

MITIGATION CONDITIONS

File # P- 82137
Date 11-10-97
ML

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**

Application # P-82137 Date: July 30, 1997
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.

Unnamed pond, T39S, R4W, Sec. 8, N1/2 of NW 1/4

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 populations of coho salmon (a federally-listed threatened species) and steelhead in Thompson Creek by inhibiting upstream and downstream movement of adult and juvenile fish. Thompson Creek appears on DEQ's 303 (d) list of water quality limited streams due to high summer water temperatures; these high temperatures reduce salmonid habitat in the stream. Withdrawals of water for this reservoir contribute to water temperature problems on Thompson Creek and injure ODFW's instream water right on the stream (Certificate 59825).

*******BACK OF PAGE FOR LIST OF CONDITIONS TO MITIGATE INJURY*******

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 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 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 low flow months when Instream Water Rights are not being met.

Other: (Please specify below)
