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JAN - 8 1998

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

ROGUE DISTRICT
OFFICE

December 31, 1997

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

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 ✓

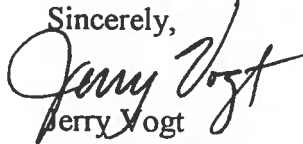


<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>	<u>Application Number</u>
P-83023 ✓	P-83020 ✓	P-83018 ✓	P-82999 ✓
P-83035 ✓	P-83038 ✓	P-83026 ✓	P-83033 ✓
P-82450 ✓	P-82872	P-82980	P-82933
P-82819 ✓	P-82836 ✓	P-82854 ✓	P-82783 ✓
P-82007 ✓	P-82021 ✓	P-82070 ✓	P-82214 ✓
P-82199 ✓	P-82426 ✓	P-82436 ✓	P-81848 ✓
P-81262 ✓	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 black ink and is positioned above the printed name.

Jerry Vogt
Assistant District Fish Biologist

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

<u>APP. #</u>	<u>NAME</u>	<u>COMMENTS</u>
P-82998	Ogg	Remove live sflow condition as not in channel and have water rights.
P-82536	Thompson	Change to live flow during irrigation season.
P-82667	Higinbotham	RRVID water right remove condition of by pass flow.
P-81839	Moran	No change
P-83314	Scharf	Remove condition #1-headgate & msr. device. No change on condition #5.
P-83110	Kriegs	No change
P-83086	Smith	Remove condition no live flow to pond.
P-83081	Sweeten	Remove condition user has water rights.
P-83031	Decker	No change
P-82966	Enloe	RRVID water rights-remove condition.
P-82930	Franklin	Has water right. Remove condition.
P-82872	Tibbetts	Remove condition no live flow.
P-82980	Parker	Remove condition no live flow seepage from canal and spring.

RECEIVED

82980

Oregon Dept. of Water Resources
Commerce Bldg.
158 12th St., NE
Salem, Oregon 97310

NOV 21 1997

11/18/97

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Sir,

I received your allegation of injury to the Rogue River Instream distribution, and hereby submit a rebuttal.

My small impoundment; which has a 9 inch diameter pipe providing constant free-flow located 18 inches above the average ground level, is part of a series of ponds/sloughs which lie to the left of the Southern Pacific Railroad Tracks (see map).

Water for these sloughs is provided by leakage from the diversion-irrigation canal - a significant irrigation flow diverted from the Rogue River - which lies immediately to the right (East) of the tracks.

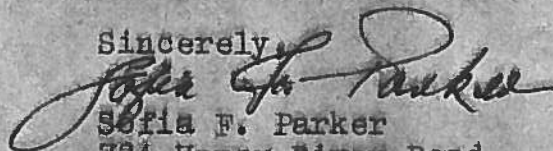
This irrigation canal floods or saturates a portion of the properties immediately West of the tracks from early Spring -when the headgate is opened- to the late Fall.

The Rogue River Water District (which taxes each homeowner along the Upper River Road for use of said canal whether the water is pumped or not), has been aware of this condition for decades. A condition they say is caused by Muskrats.

I submit that draining or drawing down these sloughs will cause serious injury to a host of wildlife species utilizing these wetlands; from Egrets and Great Blue and Masked Herons to Ospreys and nesting Wood Ducks.

I hope the State of Oregon will not be so short sighted as to tamper with a small but vital and significant wildlife habitat area. I look forward to meeting and discussing this ecosystem with a representative from Water Resources Board and/or a representative from the ODFW.

Sincerely,

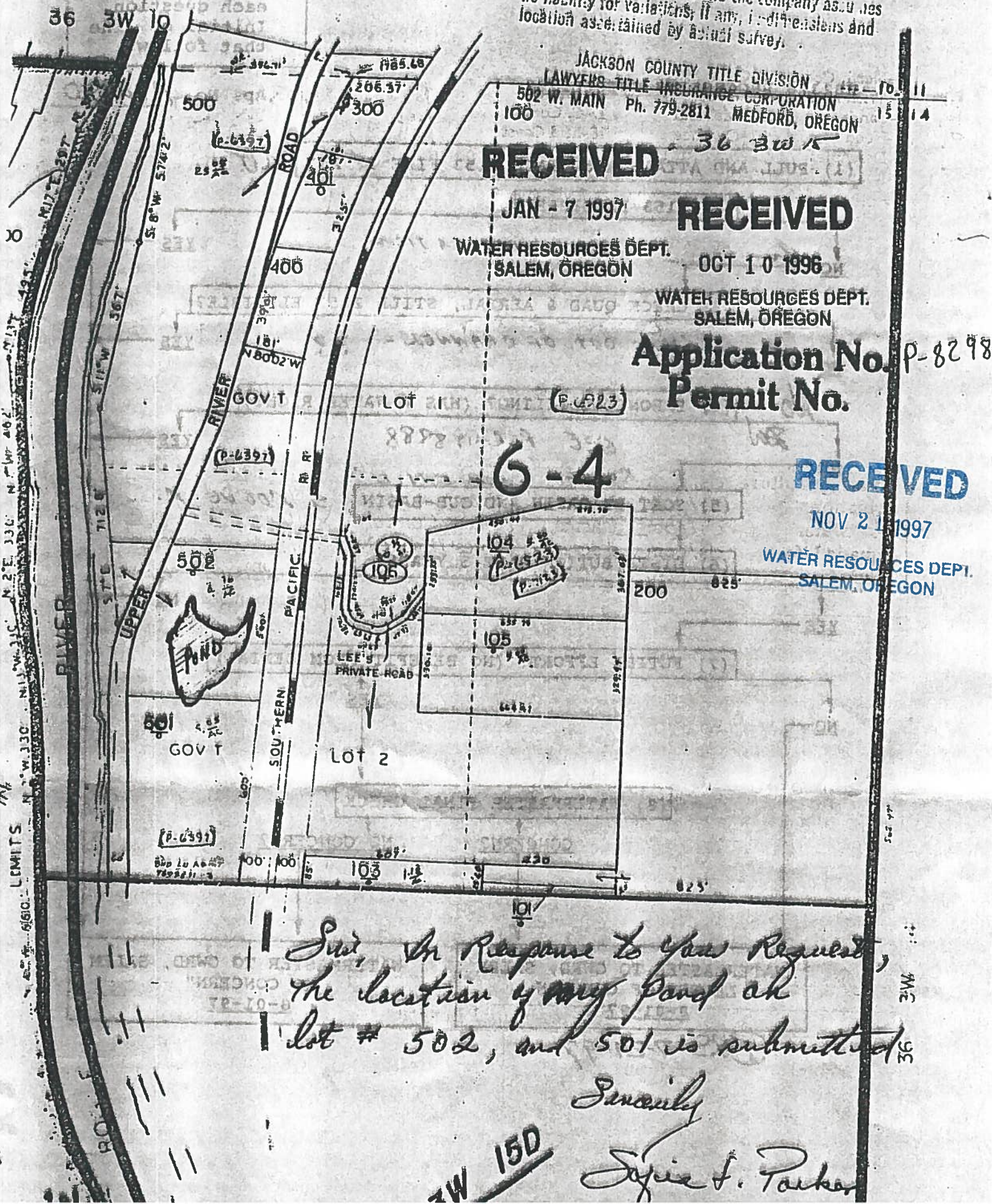


Sofia F. Parker
724 Upper River Road
Gold Hill, OR 97525
Tel: 541-855-9179

T.10N.15 T.36S. R.3W. W.M.

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

SCALE 1" = 400'



JACKSON COUNTY TITLE DIVISION
LAWYERS TITLE INSURANCE CORPORATION
502 W. MAIN Ph. 779-2811 MEDFORD, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

OCT 10 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. P-8298
Permit No.

G-4

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WATER RESOURCES DEPT.
SALEM, OREGON

*Sub. In Response to your Request,
the location of my pond at
lot # 502, and 501 is submitted*

Sincerely

Sylvia F. Parker

W 150

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NOV 21 1997

INSTRUCTIONS:
Hi-lite answer to each question. Initial on line that follows.

HB2376 PROCESSING GUIDELINES WATER RESOURCES DEPT. SALEM, OREGON

Ap. No. P82980

(1) PULL AND ATTACH ASSOCIATE 2153 FILE IF ANY

NO

(2) 2153 ELIGIBLE?

NO

USG...
SALEM, OREGON

YES

(3) CHECK QUAD & AERIAL, STILL 2153 ELIGIBLE?

NO

LOCKS OUT OF CHANNEL - ??

YES

(4) ERRONEOUS FILING? (HAS A WATER RIGHT)

NO

No

SEE PERMIT 8988

YES

(5) SORT BY BASIN AND SUB-BASIN

RUNOFF FROM ENID?

POC VC X.

(6) DISTRIBUTION PAST 5 YEARS?

YES

NO

(7) FUTILE EFFORT? (NO BENEFIT FROM DENIAL)

NO

YES

(8) WATERMASTER FINAL CHECK

CONCERN?

NO CONCERN?

WATERMASTER TO OWRD, SALEM
LETTER OF CONCERN
8-01-97

WATERMASTER TO OWRD, SALEM
NO CONCERN"
8-01-97

BRS 7-29-97

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WATER RESOURCES DEPT
SALEM, OREGON

ODFW BIOLOGIST COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES

Application # P-82980 Date: July 30, 1997
Biologist's Name: Jerry Vogt
Certificate # (If applicable) Address: 1495 East Gregory Rd., Central Point
Phone: (341) 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 coho and chinook 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 59806, 59807). 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 contribute to temperature problems on the Rogue River and injure ODFW's instream water right.

*****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 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.

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NOV 21 1997

WATER RESOURCES DEPT.
SALEM, OREGON

MITIGATION CONDITIONS

File # P- 82980
Date 11-12-97
JL

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.

Rebuttal Y / N

Exempt by WM comments Y / N

COMMENTOR:

WM and/or WM Dist: Bruce Sund

ODFW Dist: Jerry Vogt

Water Watch: Y N



Mailing List for Commenter Letter

File #: P-82980

Letter & copies of rebuttal, comments, certificate or notice, and map sent to:

1. Watermaster: Bruce Sund

2. ODFW District Bio: Jerry Vogt

3. Waterwatch

4. Other: _____

Copies Mailed	
By:	<u>LKS</u>
	(SUPPORT STAFF)
on:	<u>12-19-97</u>
	(DATE)

(Note: Materials mailed only to those individuals/parties that are checked off above.)

Copy of Letter to:

1. WRD File # 82980



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

Bruce Sund
Norman Daft
Watermaster District 14

Dear Bruce and Norman:

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.

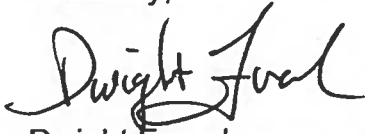
The Department received the attached rebuttals to your comments. If you do not agree with a rebuttal and believe that your comments are still valid, please send a written response to the Department identifying why you disagree with the rebuttal and affirming your position. However, if you agree with the rebuttal you need not respond, unless you determine that it is necessary. In order for use 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 and attention the request 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 exempt status of 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,



Dwight French
Water Rights Manager

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



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.

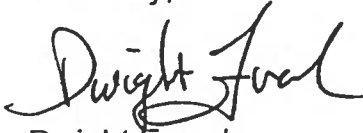
The Department received the attached rebuttals to your comments. If you do not agree with a rebuttal and believe that your comments are still valid, please send a written response to the Department identifying why you disagree with the rebuttal and affirming your position. However, if you agree with 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,



Dwight French
Water Rights Manager

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



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

SOFIA F PARKER
724 UPPER RIVER RD
GOLD HILL, OR 97525

REFERENCE: FILE#: P 82980

Dear Ms. Parker,

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.

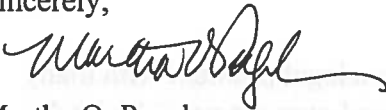
This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to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



Martha O. Pagel
Director

m:955



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 10, 1997

FILE#: P 82980

SOFIA F PARKER
724 UPPER RIVER RD
GOLD HILL, OR 97525

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- 829 80

Date 11-7-97

LKS

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 _____ through _____ . (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.

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AUG 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATERMASTER COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES

Watermaster Name BRUCE R. SUND
Date 7-29-97

Please attach copy of HB 2153 Certificate.

HB 2376 Notice of Exempt Reservoir Application # P 82980

**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) pertains to.

Does the reservoir/pond cause injury to an existing water right? Specify which water right 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.

ROGUE RIVER INSTREAM RR. 1959 CERT 59816

INJURY TO ↑ DISTRIBUTION

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

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

(1)

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.

(2)

The following provision for a measuring device shall be effective:

- (a) the pump system shall include an access port for measuring the water level;
- (b) the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the user is entitled;
- (c) the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

(3)

A totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

(4)

A staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed.

*Please specify whether the installation of the weir(s) will provide no public benefit.

(5)

Live stream flow must be by-passed between When Regulation Occurs and _____.

(6)

The period of use has been limited to _____ through _____.

Other (Please specify below)



Oregon Water Resources Department Notice of Exempt Reservoir

RECEIVED

OCT 10 1996

WATER RESOURCES DEPT.
SALEM, OREGON

- 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
 JAN - 7 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON

Landowner: PARKER, SOFIA F.
Last name First name MI

Authorized Agent: _____
Last name First name MI

Address: 724 UPPER RIVER RD
GOLD HILL, OREGON 97525
City State Zip

Phone: 541-855-9179
Home Work

FAX: _____ E-Mail Address: _____

A. County of use: JACKSON B. River basin (see reverse): 15-Rogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
<u>36 South</u>	<u>3 West</u>	<u>15</u>	<u>S.W. 1/4</u>	<u>501</u>

D. Name, if any, of reservoir: _____ E. Reservoir in existence since: 6 18 1981
MM DD YY

F. Source of water: SPRINGS which flows into ROGUE RIVER
Name of river or creek Name of river or creek

G. Maximum height of dam: 4 feet. (FOUR FEET HIGH)

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 51,000 acre-feet.

I. Water stored in reservoir is used for (see reverse): IRRIGATION

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.

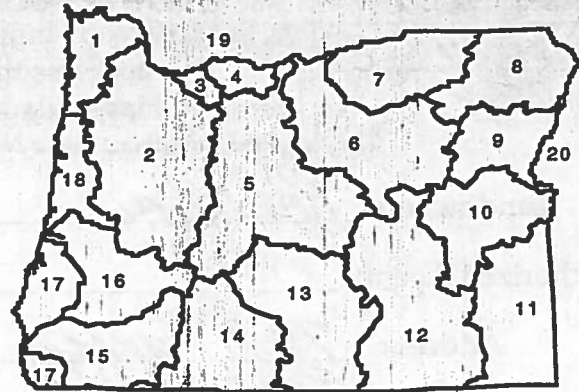
Sofia F. Parker SOFIA F. PARKER 10/3/96
(Signature of Landowner/Agent) (Printed name and title) (Date)

For Department Use P-82980 10-95
File # Date received

This Notice of Exempt Reservoir should be mailed directly to: Water Resources Department, Commerce Building, 158 12th Street NE, Salem, OR 97310-0210.

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 92.

Rate and Area of Use

cfs-cubic feet per second gpm-gallons per minute

Agriculture, Land Management			
Gen. Agriculture	cfs/gpm	# acres	Cranberry
Irrigation	cfs/gpm	# acres <u>5</u>	Nursery Operatn.
Stockwater	cfs/gpm	# acres	Temp. Control
Aquatic Life	cfs/gpm	# acres	Forest/Range Mgt
Other:	cfs/gpm	# acres	Other:
			cfs/gpm # acres

Industrial/Commercial Uses			
Industrial	cfs/gpm	_____	Commercial
Fire Protection	cfs/gpm	_____	Mining
Power Dev.	cfs/gpm	_____	Other:
			cfs/gpm _____

Drinking Water Supply			
Human Consumption	cfs/gpm	_____	Domestic
Domestic	cfs/gpm	_____	Other:
Expanded	cfs/gpm	_____	cfs/gpm _____

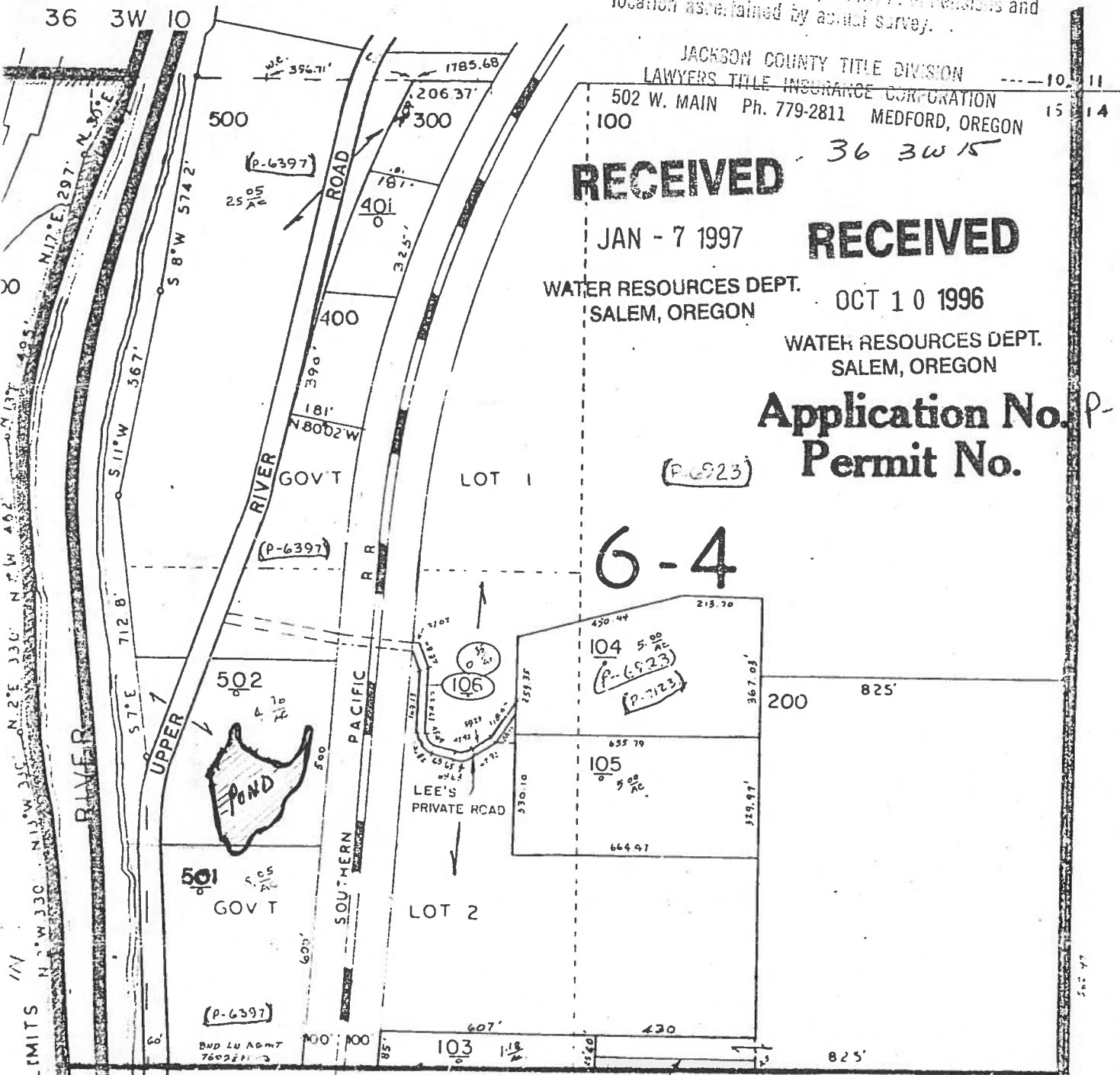
Community Water Supply			
Municipal	cfs/gpm	_____	Quasi-Municipal
Group Domestic	cfs/gpm	_____	Storm Water Mgt
Other:	cfs/gpm	_____	Other:
			cfs/gpm _____

Environmental Benefits			
Pollution Abatement	cfs/gpm	_____	Recreation
Wetland Enhancement	cfs/gpm	_____	Wildlife
Other:	cfs/gpm	_____	Other:
			cfs/gpm _____

T.36S. R.3W. W.M.

SCALE 1" = 400'

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey. MAP No. 78



JACKSON COUNTY TITLE DIVISION
 LAWYERS TITLE INSURANCE CORPORATION
 502 W. MAIN Ph. 779-2811 MEDFORD, OREGON 10 11
 100 15 14

RECEIVED 36 3W 15
 JAN - 7 1997

RECEIVED
 OCT 10 1996

WATER RESOURCES DEPT. SALEM, OREGON
 WATER RESOURCES DEPT. SALEM, OREGON

Application No. P-82980
Permit No.

(P-6923)

6-4

Sir, In Response to your Request, the location of my pond on lot # 502, and 501 is submitted

Sincerely

Sofia S. Parker

3W 15D

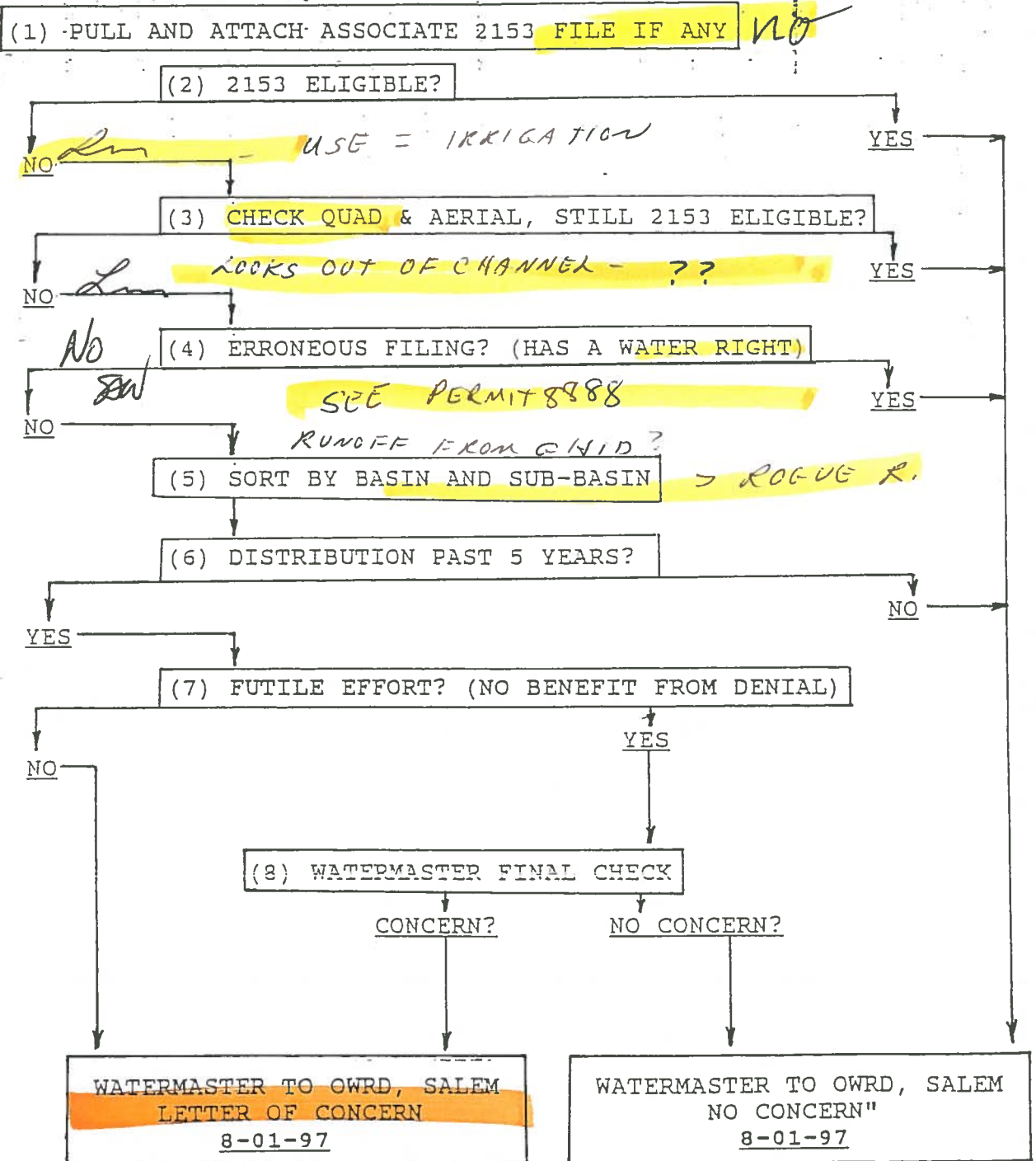
36 ME

INSTRUCTIONS:

Hi-lite answer to each question. Initial on line that follows.

HB2376 PROCESSING GUIDELINES

Ap. No. P82980



BAS 7-29-97



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 82980

SOFIA F PARKER
724 UPPER RIVER RD
GOLD HILL, OR 97525

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- 82980
Date 11-12-97
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.

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 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.

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

JAN - 7 1997

RECEIVED

Landowner: PARKER, Sofia F.
Last name First name MI

Authorized Agent: _____, _____
Last name First name MI

Address: 724 UPPER RIVER RD
GOLD HILL, OREGON 97525

Phone: 541-855-9179
City State Zip

FAX: _____ Home Work
E-Mail Address: _____

A. County of use: JACKSON B. River basin (see reverse): 15 - Rogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
<u>36 South</u>	<u>3 West</u>	<u>15</u>		<u>501</u>

D. Name, if any, of reservoir: _____ E. Reservoir in existence since: 6 18 1981
MM DD YY

F. Source of water: Springs which flows into Rogue River
Name of river or creek Name of river or creek

G. Maximum height of dam: 4 feet. (four feet high)

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 51,000 acre-feet.

I. Water stored in reservoir is used for (see reverse): IRRIGATION

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.

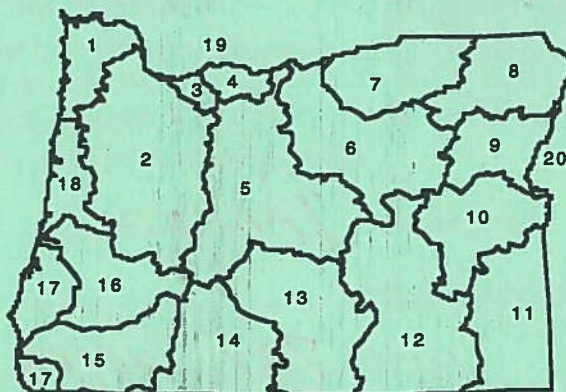
Sofia F. Parker Sofia F. PARKER 10/3/96
(Signature of Landowner/Agent) (Printed name and title) (Date)

For Department Use P-82980 _____
File # Date received 10-95

This Notice of Exempt Reservoir should be mailed directly to: Water Resources Department, Commerce Building, 158 12th Street NE, Salem, OR 97310-0210.

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16. Umpqua |
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| 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	5	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	_____

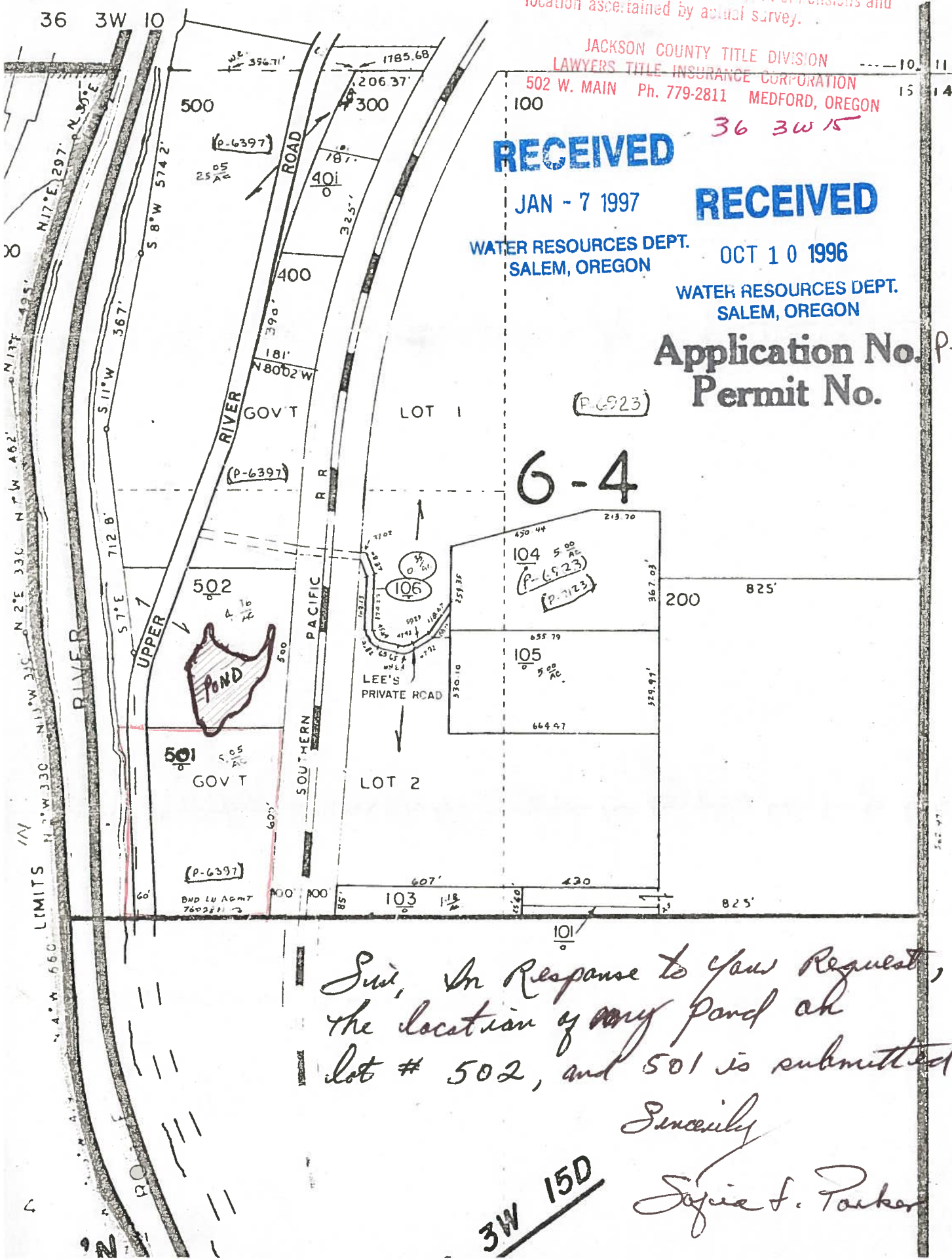
Environmental Benefits

Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

SECTION 15 T.36S. R.3W. W.M.

SCALE 1" = 400'

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey. MAP No. 78



JACKSON COUNTY TITLE DIVISION
LAWYERS TITLE INSURANCE CORPORATION
502 W. MAIN Ph. 779-2811 MEDFORD, OREGON

RECEIVED

JAN - 7 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 10 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. P-82980
Permit No.

6-4

Sir, In Response to your Request, the location of any pond on lot # 502, and 501 is submitted

Sincerely

Suzie S. Parker

3W 15D

RECEIVED

JAN - 7 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Applicant,

The Water Resources Department has received your notice of Exempt Reservoir, however we are unable to accept the Notice at this time.

Please complete the information checked below and return your application to the Water Resources Department or your local Watermaster **BEFORE** January 31, 1997. Notices received after January 31, 1997 **will not** be accepted and you will be required to file for a water right permit if the deadline date is not met.

- _____ Landowner name and address*
- _____ **A.** County of use
- _____ **B.** River basin
- _____ **C.** Legal description of reservoir location*
- _____ **D.** Reservoir name
- _____ **E.** Date of construction
- _____ **F.** Source of water and tributary*
- _____ **G.** Dam height
- _____ **H.** Quantity of water stored*
- _____ **I.** Use of water
- _____ **J.** Rate and area of use (if any)

_____ Signature of Landowner/agent

_____ Map showing Township, Range, Section, Quarter-quarter section and Tax Lot **and general location of pond.** (You may use a county assessor map, with the pond and any place of use indicated)

*See
Map* →

If you have any question, please call the Water Rights Information Group at 1-800-624-3199 extension 499, or your local Watermaster.

Water Resources Department 158 12th St. NE Salem, OR 97301

