

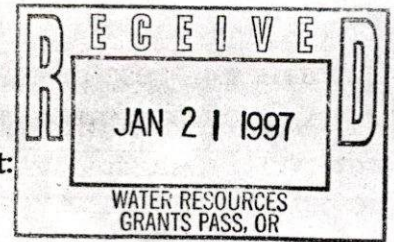
P-83017



Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

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



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

Landowner: Nichols, Herb T.
Last name First name MIAuthorized Agent: _____
Last name First name MIAddress: P.O. BOX 614 OR 97534
P.O. BOX 614 City State ZipPhone: 596-2646
Home Work

FAX: _____ E-Mail Address: _____

A. County of use: Josephine B. River basin (see reverse): Bogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
<u>40S</u>	<u>8W</u>	<u>20</u>	<u>NW/NE</u>	<u>200</u>

D. Name, if any, of reservoir: Indian Hill E. Reservoir in existence since: 10/1/86
MM DD YYF. Source of water: Springs which flows into W.F. Illinois River
Name of river or creek Name of river or creekG. Maximum height of dam: 16 feet.H. Quantity of water stored in reservoir at maximum capacity (see reverse): 4.5 acre-feet.I. Water stored in reservoir is used for (see reverse): Recreation, Fire Protection
Water, Trees

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

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

- ☐ Answered each question on this form as completely as possible?
- ☐ Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

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

Herb T Nichols
(Signature of Landowner/Agent)Herb T Nichols
(Printed name and title)1-21-97
(Date)

For Department Use

File #

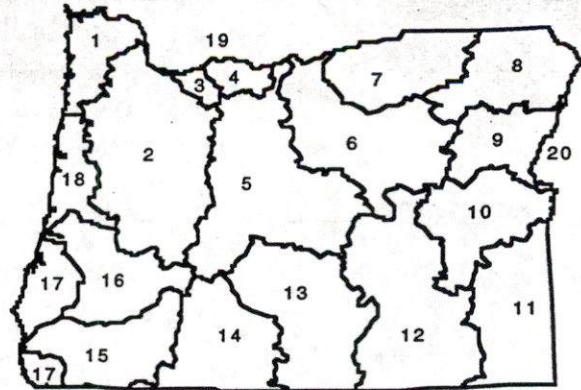
Date received

10-95

P-83017

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



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

Rate and Area of Use

cfs-cubic feet per second

gpm-gallons per minute

Agriculture, Land Management

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

Industrial/Commercial Uses

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

Drinking Water Supply

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

Community Water Supply

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

Environmental Benefits

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

19
N ↑

20
300
40.00 Ac.

200
70.00 Ac.

100
50.00 Ac.

Twp. 40S., Range 8W.W.M.

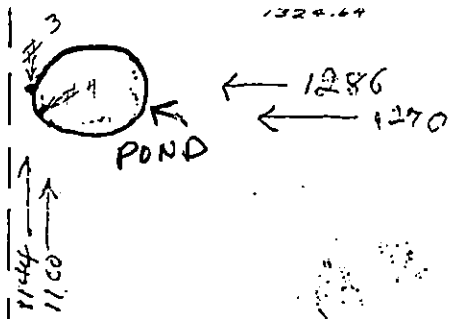
40-8-20

40S-8W-20
Scale 1"=400'

400
196.35 Ac.

Application No. P-83017
Permit No.

4



NE COR. of SW 1/4 NE 1/4

490
3.65 Ac.

500
30.00 Ac.

LOT 1 20.00

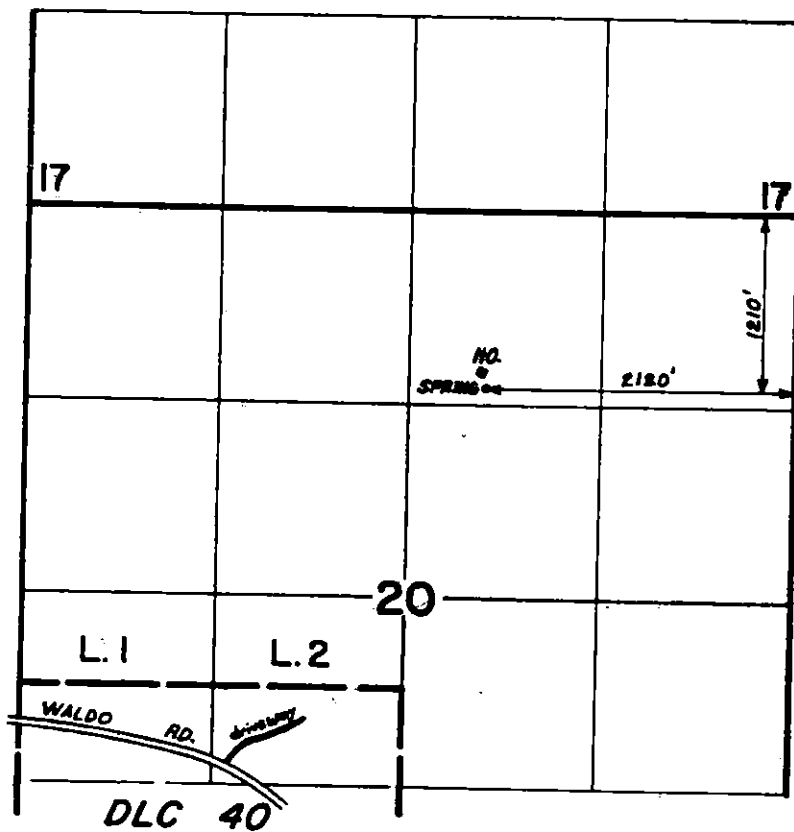
LOT 2 20.00

A501
76.58 Ac.
47.80 Ac.

500
13.37 Ac.

SEE MAP AC 3 19

T.40S., R.8W., W.M.



Scale: 4" = 1 mile

RECEIVED

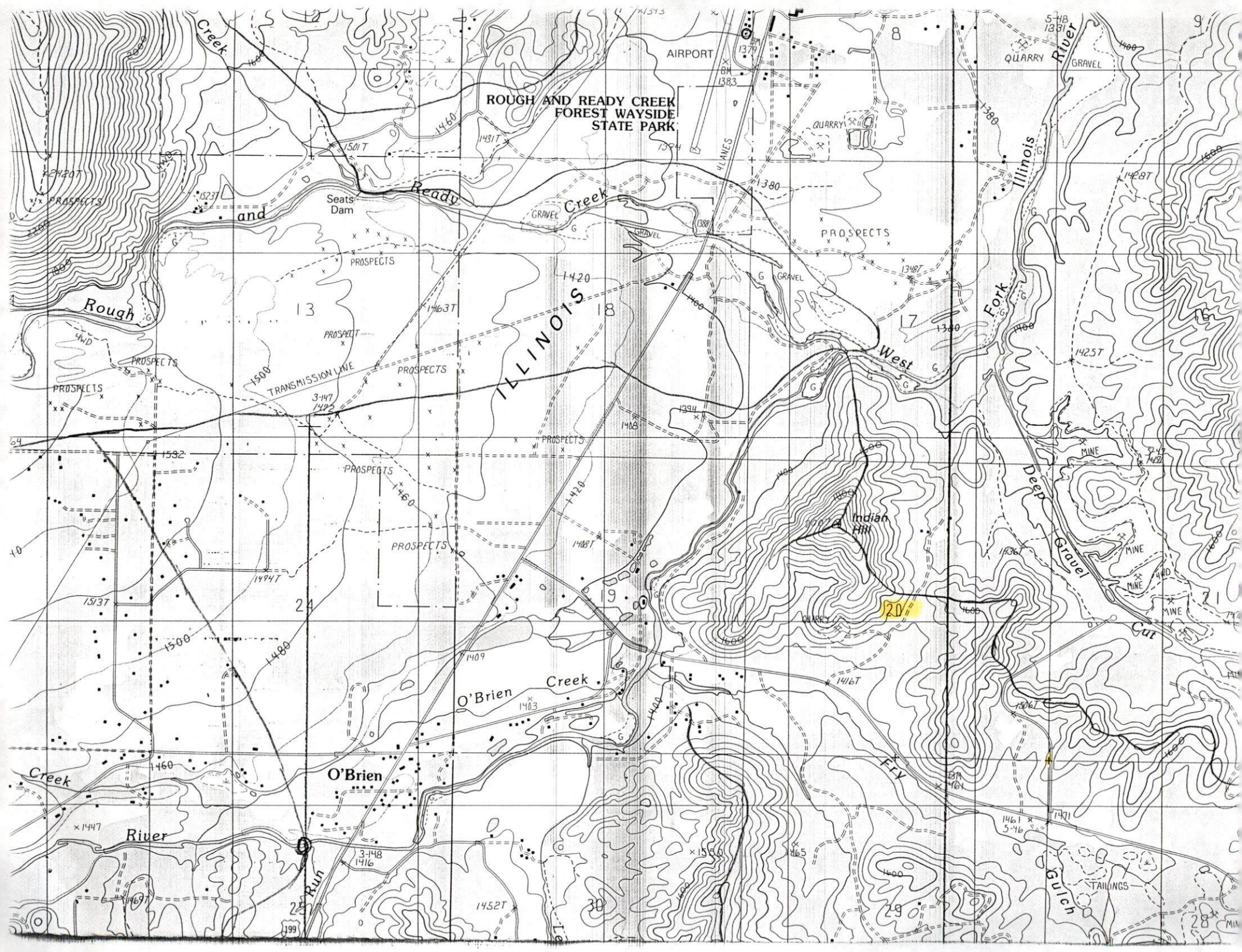
DEC 14 1988

W.M. DIST. 14
GRANT PASS, CALIF.

FINAL PROOF SURVEY
UNDER

Application No. **55893** Permit No. **41921**
IN NAME OF

Surveyed **MAR. 26 1984**, by **B. S. JAMES**



Deputy Watermaster Name Norman E. DAPT
Date 7-24-97

HB 2376 Notice of Exempt Reservoir Application # P 83017

Describe by name, number or Township Range Section and 1/4 1/4 if necessary. If comments refer to all reservoir listed please specify. Please provide enough information to accurately describe which reservoir the comment(s) pertains to.

Does the reservoir/pond cause injury to an existing water right? Specify which water right and the evidence which supports that finding. *Please describe for each reservoir listed above. If the water right and the supporting evidence are the same please indicate.*

NO CONCERN

*****SEE BACK OF PAGE FOR LIST OF CONDITIONS TO MITIGATE INJURY*****

Which of the following conditions are required to mitigate the described injury?

(1)

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

(2)

The following provision for a measuring device shall be effective:

- (a) the pump system shall include an access port for measuring the water level;
- (b) the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the user is entitled;
- (c) the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

(3)

A totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

(4)

A staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed.

*Please specify whether the installation of the weir(s) will provide no public benefit.

(5)

Live stream flow must be by-passed between _____ and _____.

(6)

The period of use has been limited to _____ through _____.

Other (Please specify below)

Processing section 20

OREGON WATER RESOURCES PLAT CARD: Township 40.00 S Range 8.00 W SECTION 20

7/ 9/1997

[illegible]

INSTRUCTIONS:

Hi-lite answer to
each question.
Initial on line
that follows

HB2376 PROCESSING GUIDELINES

Ap. No. P83017

(1) PULL AND ATTACH ASSOCIATE 2153 FILE IF ANY

no

(2) 2153 ELIGIBLE?

NO

YES

Lu

(3) CHECK QUAD & AERIAL, STILL 2153 ELIGIBLE?

NO

YES

Lu

(4) ERRONEOUS FILING? (HAS A WATER RIGHT)

NO

YES

Lu

SEE ATTACHED

(5) SORT BY BASIN AND SUB-BASIN

W.F. 111

(6) DISTRIBUTION PAST 5 YEARS?

YES

NO

(7) FUTILE EFFORT? (NO BENEFIT FROM DENIAL)

NO

YES

(8) WATERMASTER FINAL CHECK

CONCERN?

NO CONCERN?

WATERMASTER TO OWRD, SALEM
LETTER OF CONCERN
8-01-97

WATERMASTER TO OWRD, SALEM
NO CONCERN"
8-01-97

P83017
28



Oregon

John A. Kitzhaber, M.D., Governor

Al Cook

Water Resources Department

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

January 16, 1998

HERB T. NICHOLS
PO BOX 614
OBRIEN, OR 97534

Reference: File P-83017

Dear Applicant:

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

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You were provided an opportunity to submit additional information addressing those comments.

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

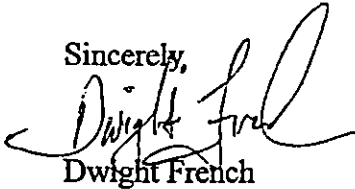
If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

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

P83017

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Dwight French", written over the printed name.

Dwight French
Water Rights Section Manager

Enclosures

cc: Watermaster

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

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-83017

Reservoir Mitigation Order

Application History

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

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

Pursuant to ORS 537.405(4)(b) the Department has received information demonstrating that the reservoir results in injury to an existing water right.

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


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

Order

The reservoir owner is required to by-pass flows APRIL 1 through OCTOBER 31.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-83017, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 16, 1998


Martha O. Pagel
Director

Notice of Right to Contested Case Hearing

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

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

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

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

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

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

Send your request for a contested case hearing to:

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