



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 12, 1997

FILE#: P 81262

THOMAS A CARLTON
2822 GRIFFIN CR RD
MEDFORD, OR 97501

Dear Reservoir Owner,

You submitted a Notice of Exempt Reservoir under *ORS 537.405 (HB 2376)*. HB 2376 provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) caused injury to an existing fishery resource. In addition the same law allowed members of the public to comment on how the storage or use of the water caused an injury to an existing water right. This comment period ended on August 1, 1997.

The Department received the attached injury allegation(s) related to your reservoir(s), as provided for in ORS 537.405. If you do not agree with the allegation of injury, please submit detailed information to the Department explaining why or how the allegation is in error. Your response must be postmarked no later than *December 10, 1997*.

The Department will review any submission you may make and determine if a Mitigation Order is required. If the Department finds that the allegation is factual and verifiable, the Department will issue a Mitigation Order requiring that the attached conditions, or other conditions that prove to be necessary after reviewing any information that is submitted, be met in order for the reservoir to maintain an exempt status.

If you receive a Mitigation Order, you may request a Contested Case Hearing to contest the findings of the Department and the allegation of injury. Information on how to request a Contested Case Hearing will be provided with the mitigation order, if issued.

If you have any questions, please call the Water Rights Information Group at (503) 378-3739 extension. 499.

Water Right Section

MITIGATION CONDITIONS

File # P- 81262
Date 11-10-97
MC

Oregon Department of Fish and Wildlife Conditions

_____ 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. (SMBS)

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

✓ _____ The reservoir owner is required to by-pass flows from April 1 through October 31. (BPC)

Water Right Related Conditions

_____ The pond may be filled one time only per year. No diversion of water to storage can occur during times all water rights are not met on the John Day river System. (KR1)

_____ If required by the Watermaster, 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 Watermaster (Department). (KR2)

_____ Live stream flow must be passed when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required. (J)

_____ Live flow must be by-passed all year. (BSD)

_____ Any secondary use of stored water is limited each year to the capacity of the reservoir. (BSD2)

_____ 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.

**ODFW BIOLOGIST COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES**

Date: July 30, 1997 _____

Application # P-81262

Biologist's Name: Jerry Vogt

Address: 1495 East Gregory Rd., Central Point

Certificate # ----- (If applicable) Phone: (541) 826-8774

****Attach additional sheets if necessary**

Please specify which reservoir(s)/ponds(s) the comments pertain to:
*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) pertain to.***

These comments apply to all reservoirs in the application.

Does the reservoir/pond cause a detrimental impact to existing fishery resource. Specify
which fishery resource 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.*

_____This reservoir negatively impacts chinook and coho salmon,
steelhead and trout populations in the Rogue River. While ODFW has not documented
the presence of fish at the POD, this stream is a tributary of the Rogue River, a stream for
which ODFW holds an instream water right (Certificate 59980, 59979). This section of
the Rogue River also appears on DEQ's 303 (d) list of water quality limited streams due
to high summer water temperatures; these high water temperatures reduce salmonid
habitat in the Rogue River. Withdrawals of water for this reservoir are contributing to
temperature problems in the Rogue River and are injuring ODFW's instream water right.

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

The reservoir owner shall: (without ODFW approval)

- ☐ (a) install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place and functional prior to any further diversion of water.
- ☐ (b) in accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate by-pass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream and downstream passage for fish.
- ☐ (a & b) install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place and functional prior to any further diversion of water.

The reservoir owner shall: (with ODFW approval)

- ☐ (a) install, maintain, and operate fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place, functional and approved by an ODFW representative prior to any further diversion of water.
- ☐ (b) in accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate by-pass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream and downstream passage for fish. *The required by-pass device is to be in place, functional and approved by an ODFW representative prior to any further diversion of water.
- ☐ (a & b) install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to any further diversion of water.
- ☐ The reservoir owner shall by-pass flows during months when Instream Water Rights are not being met.

Other: (Please specify below)

Because the presence of fish at the POD is unknown, ODFW will not require the applicant to provide fish screens or fish passage. However, to prevent further degradation of stream temperature problems on the Rogue River, and to avoid injury to ODFW's instream water right for that stream, the reservoir owner should be required to by-pass flows from April 1 through October 31.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 20, 1997

THOMAS A CARLTON
2822 GRIFFIN CR RD
MEDFORD, OR 97501

REFERENCE: FILE#: P 81262

Dear Mr. Carlton,

I want to apologize for any confusion which may have resulted from the letter we sent to you about a week ago. I hope this follow-up letter will better explain our "ponds" program, and give you a clearer picture of what is happening with your pond.

In 1995, the legislature adopted a new law intended to help address a legal problem with many existing ponds throughout the state. These ponds had been developed over the years by land owners who were not aware that water rights may have been required. In order to make sure that all the ponds were "legal" the legislature approved HB 2376 in 1995, which set out a process for filing a notice of the pond with our department. Under the law, such notices could be filed until January 31, 1997. Our job was then to determine whether any of the ponds resulted in injury to other existing water rights, or created a detrimental impact on fish.

This simplified review process was intended to make it easier for the owners of existing ponds to receive final water right certificates. The 1995 law also required that we provide a comment period, which ended on August 1, 1997. During this time, we were required to accept comments as to whether a pond may in fact be resulting in injury to other water rights or creating a detrimental impact to fish. After the close of that comment period, our department was given 180 days in which to evaluate the comments, give notice to the pond owners, and identify whether mitigation measures would be required to alleviate the injury to other water rights or impacts to fish.

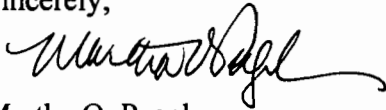
This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to pond owners like you.

The purpose of these letters was to advise you that the comments had been received, and to provide you with an opportunity to get back to us with any information you might have to show that the mitigation should not be required — either because you disagree with the comment that we received, or because you have a better idea of how to remedy the situation.

The letter you received included a copy of the comments we received about your pond, along with our proposed mitigation plan. We need to hear from you by December 10, 1997, as to whether you disagree with the underlying comment or with our proposed mitigation. We do encourage you to get back to us by the deadline, and we will make every effort to accommodate your suggestions.

Again, I offer my sincere apology for any confusion or irritation caused by our earlier letter. I hope this letter provides additional background information that will help you respond to the questions about your pond. If you have questions about this process, please let us know. I urge you to call our Water Rights Information staff at 1-800-624-3199 extension 499. In some circumstances they may also involve your local Watermaster for additional help. We will try our best to work through this with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martha O. Pagel', with a long, sweeping horizontal line extending to the right.

Martha O. Pagel
Director

m:955

Thomas A. Carlton
2822 Griffin Cr. Rd.
Medford, Oregon 97501
(541) 772-8228

RECEIVED

NOV 21 1997

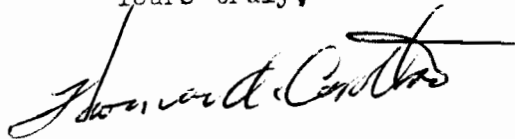
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
Commerce Bldg.
158 12th Street NE
Salem, Oregon 97310-0210

Dear Sirs or Madams;

I received your letter in regards to file #P81262.
I have water rights for these springs that feed my ponds.
There is no live stream. These ponds are fed by under-
ground springs ~~that~~ and they are constantly filling and
draining.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas A. Carlton", written in dark ink.

Thomas A. Carlton



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 19, 1997

Jerry Vogt
Oregon Department of Fish & Wildlife
1495 East Gregory Rd.
Central Point, Oregon 97502

Dear Mr. Vogt:

You submitted comments on ponds filed under ORS 537.407 (HB 2153) or under ORS 537.405 (HB 2376). These laws provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) will cause significant detrimental impacts to an existing fishery resource and allowed members of the public to comment on how the reservoir(s) will cause an injury to an existing water right(s). Based upon review of your comments, the Department prepared notices of proposed mitigation conditions. A notice was mailed to each of the registrants along with a copy of your comments. The registrants were provided an opportunity to submit additional information to the Department explaining how your comments were in error.

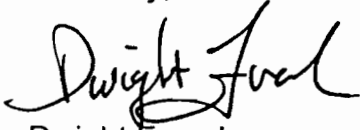
The Department received the attached rebuttals to your comments. If you do not agree with a rebuttal and believe that your comments are still valid, please send a written response to the Department identifying why you disagree with the rebuttal and affirming your position. However, if you agree with the rebuttal you need not respond, unless you determine that it is necessary. In order for us to issue a mitigation order within 180 days of receiving your comments, we need to have your response(s) received by the Department no later than January 7, 1998. If you need an additional day or two to look further at a couple of ponds, please send a request, attention to the appropriate file number.

If you choose to respond, the Department will determine whether a Mitigation Order is required based upon your response and the rebuttal submitted by the registrant. The Mitigation Order, if required, will identify any conditions that must be met in order to protect the fishery resource and/or existing water rights and for the reservoir to be authorized.

If no response to a rebuttal is received, the Department will conclude that you agree with the rebuttal and that a Mitigation Order is not necessary.

If you have any questions, please me at (503) 378-8455, extension 268, or toll free within Oregon at 1 (800) 624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Dwight French".

Dwight French
Water Rights Manager

Enclosures: Your Comments
Proposed Mitigation Conditions
Rebuttal from Registrant
Copy of Notice of Exempt Pond or Certificate and Map

RECEIVED

JAN - 8 1998

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

December 31, 1997

Mr. Dwight French
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

ROGUE DISTRICT
OFFICE

Dear Dwight:

I have reviewed the comments submitted by applicants regarding their exempt reservoir applications. Based on new information supplied by the applicant, I concur with the comments for the following exempt reservoir applications and have no objection to the removal of ODFW's previous mitigation requirements:

<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>
P-82432	P-82179	P-83099	P-83114 ✓
P-83146 ✓	P-83077 ✓	P-83119 ✓	P-83054
P-83124 ✓	P-83107 ✓	P-83109 ✓	P-83112 ✓
P-83165 ✓	P-82682 ✓	P-82751 ✓	P-82694 ✓
P-82813-1 ✓	P-83127 ✓	P-81818 ✓	P-83087 ✓
P-81152	P-83032 ✓	P-83046	P-83083 ✓
P-83093 ✓	P-83081	P-83098 ✓	P-83097 ✓
P-83096 ✓	P-83094 ✓	P-83092 ✓	P-83085 ✓
P-83082 ✓	P-83073 ✓	P-83108 ✓	P-83133 ✓
P-83134 ✓	P-83153 ✓	P-83147 ✓	P-83136
P-82935	P-74446	P-81156	P-82997 ✓
P-83001 ✓	P-83016 ✓	P-83019 ✓	P-83027 ✓



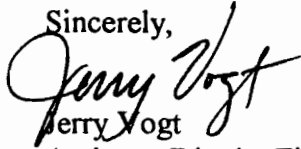
1495 E Gregory Road
Central Point, OR 97502
(503) 826-8774
FAX (503) 826-8776

<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>
P-83023 ✓	P-83020 ✓	P-83018 ✓	P-82999 ✓
P-83035 ✓	P-83038 ✓	P-83026 ✓	P-83033 ✓
P-82450 ✓	P-82872	P-82980	P-82933
P-82819 ✓	P-82836 ✓	P-82854 ✓	P-82783 ✓
P-82007 ✓	P-82021 ✓	P-82070 ✓	P-82214 ✓
P-82199 ✓	P-82426 ✓	P-82436 ✓	P-81848 ✓
	P-81301	P-81325 ✓	P-81259 ✓
P-81507 ✓	P-82211 ✓	P-82851 ✓	P-82920 ✓
P-82934 ✓	P-81684 ✓	P-81742 ✓	P-81819 ✓
P-81831 ✓	P-81830 ✓	P-80763 ✓	P-80764
P-80730 ✓	P-80821 ✓	P-80839 ✓	P-80860
P-80873 ✓	P-80907 ✓	P-80685 ✓	P-81562
P-81569	P-82991 ✓	P-81839	P-81812
P-81828	P-80864	P-83314	P-83313
P-83110	P-83050	P-83068	P-82591
P-82998	P-83028	P-82966	P-82930
P-82898	P-82700	P-82667	P-82466 ✓
P-82531 ✓	P-82537 ✓	P-83037 ✓	P-83116
P-82938	P-82965		

Mr. Dwight French
December 31, 1997
Page - 3

Thank you for the opportunity to respond to these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Vogt". The signature is written in dark ink and is positioned above the printed name.

Jerry Vogt
Assistant District Fish Biologist

cc: Bruce Sund, WRD, Grants Pass
Larry Menteer, WRD, Medford
File

Rebuttal Y / N

Exempt by WM comments Y / N

COMMENTOR:

WM and/or WM Dist: _____

ODFW Dist: Jeep VOGT

WaterWatch: Y / N



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.

RECEIVED

JUN 28 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Landowner: CALLTON, THOMAS A
Last name First name MI

Authorized Agent: _____
Last name First name MI

Address: 2822 GRIFFIN CR. RD.
Medford OR. 97501
City State Zip

Phone: 541 772 8228
Home Work

FAX: _____ E-Mail Address: _____

A. County of use: JACKSON B. River basin (see reverse): Rogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
<u>33S</u>	<u>2E</u>	<u>8</u>	<u>SW 05 NW</u>	<u>300</u>
<u>33S</u>	<u>2E</u>	<u>8</u>	<u>NW 05 SW</u>	<u>300</u>

D. Name, if any, of reservoir: _____ E. Reservoir in existence since: 12/19/1966

F. Source of water: UNNAMED STREAM & SPRING which flows into Rogue River
Name of river or creek Name of river or creek

G. Maximum height of dam: 6 feet.
4

H. Quantity of water stored in reservoir at maximum capacity (see reverse): .619 acre-feet.
Permit No. 31868 .446

I. Water stored in reservoir is used for (see reverse): IRRIGATION/BUGE IN SYSTEM
FIRE PROTECTION & WILDLIFE & STOCK WATER

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.

Thomas A. Callton
(Signature of Landowner/Agent)

(Printed name and title)

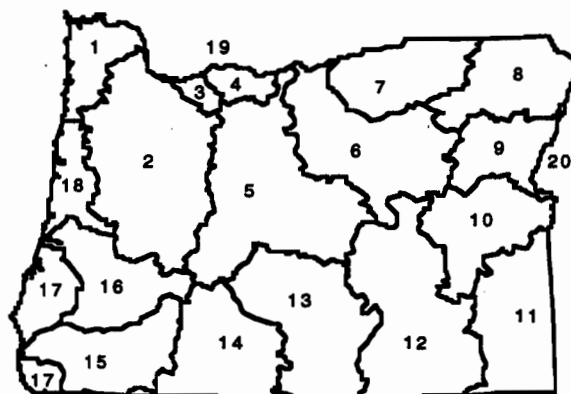
6-26-96
(Date)

For Department Use P-81262 File # 81262 Date received 10-95

Application No. P-81262
Permit No. _____

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	_____

RECEIVED

JUN 28 1996

6-25-96

Dear Sir

WATER RESOURCES DEPT.
SALEM, OREGON

I have an existing water right for irrigation. The ponds are used as a bulg in the irrigation system. Since the spring is the source of water & flows all winter the ponds remain full through the winter, then the water is available for stock & wildlife.

The ponds approximate locations are indicated on final proof map in (Red).

Application No P- 81267
Permit No.

Yours Truly
Thomas A. Carlton

Application No P- 81262
Permit No. ✓

690-10-15

Application No. 43145
Permit No. 31868

RECEIVED
RECEIVED

STATE OF OREGON

COUNTY OF

JACKSON

JUN 28 1996

JUN 28 1996

WATER RESOURCES DEPT.

CERTIFICATE OF WATER RIGHT SALEM, OREGON WATER RESOURCES DEPT.
SALEM, OREGON

This Is to Certify, That JESSE W. EASTMAN

of 4000 Lewis Road, Prospect, State of Oregon 97536, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
an unnamed stream and spring

a tributary of Rogue River for the purpose of
irrigation of 75.3 acres and domestic use for one family

under Permit No. 31868 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the rights hereby confirmed dates from
December 19, 1966

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.945 cubic foot per second, being 0.94 cfs from stream for irrigation and
0.005 cfs from spring for domestic

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4, Section 8, T33S,
R2E, WM; Spring - 1250 feet North and 1030 feet East, Diversion Point 1 - 830
feet North and 490 feet East; Diversion Point 2 - 130 feet South and 70 feet
East; all from W 1/4 Corner, Section 8.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 4 1/2 acre-feet per acre for each acre
irrigated during the irrigation season of each year,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

✓✓ 20.4 acres SE 1/4 NE 1/4
✓✓ 32.4 acres NE 1/4 SE 1/4
✓✓ Domestic and 11.8 acres SE 1/4 SE 1/4
Section 7

✓✓ 4.9 acres SW 1/4 NW 1/4
✓✓ 5.4 acres NW 1/4 SW 1/4
✓✓ 0.4 acre SW 1/4 SW 1/4
Section 8

Township 33 South, Range 2 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described and is subject to the existing minimum flow policies established by the
Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 19, 1983

DEPUTY Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51666 ✓

77138

Priority - Dec. 19, 1966

Basin 15, Vol. 1A
Rogue River Main

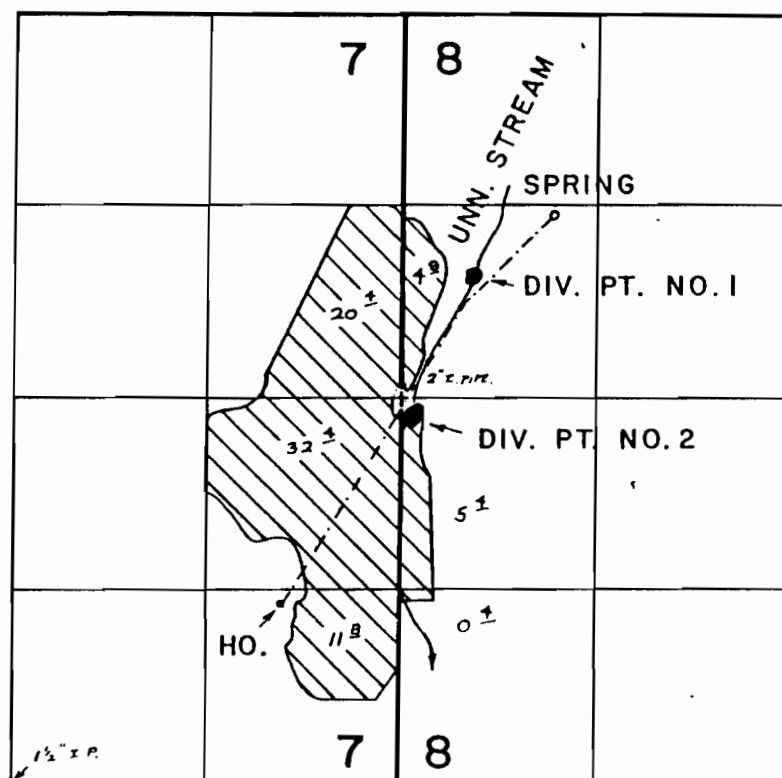
Application No. *p* 81262
 Permit No.

RECEIVED

JUN 28 1996

WATER RESOURCES DEPT.
 SALEM, OREGON

T.33 S., R.2 E., W.M.



*FROM: UNNAMED STREAM
 AND SPRING for irrigation
 of 75.3 ACRES AND
 DOMESTIC for
 one family with
 0.94 cfs from stream
 for irrigation and
 0.005 cfs from spring
 for domestic.*

*Priority- 12-19-66
 Rogue River Mise.
 VOL. 1-A*

SPRING LOC. - 1250' N. & 1030' E., DIV. PT. #1 - 830' N. & 450' E.,
 #2 - 130' S. & 70' E., ALL FROM W. 1/4 COR., SEC. 8.

FINAL PROOF SURVEY UNDER

Application No. 43145 Permit No. 31868 — Cert 51666
 IN NAME OF

JESSE W. EASMAN

Surveyed AUG. 18 1978, by B. SUND

July 12, 1996

Oregon

THOMAS A CARLTON

2822 GRIFFIN CR RD
MEDFORD, OR 97501

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-81262;

Notice of Exempt Reservoir (Pond)

This is to let you know that we have received your Notice of Exempt Reservoir and assigned it the number listed above. Please refer to this number if you need to contact us about the notice. As required by law, your Notice of Exempt Reservoir filing will appear in our weekly public notice within 90 days from the time it was filed.

We have determined that your reservoir appears to meet the general criteria for exemption from the requirement to obtain a permit. However, we feel it is important to tell you that the Department must accept comments until August 1, 1997 on whether the reservoir poses a threat to fishery resources or existing water right holders. After the August 1, 1997 deadline, the Department has 180 days to assess comments. Any such comments will be reviewed and you will be notified only if any action on your part is necessary.

If no comments are received or the Department's assessment shows your pond does not cause injury, your pond will be considered exempt. You are advised that this exemption is limited to the amount of water that had been stored prior to January 1, 1995. Any increase in the storage or use of the stored water after that date must be authorized under a permit issued by this Department.

If you have any questions, please write to use at the address below, or call the Water Rights Information Group at (503)378-8455 ext. 499 or toll free in Oregon, 1-800-624-3199 ext. 499.

Sincerely,



Anita McCloud
Water Rights Specialist
Water Rights Division

cc: Watermaster District ____



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