ORIGINAL LICENSE

HE 324

WATER RESOURCES DEPARTMENT

LICENSE FOR HYDROELECTRIC

PROJECT NO. 324

JAMES E. SEXSON
DIRECTOR
SALEM, OREGON

STATE OF OREGON

WATER RESOURCES DEPARTMENT

LICENSE FOR HYDROELECTRIC PROJECT 324

WHEREAS, by act of the Legislature of the State of Oregon, ORS 543.010 to 543.620 and 543.990, as amended, hereinafter called the Hydroelectric Act, the Water Resources Director is authorized to issue licenses to acquire and hold the right to the use of the waters within the state, and for the construction, operation and maintenance of facilities for the generation and utilization of hydroelectric energy; and

WHEREAS, Delmer Wagner, a citizen of the United States, hereinafter called the licensee, whose address is 326 Pine Grove Road, Rogue River, Oregon 97537, made application to the Director for a license for a minor hydroelectric project designated as Project HE 324 in the records of the Director; and

WHEREAS, the Director finds that the proposed project is well adapted to the development and utilization of the water power involved, that no application for this project or in conflict with this project has been filed by any municipality or utility district, and that the licensee has paid to the Water Resources Department all fees required prior to the issuance of this license; and

WHEREAS, the licensee on the 10th day of December, 1981, accepted in writing the terms and conditions of the Hydroelectric Act and of this license;

NOW, THEREFORE, the Director hereby issues this license to the licensee to acquire and hold the right to the use of the waters of Ditch Creek tributary to Pleasant Creek, and to construct, operate and maintain the project facilities hereinafter described for the generation and utilization of hydroelectric energy, subject to the following express conditions:

Article 1.

Water will be diverted by a small existing dam, and conveyed by pipeline to the plant site. Generation facilities will consist of two 18 inch and one 9 inch Pelton Wheels driving a 115-220 volt, 2 to 10 KW, Generator. After passing through the generating facility, the water utilized will be returned to Drift Creek. The project facilities are more particularly described and shown on the map filed to accompany the application and designated as Exhibit A. Said exhibit is hereby approved by the Director and made a part of this license. The project facilities will be constructed in substantial conformance with this license. No substantial change shall be made unless approved by the Director and incorporated into this license by appropriate amendment.

Article 2.

This license is issued for the period which is effective as of the date of issuance and will terminate December 31, 2001. This license grants the right to appropriate not to exceed 1.1 cubic feet per second, measured at the point of diversion from said stream, to develop 20.9 theoretical horsepower utilizing a gross head of 167 feet, provided that the right to the use of water will be further limited to the amount which the generation facilities will utilize efficiently. The priority of the right hereby granted is May 12, 1981. On termination of this license, such right to the use of water shall revert to the public. The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source which may hereafter be made for domestic, municipal, irrigation, or any other beneficial consumptive use.

Article 3.

The licensee shall begin construction of the project facilities within one year of the date of issuance of this license; shall complete construction of the project facilities within three years of the date of issuance of this license; and thereafter shall maintain the project facilities in good working order. If the licensee fails to begin or complete construction of the project facilities within the time limits fixed in this license or any lawful extension thereof; or if, after completing construction, fails to use or operate the project facilities for any period of five consecutive years, the Director shall, after due notice, terminate this license by written order. If at any time after two years nonuse of water for this project, there shall be any conflicting application for or claim to the use of this water, then the licensee may be required by the Director to show cause why the conflicting application should not be granted and this license terminated.

Article 4.

The licensee shall pay to the Water Resources Department in accordance with the provisions of ORS 543.300 (5), on or before the first day of January of each year after issuance of this license, and during the period of this license, an annual fee of $8.25.

Article 5.

The licensee shall maintain an account of the actual cost of the construction of the project facilities and any additions thereto, and shall, under oath, provide such accounting to the Director upon his request.

Article 6.

If this project is at any time within the period of the license transferred or conveyed to a public utility or if the licensee changes his status to that of a public utility by the sale of electricity to or for the public, this license shall terminate.

Article 7.

The licensee shall allow the Director and his authorized agents and employees free and unrestricted access in, through, and across the project in the performance of their official duties, and shall allow free access to all reports, accounts, records and other data relating to said project.

Article 8.

The licensee shall be liable for all damages occasioned to the persons or property of others by the construction, operation or maintenance of the project facilities, and in no event will the State of Oregon be liable therefore.

Article 9.

This project being a complete project of less than 100 theoretical horsepower capacity, the following provisions of the Hydroelectric Act, and none other, in accordance with the provisions of ORS 543.300 (7), are specifically waived:

ORS 543.510	ORS 543.530	ORS 543.550
ORS 543.520		ORS 543.560

Article 10.

With the written consent of the licensee, the Director may alter, enlarge or omit any of the conditions of this license.

Article 11.

On October 26, 1981, the licensee and the Oregon Department of Fish and Wildlife entered into an agreement pertaining to fish passage water in the section of the stream between the point of diversion and the point of return. the agreement has been made of record in the Water Resources Department with other documents pertaining to the license. A copy of the agreement is attached for reference.

IN TESTIMONY OF ACCEPTANCE of all the terms and conditions of this license, ORS 543.010 to 543.620 and 543.990, and the rules and regulations of the Director pursuant thereto, the licensee has affixed his signature this 10th day of December, 1981.

Delmer Wagner

Delmer Wagner, Licensee

IN WITNESS HEREOF, the Director of the Water Resources Department of Oregon has signed his name at Salem, Oregon this 16 day of Dec., 1981.

James E. Sexson

James E. Sexson, Director

0333A
7757A

EXHIBIT A

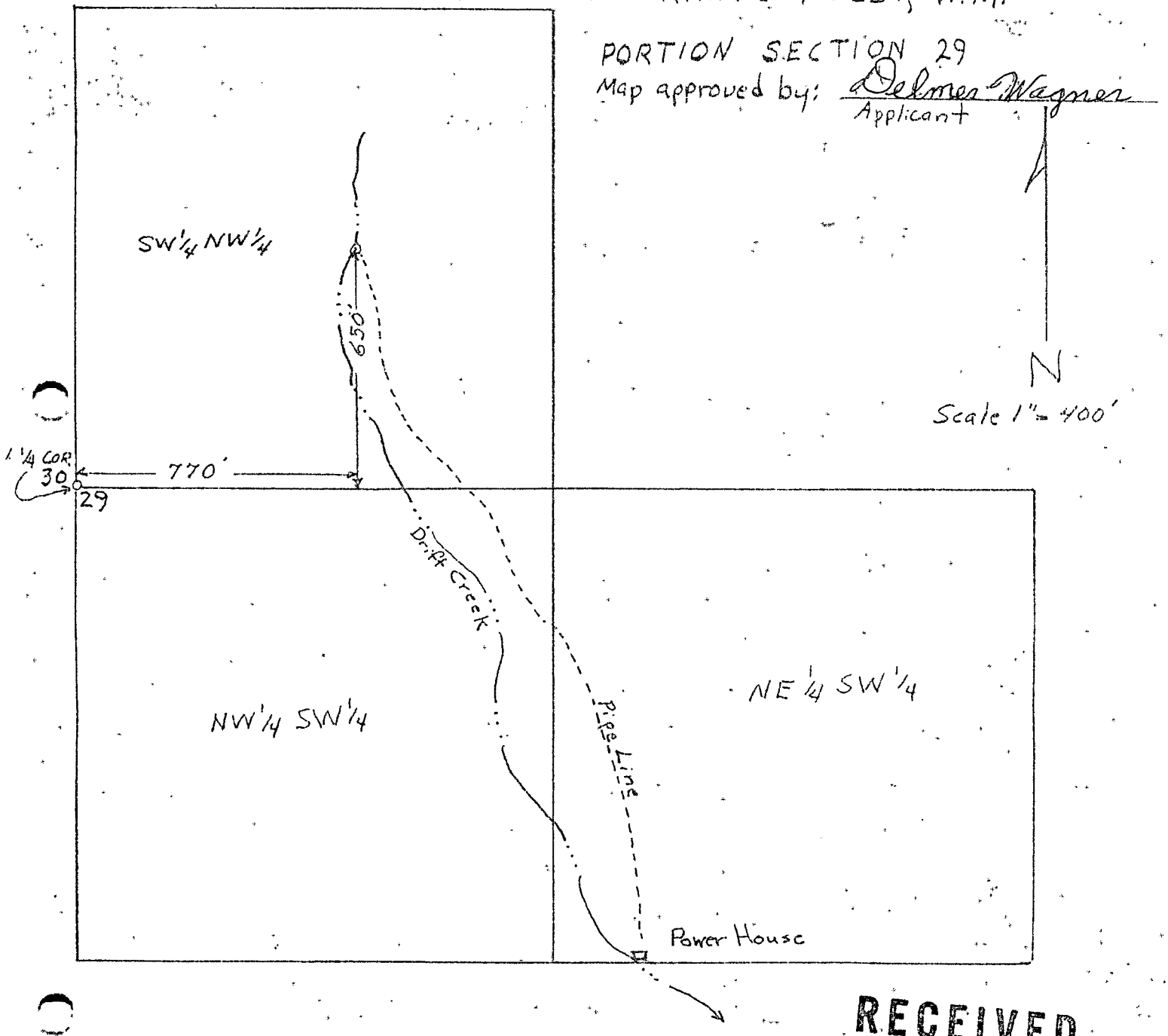
MAP TO ACCOMPANY APPLICATION FOR HYDROELECTRIC LICENSE

DELMER W WAGNER JULY., 1980

TOWNSHIP 34 SOUTH RANGE 4 WEST, W.M.

PORTION SECTION 29

Map approved by: Delmer Wagner
Applicant



AGREEMENT

HE 324 Hydroelectric Project
Delmar Wagner, Developer

This agreement is entered into this 26th day of October, 1981 between the State of Oregon, by and through its DEPARTMENT OF FISH AND WILDLIFE, Hereinafter called the "Department," and Delmar Wagner, 326 Pine Grove Road, Rogue River, Oregon 97537, hereinafter called the "Developer."

RECITALS

WHEREAS the Department has the statutory responsibility and authority to protect and enhance anadromous and game fish in the waters of the State of Oregon; and

WHEREAS the Developer has proposed to divert the waters of Ditch Creek, a tributary to Rogue River, Jackson, Oregon, for purposes of hydroelectric generation, said project more particularly described in the Developer's Application for a Hydroelectric License (HE 324, Water Resources Department), which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS the Department and Developer recognize the need to protect the fish life of Ditch Creek, including populations of Cutthroat trout, against possible adverse effects of the project; and

WHEREAS, in accordance with ORS 183.415(5), the parties agree that it is in their mutual best interest to informally dispose of the issues which are the subject of this agreement rather than to suffer the time and expense involved in contesting the matter in an administrative proceeding;

NOW, THEREFORE, in light of the above and in consideration of the covenants contained herein, the parties hereto mutually agree as follows:

A. Obligations of the Developer.

The Developer agrees to maintain a flow of water in the natural channel of Ditch Creek as specified below from the point of diversion to the point of project discharge, in order to maintain upstream and downstream fish passage, reproduction, growth, and maintenance of fish populations using the section of Ditch Creek affected by the project. The specified flows shall be measured at a point immediately above the turbine discharge by means of a calibrated v-notch weir, to be constructed and maintained by the Developer.

Flow to be Left in Natural Channel

Period	Cubic Feet Per Second
All Times	0.07

B. Obligations of the Department.

The Department agrees to accept the Developer's performance of this agreement as providing adequate protection of the public's interest in the use of the waters of the affected section of Ditch Creek for fish and wildlife purposes against possible adverse effects of the project; and therefore further agrees not to protest the issuance of a hydroelectric license for the project by the Oregon Water Resources Department.

C. This agreement shall remain in effect as long as the said project exists within the diversion from Ditch Creek and it shall be binding upon and inure to the benefit of the parties and their respective heirs, administrators, executors, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this instrument in duplicate through their duly authorized officials as of the first date written.

DEVELOPER

By Delmer Wagner

Date 10/26/81

STATE OF OREGON
County of Jackson

The foregoing instrument was acknowledged before me this 26th day of October, 1981, by Delmer Wagner.

Mrs Judy Lagner
Notary Public for Oregon
My Commission Expires 4-26-85

State of Oregon
DEPARTMENT OF FISH AND WILDLIFE

By William 2. Haight

Date 10/26/81

STATE OF OREGON
County of ~~Multnomah~~ Jackson

The foregoing instrument was acknowledged before me this 26th day of October, 1981, by William Haight the Fish Biologist of the Oregon Department of Fish and Wildlife.

Mrs Judy Lagner
Notary Public for Oregon
My Commission Expires 4-26-85

APPLICATION FOR LICENSE

RECEIVED
JAN 30 1981
WATER RESOURCES DEPT
SALEM, OREGON

For a Minor Project for Development of Not to Exceed 100 Theoretical Horsepower

TO THE ~~STATE ENGINEER~~ Water Resources Director OF OREGON:

1. Delmer Wagner

of 326 Pine Grove Road (Business Address) Rogue River (City) Jackson (County) Oregon (State) 97537

do..... hereby make application to the ~~State Engineer~~ Water Resources Director of Oregon for a license for the minor project described herein and shown on the maps and plans filed herewith and made a part hereof, said license to authorize the construction, operation and maintenance of certain project works as shown on said maps and plans and the appropriation of water for such project.

2. (a) If applicant is a corporation, give date and place of incorporation .....

(b) If applicant is an association of citizens, give date and place of organization .....

(c) If applicant is an individual, state whether or not a citizen of the United States ..... Yes (Yes or no)

Note: An applicant corporation must file herewith a certified copy of its articles of incorporation, the full names, post office addresses and official designations of each of its principal officers and directors, and in case of a foreign corporation, the name and address of the resident attorney in fact in this state.
An association must submit a certified copy of its articles of association if any there are. If there be none, the fact must be stated over the signature of each member.
An individual must furnish an affidavit that he is a citizen of the United States.
(The data above outlined should be furnished as separate documents marked as lettered exhibits. If previously furnished with application for preliminary permit, reference thereto will suffice.)

3. The name of the stream from which water is proposed to be used is ..... Ditch Creek

tributary of ..... Pleasant Creek .....

4. Quantity of water to be appropriated ~~5.56~~ 1.1 cubic feet per second ~~summer winter~~

(If water is to be used from two or more streams, state quantity from each)

5. Head to be utilized 167 feet.

6. Number of theoretical horsepower to be developed 5 HP Summer 20 HP winter
Note: Quantity of water in cubic feet per second, times head in feet, divided by 8.8 equals theoretical horsepower.

7. Location of point or points of diversion See enclosed map
(Give bearing and distance to section corner)
600 feet North and 770 feet East from the West 1/4 corner of Section 29.
(If there are to be two or more points of diversion, each must be described and the quantity of water to be diverted at each point must be stated.)
The West 1/4 corner of Section 29
SW 1/4 NW 1/4

being within the SW 1/4 NW 1/4 (40-acre Legal Subdivision) of Section 29, Township 34S.,

Range 4 W., W. M., in Jackson County.

8. The power plant is to be located in the NE 1/4 SW 1/4 (40-acre Legal Subdivision) of Section 29,

Township 34S., Range 4W., W. M.

9. Give name of stream to which water will be returned after passing through plant .....
Ditch Creek

Location of point of return NE 1/4 SW 1/4 (40-acre Legal Subdivision), Section 29, Township 34S.,

Range 4 W., W. M.

10. The Pipeline (Canal, Pipeline, Flume, Etc.) is to be 2300 ft. (Miles or Feet) in length.

11. Description of diversion dam: Height ..... feet; length on top ..... feet;

thickness at top ..... feet; thickness at bottom ..... feet; slope of upstream

Rocks thrown in as needed

face ..... feet horizontal to 1 foot vertical; slope of downstream face .....

feet horizontal to 1 foot vertical. Type of dam and material .....
(Concrete arch, masonry arch, gravity section concrete, earth fill, etc.)

Other diversion dam or dams described as follows: .....

.....

.....

.....

.....

12. Description of conduit:

(a) Canal. Dimensions at diversion point: Width at water line ..... feet, width on bottom ..... feet; depth of water ..... feet; freeboard ..... feet; slope ..... feet fall per one thousand feet of length; character of material through which to be constructed .....
(Rock, earth, earth and rock, gravel, sandy soil, etc.)

If canal will vary in dimensions at different points, give concise data as outlined above for each point where such change occurs .....

.....

.....

.....

.....

(b) Pipe Line. Kind of pipe ...Plastic...; Length ...2300...; diameter at intake 10.....
(Wood, steel, etc.) (Miner or Feet)

inches; diameter at discharge ...10..... inches; difference in elevation between intake and discharge ....165..... feet.

Give any further data necessary for computation of capacity, such as locations and elevations of high points in line, bends, changes in size, etc. .....

.....

.....

.....

RESERVOIR

If a reservoir is to be used in connection with the proposed project give descriptions as follows:

13. (a) Name of reservoir .....None.....

(b) Location of reservoir .....
(Section or Sections)
, Township ....., Range ....., W. M.

County or counties .....

(c) If located in channel of stream, give name .....

tributary of .....

(d) Location of dam .....
(40-acre Legal Subdivision)
, Section ....., Township ....., Range ....., W. M.

(e) Quantity of water to be stored ..... acre feet.

(f) Height of dam ..... feet; length on top ..... feet; thickness at top ..... feet; thickness at bottom ..... feet; slope of upstream face ..... feet horizontal to 1 foot vertical; slope of downstream face ..... feet horizontal to 1 foot vertical,

Type of dam and material .....
(Concrete arch, masonry arch, gravity section concrete, earth fill, etc.)

(g) Area of water surface at lowest elevation to which water will be drawn down ..... acres. Area of water surface when reservoir full ..... acres. Difference in elevation between high water and low water levels ..... feet.

(h) If more than one reservoir is to be used give description in accordance with above outline.

.....

.....

.....

14. The estimated cost of the proposed project is $ 25,000.00

15. The proposed scheme of development for the project is as follows (Here give a concise general description of the project, including an estimate of the power capacity and the proposed installed capacity.): Consisting of two 18 inch Pelton wheels and one 9 inch Pelton wheel with 5/8 inch and larger nozzles 115-220 Vac Generator, Electronic speed regulation 2 to 10 KW output power

.....

16. The proposed use or market for the power to be developed is as follows: Home use

.....

.....

.....

.....

17. The location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for are described briefly as follows: No other

.....

.....

.....

(Attach Separate Sheet If Necessary)

18. The following exhibits are filed herewith and made a part of this application.

Exhibit: A - Project Map

Exhibit: B - Affidavit of Citizenship

Exhibit: .....

19. If this application is made by a corporation or association, give the date of the authorization thereof by the board of directors .....

IN WITNESS WHEREOF this application is signed this 7th day of December, 19 81

Delmer Wagner
(Name of Applicant)

By Delmer Wagner

.....

WITNESSES:

Carl C Ross (Name) 188 SE 6ST GRANTS PASS (Address)

Ev. Roberta DeShon (Name) 105 Tenney Dr. Rogue River OR 97537 (Address)

WATER RESOURCES DEPT.
MILL CI[illegible]X OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310
~~STATE ENGINEER OF OREGON~~

Application for License for Minor Project

Project No. HE 324

This instrument was first received in the
Water Resources Director
office of the ~~State Engineer~~ of Oregon on the

12th day of May, 1981,

at 5:00 o'clock P M.

Exhibit B

Project No. _____

I, Delmer Wagner

of 326 Pine Grove Rd Rogue River Ore.

hereby certify that I am a citizen of the United States of America.

Delmer Wagner

Subscribed and sworn to before me by **Delmer Wagner**

this **27th** day of **January**, 19 **81**.

JUDY TRACY
NOTARY PUBLIC
STATE OF OREGON

Notary Public for Oregon

My commission expires **4-26-81**

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WIMER QUADRANGLE
OREGON
15 MINUTE SERIES (TOPOGRAPHIC)

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods
Aerial photographs taken 1951 and 1952. Field check 1954

Polyconic projection. 1927 North American datum
10,000-foot grid based on Oregon coordinate system, south zone

Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown

1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

SCALE 1:62500

1 ½ 0 1 2 3 4 MILES

3000 0 3000 6000 9000 12000 15000 18000 21000 FEET

1 .5 0 1 2 3 4 5 KILOMETERS

CONTOUR INTERVAL 80 FEET
DATUM IS MEAN SEA LEVEL

APPROXIMATE MEAN DECLINATION, 1954
20°
TRUE NORTH
MAGNETIC NORTH

OREGON
QUADRANGLE LOCATION

ROAD CLASSIFICATION
1963
Medium-duty
Light-duty
Unimproved dirt

WIMER, OREG.
N4230—W12300/15

1954

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1963—NS
MR 6385

STATE OF OREGON

WATER RESOURCES DEPARTMENT

LICENSE FOR HYDROELECTRIC PROJECT 324

WHEREAS, by act of the Legislature of the State of Oregon, ORS 543.010 to 543.620 and 543.990, as amended, hereinafter called the Hydroelectric Act, the Water Resources Director is authorized to issue licenses to acquire and hold the right to the use of the waters within the state, and for the construction, operation and maintenance of facilities for the generation and utilization of hydroelectric energy; and

WHEREAS, Delmer Wagner, a citizen of the United States, hereinafter called the licensee, whose address is 326 Pine Grove Road, Rogue River, Oregon 97537, made application to the Director for a license for a minor hydroelectric project designated as Project HE 324 in the records of the Director; and

WHEREAS, the Director finds that the proposed project is well adapted to the development and utilization of the water power involved, that no application for this project or in conflict with this project has been filed by any municipality or utility district, and that the licensee has paid to the Water Resources Department all fees required prior to the issuance of this license; and

WHEREAS, the licensee on the 10th day of December, 1981, accepted in writing the terms and conditions of the Hydroelectric Act and of this license;

NOW, THEREFORE, the Director hereby issues this license to the licensee to acquire and hold the right to the use of the waters of Ditch Creek tributary to Pleasant Creek, and to construct, operate and maintain the project facilities hereinafter described for the generation and utilization of hydroelectric energy, subject to the following express conditions:

Article 1.

Water will be diverted by a small existing dam, and conveyed by pipeline to the plant site. Generation facilities will consist of two 18 inch and one 9 inch Pelton Wheels driving a 115-220 volt, 2 to 10 KW, Generator. After passing through the generating facility, the water utilized will be returned to Drift Creek. The project facilities are more particularly described and shown on the map filed to accompany the application and designated as Exhibit A. Said exhibit is hereby approved by the Director and made a part of this license. The project facilities will be constructed in substantial conformance with this license. No substantial change shall be made unless approved by the Director and incorporated into this license by appropriate amendment.

Article 2.

This license is issued for the period which is effective as of the date of issuance and will terminate December 31, 2001. This license grants the right to appropriate not to exceed 1.1 cubic feet per second, measured at the point of diversion from said stream, to develop 20.9 theoretical horsepower utilizing a gross head of 167 feet, provided that the right to the use of water will be further limited to the amount which the generation facilities will utilize efficiently. The priority of the right hereby granted is May 12, 1981. On termination of this license, such right to the use of water shall revert to the public. The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source which may hereafter be made for domestic, municipal, irrigation, or any other beneficial consumptive use.

Article 3.

The licensee shall begin construction of the project facilities within one year of the date of issuance of this license; shall complete construction of the project facilities within three years of the date of issuance of this license; and thereafter shall maintain the project facilities in good working order. If the licensee fails to begin or complete construction of the project facilities within the time limits fixed in this license or any lawful extension thereof; or if, after completing construction, fails to use or operate the project facilities for any period of five consecutive years, the Director shall, after due notice, terminate this license by written order. If at any time after two years nonuse of water for this project, there shall be any conflicting application for or claim to the use of this water, then the licensee may be required by the Director to show cause why the conflicting application should not be granted and this license terminated.

Article 4.

The licensee shall pay to the Water Resources Department in accordance with the provisions of ORS 543.300 (5), on or before the first day of January of each year after issuance of this license, and during the period of this license, an annual fee of $8.25.

Article 5.

The licensee shall maintain an account of the actual cost of the construction of the project facilities and any additions thereto, and shall, under oath, provide such accounting to the Director upon his request.

Article 6.

If this project is at any time within the period of the license transferred or conveyed to a public utility or if the licensee changes his status to that of a public utility by the sale of electricity to or for the public, this license shall terminate.

Article 7.

The licensee shall allow the Director and his authorized agents and employees free and unrestricted access in, through, and across the project in the performance of their official duties, and shall allow free access to all reports, accounts, records and other data relating to said project.

110 DC

12,000 watt Best Series M

40 golf cart batteries

7200' long -

8" pulley → 2 | 18" Pelton | 28" pulley | 10" | 1" - 3/4"

LIMA | 1 | 9" | Pelton | | 4" | 5/8 | 3/8

sync

Alt.

20 KW 1Ø

25 KW 3Ø 72 psi.

set up for 4

11" to 7"

Windpower 4 KW alternator

Water ~~from~~ rock & log Div Dam Courtesy of BLM road building

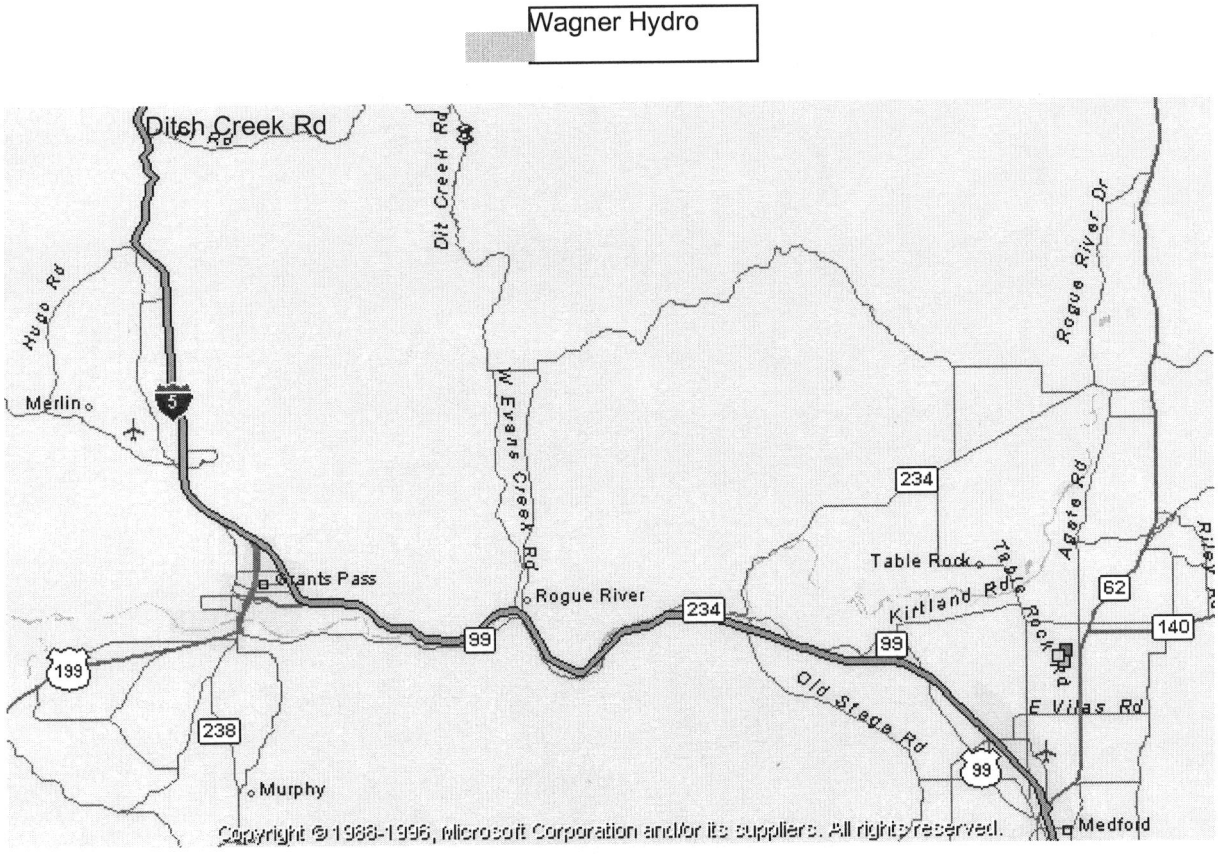
3/8 x 1/8 screen - wood trash rack

motor driven wiper

Directions to Delmar Wagner Hydro Project (HE 324)

36505 Ditch Creek Rd.
Rogue River, Or.

Take West Evans Creek Rd to MP 11, turn left on Ditch Creek Rd., go 1.5 miles. The driveway to the house is on the left, 1.5 blocks past the end of the pavement.



Oregon
John A. Kitzhaber, M.D., Governor

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

Dear Project Owner:

To better provide you with service, we request your completion of the below questionnaire. Please return with your annual fee payment.

If you are no longer the owner or operator of the project(s), please provide the new owner(s) name and address.

HYDROELECTRIC OR POWER CLAIM NUMBER: HE 324

OWNER: Delmer Wagner

CONTACT PERSON: Delmer Wagner

ADDRESS: 36505 Ditch Creek Road

CITY: Rogue River STATE: OR ZIP CODE: 97537

TELEPHONE NUMBER: 541 - 582 - 3819
(INCLUDE AREA CODE)

FAX NUMBER: 541 - 582 - 8024

E-MAIL ADDRESS: _____

HE 324

HYDROELECTRIC OPERATOR SURVEY

1) How many months did you operate your hydroelectric project the past year? 6-7

2) Has the past 6 year drought cycle affected the amount of power you were able to generate? Yes

3) Have you made any physical alterations in the design or operation of the project since it was originally licensed? If so, are they the type of improvements that other projects could benefit from? NO

4) Are you currently using any devise to measure the amount of water you divert or the amount of power you generate? If so, please describe the type of measuring devise. N/A

5) What is the power used for?

a) Domestic/Residential
b) Operation of Machinery
c) Commercial
d) Power for Sale
e) Other _____

6) Has the operation of your facility paid for the installation costs? I believe So

Delmer Wagner
Ditch Creek
Rogue

7) Are there any unique features of your project that you would like to share? Attach additional sheets if necessary. _____

8) How long has your project been in operation? Since License.

9) If your project is not in operation, when was the last time it was operated? Operates every Year

10) Are you experiencing any operational problems that you would like assistance with (sorry, we can't make it rain)? Please describe

Please Seed the Clouds.

WAGNER
Electronic Products, Inc. 326 Pine Grove Road • Rogue River, Oregon 97537 • TLX 755009
Phone (503) 582-0541

October 4, 1985

WATER RESOURCES DEPARTMENT
Att: Mr. Donald R. Buell
Hydroelectric Licensing Engineer
Mill Creek Office Park
555 13th Street
Salem, OR 97310

Dear Mr. Buell:

I just received a letter from the Division of State Lands with an application for removal of material from water ways (in reference to Ditch Creek).

At the present time I do not have the time of money for a new application on Ditch Creek. I would like to go amendment only. Would it be better to cut down the amount of water applied for? I would greatly appreciate it if you could outline the requirements for an amendment for the use of additional water. I may not wish to go ahead with the amendment at the present time.

Thank you for your consideration.

Very truly yours,

Delmer Wagner

Delmer Wagner

ew

378-8507
or
1-800-452-7813
(message line)

December 17, 1981

Delmer Wagner
326 Pine Grove Road
Rogue River, OR 97537

Dear Mr. Wagner:

Enclosed is a signed copy of the license for your Hydroelectric Project 324.

You will note that construction must begin within one year after, and be completed within three years after, the date of issuance of the license.

Please advise me when you begin construction and when construction is completed.

Sincerely,

DONALD R. BUELL
Hydroelectric License Engineer

DRB:wpc
enclosure
1501A
8614A

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 378-8508

December 9, 1981

Delmer Wagner
326 Pine Grove Road
Rogue River, Oregon 97537

REFERENCE: HE 324

Dear Mr. Wagner:

We received the original and one copy of the license for your proposed power project. We also received your check in the amount of $2 as requested in our letter of November 10, 1981.

The request for the additional $2 fee was in error. The required $2 was received in this office on May 20, 1981 as evidenced by our Receipt 24189 which is enclosed. We apologize for the error and enclosed find your check 9021 in the amount of $2.

We also requested in our letter of November 10, 1981, that you review the license and enter the date and your signature on the third page of both the original and the copy. The date must also be entered on the first page.

Because you did not sign the license and the copy, I am returning them for your signature. Upon return of the licenses, they will be signed by the Director and the copy will be returned to you.

Sincerely,

DONALD R. BUELL
Hydroelectric Licensing Engineer

DRB:lcj

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 378-2907 or 1-800-452-7813

February 11, 1981

Delmer Wagner
326 Pine Grove Road
Rogue River, OR 97537

Dear Mr. Wagner:

We are in receipt of your application for a license for some 20 theoretical horsepower along with your request of exception letter from the Rogue River Basin Policy Statement. Mr. Tom Kline of our Policy and Planning Division can advise you of the procedures relating to the exception.

We have placed your $40 in a pending account whereby the application can be filed if your exception is approved. If not, the fees will be returned to you.

Sincerely,

HOWARD DAGGETT

HD:wpc
3871A

Called Doug Schmor, Wagner Attorney and he wants application filed.

HD

COPY

VICTOR ATIYEH
GOVERNOR

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 1-800-452-7813

November ~~5~~ 10, 1981

Delmer Wagner
326 Pine Grove Road
Rogue River, OR 97537

Dear Mr. Wagner:

Enclosed is an original and one copy of the license for your proposed power project. Please review the license and enter the date and your signature as licensee on the last page of both the original and the copy, and return both to me. I have enclosed an addressed envelope for your convenience in returning the signed documents. The original and copy will then be signed by the Director, and the signed copy returned to you.

Also enclosed is our Receipt 22576 in the amount of $40 acknowledging payment of a portion of the examination and filing fees. Please submit an additional $2 payable to the Water Resources Department. Please see instruction booklet for correct computations.

Sincerely,

HOWARD DAGGETT

HD:wpc
enclosures
1382A
7755A

COPY

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2907 or
1-800-452-7813

May 15, 1981

Delmer Wagner
326 Pine Grove Rd.
Rogue River, OR 97535

Dear Mr. Wagner:

REFERENCE: HE 324

The Water Policy Review Board approved modification of the Rogue River Basin Policy Statement at their April 4, 1981 meeting to allow power development in excess of 7½ theoretical horsepower. The Policy statement was filed with the Secretary of State on May 12, 1981, therefore, your application for Minor Hydroelectric License has been filed and is identified in our records as HE 324.

Your application is for a maximum diversion of 1.1 cubic foot per second of Ditch Creek water, utilizing a gross head of 167 feet to develop 20 theoretical horsepower, however the application must be corrected to 20.9 theoretical horsepower.

Filing fees for a project of the above size is computed on the basis of $2 per theoretical horsepower to the highest whole number. Therefore, the filing fee for your project is $42. Since $40 accompanied the application and was placed in a pending account, an additional $2 is due. Please make your check payable to the Water Resources Department and note HE 324 examination fee.

Interest in hydroelectric generation has increased substantially in recent months, resulting in a backlog of applications and requests for information. Your application will be reviewed and processed as soon as possible. We will contact you if additional information is required, otherwise, you will receive the license documents as soon as processing has been completed.

Thank you for your patience.

Sincerely,

HOWARD DAGGETT

HD:td
cc: Douglass H. Schmor

COPY

Form 1542-4
(April 1976)
(formerly 4-1123)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ROUTING AND TRANSMITTAL SLIP

TO CODE	NAME	ORGANIZATION	ACTION	ROOM NO.
	OREGON WATER RESOURCES			
	DEPARTMENT — SALEM			
	Attn. HOWARD DAGGETT		8	

Indicate Action by Number

1. Necessary action
2. Approval
3. Signature
4. Prepare reply
5. Your comment and return
6. Note and surname
7. Note and return
8. Your information
9. See me
10.

From	Date	Room No.
Ward T. Brookwell	10/6/81	
Office Medford D.O. — BLM		**Phone**

Remarks RE: Delmar Wagner

RECEIVED
OCT 7 1981
WATER RESOURCES DEPT
SALEM, OREGON

☆U.S. Government Printing Office: 1980—778-179/273

RECEIVED
OCT 1 '81
BUREAU OF LAND MGT.
MEDFORD, OREGON

Creek.

r Wagner's residence
ater for hydropower
n. People in attend-
las Schmor, Wagner's
nagement, and myself.
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Mr.Schmor. The letter
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s above and below
osen were a 100 yard
100 yard portion
were shocked, measured
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to be measured above
e shocker sampling.

Laurie Lindell, BLM hydrologist, assumed this job.

Shocker samples were taken four times through the summer. Data gathered from the two sample areas is given in Table 1. No impacts on resident cutthroat were discernable as a result of reduced flows in the section above the turbine discharge. Numbers of fish in both sampled areas increased over the summer. It is assumed this is due to fish dropping into the sample

Date: September 28, 1981

To: Lou Fredd

From: Bill Haight

Subject: Delmar Wagner Hydroelectric Plant on Ditch Creek.

On April 22,1981, a meeting was held at Mr. Delmar Wagner's residence on Ditch Creek to discuss what affects diversion of water for hydropower generation would have on resident trout in that stream. People in attendance at that meeting were Mr. Delmar Wagner, Mr. Douglas Schmor, Wagner's attorney, Mr. Ward Brookwell of the Bureau of Land Management, and myself.

A study to determine the affects of the reduced flow was outlined and is spelled out in a letter of understanding written by Mr.Schmor. The letter is appended to this report. Basically the study called for a monthly shocker sample of resident fish from representative sections above and below Wagner's turbine discharge. The sections that were chosen were a 100 yard stretch immediately below the turbine discharge and a 100 yard portion immediately above the discharge. Resident cutthroat were shocked, measured in centimeter size groups and returned to the stream in the vicinity of where they were collected. The study also called for flows to be measured above and below the turbine discharge in conjunction with the shocker sampling. Laurie Lindell, BLM hydrologist, assumed this job.

Shocker samples were taken four times through the summer. Data gathered from the two sample areas is given in Table 1. No impacts on resident cutthroat were discernable as a result of reduced flows in the section above the turbine discharge. Numbers of fish in both sampled areas increased over the summer. It is assumed this is due to fish dropping into the sample

areas from upstream. Zero-aged fish increased in size in both sample areas at the same rate, therefore, no affects on growth in the dewatered area was apparent.

Flows in the sample areas were measured by Laurie Lindell on three occasions. Her data is summarized in Table 2. It shows that the flow in the dewatered area varied from 1.59 on June 3, to 0.07 on September 10. I attempted to measure the flow below the discharge on July 21, with a Marsh-McBriney instrument and noted 0.11 cfs.

Following the September 10 sampling, Mr. Wagner installed a concrete measuring weir above the discharge. Dave Hendrix, Jackson County Watermaster, inspected the weir around September 15, following a rainfall and recorded 0.11 cfs for the dewatered section. Mr. Wagner, following directions from Hendrix, measured 0.07 cfs at the weir September 24.

Because of the bedrock nature of the streambed of Ditch Creek on Wagner's property small flow does not disappear into the substrata as it would with a gravel or soil substrate, consequently, the 0.07 cfs flow was adequate to sustain resident fish in the dewatered sample area. Also, the riparian vegetation aids in keeping the water temperature within acceptable limits, therefore, even the reduced flow stayed relatively cool (70°F) in the warm July weather.

Realizing that 1981 was a drought year we can assume that Ditch Creek would not normally get as low as it did this summer. Also, inspite of the low flow, Mr. Wagner was able to operate the turbine and somewhat adequately supply the power needs for his home. Therefore it can be assumed that, under normal conditions, Wagner's needs and the fish needs can both be met with Ditch Creek flows. Considering the foregoing, I offer the two following

recommendations for your consideration:

1. Mr. Wagner shall maintain a flow of no less than 0.07 cfs between his point of diversion and his turbine discharge;
2. Mr Wagner shall install a 90 degree "V" notch measuring weir in Ditch Creek above the turbine discharge. Mr. Dave Hendrix will supply a design for the weir. This weir will not erode with winter flows and should be useable for many years.

I am sending copies of this memo to Mr. Wagner, Mr. Schmor, Mr. Hendrix and Mr. Brookwell and ask them to notify me if there are any problems with the above recommendations. If there are none, I will then ask you to draw up an agreement for Mr. Wagner's signature.

Bill Haight

William Haight, District Fish Biologist

cc: Delmar Wagner
Douglas Schmor
Ward Brookwell
Dave Hendrix.

SHOCKER SAMPLING DATA
Wagner- Hydroelectric

Period _____, 19__ Table 1 District Rogue

Water	Date	Water-shed	Distance shocked	Species	Number Fish Taken	Hours Shocked	% of 3 Total	Number of Fish by two cm. Size Groups (Fork Length)																
								4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36 & over
Ditch Creek																								
Below turbine	6/3		100 yds	Ct	56		13	23	2	3	5	4	2	1		2	1							
	7/8		"	"	57			17	19	3	7	5	2		1	1	1	1						
	8/21		"	"	68			20	28	6	4	4	2	1		2	1							
	9/10		"	"	71			8	28	19	8	3	2		2			1						
Above turbine	6/3		100 yds	Ct	35		13	9	1	3	3	4	1	1										
	7/8		"	"	57			15	30	6	4		1		1									
	8/21		"	"	57			9	27	10	5	3	1	1	1									
	9/10		"	"	58			3	17	27	7		2	1	1									

Table 2

Ditch Creek-Stream Flow & Temperature Data

Wagner Hydroelectric Facility

Date	Flow in cfs Above turbine		Below turbine	Measuring Person Device	Measuring	Temperature
6/3/81	1.59	* 0.71	2.30	Pygmy	L.Lindell	-
7/8/81	0.95	0.34	1.29	"	"	56° F
8/21/81	/1		0.11	Marsh-McBirney	Haight	70° F
9/10/81	0.07	0.07	0.14	Pygmy	L. Lindell	58° F
9/15/81	0.11	0.17	0.28	-	D. Hendrix	-
/24/81	0.07		-	Weir	D. Wagner	-

* Amount of Mr. Wagner's use during the summer on the dates noted 0.07 is the recommended minimum flow in the above section according to Haight

/1 Hydroplant not operating.

File G-10311 Ilia Kuzman, 12089 Howell Prairie Rd., NE, Gervais, OR 97026, 0.14 cfs, 1 well, irrigation, SE¼ NE¼, Sec. 36, T. 5 S., R. 2 W., W.M., Marion Co.

File G-10312 Lee Chism, 2590 Elliott Rd., Dallas, OR 97338, 0.25 cfs, 1 well, irrigation, SW¼ NE¼, Sec. 22, T. 27 S., R. 17 E., W.M., Lake Co.

File G-10313 Lee Chism, above address, 0.5 cfs, 1 well, irrigation, SE¼ SW¼, Sec. 8, T. 27 S., R. 18 E., W.M., Lake Co.

File G-10314 Bart Vanveen, 35195 SE Surface Rd., Estacada, OR 97023, 200 GPM, 1 well, irrigation, SW¼ SE¼, Sec. 27, T. 3 S., R. 4 E., W.M., Clackamas Co.

File G-10315 West Oregon Nursery, Inc., 3550 NW Saltzman Rd., Portland, OR 97229, 557 GPM, 2 wells, irrigation in and out of season, SW¼ NE¼, NE¼ NE¼, Sec. 28, T. 1 N., R. 1 W., WM, Washington Co.

File G-10316 Ronald A. & Susan M. Williams, Route 2, Box 2812, Hermiston, OR 97838, 0.25 cfs, 1 well, irrigation, NE¼ NW¼, Sec. 31, T. 5 N., R. 29 E., WM, Umatilla Co.

File G-10317 Raymond E. & Druceleia C. Hobbs, P.O. Box 215, Keno, OR 97627, 50 GPM, 1 well, irrigation, SW¼ SW¼, Sec. 30, T. 39 S., R. 8 E., W.M., Klamath Co.

File G-10318 Michael Flemmer, P.O. Box 811, Rufus, OR 97050, 1.0 cfs, servies of dredge ponds, trib. Clear Cr., mining, Tax Lot 100, Sec. 2A, T. 9, T. 35, Grant Co.

File G-10319 Roy J. Malensky, Route 6, Box 232, Hillsboro, OR 97123, 605 GPM, 1 well, irrigation, SE¼ SW¼, Sec. 31, T. 1 S., R. 2 W., W.M., Washington Co.

File G-10320 Roy J. Malensky, above address, 167.7 GPM, 1 well, irrigation, SE¼ SW¼, Sec. 31, T. 1 S., R. 2 W., W.M., Washington Co.

File G-10321 Theodore L. Anderson, Route 1, Box 796, Prineville, OR 97754, 45 GPM, 1 well, irrigation, NW¼ NE¼, Sec. 7, T. 14 S., R. 16 E., W.M., Crook Co.

Hydroelectric Application HE 324, Delmer Wagner, 326 Pine Grove Rd., Rogue River, OR 97537, 1.1 cfs, Ditch Cr., generation of hydroelectric power, SW¼ NW¼, Sec. 29, T. 34 S., R. 4 W., WM, Jackson Co.

Transfer Applications:

File 4765 City of Dayville, change in point of diversion, South Fork John Day River, Certificate 2092, Grant Co.

File 5766 M.W. Irwin, changes in place of use and point of diversion, Thomas Cr., Certificate 23888, Linn Co.

from mailer dated 5-18-81

APPLICATION FOR LICENSE

RECEIVED
JAN 30 1981
WATER RESOURCES DEPT
SALEM, OREGON

For a Minor Project for Development of Not to Exceed 100 Theoretical Horsepower

TO THE ~~STATE ENGINEER~~ Water Resources Director OF OREGON:

1. Delmer Wagner

of 326 Pine Grove Road (Business Address) Rogue River (City) Jackson (County) Oregon (State) 97537

do hereby make application to the ~~State Engineer~~ Water Resources Director of Oregon for a license for the minor project described herein and shown on the maps and plans filed herewith and made a part hereof, said license to authorize the construction, operation and maintenance of certain project works as shown on said maps and plans and the appropriation of water for such project.

2. (a) If applicant is a corporation, give date and place of incorporation .....

(b) If applicant is an association of citizens, give date and place of organization .....

(c) If applicant is an individual, state whether or not a citizen of the United States ..... Yes (Yes or no)

Note: An applicant corporation must file herewith a certified copy of its articles of incorporation, the full names, post office addresses and official designations of each of its principal officers and directors, and in case of a foreign corporation, the name and address of the resident attorney in fact in this state.
An association must submit a certified copy of its articles of association if any there are. If there be none, the fact must be stated over the signature of each member.
An individual must furnish an affidavit that he is a citizen of the United States.
(The data above outlined should be furnished as separate documents marked as lettered exhibits. If previously furnished with application for preliminary permit, reference thereto will suffice.)

3. The name of the stream from which water is proposed to be used is Ditch Creek

tributary of Pleasant Creek

4. Quantity of water to be appropriated ~~2.76~~ 1.1 cubic feet per second ~~summer~~ ~~winter~~

(If water is to be used from two or more streams, state quantity from each)

5. Head to be utilized 167 feet.

6. Number of theoretical horsepower to be developed 5 HP Summer 20 9 HP winter
Note: Quantity of water in cubic feet per second, times head in feet, divided by 8.8 equals theoretical horsepower.

7. Location of point or points of diversion See enclosed map
(Give bearing and distance to section corner)
600 feet North and 770 feet East from the West 1/4 corner of Section 29
(If there are to be two or more points of diversion, each must be described and the quantity of water to be diverted at each point must be stated.)
The West 1/4 corner of Section 29
SW 1/4 NW 1/4

being within the SW 1/4 NW 1/4 (40-acre Legal Subdivision) of Section 29, Township 34S.,

Range 4 W, W. M., in Jackson County.

8. The power plant is to be located in the NE 1/4 SW 1/4 (40-acre Legal Subdivision) of Section 29,

Township 34S., Range 4W, W. M.

9. Give name of stream to which water will be returned after passing through plant
Ditch Creek

Location of point of return NE 1/4 SW 1/4 (40-acre Legal Subdivision), Section 29, Township 34S.,

Range 4 W, W. M.

10. The Pipeline (Canal, Pipeline, Flume, Etc.) is to be 2300 ft (Miles or Feet) in length.

11. Description of diversion dam: Height ..... feet; length on top ..... feet;

thickness at top ..... feet; thickness at bottom ..... feet; slope of upstream

Rocks thrown in as needed

face ..... feet horizontal to 1 foot vertical; slope of downstream face .....

feet horizontal to 1 foot vertical. Type of dam and material .....
(Concrete arch, masonry arch, gravity section concrete, earth fill, etc.)

Other diversion dam or dams described as follows: .....

.....

.....

.....

.....

12. Description of conduit:

(a) Canal. Dimensions at diversion point: Width at water line ..... feet, width on bottom ..... feet; depth of water ..... feet; freeboard ..... feet; slope ..... feet fall per one thousand feet of length; character of material through which to be constructed .....
(Rock, earth, earth and rock, gravel, sandy soil, etc.)

If canal will vary in dimensions at different points, give concise data as outlined above for each point where such change occurs .....

.....

.....

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.....

(b) Pipe Line. Kind of pipe ~~Plastic~~; Length ~~2300~~; diameter at intake ~~10~~ inches; diameter at discharge ~~10~~ inches; difference in elevation between intake and discharge ~~165~~ feet.
(Wood, steel, etc.) (Miles or Feet)

Give any further data necessary for computation of capacity, such as locations and elevations of high points in line, bends, changes in size, etc. .....

.....

.....

.....

RESERVOIR

If a reservoir is to be used in connection with the proposed project give descriptions as follows:

13. (a) Name of reservoir ~~None~~

(b) Location of reservoir ....., Township ....., Range ....., W. M.
(Section or Sections)

County or counties .....

(c) If located in channel of stream, give name .....

tributary of .....

(d) Location of dam ....., Section ....., Township ....., Range ....., W. M.
(40-acre Legal Subdivision)

(e) Quantity of water to be stored ..... acre feet.

(f) Height of dam ..... feet; length on top ..... feet; thickness at top ..... feet; thickness at bottom ..... feet; slope of upstream face ..... feet horizontal to 1 foot vertical; slope of downstream face ..... feet horizontal to 1 foot vertical,

Type of dam and material .....
(Concrete arch, masonry arch, gravity section concrete, earth fill, etc.)

(g) Area of water surface at lowest elevation to which water will be drawn down ..... acres. Area of water surface when reservoir full ..... acres. Difference in elevation between high water and low water levels ..... feet.

(h) If more than one reservoir is to be used give description in accordance with above outline.

.....

.....

.....

14. The estimated cost of the proposed project is $ 25,000.00

15. The proposed scheme of development for the project is as follows (Here give a concise general description of the project, including an estimate of the power capacity and the proposed installed capacity.): Consisting of two 18 inch Pelton wheels and one 9 inch Pelton wheel with 5/8 inch and larger nozzles 115-220 Vac Generator, Electronic speed regulation 2 to 10 KW output power

.....

16. The proposed use or market for the power to be developed is as follows: Home use

.....

.....

.....

.....

17. The location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for are described briefly as follows: No other

.....

.....

.....

(Attach Separate Sheet If Necessary)

18. The following exhibits are filed herewith and made a part of this application.

Exhibit: A - Project Map

Exhibit: B - Affidavit of Citizenship

Exhibit: .....

19. If this application is made by a corporation or association, give the date of the authorization thereof by the board of directors .....

IN WITNESS WHEREOF this application is signed this ..... day of ....., 19.....

.....
(Name of Applicant)

By .....

.....

WITNESSES:

.....
(Name) (Address)

.....
(Name) (Address)

WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310
~~STATE ENGINEER OF OREGON~~

Application for License for Minor Project

Project No. HE 324

This instrument was first received in the office of the ~~State Engineer~~ Water Resources Director of Oregon on the

12th day of May, 1981,

at 5:00 o'clock P M.

EXHIBIT A

MAP TO ACCOMPANY APPLICATION FOR HYDROELECTRIC LICENSE

DELMER W WAGNER JULY., 1980

TOWNSHIP 34 ~~SOUTH~~ RANGE 4 WEST, W.M.

PORTION SECTION 29

Map approved by: Delmer Wagner
Applicant

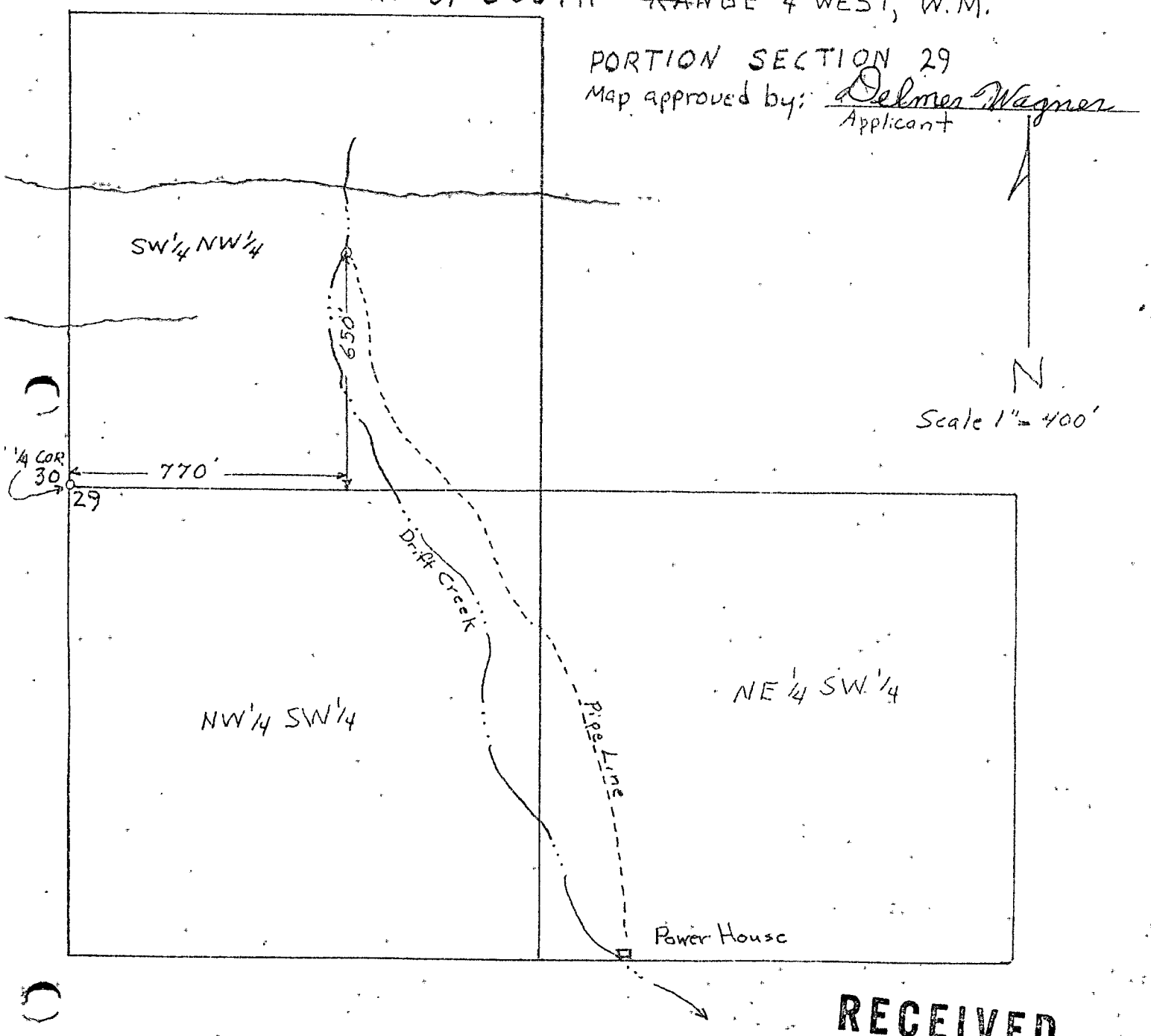


Exhibit B

Project No. _____

I, Delmer Wagner

of 326 Pine Grove Rd Rogue River Ore.

hereby certify that I am a citizen of the United States of America.

Delmer Wagner

Subscribed and sworn to before me by **Delmer Wagner**

this **27th** day of **January**, 19 **81**.

Notary Public for Oregon

My commission expires **4-26-81**

EXHIBIT A

MAP TO ACCOMPANY APPLICATION FOR HYDROELECTRIC LICENSE

DELMER W WAGNER JULY., 1980

TOWNSHIP 34 SOUTH RANGE 4 WEST, W.M.

PORTION SECTION 29

Map approved by: Delmer W Wagner
Applicant

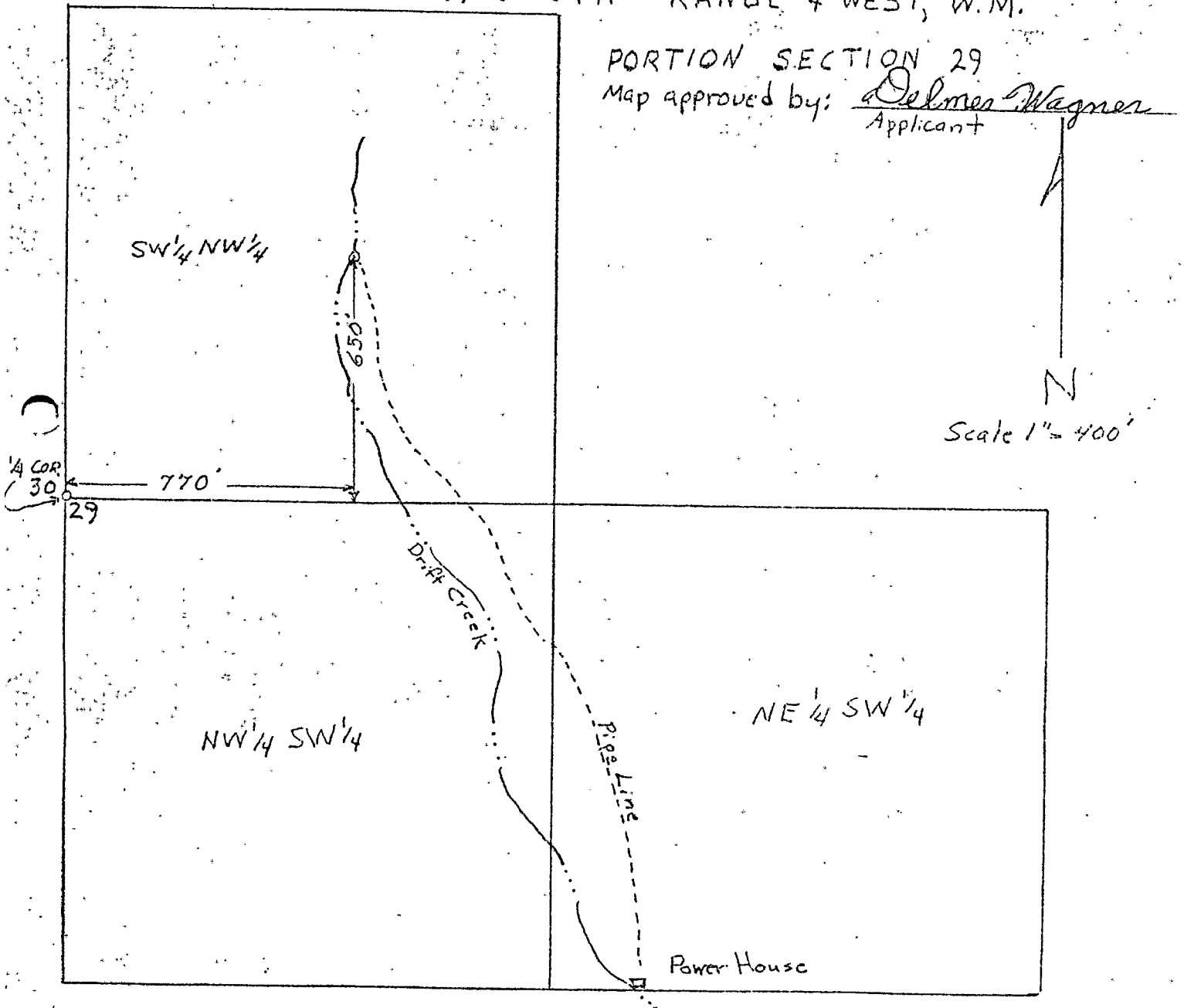


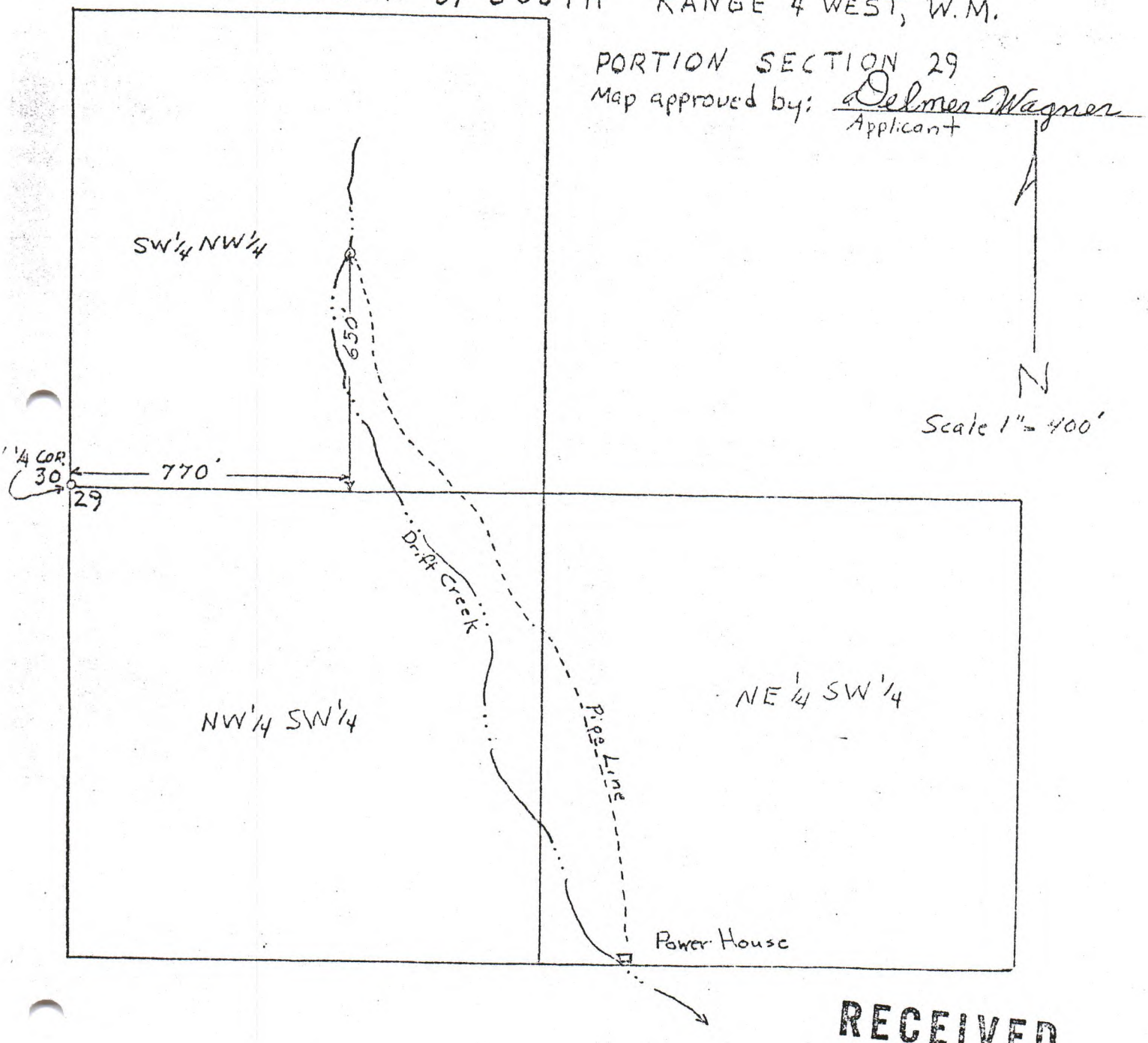
EXHIBIT A
MAP TO ACCOMPANY APPLICATION FOR HYDROELECTRIC LICENSE

DELMER W WAGNER JULY., 1980

TOWNSHIP 34 SOUTH RANGE 4 WEST, W.M.

PORTION SECTION 29

Map approved by: Delmer Wagner
Applicant



AGREEMENT

HE 324 Hydroelectric Project
Delmar Wagner, Developer

This agreement is entered into this 26th day of October, 1981 between the State of Oregon, by and through its DEPARTMENT OF FISH AND WILDLIFE, Hereinafter called the "Department," and Delmar Wagner, 326 Pine Grove Road, Rogue River, Oregon 97537, hereinafter called the "Developer."

RECITALS

WHEREAS the Department has the statutory responsibility and authority to protect and enhance anadromous and game fish in the waters of the State of Oregon; and

WHEREAS the Developer has proposed to divert the waters of Ditch Creek, a tributary to Rogue River, Jackson, Oregon, for purposes of hydroelectric generation, said project more particularly described in the Developer's Application for a Hydroelectric License (HE 324, Water Resources Department), which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS the Department and Developer recognize the need to protect the fish life of Ditch Creek, including populations of Cutthroat trout, against possible adverse effects of the project; and

WHEREAS, in accordance with ORS 183.415(5), the parties agree that it is in their mutual best interest to informally dispose of the issues which are the subject of this agreement rather than to suffer the time and expense involved in contesting the matter in an administrative proceeding;

NOW, THEREFORE, in light of the above and in consideration of the covenants contained herein, the parties hereto mutually agree as follows:

A. Obligations of the Developer.

The Developer agrees to maintain a flow of water in the natural channel of Ditch Creek as specified below from the point of diversion to the point of project discharge, in order to maintain upstream and downstream fish passage, reproduction, growth, and maintenance of fish populations using the section of Ditch Creek affected by the project. The specified flows shall be measured at a point immediately above the turbine discharge by means of a calibrated v-notch weir, to be constructed and maintained by the Developer.

Flow to be Left in Natural Channel

Period	Cubic Feet Per Second
All Times	0.07

B. Obligations of the Department.

The Department agrees to accept the Developer's performance of this agreement as providing adequate protection of the public's interest in the use of the waters of the affected section of Ditch Creek for fish and wildlife purposes against possible adverse effects of the project; and therefore further agrees not to protest the issuance of a hydroelectric license for the project by the Oregon Water Resources Department.

C. This agreement shall remain in effect as long as the said project exists within the diversion from Ditch Creek and it shall be binding upon and inure to the benefit of the parties and their respective heirs, administrators, executors, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this instrument in duplicate through their duly authorized officials as of the first date written.

DEVELOPER

By Delmer Wagner

Date 10/26/81

STATE OF OREGON
County of Jackson

The foregoing instrument was acknowledged before me this 26th day of October, 1981, by Delmer Wagner.

Mrs Judy Fugier
Notary Public for Oregon
My Commission Expires 4-26-85

State of Oregon
DEPARTMENT OF FISH AND WILDLIFE

By William 2. Haight

Date 10/26/81

STATE OF OREGON
County of ~~Multnomah~~ Jackson

The foregoing instrument was acknowledged before me this 26th day of October, 1981, by William Haight the Fish Biologist of the Oregon Department of Fish and Wildlife.

Mrs Judy Fugier
Notary Public for Oregon
My Commission Expires 4-26-85

KILN # _____

DATE _____

DRY	BELOW	- 10 1/4%	736
WET A	10 1/4%	- 12	703
WET B	12	- 14 1/4%	468
WET C	14 1/4%	- 18 1/2%	399
WET D	OVER	- 18 1/2%	253
TOTAL----------			2559

AVERAGE MOISTURE CONTENT--- 12 1/2%

DISTRIBUTION OF SAMPLES IN 2% INTERVALS

BELOW 6%	102
6% - 8%	223
8% - 10%	401
10% - 12%	713
12% - 14%	464
14% - 16%	240
16% - 18%	163
18% - 20%	121
20% - 22%	64
22% - 24%	41
24% - 26%	8
OVER 26%	19

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6 %
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SAMPLE PRINTOUT

WAGNER Electronic Products, Inc.
326 Pine Grove Road — Rogue River, Oregon 97537 — TWX 510-750-0240 — Phone (503) 582-0541

YOUR FIRST YEAR'S GAIN COULD BE $140,000, but even if your gain is 1/15 of this estimated amount (see below) the NEW PRINTOUT CENTER could pay for itself the very first year. With this NEW PRINTOUT CENTER you can make these gains because you can see what is happening in your drying process.

Most plants overdry to make sure their customers are happy, but with a NEW PRINTOUT CENTER many mills can raise their moisture content by 2%. By applying $3.00 per thousand board feet as the amount of gain per each percent of increase of moisture (a conservative figure as indicated by research), your increased profit realization would be $600.00 per day, or $151,200 a year if you have a production of 100,000 board feet per day.

Research indicates one to eight dollars per thousand board feet grade loss due to overdrying for each percent of moisture the material is overdried.

You will likely spend over $150,000 on optimization of the edger or optimization of the trimmer, but the entire installation of the MOISTURE DETECTOR WITH NEW PRINTOUT CENTER can generally be made for LESS THAN $10,000.

The optimization of your drying process is likely one of the most profitable small investments you can make. Where else can you find an investment with this rate of return?

CALL TODAY to find out how easy it is to optimize your drying process with our NEW PRINTOUT CENTER. Each day that passes without drying information represents a loss to your company.

Very truly yours,

Delmer Wagner

Delmer Wagner

rd

Enclosures

Delmer Wagner
326 Pine Grove Road
Rogue River, Oregon 97537
January 29, 1981

Mr. Donel J. Lane
WATER POLICY REVIEW BOARD
555 13th St. N. E.
Salem, Oregon 97310

Dear Mr. Lane:

I hereby request exception from the Rogue River Basin Policy Statement dated September 29, 1969. I wish to construct a small hydroelectric plant at the location shown on the accompanying map. The basin program does not allow for development of over 7 1/2 h. p. I wish to develop 5 h.p. for summertime use and 20 h.p. for winter time use.

I propose to use a series of nozzles 5/8 inch in diamater and upward to utalize the useable water. The plant will be located on Ditch Creek, a tributary of Pleasant Creek. The plant will utalize .27CF per sec. in the summer and 1 CF per sec. in the winter. Power will range from 5 h.p. to 20 h.p. Approximately 2300 feet of the stream channel will be affected by deversion through a pipeline to the plant site where the water will be returned directly to Ditch Creek.

Power will be utalized for home use. Commercial power is not readily available at the site. The local power company estimated the cost for hookup at $3000 to $4000.

Water quality will not be affected by this proposal. Water use will be nonconsumptive and will have little or no adverse environmental affect. I feel this proposal to be far superior environmentally to the use of a gasoline or desiel driven generator.

Thank you for your consideration.

Very truly yours,

Delmer Wagner

Delmer Wagner