

Name State of Oregon
By Oregon State Game Comm. & Fish Comm.
Address P. O. Box 4136
Portland 8, Oregon

Application No. R-37616
Permit No. R 7829
Certificate No. 64426

FEES PAID

Date	Amount	Receipt No.
<u>5-7-62</u>	<u>10.00</u>	<u>33728</u>
<u>5-29-79</u>	<u>409.00</u>	<u>11150</u>
	B. P. Fee	
	\$1 Cert. Fee	

Stream Index, Page No. 15-8C

See 37617
~~R-37618~~
37619
R-57600

Applegate

Date filed May 7, 1962
Priority 5-7-62-30,000 AF / 7-8-69-10,000 AF
Action suspended until ok cert

FEES REFUNDED

Date	Amount	Check No.

Returned to applicant
Date of approval JUN 20 1979

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning JUN 20 1980
Date for completion OCT 1 1981
Extended to
Date for application of water
Extended to

REMARKS

CARD FOR B NOV 6 1981

PROSECUTION OF WORK

Form "A" filed Started
Form "B" filed Nov. 17, 81
Form "C" filed

FINAL PROOF

Blank mailed Jan. 3, 1986
Proof received
Date certificate issued June 28, 1990

W.R.I.S.	
Assembled <u>7-29-85</u> by <u>[Signature]</u>	
Entered _____ by _____	
Verified _____ by _____	

This cert ought to be issued.
Cert was issued for [unclear] in Dec, 89.
[Signature]

Form **6**

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

Application No. R-37616

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Oregon Department of Fish and Wildlife, the holder of Permit No. R-7829

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of October, 1981.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 1981.

[Signature]
(Signature of Applicant)

P.O. Box 3503, Portland, OR 97208
(Address)

RECEIVED

NOV 17 1981

WATER RESOURCES DEPT
SALEM, OREGON

*OK
11/16/81*

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

DISK
6

THIS CERTIFICATE ISSUED TO

THE DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 3503
PORTLAND, OREGON 97208

confirms the right to store the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, in APPLGATE RESERVOIR, appropriated under Permit 44165, for the purpose of THE ENHANCEMENT OF FISH LIFE BY IMPROVEMENT OF DOWNSTREAM ENVIRONMENTAL CONDITIONS.

The right to store these waters has been perfected under Reservoir Permit R-7829. The date of priority is MAY 7, 1962 FOR 30,000 ACRE-FEET AND JULY 8, 1969 FOR 10,000 AC-FT. The amount of water entitled to be stored each year under such right is not more than 40,000 AC-FT.

The reservoir is located as follows:

SEE NEXT PAGE

W 1/2 NW 1/4
SE 1/4 NW 1/4
SECTION 31
TOWNSHIP 40 SOUTH, RANGE 3 WEST, W.M.

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 25

NE 1/4 NE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 35

N 1/2
SW 1/4
SW 1/4 SE 1/4
SECTION 36
TOWNSHIP 40 SOUTH, RANGE 4 WEST, W.M.

SW 1/4 NE 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SECTION 6
TOWNSHIP 41 SOUTH, RANGE 3 WEST, W.M.

NE 1/4
N 1/2 NW 1/4
SECTION 1

N 1/2 NE 1/4
NW 1/4
SW 1/4
SECTION 2

SE 1/4 SW 1/4
SE 1/4 SE 1/4
SECTION 3

NE 1/4
E 1/2 NW 1/4
N 1/2 SE 1/4
SE 1/4 SE 1/4
SECTION 10

NW 1/4 NW 1/4
W 1/2 SW 1/4
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 4 WEST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 28, 1990.

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64426.

R-37616.TES

43

R 37616

RECEIVED

FEB 13 1986

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF

JACKSON

Proof of Appropriation of Water

DEPARTMENT OF FISH AND WILDLIFE

of PO Box 3503, Portland, State of Oregon 97208, has

constructed a reservoir to store the waters of the Applegate River tributary of Rogue River appropriated under Permit 44165 in Applegate Reservoir

for the purposes of enhancement of fish life by improvement of downstream environmental conditions under Reservoir Permit No. R-7829, and that the storage of said waters has been completed within the terms of said Permit; that the priority of the right dates from

May 7, 1962 for 30,000 acre-feet, July 8, 1969 for 10,000 acre-feet

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 40,000 acre-feet

The reservoir is located in

SEE NEXT PAGE

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of FEBRUARY, 1986.

T. Blanga

ASSISTANT CHIEF ENGINEER

TITLE



W 1/2 NW 1/4
SE 1/4 NW 1/4
Section 31
Township 40 South, Range 3 West, WM

SW 1/4 SE 1/4
SE 1/4 SE 1/4
Section 25
NE 1/4 NE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
Section 35
NE 1/4
NW 1/4
SW 1/4
SW 1/4 SE 1/4
Section 36
Township 40 South, Range 4 West

SW 1/4 NE 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
Section 6
Township 41 South, Range 3 West, WM

NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
Section 1
NE 1/4 NE 1/4
NW 1/4 NE 1/4
NW 1/4
SW 1/4
Section 2
SE 1/4 SW 1/4
SE 1/4 SE 1/4
Section 3
NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SE 1/4 SE 1/4
Section 10
NW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
Section 11
Township 41 South, Range 4 West, WM

R-37616
37617
R-37618
37619

July 2, 1964

State of Oregon
Oregon State Game and Fish Comm.
P.O. Box 4136
Portland 8, Oregon

Gentlemen:

During a review of pending applications in this office, it is noted that we are withholding further action on your applications to construct Applegate Reservoir and Lost Creek Reservoir and to appropriate water therefrom (application Nos. R-37616, 37617, R-37618, and 37619) pending the receipt of plans and specifications for the construction of the proposed reservoirs. It is noted that our last correspondence was dated May 31, 1962.

It is requested that you advise us of the current status of these proposed projects and at what time we might expect to receive the plans and specifications for the construction of the reservoirs.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

WNP:egw

R-37616
37617
R-37618
37619

May 31, 1962

State of Oregon
Oregon State Game & Fish Comm.
P.O. Box 4136
Portland 8, Oregon

Gentlemen:

This will acknowledge receipt of your four applications; one for a permit to store 30,000 acre feet of water in Applegate Reservoir from the Applegate River for fish life development, one for a permit to appropriate stored water from the Applegate Reservoir at a rate of 120 cubic feet of water per second, one for a permit to store 125,000 acre feet of water in Lost Creek Reservoir from the Rogue River for fish life development, and one for a permit to appropriate stored water from Lost Creek Reservoir at a maximum rate of 2,000 cubic feet of water per second for fish propagation, location maps to accompany each application, and fees in the sum of \$40 for which our receipts numbered 33728, 33729, 33730 and 33731 are enclosed.

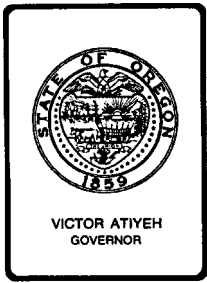
The applications have been examined and filed under files numbered R-37616, 37617, R-37618 and 37619. The applications will be held without further action pending receipt of plans and specifications for the construction of the purposed reservoirs.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

WNP/gcj
Enclosure



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

November 5, 1986

Mr. Burkholder, Assistant Attorney General
Department of Justice
Portland Office
500 Pacific Bldg.
520 SW Yamhill
Portland, OR 97204

REFERENCE: Applegate Lake Reservoir Releases
Files Numbered R-37616 & 37617

Dear Mr. Burkholder:

Enclosed is a copy of Mr. Wheelers memo you requested in your letter of October 13, 1986. Paragraph #1 of the memo must be adhered to. My understanding of the meeting held here earlier this year with Lou Fredd, Larry Jebousek, Darrell Learn and I was that we agreed to overlook paragraph #2 of the memo since there was evidence contrary to Chris's conclusion.

I hope this information coupled with the discussion you had with Anne Squier last week clears up the confusion.

Sincerely,

BRUCE A. ESTES, Supervisor
Survey/Certificate Section

BAE/jw

Enclosure



DEPARTMENT OF JUSTICE

PORTLAND OFFICE
500 Pacific Building
520 S.W. Yamhill
Portland, Oregon 97204
Telephone: (503) 229-5725

RECEIVED

OCT 15 1986

**WATER RESOURCES DEPT.
SALEM, OREGON**

October 13, 1986

Bruce A. Estes
Water Resources Department
3850 Portland Road, N.E.
Salem, OR 97310

Re: Applegate Minimum Stream Flow; WRD Files R-37616 and 37617

Dear Mr. Estes:

Thank you for your response to my query regarding the proposed Proof of Appropriation for Water Right Permit No. 44165.

I still do not fully understand your basis for proposing to limit that appropriation to 210 cfs, and question whether the method of proof you have used is appropriate for an instream flow appropriation of this type. I also continue to question whether an appropriation limited to 210 cfs is consistent with the Rogue River Basin Program and state commitments made in connection with the Applegate Reservoir project.

I therefore must again request that you provide me data with showing that natural flows will be sufficient to augment the proposed release of 210 cfs so as to maintain the instream flows contemplated under the permit and the Rogue River Basin Program in all years during the life of Applegate Dam. Also, please provide me: 1) the 1980 memo from Chris Wheeler, 2) pertinent streamflow records for the June 20, 1979–October 1, 1982 period, 3) any rules or guidelines for proving up an instream flow appropriation of this type, and 4) any other documents or materials relied upon by the Water Resources Department in determining the proposed proof of appropriation.

Bruce A. Estes
October 13, 1986
Page Two

The Department of Fish and Wildlife is considering your suggestion that it apply for an extension of time. However, until I have had the opportunity to resolve questions regarding the proof of appropriation, I request that the Water Resources Department not take any further action on Permit No. 44165.

Sincerely,



Kurt Burkholder
Assistant Attorney General

KB:smi
cc: Lou Fredd
Mike Huston
Anne Squier

#1/ESTESA-A1

September 19, 1986

Kurt Burkholder
Assistant Attorney General
Department of Justice
500 Pacific Building
520 SW Yamhill
Portland, OR 97204

Dear Mr. Burkholder:

REFERENCE: Files R-37616 and 37617 (Applegate River minimum flow)

Your letter of September 4 expresses a concern about the Department of Fish and Wildlife (ODFW), Permit 44165 which was issued to allow up to 360 cubic feet per second release of stored water for fish enhancement. A "Proof of Appropriation" form was sent to ODFW January 3, 1986 for this permit with 210 cfs release allowance. Understandably, Lou Fredd objected to the reduced amount by a memo on January 15, 1986.

Subsequent to Mr. Fredd's January memo, Larry Jebousek, Administrator of the Water Rights Division; Darrell Learn, Administrator of Policy and Planning Division, and I met with Lou here at our office. We explained to Lou that a 1980 memo in the file from Chris L. Wheeler, Deputy Director of the Water Resources Department at that time, stated that the certificate should be limited to 210 cfs based on his review of the streamflow record. Lou and Darrell both agreed that they had reports of practically no flow at times over a gravel bar near the mouth of the Applegate which would require the full 360 cfs release. We are therefore in agreement with your second paragraph on page 2 of your letter.

I must disagree with your understanding of the elements necessary for proof of appropriation as noted in the last paragraph on page 1. Since ORS 540.610(1) requires "beneficial use" the department has always held that in addition to the ability to apply the quantity, it must also have actually been used beneficially. This interpretation is supported by Squaw Creek Irrigation District vs Mamero (107 Or 291) "Beneficial Use of Water Necessary to establishment of Water Right."

My understanding of the meeting with Lou Fredd, Larry Jebousek, Darrell Learn, and me, was that Lou would determine the maximum delivery request made by ODFW within the terms of the permit June 20, 1979 to October 1, 1982. If their demand for water during that time was not for the 360 cfs, then ODFW should file for an extension of the time limit to apply the water to beneficial use. The Water Resources Commission can grant extensions of time for up to five years. This procedure should allow the ability to beneficially use 360 cfs within the terms of the permit.

Kurt Burkholder
Assistant Attorney General
September 19, 1986
page two

We certainly sympathize with ODFW's viewpoint on the proof issue as pointed out in your letter, however, the extension of time limit appears to be the only way we can issue a certificate for the full allowance of the permit within our current constraints.

If you have any questions, please feel free to contact me.

Sincerely,

BRUCE A. ESTES, Supervisor
Survey-Certificate Section

BAE:wpc

cc: Larry Jebousek
Lou Fredd
Ann Squier
6735D



STATE OF OREGON

INTEROFFICE MEMO

TO: Suzie J.

DATE: 8/13/85

FROM: Tom S

SUBJECT: Applegate Reservoir (R-7829 & 44165)

You & Bruce inspected these projects.

The location of dam on map does not agree with location given on permit. Which is correct?

We are unable to find plans & specs. Maybe you can find something in your area

Enclosed: field forms (2)

2M-12-59
STATE ENGINEER
SALEM, OREGON

e-37616

*Reservoir Permit No. R 7829

RECEIVED
JUL 23 1985
WATER RESOURCES DEPT.
SALEM, OREGON

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

Department of Fish & Wildlife

I, State of Oregon, by and through Oregon State Game Commission and Fish Commission of the State of Oregon
(Name of Applicant)

of P. O. Box 4136, Portland, Oregon 97208
(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 Applegate Reservoir

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

tributary of Rogue River, it being tributary of Pacific Ocean.

3. The amount of water to be stored is 40,000 (for this purpose) 14r. 7-8-69 acre feet.

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

5. The location of the proposed reservoir will be in Sec. 35 & 36, T. 40S, R. 4W; and Sec. 6, T. 41S, R. 3W; and Sec. 1, 2, 3, 4, 10, 11, & 15, T. 41S, R. 4W.
(Give sections or townships to be submerged)
Tp. R. 4W., W.M., in the county of Jackson, Oregon & Siskiyou, California.

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

(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 NW 1/4 Sec 14, Sec. 36, T. 40S, R. 4W
(Smallest legal subdivision)

Tp. 40 S., R. 4 W., W.M. The maximum height will be 230 feet above stream bed or ground surface on center line of dam. The length on top will be 1,325 feet; length on bottom approximately 35 feet; width on top 24 feet; slope on front or water side 2.5:1; slope on back 2:1; height of dam above water line when full 7 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.

OK 8/12/85 JD

RECEIVED
SEP 13 1985
WATER RESOURCES DEPT
SALEM, OREGON

INSPECTION
7-17-85-855, 700

528
R-7810

R 7829

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: Earth and gravel material. 2 ft. dumped stone riprap from
below minimum pool to top of dam for wave protection.

8. The location of wasteway with dimensions are as follows: Located on right abutment -
(State whether over or around the dam)
concrete - Two 49' x 35' Tainter gates - unlined channel in rock from spillway
apron to river channel.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: Intake tower and free flow tunnel located in right abutment -
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)
17' horseshoe-shaped concrete-lined tunnel - Flow through tunnel controlled by
two 5' x 7' slide gates.

10. The area submerged by the proposed reservoir, when full, will be 945 acres (at elevation 1996 ft)
with a maximum depth of water of 216 feet; and approximate mean depth of water
approximately 110 feet.

11. The estimated cost of the proposed work is \$ 6,538,000

12. Construction work will begin on or before Unknown - not yet authorized by Congress.

13. Construction work will be completed on or before Unknown

P.W. Schneider
(Signature of applicant)
Ralph H. Jackson

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 Your reviewing

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before May 29, 1979.

WITNESS my hand this 27th day of March, 1979.

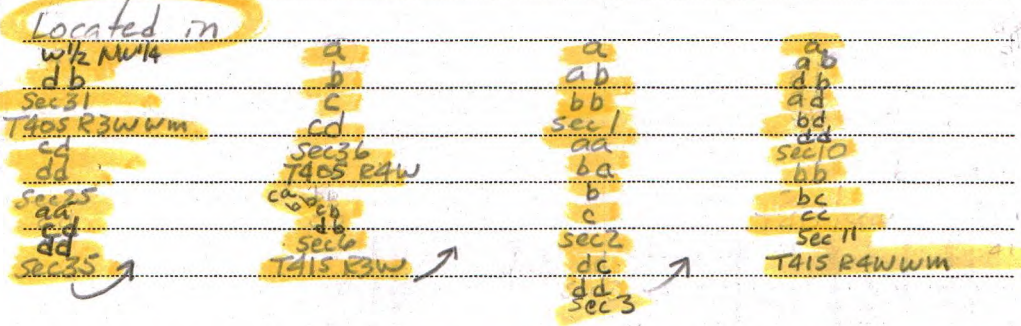
RECEIVED
MAY 29 1979
WATER RESOURCES DEPT
SALEM, OREGON

JAMES E. SEXSON
Water Resources Director
By Ralph H. Jackson
ASSISTANT

Remarks: Release of this storage to be on a variable basis for the improvement of downstream fishery environmental conditions as outlined in application for appropriation.

under development This project is to be developed by the United States Army Corps of Engineers through its Rogue River Basin program. The project was authorized by Congress in 1962 and revised in 1965. Under the revised plan, the project provides fishery benefits for annual fisheries benefits of \$235,000. These benefits to be derived from from controlled release of up to 360 cubic feet per second of water to increase Applegate Reservoir being assigned to fisheries interest and from the controlled stream flows and reduce water temperatures downstream. In event of shortages, release of up to 120 cubic feet per second of water to provide high minimum flows releases from available storage in the reservoir will be governed by with lower water temperatures. The development is contingent upon appropriate regulations set forth in authorizing legislation. Additionally, storage action by Congress to provide for funds for construction and to authorize the portion assigned to fishery enhancement as a nonreimbursable item. In the event of fish releases when appropriate. In the event of shortages, the releases from the available storage in the reservoir will be governed by the regulations as set forth in the authorized legislation.

40,000 ac-ft contour about 1940'



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

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: The right herein granted is limited to the construction of Applegate Reservoir and storage of water from Applegate River to be appropriated under application No. 37617, permit No. 44165, for enhancement of fish life by improvement of downstream environmental conditions.

The right hereunder shall be limited to the storage of 40,000 acre feet.

The priority date of this permit is May 7, 1962 for 30,000 a.f./July 8, 1969 for 10,000 af

Actual construction work shall begin on or before June 20, 1980 and

shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981

WITNESS my hand this 20th day of June, 1979

[Signature] Deputy Water Resources Director

1381-D

RAY B

Application No. *R-21916*
Reservoir Permit No. **R 7829**

PERMIT

To construct a reservoir and store 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 *7th* day of *May*, 19*22*, at *5:00* o'clock *A.* M.

Returned to applicant:

Approved:

Recorded in Book No. _____ of Reservoirs, on Page _____

State Engineer

Drainage Basin No. *15* page *80*

Fees _____

INFO: MADE INSPECTION OF SITE WITH BRUCE ESTES.
OBSERVED COMPLETED RESERVOIR CONTAINING
STORED WATER. RESERVOIR SHOWS NO SIGNS OF
WEAKNESS. DAM IN EXCELLANT CONDITION.

SOURCE: APPLEGATE RIVER

STRUCTURAL DETAIL DATA FROM INFORMATIONAL CROSS-SECTION
MADE BY ROGUE RIVER NATIONAL FOREST.

MAX. POOL ELEVATION = 1987 ft.

MIN. FLOOD CONTROL = 1889 ft.

MIN. POOL ELEVATION = 1854 ft.

MULTI-PORTED INTAKE TOWER PORTS AT ELEVATIONS
OF 1962 ft., 1950 ft., 1930 ft., 1895 ft. & 1838 ft.
W/OUTLET CONDUIT.

DAM HEIGHT AT = 242 ft. (FROM RIVER BED TO CREST)

LENGTH = 1300 ft.

TOP ELEVATION = 1994 ft ABOVE SEA LEVEL.

LAKE LENGTH = 4.6 MILES

AREA = MAX. POOL = 988 ACRES

MIN. POOL = 205 ACRES

COMPLETED CONSTRUCTION 1980.

VOLUME MATERIALS =

SAND - 553,000 CU. YDS.

GRAVEL - 878,000 CU. YDS.

COBBLES & Boulders - 539,000 CU. YDS.

SHOT ROCK - 504,000 CU. YDS.

IMPERVIOUS CLAY - 410,000 CU. YDS.

TOTAL : 2,884,000 CU. YDS.

RECEIVED

SEP 13 1985

WATER RESOURCES DEPT
SALEM, OREGON

(END OF INFO.)

DAM IS LOCATED 45.7 RIVER MILES ABOVE THE MOUTH OF APPLIGATE RIVER. USABLE STORAGE IS CALCULATED TO BE 75,000 ACRE-FEET. INACTIVE STORAGE IS CALCULATED TO BE 6,990 ACRE FT. TOTAL STORAGE IS 82,000 ACRE-FEET.

SP/WY: HAS TWIN 50' RADIAL ARMED GATES, WITH CONCRETE RACEWAY. (GOOD GET-AWAY!)

OUTLET CAPACITY AT FULL POOL = 6,100 C.F.S.

LARGE GUNITITE SECTION OF LEFT ABUTMENT ABOVE SPILLWAY.

PRESENT WATER LEVEL = 1971.4 ft

HIGH WATER MARK = 1986.7 to 8 ft

} FROM SLOPE GAGE @ SP/WY.

UPSTREAM FACE WELL RIPRAPPED.

DOWNSTREAM GRAVEL COVERED.

} BOTH EXCELLANT CONDITION.

7-17-85

B. Sergio James W.D.Z.I.

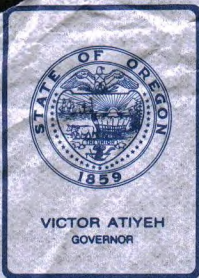
ALSO PRESENT DURING INSPECTION BRUCE A. ESTES.

The Mail Tribune, Medford, Ore.

Thursday, July 18, 1985

Water Log

Rogue River - Lost Creek Lake: Total storage, 433,343 acre feet. Pool elevation 1,862.58 feet. Surface area, 3,284. Flow in 1,491 cfs. Flow out, 2,282 cfs. Grants Pass: 2,250 cfs. Turbidity 2 J.T.U. Temperature 65 F. Gold Ray Dam: 2,279. Rogue River at Agness: 2,770 cfs. Illinois River at Kerby: 220 cfs. Appligate River: Flow at gauge, 245 cfs. Appligate Lake: Total storage 67,528 acre feet. Pool elevation 1971.25 acre feet. Flow in: 98 cfs. Flow out: 281. Temperature 61 F. Toll free telephone number for inflow, outflow and elevation of Lost Creek and Appligate lakes: 1-800-472-2434.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

or

1-800-452-7813

(message line)

September 9, 1981

Bureau of Reclamation
Box 043-550 West Fort Street
Boise, ID 83724

REFERENCE: File R-57600

Thank you for your letter dated August 25, 1981, regarding your Permit R-7810 (Applegate Reservoir) and your Reference PN420970.

Although, your permit allows the storage of 26,000 acre-feet of water for irrigation purposes, the Oregon State Department of Fish and Wildlife also has a permit allowing the storage of 40,000 acre-feet of water.

I spoke with the Watermaster the other day, Dave Hendricks, Medford, Oregon, and it was my understanding that although the construction of the dam and reservoir was completed in the fall of 1980 actual storage of water did not begin until the winter season and 66,000 acre-feet of water was not stored. Under the terms of your permit as well as the state's permit, 66,000 acre-feet of water is to be stored on or before October 1, 1981.

If 26,000 acre-feet of water was stored last season for irrigation purposes, the enclosed notice of completion of construction should be completed by stating the date of storage and number of acre-feet stored. It should then be signed in the space provided and returned at your earliest convenience.

Further action will be held on this file for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:wpc
6726A

cc: Fish & Wildlife Department

COPY

June 22, 1979

State of Oregon
Oregon State Game Commission
and Fish Commission
P. O. Box 4136
Portland, OR

R-37616
37617

R-7829 & 44165

COPY



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 5, 1979

File No. R-37616
37617

Oregon Department of
Fish and Wildlife
P. O. Box 3503
Portland, OR 97208

ATTENTION: Lincoln S. Pearson
Staff Biologist

Dear Linc:

Thank you for returning the amended applications numbered R-37616 and 37617, along with the revised release schedule for the Applegate Dam, and fees in the amount of \$1142, for which receipts numbered 11150 and 11151 are enclosed.

The applications now appear to be in proper form for issuance of permits, which will be done with our next group.

Sincerely,

Ralph H. Jackson,
Supervisor
Application/Permit Section

RHJ:cm
Enclosures: 2 receipts



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 27, 1979

File R-37616
37617

State Department of
Fish and Wildlife
506 S.W. Mill Street
Portland, OR 97201

ATTENTION: Lincoln Pearson

Dear Linc:

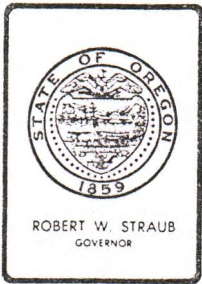
As discussed in our recent telephone conversations, the applications which were filed on the storage of water in Applegate Reservoir and the use therefrom for fish enhancement were filed May 7, 1962 with the \$10.00 examination fee submitted for each filing. For the reservoir application, which anticipates the storage of 40,000 acre feet, the permit recording fee will be \$409.00. The secondary, proposing the diversion of the maximum of 120 cubic feet per second from stored water, requires a permit recording fee of \$253.00, or a total of \$662.00.

During our discussion you indicated that you would like the opportunity to review these applications, particularly as they specify the quantities of storage releases. I am therefore returning the two applications. They have been endorsed so as to retain their date of priority if received in this office on or before May 29, 1979.

Sincerely,

Ralph H. Jackson,
Supervisor,
Application/Permit Section.

RHJ:cm
Enclosures



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378 2907

November 22, 1978

Regional Director
U.S. Bureau of Reclamation
Federal Building and U.S. Courthouse
550 West Fort Street
Boise, Idaho 83724

Dear Sir:

Our water rights division is processing the water right application for storage in Applegate Lake.

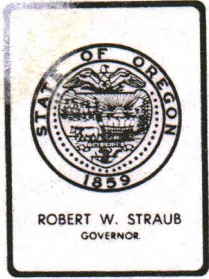
In order to verify the listed storage volumes, and to allow response to public inquiries for information concerning the project, we would appreciate receiving drawings showing the basic features of the dam and reservoir including sections and plans of the dam, and topography and the storage curve for the reservoir.

If this request should be addressed to the Corps of Engineers, perhaps you could provide the name of the appropriate contact person.

Sincerely

Gary Oberholtzer
Engineer

GO:vp



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3671

February 16, 1978

George Holmes
Department of the Army
Portland District, Corps of Engineers
PO Box 2946
Portland, Or 97208

Dear George,

Enclosed are copies of water right applications the Fish and Wildlife Department has submitted for storage and use of water in connection with Applegate Dam.

If you need additional information, please call.

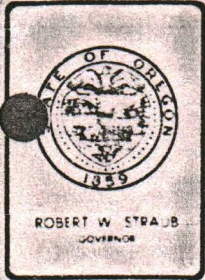
Sincerely,

Darrell A. Learn, Administrator
Policy and Planning Division

DAL/np

Enclosures:

- ✓ Application Number 37617
- Application Number R-37616
- Letter dated December 13, 1977 from the
Department of Fish and Wildlife



Department of Fish and Wildlife
OFFICE OF THE DIRECTOR

1634 S.W. ALDER STREET, PORTLAND, OREGON 97208

December 9, 1976

RECEIVED

1 1976

WATER RESOURCES DEPT
PORTLAND, OREGON

Mr. James E. Sexson, Director
Department of Water Resources
1179 Chemeketa Street, N. E.
Salem, Oregon 97310

Dear Mr. Sexson:

Recently it was brought to our attention that flows needed for fish enhancement at the Corps of Engineers' Applegate project have not been totally protected.

The Department of Fish and Wildlife has applied for 40,000 acre feet of storage for protection of downstream flows for fish. However, the fish benefits are based partly on storage and partly on natural flows. The following table are minimum flows on which the downstream fish enhancement benefits were based as shown in the attached Corps of Engineers' letter.

Stream Section	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Damsite to Little Applegate	100	100	170	170	170	200	230	200	(200 130)	130	100	100
Little Applegate to Williams Creek	200	200	265	265	265	265	230	200	(200 200)	240	240	200
Williams Creek to mouth	300	300	340	340	360	360	120	120	(120 120)	360	360	300

It was recognized and reflected in the fish enhancement benefit calculations that all the flows could not be met in a low flow year.

We request the Board set the flows shown in the above table as minimum flows for the Applegate River to become effective when the project is completed.

Mr. James E. Sexson
December 9, 1976
Page 2



If, for some reason, these flows cannot be protected the fish benefits will be revised downward to reflect the stream flows that can be protected.

We appreciate your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Donaldson", is written over the typed name.

JOHN R. DONALDSON
DIRECTOR

Attachment

cc National Marine Fisheries Service
U. S. Army Corps of Engineers
U. S. Fish and Wildlife Service

JRD-LSP:ek

February 11, 1971

R-37616-17
R-37618-19

Mr. John McKean Director
State Game Commission
P. O. Box 3503
Portland, Oregon 97208

Dear John:

In 1962 the State Game Commission and the Fish Commission filed applications covering the fishery enhancement waters in Lost Creek and Applegate reservoirs. These applications have been held without action in my office pending completion of the final design and operation studies. The last significant correspondence with your office was my letter of February 25, 1965 to Phil, a copy of which is enclosed.

It would seem to me that if the Commission desires to obtain a water right covering storage releases for fishery benefits, the application covering Lost Creek should be completed so that I may consider issuing the permit. Applegate being further in the background, probably would not need to be completed at this time.

Incidentally, I think it would be appropriate for you to also file an application covering the water supply for the Cole River hatchery since it is now under construction.

Sincerely,

CHRIS L. WHEELER
State Engineer

CLW:eh

enclosure



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT CORPS OF ENGINEERS
P. O. BOX 2946
PORTLAND, OREGON 97208

NPPEN-PL-2

RECEIVED 27 June 1969
JUL 8 1969
STATE ENGINEER
SALEM, OREGON

Mr. John W. McKean, Director
Oregon State Game Commission
1634 SW. Alder
Portland, Oregon 97208

Dear Mr. McKean:

As a condition to construction and operation of multiple-purpose reservoir projects in Rogue River Basin, the Congress in Public Law 87-874 specified that assurance be given that flows to be provided for enhancement of fish resources would be maintained in the stream. To provide that assurance, your agency and the Fish Commission of Oregon made application in May 1962 to the State Engineer of Oregon for the necessary rights for flows and storage on Rogue and Applegate Rivers. The regulated flow regimens for which application for rights were made are the ones developed by your agencies and the U. S. Fish and Wildlife Service, as shown in House Document 566, 87th Congress.

Postauthorization planning for Lost Creek and Applegate Reservoirs included coordinated studies of possible further fish enhancement and further protection of water for fish enhancement. These studies lead to Oregon State Water Resources Board modification to its Rogue River program to protect a higher level of natural flows and to your agencies filing a water right application for an additional 100,000 acre-feet of storage in Lost Creek Reservoir.

The studies also included possible increased enhancement of the Applegate fishery by additional storage and various flow regimens. This resulted in a plan to provide an additional 10,000 acre-feet of conservation storage in Applegate Reservoir for fish enhancement and a revised Applegate River flow regimen as follows.

27 June 1969

Mr. John W. McKean, Director

Table 1. Minimum Flow in Second-feet in Applegate River (average year)

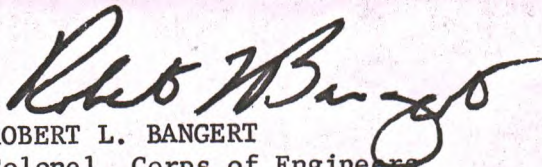
River Section	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Damsite to Little Applegate	100	100	170	170	170	200	230	200	(200 130)	130	100	100
Little Applegate to Williams Creek	200	200	265	265	265	265	230	200	(200 200)	240	240	200
Williams Creek to mouth	300	300	340	340	360	360	120	120	(120 120)	360	360	300

The additional 10,000 acre-feet of storage has been approved by our higher authority. It now seems appropriate for your agency and the Fish Commission of Oregon to file with the State Engineer for an additional 10,000 acre-feet of stored water in Applegate Reservoir and for flows released from storage. It is suggested that this be accomplished by an additional or supplemental filing which would permit retention of the priority date of your present filing for 30,000 acre-feet.

Inclosed for your information, and use if needed in filing the water rights applications, are pertinent data for Rogue River Projects. If this office can be of assistance in furnishing further information, please feel free to call on us.

I am sending a similar letter, on this date, to the Fish Commission of Oregon to facilitate joint consideration of the suggestion presented herein.

Sincerely yours,



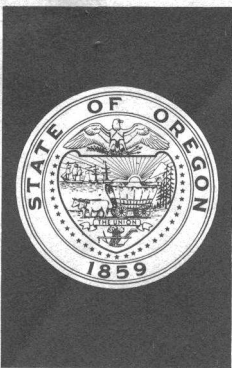
ROBERT L. BANGERT
Colonel, Corps of Engineers
District Engineer

1 Incl
Pertinent data

ROGUE RIVER PROJECTS
Pertinent Data

February 1969

Feature	Unit	Lost Creek	Elk Creek	Applegate
Stream		Rogue River	Elk Creek	Applegate River
County, State		Jackson, Oregon	Jackson, Oregon	Jackson, Oregon
Dam location		Sec 26, 27 & 34 T33S, R1E, WM	Sec 19, 20, 29 & 30 T33S, R1E, WM	Sec 25 T40S, R4W, WM
River mile above mouth	mile	153.6	1.7	45.7
Drainage area	sq mi	674	132	223
Airline distance from Medford	mile	26.5 north	26.5 north	23.0 southwest
Airline distance from Portland	mile	205 south	205 south	255 south
Usable storage	acre-feet	315,000	95,000	75,000
Inactive storage	acre-feet	120,000	5,750	6,990
Dead storage	acre-feet	30,000	250	10
Total storage	acre-feet	465,000	101,000	82,000
Elevation-maximum (full) pool	feet, msl	1872	1,726	1987
Elevation-minimum conservation pool	feet, msl	1751	1,581	1854
Area - Maximum pool	acre	3430	1,290	988
Area - minimum conservation pool	acre	1820	200	205
Length - reservoir	mile	10	6.2	4.6
Elevation - top of dam	feet, msl	1877	1,733	1992
Length of dam	feet	3600	2,685	1200
Maximum height-riverbed to top of dam	feet	327	233	232
Embankment volume	cu yds	12,012,000	4,478,000	2,720,000
Concrete volume	cu yds	110,000	34,000	55,000
Spillway control gates (Tainter)	number	3	2	2
Spillway design discharge	c.f.s.	158,000	57,900	93,800
Outlet works		Multiple-use intake tower, outlet tunnel, stilling basin	Intake tower, cut & cover, conduit and stilling basin	Multiple-use intake tower, outlet conduit
Outlet capacity at maximum & full pool	c.f.s.	11,000	5,600	5700
Outlet slide gates (oper & emerg)	number (sets)	2	2	2
Outlet temperature control (various elevations)		Multiple level intake	None	Multiple level intake
Power	KW	2 at 24,500	None	None
Project cost (estimate)(July 1968)		\$95,700,000	\$24,900,000	\$26,400,000



RECEIVED
JUL 14 1969
STATE ENGINEER
SALEM OREGON

FISH COMMISSION

OFFICE OF THE DIRECTOR

307 STATE OFFICE BLDG. • 1400 S.W. 5th AVE. • PORTLAND, OREGON • 97201

TOM McCALL
GOVERNOR

COMMISSIONERS

EDW. G. HUFFSCHMIDT, Chairman

McKEE A. SMITH, Vice Chairman

JOSEPH I. EOFF, Member

ROBERT W. SCHONING
State Fisheries Director

July 14, 1969

Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

Dear Chris:

We recently received a copy of Oregon State Game Commission Director John McKean's July 3, 1969 letter to you regarding our agencies' joint application for 30,000 acre-feet of storage in the Corps of Engineers' proposed Applegate Reservoir.

Since additional study by the Corps now indicates a larger volume of water will be necessary for projected fisheries enhancement, we concur with the Game Commission's request that the application (File No. R-37616) be amended to include 40,000 acre-feet of storage at Applegate for this purpose.

We hope you will be able to act favorably on this request in the near future. Best wishes.

Sincerely,

Bob

ROBERT W. SCHONING
STATE FISHERIES DIRECTOR

cc: Bureau of Sport Fisheries & Wildlife
Oregon State Game Commission
State Water Resources Board
U. S. Army Corps of Engineers, Portland

RE: R-37616

July 10, 1969

Oregon State Game Commission
P. O. Box 3503
Portland, Oregon 97208

ATTENTION: John W. McKean, Director

Gentlemen:

This will acknowledge receipt of your letter dated July 3, 1969 requesting that your application No. R-37616 be amended to increase the quantity of water to be stored for fish life development from 30,000 acre feet to 40,000 acre feet.

The additional 10,000 acre feet of water to be stored has received the priority date of July 8, 1969.

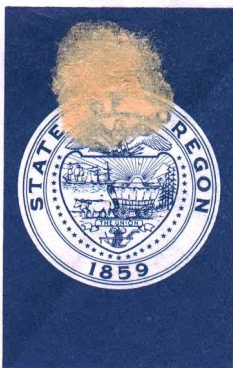
I will withhold further action on this application pending the completion and submission of the engineering data.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:cdc

cc: Oregon State Fish Commission



**GAME
COMMISSION**

OFFICE OF THE DIRECTOR

RECEIVED
JUL 8 1969
STATE ENGINEER
SALEM, OREGON

P. O. BOX 3503 • 1634 S.W. ALDER ST. • PORTLAND, OREGON • 97208 • Ph. 222-9611

TOM McCALL
GOVERNOR

July 3, 1969

COMMISSIONERS

GEORGE L. HIBBARD, Chairman

J. PAT METKE, Vice Chairman

JOHN P. AMACHER, Member

JOSEPH W. SMITH, Member

JAMES W. WHITTAKER, Member

JOHN W. McKEAN
State Game Director

State Engineer
516 Public Service Building
Salem, Oregon 97310

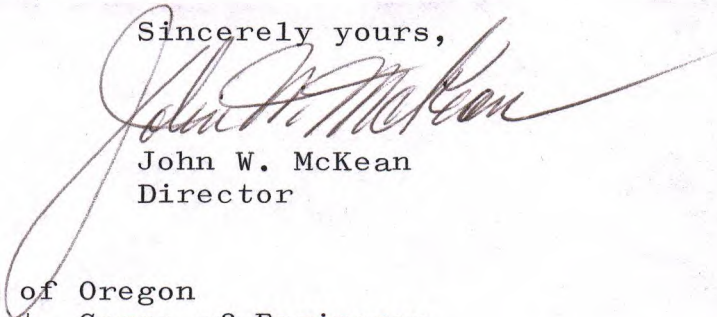
Dear Sir:

In May 1962, jointly with the Fish Commission of Oregon, we filed an application for 30,000 acre feet of storage in the then proposed Corps of Engineers' Applegate Reservoir. Your file number is R-37616.

Subsequent to project authorization the fishery enhancement features have undergone extensive review at the Corps' request. It has now provided us with the results of its latest water study, and advises that our use should be 40,000 acre feet, rather than the original requested volume. A copy of Colonel Robert L. Bangert's 27 June 1969 letter is attached.

We request that our application be ammended to increase the amount of water to be stored for fish life development from 30,000 to 40,000 acre feet.

Sincerely yours,


John W. McKean
Director

Attachment 1

cc: Fish Commission of Oregon
Portland District, Corps of Engineers
Bureau of Sport Fisheries & Wildlife
State Water Resources Board

R-37616
37617
R-37618
37619

February 25, 1965

Mr. P. W. Schneider, Director
Oregon State Game Commission
P. O. Box 3503
Portland, Oregon 97208

Dear Phil,

I have hesitated to answer your letter of January 21 concerning the Rogue River Project and the Commission's applications for permits covering storage in Lost Creek and Applegate reservoirs and releases for benefit of fish life in the Rogue and Applegate Rivers because I had no concrete suggestions to make.

As far as I know at this time and assuming that the additional information is furnished as it becomes available, the applications would be approved by issuance of permits. A possibility does exist that someone could file an objection to your action which would be sustained, or that the federal plan for development would be amended so as to preclude this action. However, at present, I do not see any probability of this occurring.

Neither do I have any suggestions for you to take that would better reserve the proposed storage and releases for fishlife purposes. The only other suggestion that I could make would be for the Commission to ask the Water Resources Board for a withdrawal of the proposed storage. I believe this was discussed earlier and rejected by the Commission in favor of the applications.

I note that you have sent a similar letter to the State Water Resources Board and I believe they would be in a better position to answer your question as to whether or not the Board would modify their decision on Elk Creek. In view of the Corps'

Mr. Schneider

-2-

February 25, 1965

proposal and the location, as well as the operational schedule for other parts of the project, I doubt if this is a real problem.

In answer to your last question, since the use of stored waters requires the concurrence of the owner of the reservoir, I don't believe any action is required at this time to protect these flows, if any will be available as a result of the storage. When the plans have been completed and full decisions made as to use of any of this water, then the responsible agency could request the Water Board for a withdrawal in their favor, or after meeting all the criteria for a water right, they could file an application for a permit at that time.

I hope these comments will be of some assistance to you.

Sincerely,

CHRIS L. WHEELER
State Engineer

CLW:ks

Commissioners
Tallant Greenough, Coquille
Chairman
Joseph W. Smith, Klamath Falls
Vice-Chairman
John P. Amacher, Winchester
J. Pat Metke, Bend
Wayne E. Phillips, Baker

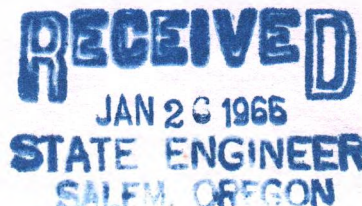
Mailing Address
P. O. Box 3503
Portland, Oregon 97208



STATE OF OREGON
OREGON STATE GAME COMMISSION
1634 S. W. ALDER STREET
PORTLAND

January 21, 1965

Mr. Chris L. Wheeler, State Engineer
516 Public Service Building
Salem, Oregon 97310



Dear Chris:

We are reviewing the Corps of Engineers' authorized Rogue River project which includes Lost Creek, Elk Creek and Applegate dams.

Following an interagency conference in the Water Resources Board office on May 11, 1962, this department jointly with the Fish Commission of Oregon filed applications for water use permits covering storage in Lost Creek and Applegate reservoirs and releases for the downstream benefit of fish life in the Rogue and Applegate Rivers. The file numbers for these applications are R-37616, 37617, R-37618 and 37619. The applications were assigned a priority date by your office and are being held to be completed at such time as the dams are constructed.

We assume our applications will be approved and permits issued when this water become available, but we do not now have documentary assurance this will happen. In your opinion does there exist a possibility that these applications may not be given favorable consideration and rights to this water be granted to others for some other use rather than for fish benefit purposes? If there is any question on this matter can you suggest any further action we may take to better reserve the storage and releases for fish life after the project has been completed?

We did not file applications for Elk Creek water as that project was not planned to provide specific fish benefits. We understood that all of the concerned agencies were in accord with the Corps' proposal to release a minimum flow of 25 cfs at all times which we considered adequate to provide free fish passage up and downstream from the mouth to the dam. Your office advised that you could not issue any water rights for fish life since water was not to be specifically stored for that purpose. The Rogue River program does not set a minimum flow level in Elk Creek; consequently, our question is whether or not you believe the Board would modify its program to protect the designed 25 cfs at such time as it becomes available.

Our third question relates to the Lost Creek storage originally anticipated to be required for irrigation which is now found to be in excess of the requirements. There has been considerable interagency effort devoted to

Mr. Chris L. Wheeler, State Engineer
Page Two
January 21, 1965

developing other beneficial uses for this surplus such as stream flow augmentation in Little Butte, Antelope and Bear Creeks for fish life, recreation, and water quality control. We now understand there may be some excess water in Applegate reservoir which may possibly be available to provide similar benefits in some tributaries in that drainage. What means do you suggest be used to legally protect these flows if the final determination is that this is the best usage?

We shall appreciate your counsel on these matters so that all of our interested agencies may proceed in the proper manner for the assurance of greatest good in the use of our water resource.

Sincerely yours,



P. W. Schneider
Director

Similar letter to the State Water Resources Board

cc:
Game Commissioners
Fish Commission of Oregon
Bureau of Sport Fisheries and Wildlife
Portland District, Corps of Engineers
Salem Area Office, Bureau of Reclamation