

ODFW ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: January 15, 2010

Please return to

WRD before: February 18, 2010

Water is available: Year-round

R-87561

BURL MOSTUL

11900 S CRITESER RD
OREGON CITY OR 97045

- 1) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO / YES

Explain: (For example, list STE species or other existing fishery resources that would be negatively impacted.)

Native cutthroat trout are found in Beaver Creek & may rear in the lower portion of this tributary. Coho & ESA-listed spring chinook & winter steelhead may rear in the lower portions of Beaver Creek due to the recent removal of a fish passage barrier. This reservoir may impact water quality in downstream waters, which may impact native fish.

Please check either of the boxes below if appropriate:

☒ Any diversion or appropriation of water for storage during the period June through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area poses a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

- 2) Can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? NO / YES

If YES, which conditions are recommended:

(select from the Menu of Conditions)

h51g Dec-May
WA
Riparian

WQ, RIPARIAN; Water should only be diverted to fill the reservoir when state and federal water quality standards and downstream instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

- 3) Did you meet with staff from another agency to discuss this application?

NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

ODFW Representative Signature:

[Signature]

Date:

8/2/10

WRD Contact: Caseworker: Joel Plahn, Water Rights Division

503-986-0815/ Fax: 503-986-0901 / e-mail: Joel.M.PLAHN@wrdd.state.or.us

6/4/2010 - JME assigned as caseworker -
mark