

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: August 15, 2009

Please return to

WRD before: September 18, 2009

Water is available: November through May

R-87500

CHRISTIAN AND KELLY EMMONS

22339 SW SCHMELTZER RD

SHERWOOD OR 97140

- 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) Fish are present in unnamed
Cutthroat trout are present in
the unnamed stream
tributary of Hester Creek.
 The proposed use may negatively impact water quality and downstream instream water rights.

Please check either of the boxes below if appropriate:

- ☒ Any diversion or appropriation of water for storage during the period June through October 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 Fishdiv33 - screening + passage
2319 Nov-May
 Fishdiv33; Water should only be diverted to fill the reservoir when DEQ 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 fish passage or 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: Danette Faucera Date: 11-16-09

WRD Contact: Caseworker: Michele McAleer, Water Rights Division
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