

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-82896

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)(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."

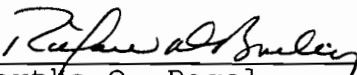
Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

Order

The reservoir owner is required to by-pass flows between April 1 and November 30. Additionally, live stream flow must be passed during the remainder of the year when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-82896, 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