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WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
Salem, Or 97310

Nov 28 1997

Re: Reference file 81742

Dear Sirs:

Thanks for letting me respond to the mitigation conditions on my pond. The referenced pond is not on Indian Creek proper but on a dry wash that water flows when it rains. It is about 100 yds from Indian Creek.

On a normal year of rain the pond is full by January and all flow is bypassed after it is full. There is not much bypass except when it rains. The creek is usually high when there is much bypass from the pond.

Indian Creek is usually dry after June 15, sometimes earlier, sometimes later depending on rainfall. Sometimes stagnant pools remain. There is a 50 acre lake about 5 miles up that can release water but seldom do.

I am not a biologist but I am a veterinarian and I am certain that unless something happens that has not been happening, no fish survive in Indian Creek in the summer.

I have a water right under Certificate 26854 permit 22757 dated 1953 to take 4 1/2 acre feet per acre irrigated from Indian Creek but for the past few years the creek is dry when we need it.

Thanks for the opportunity to tell my side.

The pond so far has been used for livestock watering and wildlife.

Sincerely,
Arthur Selby