

Oregon Water Resources Department  
Water Rights Division

Notice of Existing Reservoir  
Number P – 83121

***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) specified that "... the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."

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

**Order**

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

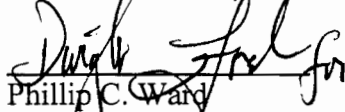
In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-83121, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

***Hearing and Appeal Rights***

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the Circuit Court for the County in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

**DATED June 17, 2010**

  
Phillip C. Ward  
Director