

January 16, 1998

WATER
RESOURCES
DEPARTMENT

T.B. MARTIN, III
PO BOX 113
WILLIAMS, OR 97544

Reference: File P-81763

Dear Applicant:

Thank you for your continuing efforts in our program for authorizing exemptions for existing ponds and reservoirs. We know it has been a long and complicated process, and we appreciate your cooperation.

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You were provided an opportunity to submit additional information addressing those comments.

Since then, we have reviewed all the information available to us, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

If you disagree with this order, you may request a contested case hearing, and submit in writing your reasons why the order should be changed or rescinded. You may wish to submit maps or sketches to help us to better understand the particulars of your situation. Once we receive your request for a contested case hearing, we will contact you to discuss the situation and how we might be able to settle disagreements without holding a hearing. If we are unable to agree on a solution, we will schedule a contested case hearing at a time that is agreeable to both you and the Department. The appeal rights are described in more detail in the order enclosed.



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

P 81763

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-81763

Reservoir Mitigation Order

Application History

A reservoir was constructed prior to January 1, 1995. As evidence of the right to store water, pursuant to ORS 537.405(2)(a), notice of existing reservoir was submitted.

Pursuant to ORS 537.405(4)(b) the Department has received information demonstrating that the reservoir results in injury to an existing water right.

ORS 537.405(7) specifies that "...the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."

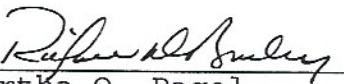
Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

Order

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.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-81763, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 16, 1998


Martha O. Pagel
Director



Oregon Water Resources Department Notice of Exempt Reservoir

RECEIVED

For reservoirs built before January 1, 1995, that:

NOV 19 1996

- Store less than 9.2 acre-feet of water, or WATER RESOURCES DEPT.
- Have a dam less than 10 feet high. SALEM, OREGON

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.

Landowner: DE YOUNG, ELLEN
Last name First name

Authorized Agent: THOMAS, STANLEY MI
Last name First name A
MI

Address: 3245 EAST FORK Rd.

Williams ORE. 97544
City State Zip

Phone: 541 846 7617 707 938 6430 (Authorized Agent)
Home Work

FAX: Ø E-Mail Address: Ø

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

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
<u>Williams</u> (39 South)	<u>5</u>	<u>14</u>	<u>SWNW</u>	<u>304</u>

D. Name, if any, of reservoir: Ø . E. Reservoir in existence since: 6 17 93
MM DD YY

F. Source of water: Spring Creek which flows into Spring Creek
Name of river or creek Name of river or creek

G. Maximum height of dam: 12 to feet.

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 1.9 acre-feet.
When Pond is full

I. Water stored in reservoir is used for (see reverse): Cyanoacrylate Life, Wild Life, Fire protection, domestic expanded, birds, turtles, recreation

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.

Stanley Thomas
(Signature of Landowner/Agent)

STANLEY A. THOMAS
(Printed name and title)

11-12-96
(Date)

For Department Use	<u>P-81763</u>	<u>w/a/ag</u>	10-95
	<small>File #</small>	<small>Date received</small>	

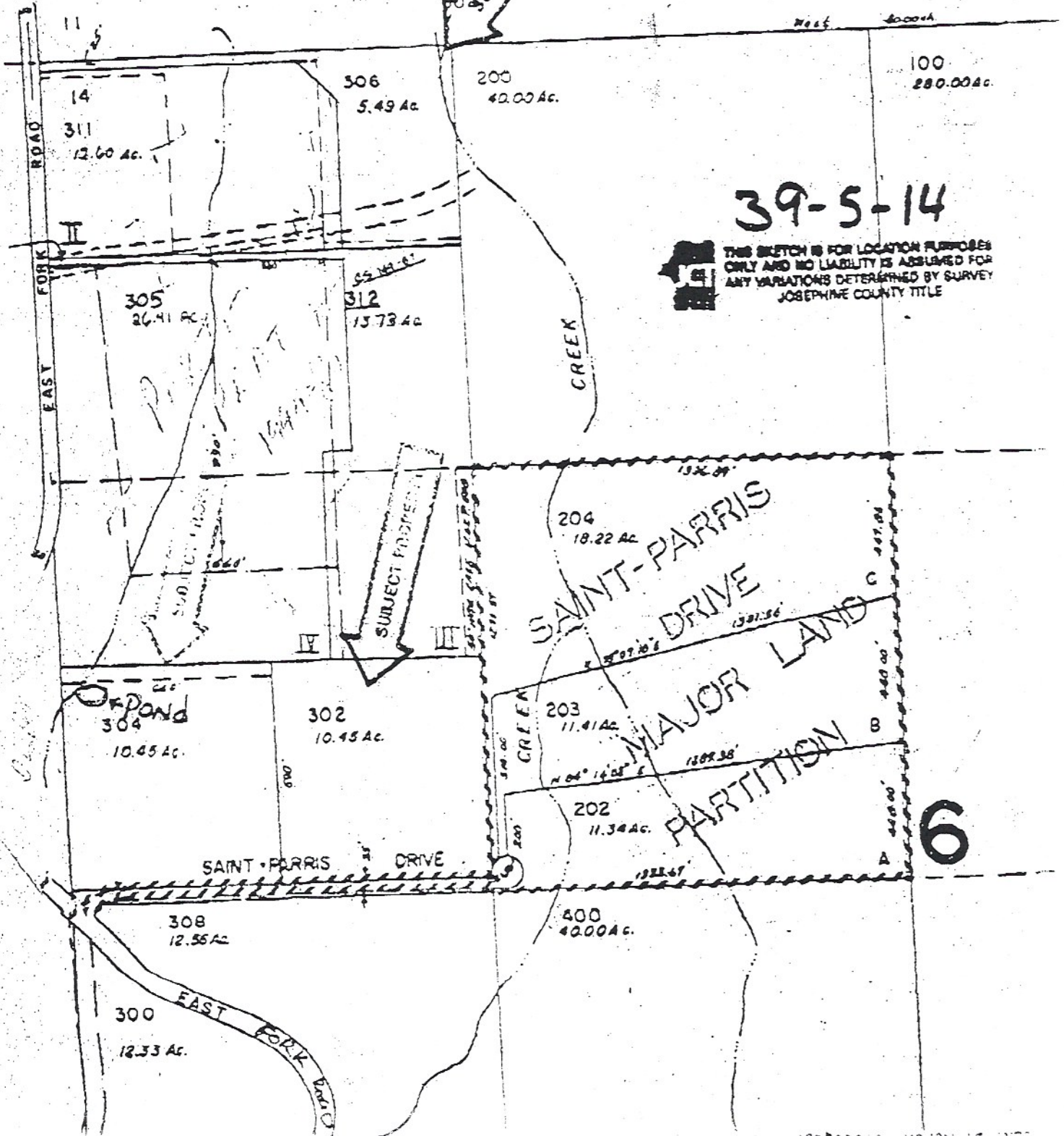
P 81763

JOSEPHINE COUNTY

1" = 400'

S-81763

SEE MAP 39 5 11



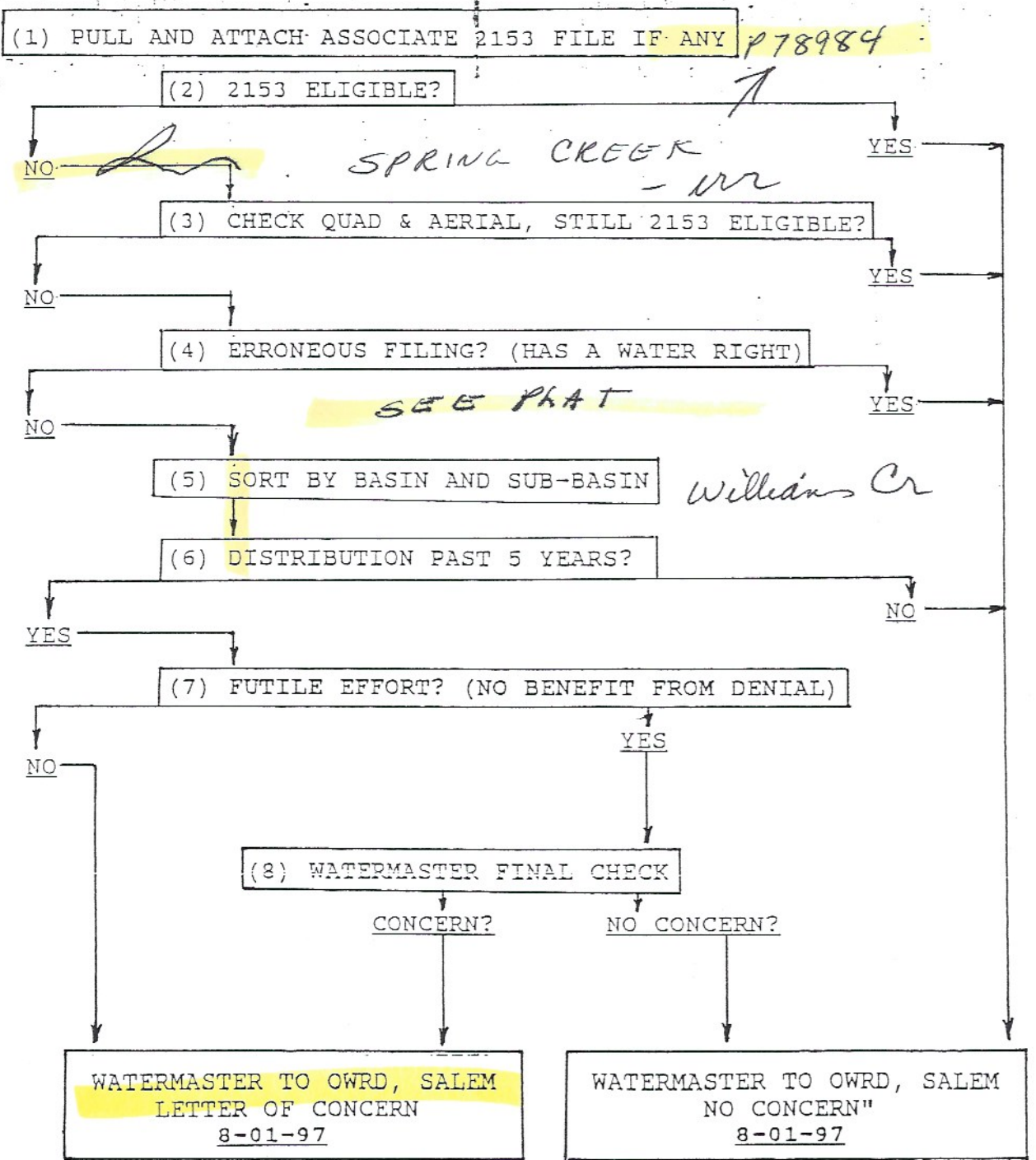
39-5-14

THIS SKETCH IS FOR LOCATION PURPOSES ONLY AND NO LIABILITY IS ASSURED FOR ANY VARIATIONS DETERMINED BY SURVEY JOSEPHINE COUNTY TITLE

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

HB2376 PROCESSING GUIDELINES

Ap. No. P81763



BRS 7-31-97

P81763

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
D 16331	16331	V																	
T 4126	68753	V						5.20		1.80									
D 16334								(IR)		(IR)									
D 32960	32960	V																	
S 20074	15763	V																	
S 15642								3.50											
S 55509		0																	
S 41840																			

Press <RETURN> to continue or <Q> to quit!

* * O R E G O N S T A T E W A T E R R E S O U R C E S * *

WATER RIGHT INFORMATION SYSTEM

REV 4.0

- 0 . . View or Print a water right
 - 1 . . Plat Card generation utility
 - 2 . . Water Right # Cross-index
 - 3 . . Name Cross-index
 - 4 . . Summary reports
 - 5 . . Applications database
 - 6 . . Instream water right database
 - 7 . . Special data request form
 - 8 . . Data correction f
- Enter your selection>

**WATERMASTER COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES**

Watermaster Name Bruce Sund
Date 7-31-97

Please attach copy of HB 2153 Certificate.

HB 2376 Notice of Exempt Reservoir Application # P 81763

**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.*

<u>CERT</u>	<u>16316</u>	<u>WT DITCH</u>
	<u>16310</u>	
	<u>16313</u>	
	<u>16306</u>	

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