

Background to Water Rights Amendment- August 1998

Introduction

WOPWA acquired the water rights to the White Oak Pond dam in 1995 while the Town of Holderness acquired the dam itself. Since WOPWA water rights had not existed when the WOPWA By-Laws were written, an Amendment on this subject is now needed. The purpose of this "Background" is to provide some information to help understand the contents of the Amendment. Because the recorded historical information on pond levels, drawdowns, and refills is non-existent and people's memories of what was done or the results don't always coincide, it has been difficult to develop a policy and plan.

The Dam

The dam is 4.5 feet high, according to the previous owner. This may be the measurement from the lake side of the dam to the sediment filling in at the base of the dam. The road side of the dam is 6 feet high (this and subsequent measurements by Herbert Brown). On the right side of the dam, facing from the road, there is a spillway opening 4 feet wide and extending 2 feet below the top of the dam. It has recesses on both sides that hold boards that can be pulled out to adjust the pond level or in a flooding emergency can be removed entirely to lower the pond level.

(Interestingly on the evening of June 28, 1998, about 48 hours after a heavy rainstorm on the already saturated watershed, the water level was 9 plus inches over the top of the dam).

Currently the spillway boards are quite wide (~12 inches wide in the vertical direction relative to the spillway) and extend above the top of the dam, making the lake level approximately equal to the top of the dam. At times in the past, the level has been approximately 2 inches below the top of the dam, making the opening a "spillway". Several people have noted the level of the pond is, independent of the excessive rainfall in June of this year, higher than "normal".

On the left side facing the dam from the road, there is also a separate "gated opening" extending toward the bottom of the dam which is raised and lowered by a hand operated, mechanism. This can be opened to assist in drawdowns or relieve pressure or flooding in emergency situations. Currently the gate leaks moderately and we understand can not be raised or lowered. It is scheduled for repair by the Town (see below).

Drawdowns

We lack recorded information on past drawdowns. In 1995, the objective was to lower the pond by 2-2.5 ft. Because of excessive rain, the level reached only about 1.5 ft below the dam before refill was started. In 1996, the goal was 2.5 ft (?) and approximately 2 ft (?) was reached. In 1997, a delayed drawdown was started in November, which showed a minimal effect before refill was started. Interestingly, in 1997 only one person inquired why the drawdown had not been effected on schedule. We do not know how many shoreline owners took advantage of these opportunities to do maintenance work.

July 23, 1998

Source of Consultant and Recommendations

At the August 9, 1997 annual meeting, the voting members present approved hiring a consultant to provide recommendations on drawdowns and managing the level of the Pond. A report titled "1997 Survey Findings and Management Recommendations -White Oak Pond, Holderness, NH" was provided in the letter of October 14, 1997, to Dr. Herbert Brown. Copies were mailed to the members of WOPWA in October 1997, along with other reports.

Dam Repairs

Anne Levin talked with Paul Weston, the new Town manager, about the planned repairs to the dam. They will be done in the Fall, with a 3 sided cofferdam built to maintain the water level during the repairs. Repairs include patching on the dam walls, and the leaking lower gate opening structure previously described. The actual start date for that work should be known by the Annual Meeting on August 29, 1998.

Plans For Implementing and Monitoring the Drawdown

A sub-committee of the Board of Directors will put together plans for the drawdown to:

- Hire a person or persons to carry out the needed steps to perform the drawdown and monitor the results.
- Prepare instructions for and provide a data sheet to be filled by the person(s) performing the drawdown. Instructions will include dates, actions, timing, and monitoring.
- Have boards of specific dimensions, preferably dovetailed, and clearly labeled, to be used in the spillway to control the water level, and a means for adding or removing these boards easily. [For example, four 6 inch, one 5 inch, and one 4 inch board(s) would give the ability to adjust water levels at dam height, and 1, 2, 3, and 6 inches below the top of the dam. Eye bolts and a hooking bar may be needed to pull the boards out under the water pressure. Because of the water pressure, the drawdown process may require use of the gate to lower water level to get the lower boards out. The exact process required is not known at present. We will be dependent on the experience of the person(s) or service hired.]
- Obtain a clearly marked and easily read yard stick to measure the pond level relative to the fixed top of the dam. (To minimize weathering, the service person might simply bring a yard stick along each time for measurements). All measurements would be reported in distance from the top of the dam.
- In the Spring of 1999, the Board will conduct an informal telephone survey of shoreline property owners to determine who took advantage of the drawdown to do shoreline maintenance work and report that at the Annual Meeting. In subsequent years, a survey could be taken at the Annual Meeting.

Water Rights Amendment - August 1998

Proposed Amendment to the By-Laws of the White Oak Pond Watershed Association, Inc. (WOPWA), to be voted on at the Annual Meeting on August 29, 1998.

ARTICLE VI: WATER RIGHTS. (Amendment added August 1998, following the ~~purchase~~^{acceptance} of the dam by the Town of Holderness and the assumption of water rights by WOPWA in 1995).

Section 1. Annual Drawdown. The Board of Directors will develop and implement a policy and plan for an annual temporary drawdown of White Oak Pond to facilitate shoreline maintenance work, based on the recommendations in the report of October 14, 1997, from Aquatic Control Technology, Inc., and specifically page 4, paragraphs 1 and 2 of that report. Paragraph 1 states that a temporary Fall drawdown of 2-3 feet for a month up to mid-November would not risk potential adverse impacts that might be associated with a prolonged winter drawdown. Paragraph 2 suggests an initial lowering of the pond by a maximum of 2 feet starting immediately after Columbus Day weekend followed by refilling the pond to a winter level 6 inches below normal, starting mid-November as close to November 15 as can be scheduled. The pond level will be set to normal level in the next Spring within 2 weeks of ice-out.

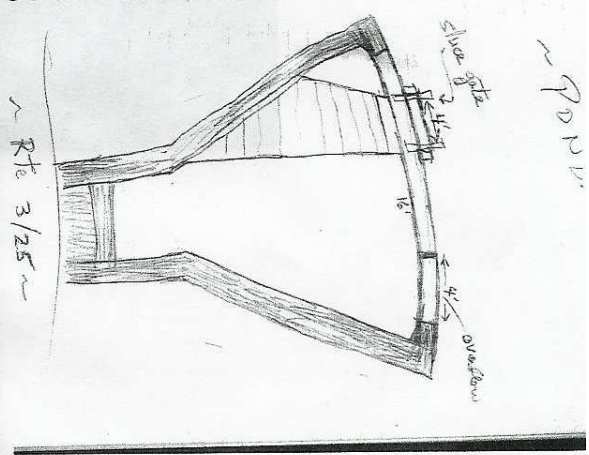
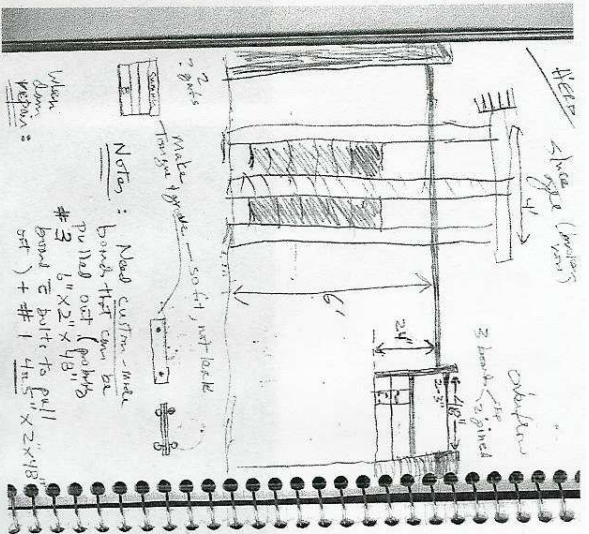
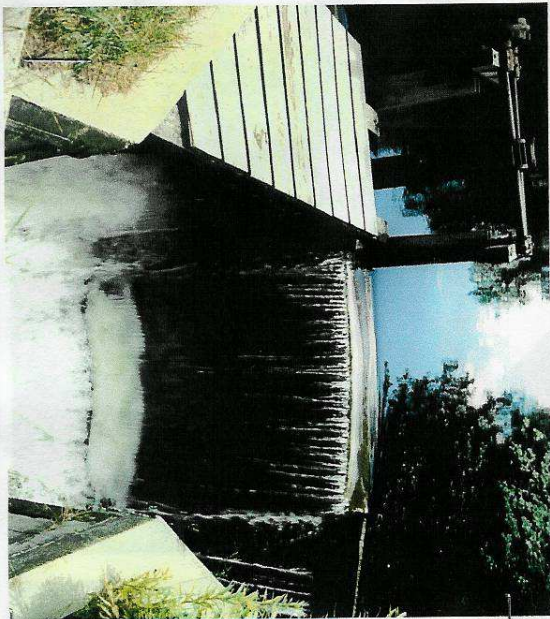
Section 2. Normal Level. The normal level of the pond is defined as 2 inches below the top of the dam.

Section 3. Implementation Of Annual Drawdown. To implement the drawdown plan, the Board will contract an appropriate paid service to implement the plan and record information on dates, actions taken, and levels achieved during the drawdown and refill periods.

Section 4. Changes in Water Rights Policy. If the Board of Directors determines a need for change(s) in water policy and plans (including such matters as water level, annual drawdown, refill, etc.), they will develop a recommendation, based on expert opinion when appropriate, for the voting membership to act upon. A two-thirds vote of the membership voting is required to implement the Board's recommendation.

July 23, 1998

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Town of Holderness

Post Office Box 203 Holderness, NH 03245

Administrator's Office (603) 968-2145
Selectmen's Office (603) 968-3537
Town Clerk/Tax Collector (603) 968-7536
Compliance Office (603) 968-9954
Fax (603) 968-9954

Water down

TO: WHITE OAK POND SHOREFRONT OWNERS AND ALL INTERESTED PERSONS
FR: HOLDERNESS BOARD OF SELECTMEN
RE: PROPOSED COMPLETE DRAWDOWN OF WHITE OAK POND
DATE: SEPTEMBER 3, 1998

As you may know, repairs are needed to the White Oak Pond Dam at College Road North and Route 3. The Town as owner of the dam has received a Letter of Deficiency from the NH Department of Environmental Services, requiring repairs be done as soon as possible.

This letter is sent to notify you a public informational hearing will be conducted by the Holderness Board of Selectmen on Monday evening, September 14, 1998, at 7:00 PM at the Holderness Town Hall, Route 3, Holderness, to discuss the proposed full drawdown of the Pond and the necessary repairs to the Dam.

The full drawdown of the pond is proposed to begin Friday, October 16, 1998, with work beginning on the dam the following week. Fill-up of the Pond is proposed to begin no later than Sunday, November 15, 1998.

For further information please contact Paul Weston, Town Administrator, at the Holderness Town Office, at 603 968-2145.

Roger Miller

c White Oak Pond Hearing Notification

10/15/98 Turkey
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Plymouth Record