

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



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

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

Enter the date the priority date of the permit:

January 22, 1998

A separate form shall be completed for each permit.

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

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

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

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

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

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

The Department has a Reimbursement Authority program that allows it to enter into a voluntary agreement with an applicant for expedited services. Applicants interested in an estimate of the cost and timeline for expedited processing must submit a Reimbursement Authority Estimate Application and required fee. The form and additional information on this program see:
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1
GENERAL INFORMATION**

Received
OCT 21 2026
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1. File Information

APPLICATION # R-83756	PERMIT # (IF APPLICABLE) R-12756	PERMIT AMENDMENT # (IF APPLICABLE)
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME James Milgard/Desert Creek Land Cattle & Timber c/o Libby Rodgers, Ranch Manager		PHONE NO. (541)420-5619	ADDITIONAL CONTACT NO.
ADDRESS 54000 SE Harmon Road			
CITY Brothers	STATE OR	ZIP 97712	E-MAIL libbylrodgers@gmail.com

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

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

PERMIT HOLDER OF RECORD James Milgard		
ADDRESS P.O. Box 8690		
CITY Ketchum	STATE ID	ZIP 83340

4. Date of Site Inspection:

[6/9/2023, 10/13/2026](#)

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Libby Rogers	6/9/23,10/13/26	Ranch Consultant

6. County

[Crook & Deschutes](#)

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

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

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[OCT 21 2026](#)
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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



Exp 12-31-2026

CWRE NAME Hayes A. McCoy, H.A. McCoy Engineering		PHONE NO. (541)923-7554	ADDITIONAL CONTACT NO.
ADDRESS 1180 SW Lake Road, #201			
CITY Redmond	STATE OR	ZIP 97756	E-MAIL hayes@ham-engr.com

Permit Holder(s) of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	James Milgard	Owner	10.12.26

SECTION 3

CLAIM DESCRIPTION

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

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Desert Creek Reservoir	Surface Water	Desert Creek

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

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Desrt Creek Reservoir	Fish, Livestock, Recreation	Feb. 1-April 30	178.0
Total Quantity of Water Stored			178.0

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

Dam construction over stream. Water flows through dam through pipe. Valve will seal off pipe to allow water to store in reservoir.

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

4. Variations:

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

YES

NO

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

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Desert Creek Reservoir	318.0	178.0

SECTION 4
SYSTEM DESCRIPTION

Are there multiple reservoirs?

YES

☒ NO

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

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

A. Reservoir Location

1. Is the reservoir on-channel?

☒ YES

NO

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
21S	21E	WM	18		3		1080'W & 1940' N from SW Corner S18

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

☒ NO

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

6. Additional notes or comments related to the system:

C. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

YES

☒ NO

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

D. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES

☒ NO

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

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES NO

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

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

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
Yes	10/27/2023 by email	Unknown	318 AF @ 5150.0'

SECTION 5

CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	12/13/1999		
BEGIN CONSTRUCTION (A)		Approx. 1999	
COMPLETE CONSTRUCTION (B)		Winter 1999-2000	
COMPLETE APPLICATION OF WATER (C)		June, 2025	

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

2. Is there an extension final order(s)?

YES NO

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES NO

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

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

b. Has a meter been installed?

YES **NO**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

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

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

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

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Concrete Benchmarks w/ Fence Posts	Yes	October, 2017

4. Recording and reporting conditions

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

YES **NO**

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

b. Have the reports been submitted?

YES **NO**

If the reports have not been submitted, attach a copy of the reports if available.

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit?

YES **NO**

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

b. Has the outlet pipe been installed?

YES **NO**

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

6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES **NO**

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

7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES **NO**

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

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

- a. Was the water user required to restore the riparian area if it was disturbed? YES ☒ NO
- b. Was a fishway required? YES ☒ NO
- c. Was submittal of a letter from an engineer required prior to storage of water? ☒ YES NO
- d. Was submittal of a water management and conservation plan required? YES ☒ NO
- e. Other conditions? ☒ YES NO

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

Outlet gate shall be operated once per year. Outlet gate has been repaired and observed to be functional during June, 2023 visit.

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Measurement Approval	Approval from watermaster for measurement method (benchmarks)

EXHIBIT MAP

SECTION 13, TOWNSHIP 21 SOUTH, RANGE 20 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON,
SECTION 18, TOWNSHIP 21 SOUTH, RANGE 21 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON.

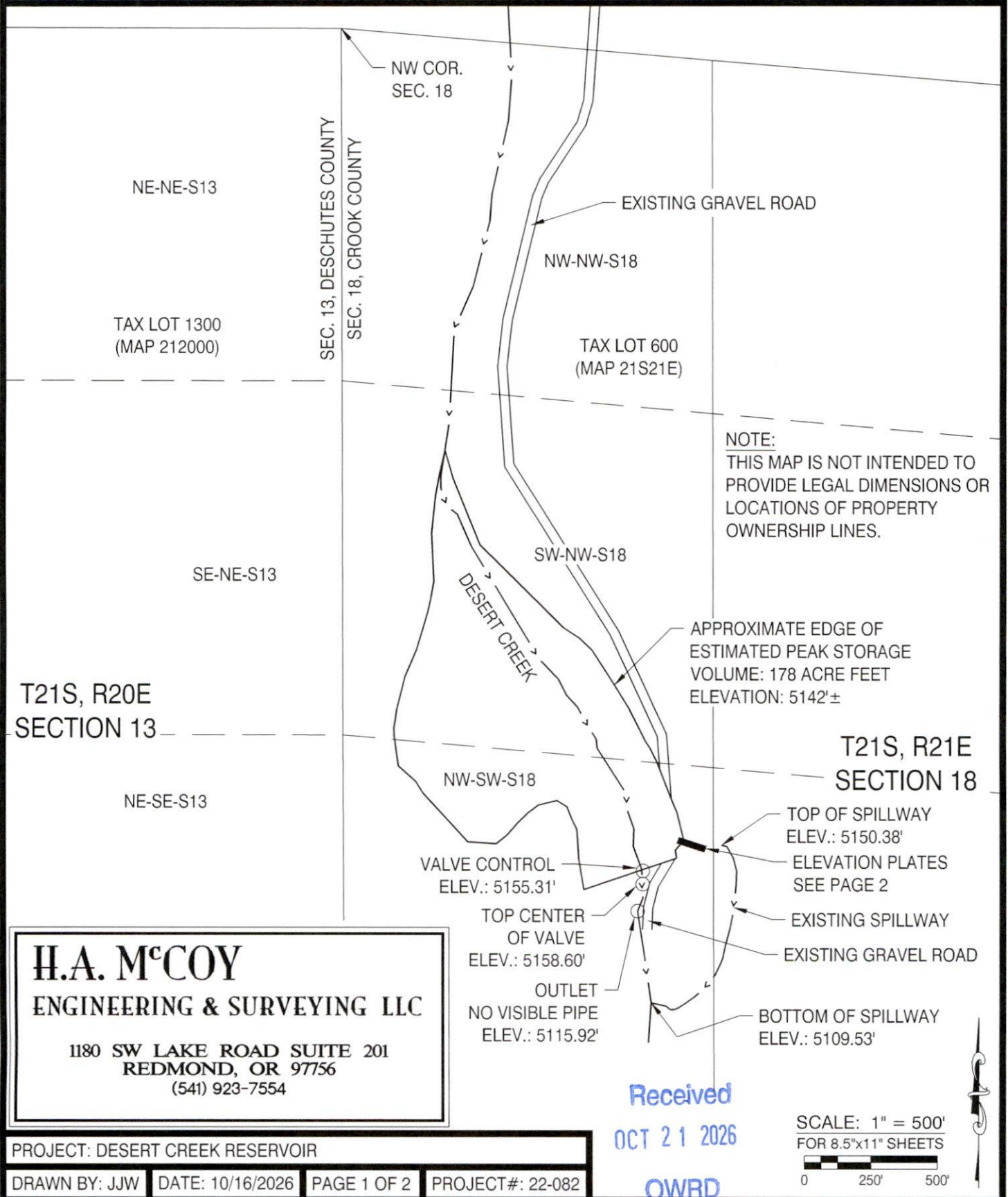
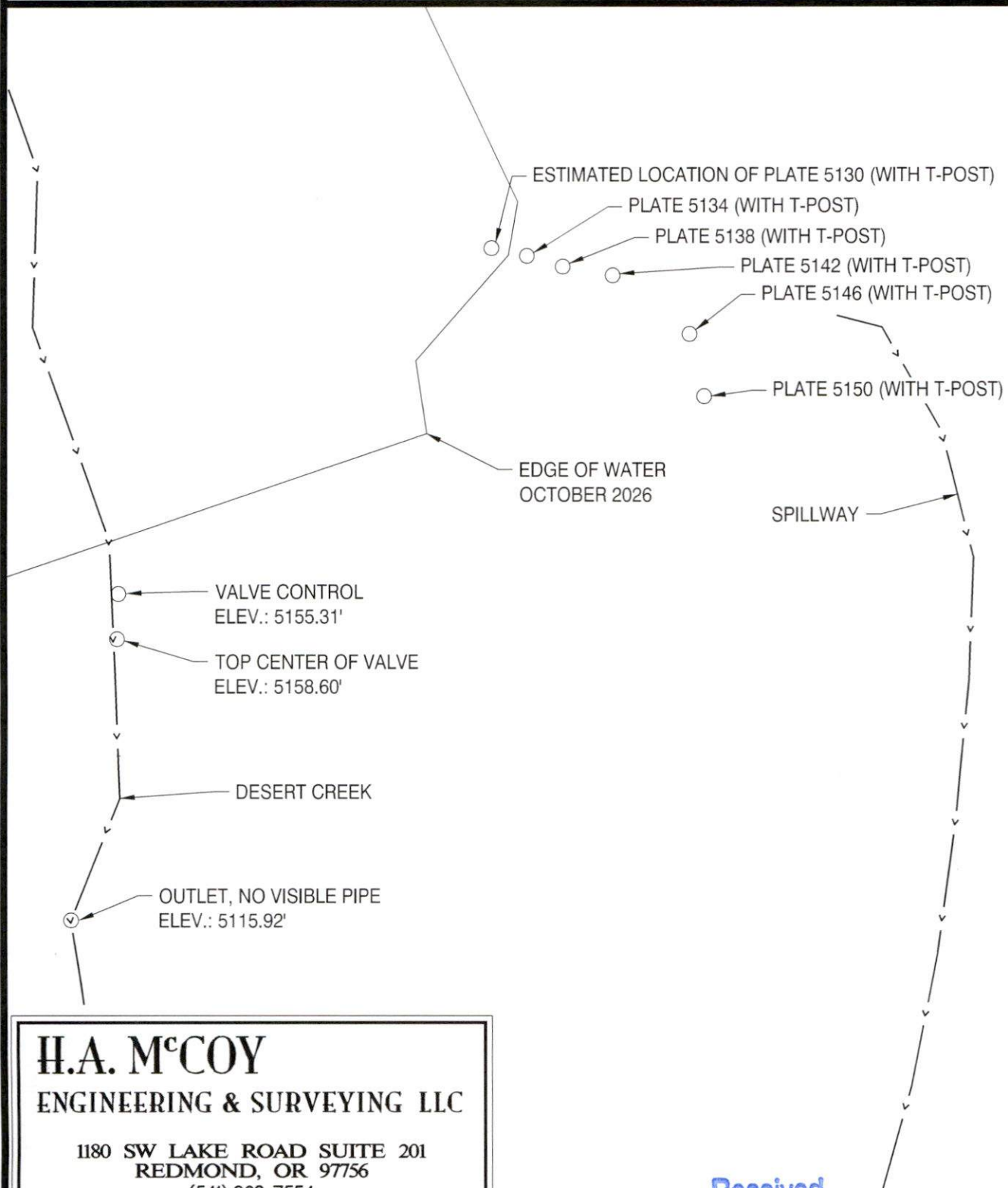


EXHIBIT MAP

SECTION 13, TOWNSHIP 21 SOUTH, RANGE 20 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON,
SECTION 18, TOWNSHIP 21 SOUTH, RANGE 21 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON.



H.A. M^cCOY

ENGINEERING & SURVEYING LLC

1180 SW LAKE ROAD SUITE 201
REDMOND, OR 97756
(541) 923-7554

PROJECT: DESERT CREEK RESERVOIR

DRAWN BY: JJW DATE: 10/16/2026 PAGE 2 OF 2 PROJECT#: 22-082

Received
OCT 21 2026

OWRD

SCALE: 1" = 20'
FOR 8.5"x11" SHEETS



Hayes McCoy

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Friday, October 16, 2026 2:50 PM
To: 'NASHEM Bill D * WRD'
Subject: RE: Desert Creek Reservoir - R-12756
Attachments: 261016-22082-BM.pdf

Hello Bill,

Here is an exhibit with the benchmarks. Let me know if anything else comes up.

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554

From: NASHEM Bill D * WRD <Bill.D.NASHEM@water.oregon.gov>
Sent: Monday, September 28, 2026 10:37 AM
To: Hayes McCoy <hayes@ham-engr.com>
Subject: RE: Desert Creek Reservoir - R-12756

Good morning Hayes:

I apologized for the delayed response. I was out of the office the past couple weeks. The bench marks will be fine as long as you have a surveyed elevation and location for each. Please email me the site map when you have a chance.

Best,

Bill

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Monday, September 21, 2026 4:19 PM
To: NASHEM Bill D * WRD <Bill.D.NASHEM@water.oregon.gov>
Subject: FW: Desert Creek Reservoir - R-12756

My apologies Bill. I see we reviewed this a few years ago and at the time I think you felt the elevation marks were ok, but not ideal.

I'm happy to meet you out there if you would still like. If not, we'll get the marks surveyed and a map for your records.

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554

Received
OCT 21 2026
OWRD

From: NASHEM William D * WRD <William.D.NASHEM@water.oregon.gov>
Sent: Monday, September 25, 2023 4:00 PM
To: Hayes McCoy <hayes@ham-engr.com>
Cc: SUFIT Carolyn W * WRD <Carolyn.W.SUFIT@water.oregon.gov>; GIFFIN Jeremy T * WRD <Jeremy.T.GIFFIN@water.oregon.gov>; 'Libby Rodgers' <libbylrodgers@gmail.com>
Subject: RE: Desert Creek Reservoir - R-12756

Good afternoon Hayes:

This will work, however this is not the best as growth and soil creep will eventually obscure these marks. In the future, please recommend placement of elevation reference marks along, or very near the control stem, if possible.

Bill

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Monday, September 25, 2023 3:06 PM
To: NASHEM William D * WRD <William.D.NASHEM@water.oregon.gov>
Cc: SUFIT Carolyn W * WRD <Carolyn.W.SUFIT@water.oregon.gov>; GIFFIN Jeremy T * WRD <Jeremy.T.GIFFIN@water.oregon.gov>; 'Libby Rodgers' <libbylrodgers@gmail.com>
Subject: RE: Desert Creek Reservoir - R-12756

Some people who received this message don't often get email from hayes@ham-engr.com. [Learn why this is important](#)
Hello Bill,

Upon closer inspection, those t-posts mark concrete pads that label the elevation level in the reservoir. See attached with greater detail.

Is the attached acceptable?

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554

From: NASHEM William D * WRD <William.D.NASHEM@water.oregon.gov>
Sent: Monday, September 18, 2023 11:21 AM
To: hayes@ham-engr.com
Cc: SUFIT Carolyn W * WRD <Carolyn.W.SUFIT@water.oregon.gov>; GIFFIN Jeremy T * WRD <Jeremy.T.GIFFIN@water.oregon.gov>
Subject: RE: Desert Creek Reservoir - R-12756

Received
OCT 21 2026
OWRD

Good morning Hayes:

Jeremy passed this message along to me as I'm now the Crooked River Basin Watermaster – it's a new district carved out of the Deschutes District. With regards to the required measurement conditions, I am familiar with what Bruce Estes set up at the Desert Creek Reservoir. However the T-posts are not satisfactory for the site due to their difficulty in locating year in and year out due to vegetation. Additionally, the T-posts are too easy to move by humans and as a

result of downslope soil creep and wave action. **After speaking with Jeremy and reviewing photographs of the reservoir, we request that the top of each existing concrete pier supporting the inlet control stem be surveyed and labeled with the elevation.** Please include an annotated photo similar to the T-post photo showing the elevations. These piers are much easier to locate in the field at various times of the year and are more stable reference points than a T-post. If you want to discuss further, feel free to give me a call.

Regards,

Bill

William D. Nashem, R.G., C.E.G.

District 24 Watermaster

South Central Region

231 SW Scalehouse Loop | Bend OR 97702 | Office 541-639-4109 | Mobile 541-408-7923



From: GIFFIN Jeremy T * WRD <Jeremy.T.GIFFIN@water.oregon.gov>
Sent: Monday, September 18, 2023 8:53 AM
To: NASHEM William D * WRD <William.D.NASHEM@water.oregon.gov>
Cc: SUFIT Carolyn W * WRD <Carolyn.W.SUFIT@water.oregon.gov>
Subject: FW: Desert Creek Reservoir - R-12756

I do remember Bruce installing the benchmarks. Let me know if you have any questions with the request below.

Jeremy

From: Hayes McCoy <hayes@ham-engr.com>
Sent: Wednesday, September 13, 2023 11:45 AM
To: GIFFIN Jeremy T * WRD <Jeremy.T.Giffin@oregon.gov>
Cc: 'Libby Rodgers' <libbylrodgers@gmail.com>
Subject: Desert Creek Reservoir - R-12756

You don't often get email from hayes@ham-engr.com. [Learn why this is important](#)
Hello Jeremy,

I am helping Desert Creek Ranch complete the conditions of the above permit and ideally obtain a certificate for the reservoir. A link to the permit is [here](#).

The Desert Creek Reservoir was developed by Bob Coats in 2000; however, was never completed. When I became involved with the project, I inquired with Gerry Clark and he recommended we file for an extension. We prepared and turned in an extension application, but our application was considered incomplete because of the following condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

In 2017, Bruce Estes set benchmarks which allow someone to determine how much water is stored in the reservoir. Bruce's letter and storage table are attached, where he believed the measurement was satisfactory. I was at this reservoir at the beginning of June and it looks like the benchmarks Bruce set are metal T-posts. The number of T-posts and the elevation at the ground correspond with his table. I attached a picture.

OWRD states the Watermaster must approve this system of measurement for OWRD to accept our extension application. Do you approve of these fenceposts for measuring the storage of the reservoir? If not, what can be done to meet the condition above?

Thank you for your help.

Hayes McCoy
H.A. McCoy Engineering & Surveying
(541)923-7554