

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <i>R-81630</i>	WRD Reviewer <i>CM.</i>
Transfer #	
Date Received <i>6/14/2021</i>	
CWRE Name <i>Daniel Sculas</i>	

Priority Date: *10/31/1996*

Fees Required:

YES NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
 Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

MONEY SLIP

DATE:		RECEIPT #:	
RECEIVED FROM:		APPLICATION PERMIT TRANSFER	
CASH	CHECK #	OTHER (IDENTIFY)	TOTAL RECD: \$
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1083 TREASURY 4118 MISC CASH ACCT.			
0407	COPIES	(IDENTIFY)	\$
0407	OTHER	(IDENTIFY)	\$
0243	Inst. Water Lease	0244	Mun. Water Mgmt. Plan
0245	Cons. Water		
1083 TREASURY 4270 WRD OPERATING ACCT.			
MISCELLANEOUS			
0407	COPY & TAPE FEES	<i>4611</i>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE (IDENTIFY)		\$
TC162	DEPOSIT LAB (IDENTIFY)		\$
0243	EXTENSION OF TIME		\$
WATER RIGHTS			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	RECORD FEE
0218	LANDOWNER'S PERMIT	\$	0219 \$
0220	OTHER (IDENTIFY)	<i>COBU</i>	0220 \$ <i>2200.00</i>
0687 TREASURY 6487 HYDROELECTRIC			
LIC NUMBER			
0223	POWER LICENSE FEE (FWWRD)	\$	\$
0221	HYDRO LICENSE FEE (FWWRD)	\$	\$
HYDRO APPLICATION			
SPECIAL INSTRUCTIONS:			

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review: *N/A*

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter

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.wrd.state.or.us

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

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.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 and ask for the Certificate Section.

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

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION # R-81630	PERMIT # (IF APPLICABLE) R-12503	PERMIT AMENDMENT # (IF APPLICABLE) N/A
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Michael and Diane Tyrholm		PHONE NO. 541-882-2180	ADDITIONAL CONTACT NO.
ADDRESS 3510 Collier Lane			
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL

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

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

PERMIT HOLDER OF RECORD Same as Above		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Michael Tyrholm	4/7/2009	Owner

6. County:

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(4)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

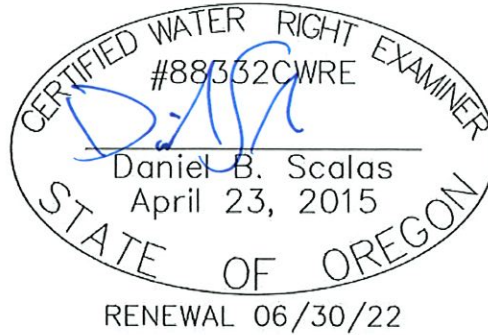
Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

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CWRE Statement, Seal and Signature

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



CWRE NAME Daniel B. Scalas		PHONE NO. (541) 884-4666	ADDITIONAL CONTACT NO.	
ADDRESS 1435 Esplanade Ave.				
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL dscalas@adkinsengineering.com	

Permit or Transfer 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
	Michael Tyrholm	Owner	2-15-2021
	Diane Tyrholm	Owner	2-15-2021

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SECTION 3
 CLAIM DESCRIPTION

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

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Smith Reservoir	Miller Creek	Lost River

2. Developed use(s), period of use, and rate for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Smith Reservoir	Multi-Purpose Use	11/1 – 5/31	2002: 1000.0 AF
Total Quantity of Water Stored			2002: 1000.0 AF

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

Miller Creek
 Water is diverted southeast from Miller Creek through ±300' of 8" PVC pipe. Water is then conveyed by Ditch #1 ±15,190' southwest to Boggs Lake (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. NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

N/A

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Smith Reservoir	750af	1500af

SECTION 4 SYSTEM DESCRIPTION

Are there multiple reservoirs?

NO

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

Smith Reservoir

A. Reservoir Location

1. Is the reservoir on-channel?

NO

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

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
40S	14E	W.M.	5	NENE			1010' west and 4560' North from Southeast corner of Section 5

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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Unknown	Unreadable	Unreadable	Centrifugal

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	0 (open discharge)	5'	40'	5.88cfs

4. Provide pump calculations:

See Appendix E for pump calculations.
--

5. Measured Pump Capacity (using meter if meter was present and system was operating) n/a

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

N/A

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?

NO

D. Gravity Flow Canal or Ditch

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

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

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
Ditch #1 - Earth	25'	15'	6'	0.03	±39'	±15,600'	±0.25%	±738.7

3. Provide calculations:

See Appendix E for ditch calculations.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

E. Reservoir

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

NO

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

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
N/A – The reservoir stores more than 9.2 acre-feet of water, the dam is more than 10 feet in height, and as-built plans and specifications are not required.			

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	8/12/98		
BEGIN CONSTRUCTION (A)	8/12/99	Unknown. Constructed by previous owner.	The reservoir was constructed and a ditch was constructed to convey water from Miller Creek to Smith Reservoir.
COMPLETE CONSTRUCTION (B)	N/A	N/A	N/A
COMPLETE APPLICATION OF WATER (C)	10/01/02	Unknown. Constructed by previous owner.	Unknown. Completed by previous owner.

* 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

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

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

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1	See F. below	41161550	Working	108943	Unknown

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES

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
Dedicated Electrical Meter	Working	Unknown. Installed by previous owner.

4. Recording and reporting conditions

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

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

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
Electronically	51094

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

5. Fish Screening

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? **YES**

c. When was the fish screening installed?

DATE	BY WHOM
Unknown	Dick Smith

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump and** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department? **NA**
 - If not, go to <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** *or* the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? YES
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.oregon.gov/owrd/Pages/pubs/forms.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD “Fish Screen Inspection” form needs to have been previously submitted or be attached to this form.

6. 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

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass device been installed? NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. “ODFW HAS APPROVED THE BY-PASS DEVICE” OR “NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.”) IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Not required. See Appendix F.	N/A	N/A

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

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

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SECTION 6 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Appendix A	Copy of Permit R-12503
Appendix B	Copy of Superseding Extension of Time Final Order
Appendix C	Final Proof Map on Paper
Appendix D	Final Proof Map on Mylar
Appendix E	Theoretical Pump and Gravity Flow Ditch Calculations
Appendix F	Fish Screen Approval Letter from ODF&W
Appendix G	Copy of Tax Map 40-14

SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

Map was prepared using Klamath County tax map 40-14, Google earth aerial image copyright 2018, and field observations.

Map Checklist

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

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

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- N/A If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water

- Disclaimer (“This map is not intended to provide legal dimensions or locations of property ownership lines”)
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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APPENDIX A
Copy of Permit R-12503

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD A. SMITH
10166 E. LANGELE VALLEY RD.
BONANZA, OREGON 97623

PHONE: (541)545-6314

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

APPLICATION FILE NUMBER: R-81630

SOURCE OF WATER: MILLER CREEK, TRIBUTARY TO LOST RIVER

STORAGE FACILITY: SMITH RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-3511

PURPOSE OR USE OF THE STORED WATER: TO STORE WATER FROM AN ADDITIONAL SOURCE IN SMITH RESERVOIR FOR MULTI-PURPOSE USE AND TO BE APPROPRIATED UNDER APPLICATION S-72129, PERMIT 53428, FOR IRRIGATION

MAXIMUM VOLUME: 750.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: OCTOBER 31, 1996

The area submerged by the reservoir, when full, will be 86.5 acres and the maximum depth of water will be 16.0 feet. The maximum height of the dam shall not exceed 18.0 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 16, T40S, R14E, W.M.; 1400 FEET SOUTH AND 800 FEET EAST FROM NW CORNER, SECTION 16

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

SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SECTION 16

TOWNSHIP 40 SOUTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which

Application R-81630 Water Resources Department

PERMIT R-12503

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includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

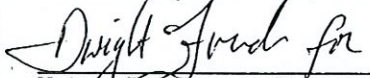
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued August 12, 1998


Water Resources Department
Director

Application R-81630
Basin 14
RWK

Water Resources Department
Volume 2 MILLER CR & MISC
MGMT.CODES 6EW

PERMIT DRAFT
District 17

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APPENDIX B
Copy of Superseding Extension of Time Final
Order

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-81630

**Superceding Final Order
Extension of Time for Permit Number R-12503**

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

On July 29, 2003, Richard A. Smith submitted an application to the Department for an extension of time for permit number R-12503. The Department issued permit number R-12503 on August 12, 1998. The permit called for the reservoir to be filled and complete application of the stored water to beneficial use by October 1, 2002. In accordance with OAR 690-315-0050(2), on July 13, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2010. The protest period closed August 27, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

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

CONDITIONS

1. **In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, 2009.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order


The intent of this superceding final order is to correct a scrivener's error found in the original final order dated September 29, 2004. The final order dated September 29, 2004, incorrectly stated the deadline for filling the reservoir and applying stored water to full beneficial use is extended to October 1, 2004. This superceding final order correctly states the deadline for filling the reservoir and applying stored water to full beneficial use is extended to October 1, 2010.

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DATED: June 22, 2006


Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0808.

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.

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APPENDIX C
Final Proof Map on paper

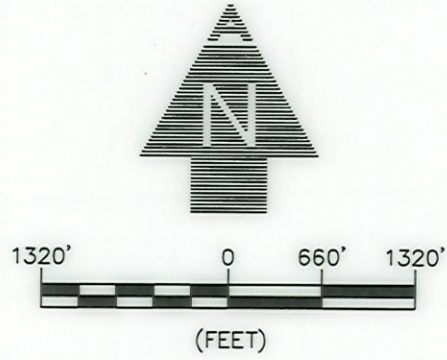
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APPENDIX D
Final Proof Map on Mylar

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POINT OF DIVERSION:

DATE OF PRIORITY: OCTOBER 31, 1996

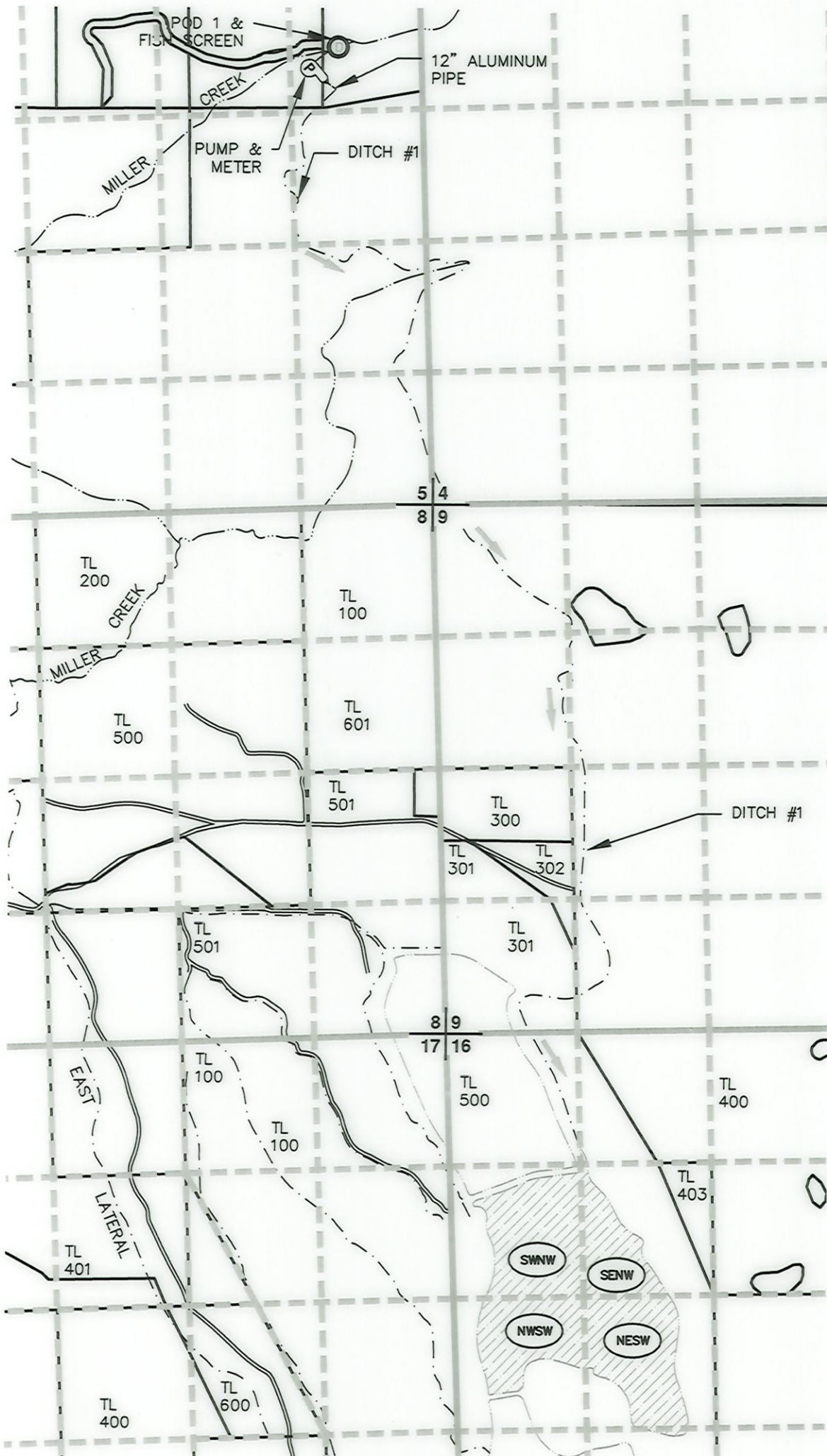
POD 1 - 1010' WEST AND 4560' NORTH FROM SOUTHEAST CORNER OF SECTION 5, T40S, R14E, W.M., LOCATED IN THE NE 1/4 NE 1/4 OF SECTION 5.

NOTES

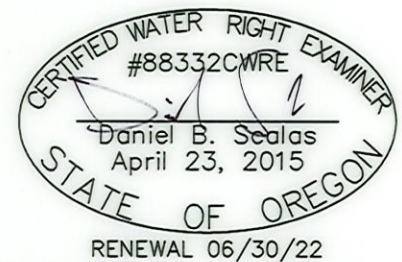
1. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY; AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.
2. FOR TAX LOT INFORMATION, SEE TAX MAPS INCLUDED WITH THIS APPLICATION.
3. THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2018 AERIAL PHOTOGRAPH, AND KLAMATH COUNTY TAX MAP 40 14.

LEGEND

- SECTION LINES
- 1/4 1/4 LINES
- TAX LOT BOUNDARY
- DITCH LINE
- CREEK LINE
- LAKE BOUNDARY
- GRAVEL/DIRT ROADWAY
- TL 500 TAX LOT NUMBER
- POINT OF DIVERSION
- PUMP
- STORAGE AREA IN SMITH RESERVOIR
- SECTION CORNER
- FLOW DIRECTION



COBU MAP # 1299



ALADKINS o / 541.884.4666
 ENGINEERING & SURVEYING w / AdkinsEngineering.com

1435 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601

SERVING S. OREGON & N. CALIFORNIA

CLAIM OF BENEFICIAL USE AND FINAL PROOF MAP

FOR
 MICHAEL & DIANE TYRHOLM
 T40S, R14E, SEC. 16, W.M.
 KLAMATH COUNTY, OREGON
 PERMIT No. R-12503
 APPLICATION No. R-81630

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APPENDIX E
Theoretical Pump and Gravity Flow Ditch
Calculations

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Mike Tyrholm

January 24, 2014

Job No.: 1413-0201

Application #: R-81630

Permit #: R-12503

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine/Submersible = 7.04

Data Entry (fill in underlined blanks)

HP = 40
Efficiency = 6.61
Lift = 45
PSI = 0 (assumed)

Results Calculated

(hp)(efficiency) = 264.4
Head based on psi = 0.0
Total dynamic head = 45.0
(head + lift)

Pump Capacity = 5.88 feet per second

Mike Tyrholm

1413-0201

January 24, 2014

Application #: R-81630

Permit #: R-12503

Ditch Capacity Calculator

using Manning's Formula

Ditch from Miller Creek P.O.D.**Data Entry (fill in underlined blanks)**

Top Width = 25 feet
Bottom Width = 15 feet
Depth = 6 feet
Fall = 39 feet per 15600 feet of distance
Grade = 0.0025 , or 0.3%
n Factor = 0.03

Results calculated

Area of cross-section = 120 square feet
Wetted Perimeter = 30.6205 feet
Hydraulic Radius = 3.91894
Velocity = 6.156 feet per second

Calculated Ditch Capacity = 738.7 cubic feet per second

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APPENDIX F
Fish Screen Approval Letter from ODF&W



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

Fax: (541) 826-8776

www.odfw.com

December 7, 2015

Mike Tyrholm
3703 Collier Lane
Klamath Falls, OR 97603



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Dear Mike,

Regarding OWRD water right permit S-53428 (application S-72129), ODFW has determined that at the time the permit was issued the fish screen met standards in place at that time for the Klamath basin. We have also determined that a fishway was not necessary. We appreciate that since that time, you have worked with ODFW to bring the screen up to current criteria.

Thank you.

Sincerely,

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program

(541) 826-8774 ext. 243

Cc: Adkins Engineering, CWRE



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APPENDIX G
Copy of Tax Map 10-14

REVISED 04-15-2016

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

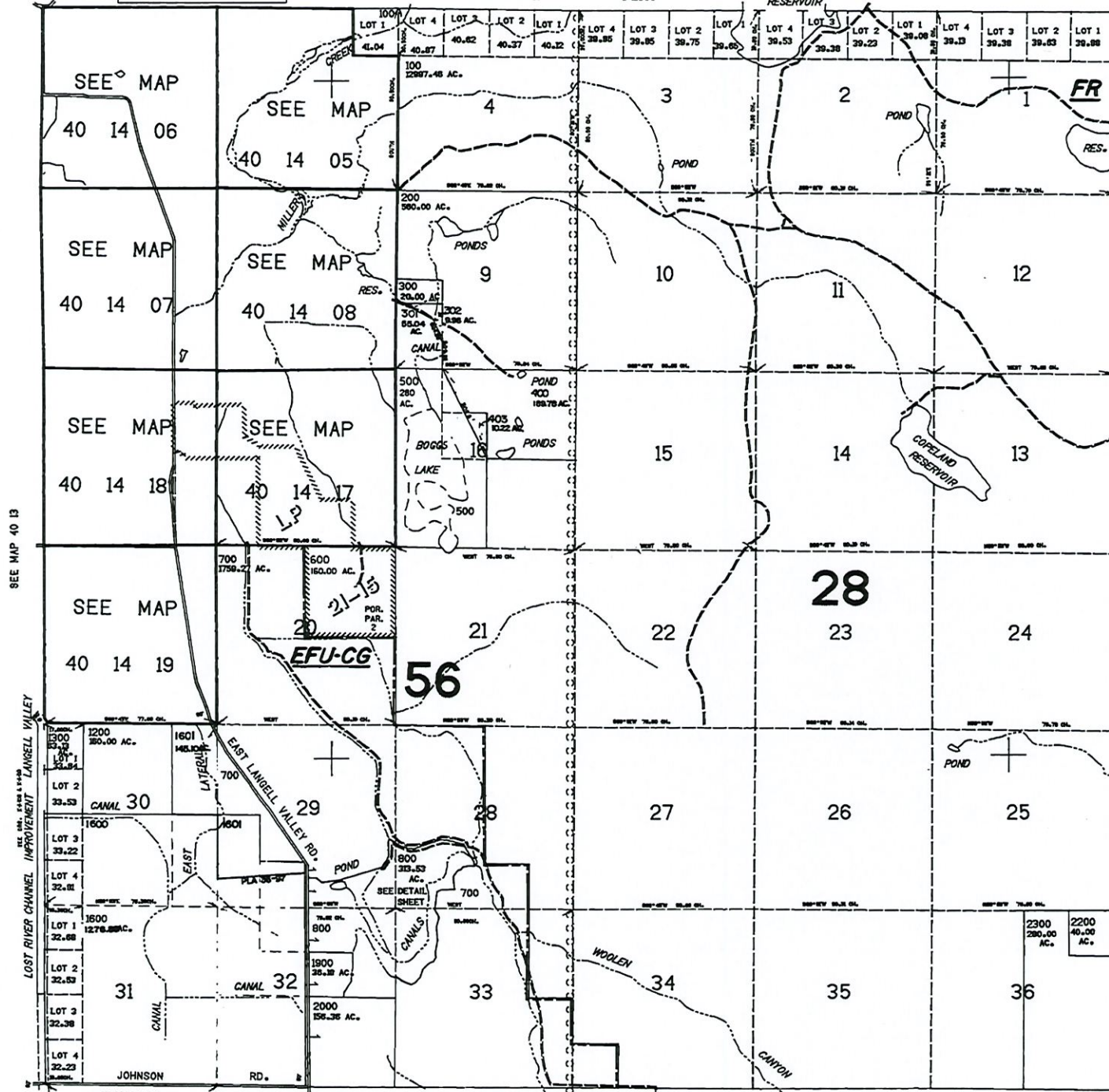
T.40S. R.14E. W.M. KLAMATH COUNTY

SEE MAP 39 13 T-2000'

BIG ADOBE RESERVOIR

4014 & INDEX

CANCELLED NO. 401 402



SEE MAP 40 13

SEE MAP 40 14V

SEE MAP 39 13

150,000

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40 14 & INDEX

SEE MAP 41 14