



# 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 80841

CHARLES HENRY  
HENRY, VICKI  
PO BOX 512  
SHADY COVE, OR 97539

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- 80841  
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.

RECEIVED

AUG 29 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

WATERMASTER COMMENTS FOR  
HB 2153 CERTIFICATES  
HB 2376 NOTICES

Watermaster Name BRUCE SUND  
Date 7-29-97

Please attach copy of HB 2153 Certificate.

HB 2376 Notice of Exempt Reservoir Application # P80841

\*\*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.*

BOTH

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.

YES

HAVE REGULATED THIS RESERVOIR  
FOR PERMIT R-879

INJURY TO ↑

\*\*\*\*\*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)

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# Oregon Water Resources Department Notice of Exempt Reservoir

JAN 12 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.

Landowner: HENRY, CHARLES & Vicki  
 Last name First name MI

Authorized Agent: \_\_\_\_\_  
 Last name First name MI

Address: 3002 LONGBRANCH RD.  
P.O. BOX 512  
SHADY COVE OR 97539  
 City State Zip

Phone: 541-878-2480  
 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>345</u>	<u>1W</u>	<u>7</u>	<u>SW NW</u>	<u>200</u>

D. Name, if any, of reservoir: RES #1 RES #2 E. Reservoir in existence since: 4/17/47  
MM DD YY

F. Source of water: E. BRANCH OF LONGBRANCH which flows into LONGBRANCH CREEK  
Name of river or creek & E. FORK OF E. BRANCH Name of river or creek

G. Maximum height of dam: RES #1 9.5 feet.  
RES #2 9 feet.

H. Quantity of water stored in reservoir at maximum capacity (see reverse): RES #1 4 AC-FEET  
RES #2 5 AC-FEET

I. Water stored in reservoir is used for (see reverse): RES #1 RECREATION STOCK  
RES #2 STOCK-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.

Charles B. Henry Charles Henry CO-OWNER 1-10-96  
 (Signature of Landowner/Agent) (Printed name and title) (Date)

For Department Use P 80841 1-12-96 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.

P 80841-1

RECEIVED

MAY 9 1997

100-100000

Application No. P-8089  
Permit No.

T 34 S. R. 1 W  
Sec 7  
TAX LOT 200

Scale 1" = 100'

42° 37' 30"

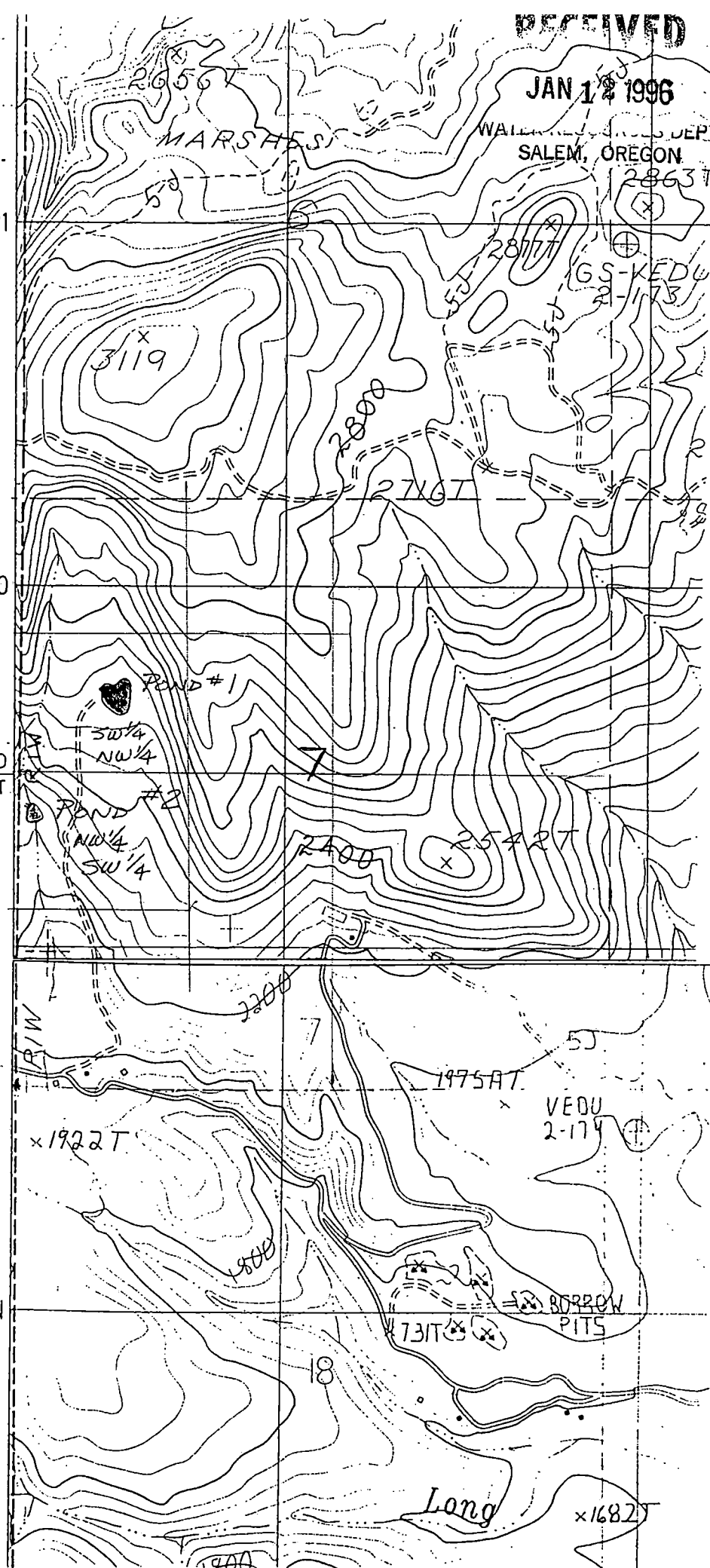
7520'

4718000m N

360 000  
FEET

4721

4720



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JAN 12 1996

WATER RESOURCES DEPT  
SALEM, OREGON

MARSHES

GS-KEDU  
2-1173

3119

SW 1/4  
NW 1/4

NW 1/4  
SW 1/4

1975AT

VEOU  
2-174

BORROW  
PITS

Long

1682T

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

HB2376 PROCESSING GUIDELINES

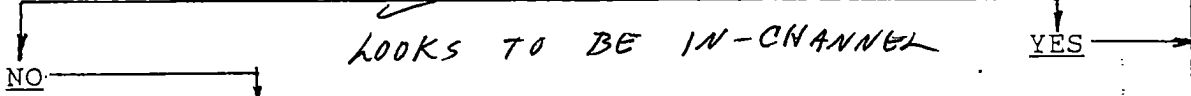
Ap. No. P80841

(1) PULL AND ATTACH ASSOCIATE 2153 FILE IF ANY

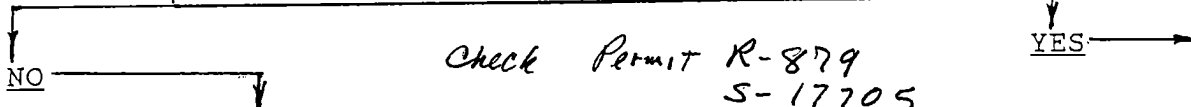
(2) 2153 ELIGIBLE?



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



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

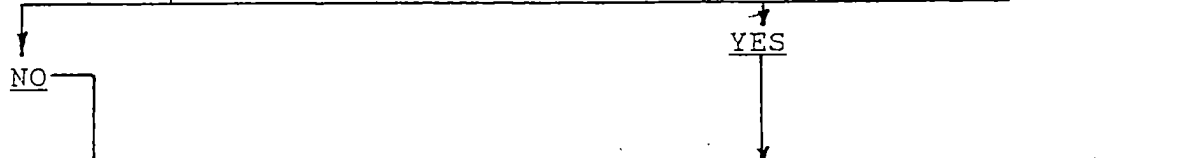


(5) SORT BY BASIN AND SUB-BASIN

(6) DISTRIBUTION PAST 5 YEARS?



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



(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-729-97*