, September 21, 2017 3:42 PM
To: FRENCH Dwight W * WRD
Subject: Fwd: Ap R-71296 GI Ranch

Hello Dwight,

Just wondering how to take this off administrative hold to have the permit issued.

Thanks,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

Begin forwarded message:

From: SAUTER Jerry K * WRD <Jerry.K.Sauter@oregon.gov>
Subject: RE: Ap R-71296 GI Ranch
Date: September 21, 2017 at 3:39:19 PM PDT
To: "johnshort@usa.com" <johnshort@usa.com>

Probably Dwight!

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](http://WWW.OREGON.GOV)

From: johnshort@usa.com [mailto:johnshort@usa.com]
Sent: Thursday, September 21, 2017 3:28 PM
To: SAUTER Jerry K * WRD
Subject: Ap R-71296 GI Ranch

Hey Jerry,

Who would I talk to in order to take this one off administrative hold and have it issued?

Thanks,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

Date: Wed, 01 Aug 2001 09:56:22 -0700
From: "Steven Marx" <Steven.D.Marx@state.or.us>
To: MOULUN Renee M <Renee.M.Moulun@state.or.us>
Subject: Re: Freezout Reservoir
Mime-Version: 1.0
X-MIME-Autoconverted: from quoted-printable to 8bit by powder.wrd.state.or.us id JAA11767

Renee,

The proposed language is opposite of what I suggested and restricts streamflow instead of storage rate. I realize a restricted outflow is the cheapest engineering fix for the applicant but they are required to bypass flows outside the storage period anyway and need to account for bypassing flows in the engineering. Spill over the dam will not work as there are no reservoir maintenance flows proposed. I recommend language be written to allow the storage of 1 cfs when inflow is greater than or equal to 2 cfs and 0.5 cfs when inflow is less than 2 cfs and that flows in excess of the allowed storage rate are bypassed. This essentially garrantees fill by Bruce Estes numbers. This will also aid the stream channel by maintaining a more natural hydrograph (although at a reduced flow) than if minimum bypass flows are proposed. I believe this is a much more defensible standard to meet aquatic resource needs according to directives set forth in the Oregon Plan and should meet the needs of the applicant.

Has Bruce provided the conceptual drawings or options they propose to bypass flows outside the storage period? Aren't drawings required to complete the application?

Steve

>>> Renee Moulun <Renee.M.Moulun@state.or.us> 07/31/01 09:58AM >>>
Steve,

How about this for #7:

Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 cfs when inflows are below 1 cfs, and at leaset 1 cfs when inflow equals or exceeds 2 cfs.

*Steve Marx
okayed
this
language
8/13/01*

Bruce Estes has already approved this language. Please let me know what you think asap.

Thank you
Renee

At 11:32 AM 7/26/01 -0700, you wrote:

>Renee,

>

>Thanks for sending this.

>

>The way the Settlement is worded: "Water shall be bypassed through the reservoir year round such that outflow from the reservoir equals the inflow to the reservoir", basically would not allow storage during the storage period. We should use this language to describe bypass flows during the non-storage period.

>

>Can we propose language that would limit storage to 0.5 cfs when flows were below 1cfs and allow up to 50% of the water stored when flows exceeded 0.5 cfs? Approximately 0.5 cfs pro-rated through the storage period should

allow the reservoir to fill.

>

>Any thoughts?

>

>Steve

>

>

>

>

>>>> Renee Moulun <Renee.M.Moulun@state.or.us> 07/24/01 07:57AM >>>

>Hi Steve:

>

>I've attached the draft settlement agreement, draft permit and draft final

>order. Please review and provide any necessary comments as soon as possible.

>

>Thank you for working with the Department and the Applicant to resolve the

>issues related to Freezout Reservoir. I appreciate your time during the

>busy field season.

>

>Renee

>

>

>

To: "Steven Marx" <Steven.D.Marx@state.or.us>
From: Renee Moulun <Renee.M.MOULUN@wrд.state.or.us>
Subject: Re: Freezout Reservoir
Cc:
Bcc:
Attached:

Steve,

How about this for #7:

Water shall be bypassed through the reservoir year round to maintain the riparian area downstream of the reservoir. Outside of the storage season (May 1 through January 31), outflow from the reservoir will equal the inflow of the reservoir. During the storage season (February 1 through April 30), outflow from the reservoir will be limited to 0.5 cfs when inflows are below 1 cfs, and at least 1 cfs when inflow equals or exceeds 2 cfs.

Bruce Estes has already approved this language. Please let me know what you think asap.

Thank you
Renee

At 11:32 AM 7/26/01 -0700, you wrote:

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>

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>

>

>

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>>>> Renee Moulun <Renee.M.Moulun@state.or.us> 07/24/01 07:57AM >>>

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>

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>Thank you for working with the Department and the Applicant to resolve the issues related to Freezeout Reservoir. I appreciate your time during the busy field season.

>

>Renee

>

>

>

Reply-To: <Kyle.G.Gorman@wrд.state.or.us>
From: "Kyle Gorman" <Kyle.G.Gorman@wrд.state.or.us>
To: "Renee Moulun" <Renee.M.MOULUN@wrд.state.or.us>
Subject: RE: G.I. Ranch/Freezeout Reservoir
Date: Tue, 24 Jul 2001 15:27:36 -0700
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook 8.5, Build 4.71.2173.0
X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4522.1200
Importance: Normal
X-AntiVirus: scanned for viruses by AMaViS 0.2.1 (<http://amavis.org/>)

Hi Renee,

#7 states that the outflow must equal the inflow at all times. If this is true, they will not be able to store water. The language needs to be changed.

As far as can this be regulated? It is very remote and could be checked once in a while. I could not say that in between the visits, whether or not they've complied. A weir or measuring device would facilitate things though.

thanks,
Kyle

"7. Water shall be bypassed through the reservoir year round such that outflow from the reservoir equals the inflow to the reservoir. This outflow will be used to maintain the riparian area downstream."

> -----Original Message-----
> From: Renee Moulun [mailto:Renee.M.MOULUN@wrд.state.or.us]
> Sent: Friday, July 20, 2001 12:35 PM
> To: Kyle.G.GORMAN@wrд.state.or.us
> Subject: G.I. Ranch/Freezeout Reservoir
>
>
> Hi Kyle:
>
> I'm in the process of settling a protest filed by GI Ranch against their
> PFO and draft permit for app. R71296. ODFW will withdraw their concerns
> provided there is some outflow coming from the reservoir all year long to
> maintain the downstream riparian area.
>
> I wanted to run the final draft of the agreement by you before I
> give it to
> the parties. Could you please read and comment? I especially would like
> feedback on agreement condition number 7. Is this feasible for you as far
> as regulation goes?
>
> Thanks
>
> Renee



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

VIA HAND DELIVERY

July 24, 2001

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

RE: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

Enclosed are the draft Settlement Agreement, draft permit and draft Final Order Incorporating Settlement Agreement for Freezeout Reservoir.

Please review and comment as soon as possible, or if the Agreement is fine as is, please have the appropriate party sign the Agreement and return to me.

Please note that the dam has yet to be approved by John Falk, Dam Safety. The Department cannot issue a permit until such approval is obtained.

Feel free to call me if you have any questions: (503) 378-8455 ext. 239. I appreciate the work you have put into finding a solution to the concerns raised by the Oregon Department of Fish and Wildlife.

Sincerely,

Renee Moulun
Protest Program Coordinator



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296)
In the Name of G.I. Ranch Corporation) SETTLEMENT AGREEMENT
Applicant and Protestant)

The Oregon Water Resources Department, and the G.I. Ranch Corporation do hereby stipulate and agree as follows;

Stipulated Facts

1. On February 27, 1991, G.I. Ranch Corporation ("Applicant") submitted an application to the Oregon Water Resources Department ("Department") for 130 acre feet (AF) of water for storage of water for livestock use from the waters of fifteen intermittent streams, tributaries of Twelve Mile Creek in Crook County.
2. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife ("ODFW"), pursuant to OAR Chapter 690, Division 33. ODFW submitted comments recommending approval of the application with several conditions to protect fisheries in the area.
3. Pursuant to ODFW's comments, the Department issued a Proposed Final Order recommending approval of Application R 71296 with conditions. The Proposed Final Order provided opportunity for protest until June 11, 1999.
4. On May 3, 1999, Applicant timely filed a protest to Application R 71296.
5. On May 23, 2001, the Department, the Applicant and ODFW met to discuss Applicant's protest and ODFW's fisheries concerns. The following Agreement will resolve the issues raised by Applicants and the concerns ODFW raised regarding fisheries resources at Freezeout Reservoir.

Agreement

1. The parties of the Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, Applicant withdraws its protest against R 71296.
3. Water may be appropriated for storage during February 1 through April 30 of each year.

4. The reservoir will not be fenced to keep livestock from the reservoir.
5. Fish passage is not required at the reservoir.
6. If the reservoir is stocked with fish, the Applicant shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion or from entering the tributaries of Twelve Mile Creek from the reservoir. These screens shall be in place, functional and approved by ODFW before diversion of any water.
7. Water shall be bypassed through the reservoir year round such that outflow from the reservoir equals the inflow to the reservoir. This outflow will be used to maintain the riparian area downstream. *Except during stor. season. During stor. season stor. limited to 0.5 cfs when flows below 1 cfs, and maintain @ least 1 cfs lag pool)*
8. The issues raised in Applicants' protest have been resolved and the attached draft permit meets to the satisfaction of all parties and hereby is incorporated into this Agreement by reference. *when flows exceed 2 cfs.*

buick's changes

On Behalf of Applicants

Date

On Behalf of the Oregon Water
Resources Department

Date

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GI RANCH CORPORATION
15 SW COLORADO AVE.
BEND, OREGON 97702

PHONE: (503) 382-6691

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

APPLICATION FILE NUMBER: R-71296

SOURCE OF WATER: LONG HOLLOW CREEK, TRIBUTARY TO TWELVE MILE CREEK

STORAGE FACILITY: FREEZEOUT RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK USE

MAXIMUM VOLUME: 80.0 AF PER YEAR EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE
PERIOD FEBRUARY 1 THROUGH APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 27, 1991

The area submerged by the reservoir, when full, will be 18.0 acres and
the maximum depth of water will be 23.0 feet. The maximum height of the
dam shall not exceed 23.75 feet.

DAM LOCATION: NE 1/4 SW 1/4, SECTION 5 T20S, R24E, W.M.; 740 FEET SOUTH
AND 1540 FEET EAST FROM W 1/4 CORNER, SECTION 5

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

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 5

TOWNSHIP 20 SOUTH, RANGE 24 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If fish are present in the reservoir, the permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved *****, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2003. 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).

Issued _____, 199__

DRAFT - THIS IS **NOT** A PERMIT

Martha O. Pagel, Director
Water Resources Department

Mailing List for PFO Copies

Application #R-71296

PFO Date: April 27, 1999

Original mailed to:

Applicant: GI RANCH CORPORATION, 15 SW COLORADO AVE, BEND, OREGON 97702

Copies sent to:

1. WRD - File # R-71296
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 11
4. ODFW District Biologist: Ochoco District
5. DEQ Headquarters - Tom Rosetta
6. Dept of Agriculture - Steve Applegate
7. Columbia River Intertribal Fish Commission
8. NMFS
9. US Fish & Wildlife Service
10. NW Power Planning Council
11. State Parks

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

12. Bruce Estes, CWRE

13. _____

14. _____

15. _____

16. _____

17. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. Rest the West, PO Box 68345, Portland, Oregon 97268

2. _____

Copies Mailed By: _____ (SUPPORT STAFF) On: _____ (DATE)

3. _____

CASEWORKER: LKS- WEEK 196

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296	)	FINAL ORDER
In the Name of GI Ranch Corporation	)	INCORPORATING
<i>Applicant and Protestant</i>	)	SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will not impair or be detrimental to the public interest.

Therefore it is ORDERED that, pursuant to ORS 537.170, Application R 71296 is approved and that a permit shall issue.

DATED this __ day of July, 2001.

Paul R. Cleary, Director
Oregon Water Resources Department

• w/ Kyle Gorman for review 7/20

DRAFT
7/20/01

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296)
In the Name of G.I. Ranch Corporation)
Applicant and Protestant) SETTLEMENT AGREEMENT

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2. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife ("ODFW"), pursuant to OAR Chapter 690, Division 33. ODFW submitted comments recommending approval of the application with several conditions to protect fisheries in the area.
3. Pursuant to ODFW's comments, the Department issued a Proposed Final Order recommending approval of Application R 71296 with conditions. The Proposed Final Order provided opportunity for protest until June 11, 1999.
4. On May 3, 1999, Applicant timely filed a protest to Application R 71296.
5. On May 23, 2001, the Department, the Applicant and ODFW met to discuss the issues associated with Applicant's protest. The Department, ODFW and the Applicant agree that the protested issues as well as ODFW's fisheries concerns will be resolved on the following terms.

Agreement

1. The parties of the Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, Applicant withdraws its protest against R 71296.
3. Water may be appropriated for storage during February 1 through April 30 of each year.

DRAFT 7/16/01

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application R 71296	)	FINAL ORDER
In the Name of GI Ranch Corporation	)	INCORPORATING
<i>Applicant and Protestant</i>	)	SETTLEMENT AGREEMENT

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DATED this __ day of July, 2001.

Paul R. Cleary, Director
Oregon Water Resources Department

⇒ once reservoir is filled then put the water

- Need ODFW# for storage season

• If nothing is going in does GT still have to happen.

Once they fill -

→ Inflow = Out flow & this will vary.
→ Multiple fill question?

ESTES SURVEYS

SURVEYS
CONSULTING
LLC

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

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

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

June 11, 2001

Renee Moulun, Protest Program Coordinator
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Dear Renee:

Re: R-71296 (G I Ranch)

I apologize for not getting this information to you earlier. I did not have my 1999 diary with me in Bend last week. We discussed Freezeout Reservoir with Steve Marks May 23. The measurements I have for Long Hollow Creek above and below the reservoir are:

	above	below
June 19, 1998	1.24 cfs	2.04 cfs
September 8	2.5 GPM	0 (reservoir breached)
January 2, 1999	1.5 cfs	1.5 cfs
March 11	road too muddy to reach site	
April 24	5.2 cfs	4.8 cfs
August 4	dry	dry
October 13	0.2 cfs	0.2 cfs
March 13, 2000	2.0 cfs	2.0 cfs
October 6	1 GPM	0.5 GPM
February 9, 2001	0.6 cfs	0.6 cfs

As you can see the flow of Long Hollow is not very consistent. We were going to revisit the flow to be passed. I am sending this to Steve Marks, ODF&W Regional biologist. I can be available this week to discuss it with Steve by telephone, except for tomorrow.

Sincerely,



Bruce A. Estes, PLS, CWRE

enclosure

cc Steve Marx, ODF&W
Bill Smith, Owner
Bob Williams, Manager

RECEIVED

JUN 13 2001

WATER RESOURCES DEPT.
SALEM, OREGON

**ESTES
SURVEYS**
**SURVEYS
CONSULTING**
LLC
LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

June 11, 2001

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

 PO Box 17518
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

 Renee Moulun, Protest Program Coordinator
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

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January 2, 1999	1.5 cfs	1.5 cfs
March 11	road too muddy to reach site	
April 24	5.2 cfs	4.8 cfs
August 4	dry	dry
October 13	0.2 cfs	0.2 cfs
March 13, 2000	2.0 cfs	2.0 cfs
October 6	1 GPM	0.5 GPM
February 9, 2001	0.6 cfs	0.6 cfs

As you can see the flow of Long Hollow is not very consistent. We were going to revisit the flow to be passed. I am sending this to Steve Marks, ODF&W Regional biologist. I can be available this week to discuss it with Steve by telephone, except for tomorrow.

Sincerely,



Bruce A. Estes, PLS, CWRE

enclosure

 cc Steve Marx, ODF&W
Bill Smith, Owner
Bob Williams, Manager

Reply-To: <Kyle.G.Gorman@wrд.state.or.us>
From: "Kyle Gorman" <Kyle.G.Gorman@wrд.state.or.us>
To: "Renee Moulun" <Renee.M.MOULUN@wrд.state.or.us>
Subject: RE: R 71296
Date: Tue, 29 May 2001 12:00:15 -0700
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook 8.5, Build 4.71.2173.0
X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4522.1200
Importance: Normal
X-AntiVirus: scanned for viruses by AMaViS 0.2.1 (<http://amavis.org/>)

Hi Renee,

If they are using the pond for stock watering and happen to fish there, I have no problem. If they decide to exclusively use it for fishing in the future, then applying for a permit ammendment would be fine as long as it is still in the permit stage otherwise filing a division 15 transfer for change in type of use is fine. I can see that changing to fishing is a reduction in the consumptive use so it shouldn't be a problem.

Kyle

> -----Original Message-----
> From: Renee Moulun [mailto:Renee.M.MOULUN@wrд.state.or.us]
> Sent: Friday, May 25, 2001 9:39 AM
> To: Kyle.G.GORMAN@wrд.state.or.us; Dwight.W.FRENCH@wrд.state.or.us
> Subject: R 71296
>
>
> Hi Kyle
>
> I'm in the process of resolving a protest against R 71296 Freezeout
> Reservoir owned by G.I. Ranch. In the course of the settlement discussion
> w/ ODFW, Bruce Estes let it slip that the reservoir may be used
> for fishing
> (stock the pond and allow people to fish for a fee) as well as stock
> watering. The application only mentions stock watering as a use. Dwight
> and I were talking it over and decided that if GI Ranch wants to use the
> pond for fishing in the future they would need to file a permit ammendment.
> What are your thoughts on this?
>
> Thanks
>
> Renee
>
>

GI Ranch
R 71296

0'30
80
50

Conference: Steve Marx & Bruce Estes

①

Plans and Specs: Not resolved: Check w/ John Falk.

* Bypass outside of storage season

// // // // //
* Bypass during storage period

- trickle tube to bypass flow connected to outlet pipe
- Gate valve

* How much? ODFW

1/10 cfs or 1 cfs.

- Use records we have to come up w/.
- Use a 90 20% initially then adjust
→ 10% 20% of storage water
or 10% of whatever flow is at 10 x.

// Questions re:

Max structure height

Height is fr. ~~at~~ bottom of creek bed.

→ How did depth increase

- Drop fence condition
- Fish Psg.

Issue: Orig. use
linestock
&
Recreation

(2)

Bypass outside of storage season: outflow = inflow

(1) → Pipe ditch around reservoir on W side

(2) → Trickle valve?

- Some kind of valve to bypass flow out the bottom

- * Need to talk w/ Jim Brunsand.

- *** Would need screens if there are fish in the reservoir

⇒ Valve would need to function w/o adjustment.

Long Hollow Creek flows into 12-mile Creek about 1x every 2 years.

Min flow during season

inflow = outflow outside storage season

~~Waste~~

- * Talk to WM to see how would figure out inflow = outflow.

(3) Pipe down the middle of reservoir

- over 1/4 mile of pipe

- Not good idea b/c of dirt accumulating.

Timeline

6/16 7 Bruce will have measurements

4/16 6/7 - 7/16 Steve will look @ #5 and come up w/ Q or %.

7/16 Talk again

- Steve will have Q #5.

- Bruce will have engineers info.

- Talk to DF change to use in App?

(3)

(fishing res.)
if recreation then fence and pump to
livestock.



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

VIA MAIL

April 6, 2001

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

RE: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

Thank you for stopping by the other day to discuss the status of the above-captioned application. I spoke with Steve Marx, of the High Desert Region Office for the Oregon Department of Fish and Wildlife ("ODFW") today as well. He tells me that he has spoken with Ed Schwartz and has concluded, after considering the report submitted by Mr. Schwartz, that it is appropriate to drop the fish passage and fish screening conditions from the draft permit for this application.

However, in an effort to address ever-increasing concerns pertaining to aquatic habitat restoration, ODFW has requested applicant to investigate the feasibility of installing a bypass pipe down the center of the reservoir to bypass some streamflow through the reservoir during the storage season and to bypass the inflow of the stream during the non-storage season.

In the alternative, ODFW would like to recommend that some volume of outflow be discharged from the bottom of the reservoir year round, such that a riparian area downstream of the reservoir may be maintained. Please keep in mind that the storage season is limited to February 1 through April 30 of each year, meaning that pursuant to our statutes and rules, outflow must equal inflow May 1 through January 31 of each year.

I would like to set up a conference call between you, Steve Marx and myself so that we can draft a settlement agreement that will resolve the issues raised in the applicant's protest and address ODFW's concerns. Please let me know the soonest date you are available. You can reach me at: 1-800-624-3199 ext. 239.

Sincerely,


Renee Moulun
Protest Program Coordinator

Cc: Steve Marx, ODFW



Bruce Estes

Available after May 15th

Conference call

Get Bill Smith on call (owner)

- conf. call:
- Get agreement
b/w Estes &
ODFW.
 - Draft settlement
agreement

Left ① w/ Mr.
Estes 4/27

① for Steve Marx 4/27
e-mail 5/10

Conference: Steve Marx

3/26/01

- Drop passage / screen requirement
 - maintain requirement for measuring
 - maintain outflow during storage season
 - bypass pipe down center of res.
- or → discharge min flow below res.

inflow = outflow:

• some kind of diversion

- stand - pipe release
 - deep water valve
 - flash boards.
-
- off channel structure
 - Work after 7/1/01

Steven. d. marx@stark.or.us

- MS Word

same Matt

3/19/01

Q: Why does PFW use old IR W.A. dates

App. # R 71296

R 70506

permit

extension R 11788

App R 70506

} check

ODFW proposes

→ Don't see any bypass flow conditions for riparian enhancement. Would like to see that.

→ Don't drop measurement and reporting condition.



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

VIA MAIL

March 19, 2001

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

Re: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

Pursuant to your request of March 16, 2001, Application R 71296 will be placed on hold until **June 15, 2001** to allow G.I. Ranch to work with the Oregon Department of Fish and Wildlife to investigate the site and resolve the issues. The Department finds this request reasonable and necessary. OAR 690-310-270(2).

If you wish to pursue this matter before the hold expires, please call me at: (503) 378-8455 ext. 239.

Sincerely,

Renee Moulun
Protest Program Coordinator



**ESTES
SURVEYS**

**SURVEYS
CONSULTING**

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

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

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

March 14, 2001

Renee Moulun, Protest Program Coordinator
Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

Dear Renee:

Re: R-71296

We are continuing to work with ODF&W regarding the special conditions to be imposed on Freezeout Reservoir. I expect that your request to Steve Marx, Central Region Fish Biologist, to investigate the site will resolve the issue. I have discussed this with Steve also. Please enter an administrative hold for another 90 to 180 days to resolve this issue.

Thank you for your efforts.

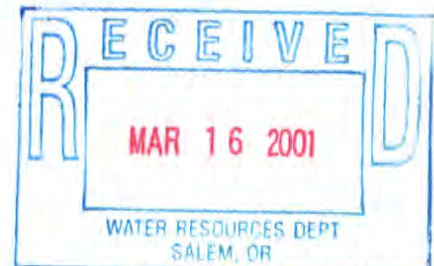
Sincerely,



Bruce A. Estes, PLS, CWRE

enclosures

cc Bill Smith, Owner
Bob Williams, Ranch Manager



ECOLOGICAL SERVICES, Inc.

Fish, Wildlife, & Habitat Management Consulting

June 22, 2000

Matt Smith
GI Ranch
15 SW Colorado, Station A
Bend, OR 97702

Dear Matt:

Our trip on Tuesday June 20, 2000 to Freezeout Reservoir to evaluate it for fishery potential was educational as well as enjoyable to me. I had forgotten how much I had enjoyed the beauty of Twelvemile Table.

Freezeout Reservoir is located on Twelvemile Table in Township 20S, Range 24E, Section 5, Willamette Meridian. The reservoir dam had been breached within the past year or two. Approximately 2 surface acres of water remain with a depth not to exceed 2 feet. There were no suitable places to measure the outflow but was estimated at 0.1 - 0.25 cfs. Water temperature was 65 degrees. The channel above the reservoir was choked with aquatic vegetation and no area could be found to measure the inflow. The inflow approximately equaled the outflow. Several 1" dace were observed in the outflow channel. Twelvemile Creek below the confluence of Freezeout Creek had only intermittent flows.

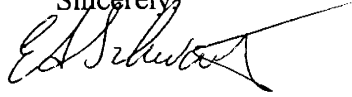
It is impossible for anadromous salmon or steelhead to reach Freezeout Reservoir. Three major dams on the Deschutes River, Prineville Dam on Crooked River, a falls and at least one irrigation dam on Camp Creek, an impassable gorge at the mouth of Twelvemile Creek and intermittent flows in Twelvemile Creek would prevent any successful fish passage. In addition, summer water temperatures on Twelvemile Table are likely too high for juvenile salmonid rearing and survival.

It is also highly unlikely that any salmonid (rainbow, cutthroat, etc.) would survive year-round in the reservoir even if the dam were repaired and the spring reservoir level was at maximum. Low inflows, high evaporation rate (10 ft/year), and high water temperatures would preclude most any game fish survival.



I hope this provides the information you needed. Thanks again for the enjoyable trip and the opportunity to become acquainted with you. If at any time I may be of assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Schwartz', with a long, sweeping horizontal line extending to the right.

Ed Schwartz
Ecological Services, Inc.

cc: Bruce Estes



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

VIA MAIL

March 5, 2001

Steve Marx
High Desert Region Office
Oregon Dept. of Fish & Wildlife
61374 Parrell Rd.
Bend, OR 97702

Re: Water Right Application **R 71296** in the Name of GI Ranch Corporation

Dear Mr. Marx:

Pursuant to our telephone conversation today, enclosed is the application for R 71296, the water availability analysis, the Proposed Final Order and the protest filed by applicant's consultant, Bruce Estes, PLS, CWRE. In addition, I left a message with Mr. Estes's office asking him to fax to you directly a report that applicant's consultants wrote regarding the presence or absence of fish in the area.

Please don't hesitate to call if you have any questions: 1-800-624-3199 ext. 239. As I mentioned, I hope that we can arrange a site visit soon so that we can begin a discussion that will resolve the issues associated with this application.

Sincerely,

Renee Moulun
Protest Program Coordinator

Cc: Bruce Estes



ESTES SURVEYS

SURVEYS CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

P O Box 17519
6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

May 3, 1999

RECEIVED

MAY 06 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French, Manager, Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Dear Dwight:

Re: R-71296

We must protest the proposed final order for application R-71296 for several reasons. The PFO requires a meter or suitable measuring device. Since this is an existing reservoir will a bench mark suffice for this requirement? I would envision hand level reading from the bench mark. The ice will tear out any attempt to install a staff gage. If not we need to negotiate a suitable solution for this requirement.

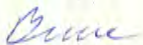
The requirement for fish screening and passage needs to be eliminated due to the fact that the creek dries up in the summer and has no connection to Twelvemile Creek. Twelvemile Creek also dries up in the summer. In fact Twelvemile Creek has a large falls into the South Fork Crooked River so there is no anadromous fish species to protect here. We will contact ODF&W for clarification on this issue.

As noted in earlier correspondence the dam was built under permit R-939 50 years ago and erroneously canceled by the State Engineer's office. The riparian area and local ecology has evolved as a result of having this body of water in that location. Minor leakage through the dam provides water to allow grass to grow below the dam instead just more sagebrush.

There is no way to fence the riparian area and still allow the stock to drink directly from the reservoir. The large flow in the spring would tear out any fence man could build. Just four paragraphs above the requirement to fence the reservoir the PFO identifies the fact that stock may drink direct from the reservoir according to water law. We understand the concerns of the protesters about the riparian area, but they must also understand that there is no riparian area to protect along a dry creek. This reservoir has been a big benefit to the wildlife as well as the cattle in this location. Also the amount of silt this reservoir has trapped since its construction has been a significant benefit to downstream water quality.

Thank you for your consideration. If you have any questions please call..

Sincerely,



Bruce A. Estes, PLS, CWRE

cc Bill Smith
Bob Williams

entered PB 5/6/99

X-Mailer: Novell GroupWise Internet Agent 5.5.2.1
Date: Thu, 26 Jul 2001 11:32:08 -0700
From: "Steven Marx" <Steven.D.Marx@state.or.us>
To: MOULUN Renee M <Renee.M.Moulun@state.or.us>
Subject: Re: Freezout Reservoir
X-MIME-Autoconverted: from quoted-printable to 8bit by powder.wrd.state.or.us id LAA15429

Renee,

Thanks for sending this.

The way the Settlement is worded: "Water shall be bypassed through the reservoir year round such that outflow from the reservoir equals the inflow to the reservoir", basically would not allow storage during the storage period. We should use this language to describe bypass flows during the non-storage period.

Can we propose language that would limit storage to 0.5 cfs when flows were below 1cfs and allow up to 50% of the water stored when flows exceeded 0.5 cfs? Approximately 0.5 cfs prorated through the storage period should allow the reservoir to fill.

Any thoughts?

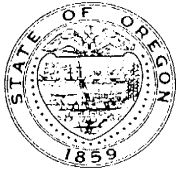
Steve

>>> Renee Moulun <Renee.M.Moulun@state.or.us> 07/24/01 07:57AM >>>
Hi Steve:

I've attached the draft settlement agreement, draft permit and draft final order. Please review and provide any necessary comments as soon as possible.

Thank you for working with the Department and the Applicant to resolve the issues related to Freezout Reservoir. I appreciate your time during the busy field season.

Renee



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

VIA MAIL

July 28, 2000

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

Re: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

Thank you for your letter of July 25, 2000 in which you requested an additional 180 days administrative hold for Application R 71296. I understand that you are working diligently with the Oregon Department of Fish and Wildlife (ODFW) to resolve the issues associated with the reservoir site and stream, and that although there are no anadromous fish at the stream site, ODFW still has not withdrawn their requirements.

The Department finds that this request is reasonable and necessary and is putting an additional 180 days hold on this application. This hold expires on **February 28, 2001**.

Please feel free to call me if you have any questions, or would like to reactivate the application before the above date. My phone number is: (503) 378-8455 ext. 239 or email at Renee.M.Moulun@wrld.state.or.us. I look forward to hearing from you.

Sincerely,

Renee Moulun
Protest Coordinator





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

VIA MAIL

June 23, 2000

Bruce Estes
P.O. Box 17519
Salem, OR 97305-7519

Re: Application R 71296 in the Name of G.I. Ranch Corporation

Dear Mr. Estes:

My records indicate that the continuance for the above matter expired on June 16, 2000. Does the applicant plan to request an additional continuance or are they ready to move ahead with the hearing process? Please let me know how your client wishes to proceed by **July 7, 2000**.

Please feel free to call me if you have any questions, my phone number is: (503) 378-8455 ext. 239 or email at Renee.M.Moulun@wrdd.state.or.us. I look forward to hearing from you.

Sincerely,

Renee Moulun
Protest Coordinator

ESTES SURVEYS

**SURVEYS
CONSULTING**

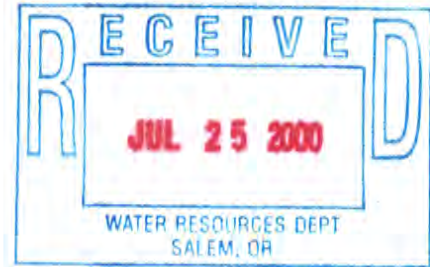
LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

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

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

July 25, 2000



**Renee Moulun, Hearings Manager
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210**

Dear Renee:

Re: R-71296

We are continuing to work with ODF&W regarding the special conditions to be imposed on Freezeout Reservoir. I had hoped this could be resolved prior to the deadline of the last administrative hold, but that did not occur. The G I Ranch hired a fish biologist to study the reservoir site and creek. His report identifies that there are no anadromous fish in the stream but ODF&W has not yet agreed to withdraw their requirements. Please enter an administrative hold for another 180 days to resolve this issue.

Thank you for your efforts. I will keep you posted on the progress.

Sincerely,

Bruce A. Estes, PLS, CWRE

enclosures

cc Bill Smith, Owner
Bob Williams, Ranch Manager



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 16, 1999

Bruce Estes
P.O. Box 17519
Salem, Oregon 97305-7519

RE: Administrative Hold - R-71296 (G.I. Ranch)

Dear Bruce:

Thank you for your letter dated December 9, 1999, in which you request an administrative hold on behalf of the applicant. Based on your request the Department has determined that an administrative hold of six months is necessary and reasonable. The application will be placed on hold until **June 16, 2000**. If you wish to continue processing the application before June 16, 2000, please contact the Department.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: G.I. Ranch Corporation
15 SW Colorado Ave.
Bend, Oregon 97702



ESTES SURVEYS

SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

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

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

December 9, 1999

RECEIVED

DEC 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Adam Sussman, Hearings Manager
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Dear Adam:

Re: R-71296

We have been in contact with ODF & W regarding the special conditions requested for the Freezeout Reservoir application. They have not responded to our request yet. I have no idea how long it will take to resolve this issue. Jim Bussard and I are working with ODF & W to gain a resonable solution. Please enter an administrative hold on this file for another 180 days. We will contact you to remove the admin hold as soon as we have a solution.

Thank you for your efforts. If you have any questions please call me.

Sincerely,



Bruce A. Estes, PLS, WRE

cc Bill Smith
Bob Williams



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 7, 1999

Bruce Estes
P.O. Box 17519
Salem, Oregon 97305-7519

Re: Water Right Application R-71296 (G.I. Ranch, Freezeout Reservoir)

Dear Mr. Estes:

Based on your August 30, 1999, letter on behalf of G.I. Ranch the above referenced application will be placed on administrative hold. The administrative hold is being granted to allow time for you to work with ODFW regarding fish screen and by-pass conditions. Pursuant to ORS 537.175 the application shall be put on hold until **December 3, 1999**.

If you wish to commence application processing before the December date please contact me directly. If I can be of any assistance in working through the issues raised in your protest please let me know. I plan to have this file pulled in 30 days so we can touch base about its status.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: GI Ranch
15 SW Colorado Ave
Bend, Oregon 97702

Kyle Gorman



**ESTES
SURVEYS**

**SURVEYS
CONSULTING**

FAX 378-6203

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

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

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

Aug 30, 1999

Adam Sussman
Water Resources Dept.
158 12th St. NE
Salem, OR 97310-0210

Dear Adam:

Re: R-71295

We hereby request an administrative hold for at least 90 days to negotiate with ODF&W about the conditions they requested for Freezeout Reservoir. We should be able to resolve the particulars within that time.

Thank you for your efforts.

Sincerely,

Bruce

Bruce A. Estes, PLS, WRE

cc Bill Smith, GI Ranch



Oregon

John A. Kitzhaber, M.D., Governor

June 28, 1999

Water Resources Department

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

Bruce Estes, CWRE
P.O. Box 17519
6293 Sunnyview Road N.E.
Salem, Oregon 97305

RE: Protest - Application R-71296 (G.I. Ranch)

Dear Mr. Estes:

On May 6, 1999, the Department received your client's protest to the Proposed Final Order on the above referenced application. The protest does not indicate whether the applicant is requesting a contested case hearing. The applicant has until **July 12, 1999**, to specifically request a hearing. (See ORS 537.153(8)).

If you have any questions please contact me at 1-800-624-3199 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: G.I. Ranch
15 SW Colorado Ave
Bend, Oregon 97702



ESTES SURVEYS

SURVEYS
CONSULTING

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

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

April 16, 1999

RECEIVED

APR 16 1999

WATER RESOURCES DEPT
SALEM OREGON

Laura K. Snedaker, Senior Water Right Examiner
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Dear Laura:

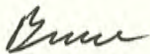
Re: R-71296

Enclosed is the land use approval for Freezeout Reservoir on the G I Ranch. I met with Jim Bussard, engineer for the project and we determined that the new depth of water is 13.0 feet. You also needed the height of the dam. The original plans indicated the only information available to determine the actual height so we feel the 23.75 feet you found is correct.

This should complete the information you need right now. Jim will submit a new "as built" plan from permit R-939 to the department with the updates from our surveys on the site. He has discussed this with John Falk so that will be taken care of. If dam safety will require more than the "as built" then we will need an administrative hold to provide the necessary time.

If you have any questions please call.

Sincerely,



Bruce A. Estes, PLS, CWRE

enclosures

cc William L. Smith, Owner
Bob Williams, Manager
Jim Bussard, Engineer

RECEIVED

APR 16 1999

WATER RESOURCES DEPT
SALEM, OREGON

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



Description of Water Use

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: G1 Ranch Corporation
 Address: 15 SW Colorado Ave
Bend, OR 97702
 Phone: (503) 382-6691

RECEIVED
 APR 16 1999
 WATER RESOURCES DEPT.
 SALEM, OREGON

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): Stockwater
- ☐ 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.): _____
- ☐ 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.
☒ Surface Water Name sources: <u>Long Hollow</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>80</u> Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses**

RECEIVED
APR 14 1999
WATER RESOURCES DEPT
Salem, OREGON

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: G.I. Ranch Corp
Address: 155W Colorado Ave
City: Bend State: OR Zip: 97702 Day Phone: (541) 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.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>200</u>			☒	☒	☒

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed **unless your project will be located entirely within the city limits**. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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. 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 on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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 cannot provide the above requested land use information while the applicant waits.

City or County: _____
Staff Contact: _____ Phone: _____
Signature: _____ Date of Information Request: _____

(for Local Use)

Type of Land use plan amendment
use permits

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Gordon Moore Date: 4-14-99

Title: Asst. Dir. Phone: (541) 447-8156

Signature: Gordon Moore

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.

Additional Comments:

[illegible]



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

April 8, 1999

Bruce Estes
P.O. Box 17519
Salem OR 97305

RE: Application File # R-71296 for

Dear Mr. Estes:

The Department is current above referenced application has determined that additional application. The following

- ▶ A completed has land use
- ▶ Also, some additional clarify or confirm of the reservoir application/permit feet?

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

3. Article Addressed to:

Bruce Estes
PO Box 17519
Salem, OR 97305
71296

4a. Article Number
PS6439

4b. Service Type

☐ Registered	☒ Certified
☐ Express Mail	☐ Insured
☐ Return Receipt for Merchandise	☐ COD

7. Date of Delivery
10/19/99

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
x [Signature] J. Estes

102595-98-B-0229 Domestic Return Receipt
PS Form 3811 December 1994

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

Please submit this information by **April 22, 1999**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Also, before a permit may be issued, it will be necessary for the applicant to submit new plans and specifications for the reservoir.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura K. Snedaker". The signature is fluid and cursive, with the first name "Laura" being more prominent.

Laura K. Snedaker
Senior Water Rights Examiner

cc: Kyle Gorman, Watermaster District 11
GI Ranch Corp.

ESTES SURVEYS

SURVEYS
CONSULTING

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

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

P.O. Box 17579
6293 Sunnyview Rd. NE
Salem, OR 97305-7579
(503) 585-7593
FAX 585-7593

March 24, 1999

RECEIVED

MAR 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Laura K. Snedaker, Senior Water Right Examiner
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Dear Laura:

Re: R-71295 & R-71296

Thank you for your letter of March 11, 1999 regarding G I Ranch Corporation reservoir applications. As I discussed with Matthew Gerbrandt January 11 the ranch will authorize withdrawal of application R-71295 since all the reservoirs except one in that application have now been registered under the 1993/1995 ponds bill. The exception was Swamp Creek Res. which was a duplication of the existing right for it. It was issued certificate 6419 many years ago.

R-71296 was filed to obtain water rights for 15 reservoirs on tributaries of Twelvemile Creek. Freezeout Reservoir on Long Hollow Creek, trib to Twelvemile Creek, was one of those in the application. The rest of them have been registered under the ponds bill and we hereby request they be deleted from the application.

Enclosed is a new map for Freezeout Reservoir to replace the one now in the file. As you are aware this is a reapplication of a previously permitted reservoir. The reservoir has had considerable silt wash in since it was constructed in the early 1950's. The plans and specs are on file in the dam safety section. I submitted a new area capacity curve to Matthew on January 11. We request you use the approved plans and specs along with the current area capacity curve to issue a new permit authorizing the storage of 80.0 acre feet for the purpose of stock water and recreation. (E29-7)

There has been some degradation of the embankment since the original construction. Upon issuance of a new permit the ranch will make improvements to the dam. The site may be fenced off. If so the stock water will be provided via piped facility. Current law allows this use without the requirement for a secondary permit so this application should suffice for the uses anticipated.

I have included a cancel authorization for application R-71295 as an agent for the ranch. If you need one signed by the owner, William L. Smith, just let me know. If you need anything else or have any questions please call.

Sincerely,



Bruce A. Estes, PLS, CWRE

enclosures

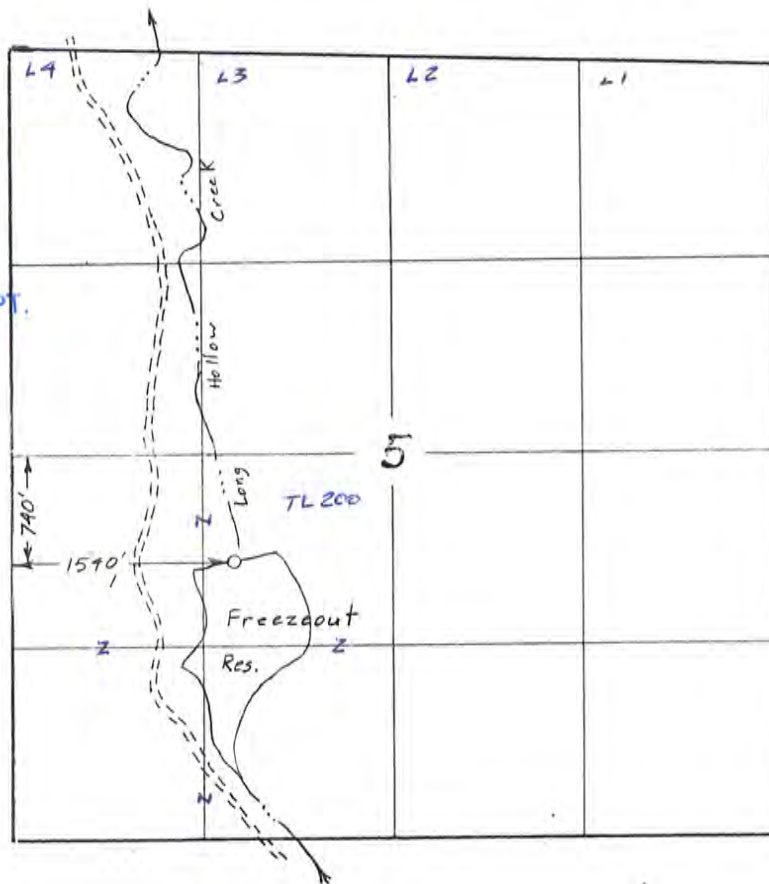
cc Bill Smith

TOWNSHIP 20 SOUTH, RANGE 24 EAST, W.M.

RECEIVED

MAR 25 1999

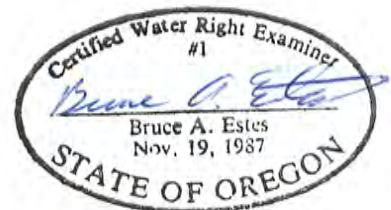
WATER RESOURCES DEPT.
SALEM, OREGON



Application Map
for
GI RANCH CORP

App. R-71296

Per. R-



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE 60382 Arnold Rd.
Salem, OR 97305 Bend, OR 97702
(503) 585-7593 (503) 382-7391

R-71296

TWELVE MILE CREEK
Unnamed Tributaries

Number/ JDR #	Legal	Owner	Ac.ft.
GI 192327 4027	T19S R23E SEC 27 SW$\frac{1}{4}$SE$\frac{1}{4}$ SEC 34 NW$\frac{1}{4}$NE$\frac{1}{4}$	BLM	5
GI 192336	T19S R23E SEC 36 SW$\frac{1}{4}$SE$\frac{1}{4}$	GI RANCH	5
GI 202301	T20S R23E SEC 1 SW$\frac{1}{4}$NW$\frac{1}{4}$	GI RANCH	5
GI 202302	T20S R23E SEC 2 SE$\frac{1}{4}$NE$\frac{1}{4}$	GI RANCH	5
GI 202313	T20S R23E SEC 13 NE$\frac{1}{4}$NE$\frac{1}{4}$	GI RANCH	5
GI 202405 Freezeout Res	T20S R24E SEC 5 NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$	GI RANCH	60 80
GI 202414	T20S R24E SEC 14 NE$\frac{1}{4}$SE$\frac{1}{4}$	GI RANCH	5
GI 202415	T20S R24E SEC 15 SE$\frac{1}{4}$NW$\frac{1}{4}$	GI RANCH	5
GI 202416	T20S R24E SEC 16 SW$\frac{1}{4}$NE$\frac{1}{4}$	STATE	5
GI 202416a	T20S R24E SEC 16 NW$\frac{1}{4}$NW$\frac{1}{4}$	GI RANCH	5
GI 202434	T20S R24E SEC 34 SE$\frac{1}{4}$SW$\frac{1}{4}$	STATE	5
GI 202434a	T20S R24E SEC 34 NW$\frac{1}{4}$SW$\frac{1}{4}$; SW$\frac{1}{4}$SW$\frac{1}{4}$	STATE	5
GI 202434/35	T20S R24E SEC 34/35 34-NE$\frac{1}{4}$NE$\frac{1}{4}$ 35-NW$\frac{1}{4}$NW$\frac{1}{4}$	STATE GI RANCH	5
GI 202436	T20S R24E SEC 36 SW$\frac{1}{4}$NE$\frac{1}{4}$	GI RANCH	5
GI 212403	T21S R24E SEC 3 SE$\frac{1}{4}$SW$\frac{1}{4}$	GI RANCH	5

11 Jan 99

Mat,

We will retain R-71296 for Freezeout Res only. The current area capacity curve indicates 80 ac. ft. This reservoir was filed on and completed under application R-21007 permit, R-939, but was canceled by the WRD in the 70's. A copy of the ^{old} new area capacity curve is enclosed. Please increase the capacity to 80 ac. ft. in Freezeout Res. and delete the rest of these. This res is owned by GI Ranch (William Smith).

Thanks,

Kevin A. Ehlert, agent for GI Ranch

130 01

Reservoir Permit No. R-219 - 22 - 92

Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Oregon

I, CHARLES A. SHERMAN & SON (Name of Applicant)

of Prineville (Mailing Address)

State of Oregon, do hereby make application for a permit to construct the
following described reservoir and to store the unappropriated waters of the State of Oregon, subject to
existing rights.

If the applicant is a corporation, give date and place of incorporation

1. The name of the proposed reservoir is Fruegeout Reservoir

2. The name of the stream from which the reservoir is to be filled and the appropriation made is

Long Hollow Draw

tributary of Twelve mile Creek

3. The amount of water to be stored is 396.8 acre feet.

4. The use to be made of the impounded water is Irrigation
(Irrigation, power, domestic supply, etc.)

5. The location of the proposed reservoir will be in Sec. 5
(Give sections or townships to be submerged)

Tp. 20 S., R. 24 E., W. M., in the county of Crook

(a) State whether situated in channel of running stream and give character of material at outlet

Situated in channel of stream which flows during spring runoff.

Material at outlet mostly light to heavy clays.

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give

name and dimensions

6. The dam will be located in NE 1/4, Sec. 5
(Give exact legal subdivision)

Tp. 20 S., R. 24 E., W. M. The maximum height will be 23.75 feet above stream bed or ground

surface on center line of dam. The length on top will be 687.0 feet; length on

bottom 733.0 feet; width on top 11.0 feet; slope of front

or water side 3:1; slope on back 2:1; height of dam above water line
(Foot horizontal to 1 vertical) (Foot horizontal to 1 vertical)

when full 5.0 feet.

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured
without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: Earthfill type to be constructed of materials available at site.
Protection from wave action not considered necessary.

8. The location of wasteway with dimensions are as follows: Around end of dam
(State whether over or around the dam.)
Length -353.5 feet; width on bottom- 36.0 with 2:1 side slopes.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: 18" asbestos bonded corrugated iron pipe to be installed thru'
(State whether through or around the proposed dam.)
dam. Pipe to have concrete collars at each joint between outlet box and keyway.
Outlet box and gate to be installed at inlet end of pipe.

10. The area submerged by the proposed reservoir, when full, will be 36.2 acres,
with a maximum depth of water of 19.0 feet; and approximate mean depth of water
10.0 feet.

11. The estimated cost of the proposed work is \$ 8000.00

12. Construction work will begin on or before July 1, 1949.

13. Construction work will be completed on or before July 1, 1950.

Charles A. Sherman & Son
By (Sgd) Chas. A. Sherman
(Name of applicant)

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before _____, 19____.

WITNESS my hand this _____ day of _____, 19____.

STATE ENGINEER

No. 1-232

1918

To construct a reservoir and dam for beneficial use the unappropriated waters of the State of Oregon.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 12th day of July 1918, at 8:05 o'clock A. M.

Approved:

October 22, 1918

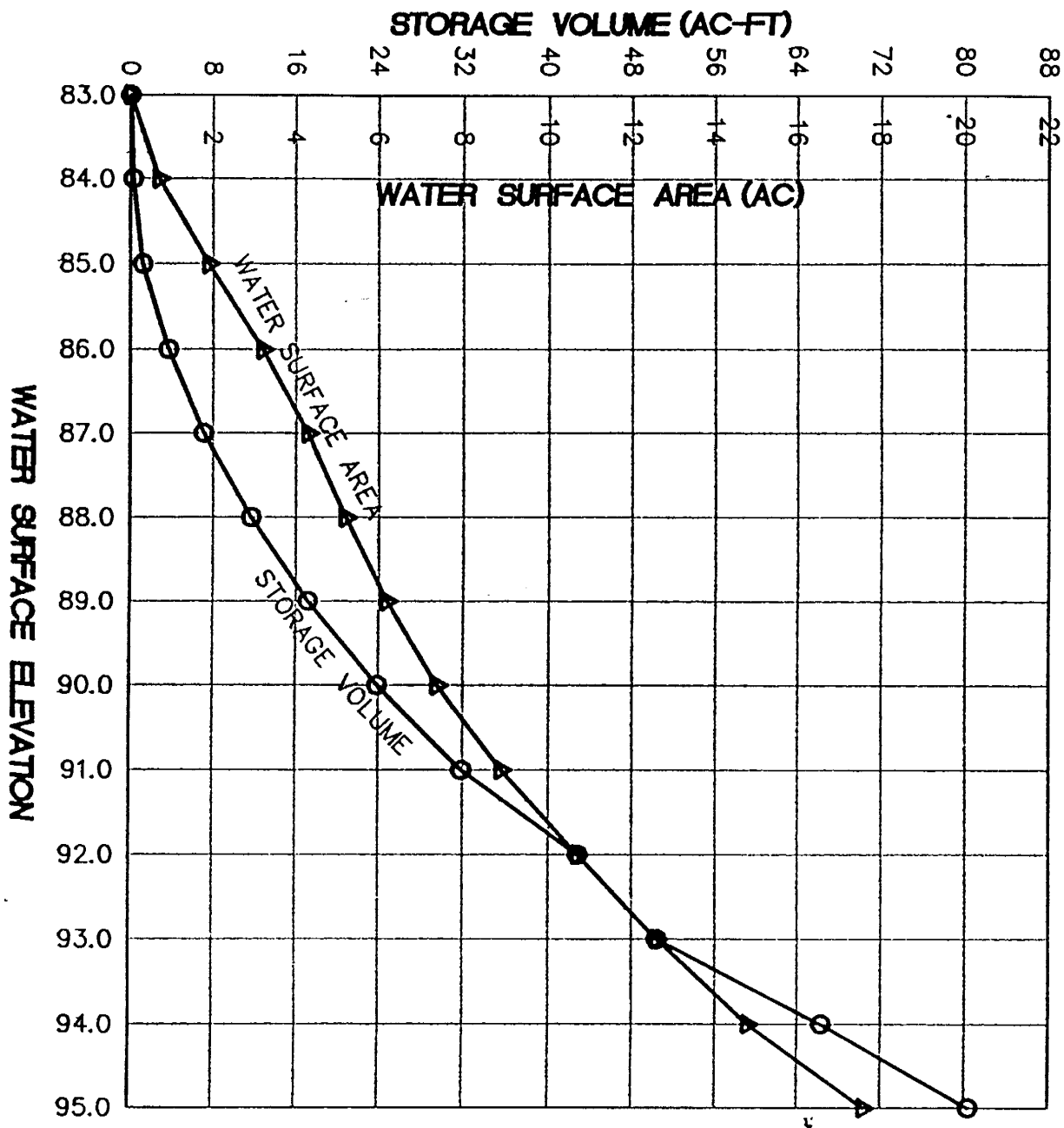
Recorded in Book No. 3 of Reservoirs, on Page 232

CHAS. E. STRICKLIN

STATE ENGINEER

STATE PRINTING DEPT.

Fees paid \$12.97



DESIGNED BY:	DATE: DEC 30, 1996
DRAWN BY: GMH	SCALE: NONE
CHECKED BY: DFW	
DRAWING NO.	951109/BASE

FREEZEOUT RESERVOIR
AREA/CAPACITY CURVE
BUSSARD ENGINEERING
15 SW COLORADO
BEND, OREGON 97702

BWA SURVEYING, ENGINEERING
& PLANNING
MICHAEL WILLIAMS & ASSOCIATES, INC.
800 SW INDUSTRIAL BLVD, SUITE 100, BEND, OREGON 97702
PHONE (503) 325-5221

X-Sender: falkja@mailhub.wrd.state.or.us
Date: Fri, 02 Apr 1999 14:36:27 -0800
To: Laura K Snedaker <Laura.K.SNEDAKER@wrd.state.or.us>
From: John Falk <john.a.falk@wrd.state.or.us>
Subject: Re: GI Ranch

Hello, Laura:

True, p&s were submitted and approved many, many years ago. However, the dam essentially failed, and now can't hold water even if it wanted to. Therefore, we will expect any repair, modification, rehabilitation, etc. be performed according to a new design that WRD Dam Safety has reviewed and approved.

So....., in this instance the short answer is "NO". The applicant will not be allowed to use the old design for a new permit.

*****Message Separator*****

At 04:47 PM 4/1/99 -0800, you wrote:

>John:

>

>I am working on a PFO for an application for GI Ranch, R-71296, filed in
>1991. The applicant wants to store 80.0 acre-feet of water in Freezeout
>Reservoir. Apparently this is a previously permitted reservoir that had dam
>plans and specs approved at one time, E-29-7. The permit on the reservoir
>was canceled many years ago. Can we use the old plans and specs or does the
>applicant need to submit revised plans and specs before a new permit may be
>issued?

>

>I have the application file if you need to take a look at it.

>

>Laura

>

>

>

X-Sender: frenchdw@mailhub.wrd.state.or.us
Date: Wed, 10 Mar 1999 08:30:47 -0800
To: Laura K Snedaker <Laura.K.SNEDAKER@wrđ.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: GI Ranch

This will be okay since the overall storage amount will be equal or less than that originally proposed.
However, what stage of the process are we at on these? I hope we haven't issued a PFO yet - I don't like making changes at the FO stage.
Dwight

At 04:50 PM 3/9/99 -0800, you wrote:

>Dwight:

>

>I am working on a couple of old reservoir applications for GI Ranch, R-71295
>and R-71296. Each application includes a number of reservoirs. It appears
>that they want to withdraw application R-71295 and retain application
>R-71296. They would also like to amend application R-71296 down to one
>reservoir only. The application was originally to store water in a number of
>small reservoirs. The reservoir they would like to retain is Feezeout
>Reservoir, which they applied to store 60.0 acre-feet of water in. They
>would like to store some additional water in the reservoir, being a total of
>80.0 acre-feet. The application was originally to store a total of 130.0
>acre-feet between all of the reservoirs. I just wanted to check with you to
>see if this is an amendment that we would allow. It's not an overall
>enlargement.

>

>Let me know if you need more info.

>

>Thanks, Laura

>

>

>

=====

Dwight French
Acting Administrator, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97310
1 800 624-3199 ext. 268 or 503 378-8455 x268
FAX: 503 378-6203

Water Code Facts:

The Oregon water code became law on February 24, 1909. The Oregon water code was designed using the Wyoming water code as a model. The principle author of the Wyoming water code was a man named Elwood Mead. That kind of

X-Sender: frenchdw@mailhub.wrd.state.or.us
Date: Wed, 10 Mar 1999 10:02:04 -0800
To: Laura K Snedaker <Laura.K.SNEDAKER@wrд.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: Re: GI Ranch

ok to move forward with PFO's consistent with consolidation of reservoir size(s)

This will be okay since the overall storage amount will be equal or less than that originally proposed.

Dwight

At 08:26 AM 3/10/99 -0800, you wrote:

>Dwight:

>

>Only Initial Reviews have been done so far on the applications for GI Ranch.

>

>Laura

>

>At 08:30 AM 3/10/99 -0800, you wrote:

>>This will be okay since the overall storage amount will be equal or less

>>than that originally proposed.

>>However, what stage of the process are we at on these? I hope we haven't

>>issued a PFO yet - I don't like making changes at the FO stage.

>>Dwight

>>

>>

>>At 04:50 PM 3/9/99 -0800, you wrote:

>>>Dwight:

>>>

>>>I am working on a couple of old reservoir applications for GI Ranch, R-71295

>>>and R-71296. Each application includes a number of reservoirs. It appears

>>>that they want to withdraw application R-71295 and retain application

>>>R-71296. They would also like to amend application R-71296 down to one

>>>reservoir only. The application was originally to store water in a number of

>>>small reservoirs. The reservoir they would like to retain is Freezeout

>>>Reservoir, which they applied to store 60.0 acre-feet of water in. They

>>>would like to store some additional water in the reservoir, being a total of

>>>80.0 acre-feet. The application was originally to store a total of 130.0

>>>acre-feet between all of the reservoirs. I just wanted to check with you to

>>>see if this is an amendment that we would allow. It's not an overall

>>>enlargement.

>>>

>>>Let me know if you need more info.

>>>

>>>Thanks, Laura

>>>

>>>

>>>

>>=====

>>Dwight French

>>Acting Administrator, Water Rights Division

>>Oregon Water Resources Department

>>158 12th ST NE, Salem Oregon 97310

>>1 800 624-3199 ext. 268 or 503 378-8455 x268

>>FAX: 503 378-6203

>>

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>>code was designed using the Wyoming water code as a model. The principle

>>author of the Wyoming water code was a man named Elwood Mead. That kind of

>>makes Elwood the father of the Oregon water code.

>>

>>

>

>

>

=====

Dwight French

Acting Administrator, Water Rights Division

Oregon Water Resources Department

158 12th ST NE, Salem Oregon 97310

1 800 624-3199 ext. 268 or 503 378-8455 x268

FAX: 503 378-6203

Water Code Facts:

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code was designed using the Wyoming water code as a model. The principle

author of the Wyoming water code was a man named Elwood Mead. That kind of

makes Elwood the father of the Oregon water code.

FEBRUARY 28, 1996

WATER
RESOURCES
DEPARTMENT

GI RANCH CORPORATION
15 SW COLORADO AVE
BEND, OREGON 97702

Reference: File R-71296

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 Storage of water for Livestock **is allowed** under OAR 505, the Deschutes Basin Program.
4. The diversion of 130.0 acre-feet of surface runoff from the Twelve Mile Creek drainage area for Livestock **is not available** May 1 through January 31.

Summary of Initial Determinations

The diversion of 130.0 acre-feet from surface runoff tributary to Twelve Mile Creek for Livestock may be allowed from February 1 through April 30 of each year.

Because of the Departments 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.



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

R-71296
February 28, 1996
Page 2

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 **MARCH 13, 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:

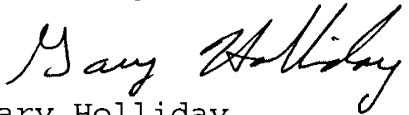
1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The priority date for this application is February 27, 1991.

R-71296
February 28, 1996
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

JUN 4 1991



Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

June 3, 1991

Steve Brown
Applications & Permits Section
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

Subject: Application for permit #R71295, #R71296, #R71297,
#R71298, & #R71299.
G. I. Ranch Corporation
Upper Crooked River Drainage
Crook & Lake Counties

These applications propose to store 831 acre feet of water in 146 reservoirs in the upper Crooked River system, mainly in the South Fork of the Crooked River. The magnitude of this proposal raises some questions for Oregon Trout.

First of all, is there a sufficient amount of water available for these proposed uses without adversely effecting existing water rights, including the pending instream water rights in the main stem of the Crooked River? Has a qualified hydrologist reviewed the proposal to determine what effect all of these reservoirs will have on streamflows in the system? Are any of these proposed reservoirs in areas utilized by indigenous fish species? If so, what provisions will be made to provide adequate screening and passage for fish?

Will these proposed reservoirs be located on public lands or private lands? This area of the state contains numerous archaeological sites. If the reservoirs are to be located on public lands, archaeological clearances should be obtained prior to any construction.

The South Fork of the Crooked River flows through a wilderness study area. This area has been recommended by the Bureau of Land Management for designation as a federally designated wilderness. The river supports a healthy population of rainbow trout, which provide the public with a unique desert stream fishery. Oregon Trout is concerned that this proposal not have an adverse impact upon the ecosystem of the South Fork of the Crooked River.

Sincerely,

Jim Myron
Regional Director

cc: Bakke
Robert & Stuart, ODFW
WaterWatch



Rest the West

P.O. Box 68345
Portland, OR 97268

(503) 645-6293 / Bruce Apple
(503) 653-9781 / Steve Alf

August 15, 1991

Stephen C. Brown
Senior Water Rights Specialist
Applications and Permits Section
Water Resources Department
3850 Portland Rd. N.E.
Salem, OR 97310

RECEIVED

AUG 19 1991

WATER RESOURCES DEPT.
SALEM, OREGON

Applications for Permits
Deschutes River Basin, Crooked River Subbasin
Crook & Lake Counties
G.I. Ranch Corporation, Applicant

Dear Mr. Brown:

I understand the Oregon Water Resources Department has received the following water use permit applications from G.I. Ranch:

R 71295	Buck Creek Subbasin	105 Acre Feet
R 71296	Twelvemile Creek Subbasin	130 AF
R 71298	Beaver Creek Subbasin	165 AF
R 71299	S. Fork Crooked River Basin	336 AF
R 71297	Lost Creek Basin	95 AF

(basin with internal drainage)

Totals	146 Reservoirs	831 Acre Feet
--------	----------------	---------------

71788	Crooked River Basin	1,056.85 G.P.M.
(from 67 springs variously at 0.1, 0.25, 0.5, and 1.0 GPM)		

I also understand that the ranch submitted four earlier (1990) applications for reservoirs in the South Fork Crooked River Basin. Those reservoirs were to impound a total of 130 acre feet, flooding an existing wetland used by migratory birds and butterflies as well as by other native wildlife. The primary purpose of the reservoirs and springs is to provide livestock water.

In addition according to Water Resource Department water-use reports, the Prineville District Bureau of Land Management lists 134 reservoirs in the Crooked River Basin, primarily for livestock water. These reservoirs are reported to impound 322.842 acre feet, ranging from 0.28 acre feet in size to 22 acre feet; the majority in the one to three acre-foot range.

AUG 19 1991

WATER RESOURCES DEPT.
BELLINGHAM

REST THE WEST Page 2
LETTER OF OBJECTION
CROOKED RIVER BASIN

These livestock water uses are of such magnitude and so widespread throughout the basin, there can be little question that the developments (springs and reservoirs) affect stream flows in the Crooked River and its tributaries.

The Oregon Department of Environmental Quality has listed Twelvemile Creek, the South Fork Crooked River, and the upper Crooked River as having severe water withdrawal problems, causing stream quality problems. The DEQ lists the river as water quality impaired for nutrients, solids, pH, and bacteria. Rest the West's understands that these quality problems are directly associated with livestock grazing and watering.

The South Fork Crooked River flows through the South Fork Crooked River Wilderness Study Area (WSA). This area has been proposed for inclusion in the federal wilderness system. Permitting the proposed livestock water use from the Twelvemile Creek, Buck Creek, and South Fork Crooked River subbasins will affect flows in the WSA.

The Crooked River below Bowman Dam is designated as part of the federal Wild and Scenic River system. Stream flows are an obvious integral element in a Wild and Scenic River. Recreation, aesthetic, fish and wildlife values are also major considerations. All are affected by upstream water withdrawals, appropriations, developments, and instream structures.

There are instream water rights applications on file for the South Fork Crooked River and the mainstem Crooked River. Rest the West understands that insufficient flows exist to meet the requested instream rights--because of existing out-of-stream rights already in excess of available water. The instream water right law was passed in 1987 by the state legislature in recognition of the need to protect instream flows in the public interest. Fish, wildlife, recreation, aesthetic value and pollution abatement were sanctioned as beneficial uses to be protected through the implementation of this law.

Hiking, camping, fishing, hunting, photography, wildlife and scenery appreciation, as well as other beneficial uses could all be negatively affected by granting these permits. The Water Resources Department has determined that no water is available from June to October in this part of the Crooked River Basin. From Rest the West's perspective, there can be no question that granting these permits is not in the public interest. It is our perception that granting the permits will adversely affect fish, wildlife, recreation, pollution abatement, and aesthetics, as well as negatively affect riparian areas, including wetlands. This would be contrary to the public interest.

August 27, 1991

Steve Applegate
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310



DEPARTMENT OF
FISH AND
WILDLIFE

Dear Steve:

Re: Water Right 71295, 71296, 71298 and 71299 146 Reservoirs and 831 Acre-ft, Beaver, Buck Twelve Mile Creeks and South Fork Crooked River, Tributaries to the Crooked River System.

The Oregon Department of Fish and Wildlife (ODFW) has completed its review of this proposed appropriation and recommends Water Resources Department not issue these water right permits for the following reasons:

- 1) Currently there are applications on file for instream water rights for the South Fork and mainstem Crooked Rivers. While these applications have not been finalized yet, there are insufficient flows in these reaches in the basin to meet requested instream water rights due to the extensive out-of-stream water rights on file already. Implementation of these requested water rights would further impact instream flow requests.
- 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 for 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 the requested water rights for the Buck, Twelvemile, and South Fork Crooked River subbasins would impact downstream flows in the WSA.
- 3) The cumulative impacts of the requested water rights needs to be assessed with a hydrology study of the basin to determine water availability for both average and dry water years. The eastern/central Oregon area has been in an extreme drought situation for 4 of the last 5 years. Prineville Reservoir, which has been under consideration for reallocation, for a mixture of irrigation, recreation, fish and wildlife, and pollution abatement values, has not filled in these drought years. The hydrology study should address water availability in the Crooked River basin, existing water rights, instream water right requests, and the level of appropriation in the basin.

4) The South Fork Crooked River supports populations of mixed hatchery and wild rainbow, and smallmouth bass which have been popular fisheries in a unique desert stream setting. Indigenous populations of the state sensitive rainbow/redband trout of eastern Oregon occur in the Beaver Creek, Twelvemile Creek, and South Fork Crooked River systems. The South Fork Crooked River system has received considerable effort from both BLM, ODFW, Oregon Trout, and the Ochoco Chapter of Trout Unlimited to try to restore the riparian condition from past livestock grazing abuses. Fish populations have not been sampled in the Buck Creek system and are unknown. Further withdrawals of water will very likely impact habitat and water quality for these species and their relative abundance and distribution.

5) Water diversions in the Crooked River basin are inadequately administered and enforcement problems are common in the basin. Many subbasins such as the Ochoco Creek area are a complex mixture of water rights from the 1860's to the present that are not well documented. In addition, violations such as irrigators taking more than their share of water and constructing diversions that completely block the channel are numerous. It is the opinion of the Ochoco District of ODFW that those water rights that already exist should be properly managed before implementing new water rights.

6) All of the water rights proposed are in-line diversions located directly on stream course channels. While they may be intermittent flows, many riparian dependent species such as willows and sedges are dependent on seasonal flows. The Water Resources Department has spent considerable effort recently on developing policies on riparian management on public lands. The primary purpose of the proposed water right applications is for livestock watering, an action which will draw livestock into the riparian area. This appears to be 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 zones.

7) Several of the locations of the proposed water right locations and dams were erroneously recorded. Application #71296 for Twelvemile Creek, site SE1/4 SW1/4 T21S, R24E, section 3 is actually located on Buck Creek.

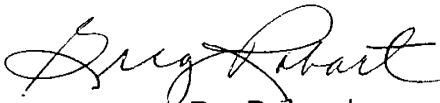
WRD - 71295
August 28, 1991
Page 3

Thirteen sites for application #71299 in the South Fork Crooked River, those in T20S and in R20E or R21E are actually located in the Camp Creek drainage.

Accordingly, these proposed appropriations raise a substantial public interest issue. ODFW recommends referral of these applications 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

gr

- c Water Watch (Public Information Request)
BLM Prineville
DEQ Water Quality Division - Baumgartner
DEQ Statistics and Standards Division - Sturdevant

WaterWatch

O F O R E G O N

RECEIVED

JUN 27 1991

June 25, 1991 RESOURCES DEPT
Salem, OREGON

Mike Mattick
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Re: Reservoir Applications R 71295 Tributaries of Buck Creek, 105 acre-feet; R 71296 Tributaries of Twelve Mile Creek, 130 acre-feet; R 71298 Tributaries of Beaver Creek, 165 acre-feet; R 71299 Tributaries of the South Fork Crooked River, 336 acre-feet; R 71297 Tributaries Lost Creek, 95 acre-feet; GI Ranch Corporation, Crook and Lake Counties, Stock Water.

Dear Mr. Mattick,

We are greatly concerned about the possible adverse effects of these reservoirs on the Crooked River system, both individually and cumulatively. In total, these applications represent 146 reservoirs, on 146 intermittent tributary streams in the upper Crooked River system, impounding 831 acre-feet of water.

These applications are particularly alarming given that the Department of Environmental Quality lists the upper Crooked River, South Fork Crooked River and Twelve Mile Creek as having severe water withdrawal problems which are causing stream quality problems. The stream quality problems in the Crooked River are so extreme that DEQ has listed the river as water quality limited for pH, bacteria, solids and nutrients. In addition, the River is currently unable to support aquatic life, and only partially supports water contact and aesthetics.

The Water Resources Department has also determined that there is no water available for appropriation from this area of the Crooked River from June to October. See Water Availability for Oregon's Rivers and Streams, Volume 2. In addition, there are instream water rights applications pending for the North Fork of the Crooked River down to Prineville and for Beaver Creek.

We raise the following public interest concerns:

* What will be both the individual and the cumulative effect of these reservoirs on the already degraded water quality of Crooked River system? It is likely that these reservoirs will further disrupt and reduce streamflows, exacerbating water quality problems. In addition, the use applied for - watering cows - is infamous for its ability to create the very water quality problems existing in the River today. If this is the case, it would not be in the public interest to approve these applications.

* What effect will these reservoirs have on streamflows in the system, both individually and cumulatively?

* Is there water available for these reservoirs, and the resultant "appropriation" by the cows given the reservoirs effects on streamflows? Current water availability analysis shows there is no water available during summer months. However, this analysis deals only with the Crooked River. Before the Department even considers these applications it must do a complete water availability analysis which covers the Crooked River, South Fork Crooked River, Beaver Creek, Twelve Mile Creek and the intermittent tributaries.

* Are these existing reservoirs? If so, is the Department considering restitution for past illegal use? If not, why not? If so, what is the Department proposing to do?

* Are these proposed reservoirs in areas where indigenous fish are? If so, what is being done to ensure these reservoirs have fish passage facilities and adequate screening?

* Finally, how will these proposed reservoirs effect any existing water rights and pending instream water rights in the upper Crooked River basin?

These applications raise substantial public interest concerns. We request a public review of this application pursuant to OAR 690-11-080(2)(b)(D) to address these concerns.

Thank you. Call if you have any questions.

Sincerely,



Karen Russell
Legal Affairs Coordinator

c. Myron, OT
Bayles, ORC
Anuta, NEDC
Baumgartner, DEQ

PFO CHECKLIST

Application #: R 71296

Basin: Deschutes WAB: 010344244

County Crook Township 20S Range 24E Section 5 1/4 1/4

- ☒ 1. Is the file complete by the Minimum Requirements Checklist? Y/N
- ☒ 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) Plans + Specs, depth & height of dam
- ☒ 3. Groundwater Review **A B C D** River/Stream Name _____ Conditions _____
a. Groundwater Availability **A B C**
b. Is second groundwater review necessary? (comments) Y/N
c. Is HB 1033 review complete? Y/N
d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y/N
- ☒ 4. Is use from a B.O.R. or Douglas County project? Y/N Contract in file? Y/N Contract # _____
- ☒ 5. Is the use allowed by the Basin Program? Y/N Limited? Y/N
- ☒ 6. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
Avail Feb -> April
- ☒ 7. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N
- ☒ 8. Is the Proposed Use located in or above a Scenic Waterway? Y/N
- ☒ 9. Division 33: Above Bonn (after July 17, 1992) Y/N / NA predates
Below Bonn (after April 8, 1994; June 3, 1994) Y/N / NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N / NA
- ☒ 10. Per the IR, is the Proposed Source on the DEQ 303d List? Y/N If so, any comments received? Y/N
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y/N Bear Creek or Tualatin River
- ☒ 11. Have conflicts been addressed? Y/N NER
- ☒ 12. Rate _____ Duty _____ Irrigation Season _____
- ☒ 13. Period of Allowed Use Feb -> April
- ☒ 14. Allowed Rate of Use 20 cfs
- ☒ 15. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
If the use is Municipal and ≤ 0.1 CFS, use **Large** condition.
- ☒ 16. Conditions B54b, GE (1st 1/2)
Is the proposed use within the New River Basin? Y/N If yes, include New River Agreement Conditions.
- ☒ 17. IR Public Notice Date 3-19-98 Comments Received? Y/N
- ☒ 18. Final Report Checklist
☒ Documents used in determination are attached to this checklist and highlighted
☒ Fill out PFO CC List (don't forget to check for other property owners)
a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N
b. **Check Watermaster Dist. on the CC list and draft permit.**
☒ Spell Check and Accuracy Check
☒ Final PFO report hard copy check (format, margins, etc.)
☒ Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: LKS

Date: 4-5-99

Plat Card Report for 20S 24E 5

4/6/1999

Page 1 of 1

Application	Permit	Certificate Status	NE			NW			SW			SE			Govt Lot	DLC
R 71296																
2/27/1991		<i>Submerged</i>														
P 77067																
12/30/1994																

Notes: Primary is to be assumed. (s) indicates supplemental
Rights assumed non-canceled.

Type of Use >

Acres	
Status	

< Supplemental indicator

WATER AVAILABILITY TABLE

Basin: DESCHUTES

Exceedance Level: 50

Water Availability Subbasin: 0103442440000000 (and Nested Subbasins)

Time: 15:41

Date: 04/20/1999

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	NO	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES
4	0103440000000000	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	0103442000000000	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
6	0103442400000000	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
7	0103442440000000	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES

Current W.A. - However, W.A. used from I.R. for
PFO findings

STREAM NAMES

Basin: DESCHUTES

Water Availability Subbasin: 0103442440000000 (and Nested Subbasins)

Time: 15:41

Date: 04/20/1999

WAB #	Stream Name	Tributary to
0100000000000000	DESCHUTES R @ mouth	COLUMBIA R
0103000000000000	DESCHUTES R ab EAGLE CR	COLUMBIA R
0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	COLUMBIA R
0103440000000000	CROOKED R ab OSBORNE CAN	DESCHUTES R
0103442000000000	CROOKED R ab DRY CR	DESCHUTES R
0103442400000000	CROOKED R ab SAND CR	DESCHUTES R
0103442440000000	S FK CROOKED R @ mouth	CROOKED R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0103442440000000

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:41

Date: 04/20/1999

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-502.0
2	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-33.1
3	0103442440000000	S FK CROOKED R @ mouth	YES	97.7
4	0103442440000000	S FK CROOKED R @ mouth	YES	62.2
5	0103442440000000	S FK CROOKED R @ mouth	NO	-20.4
6	0103440000000000	CROOKED R ab OSBORNE CAN	NO	-203.0
7	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-513.0
8	0103440000000000	CROOKED R ab OSBORNE CAN	NO	-445.0
9	0103440000000000	CROOKED R ab OSBORNE CAN	NO	-391.0
10	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-159.0
11	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-219.0
12	0103400000000000	DESCHUTES R ab SHITIKE CR @ PE	NO	-689.0
Stor	0103442440000000	S FK CROOKED R @ mouth	YES	9580.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: DESCHUTES R @ mouth

Water Availability Subbasin: 0100000000000000

ID Number: 14103000

Time: 15:41

Date: 04/20/1999

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	640.00	5190.00	43.30	5147.00	4500.00	647.00
2	6980.00	700.00	6280.00	45.00	6240.00	4500.00	1740.00
3	7440.00	960.00	6480.00	66.00	6410.00	4500.00	1910.00
4	8180.00	930.00	7250.00	69.90	7180.00	4000.00	3180.00
5	7460.00	1120.00	6340.00	39.90	6300.00	4000.00	2300.00
6	6600.00	1170.00	5430.00	82.60	5350.00	4000.00	1350.00
7	5190.00	910.00	4280.00	82.80	4197.00	4000.00	197.00
8	4780.00	820.00	3960.00	82.60	3877.00	3500.00	377.00
9	4800.00	700.00	4100.00	82.30	4018.00	3800.00	218.00
10	4940.00	760.00	4180.00	39.60	4140.00	3800.00	340.00
11	5050.00	820.00	4230.00	39.80	4190.00	3800.00	390.00
12	5480.00	750.00	4730.00	40.20	4690.00	4500.00	190.00
Stor	4360000	616000	3740000	42800	3700000	2930000	769000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R @ mouth

Water Availability Subbasin: 0100000000000000

Time: 15:41

Date: 04/20/1999

ISWRs

APP #	-90506A	70087A	71194A	0	0	RESULTANT
STATUS	Scenic WW	Cert.	Cert.			
1	4500.00	3000.00	4500.00	.00	.00	4500.00X
2	4500.00	3000.00	4500.00	.00	.00	4500.00X
3	4500.00	3500.00	4500.00	.00	.00	4500.00X
4	4000.00	3500.00	4000.00	.00	.00	4000.00X
5	4000.00	3500.00	4000.00	.00	.00	4000.00X
6	4000.00	3500.00	4000.00	.00	.00	4000.00X
7	4000.00	3500.00	4000.00	.00	.00	4000.00X
8	3500.00	3500.00	3500.00	.00	.00	3500.00X
9	3800.00	3500.00	3800.00	.00	.00	3800.00X
10	3800.00	3000.00	3800.00	.00	.00	3800.00X
11	3800.00	3000.00	3800.00	.00	.00	3800.00X
12	4500.00	3000.00	4500.00	.00	.00	4500.00X

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: DESCHUTES R ab EAGLE CR

Water Availability Subbasin: 0103000000000000

ID Number: 30530627

Time: 15:41

Date: 04/20/1999

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	625.00	4650.00	41.80	4608.00	4500.00	108.00
2	6160.00	686.00	5470.00	43.10	5427.00	4500.00	927.00
3	6650.00	931.00	5720.00	64.40	5660.00	4500.00	1160.00
4	7350.00	884.00	6470.00	68.10	6400.00	4000.00	2400.00
5	6720.00	1010.00	5710.00	39.90	5670.00	4000.00	1670.00
6	6160.00	1050.00	5110.00	82.50	5030.00	4000.00	1030.00
7	4960.00	822.00	4140.00	82.70	4057.30	4000.00	57.30
8	4600.00	745.00	3850.00	82.50	3767.00	3500.00	267.00
9	4630.00	638.00	3990.00	82.20	3908.00	3800.00	108.00
10	4770.00	714.00	4060.00	39.40	4021.00	3800.00	221.00
11	4840.00	814.00	4030.00	39.30	3991.00	3800.00	191.00
12	5110.00	739.00	4370.00	39.30	4331.00	4500.00	-169.00
Stor	4030000	579000	3450000	42200	3410000	2930000	487000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R ab EAGLE CR

Water Availability Subbasin: 0103000000000000

Time: 15:41

Date: 04/20/1999

-----ISWRs-----						
APP #	-90506B	70087B	71194B	0	0	RESULTANT
STATUS	Scenic WW	Cert.	Cert.			
1	4500.00	3000.00	4500.00	.00	.00	4500.00X
2	4500.00	3000.00	4500.00	.00	.00	4500.00X
3	4500.00	3500.00	4500.00	.00	.00	4500.00X
4	4000.00	3500.00	4000.00	.00	.00	4000.00X
5	4000.00	3500.00	4000.00	.00	.00	4000.00X
6	4000.00	3500.00	4000.00	.00	.00	4000.00X
7	4000.00	3500.00	4000.00	.00	.00	4000.00X
8	3500.00	3500.00	3500.00	.00	.00	3500.00X
9	3800.00	3500.00	3800.00	.00	.00	3800.00X
10	3800.00	3000.00	3800.00	.00	.00	3800.00X
11	3800.00	3000.00	3800.00	.00	.00	3800.00X
12	4500.00	3000.00	4500.00	.00	.00	4500.00X

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: DESCHUTES R ab SHITIKE CR @ PELTON DAM

Water Availability Subbasin: 0103400000000000

ID Number: 30530643

Time: 15:41

Date: 04/20/1999

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	620.00	4040.00	41.80	3998.00	4500.00	-502.00
2	5190.00	679.00	4510.00	43.10	4466.90	4500.00	-33.10
3	5710.00	933.00	4780.00	64.40	4716.00	4500.00	216.00
4	6390.00	958.00	5430.00	68.00	5360.00	4000.00	1360.00
5	5870.00	1140.00	4730.00	39.80	4690.00	4000.00	690.00
6	5600.00	1200.00	4400.00	82.50	4318.00	4000.00	318.00
7	4570.00	996.00	3570.00	82.60	3487.00	4000.00	-513.00
8	4260.00	865.00	3390.00	82.40	3308.00	3500.00	-192.00
9	4310.00	727.00	3580.00	82.20	3498.00	3800.00	-302.00
10	4430.00	755.00	3680.00	39.30	3641.00	3800.00	-159.00
11	4440.00	815.00	3620.00	39.30	3581.00	3800.00	-219.00
12	4590.00	737.00	3850.00	39.30	3811.00	4500.00	-689.00
Stor	3590000	624000	2970000	42200	2930000	2930000	155000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R ab SHITIKE CR @ PELTON DAM

Water Availability Subbasin: 0103400000000000

Time: 15:41

Date: 04/20/1999

ISWRs							
APP #	-90506C	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	4500.00	.00	.00	.00	.00	4500.00X	
2	4500.00	.00	.00	.00	.00	4500.00X	
3	4500.00	.00	.00	.00	.00	4500.00X	
4	4000.00	.00	.00	.00	.00	4000.00X	
5	4000.00	.00	.00	.00	.00	4000.00X	
6	4000.00	.00	.00	.00	.00	4000.00X	
7	4000.00	.00	.00	.00	.00	4000.00X	
8	3500.00	.00	.00	.00	.00	3500.00X	
9	3800.00	.00	.00	.00	.00	3800.00X	
10	3800.00	.00	.00	.00	.00	3800.00X	
11	3800.00	.00	.00	.00	.00	3800.00X	
12	4500.00	.00	.00	.00	.00	4500.00X	

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: CROOKED R ab OSBORNE CAN

Water Availability Subbasin: 0103440000000000

ID Number: 30530508

Time: 15:41

Date: 04/20/1999

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	147.00	156.00	2.53	153.50	75.00	78.50
2	641.00	318.00	323.00	3.46	320.00	150.00	170.00
3	1100.00	580.00	520.00	24.40	496.00	255.00	241.00
4	1320.00	615.00	705.00	27.80	677.00	255.00	422.00
5	805.00	375.00	430.00	.10	430.00	255.00	175.00
6	391.00	444.00	-52.80	.08	-53.00	150.00	-203.00
7	112.00	444.00	-332.00	.10	-332.00	75.00	-407.00
8	55.80	444.00	-389.00	.09	-389.20	55.80	-445.00
9	64.00	391.00	-327.00	.07	-327.00	64.00	-391.00
10	75.60	158.00	-82.30	.05	-82.00	75.00	-157.00
11	97.20	60.00	37.20	.03	37.20	75.00	-37.80
12	192.00	105.00	87.30	.03	87.30	75.00	12.30
Stor	309000	244000	135000	3520	132000	93400	65800

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R ab OSBORNE CAN

Water Availability Subbasin: 0103440000000000

Time: 15:41

Date: 04/20/1999

ISWRs							
APP #	70354A	0	0	0	0	RESULTANT	
STATUS	App.						
1	75.00	.00	.00	.00	.00	75.00A	
2	150.00	.00	.00	.00	.00	150.00A	
3	255.00	.00	.00	.00	.00	255.00A	
4	255.00	.00	.00	.00	.00	255.00A	
5	255.00	.00	.00	.00	.00	255.00A	
6	150.00	.00	.00	.00	.00	150.00A	
7	75.00	.00	.00	.00	.00	75.00A	
8	55.80	.00	.00	.00	.00	55.80A	
9	64.00	.00	.00	.00	.00	64.00A	
10	75.00	.00	.00	.00	.00	75.00A	
11	75.00	.00	.00	.00	.00	75.00A	
12	75.00	.00	.00	.00	.00	75.00A	

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: CROOKED R ab DRY CR

Water Availability Subbasin: 0103442000000000

ID Number: 30530507

Time: 15:41

Date: 04/20/1999

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	121.00	166.00	2.50	163.00	.00	163.00
2	607.00	291.00	316.00	3.43	313.00	.00	313.00
3	1060.00	552.00	508.00	24.40	484.00	.00	484.00
4	1280.00	550.00	730.00	27.80	702.00	.00	702.00
5	792.00	283.00	509.00	.08	509.00	.00	509.00
6	389.00	328.00	61.30	.05	61.20	.00	61.20
7	112.00	323.00	-211.00	.07	-211.00	.00	-211.00
8	55.60	321.00	-266.00	.06	-266.00	.00	-266.00
9	63.80	281.00	-217.00	.04	-217.00	.00	-217.00
10	75.30	118.00	-43.00	.02	-43.00	.00	-43.00
11	95.50	34.60	60.90	.00	60.90	.00	60.90
12	185.00	79.00	106.00	.00	106.00	.00	106.00
Stor	300000	197000	147000	3500	144000	0	144000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R ab DRY CR

Water Availability Subbasin: 0103442000000000

Time: 15:41

Date: 04/20/1999

-ISWRs-							
APP #	0	0	0	0	0	0	RESULTANT
STATUS							
1	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: CROOKED R ab SAND CR

Water Availability Subbasin: 0103442400000000

ID Number: 70353

Time: 15:41

Date: 04/20/1999

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	7.75	184.00	2.50	182.00	50.00	132.00
2	392.00	15.50	377.00	3.43	374.00	75.00	299.00
3	741.00	59.50	682.00	24.20	658.00	113.00	545.00
4	960.00	164.00	796.00	27.50	768.00	113.00	655.00
5	622.00	370.00	252.00	.03	252.00	113.00	139.00
6	321.00	295.00	25.50	.00	25.50	75.00	-49.50
7	93.20	85.00	8.23	.00	8.20	50.00	-41.80
8	47.80	43.20	4.63	.00	4.60	47.80	-43.20
9	55.70	44.80	10.90	.00	10.90	50.00	-39.10
10	66.30	22.90	43.40	.00	43.40	50.00	-6.60
11	80.60	3.45	77.20	.00	77.20	50.00	27.20
12	134.00	5.51	128.00	.00	128.00	50.00	78.00
Stor	222000	66800	155000	3450	152000	50100	112000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R ab SAND CR

Water Availability Subbasin: 0103442400000000

Time: 15:41

Date: 04/20/1999

ISWRs							
APP #	70353A	0	0	0	0	0	RESULTANT
STATUS	Cert.						
1	50.00	.00	.00	.00	.00	.00	50.00C
2	75.00	.00	.00	.00	.00	.00	75.00C
3	113.00	.00	.00	.00	.00	.00	113.00C
4	113.00	.00	.00	.00	.00	.00	113.00C
5	113.00	.00	.00	.00	.00	.00	113.00C
6	75.00	.00	.00	.00	.00	.00	75.00C
7	50.00	.00	.00	.00	.00	.00	50.00C
8	47.80	.00	.00	.00	.00	.00	47.80C
9	50.00	.00	.00	.00	.00	.00	50.00C
10	50.00	.00	.00	.00	.00	.00	50.00C
11	50.00	.00	.00	.00	.00	.00	50.00C
12	50.00	.00	.00	.00	.00	.00	50.00C

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Exceedance Level: 50

Stream: S FK CROOKED R @ mouth

Water Availability Subbasin: 0103442440000000

ID Number: 70358

Time: 15:41

Date: 04/20/1999

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	1.37	47.40	.00	47.40	4.00	43.40
2	102.00	2.85	99.10	.50	98.60	15.00	83.60
3	139.00	7.73	131.00	12.30	118.70	21.00	97.70
4	110.00	19.00	91.00	7.82	83.20	21.00	62.20
5	45.40	44.80	.58	.00	.60	21.00	-20.40
6	23.90	36.40	-12.50	.00	-12.50	15.00	-27.50
7	12.60	10.60	2.01	.00	2.01	4.00	-1.99
8	8.70	5.43	3.27	.00	3.27	4.00	-.73
9	13.10	5.72	7.38	.00	7.38	4.00	3.38
10	23.60	3.20	20.40	.00	20.40	4.00	16.40
11	33.50	.94	32.60	.00	32.60	4.00	28.60
12	44.10	1.24	42.90	.00	42.90	4.00	38.90
Stor	36200	8340	28600	1230	27400	7250	22400

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: S FK CROOKED R @ mouth

Water Availability Subbasin: 0103442440000000

Time: 15:41

Date: 04/20/1999

ISWRs							
APP #	70358A	0	0	0	0	0	RESULTANT
STATUS	Cert.						
1	4.00	.00	.00	.00	.00	.00	4.00C
2	15.00	.00	.00	.00	.00	.00	15.00C
3	21.00	.00	.00	.00	.00	.00	21.00C
4	21.00	.00	.00	.00	.00	.00	21.00C
5	21.00	.00	.00	.00	.00	.00	21.00C
6	15.00	.00	.00	.00	.00	.00	15.00C
7	4.00	.00	.00	.00	.00	.00	4.00C
8	4.00	.00	.00	.00	.00	.00	4.00C
9	4.00	.00	.00	.00	.00	.00	4.00C
10	4.00	.00	.00	.00	.00	.00	4.00C
11	4.00	.00	.00	.00	.00	.00	4.00C
12	4.00	.00	.00	.00	.00	.00	4.00C



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

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

December 12, 1998

GI Ranch Corporation
6293 Sunnyview Rd NE
Salem, OR 97305

Reference File Numbers: R-71295 and R-71296

Dear GI Ranch Corporation:

On September 16, 1996, the Department approved your request to put the above referenced application on administrative hold. The administrative hold on this application expired on November 30, 1996.

It appears that the application had been put on hold for the following reason(s):

- ▶ To make revised application map(s). The revised maps must show the following additional information:

The map(s) must clearly show which reservoirs are to be included in the application and their location. There is information in the application files identifying that some of the reservoirs were no longer part of the applications.

The map also needs to also show the location of each reservoir to the nearest quarter quarter sections. Please draw in the quarter quarter lines

The coordinates to each dam from a recognized public land survey corner. The coordinates are the distances east or west and north or south from a recognized public land survey corner, such as a section corner. If there is no dam on a reservoir, the coordinates may be taken from the center of reservoir.

The scale of the maps is incorrect. The maps must be drawn to a standard, even scale of not less than 4 inches = 1 mile (1 inch = 1320 feet).

The place of use must also be identified by tax lot number.

- ▶ To make a list of names and current mailing addresses of all land owners whose property is crossed by the proposed use or diversion of water.
- ▶ To record the maximum depth of each reservoir, height of each dam and the amount of area to be submerged by each reservoir. The amount of water to be stored in each reservoir must also be identified.

Please contact the Department and indicate whether you are ready to proceed with the application **by January 11, 1999**. If you do not contact the Department by this date, we have no choice but to assume that you are ready to proceed with the application. The Department will then continue review of the application based upon the information available. Failure to respond **may** lead to rejection of your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you are ready to proceed with the application process, the above information still needs to be submitted to the Department. This information must also be submitted by January 10, 1999.

If an additional administrative hold is necessary, please make your request in writing to Dwight French, Manager Water Rights Section, for consideration. Under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary. In order for the Department to approve an additional hold, your request would need to show why an additional administrative hold is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time-line, which identifies when the applicant anticipates being ready to continue with the application process.

If you have any questions, please give me a call at (503) 378-8455 or toll free within Oregon at 1 (800) 624-3199, extension 269.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Gerbrandt", with a stylized flourish at the end.

Matthew Gerbrandt
Water Right File Technician

cc: Kyle Gorman, Watermaster District 11 and Bruce Estes (CWRE)

William Smith Properties, Inc.

7/299

15 S.W. Colorado Avenue
Bend, Oregon 97702
Phone: (503) 382-6691
Fax: (503) 388-5414

RECEIVED

MAR 27 1991

WATER RESOURCES DEPT.
SALEM, OREGON

March 25, 1991

Steve Brown
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Dear Steve:

I wrote this memo to file. Bill Smith suggested I send you a copy so you would have a record of our interpretation of our meeting. I hope my memory of what went on matches yours.

Sincerely,



Bill Gauvin

71299

MEMORANDUM TO FILE

March 6, 1991

Delivery of application for 145 Stock Ponds - GI Ranch

On Feb. 27, 1991 Bill Smith and I met with Steve Brown at the WRD in Salem. We delivered applications for 145 stock ponds in 5 drainage systems. Owners of underlying land are GI Ranch Corp., State, BLM. Steve first made it clear that we could file for other owners, if we controlled the land. We indicated we did through grazing rights. He then indicated we probably would be able to file as we did in groups by getting a "group waiver".

All but a few ponds show 5 acre feet in the application. Bill Smith mentioned the difficulty of measuring each pond to the last decimal. Steve indicated Bill's approach of estimating some would be all right and variances under and over 5 acre feet were OK but we would be held rigorously to the total for the group. Bill S. said that would be OK if we had a chance to put actual numbers for those ponds we have to accurately measure.

Howard Daggett was called in to discuss surveying and engineering for each pond. We indicated over 90% of the ponds are already indicated on USGS topo. Also Bill requested that dam engineering for most ponds be waived due to remote location and no danger to life. Howard indicated they would review the situation and not request more information than required.

Bill

R-71296

**TWELVE MILE CREEK
Unnamed Tributaries**

<u>Number / JDR #</u>	<u>Legal</u>	<u>Owner</u>	<u>Ac.ft.</u>
GI 192327 4027	T19S R23E SEC 27 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 34 NW $\frac{1}{4}$ NE $\frac{1}{4}$	BLM	5-
GI 192336	T19S R23E SEC 36 SW $\frac{1}{4}$ SE $\frac{1}{4}$	GI RANCH	5-
GI 202301	T20S R23E SEC 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202302	T20S R23E SEC 2 SE $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 202313	T20S R23E SEC 13 NE $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 202405	T20S R24E SEC 5 NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$	GI RANCH	60-
GI 202414	T20S R24E SEC 14 NE $\frac{1}{4}$ SE $\frac{1}{4}$	GI RANCH	5-
GI 202415	T20S R24E SEC 15 SE $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202416	T20S R24E SEC 16 SW $\frac{1}{4}$ NE $\frac{1}{4}$	STATE	5-
GI 202416a	T20S R24E SEC 16 NW $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202434	T20S R24E SEC 34 SE $\frac{1}{4}$ SW $\frac{1}{4}$	STATE	5-
GI 202434a	T20S R24E SEC 34 NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$	STATE	5-
GI 202434/35	T20S R24E SEC 34/35 34-NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-NW $\frac{1}{4}$ NW $\frac{1}{4}$	STATE GI RANCH	5-
GI 202436	T20S R24E SEC 36 SW $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 212403	T21S R24E SEC 3 SE $\frac{1}{4}$ SW $\frac{1}{4}$	GI RANCH	5-

130

Application #: R 71296 Vol _____ Subbasin _____

Basin: 5 WAB: POU-WAB

Township _____ Range _____ Section 1/4 1/4

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- N/A 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☐ a. Is the well located in a groundwater limited area?
- ☐ b. A B C D
- ☐ c. SWW _____
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- NO 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- NO 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☐ 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) _____
- N/A 10. Rate _____ Duty _____ Season _____
- ☒ 11. Use Storage Period of Allowed Use _____
- ☒ 12. Priority Date(s) Feb. 27, 1991
- NO 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- N/A 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- ☒ 16. Land use approval OK'd needs approval county notified NA
- ☒ 17. conditions? (BOR, GW, etc.) _____
- ☒ 18. Watermaster District #: 11
- ☒ 19. Regional Office (NWR, NCR, ER, SCR, or SWR)
- ☒ 20. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Name: J. H. Date: 2-26-96

(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: 13:20

Date: 02/26/1996

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	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES
4	0103440000000000	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	0103442000000000	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
6	0103442400000000	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
7	0103442440000000	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES

Basin: DESCHUTES

Water Availability Subbasin: 0103442440000000 (and Nested Subbasins)

Time: 13:20

Date: 02/26/1996

VAB #	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: 13:20

Date: 02/26/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0103400000000000	DESCHUTES R	NO	-435.0
2	0103400000000000	DESCHUTES R	YES	30.8
3	0103442440000000	S FK CROOKED R	YES	108.0
4	0103442440000000	S FK CROOKED R	YES	67.6
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	0103400000000000	DESCHUTES R	NO	-150.0
12	0103400000000000	DESCHUTES R	NO	-620.0
Stor	0103442440000000	S FK CROOKED R	YES	12300.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	5.37	5195.00	4500.00	695.00
2	6980.00	700.00	6280.00	9.27	6270.00	4500.00	1770.00
3	7440.00	940.00	6500.00	13.50	6490.00	4500.00	1990.00
4	8180.00	920.00	7260.00	18.70	7240.00	4000.00	3240.00
5	7460.00	1110.00	6350.00	0.10	6350.00	4000.00	2350.00
6	6600.00	1150.00	5450.00	0.40	5450.00	4000.00	1450.00
7	5190.00	890.00	4300.00	0.18	4300.00	4000.00	300.00
8	4780.00	790.00	3990.00	0.03	3990.00	3500.00	490.00
9	4800.00	670.00	4130.00	0.03	4130.00	3800.00	330.00
10	4940.00	750.00	4190.00	0.04	4190.00	3800.00	390.00
11	5050.00	810.00	4240.00	0.22	4240.00	3800.00	440.00
12	5480.00	740.00	4740.00	0.05	4740.00	4500.00	240.00
Stor	4360000	605000	3750000	2870	3750000	2930000	819000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 13:20

Date: 02/26/1996

APP #	STATUS	ISWRs	RESULTANT
-90506X	Scenic WW	0	0
70087A	App.	0	0
1	4500.0	3000.0	0.0
2	4500.0	3000.0	0.0
3	4500.0	3500.0	0.0
4	4000.0	3500.0	0.0
5	4000.0	3500.0	0.0
6	4000.0	3500.0	0.0
7	4000.0	3500.0	0.0
8	3500.0	3500.0	0.0
9	3800.0	3500.0	0.0
10	3800.0	3000.0	0.0
11	3800.0	3000.0	0.0
12	4500.0	3000.0	0.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0103000000000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	5.31	4655.00	4500.00	155.00
2	6160.00	680.00	5480.00	9.18	5471.00	4500.00	971.00
3	6650.00	920.00	5730.00	13.40	5720.00	4500.00	1220.00
4	7350.00	880.00	6470.00	18.30	6450.00	4000.00	2450.00
5	6720.00	1000.00	5720.00	0.08	5720.00	4000.00	1720.00
6	6160.00	1030.00	5130.00	0.37	5130.00	4000.00	1130.00
7	4960.00	800.00	4160.00	0.16	4160.00	4000.00	160.00
8	4600.00	720.00	3880.00	0.01	3880.00	3500.00	380.00
9	4630.00	610.00	4020.00	0.01	4020.00	3800.00	220.00
10	4770.00	700.00	4070.00	0.01	4070.00	3800.00	270.00
11	4840.00	810.00	4030.00	0.18	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	2820	3450000	2930000	533000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0103000000000000

Time: 13:20

Date: 02/26/1996

APP #	70087B	ISWRs	0	0	0	RESULTANT
APP # : -90506Y	70087B	ISWRs	0	0	0	RESULTANT
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: 0103400000000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	5.28	4065.00	4500.00	-435.00
2	5190.00	650.00	4540.00	9.17	4530.80	4500.00	30.80
3	5710.00	850.00	4860.00	13.30	4847.00	4500.00	347.00
4	6390.00	620.00	5770.00	18.30	5750.00	4000.00	1750.00
5	5870.00	440.00	5430.00	0.06	5430.00	4000.00	1430.00
6	5600.00	470.00	5130.00	0.37	5130.00	4000.00	1130.00
7	4570.00	480.00	4090.00	0.16	4089.80	4000.00	89.80
8	4260.00	420.00	3840.00	0.01	3840.00	3500.00	340.00
9	4310.00	350.00	3960.00	0.01	3960.00	3800.00	160.00
10	4430.00	590.00	3840.00	0.01	3840.00	3800.00	40.00
11	4440.00	790.00	3650.00	0.17	3650.00	3800.00	-150.00
12	4590.00	710.00	3880.00	0.00	3880.00	4500.00	-620.00
Stor	3590000	417000	3180000	2810	3170000	2930000	319000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: DESCHUTES R

> COLUMBIA R

Water Availability Subbasin: 0103400000000000

Time: 13:20

Date: 02/26/1996

APP #	STATUS	70087C	ISWRs	0	0	0	RESULTANT
-90506Z	Scenic WW	App.	0	0	0	0	
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: CROOKED R

> DESCHUTES R

Water Availability Subbasin: 0103440000000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	5.09	151.90	75.00	76.90
2	641.00	320.00	321.00	8.70	312.00	150.00	162.00
3	1100.00	579.00	521.00	13.30	508.00	255.00	253.00
4	1320.00	615.00	705.00	18.20	687.00	255.00	432.00
5	805.00	374.00	431.00	0.05	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	0.02	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	2720	133000	93400	66600

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R

> DESCHUTES R

Water Availability Subbasin: 0103440000000000

Time: 13:20

Date: 02/26/1996

-----ISWRs-----							
APP # :	70354A	0	0	0	0	0	RESULTANT
STATUS:	App.						
1	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
2	150.0	0.0	0.0	0.0	0.0	0.0	150.0 A
3	255.0	0.0	0.0	0.0	0.0	0.0	255.0 A
4	255.0	0.0	0.0	0.0	0.0	0.0	255.0 A
5	255.0	0.0	0.0	0.0	0.0	0.0	255.0 A
6	150.0	0.0	0.0	0.0	0.0	0.0	150.0 A
7	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
8	55.8	0.0	0.0	0.0	0.0	0.0	55.8 A
9	64.0	0.0	0.0	0.0	0.0	0.0	64.0 A
10	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
11	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
12	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A

DETAILED REPORT ON WATER AVAILABILITY

Basin: DESCHUTES

Stream: CROOKED R

> DESCHUTES R

Water Availability Subbasin: 0103442000000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	5.07	162.00	0.00	162.00
2	607.00	293.00	314.00	8.69	305.00	0.00	305.00
3	1060.00	551.00	509.00	13.20	496.00	0.00	496.00
4	1280.00	550.00	730.00	18.20	712.00	0.00	712.00
5	792.00	282.00	510.00	0.03	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	2710	144000	0	144000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R

> DESCHUTES R

Water Availability Subbasin: 0103442000000000

Time: 13:20

Date: 02/26/1996

-----ISWRs-----							RESULTANT
APP # :	0	0	0	0	0	0	
STATUS:							
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: 13:20

Date: 02/26/1996

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	5.07	179.00	50.00	129.00
2	392.00	17.00	375.00	8.69	366.00	75.00	291.00
3	741.00	57.00	684.00	13.20	671.00	113.00	558.00
4	960.00	166.00	794.00	18.20	776.00	113.00	663.00
5	622.00	367.00	255.00	0.03	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	2710	152000	50100	113000

DETAILED REPORT OF ISWRs

Basin: DESCHUTES

Stream: CROOKED R

> DESCHUTES R

Water Availability Subbasin: 0103442400000000

Time: 13:20

Date: 02/26/1996

APP # :	70353A	ISWRs	0	0	0	0	RESULTANT
STATUS:	App.						
1	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A
2	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
3	113.0	0.0	0.0	0.0	0.0	0.0	113.0 A
4	113.0	0.0	0.0	0.0	0.0	0.0	113.0 A
5	113.0	0.0	0.0	0.0	0.0	0.0	113.0 A
6	75.0	0.0	0.0	0.0	0.0	0.0	75.0 A
7	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A
8	47.8	0.0	0.0	0.0	0.0	0.0	47.8 A
9	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A
10	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A
11	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A
12	50.0	0.0	0.0	0.0	0.0	0.0	50.0 A

Basin: DESCHUTES

Stream: S FK CROOKED R

> CROOKED R

Water Availability Subbasin: 0103442440000000

Exceedance Level: 50

Time: 13:20

Date: 02/26/1996

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	1.29	46.20	4.00	42.20
2	102.00	3.10	98.90	2.75	96.20	15.00	81.20
3	139.00	7.00	132.00	3.29	129.00	21.00	108.00
4	110.00	19.30	90.70	2.13	88.60	21.00	67.60
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	566	28100	7250	23100

Basin: DESCHUTES

Stream: S FK CROOKED R

> CROOKED R

Water Availability Subbasin: 0103442440000000

Time: 13:20

Date: 02/26/1996

APP # :		ISWRs					RESULTANT
STATUS:							
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

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

See Note Below

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

OTHER:

Note: (6/28/96) *Notification of Land owners*
(*IR not sent to these people*) *is required prior to permit issuance*
Property owners listed by Applicant are
State of OREGON AND
Bureau of Land Management, PO Box 550,
PRINEVILLE OR 97754

*To date, the Applicant has not provided the
names & mailing addresses of all Land owners
as requested by Certified mail 8/25/95*

DB

**ESTES
SURVEYS**

**SURVEYS
CONSULTING**

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

September 8, 1996

RECEIVED

SEP 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Jerry Sauter, Completeness Team
Water Resources Department
158 12th Street NE
Salem, OR 97310

Dear Jerry:

Re: R-71295 and R-71296

We discussed the G. I. Ranch applications a week or so ago. Jim Bussard, the engineer for the ranch, and I sounded Freezeout Reservoir July 30 and will develop an area capacity curve for the reservoir in the near future.

Since the applications are somewhat intertwined please extend the response date for both applications until November. I realize that will remove them from the departments' statutory time frame, but it is necessary for these. Thank you for your efforts.

Sincerely,



Bruce A. Estes, PLS, CWRE

cc Bill Smith
Jim Bussard

R-71296

TWELVE MILE CREEK
Unnamed Tributaries

<u>Number / JDR #</u>	<u>Legal</u>	<u>Owner</u>	<u>Ac.ft.</u>
GI 192327 4027	T19S R23E SEC 27 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 34 NW $\frac{1}{4}$ NE $\frac{1}{4}$	BLM	5-
GI 192336	T19S R23E SEC 36 SW $\frac{1}{4}$ SE $\frac{1}{4}$	GI RANCH	5-
GI 202301	T20S R23E SEC 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202302	T20S R23E SEC 2 SE $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 202313	T20S R23E SEC 13 NE $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 202405	T20S R24E SEC 5 NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$	GI RANCH	60-
GI 202414	T20S R24E SEC 14 NE $\frac{1}{4}$ SE $\frac{1}{4}$	GI RANCH	5-
GI 202415	T20S R24E SEC 15 SE $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202416	T20S R24E SEC 16 SW $\frac{1}{4}$ NE $\frac{1}{4}$	STATE	5-
GI 202416a	T20S R24E SEC 16 NW $\frac{1}{4}$ NW $\frac{1}{4}$	GI RANCH	5-
GI 202434	T20S R24E SEC 34 SE $\frac{1}{4}$ SW $\frac{1}{4}$	STATE	5-
GI 202434a	T20S R24E SEC 34 NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$	STATE	5-
GI 202434/35	T20S R24E SEC 34/35 34-NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-NW $\frac{1}{4}$ NW $\frac{1}{4}$	STATE GI RANCH	5-
GI 202436	T20S R24E SEC 36 SW $\frac{1}{4}$ NE $\frac{1}{4}$	GI RANCH	5-
GI 212403	T21S R24E SEC 3 SE $\frac{1}{4}$ SW $\frac{1}{4}$	GI RANCH	5-

130 AF



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL **Return Receipt Requested**

March 11, 1999

Bruce Estes
Certified Water Rights Examiner
Address
City, State Zip

RE: Application File # R-71295 & R-71296

Dear Mr. Estes:

The Department is currently in the process of reviewing the above referenced applications. However, based upon continued review, the Department has determined that additional information is necessary in order to complete the applications. The following information must be received:

- ▶ Please confirm that the applicant wishes to withdraw application R-71295.
- ▶ Please confirm that the applicant wishes to store water under application R-71296 in Freezeout Reservoir only.
- ▶ A revised application map for application R-71296 including the following additional information:

The map must be drawn to a standard, even scale of not less than 4 inches = 1 mile. The map submitted to the Department was drawn at a scale of 4.25 inches = 1 mile.

The revised application map must show the location of the reservoir to the nearest quarter quarter sections. Please draw in the quarter quarter lines.

The location of the reservoir must also be identified by tax lot number.

The location of the dam and its coordinates must be identified on the application map. The coordinates are the distances east or west and north or south from a recognized public land survey corner, such as a section corner.

- ▶ You have requested that the application be amended to store an additional 20.0 acre-feet of water in Freezeout Reservoir, for a total of 80.0 acre-feet. Please submit the following information on the reservoir:

The maximum height of the dam on the reservoir.

The maximum depth of the reservoir.

The amount of area to be submerged by the reservoir.

- ▶ If the dam height is 10 feet or greater, the applicant will be required to submit dam plans and specifications for review by the Department's Dam Safety Section. These plans and specifications would need to be submitted before any permit would be issued under Application R-71296.

- ▶ The names and mailing addresses of any additional land owners involved in this application.

Please submit this information by **March 25, 1999**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

Enclosure: Department Map Requirements
Copy of Original Application Map
Example Map

cc: Kyle Gorman, Watermaster District 11

September 16, 1996

Bruce Estes
6293 Sunnyview RD NE
Salem OR 97305

Reference File Numbers: R71295 and R71296

Dear Bruce,

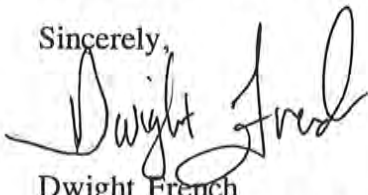
I am in receipt of your request to put a hold on these applications.

The water right processing rules allow us to put a hold on application for up to 180 days. You have requested that these applications be put on hold until November.

Unless you let us know that you are ready to proceed sooner, no action will take place on this application until after November 30, 1996.

If you have any questions or concerns please give me a call at 1 (800) 624-3199.

Sincerely,



Dwight French
Water Right Section Manager

cc: files
Laurie Norton



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

ESTES SURVEYS

SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

November 27, 1995

RECEIVED

NOV 28 1995

WATER
SALEM, OREGON

71788 ✓
71295
71296
71297
71298
71299

Cory C. Engel, Completeness Team
Water Resources Department
158 12th Street NE
Salem, OR 97310

Dear Cory:

Re: S-71788, and
R-71295 through R-71299

I have spent a lot of time on these files since our last correspondence on them. Bill Smith, the owner of the ranch, and I have discussed them, but the ranch manager and I have not had a chance to review the files. Unless Mr. Williams has some concerns it appears that file 71788 (71 springs) will be withdrawn. That decision will probably be made in December. Please extend the response time for 71788 until December 31.

File R-71299 for some reason includes two large lists of springs. As you know the springs were filed on during the two years that the statute required private springs to be filed on. Subsequently that requirement was deleted and we are going to revisit all those locations to decide whether to keep them or not.

Under R-71295 there are two reservoirs that may be continued to get permits on. The rest of them have been included under the pond registration act.

Under R-71296 Freezeout Reservoir will be kept. That will require "as built" plans. This is the reservoir that was canceled by the department in the early 70's due to the notification being sent to the prior owner instead of the actual owner. This one will take considerable time to sound the reservoir and complete the plan. We therefore request as much lead time as possible to complete the file for this reservoir.

R-71297 and R-71298 might both be withdrawn, but that decision cannot be made yet.

R-71299 has several large reservoirs listed that must have field verification before making a final decision. It also has the spring concern mentioned above.

To sum this letter up please be advised that we are working on these but they are very large and will require more time to decide their fate. With the exception of R-71296 we should have them complete by the end of January.

If you have any questions please call me. Thank you for your consideration.

Sincerely,

Bruce A. Estes, PLS, CWRE

cc Bill Smith

CERTIFIED MAIL
Return Receipt Requested

August 25, 1995

WILLIAM L SMITH, PRESIDENT
G.I. RANCH
15 SW COLORADO AVENUE
BEND OR 97702

*COPY
(LETTER SENT)*

WATER
RESOURCES
DEPARTMENT

RE: Applications #R-71295 through R-71299

Dear Mr. Smith,

On **August 1, 1995**, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ In your applications, you indicated that some of the reservoirs in question are owned by the State of Oregon, and the BLM. Please provide the mailing addresses of the relevant state agency and BLM district office(s).
- ▶ For each of the 145 reservoirs:
 - ▶ The height of the dam.
 - ▶ The area to be submerged by the reservoir, when filled.
 - ▶ The maximum depth of the reservoir, when filled.
- ▶ An oath that the information in the applications is true and accurate. Please sign and return the enclosed oath.
- ▶ A Land Use Information Form signed by your local planning official (a form is enclosed; you may make copies if necessary).

Please submit these items by **September 25, 1995**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS Chapter 537. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.



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

Should you have any questions regarding your applications or the required materials listed above, or if you need a time extension, please call me at 1-800-624-3199 extension 306. Thank you.

Sincerely,

Mr. Cory C. Engel
Completeness Team

Copy
(letter sent)

Is your RETURN ADDRESS completed on the reverse side?

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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM L SMITH, PRESIDENT
G. I. RANCH
15 SW COLORADO AVENUE
BEND OR 97702

4a. Article Number

P56543

Service Type

Registered ☐ Insured
☒ Certified ☐ COD
 Express Mail ☐ Return Receipt for Merchandise

Date of Delivery

8/31/95

5. Signature (Addressee)

6. Signature (Agent)

Dana Baldwin

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

CORY ENGEL 71299

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service

71295

rec'd wed 10:30 AM

GI RANCH CORPORATION

15 S.W. Colorado Avenue
Bend, Oregon 97702
Phone: (503) 382-6691
Fax: (503) 388-5414

February 25, 1991

HAND DELIVERED

Steve Applegate
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

Dear Steve:

The enclosed applications cover 145 existing stock water impoundments built between 1870 and 1975 in the GI Ranch grazing area. The land area includes lands owned by the GI Ranch, the BLM, and the State of Oregon in five drainage systems. A separate application is enclosed for each drainage. A fee of \$1,645.25 is enclosed to cover both examination and recording.

The form of application, i.e., one overall map with xerox copies of the applicable USGS map for each structure was developed with Bruce Estes and Bob Main. It appears more than 90% of the impoundments are already represented and located on the USGS maps. We have indicated locations for the other 10%. The joint application i.e., filing for leased and permit lands as well as for deeded lands is to maintain the integrity of the ranching unit as well as for convenience of inspection and filing. We have worked with the BLM and the Division of State Lands to prepare these applications; both agencies concur with these filings.

The impoundment structures range from 3 to 19 feet high with the typical structure 10 to 12 feet. The typical fill slope is 3 to 1. The typical top is 8 to 10 feet wide. The impoundments hold from one half to 7 acre feet of water with a few larger exceptions. For convenience and to avoid refiling, we've shown all impoundments except those obviously bigger, as 5 acre feet. Precise capacities and configurations will be established in the claim for beneficial use.

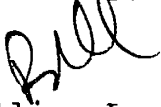
With this application we request a waiver to not have to engineer the existing structures or obtain an engineers stamp. A large percentage of the structures are small enough to be excepted from

these requirements by statute. None of the impoundments, if breached, would threaten any structure or public roadway. All have passed the test of time with performance. We are aware that the BLM has received waivers in the Vale District for similar situations.

The impoundments are for watering livestock outside of riparian areas and are filled with winter runoff or springs which do not leave one ownership. Thus there is no net loss to any river system during critical flow periods.

Because this series of applications is not normal, I expect there will be questions. Please call me or Bill Gauvin at (382-6691) and we will amplify and explain all that we are able. Also, we would be happy to attend a meeting of the Water Resources Commission to explain the applications.

Cordially,



William L. Smith
President

WLS/bg

cc: Burton Lewis
A. K. Majors
Division of State Lands

Don Zalunardo
Harry Cosgriff
BLM

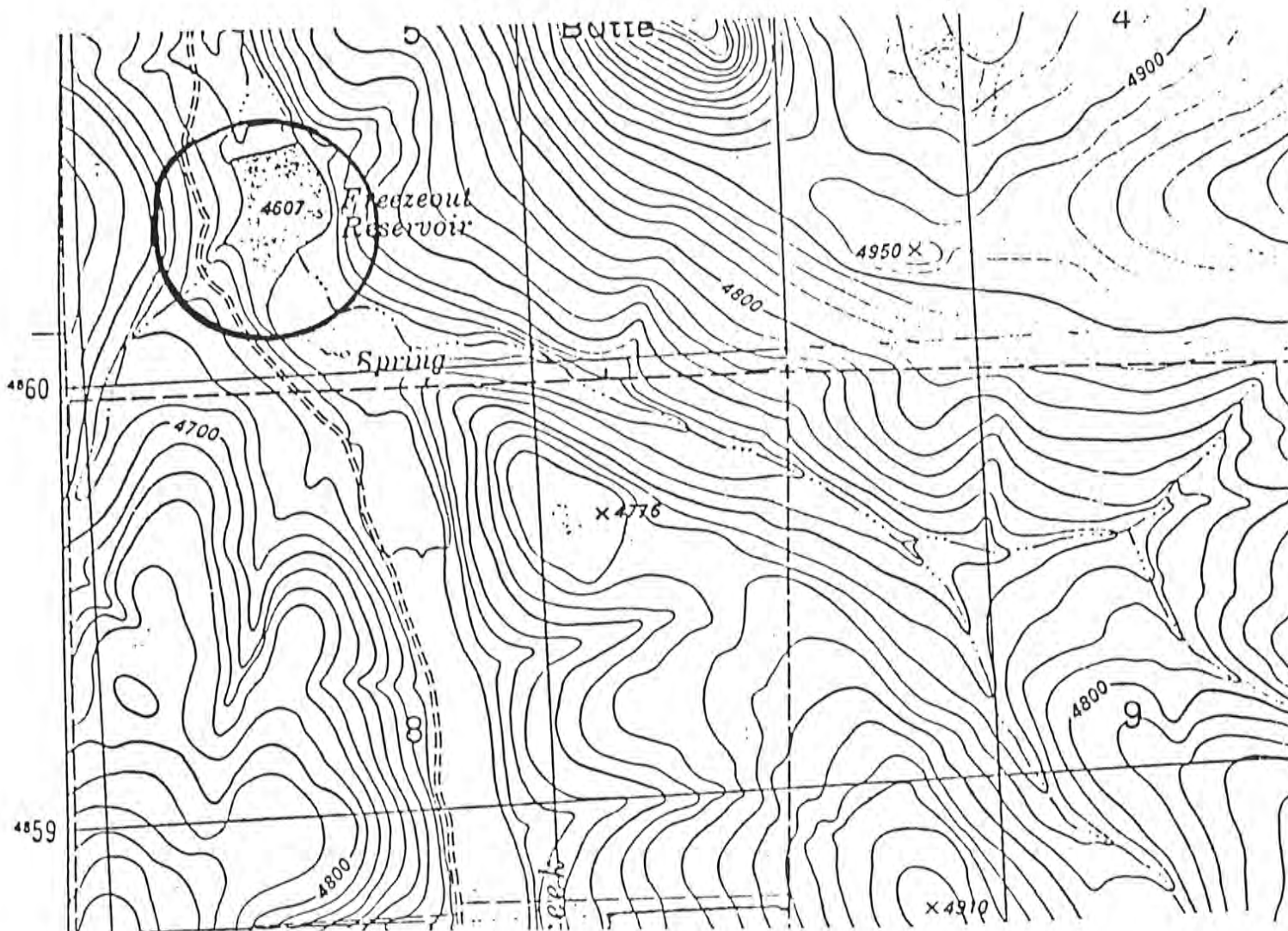
Bob Main
Watermaster, District 11

Superseded
Application No. *R. 71296*
Permit No.



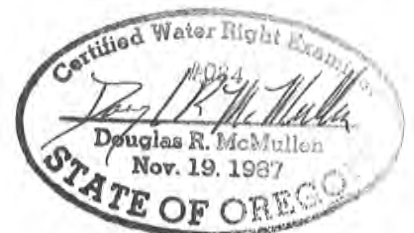
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Scale: 4 $\frac{1}{4}$ inches = 1 mile



7/16

TWELVE MILE CREEK



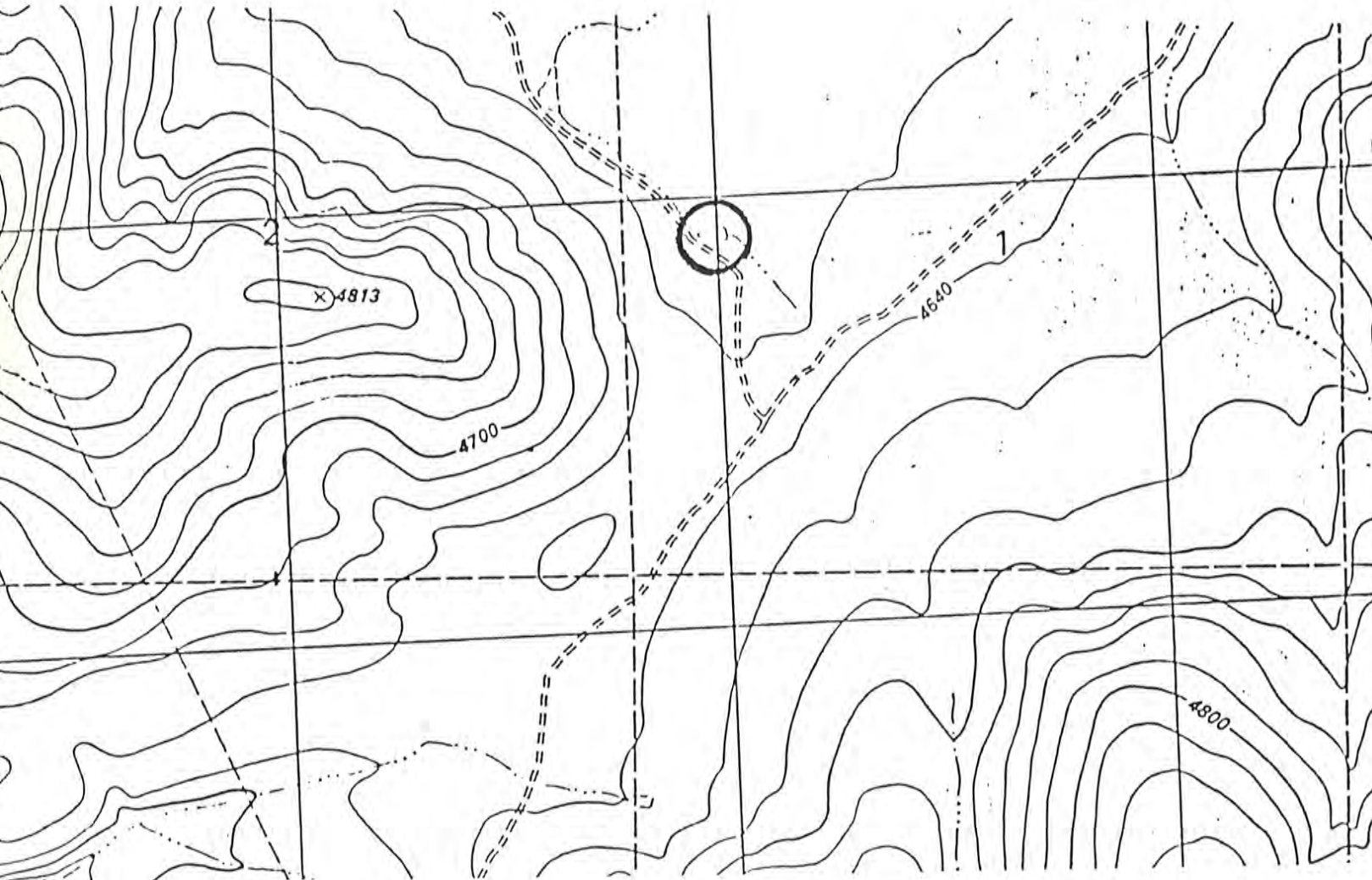
Application No. *R. 71296*
Permit No.

T20S R23E SEC 1 SW¼NW¼

Superseded



Scale: 4¼ inches = 1 mile



4/16

TWELVE MILE CREEK

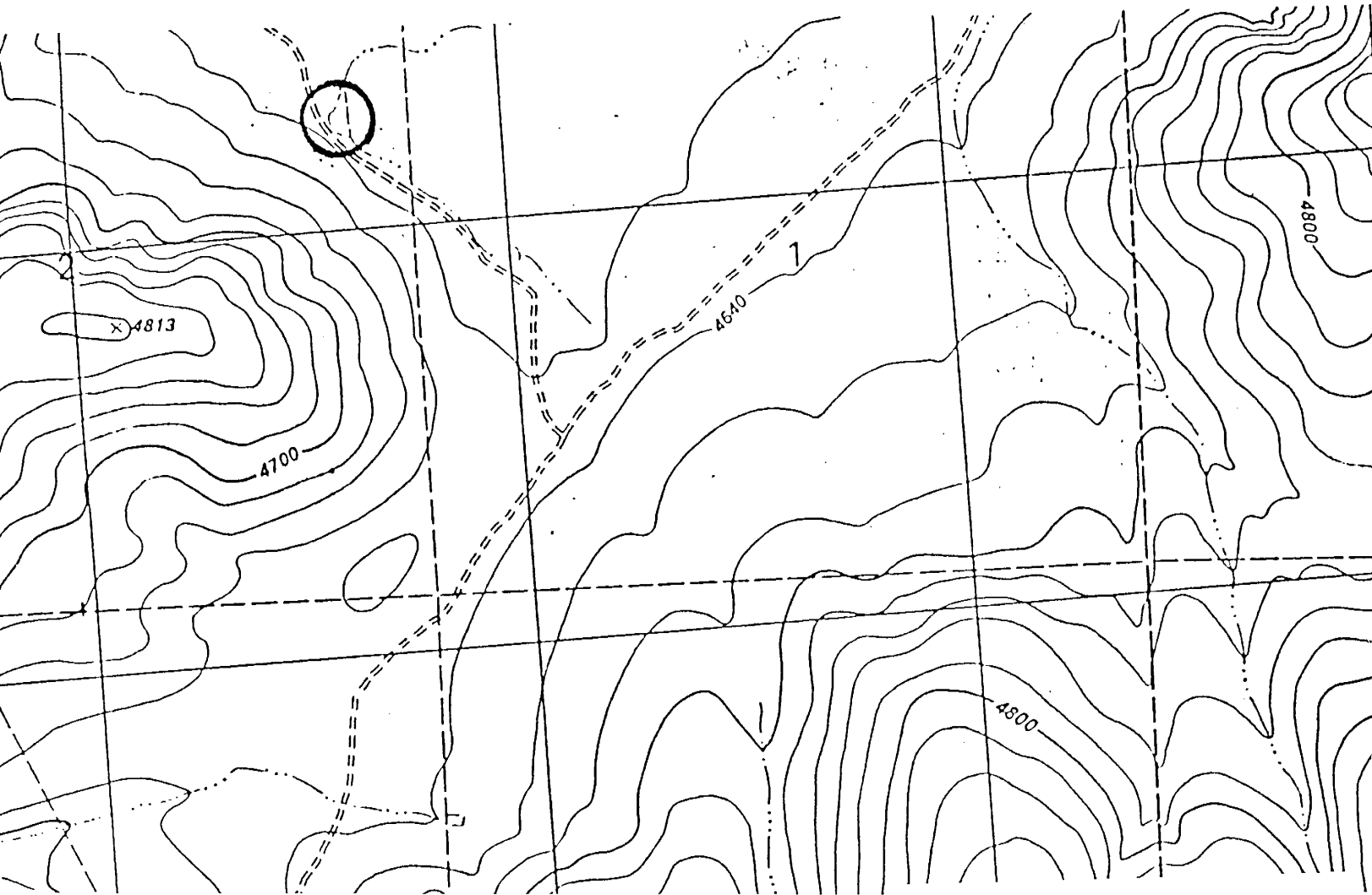


Application No. 7.71296
Permit No.



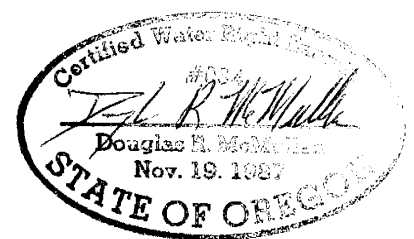
T20S R23E SEC 2 SE¼NE¼

Scale: 4¼ inches = 1 mile.



5/16

TWELVE MILE CREEK

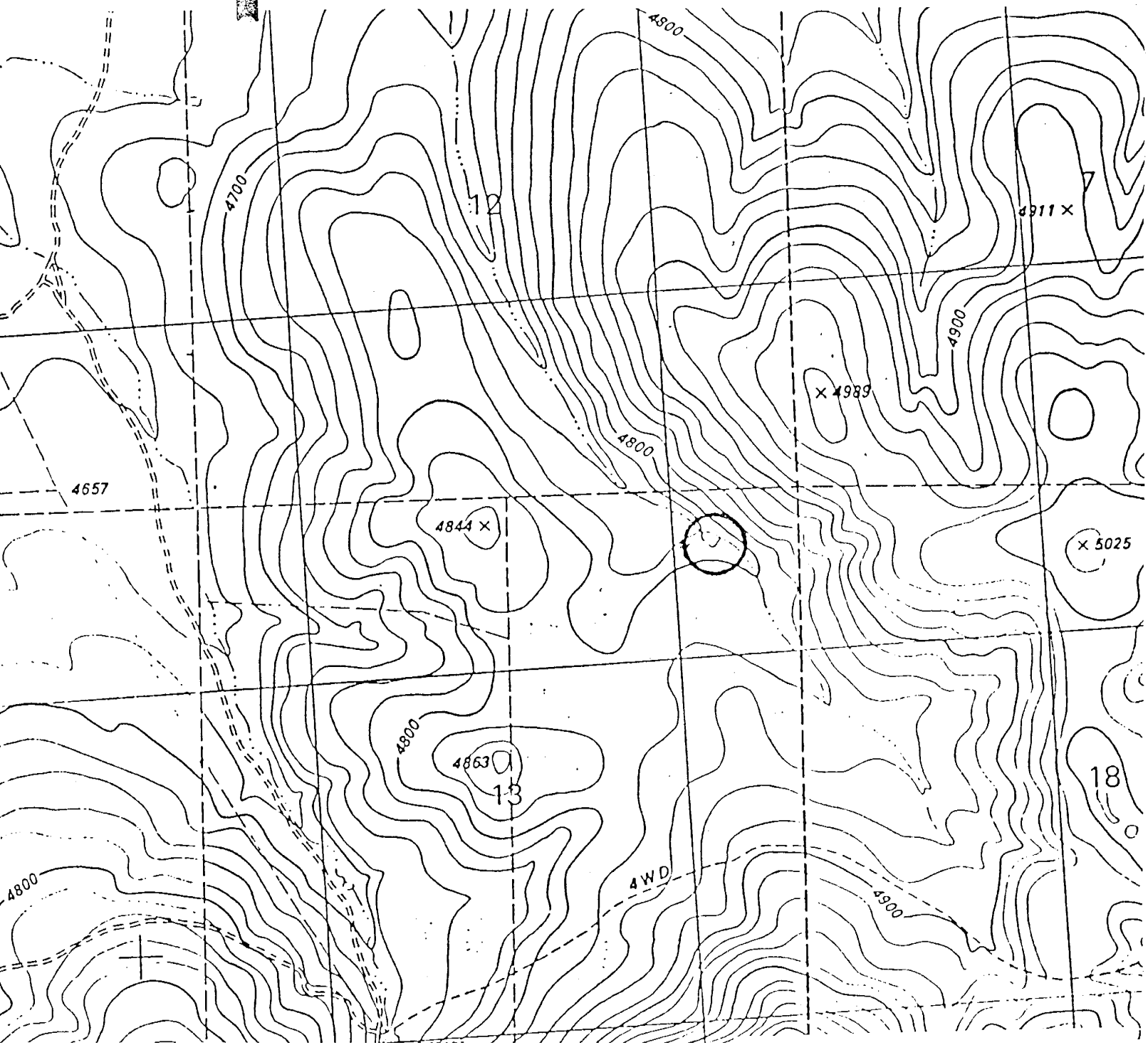


App. No. R-71296
Permit No.

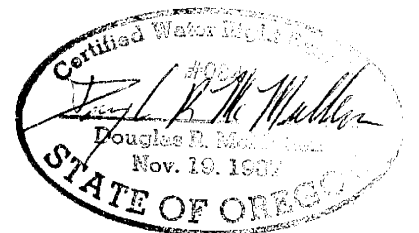
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Scale: 4 $\frac{1}{4}$ inches = 1 mile



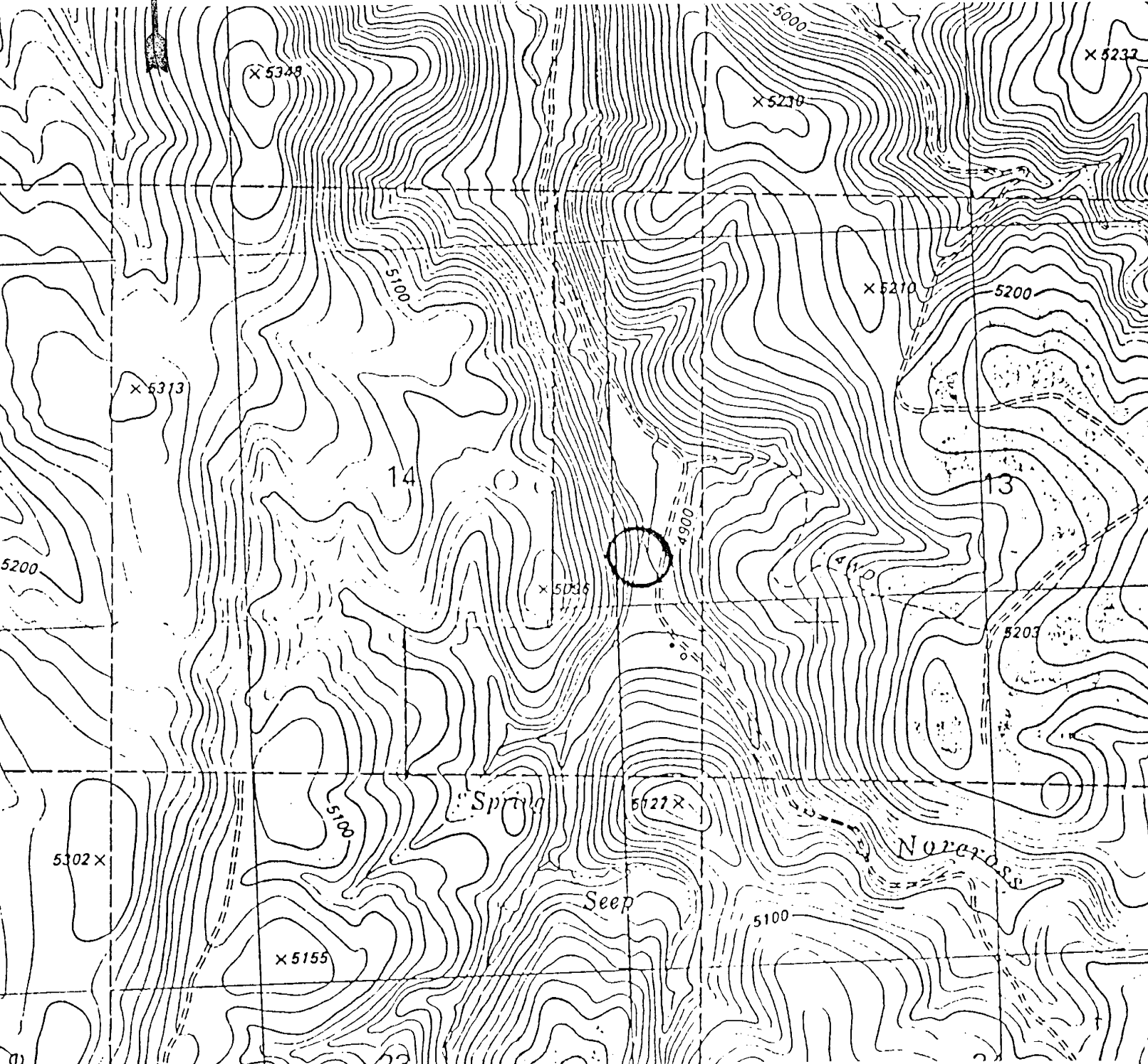
6/16 TWELVE MILE CREEK



Application No. R. 71296
Permit No.

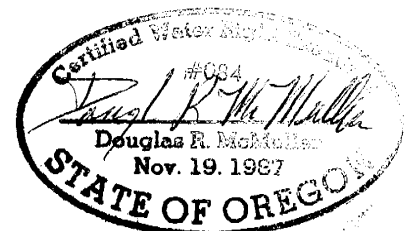
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Scale: $4\frac{1}{4}$ inches = 1 mile

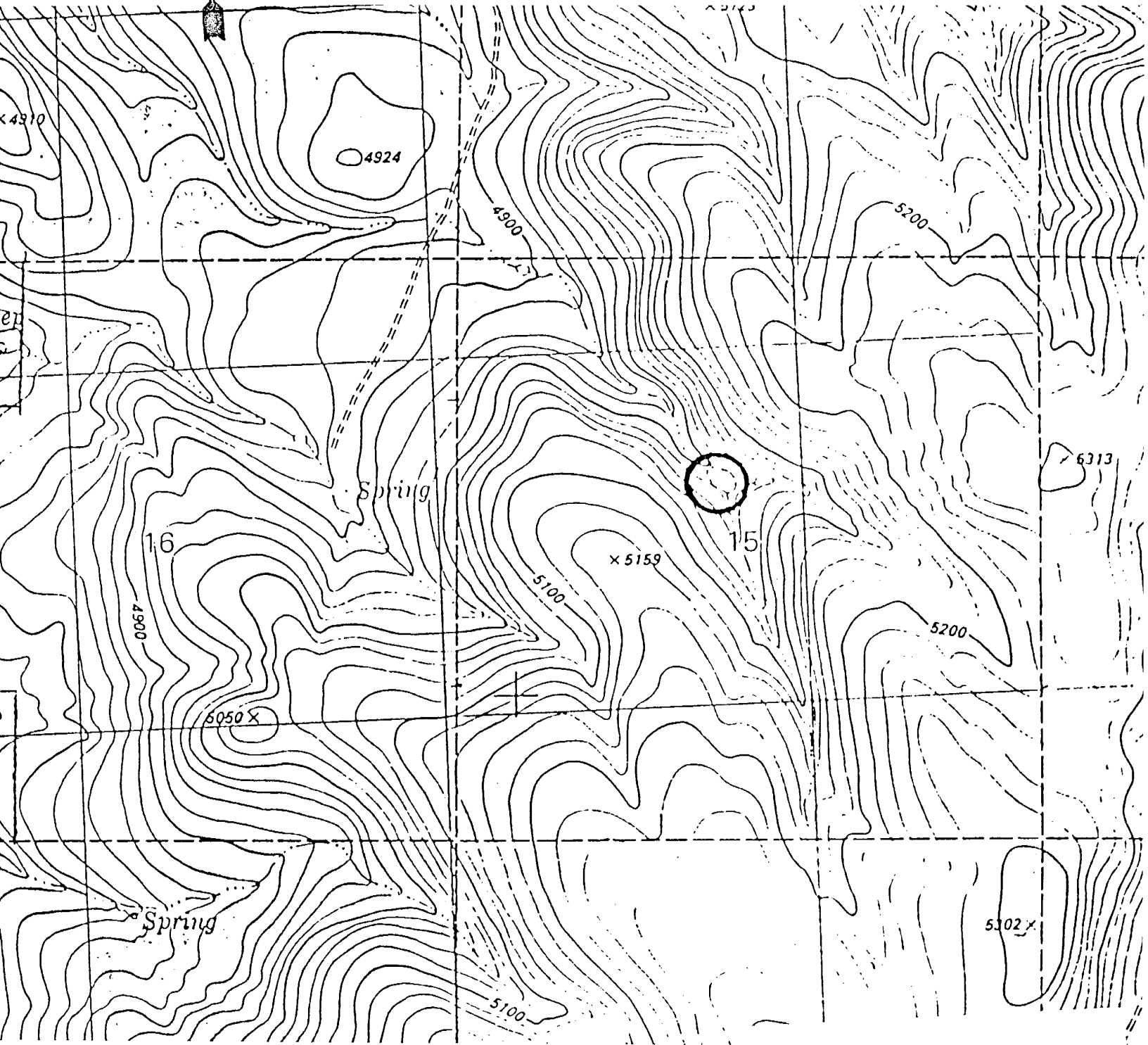


8 / 16

TWELVE MILE CREEK

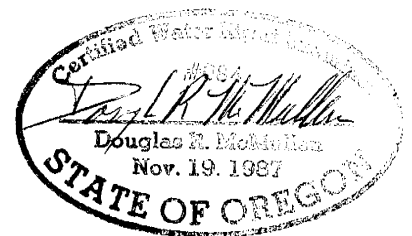


Scale: $4\frac{1}{4}$ inches = 1 mile



9 / 16

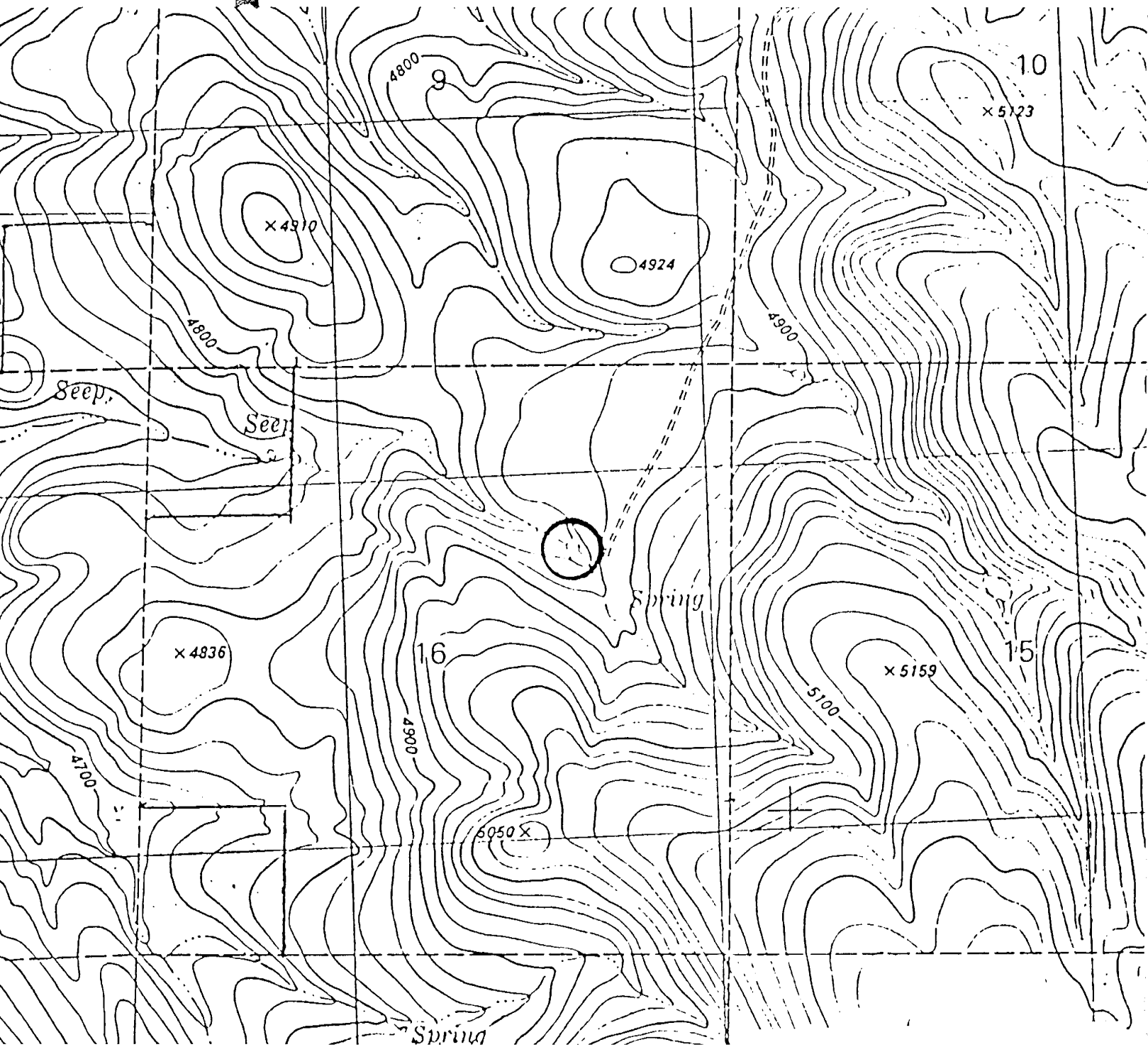
TWELVE MILE CREEK



Application No. R-71296
Permit No.

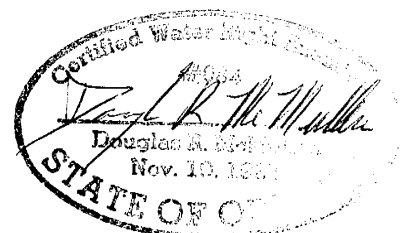
T20S R24E SEC 16 SW¼NE¼

Scale: 4¼ inches = 1 mile



10/16

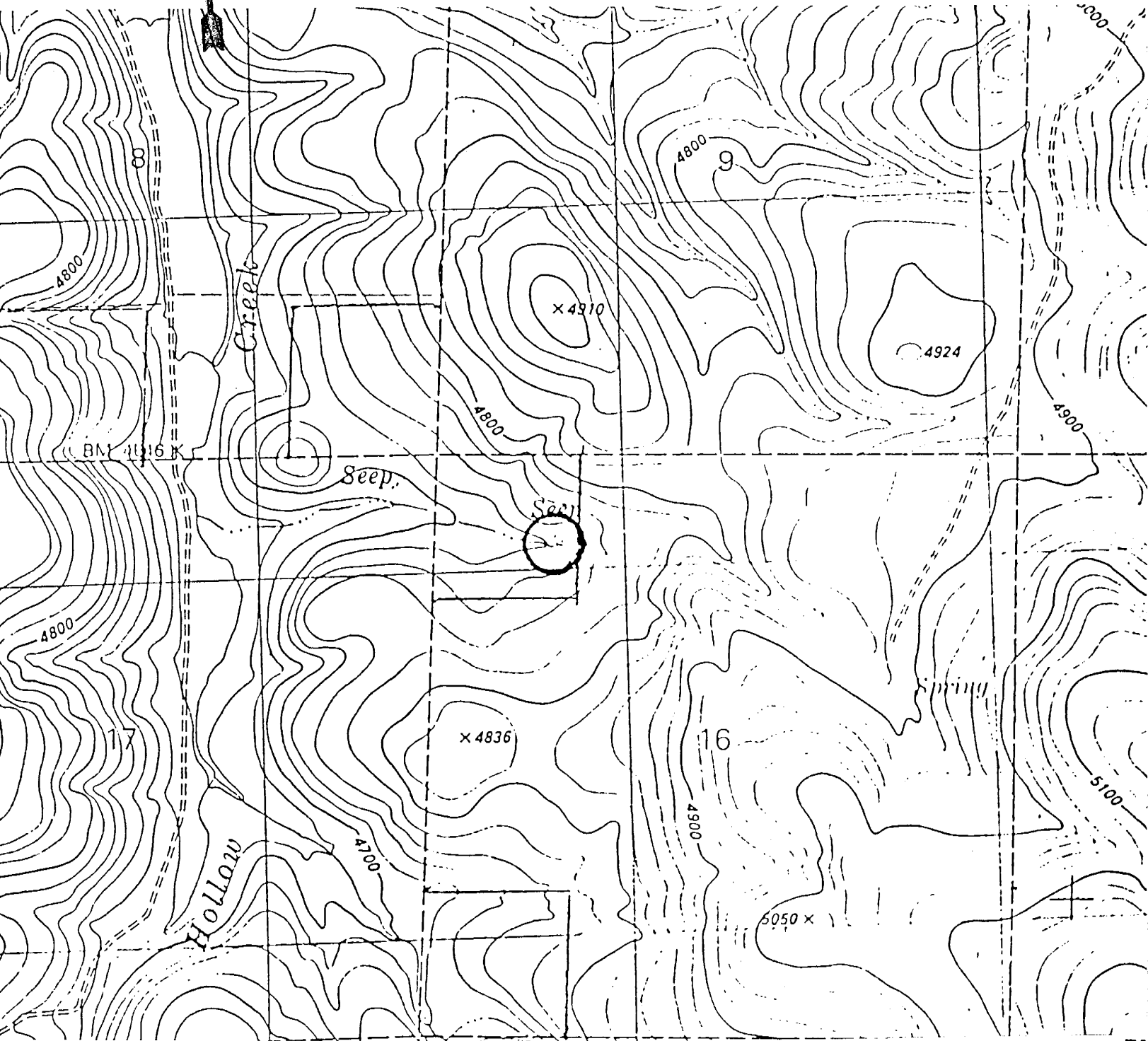
TWELVE MILE CREEK



Application No. R-71296
Permit No.

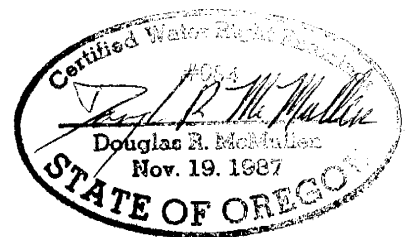
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Scale: 4½ inches = 1 mile



11/16

TWELVE MILE CREEK



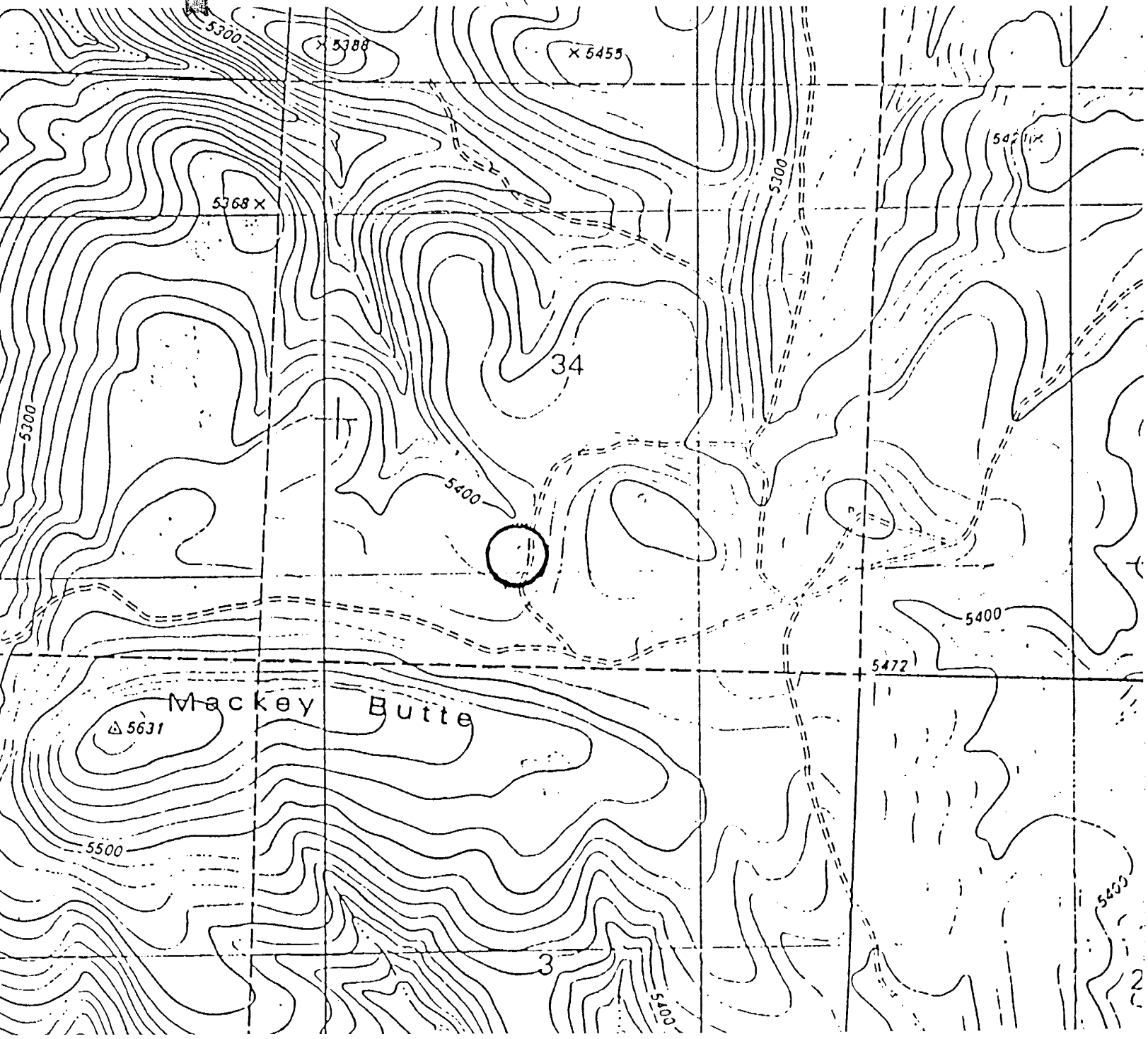
Application No. R-71296

Permit No.

T20S R24E SEC 34 SE1SW1

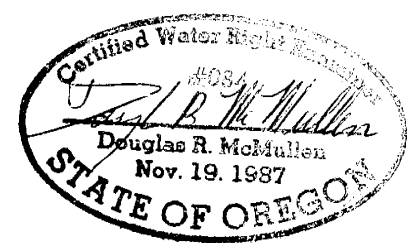


Scale: 4 1/4 inches = 1 mile



12/16

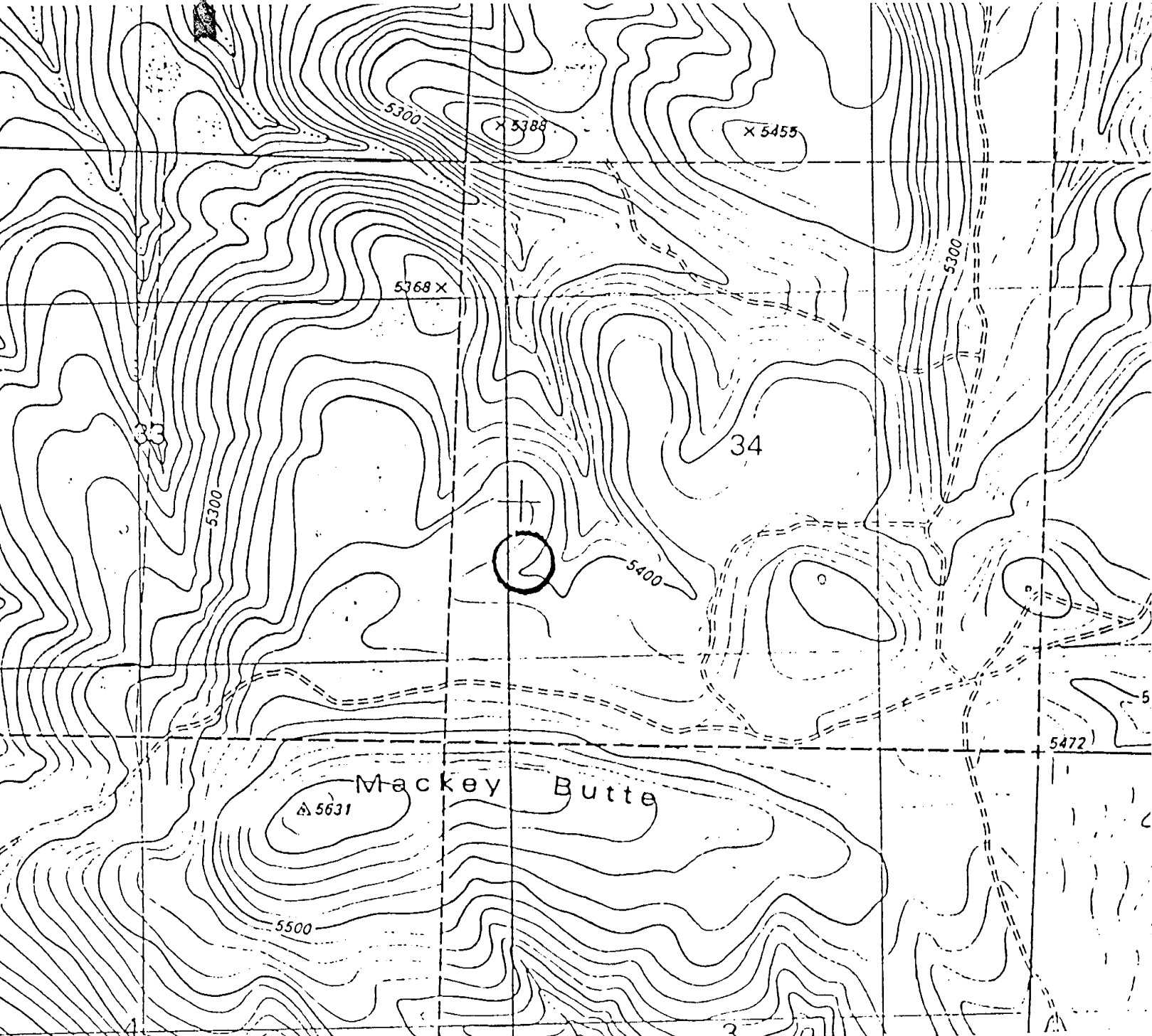
TWELVE MILE CREEK



Application No. E-71296
Permit No.

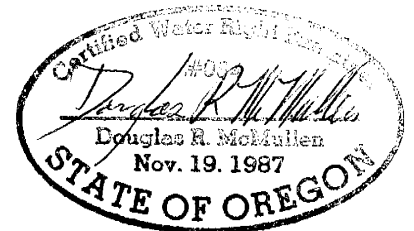
T20S R24E SEC 34 NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$

Scale: 4 $\frac{1}{2}$ inches = 1 mile



13/16

TWELVE MILE CREEK

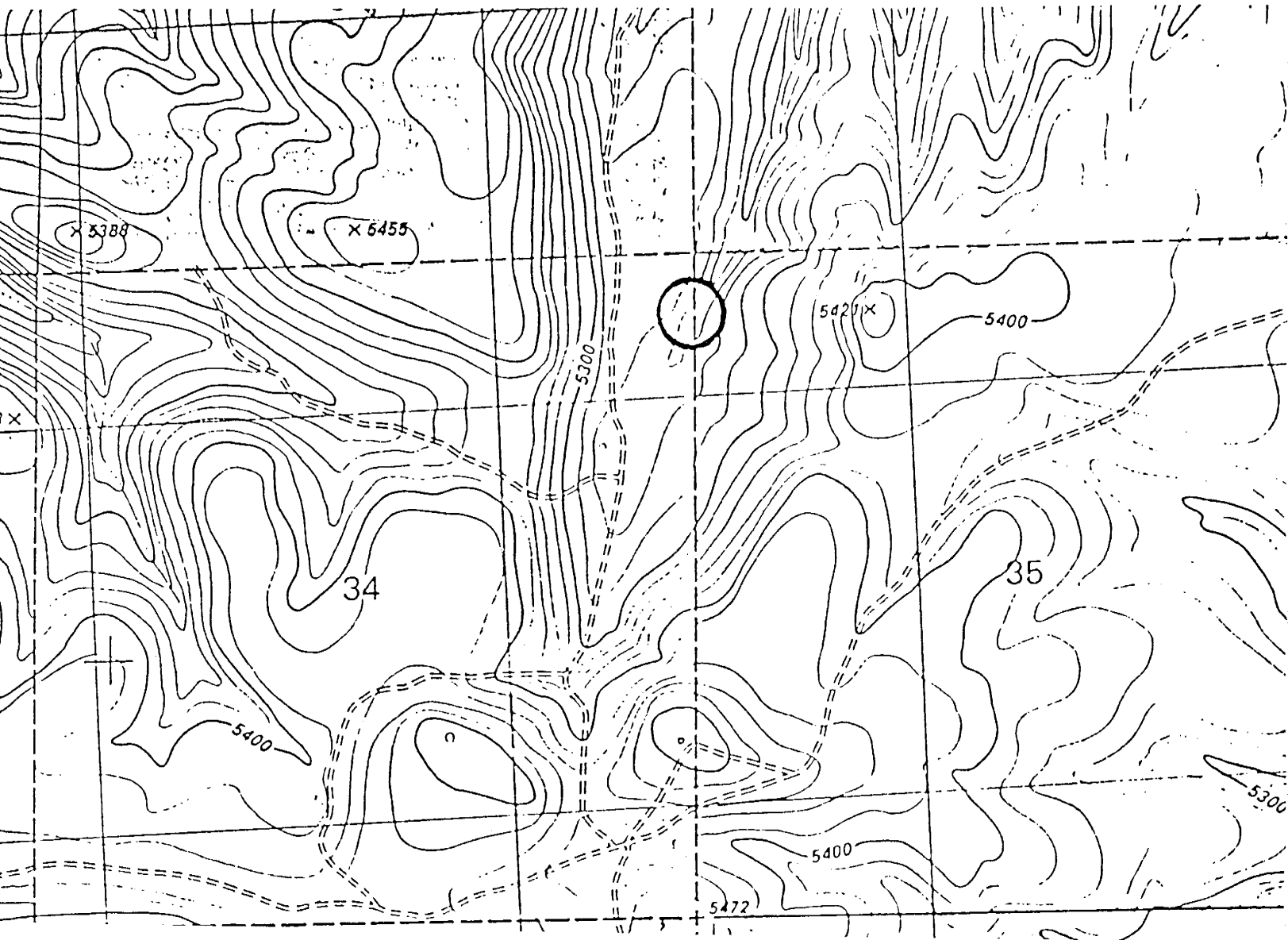


Applicant No. R-71296
Permit No.



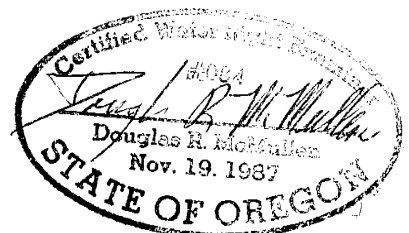
T20S R24E SEC 34/35
34-NE $\frac{1}{4}$ NE $\frac{1}{4}$
35-NW $\frac{1}{4}$ NW $\frac{1}{4}$

Scale: 4 $\frac{1}{4}$ inches = 1 mile



14/16

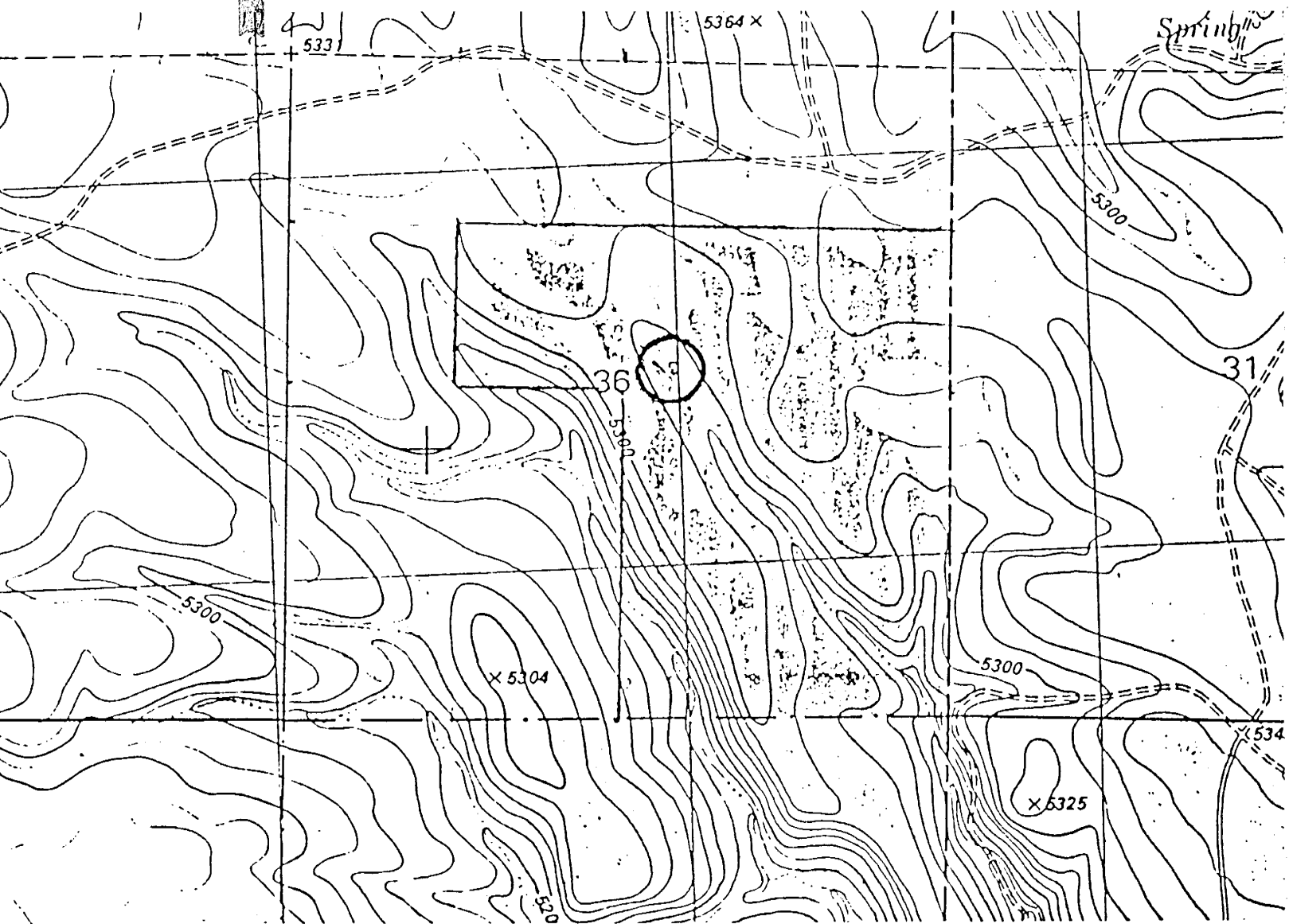
TWELVE MILE CREEK



Permit No. 2-71296

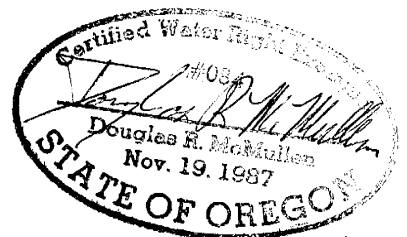
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Scale: 4 $\frac{1}{4}$ inches = 1 mile



15/16

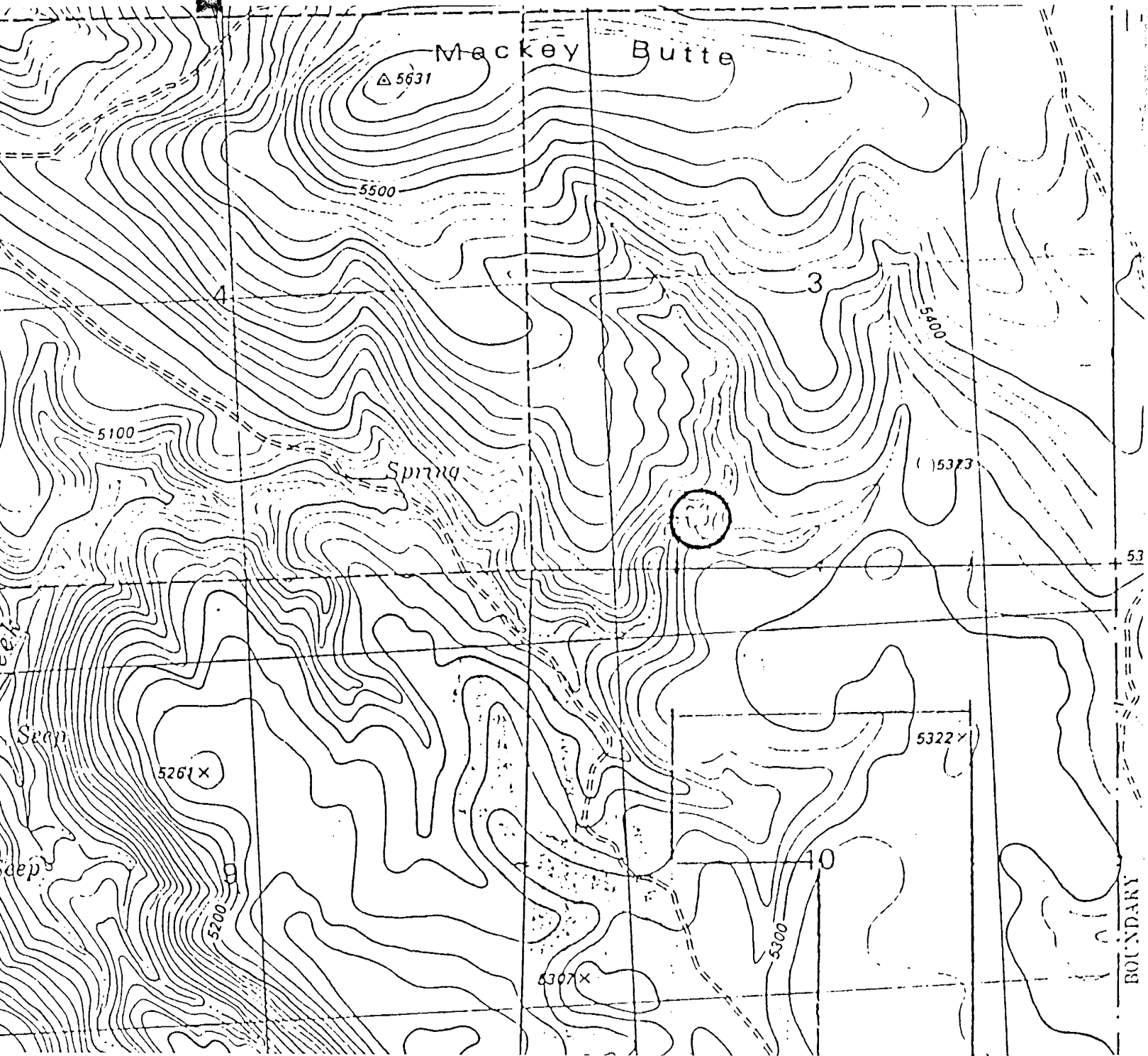
TWELVE MILE CREEK



Application No. 271296
Permit No.

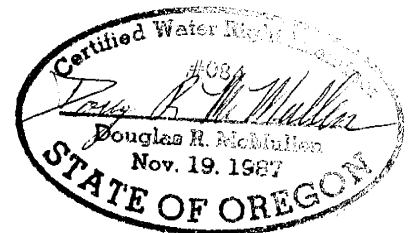
T21S R24E SEC 3 SE $\frac{1}{4}$ SW $\frac{1}{4}$

Scale: 4 $\frac{1}{4}$ inches = 1 mile



16/16

TWELVE MILE CREEK

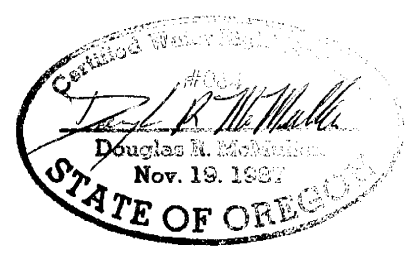
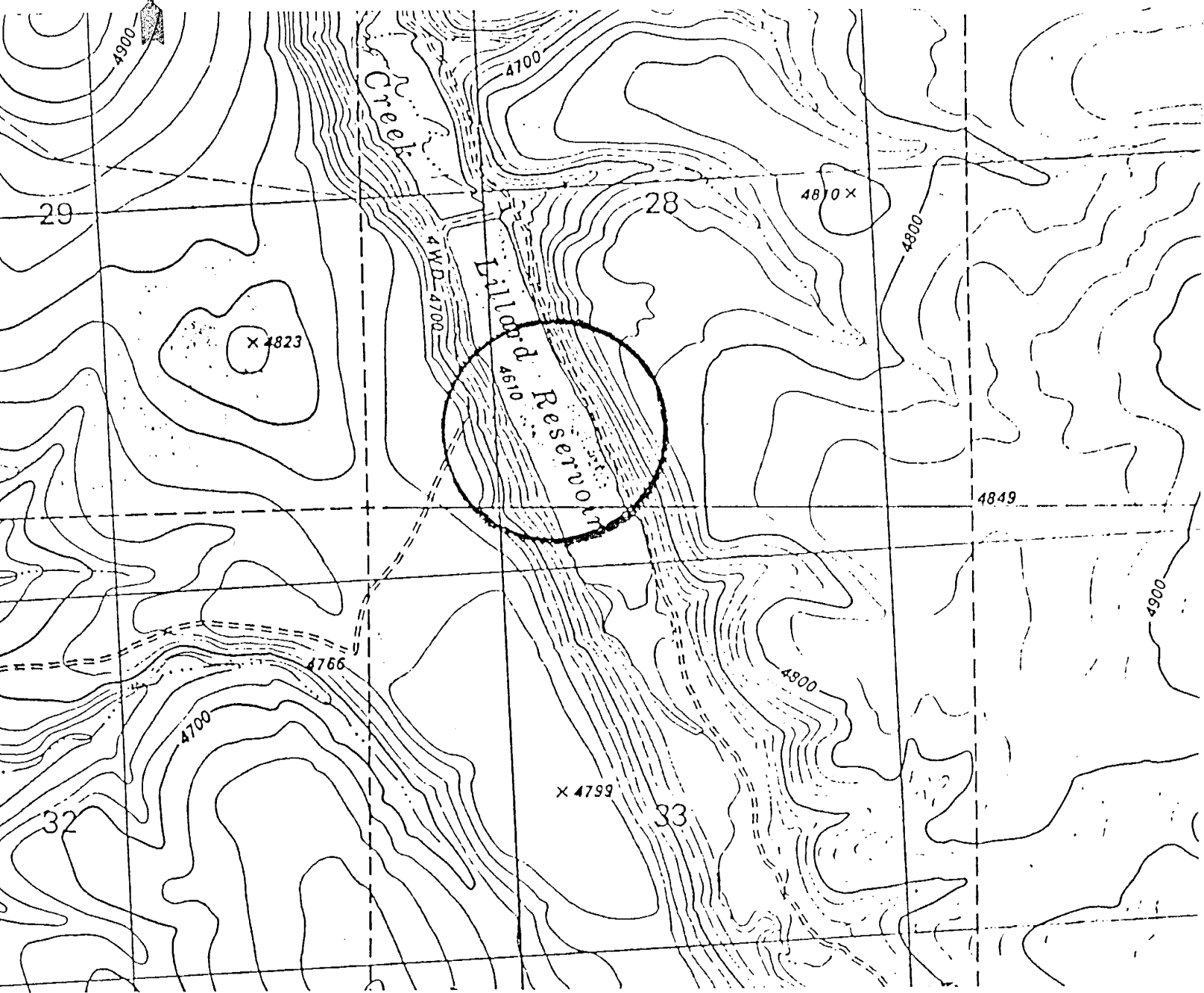


R-71296

Application No.
Permit No.

T19S R24E SEC 28 NW1SW1; NE1SW1; SW1SW1; SE1SW1
SEC 33 NE1NW1

Scale: 4 1/4 inches = 1 mile

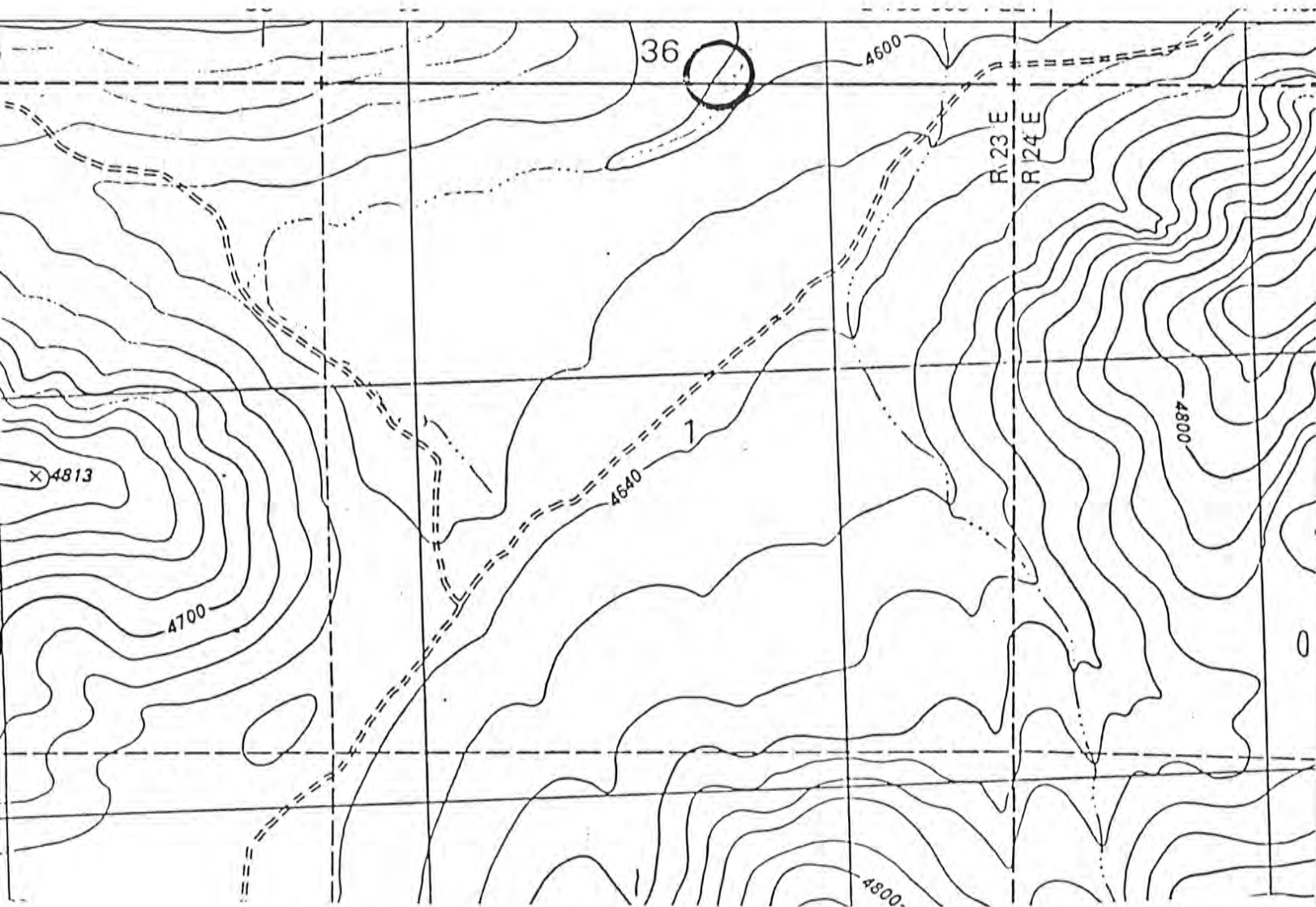




Application No. **R-71296**
Permit No.

T19S R23E SEC 36 SW¼SE¼

Scale: 4¼ inches = 1 mile

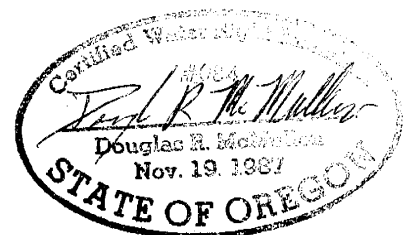
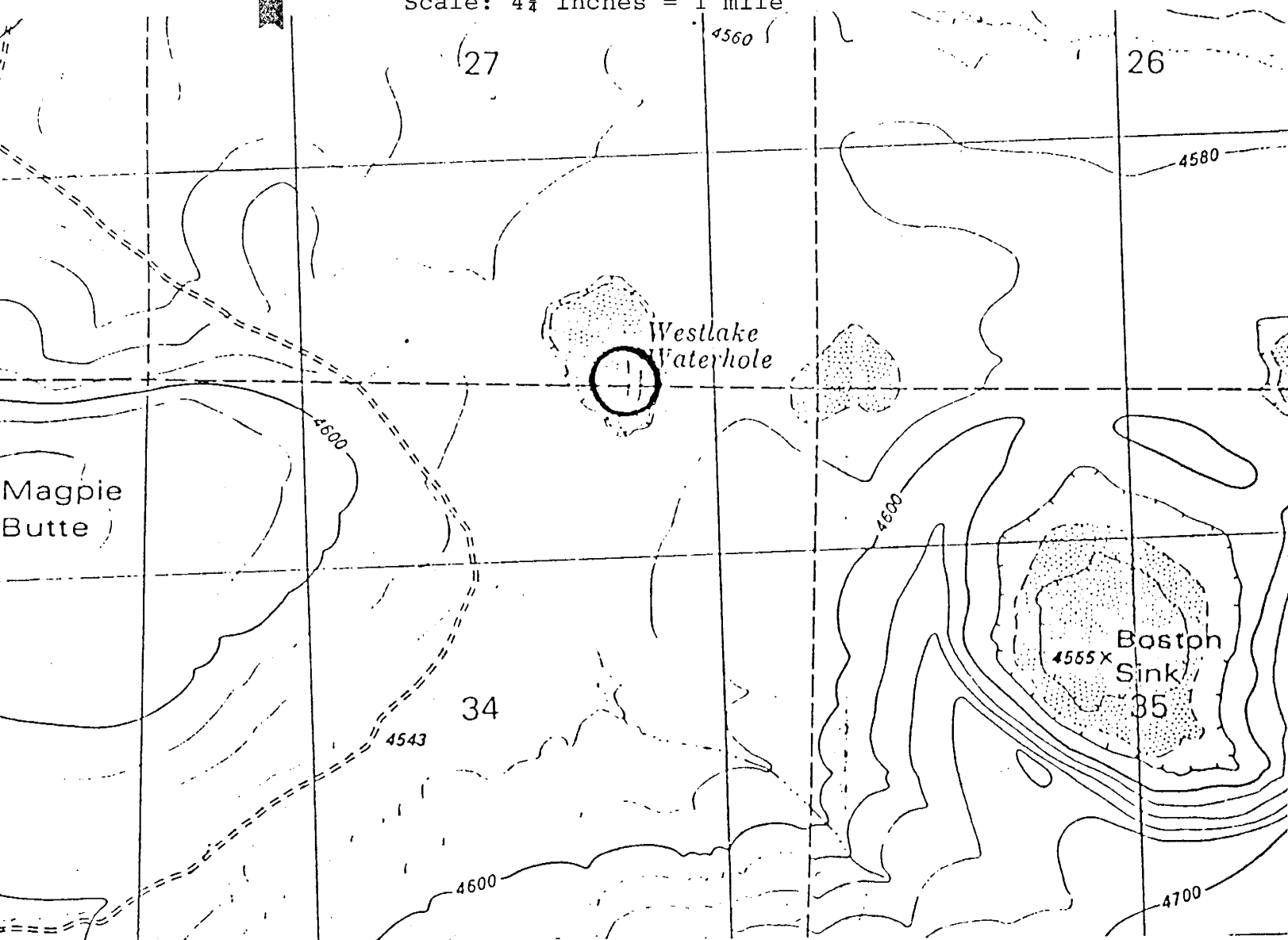




T19S R23E SEC 27 SW¼SE¼
SEC 34 NW¼NE¼

Application No. R 71296
Permit No.

Scale: 4¼ inches = 1 mile



IMPORTANT MESSAGE

FOR Cory
 DATE 30 Oct 95 TIME 2:50 P.M.
 M Bruce Estes
 OF Estes Surveys
 PHONE 503 585-7593
AREA CODE NUMBER EXTENSION
☒ FAX 585-7593
NUMBER TIME TO CALL
☐ MOBILE 585-7593
AREA CODE NUMBER

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU	X	WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE I've spent a number
of days on Smith Properties
G.I. Ranch filings R-71295 to R-71299
and S-71788. It will take weeks
more of research and decisions.
Please Extend to at least Nov 30.
Thanks, Bruce OK

SIGNED

Jerry Mauer

tes Survey
Box 17519
Salem, OR 97305-7519

CONSERVE WATER
FOR
OREGON'S FUTURE



NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12th STREET NE
SALEM, OR 97310

ATTN: ~~CORY~~
Dwight

97310=0700



Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ 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: G I RANCH CORPORATION 6293 SUNNYVIEW ROAD NE SALEM OR 97305 Ac #: 71295 & 71269		4a. Article Number P-56257	
5. Received By: (Print Name) ILDRIA BISHOP		4b. Service Type ☐ Registered ☐ Express Mail ☐ Return Receipt for Merchandise ☒ Certified ☐ Insured ☐ COD	
6. Signature: (Addressee or Agent) X <i>ILDRIA BISHOP</i>		7. Date of Delivery DEC 21 1998	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)	

102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

3/30/99 Laura

Application No. **71296**
Permit No.

Name **GI RANCH CORPORATION**
Address **15 SW COLORADO AVE**
BEND, OR 97702
Assigned
Address
Beginning construction
Completion of construction
Extended to
Complete application of water
Extended to

Form 111

MAR 26 1998 *Purge*

Application No. **G12125**
Permit No. **G11470**

5/25/90

Name **Reuben Ditchen**
Address **9712 Nuesom Rd. N.E., Salem, OR 97303**
Nuesom
Assigned
Address
Beginning construction **APR 20 1993**
Completion of construction **OCT 1 1994**
Extended to
Complete application of water **OCT 1 1995**
Extended to

Form 111

RECEIPT # 71917

WATER RESOURCES DEPARTMENT

3650 PORTLAND ROAD NE
SALEM, OR 97310
378-3738/378-8130(FAX)

RECEIVED FROM: SI Management
BY:

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: ☐ OTHER (IDENTIFY): ☐
TOTAL REC'D \$ 1,645.25

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

OTHER: (IDENTIFY) \$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$ <u>1,645.25</u>

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
	WELL CONSTRUCTION:	EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT	\$	842.024	\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE \$ CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS \$

69001 SUSPENSE ACTIVITY

842.115	POWER LICENSE FEE(FW)		\$
842.115	HYDRO LICENSE FEE(FW)		\$
832.009	HYDRO EXAM FEE(GF)		\$

Figure out where money.
$$12-71295 - \frac{200}{113.75} = 313.75$$
$$12-71296 - \frac{800}{120} = 320.00$$
$$12-71297 - \frac{200}{111.25} = 31.25$$
$$12-71298 - \frac{200}{128.75} = 328.75$$
$$12-71299 - \frac{200}{171.50} = 371.50$$
$$+ 1645.25$$
$$\underline{1000.00 - SUR EXAM}$$
$$645.25 - SUR RET.$$

RECEIPT # 71917 DATED: 8-27-91 BY: O Bushnell

regon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Address Service Requested



UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

Rest the West
PO Box 68345
Portland, Oregon 97268

PRESORTED
FIRST CLASS



RECEIVED

MAY 11 1999
WATER RESOURCES DEPT.
SALEM, OREGON



OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

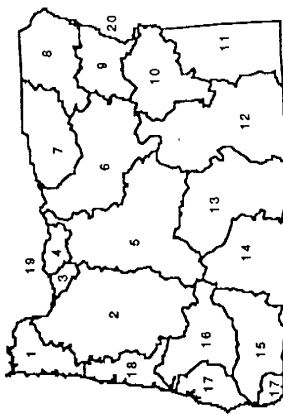
The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	2	Dry Cr.>Rowe R.	0.50	C	IR	40.00	Coos	1/1/1995	SENE,SECTION 9,T16S,R4W	W. Clinton...	PFO	2
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Basin number
 Amount
 What it flows into
 The source
 Unit of measure:
 C - cubic feet per second
 G - gallons per minute
 A - acre-feet
 Application number:
 G - groundwater
 R - reservoir
 S - surface
 I - instream
 County of use; Priority date
 Irrigated acres
 Applicant name & address
 Stage of Review:
 IR - initial review
 PFO - proposed final order
 Legal description of general area of use:
 "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."
 Type of use (e.g.: IR - irrigation; see codes below)
 Decision codes:
 1 permit may be issued as requested by applicant
 2 permit may be issued with appropriate conditions
 3 permit unlikely to be issued

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

AG-agriculture
 CF-CH,CI,CR-cranberry uses
 CM-commercial
 CS-campground
 DI-domestic, incl. lawn & garden
 DN-domestic, incl. non-commercial
 DO-domestic
 DS-domestic/stock
 FI-fish
 FP-fire protection
 FW-fish & wildlife

CD-group domestic
 GR-groundwater recharge
 GT-geothermal
 IC-irrigation, primary & supplemental
 ID,IL-irrigation with Domestic or Livestock use, respectively
 IM-industrial, manufacturing
 IR-irrigation
 IS-supplemental irrigation
 LV,LW-livestock/wildlife
 MI-mining

MU-municipal
 NU-nursery use
 PA-pollution abatement
 PW-power
 QM-quasi-municipal
 RC-recreation
 RW-road construction
 ST-storage
 SW-swimming
 TC-temperature control
 WI-wildlife

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

Phone: _____

Please send me the Proposed Final Order for Water Right Application:

 # _____
 # _____

Return this form and \$10 per PFO to:

PFO Requests
 Proposed Final Order Team
 Oregon Water Resources Department
 158 12th St. NE
 Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

April 27, 1999

App#	Basin Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status
S-83720	1 UNN SPR>SALMONBERRY R	0.0050 C	DO	Tillamook 12/10/1997	SWSE, SECTION 10 T 3N, R8W	PETER L KNAUPP 14315 SW SEXTON MTN LH BEAVERTON, OR 97008	PFO 2
G-14874	2 A WELL>JOHNSON CR	0.3010 C	IR	Clackamas 12/ 8/1998	NWSW, SECTION 35 T 1S, R3E	WILLIAM DILLARD DILLARD, BETTY 23055 SE TILLSTROM RD GRESHAM, OR 97080	PFO 2
G-14918	2 A WELL>TUALATIN R	120.0000 G	IL	Washington 2/ 3/1999	NWNE, SECTION 19 T 1S, R3W	LEO V LORANGER LORANGER, CLAIRE J PO BOX 326 HILLSBORO, OR 97123	IR 2
G-14930	2 A WELL>ABIQUA CR	900.0000 G	AG NU OI	Marion 2/19/1999	NENE, SECTION 23 T 6S, R1W	PAUL KRAEMER 13523 MARQUAM RD NE MT ANGEL, OR 97362	IR 2
S-84055	2 RES>WILLAMETTE R	36.1500 A	IR	Yamhill 2/ 1/1999	SWSW, SECTION 6 T 4S, R1W	CASCADE ASSOCIATES LLC; 6950 SW HAMPTON ST PORTLAND, OR 97223	B IR 2
S-84068	2 ABIQUA CR>PUDDING R	600.0000 G	AG NU OI	Marion 2/19/1999	NESW, SECTION 24 T 6S, R1W	PAUL KRAEMER 13523 MARQUAM RD NE MT ANGEL, OR 97362	IR * 2
S-84072	2 ABIQUA CR>PUDDING R	1500.0000 G	AG NU OI	Marion 2/19/1999	SENE, SECTION 23 T 6S, R1W	PAUL KRAEMER 13523 MARQUAM RD NE MT ANGEL, OR 97362	IR 2
G-14902	3 WELL 1>SANDY R WELL 2>SANDY R	255.0000 G	AG DN IR	Multnomah 1/ 8/1999	NESW, SECTION 5 T 1S, R4E NESW, SECTION 5 T 1S, R4E	SUE JOHNSTON JOHNSTON, RON 1918 SE 302ND AVE TROUTDALE, OR 97060	IR 2
R-71196	5 UNN STR/>FREEZEOUT RES	80.0000 A	LV	Crook 2/27/1991	NESW, SECTION 5 T20S, R24E	GI RANCH CORPORATION 15 SW COLORADO AVE BEND, OR 97702	PFO 2
G-14862	7 A WELL>WALLA WALLA R	1.7900 G	TC	Umatilla 11/ 9/1998	NENW, SECTION 3 T 5N, R3SE	MARVIN H SAMS 53012 COUNTRY RD MILTON FREEWATER, OR 97862	PFO 2
S-84062	8 UNN STR>RYS DAM CAN	5.0000 G	DO	Union 1/27/1999	SESE, SECTION 11 T 1N, R4OE	WYNELL S MOORE 64 MILLBROOK CIRCLE SACRAMENTO, CA 95828	IR * 2