



Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.

FILE NO.
P-78796*

RECEIVED

Landowner: BRIDGEVIEW VINEYARDS - INC

Authorized Agent: KERVAN, ROBERT
Last name First name

MI
E JAN 28 1997

Address: 4810 HOLLAND LOOP RD
CAVE JUNCTION ORE 97523

MI
WATER RESOURCES DEPT.
SALEM, OREGON

Phone: 541-592-4688 City State Zip
SAME

FAX: 541-592-2127 Home Work
E-Mail Address: _____

A. County of use: JOSEPHINE B. River basin (see reverse): ROGUE #15

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
39S	8W	1	N 1/2 - SW 1 - T-40S 8W	1001-1000-600 601-700 701

D. Name, if any, of reservoir: N/A E. Reservoir in existence since: 2/1/82
MM DD YY

F. Source of water: SUCKER CK + RUN-OFF which flows into ILLINOIS RIVER
Name of river or creek Pond# Name of river or creek

G. Maximum height of dam: 3 to 9 ft feet. 1 - 1 1/2 ACRE FT 4 - 2 1/2 ACRE FT
2 - 2 " " 5 - 1 1/2 " "
3 - 4 " " 6 - 1 1/2 " "

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 7 1/2 " " acre-feet.

I. Water stored in reservoir is used for (see reverse): IRRIGATION + FROST-PRO

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION . . . HAVE YOU:

Answered each question on this form as completely as possible?

Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

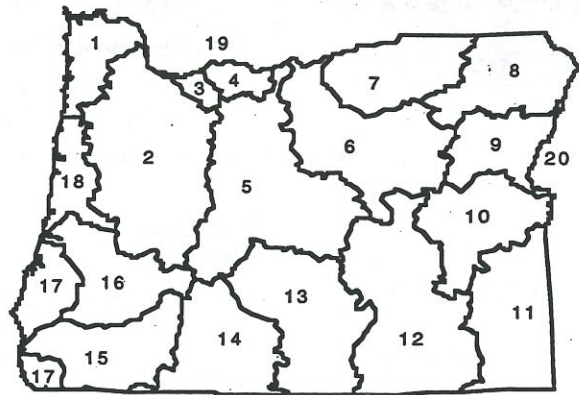
Robert Kervan (Signature of Landowner/Agent) ROBERT KERVAN (Printed name and title) 1-16-97 (Date)

For Department Use P-78796* 1-28-97 10-95
File # Date received

P-78796

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 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 | |



One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. You can submit a Notice of Exempt Reservoir if your pond stores less than 400,752 cubic feet—43,560 X 9.2.

Rate and Area of Use

cfs—cubic feet per second gpm—gallons per minute

Agriculture, Land Management

Gen. Agriculture	cfs/gpm	# acres	Cranberry	cfs/gpm	# acres
Irrigation	cfs/gpm	# acres	Nursery Operatn.	cfs/gpm	# acres
Stockwater	cfs/gpm	# acres	Temp. Control	cfs/gpm	# acres
Aquatic Life	cfs/gpm	# acres	Forest/Range Mgt	cfs/gpm	# acres
Other: <i>FRONT PACE</i>	cfs/gpm	# acres	Other:	cfs/gpm	# acres

Industrial/Commercial Uses

Industrial	cfs/gpm	_____	Commercial	cfs/gpm	_____
Fire Protection	cfs/gpm	_____	Mining	cfs/gpm	_____
Power Dev.	cfs/gpm	_____	Other:	cfs/gpm	_____

Drinking Water Supply

Human Consumption	cfs/gpm	_____	Domestic	cfs/gpm	_____
Domestic	cfs/gpm	_____	Other:	cfs/gpm	_____
Expanded	cfs/gpm	_____			

Community Water Supply

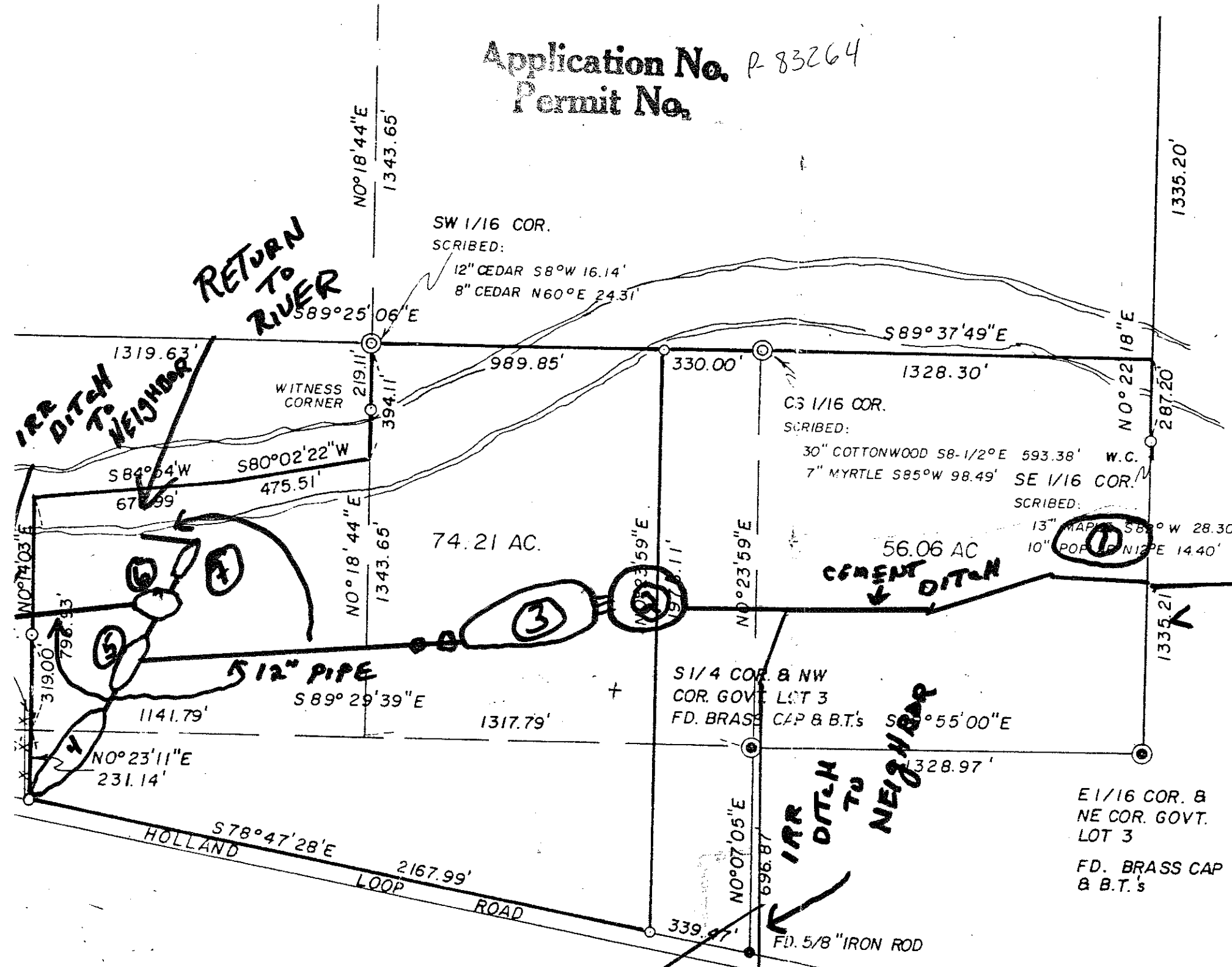
Municipal	cfs/gpm	_____	Quasi-Municipal	cfs/gpm	_____
Group Domestic	cfs/gpm	_____	Storm Water Mgt	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

Environmental Benefits

Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

Application No. P 83264
 Permit No.

SHOWING A SURVEY IN THE NE
 OF SEC. 1, T. 40 S., R. 8 W. AND
 THE S 1/2 OF SEC. 36, T. 39 S.
 R. 8 W., W.M., JOS. CO., OREGO
 DECEMBER 8, 1981
 SCALE: 1" = 400'



SURVEYED FOR:
 EDNA BRITTEN
 P.O. BOX 93
 GRANTS PASS, OREGON

SURVEYED BY:
 2210 FT. MAX H. HULL, SURVEY
 TO 231 NW "B" STREET
 POINT OF GRANTS PASS, OREGON
 OF DIVERSON

RECEIVED
 JAN 28 1997
 WASHINGTON RESOURCES DEPT.
 SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

January 17, 1998

Al Cook

Water Resources Department

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

ROBERT KERIVAN; BRIDGEVIEW VINEYARD
PO BOX 609
CAVE JUNCTION, OR 97523

Reference: File P-78796

Dear Applicant:

Thank you for your continuing efforts in our program for authorizing exemptions for existing ponds and reservoirs. We know it has been a long and complicated process, and we appreciate your cooperation.

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You took advantage of an opportunity that was provided to address those comments. The additional information that you submitted was sent to the commenter indicating that they must reply if there are still concerns regarding detriment to fish or injury to other water rights.

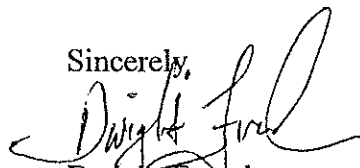
Since then, we have reviewed all the information available to us, including any reply from the commenter, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

If you disagree with this order, you may request a contested case hearing, and submit in writing your reasons why the order should be changed or rescinded. You may wish to submit maps or sketches to help us to better understand the particulars of your situation. Once we receive your request for a contested case hearing, we will contact you to discuss the situation and how we might be able to settle disagreements without holding a hearing. If we are unable to agree on a solution, we will schedule a contested case hearing at a time that is agreeable to both you and the Department. The appeal rights are described in more detail in the order enclosed.

Once again, thank you for your participation in this program. If you have any questions please call one of the water rights staff listed below. My extension number is 268.

Sincerely,



Dwight French

Water Rights Section Manager

Enclosures

cc: Watermaster

Russ Klassen	1-800-624-3199 Ext 266
Laura Snedaker	Ext 331
Dallas Miller	Ext 272

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-78796

Reservoir Mitigation Order

Application History

A reservoir was constructed prior to January 1, 1995. As evidence of the right to store water, pursuant to ORS 537.405(2)(a), notice of existing reservoir was submitted.

Pursuant to ORS 537.405(4)(a) the Department has received information from Oregon Department of Fish and Wildlife demonstrating that the reservoir poses a significant detrimental impact to existing fishery resources.

ORS 537.405(7) specifies that "...the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."


Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

Order

Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-78796, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 17, 1998


Martha O. Pagel
Director

Notice of Right to Contested Case Hearing

The owner of the reservoir that is the subject of this mitigation order may request a contested case hearing if the owner disagrees with the order. Most disagreements are settled through a series of informal discussions before the hearing date arrives.

If the department does not receive a request for hearing within the time stated in this notice you have waived your right to a hearing under ORS Chapter 183, unless your failure to request a hearing was beyond your reasonable control, as provided in OAR 137-03-075.

The record of this proceeding to date, including information in Department files on the subject of this proceeding, is automatically part of the contested case record upon default for the purpose of proving a prima facie case.

In order to process your request for a contested case hearing please include the following in writing:

- The reference number (located near the top right corner of the order.);
- Your name, address, and telephone number;
- A detailed description of why the condition(s) proposed in this order is not necessary to protect existing water rights or fishery resources;
- Any citation of legal authority to support your protest, if known.

Your request for a contested case hearing must be received by the Department no later than 60 days after the date of this order.

Send your request for a contested case hearing to:

Ponds Program Appeals
Water Rights Section
Oregon Water Resource Department
158 12th ST NE
Salem OR 97310

PONDS INSPECTION SHEET

FILE #: P78796

COUNTY: JO

NAME: ROBERT KERIVAN
ADDRESS: 4210 HOLLAND LOOP RD
CITY, STATE: CAVE JUNCTION, OR
PHONE NO. 503-592-4688

97523

EXEMPT? N

IF NON-EX, WHY: USE, SOURCE

TRSQQ: 39S08W36

RECOMMENDED HB2376
FILING: -----

INSPECTED BY NED
INSPECTION DATE 11/09/95
TALKED TO:

INJURY/MITIGATION: -----

SOURCE(S) OF WATER: RUNOFF, SUCKER CR

USE(S) OF WATER: FROST, IRRIGATION

DESCRIBE POND: EXCAVATED, 6 PONDS

DISCREPANCIES: NONE-AS FILED

REMARKS:

P78796
MAILED FILE TO SALEM
11/22/98 5

PONDS INSPECTION SHEET

FILED UNDER: HB2153

FILE #: P78796

COUNTY: JO

NAME: ROBERT KERIVAN
ADDRESS: 4210 HOLLAND LOOP RD
CITY, STATE: CAVE JUNCTION, OR
PHONE NO. 503-592-4688

97523

EXEMPT? N

IF NON-EX, WHY: USE, SOURCE

TRSQQ: 39S08W36

RECOMMENDED HB2376

FILING: -----

INSPECTED BY NE
INSPECTION DATE 11/09/95
TALKED TO:

INJURY/MITIGATION: -----

SOURCE(S) OF WATER: RUNOFF, SUCKER CR

USE(S) OF WATER: FROST, IRRIGATION

DESCRIBE POND: EXCAVATED, 6 PONDS

CAPACITY: 5.0 A. AC FT

DISCREPANCIES: NONE-AS FILED

REMARKS:

P78796
JO