

IWR Application # 70595

Certificate # _____

STATE OF OREGON

RECEIVED

WATER RESOURCES DEPARTMENT

AUG 30 1990

**Application for Instream Water Right
by a State Agency**

WATER RESOURCES DEPT.
SALEM, OREGON

There is no fee required for this application.

Applicant: Randy Fisher for Oregon Department of Fish and
Wildlife, PO Box 59, Portland, OR 97207

1. The name of the stream of the proposed instream water right is McKay Creek, a tributary of Crooked River.
2. The public uses this instream water right is based upon include providing required stream flows for redband trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing.
3. The amount of water (in cubic feet per second) needed by month for each category of public use is as follows:

USE(S): Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
26	26/ 39	50	50	50	39	26	26	26	26	26	26

4. The reach of the stream identified for an instream water right is from (upstream end) Allen Creek, within the SE quarter of the NE quarter of Section 28, Township 13S, Range 16E W.M., in Crook County...

Downstream to the mouth, river mile 0, within the NE quarter of the SW quarter of Section 27, Township 14S, Range 15E W.M., in Crook County.

5. The method used to determine the requested amounts was the Oregon Method.
6. When were the following state agencies notified of the intent to file for the instream water right?

Dept. of Environmental Quality	Date: August 22, 1990
ODFW (Fish, Wldlf, and Habitat)	Date: August 22, 1990
Parks and Recreation Division	Date: August 22, 1990

7. If possible, include recommendations for measuring locations

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or methods:

Establish a gaging structure at or near the lower limit of the reach.

8. If possible, include recommendations for assisting the Water Resources Department (WRD) in measuring and monitoring procedures:

Local ODFW personnel will assist the watermaster in establishing and implementing a monitoring program.

9. If possible, include other recommendations for methods or conditions necessary for managing the water right to protect the public uses [see OAR 690-77-020 (5)(c)]: None.

10. Remarks: Redband trout is listed as a "sensitive" species (a candidate for listing under the Threatened and Endangered Species Act if population declines from present level) statewide by ODFW.

THIS APPLICATION MUST BE ACCOMPANIED BY A BASIN MAP WITH THE APPLICABLE LAKE OR STREAM REACH IDENTIFIED.

An instream water right may be allowed for an instream beneficial use of water subject to existing water rights with an effective date prior to the filing date of this application.

This type of beneficial use is for the benefit of the public and a certificate issued confirming an instream water right shall be held in trust by the Water Resources Department for the people of the State of Oregon, pursuant to ORS 537.341.

Date: 8/29/90

Oregon Department of Fish and Wildlife

Signed: *Julie E. Zand for Nancy MacHugh*

Assistant Director
Habitat Conservation Div.

File: MCKAY1.APP

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This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return them for:

In order to retain its priority, this application must be returned to the Water Resources Department with corrections on or before

_____, 19____.

Date: _____, 19____.

This document was first received at the Water Resources Department in Salem, Oregon, on the 30th day of August, 1990, at 3:00 o'clock P M.

Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310

Basin: _____
 Sub-basin: _____
 Fees paid: Examination fee: _____
 Recording fees: _____
 Total: _____

Application No. **IWR**
 Permit No. **70595**

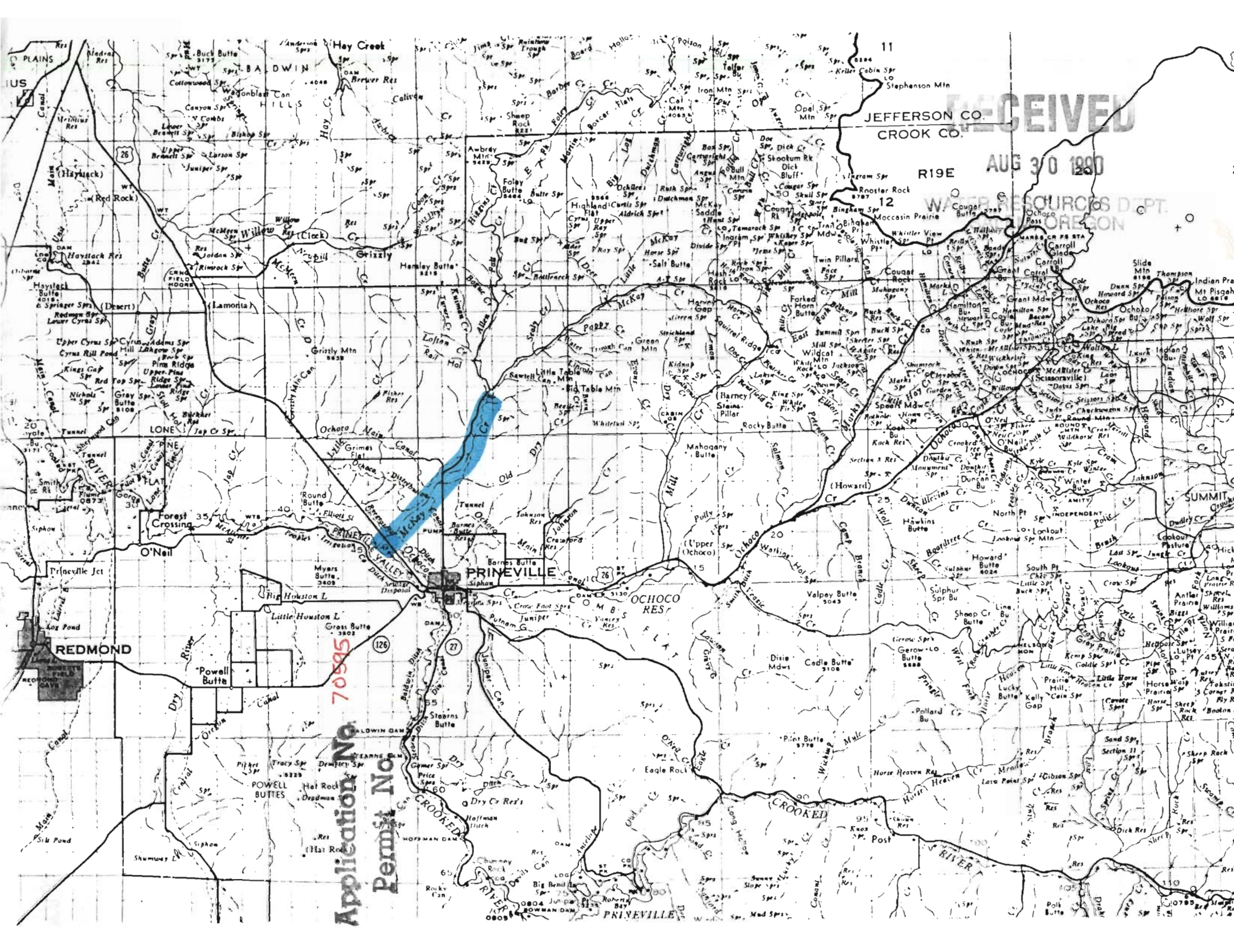
RATE AND DUTY _____ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
_____	_____	Name and mailing address of the applicant.
_____	_____	Source of the water.
_____	_____	Quantity of water to be appropriated.
_____	_____	Location of point of diversion to 1/4 1/4 Section.
_____	_____	Nature and place of use.
_____	_____	Name and mailing address of all legal owners of the properties involved.
_____	_____	Signature of the applicant
_____	_____	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
_____	_____	Water Resources Commission classification limits or restrictions -- If yes, note: _____
_____	_____	State Engineer's withdrawals -- If yes, note: _____
_____	_____	Legislative withdrawals -- If yes, note: _____
_____	_____	If policy statement is unclear check with Resources Management Division.
_____	_____	Scenic Waterways: _____
_____	_____	_____ on _____ up-stream _____ w/in 1/4 mile
_____	_____	Notify Parks and Recreation Department
_____	_____	Out-of-basin diversion
_____	_____	Need to route to Geology Section due to:
_____	_____	well within one mile of a stream
_____	_____	well within restricted surface water area
_____	_____	wells with request for greater than 5 cfs
_____	_____	well is for heating &/or cooling
_____	_____	well constructed by land owner
_____	_____	well is artesian
_____	_____	artificial ground water recharge project
_____	_____	ground water area under study
_____	_____	Within Irrigation District: _____
_____	_____	Notify _____ Need excerpt from District
_____	_____	Legal description of property
_____	_____	Ownership statement
_____	_____	Other parties to Notify: _____
_____	_____	Water Resources Commission review if:
_____	_____	Request for greater than 5 cfs
_____	_____	Dam height greater than 10 feet
_____	_____	Storage of more than 9.2 acre-feet
_____	_____	Out-of-basin diversion
_____	_____	within or above a scenic waterway
_____	_____	conditional uses under basin program
_____	_____	requests for larger rate or duty than allowed
_____	_____	ground water recharge project
_____	_____	other substantial public interest issues
_____	_____	requests for review by an agency or person
X	_____	Watermaster comment form sent with copy of draft permit application and app.
_____	_____	Watermaster comments received _____
_____	_____	Hydrographic section comments requested _____
_____	_____	Hydrographic section comments received _____
_____	_____	O.D.F.W. sent copy of application and app (except groundwater) requesting comment _____
_____	_____	O.D.F.W. comments received _____
X	_____	Report from D.E.G. received _____
_____	_____	Publish application information in weekly public notice.
_____	_____	Notify other owners of development
_____	_____	PROTESTED
_____	_____	filed _____
_____	_____	resolved _____



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AUG 30 1890

WATER RESOURCES DEPT. OREGON

JEFFERSON CO.
CROOK CO.

R19E

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REDMOND

PRINEVILLE

OCHOCO RES

CROOKED

PRINEVILLE